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thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came.

Expense of return of convicts, etc., borne by owners of vessels, etc.

SEC. 5.—That this act shall take effect immediately.

Approved, August 3, 1882.

CHAP. 377.—An act to establish ports of delivery at Kansas City and Saint Joseph in the State of Missouri.

August 3, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Kansas City and Saint Joseph, in the State of Missouri, be and the same are hereby, constituted ports of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June the tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be and the same are hereby, extended to said ports; and there shall be appointed a surveyor of customs for each of said ports, to reside at the port for which he shall be appointed, who shall receive a salary to be determined in amount by the Secretary of the Treasury, not exceeding one thousand dollars per annum.

Kansas City and Saint Joseph, Mo., created ports of delivery.

21 Stat., 173.

Surveyors of customs, residence, salary.

Approved, August 3, 1882.

CHAP. 378.—An act regulating fees and the practice in extradition cases.

August 3, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all hearings in cases of extradition under treaty stipulation or convention shall be held on land, publicly, and in a room or office easily accessible to the public.

Fees and practice in extradition cases.

SEC. 2. That the following shall be the fees paid to commissioners in cases of extradition under treaty stipulation or convention between the Government of the United States and any foreign government, and no other fees or compensation shall be allowed to or received by them:

Commissioners' fees.

For administering an oath, ten cents.

Oath.

For taking an acknowledgment, twenty-five cents.

Acknowledgment.

For taking and certifying depositions to file, twenty cents for each folio.

Depositions.

For each copy of the same furnished to a party on request, ten cents for each folio.

Copies.

For issuing any warrant or writ, and for any other service, the same compensation as is allowed clerks for like services.

Warrant or writ.

For issuing any warrant under the tenth article of the treaty of August ninth, eighteen hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any crime or offense as set forth in said article, two dollars.

R. S. treaties, p. 320.

For issuing any warrant under the provision of the convention for the surrender of criminals, between the United States and the King of the French concluded at Washington November ninth, eighteen hundred and forty-three, two dollars.

Surrender of criminals, etc.

R. S. treaties, p. 247.

For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of any treaty or convention, five dollars a day for the time necessarily employed.

Hearing and deciding case of person charged with crime under any treaty.

SEC. 3. That on the hearing of any case under a claim of extradition by any foreign government, upon affidavit being filed by the person charged setting forth that there are witnesses whose evidence is material to his defense, that he cannot safely go to trial without them, what he expects to prove by each of them, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the judge or commissioner before whom such claim for extradition is

Subpœna of witnesses.

heard may order that such witnesses be subpœnaed; and in such cases the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner that similar fees are paid in the case of witnesses subpœnaed in behalf of the United States.

Costs of process and fees of witnesses, how paid.

Witness fees, costs, etc., certified to Secretary of State, by whom payment shall be paid, etc.

SEC. 4. That all witness fees and costs of every nature in cases of extradition, including the fees of the commissioner, shall be certified by the judge or commissioner before whom the hearing shall take place to the Secretary of State of the United States, who is hereby authorized to allow the payment thereof out of the appropriation to defray the expenses of the judiciary; and the Secretary of State shall cause the amount of said fees and costs so allowed to be reimbursed to the Government of the United States by the foreign government by whom the proceedings for extradition may have been instituted.

Evidence on the hearing.

R. S. title 66, 1021.

SEC. 5. That in all cases where any depositions, warrants, or other papers or copies thereof shall be offered in evidence upon the hearing of any extradition case under Title sixty-six of the Revised Statutes of the United States, such depositions, warrants, and other papers, or the copies thereof, shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any deposition, warrant or other paper or copies thereof, so offered, are authenticated in the manner required by this act.

Proof of proper authenticity.

19 Stat., 59.

SEC. 6. The act approved June nineteenth, eighteen hundred and seventy-six, entitled "An act to amend section fifty-two hundred and seventy-one of the Revised Statutes of the United States", and so much of said section fifty-two hundred and seventy-one of the Revised Statutes of the United States as is inconsistent with the provisions of this act are hereby repealed.

R. S. 5271, 1026, in part repealed.

Approved, August 3, 1882.

August 3, 1882.

CHAP. 379.—An act to authorize the Postmaster-General to extend the mail service in certain cases and for other purposes.

Postmaster-General authorized to extend certain mail service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is hereby authorized, in cases where the mail service would be thereby improved, to extend service on a mail route under contract, at not exceeding pro rata additional pay, for any distance not exceeding twenty-five miles beyond either terminal point named in said contract: *Provided*, That no service shall be extended beyond the original terminal points more than once during the term for which the contract shall have been made.

Proviso.

Failure of contractor to carry mails, temporary service may be employed, etc.

SEC. 2. Whenever a contractor for postal service fails to commence proper service under the contract, or, having commenced service, fails to continue in the proper performance thereof, the Postmaster-General may employ temporary service on the route, at a rate of pay per annum not to exceed the amount of the bond required to accompany proposals for service on such route, as specified in the advertisement of the route, or at not exceeding pro rata of such bond, in cases where service shall have been ordered to be increased, reduced, curtailed, or changed, subsequent to the execution of contract: The cost of such temporary service to be charged to the contractor, and to continue until the contractor commences or resumes the proper performance of service, or until the route can be relet, as now provided by law, and service commenced under the new award of contract. All acts or parts of acts inconsistent with the provisions of this act being hereby repealed.

Approved, August 3, 1882.