

or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals;" so as to read:

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, including consular courts, whose punishment is imprisonment in a District or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney-General out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment: *Provided, however,* That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf."

Approved, March 3, 1901.

—of consular courts.

Transport and delivery of prisoners.

—consular prisoners; State Department agent to act.

In District of Columbia.

Expense of transporting.

Change of place of imprisonment.

Proviso. —application for, required.

CHAP. 874. —An Act To authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Charleroi and Monessen Bridge Company, a corporation existing under the laws of the State of Pennsylvania is hereby authorized to construct, maintain, and operate a highway bridge across the Monongahela River, from a point in the borough of North Charleroi, county of Washington and State of Pennsylvania, to a point on the opposite side of the river, in the township of Rostraver, county of Westmoreland, and State of Pennsylvania. The said bridge, when built in accordance with this Act, shall be a legal structure, and may be used for all the purposes of a highway bridge.

Charleroi and Monessen Bridge Company may bridge Monongahela River.

—location, etc.

SEC. 2. That the channel span of any bridge built under the provisions of this Act shall not be less than fifty-four feet above the level

Spans, etc.

of the water at pool full in said river, measured to the lowest part of the superstructure thereof, nor shall the said span be less than three hundred feet in length in the clear, and the piers of the bridge shall be parallel with the current of the river, and the said span shall be over the main channel of the river at ordinary water: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mails, the troops, or munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge.

Proviso.
Lawful structure
and post route.

Secretary of War to
approve plans.

SEC. 3. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the bridge company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving for the space of three-fourths of a mile above the proposed location the depths and currents at all points of the same and the depths and the currents as far below the proposed location as he may require, and also give the location of any other bridge for three-fourths of a mile above and below the proposed location, together with all other information touching the said bridge and river as may be deemed requisite by the Secretary of War to determine whether said bridge when built will conform to the provisions of this Act and cause any serious obstruction to the navigation of the river or injuriously affect the flow of water.

Notification of ap-
proval, etc.

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and upon being satisfied that a bridge built upon such a plan and at said locality will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify said company that he approves the same; and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War shall approve the plan and location of the said bridge and notify the said company of the same in writing the bridge shall not be commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Transit.

SEC. 5. That said bridge shall be constructed and used for the passage of wagons and vehicles of all kinds, for the transit of animals and foot passengers, for the erection and maintenance thereon of telegraph and telephone wires, and the passage and operation of street cars over the same, for such reasonable rates of toll as may be fixed by the laws of the State of Pennsylvania, or may be agreed upon between the bridge company and such persons or corporations using the same, where the rates of toll are not fixed by law; and in case the parties interested shall fail to agree upon the sum to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall, upon the application of either party, be determined by the circuit court of the United States in and for any district in which any portion of said bridge may be. The United States shall also have the right of way over said bridge for postal-telegraph and telephone purposes: *Provided*, That all street railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge.

-tolls.

-litigation.

-postal telegraph,
etc.

Proviso.
Street railways.

Telephone, etc.,
companies.

SEC. 6. That said bridge herein authorized to be constructed shall so be kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts, both by day and by night, and there shall be displayed on said bridge by the owners thereof, from sunrise to sunset, such lights or other signals as the Light-House Board may prescribe; and such changes may be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of the said company, in order the more effectually to preserve the free navigation of said river; and in case of any litigation arising from any alleged obstruction to the navigation of any of said rivers created by the construction of any bridge under this Act, the cause or question arising may be tried before the circuit court of the United States in and for any district in which any portion of said obstruction or bridge may be.

Aids to navigation.

Lights.

Alterations.

Litigation.

SEC. 7. That this Act shall be null and void unless the construction of said bridge shall be commenced within one year and completed within three years from the passage of this Act.

Commencement and completion.

SEC. 8. That Congress shall have power at any time to alter, amend, or repeal this Act.

Amendment.

Approved, March 3, 1901.

CHAP. 875.—An Act To provide an American register for the foreign-built ship Balclutha.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built ship Balclutha, owned by citizens of the United States, to be registered as vessel of the United States.

Ship Balclutha granted American register.

Approved, March 3, 1901.

CHAP. 876.—An Act To incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia.

March 3, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James Dean, of Freeport, Charles W. Ward, of Queens, William Scott, of Buffalo, and Charles Henderson, of New York City, all in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welch, of Boston, Edmund M. Wood, of Natick, and Lawrence Cotter, of Dorchester, all in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana; John N. May, of Summit, John G. Esler, of Saddle River, Patrick O'Mara, of Jersey City, William A. Manda, of South Orange, all in the State of New Jersey; Benjamin Durfee, William R. Smith, William F. Gude, and Henry Small, jr., of Washington, in the District of Columbia; Willis N. Rudd, of Chicago, Emil Buettner, of Park Ridge, John C. Vaughan, of Chicago, all in the State of Illinois; Joseph A. Dirwanger, of Portland, in the State of Maine; Robert Craig, Edwin Lonsdale, W. Atlee Burpee, and John Burton, of Philadelphia, H. B. Beatty, of Oil City, and William Falconer, of Pittsburg, all in the State of Pennsylvania; George M. Kellogg, of Pleasant Hill, in the State of Missouri; John T. D. Fulmer, of Des Moines, and J. C. Rennison, of Sioux City, in the State of Iowa; L. A. Berckmans, of Augusta, in the State of Georgia; H. Papworth, of New Orleans, in the State of Louisiana; Elmer D. Smith, of Adrian, and Harry Balsley, of Detroit, in the State of Michigan; F. A. Whelan, of Mount

District of Columbia. Society of American Florists and Ornamental Horticulturists incorporated. —incorporators.