

power and jurisdiction appertaining to the office of a Justice of the Peace.

22. A sentence of imprisonment under this Order, or any Regulations made under this Order, may be with or without hard labour, in the discretion of the Court, unless it is expressed to be without hard labour.

PART V.—Civil Matters.

23. Subject to the other provisions of this Order, the Code of Civil Procedure, "The Bombay Civil Courts Act, 1869," and the other enactments relating to the administration of civil justice for the time being applicable to the Protectorate, shall have effect as if the Protectorate were the Presidency of Bombay.

(a) For the purposes of these enactments the Protectorate Court shall be deemed to be the High Court, and the Court authorised to hear appeals from and to revise the decisions of District Courts;

(b) District Courts shall be established under the provisions of "The Bombay Civil Courts Act, 1869," as applied by this Order; and

(c) The powers both of the Governor-General in Council and the Local Government under those enactments shall be exercisable by the Secretary of State, or with his previous or subsequent assent, by the Consul-General.

24. The following enactments of "The Colonial Courts of Admiralty Act, 1890," that is to say, section 2, sub-sections (2) to (4), sections 5 and 6, section 16, sub-section (3), shall apply to the Protectorate Court as if in the said sections the said Court were mentioned in lieu of a Colonial Court of Admiralty, and the Protectorate were referred to in lieu of a British possession.

25.—(a) Every District Court shall endeavour to obtain, as early as may be, notice of the death of every British subject or foreigner dying in the Protectorate leaving property to be administered, and all such information as may serve to guide the Court with respect to the securing and administration of his property.

(b) On receiving notice of the death of such a person, the Court shall put up a notice thereof at the Court House, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for, or cannot be granted, for such time as he thinks fit.

(c) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property in the Protectorate of the deceased, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep it until it can be dealt with according to law.

(d) All expenses incurred by the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of the property, or part thereof, or otherwise, provide for the discharge of those expenses.

26. Where a British subject or foreigner dies in the Protectorate intestate, his property shall, until administration is granted, vest in the Consul-General.

27. If a person named executor in a will, to the establishment of whose title, as such, it is necessary to obtain probate of that will, takes possession of, and administers or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month

after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to be punished with fine, which may extend to one thousand rupees.

28. If any person other than the person named executor, or the administrator, or a person entitled to represent the deceased, without obtaining probate or letters of administration, or an officer of the Court, takes possession of and administers, or otherwise deals with any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the District Court, and shall furnish to that Court all such information as the Court requires, and shall conform to any directions of the Court in relation to the custody, disposal, or transmission of the property, or the proceeds thereof, and, in case of any contravention of this Article, he shall be liable to be punished with fine, which may extend to one thousand rupees.

29.—(1) When the peculiar circumstances of the case appear so to require, for reasons recorded in its proceedings, the District Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an officer or practitioner of the Court.

(2) The person so appointed shall act under the direction of the Court, and shall be indemnified thereby; and, if he is a practitioner, he shall not act otherwise than as administrator in relation to the estate.

(3) He shall publish such notices, if any, as the Court thinks fit in the Protectorate, Aden, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file, in the proper office of the Court, his accounts of his administration at intervals not exceeding three months.

(5) The accounts shall be audited under the direction of the Court.

(6) All expenses incurred in behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased in the Protectorate; and the Court shall by the sale of the estate or otherwise, provide for the discharge of those expenses.

30.—(a) Every agreement for reference to arbitration to which a person subject to this Order is a party may, on the application of any party, be filed for execution in the proper office of the District Court.

(b) The Court shall thereupon have authority to enforce the agreement, and the award made thereunder, and to control and regulate the proceedings before and after the award, in such manner and on such terms as the Court may think fit.

PART VI.—Miscellaneous.

31.—Subject to the approval of the Secretary of State, the Protectorate Court may frame Rules of Procedure and other Rules, consistent with this Order, for the better execution of the provisions herein contained in respect of civil or criminal proceedings, and for regulating the conditions on which persons other than parties may be permitted to practise as advocates or solicitors in any Court, and for suspending or excluding (subject to a right of appeal) such persons from practice in case of misconduct; provided that any scales of remuneration fixed by such Rules shall have been sanctioned by the Treasury.

32. The Consul-General may make Regulations