



Imprimis: I am a man who, from his youth upwards, has been filled with a profound conviction that the easiest way of life is the best. — *Bartleby, the Scrivener* Herman Melville

Dear Bartleby,

Question: How about a thumbnail sketch of the Wheeling suspension bridge cases in the United States Supreme Court?

Answer: In 1852, the State of Pennsylvania brought suit against the Wheeling & Belmont Bridge Co., the owner operator of the Wheeling suspension bridge, alleging that the suspension bridge's low height (less than 111 feet above low-water mark) obstructed river traffic of large river boats to and from Pittsburgh and the Mississippi river. Relying on *Odgen v. Gibbons*, the Supreme Court ordered the bridge demolished

Ask Bartleby

or raised to a height of 111 feet, but months later, Congress passed a law overruling the Supreme Court decision, declaring the suspension bridge to be a “post-road” subject to Congress’s interstate commerce jurisdiction.

Shortly thereafter, the bridge “blew down” during a storm, and Pennsylvania, being represented by Steubenville born Edwin M. Stanton, returned to the Supreme Court in 1854 seeking an injunction to prevent the rebuilding of the bridge, and citing as authority the Court’s initial decision.

Justice Grier at first granted the injunction, incurring the wrath of *The Wheeling Intelligencer*: “Truly the Judges of the Supreme Court are not what they have been, and this Judge has heretofore presented a mortifying instance showing how poorly small men can support high places.” (July 3, 1854)

In 1856, the full court set aside the injunction, ruling that Congress’s validation of the suspension bridge was legal:

“It is Congress, and not the Judicial Department, to which the Constitution has given the power to regulate commerce with foreign nations and among the several States. The courts can never take the initiative on this subject.”

See *Pennsylvania v. Wheeling & Belmont Bridge Co.*, 13 How. 518 (1852); *Pennsylvania v. Wheeling & Belmont Bridge Co.*, 18 How. 421 (1856). 