

backed, and to any person named on the back of the warrant or order, to apprehend the accused person at any place within the limits of this Order, and to carry him to and deliver him up within the jurisdiction of the authority issuing the warrant or order.

28. The Commissioner, and every Sub-Commissioner, District Officer, and Assistant District Officer respectively, shall have in and for the Protectorate, province, or district, as the case may be, all the power and jurisdiction appertaining to the office of a Justice of the Peace.

#### PART VI.—Civil Matters.

29. The Protectorate Court shall hear and determine all civil questions, claims, or disputes in which the defendant or any defendant is a person subject to this Order.

30. Subject to the other provisions of this Order, the Code of Civil Procedure, "The Bombay Civil Courts Act, 1869," the Indian Succession Act, and the other enactments relating to the administration of civil justice for the time applicable to the Protectorate, shall have effect as if the Protectorate were a district in the Presidency of Bombay; the Judicial officer shall be deemed to be the District Judge of the district, and the Protectorate Court the District Court or Principal Civil Court of Original Jurisdiction in the district; the Court for Zanzibar shall be deemed to be the highest Civil Court of Appeal for the district, and the Court authorized to hear appeals from and to revise the decisions of the District Court; and 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 Commissioner.

Every Provincial Court constituted by this Order and appointed to exercise civil jurisdiction shall, subject to any directions of the Secretary of State, exercise the powers of a Court for small causes under the Civil Procedure Code.

31. 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.

32.—(a.) The Court shall endeavour to obtain, as early as may be, notice of the death of every person subject to this Order 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 it 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 these expenses.

33. Where a person subject to this Order dies in the Protectorate intestate, his property shall, until administration is granted, vest in the Judicial officer.

34. 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 1,000 rupees.

35. 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 Court, and shall furnish to the 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 1,000 rupees.

36.—(1.) When the peculiar circumstances of the case appear to the Court so to require, for reasons recorded in its proceedings, the 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, Zanzibar, 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.

37.—(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 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.

38.—(a.) Where it is desired to commence a suit in which one party is, and the other is not, a person subject to this Order, the Court shall entertain the same, and shall hear and determine it.

(b.) Provided that the person not subject to this Order, if so required by the Court, first obtains and files in the proper office of the Court