# 1905.

L (Leg)

13

# ASSAM SECRETARIAT.

GENERAL DEPARTMENT.

## HOME-A.

June.

Nos. 25-27.

Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdiction their own valuation on suits for the restitution of conjugal rights.

A. S. P. O. (Progs.) No. 172-7+9-24-7-1905.

1905.    A S S A M SECOR ETARTAT.    Department, date, and None of Yaling extrain and the purposes of Jurisdiction, their own valuation of suits for the restitution of conjugal rights.    BREEREMOND TO LATER CASES.    Department, date, and Dist Title of File.    OPARTMENT Composes of Jurisdiction, their own valuation of suits for the restitution of conjugal rights.    TABLE OF CONTENTS.    No. 25.—Front the Government of India, Home Depart ment, No. 2005.    OPARTMENT NO. 2005.    The to continue or back, if necessary.]    Printed.    No. 2005    II.—Printed.    Junct Cases.    (To be continued on back, if necessary.]    Printed.    Junct Tube of Printed.			
Department, data, and year.    Brief Title of FR.      NS. or FIG NO. and year.    Brief Title of FR.      NS. or FIG NO. and year.    Bill to prescribe the mode of values the purpose of data diction of courts with respect thereto.    HOME—A.      Burneling the junct- diction of courts with respect thereto.    JUNE.      Burneling the junct- diction of courts with respect thereto.    Froposed legislation so as to permit plaintiffs to put, for the purposes of juncislication, their own valuation of suits for the restitution of conjugal rights.      Burneling the junct with respect thereto.    No. 25.—From the Government of India, Home Depart mode of File.      Department, date, and No.    Brief Title of File.      Jong of $= 2g$ No. 266-J., dated the 12th Jun 1905.      (To be continued on bach, if necessary)    No. 266-J., dated the 12th Jun 1905.      Areas ormen TRAN PROCEDEMES. L.—Printed.    I.—Printed.			1905.
Department, date, and Not, or File No. and year. His No. 1601J. of 1886. Ho No. 1601J. of 1886. Ho No. 1601J. of 1886. Ho NE - A. HOME - A. HOME - A. JUNE. HOME - A. JUNE. HOME - A. Nos. 25-27. Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdicition, their own valuation or suits for the restitution of conjugal rights. TABLE OF CONTENTS. No. 25 From the Government of India, Hom Department, date, and No. 26 Encoderue. No. 26 Encoderue. No. 26 Encoderue. No. 26 Encoderue. No. 26 Encoderue. No. 26 Encoderue. IPrinted.	REFERENCES TO	FORMER CASES.	ASSAM SECRETARIAT.
Department, sing and year.  Brief Title of File.    No. 1501J. of 1886.  Bill to prescribe the series of valing the purpose of do- the interming the juris- diction of courts with respect thereto.  HOME-A.    Baranneous ro Large Cases.  JUNE.    Baranneous ro Large Cases.  Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation or suits for the restitution of conjugal rights.    Baranneous ro Large Cases.  No. 25Promi the Government of India, Home Department, No. 590, dated the 27th Apri 1905; No. 26Enclosure.    Department, date, and Nos.  Brief Title of File.			
Rie No. 1501J. of 1886.    Bill to prescribe the mode of valuing the purpose of de- termining the juris- diction of courts with respect thereto.    JUNE.      Represences to Large Cases.    JUNE.      Represences to Large Cases.    Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation or suits for the restitution of conjugal rights.      Represences to Large Cases.    TABLE OF CONTENTS.      Department, date, and No. 26.—Erom the Government of India, Home Department, No. 26.—Erodowne.    No. 26.—Erodowne.     SCA. form of a back, if necessary.j    ment, No. 2665J., dated the 12th Jun 1905.     SCA. form of the covernment of India, Home Department, No. 26.—Erodowne.    No. 2665J., dated the 12th Jun 1905.     SCA. form of the covernment of India, Home Department, No. 2665J., dated the 12th Jun 1905.    1905.     SCA. form of the covernment of India, Home Department, No. 2665J., dated the 12th Jun 1905.    1905.     SCA. form of the covernment of India, Home Department, No. 2665J., dated the 12th Jun 1905.    1905.     ScA. form of the covernment of India, Home Department, No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun 1905.    1905.	Nos., or File No. and	Brief Title of File.	
1886.    mode of valuing or time suits for the purpose of determining the jurisdiction of a courte with respect thereto.      Image: solution of courte with respect thereto.    JUNE.      Image: solution of courte with respect thereto.    Nos. 25-27.      Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation or suits for the restitution of conjugal rights.      Image: solution of conjugal rights.			HOME-A.
termining the juris- diction of courts with respect thereto.  Nos. 25-27.    Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation or suits for the restitution of conjugal rights.    Barnemones to LARRE CASES.    Department, date, and Not.    Brief Title of File.    "SCA" for y of a constanced on back, if necessary.)    Parment of the constanced on back, if necessary.)    Parment of the source.    IPrinted.		mode of valuing certain suits for	
Image: Construct of the purposes of jurisdiction, their own valuation of suits for the restitution of conjugal rights.      Image: Construct of restitution of conjugal rights.      Image: Construct of restitution of restitution of conjugal rights.      Image: Construct of restitution of restin restitution of restitution of restitution o	•	termining the juris- diction of courts	
Image: Construct of the purposes of jurisdiction, their own valuation of suits for the restitution of conjugal rights.      TABLE OF CONTENTS.      TABLE OF CONTENTS.      Image: Construct of the continued on back, if necessary.)      Parenes ornes trans Processory.)      Image: Construct of construct on construct of construct of construct of construct on construct of construct of construct on cons	•		Nos. 25-27.
References to LATER CASES.      Department, date, and No.      Brief Title of File.      No.      26.4. Jany 96 = 26      (To be continued on back, if necessary.)      PARES orners than Proceedings.      IPrinted.      IINot printed.			the purposes of jurisdiction, their own valuation of
References to LATER CASES.      Department, date, and No.      Brief Title of File.      No.      25.—From the Government of India, Home Department, No. 590, dated the 27th April 1905.      No.      No.      26			
References to LATER CASES.      Department, date, and No.      Brief Title of File.      No.      26.4. Jany 96 = 26      (To be continued on back, if necessary.)      PAPERS of the THAN PROCEEDINGS.      IPrinted.      IINot printed.	́ъ. ".		
BRFREENCES TO LATEE CASES.      Department, date, and Nos.      No.      No.      26.4. Jany 05 = 26      (To be continued on back, if necessary.)      PAPERS OTHER THAN PROCEEDINGS.      IPrinted.      Notes and orders.      IINot printed.	¥		TABLE OF CONTENTS.
BRFREENCES TO LATEE CASES.      Department, date, and Nos.      No.      No.      26.4. Jony 95 = 26      (To be continued on back, if necessary.)      PAPERS OTHER THAN PROCEEDINGS.      IPrinted.      Notes and orders.      IINot printed.			
1905:      1905:      No. 26.—Enclosure.      No. 26.—Enclosure.      No. 26.—Enclosure.      No. 26.—Indextree.      No. 26.—Indextree.      No. 26.—Indextree.      No. 26.—Indextree.      No. 2665J., dated the 12th Jun 1905.      (To be continued on back, if necessary.)      Pares of the Than Proceedings.      I.—Printed.      Notes and orders.      II.—Not printed.			
Department, date, and Nos. Brief Title of File. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun 1905.	D		No. 25.—From the Government of India, Hom Department, No. 590, dated the 27th Apr
(To be continued on back, if necessary.) PAFMES OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	REFERENCES TO	LATER CASES.	Department, No. 590, dated the 27th Apr. 1905.
(To be continued on back, if necessary.) PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	REFERENCES TO Department, date, and Nos.	[	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Dep <b>art</b> ment, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Dep <b>art</b> ment, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
PAPERS OTHER THAN PROCEEDINGS. I.—Printed. Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
I.—Printed. Notes and orders. II.—Not printed.	Dep <b>art</b> ment, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
Notes and orders. II.—Not printed.	Department, date, and Nos.	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
Notes and orders. II.—Not printed.	Department, date, and Nos. ICA. Jacy 06 = 20 (To be continued o	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
IINot printed.	Department, date, and Nos. WCA. Jacy 06 = 21 (To be continued o PAPBES OTHER TO	Brief Title of File.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
	Department, date, and Nos.	Brief Title of File. <i>n back, if necessary.)</i> HAN PROCREDINGS. Printed.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun
	Department, date, and Nos. What fam of = 2t (To be continued o PAPERS OTHER TI IF	Brief Title of File. <i>n back, if necessary.)</i> HAN PROCREDINGS. Printed.	Department, No. 590, dated the 27th Apr. 1905. No. 26.—Enclosure. No. 27.—To the Government of India, Home Department, No. 2665J., dated the 12th Jun

## NOTES.

HOME-A, JUNE 1905.

Nos. 25-27.

Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation on suits for the restitution of conjugal rights.

FROM THE UNDER-SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 590, DATED THE 27TH APBIL 1905.

Asks for Chief Commissioner's opinion on the question of undertaking legislation so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation on suits for the restitution of conjugal rights.

Personal Assistant,

We may send a copy of India's letter with enclosure to the Judges of the Assam Valley Districts File No. 1501J. of 1886. This procedure was adopted in 1886 when the Bill for the Suit Valuation Act came

for consideration.

Mahendra—7th May 1905. 8th May 1905.

P. G. ROGERS.

[Memorandum to the District Judge, Sylhet, and the Judge, Assam Valley Districts, Nos. 2028-9J., dated the 9th May 1905.--(Not printed.)]

Personal Assistant,

The opinions\* received are placed below. As both the Judges have found the proposed legislation Not printed. As both the Judges have found the proposed legislation a desirable one, we may perhaps reply to India supporting the Calcutta High Court's proposal.

Mahendra-5th June 1905.

Secretary,

As proposed.

6th June 1905.

P. G. ROGERS.

Chief Commissioner,

We may reply that, on the assumption that the Hon'ble Judges are correct in their interpretation of section 9, Act VII of 1887, the Chief Commissioner is of opinion that legislation on the lines proposed would be desirable.

7th June 1905. 8th June 1905. L. J. KERSHAW.

J. B. FULLER.

[To the Secretary to the Government of India, Home Department, No. 2665J., dated the 10th June 1905.]

# ASSAM SECRETARIAT PROCEEDINGS.

## HOME-A.

June 1905.

Proposed legislation so as to permit plaintiffs to put, for the purposes of jurisdiction their own valuation on suits for the restitution of conjugal rights.

No. \$90 .

FROM

#### H. G. STOKES, Esg.,

#### Under Secretary to the Government of India,

To

The Anille the Chief Came of Arran

Home Department. Fudicial.

## Simla, the SYE April 1905.

Sir,

I AM directed to forward a copy of a letter\* from the High Court, \* No. 3486, dated the 30th November 1904. lation should be undertaken so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation on suits for the restitution of conjugal rights, and to request that the Government of India may be furnished with an expression of

your dringon

#### on the question.

2. With reference to the concluding portion of the letter of the Calcutta High Court, I am to add that the view taken by the court as regards its powers under section 9 of the Suits Valuation Act, 1887 (VII of 1887), seems to be at variance with those adopted elsewhere, for it is observed that in more than one province general directions have been issued for the valuation of such suits for the purposes of the Court Fees Act, 1870 (VII of 1870), as well as the Suits Valuation Act, 1887 (VII of 1887), on the principle which it is now proposed to legalise.

#### I have the honour to be,

SIR,

Your most obedient servant,

H. G. STOKES,

Under Secy. to the Govt. of India.

No.

COPY forwarded to the Foreign Department for information, with the request that the views of the Honourable the Chief Commissioner, North-West Frontier Province, may be obtained and communicated to the Home Department.

#### By order,

#### H. G. STOKES,

#### Under Secy. to the Govt. of India.

G. C. Press, Simla,-No. 127 H. D.-24-4-04-400.-H. A. W.

### No. 3486, dated the 30th November 1904.

#### From-R. SHEEPHSANKS, Esq., REGISTRAR of the High Court of Judicature at Fort William in Bengal, Appellate Side,

To-The Secretary to the Government of India, Home Department.

I AM directed to invite the attention of the Government of India to

#### PRESENT ; The Full Court.

the case of Aklemunnessa Bibi versus Mahamod Hatim, reported at page 705, Calcutta Weekly Notes, volume VIII, in

which it was held, following two previous decisions of this court, that a suit for restitution of conjugal rights does not admit of pecuniary valuation; that it cannot therefore be predicated of such a suit that its value does not exceed Rs. 1,000; and that consequently, under section 19 of the Bengal, North-Western Province and Assam Civil Courts Act (XII of 1887), a munsif has no jurisdiction to try it. The consequence is that, in the present state of the law, all such suits must be instituted in the Court of a Subordinate Judge, and all appeals in them must be laid in the High Court.

2. It is, in the opinion of the judges, a great hardship to a poor man that he should be compelled, in such cases, to go to the court of the Subordinate Judge, with the chance of an appeal to the High Court. They accordingly desire to recommend that legislation should be undertaken, allowing plaintiffs to put, for the purposes of jurisdiction, their own valuation on suits for the restitution of conjugal rights. The case is not one which can be met by the exercise by the High Court of the powers conferred on it by section 9 of the Suits Valuation Act (VII of 1887), since a uniform value cannot be specified for the subject matter of all suits of the nature in question.

No. 27.

### No. 2665J., dated Shillong, the 12th June 1905.

From-The Offg. Secretary to the Chief Commissioner of Assam, To-The Secretary to the Government of India, Home Department.

With reference to Mr. Stoke's letter No. 590, dated the 27th April 1905, asking, for the Chief Commissioner's opinion on the recommendation of the High Court, Calcutta, that legislation should be undertaken so as to permit plaintiffs to put, for the purposes of jurisdiction, their own valuation on suits for the restitution of conjugal rights, I am directed to say that, on the assumption that the Hon'ble Judges of the High Court are correct in their interpretation of section 9 of Act VII of 1887, the Chief Commissioner is of opinion that legislation on the lines proposed would be desirable.