In 1654, Richard Thurley designed, financed, and constructed a bridge over the Newbury River, between the towns of Rowley and Newbury, Massachusetts Bay Colony. He also accepted the demand risk, by operating and maintaining this asset while being recompensed solely by toll revenues, or, to put it in the parlance of the time, from the General Court of Massachusetts, May 3, 1654:

“Richard Thurley, having built a bridge at his own costs over the Newbury River, hath liberty to take toll so long as he maintains the same.”

The authorizing legislation set the toll at two shillings per cow, ox, or horse, and a half shilling per hog, sheep, or goat. No toll was permitted on persons crossing the bridge.

Was this America’s first PPP toll-bridge? It was not the first private toll-bridge, nor was this the first PPP bridge law. The convoluted history of the first toll-bridge provides insight into why PPPs were adopted in colonial America.

Mathew Cradock was an early Governor of Massachusetts Bay Colony. He never visited the New World, but invested heavily in commercial ventures in the Colony, largely to his financial chagrin.

Cradock’s local agent in the village of Meadefoard (now Medford) established a fishing business. Realizing that a bridge across the Mistick (Mystic) River would help transport this enterprise’s catch, he began building a bridge in late 1636/early 1637 (the precise date is unknown). In 1637, while the bridge was not yet complete, it was passable to foot-traffic, and Cradock’s entrepreneurial staff began demanding a toll from all who would cross. This initiative proved unpopular with local residents, who filed claims against Cradock in General Court for: (a) creating a barrier to river traffic, and (b) demanding toll without legal license.

The General Court decision of the “22d of 3d month, 1639” recognized that while Cradock had, in fact, charged toll without authority to do so, he had also created a valuable public good. The Court directed that the bridge be forfeited; to become property of the Colony, but in compensation exempted Cradock from taxes for a period of one year.

The all-wooden bridge was then completed at public expense. It was ten feet wide and 154 feet and five inches in length, roughly twice the length of the current bridge at this location; in the seventeenth century, there were marshes on both banks of the river, which have since been filled.

Now that the Colony owned the bridge, and operated it free of toll, it was faced with the problem of how to finance its maintenance. On May 10, 1643, the General Court appropriated funds to maintain the bridge; again on May 6, 1646 it authorized maintenance expenditures out of the Colony’s coffers.

The General Court found these recurring expenditures bothersome, and using its unchallenged authority in such matters, in March 1648, unilaterally transferred responsibility for maintaining the bridge to Middlesex County. The County was far less able than the Colony to finance such activity, and predictably did nothing. On October 27, 1648, the General Court, reflecting the deteriorating condition of the bridge, established the fording place north of the bridge as the primary route for crossing the river, rather than the now-perilous span.

Time passed, and the bridge continued to decay. Cradock’s agent, Nicholas Davidson, continued to petition the General Court for relief, the lack of a bridge being a serious
impediment to his business. Finally, on June 2, 1653, recognizing that the public sector was not meeting the needs of its citizens, the General Court passed the first PPP bridge law in America.

“Itt is by this Court ordered and declared, that if any person or persons shall appeare that will engage sufficently to builde, repaier, and maintajne the bridge at Misticke at his or their propper costs and charges, it shall be lawfull, and all and every such p’son or p’sons so engaging are heereby authorized, and haue full power, to aske, requer, and recouer, of every single p’son passing ouer the sajd bridge ℓ; and for every horse and man, 6d; for every beast, 2d; for every cart, ℓ; and this to continew so long as the bridge shall be sufficently majntajned as aforesajd.”

Unfortunately, the bridge by this time was in such ruinous condition that there were no takers. The General Court then compelled the County to build a new bridge, which it did in 1656 with great expense and complaint.

And so we conclude that Richard Thurley’s project, if not the first PPP toll-bridge authorized, was at least the first such structure legally implemented. It provided a key trading route between Boston and northern Massachusetts and New Hampshire, serving to boost early commerce. Thurley’s bridge continued to operate as a PPP until 1680 when, in response to citizen complaints about the user fees, the General Court revoked the authority to collect tolls.

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1 d=penny, s=shilling