

any person subject to this Order, whether the former is either plaintiff or defendant.

41. Unless otherwise expressly provided by any law for the time being in force in Zanzibar, an appeal shall lie from the Decrees or any part of the Decrees and from the Orders of the Court for Zanzibar to the Court of Appeal.

42. Where any person entitled to appeal to the Court of Appeal from any Decree or Order made by the Court for Zanzibar in the exercise of civil jurisdiction under this Order desires so to appeal, he shall give security to the satisfaction of the Court, and to such amount as the Court thinks reasonable, for prosecution of the appeal, and for payment of any costs that may be ordered by the Court of Appeal on the appeal to be paid by the appellant, and shall comply with such terms and conditions and take such steps as shall be prescribed by Rules of Court.

43.—(1) The Court shall endeavour to obtain, as early as may be, notice of the death of every person subject to this Order dying and 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.

(2) 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 the Court thinks fit.

(3) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property in Zanzibar of the deceased, or put it under the seal of the Court (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.

(4) 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.

44. When a person subject to this Order dies intestate, his property shall, until administration is granted, vest in the Judge.

45. If any person named executor in a 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 pay double the amount of the fee chargeable on obtaining probate, and he shall also be liable to a fine not exceeding 1,000 rupees.

46. The production of a grant of probate or of letters of administration shall, in all cases, be necessary to establish the right to recover any part of the estate or effects of any deceased person subject to this Order situate in Zanzibar.

47. If any person other than the person named executor, or the administrator, 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 pay double the amount of the fee chargeable on obtaining probate or letters of administration, and shall also be liable to a fine not exceeding 1,000 rupees.

48.—(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 or to such other person as it may think fit.

(2) The person so appointed shall act under the direction of the Court, and shall be indemnified thereby; and if he is a practitioner 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 Zanzibar or 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 Zanzibar; and the Court shall, by the sale of the estate, or otherwise, provide for the discharge of those expenses.

49. All real or immovable property situate in Zanzibar, and belonging at the time of his death to any person subject to this Order, dying after the commencement of this Order, shall be deemed to be personal estate, and the devolution thereof, in case of intestacy, shall be regulated according to the law of the person's domicile for the time being relating to personal estate or movable property.

50.—(1) Where a Court of Probate in the United Kingdom, or in any British possession to which "The Colonial Probates Act, 1892," for the time being extends, has granted probate or letters of administration or confirmation in respect of the estate of a deceased person, the probate, letters or confirmation so granted may, on being produced to, and a copy thereof deposited with, the Court, be sealed with the seal of the Court, and thereupon shall be of the like force and effect, and have the same operation as if granted by the Court.

(2) Provided that the Court shall, before sealing any probate, letters or confirmation under this section, be satisfied either that all probate or estate duty has been paid in respect of so much of the estate situate in Zanzibar as is liable to such duty, or that security has been given in a sum sufficient to cover the property (if any) in Zanzibar, and may require such evidence (if any) as it thinks fit as to the domicile of the deceased person.

(3) The Court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in Zanzibar.

(4) For the purposes of this Article, a duplicate of any probate, letters of administration