in course of preparation similar to that suggested by our correspondent. There is, we believe, a similar act in force in England.—Eds. L. C. G.]

To the Editors of the Law Journal.

Taxation of costs—Fee to clerk for taxing bill on judgment in default.

Gentlemen,—Is a clerk of the County Court entitled to three shillings and four pence for taxing a bill of costs in a judgment for default of appearance? It appears to me that no such fee can be charged in a bill of costs in a judgment for default of appearance, there being no possibility of an allocatur being called for in such a case. I understand an allocatur to mean a certified memorandum (for which three shillings and four pence is received) of the costs from the clerk of the Court, to be used in the event of being required at a new trial, or for any other purpose.

An early answer will oblige yours, &c.,

A Member of the Profession.

To the Editors of the Law Journal.

Taxation—Fee to clerk for computation.

Gentlemen,—Will you be kind enough to inform me, if a stamp of one dollar for computation is required on a judgment for default of appearance, when there is no computation by the clerk, the only interest claimed by the plaintiff having been inserted in the special endorsement on the writ of summons (by consent of the defendant), and no further interest required to be calculated by the clerk?

An answer in your next issue will oblige

A Member of the Profession.

[We insert the above, but have no space in this number for comments.—Eds. L. J.]

MONTHLY REPERTORY.

COMMON LAW.

C. P. Jan. 27.

Evans v. Wright and Another.

Interpleader—When granted—Tenant right—Dispute as to who is tenant.

E. hired a farm, and his son resided on and managed it, paying rent, and taking receipts in his own name. The defendants gave the son notice to quit, and a valuation of tenant-right was made by valuers appointed by the defendants and the son. The father gave the defendants notice not to pay the amount of the valuation to any one but himself; and the son having commenced an action, to recover the amount of the valuation, the defendants applied for an interpleader order.

Held, that this was a case for interpleader, and that if the father was dissatisfied with the valuation, he might apply to the court for relief. (13 W. R. 468.)

CHANCERY.

L. J. Jan. 31; Feb. 14, 28.

Jopp v. Wood.

Domicil, acquired and original—Infant—Scotch merchant resident in India—Service under foreign government.

A Scotchman went out to India in 1805, and died there in 1830, having returned to Scotland only once, for a short visit, in 1819. During the whole of his residence in India he was employed in trade. There was no evidence of an intention to return to Scotland before 1814, but from that date there was abundant evidence of a desire and intention to return.

Held, that his Scotch domicil of origin was never lost.

Domicil can be changed only "*animo et facto*," and long and continuous residence in a foreign country, other than that which is attributable to employment in the service of the government of the country, though possibly decisive as to the *factum*, is merely equivocal as to the *animus* of the *propositus*.

The *animus* requisite to effect a change of domicil consists in an intention to abandon the domicil of origin.

The cases as to servants of the East India Company are exceptions to the general rule, and their principle will not be extended.

Per Turner, L. J.—No presumption of intention to change a domicil can be raised from residence during the infancy of the *propositus*. (13 W. R. 481.)

M. R. Feb. 8, 10, 13, 15.

Davies v. Otty.

Death of witness before affidavit filed.

Where a witness, who has sworn an affidavit, dies before it is filed, the court will receive the evidence, making allowance for the circumstance that there has been no opportunity of cross-examination. (13 W. R. 484.)

M. R. March 2.

Wentworth v. Lloyd.

Taxation of costs—Commission to examine witnesses abroad.

The costs incurred in a colony, under a commission to examine witnesses, must be taxed in England upon the scale which would be allowed in the colony, and the taxing master, in case of difficulty, ought to refer to the colony for information, but not to send the bill of costs there for taxation. (13 W. R. 486.)