

Judge was passing sentence, the question of costs, payment of which he intimated his intention to impose on the defendant, was reserved for further consideration.

The learned Judge was of opinion that the case fell within sec. 1044 of the Criminal Code, which, in certain cases there specified, empowers the Court to order payment by the convicted person of the costs incurred in and about his prosecution and conviction. This was an aggravated case, fully justifying that course. He therefore ordered these costs to be paid by the defendant.

KELLY, J.

DECEMBER 27TH, 1919.

RE BULMAN.

*Will—Construction—Devise to Widow in General Terms—Subsequent Direction to Divide Estate between Children, after Death of Widow—Power to Sell and Invest—Nature of Estate Given to Widow.*

Motion by Robert J. Bulman, son of Robert Bulman by his second wife, for an order declaring that under the will of Robert Bulman his second wife, Sarah Maria Bulman, took an absolute estate in land owned by the testator in the city of Toronto.

The testator died in 1905, leaving him surviving a son by his first marriage, W. E. Bulman, his second wife, Sarah Maria Bulman, and the applicant. Sarah Maria Bulman died in 1919, and Robert J. Bulman, her son, was the sole beneficiary under her will.

The motion was heard in the Weekly Court, Toronto.

A. C. Heighington, for the applicant.

J. T. Richardson, for W. E. Bulman.

KELLY, J., in a written judgment, said that the testator, by his will, after a direction for the payment of debts and funeral and testamentary expenses, gave, devised, and bequeathed all his real and personal estate to his wife Sarah Maria Bulman, and appointed her sole executrix, "with power to sell said estate and invest the money . . . in any way she may think more profitable and after the death or marriage of my said wife upon the youngest of my children attaining 21 years to divide my estate between my children then living share and share alike."

The text of the will shewed an intention that, on Sarah Maria Bulman's remarriage or death and on the youngest of the testator's