

**CONSULAR JURISDICTION
IN HER MAJESTY'S
PROTECTORATE OF THE
NIGER COAST**

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Consular Jurisdiction in Her Majesty's Protectorate of the Niger Coast by Francis E. Hodges

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FRANCIS E. HODGES

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CONSULAR JURISDICTION ^o_e #

IN

HER MAJESTY'S PROTECTORATE OF THE
NIGER COAST.

WITH AN

ANALYTICAL INDEX

TO THE

AFRICA ORDERS IN COUNCIL, 1889, 1892, and 1893.

COMPILED BY

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THE GOLD COAST COLONY.

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TABLE OF CONTENTS.

PREFACE - - - - -	PAGE
	iii
TABLE OF ACTS OF PARLIAMENT IN FORCE RELATING TO CONSULS -	vii
TABLE OF DECIDED CASES RELATING TO CONSULS - - -	ix

CHAPTER I.

INTRODUCTORY - - - - -	1
------------------------	---

CHAPTER II.

THE FOREIGN JURISDICTION ACTS - - - - -	4
---	---

CHAPTER III.

THE TREATIES - - - - -	8
------------------------	---

CHAPTER IV.

THE ORDERS IN COUNCIL - - - - -	12
---------------------------------	----

CHAPTER V.

THE APPLIED ACTS - - - - -	28
----------------------------	----

CHAPTER VI.

COLONIAL ORDINANCES HAVING EFFECT IN THE PROTECTORATE - -	30
---	----

GENERAL ANALYTICAL INDEX OF THE ORDERS IN COUNCIL AND OF THE RULES THEREUNDER - - -	35-88
--	-------

APPENDICES.

	PAGE
No. 1.—THE AFRICA ORDER IN COUNCIL, 1889	89
„ 2.—THE AFRICA ORDER IN COUNCIL, 1892	180
„ 3.—THE AFRICA ORDER IN COUNCIL, 1893	182
„ 4.—QUEEN'S REGULATIONS (Medical and Sanitary Regula- tions, 1894)	183
„ 5.—CONSULAR INSTRUCTIONS, 1891	189
„ 6.—SCALE OF FEES AND DUTIES	193, 198
„ 7.—BOUNDARY NOTICES	200

PREFACE.



DURING the last few years, whilst resident in various places in the British Possessions on the West Coast of Africa, the writer devoted considerable attention to the laws affecting this portion of the continent. The growing importance of the newly-created British Protectorate in the Niger Districts has been the means of his attention having been drawn to the nature of the Consular Jurisdiction of Her Majesty exerciseable in this Protectorate.

Although for some purposes, as in appeals, removal for trial, deportations, &c., the Consular Courts in the Niger Coast Protectorate are in a measure connected with Colonial Courts, the unprofessional person must not confuse Consular Jurisdiction with that possessed by the Colonial Courts.

The subject of Her Majesty's jurisdiction, exercised in places not within her dominions, is not generally familiar; few works exist bearing on the subject; and beyond Treaties, Acts of Parliament, and Orders in Council made thereunder, there is little information to be found. Of these, the Orders in Council from time to time issued are the basis of all Consular Jurisdiction. The Orders in Council affecting the Protec-

torate are the Africa Orders of 1889, 1892, and 1893.

The plan of the present Work is to provide a complete Analytical Index of these Orders and the Rules thereunder. This, it is hoped, will be found useful to all those to whom the administration of justice in the Protectorate is entrusted, as also to others interested in the subject. The number of the *London Gazette*, in which the principal Order appeared, being now out of print, it has been thought that the value of the Work will be increased by the Appendix containing the Orders *in extenso* for handy reference. A few short chapters explanatory of the general scope of the Treaties, the Foreign Jurisdiction Acts, and Acts applied thereby, and the Orders in Council, are first given. During last year it was found desirable to adopt, under section 15 of the Order of 1889, certain Ordinances of the Gold Coast Colony, viz., Ordinances relating to the Customs, Post Office, Constabulary, and Fire Arms and Ammunition. Such Consular Instructions and Queen's Regulations as have been issued under the Orders are also set out in the Appendix, together with the Schedule of Fees in force, Boundary Notices, and Table of the Customs Duties.

A list of the Acts of Parliament affecting Consuls, as also a Table of decided Cases which appear to bear on Consular Jurisdiction generally, are prefixed to the Work.

TABLE OF ACTS OF PARLIAMENT RELATING
TO CONSULS.



- 1 & 2 Geo. 4, c. 28.
4 Geo. 4, c. 91.
6 Geo. 4, c. 87 (Churches and Chapels).
4 & 5 Will. 4, c. 24 (Superannuation Act, 1834).
5 & 6 Vict. c. 45 (Copyright).
6 & 7 Vict. c. 13.
6 & 7 Vict. c. 94 (Foreign Jurisdiction Act, 1843).
12 & 13 Vict. c. 68 (Consular Marriage Act, 1849).
12 & 13 Vict. c. 96 (Admiralty Offences (Colonial) Act, 1849).
14 & 15 Vict. c. 99, sects. 7 and 11 (Evidence Act, 1851).
17 & 18 Vict. c. 104 (Merchant Shipping Act, 1854).
18 & 19 Vict. c. 42.
19 & 20 Vict. c. 113 (Foreign Tribunals Evidence Act, 1856).
20 & 21 Vict. c. 75 (Siara).
21 & 22 Vict. c. 95, s. 31.
21 & 22 Vict. c. 108, s. 120.
22 Vict. c. 20 (Evidence by Commission Act, 1859).
22 Vict. c. 26 (Superannuation Act, 1859).
22 Vict. c. 108, s. 120.
22 & 23 Vict. c. 63 (British Law Ascertainment Act, 1859).
23 & 24 Vict. c. 121.
23 & 24 Vict. c. 122 (Admiralty Offences (Colonial) Act, 1860).
24 & 25 Vict. c. 11 (Foreign Law Ascertainment Act, 1861).
24 & 25 Vict. c. 31 (Territories adjoining Sierra Leone).
24 & 25 Vict. c. 121, s. 4.
26 & 27 Vict. c. 35 (South Africa).
28 & 29 Vict. c. 83.
28 & 29 Vict. c. 116 (Foreign Jurisdiction Amendment Act, 1865).
29 & 30 Vict. c. 87 (Foreign Jurisdiction Amendment Act, 1866).
30 & 31 Vict. c. 124, s. 11 (Merchant Shipping Act, 1867).
31 & 32 Vict. c. 61 (Consular Marriage Act, 1868).
32 & 33 Vict. c. 15 (Pensioners sitting in Parliament).
32 & 33 Vict. c. 43 (Diplomatic Salaries, 1869).
33 & 34 Vict. c. 14 (Naturalization Act, 1870).