

authority to allow more than the \$1 paid for it, and 50c. for the copy.

It seems to me there is a case reported in your *Journal*, to the effect that a subpoena, being a writ, must be issued by an attorney, and endorsed with his name, &c.; but whether or not, I think that no one but an attorney can issue such process. The fact of the act requiring it, is sufficient authority for the allowance of the fees properly taxable thereon, according to the tariff of the court from which issued.

As the clerks of this court look to your *Gazette* for information and precedent in their practice, your remarks on the above, either as to the law or the practice of the Division Court clerks generally, will be accepted as a favor.

Yours, &c., LEX.

[If the clerk has taxed the amount disbursed for the subpoena and the proper allowance for the expenses of witnesses according to the scale settled in the Superior Courts, he has done all that the 100th section of the Division Court Act justifies (see O'Brien's D. C. Acts, p. 50, note g). There is nothing whatever provided by the Division Court Acts which sanctions the allowance of fees to an attorney for suing out a subpoena, nor is it at all essential that an attorney should be employed for the procuring of either a Superior Court or a Division Court subpoena. "Lex" must be well aware that there is no tariff whatever of fees taxable to an attorney as against the opposite party in the Division Courts,—nor is such a thing contemplated, but the reverse (see *Id.*, p. 14, sec. 36, and note (m).—Eds. L. C. G.]

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN, — A man bequeaths his personal property to his daughters, leaving his real estate to an only son, making a proviso that the son shall maintain his mother during life, or so long as she remains the widow of the testator. Please state in the next number of the *Journal* if she will be obliged to comply with the conditions of the will, or will she have power to set aside the will and claim one-third of the real estate. Also, if a work entitled the "Canadian Domestic Lawyer" is recognised by the profession as good authority.

Hoping that you will favor with an early reply, I remain your obedient servant,

INQUIRER.

Sheffield, Sept. 7th, 1870.

[The question of law put by our correspondent is not one that comes within our rule to answer. He must consult a lawyer. We are not acquainted with the book referred to, and therefore can give no opinion upon it. The profession have, however, in a measure, a kindly feeling to the authors of "law made easy" books, as their tendency is in a general way (not from any mistakes that may be in them, but from the "penny wise and pound foolish" economy of those who trust them alone) to put money in the lawyers' pockets.

Eds. L. J.]

REVIEWS.

The Canadian Illustrated News. George E. Desbarats: Montreal.

This illustrated weekly makes its regular and welcome appearance. We are glad to see the marked improvement in its illustrations, and to hear that the enterprising publisher is encouraged by the patronage he has received to increase his exertions to make it a first-class periodical. The difficulties in starting, and when started, in keeping up an illustrated paper, especially when its circulation must of necessity be somewhat limited, are great, but success, we trust, will be the result. As a Canadian paper we wish it success, which its intrinsic value, especially in the reading matter it contains, fully merits.

IMPORTANT NEWSPAPER CHANGE.

THE HEARTH AND HOME, a finely illustrated journal of a high character, hitherto issued by Messrs PETTENGILL, BATES & Co., has been purchased by Messrs ORANGE JUDD & Co., of 245 Broadway, New York, the well-known publishers of the *American Agriculturist*. Messrs S. M. PETTENGILL & Co., whose great advertising agency, established in 1849, is one of the largest and most reputable in the world, find that their extensive business requires their exclusive attention, and they therefore transfer HEARTH AND HOME to the new publishers, whose long experience and abundant facilities will enable them not only to maintain the past high character of the paper, but to add materially to its value. The new Publishers also announce a reduction of the terms to \$3 per year. The change will not at all affect the *American Agriculturist*, which will continue on independently as heretofore.—The illustrations and reading matter of the two journals will be entirely different. Either of the two journals will be furnished from now to the end of 1871 (15 months), at the yearly subscription rate, viz.: the *Weekly* HEARTH AND HOME at \$3.00; the *Monthly* AMERICAN AGRICULTURIST, \$1.50; or the two for \$4.00.