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The Clinton Bridge

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Court : US Supreme Court

Decided On : 1870

Appeal No. : 77 U.S. 454

Appellant : The Clinton Bridge

Judgement :

The Clinton Bridge - 77 U.S. 454 (1870)
U.S. Supreme Court The Clinton Bridge, 77 U.S. 10 Wall. 454 454 (1870)

The Clinton Bridge

77 U.S. (10 Wall.) 454

APPEAL FROM THE CIRCUIT COURT

FOR THE DISTRICT OF IOWA

SYLLABUS

1. An act of Congress enacting that a certain bridge, already built over a river which divides two states, "shall be a lawful structure, and shall be recognized and known as a post route," means not only that the bridge shall be a post route, but also that, as built, with its abutments, piers, superstructure, draw, and height, it should have the sanction of law, and be maintained and used in that condition.

This, although the act was declared by its title to be simply an act declaring the bridge "a post route."

2. A suit in chancery begun previously to the passage of the act, praying injunction against building of the bridge as a nuisance is abated by such an act, though pleas and replication had been filed, proofs taken, and the case ready for hearing.

3. The act is constitutional.

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Gray filed a bill in equity in the court below against the Chicago, Iowa & Nebraska Railroad Company to enjoin them from building a railroad bridge across the Mississippi River at the town of Clinton, situate on its banks on the Iowa or western side, U.S. and extending to a point opposite on the eastern or Illinois side. Railroads in each state came to the termini of the bridge. After setting out the interest which the complainant had in the free and unobstructed navigation of the river, and the serious danger and obstruction to the navigation by the erection of the bridge, the bill concluded with a prayer for a temporary injunction against the defendants, enjoining them from building the bridge until the final hearing of the cause, and for a perpetual injunction on the final hearing. Answers and replications were put in, and a large amount of proofs were taken by both parties. When the cause came on for a final hearing the counsel for the defendants objected to the proofs of the complainant being read, on the ground that, since the erection of the bridge, Congress had passed an act declaring it a lawful structure.

The act of Congress thus relied on as concluding the case, and which was passed 27th February, 1865, was entitled "An Act declaring Clinton Bridge across the Mississippi River, at Clinton, in the state of Iowa, a *post route.* " It ran thus:

"SEC. 1. The bridge across the Mississippi River, erected by the Albany Bridge Company and Chicago, Iowa & Nebraska Railroad Company, under the authority of the States of Iowa and Illinois, between the Towns of Clinton, Iowa, and Albany, Illinois, *shall be a lawful structure, and shall be recognized and known as a post*

route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to said bridge. "

"SEC. 2. The draw of said bridge shall be opened promptly upon reasonable signal for the passage of boats, whose construction

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shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening said draw during or after the passage of trains."

"SEC. 3. In case of any litigation hereafter arising from any alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States of any state in which any portion of said obstruction or bridge touches."

"SEC. 4. The right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river, by the construction of said bridge is hereby expressly reserved."

The bridge had been completed before the passage of the act.

The court below sustained the objection made to the reading of the plaintiff's proofs, holding that the act was conclusive of the case, and refused to hear any evidence going to prove that the bridge was a material obstruction to the navigation of the Mississippi, or to sustain any of the facts set out in the bill, and dismissed it accordingly. Thereupon the complainant brought the case here.

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MR. JUSTICE NELSON delivered the opinion of the Court.

The first section of the act of Congress provides

"That the bridge across the Mississippi River erected by the Albany Bridge Company and the Chicago, Iowa & Nebraska Railroad Company under the authority of the States of Iowa and Illinois &c.;, shall be a lawful structure, and shall be recognized and known as a post route."

We cannot doubt, upon a perusal of the section, but that it was the intention of Congress to legalize the bridge as then constructed across the river, and that the words used carry out fully this intent. It is declared "a lawful structure" -- that is, the bridge as built, with its abutments, piers, superstructures, draw, and height, should have the sanction of law, and be maintained and used in that state and condition until the law was altered by the reserved power in the last section.

The act of Congress in the case of the *Wheeling Bridge,* whose language it is sought to distinguish from that used in the present one, was more explicit, but not more comprehensive. In the *Wheeling Bridge Case,* the Court had rendered a decree, directing the obstruction to be removed by elevating the bridge, or if not, by abatement. No doubt the existence of this decree, which was in the process of execution, led to the very specific terms of the act. But with all its particularity, it is not more comprehensive or decisive in legalizing the bridges than the one before us.

The questions whether or not it was competent for Congress to interfere and legalize the bridge under the power to regulate commerce, and whether or not the act put an end to the pending suit, were questions examined and settled in the affirmative in the case already referred to. * The reasons for the conclusions arrived at will be there found, and need not be repeated.

The only difference between the case of the Wheeling

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Bridge and the present one is that in the former, a decree had been rendered by the court against the bridge, in the latter the cause was pending undecided. It was,

in the former case, insisted on behalf of the complainant that the act of Congress could not invalidate the decree of the court. But it was answered that the decree of abatement of the obstruction was executory, a continuing decree, which required not only the removal of the bridge, but enjoined the defendants against any reconstruction. And that whether or not it would be a future existing obstruction depended upon the question whether it interfered with the right of free navigation, and that if, in the meantime, this right had been modified by competent authority, so that the bridge was no longer an unlawful obstruction, the decree of the court could not be enforced. There was no longer any interference with the enjoyment of the public right inconsistent with law no more than there would be if the complainant himself had given his consent after the decree.

In the present case, the act of Congress having passed pending the suit, it gave the rule of decision for the court at the final hearing upon the same principle that the act in the *Wheeling Bridge Case* stayed the execution of the decree directing its abatement. The Court said in that case that if the remedy had been an action at law, and a judgment rendered in favor of the plaintiff for damages, the right to these would have passed beyond the power of Congress. And if, in the present case, the action had been at common law for damages alleged to have been done to the property of the plaintiff before the passage of the act of Congress, very different considerations would have arisen as to the effect of the act upon this private right of action from that upon a simple proceeding to enjoin the building of the bridge; or, if built, to abate it as a nuisance.

We think that the ruling of the court below was right, and that the judgment should be

Affirmed.

* 59 U. S. 18 How. 429.

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