



CHAPTER 101

An Act respecting the Estate of the late Edith Mary Wurtele or Lindsay

[Assented to, the 20th of March, 1941]

WHEREAS Gertrude Jean Crawford Lindsay or Preamble.

Bishopric, of the city of Quebec, wife separate as to property of Frank Allison Bishopric, of the same place, retired merchant, and by her said husband duly authorized to accept the office of trustee and executor hereinafter mentioned, and The Royal Trust Company, a body politic and corporate, having its head office in the city of Montreal, the trustees and executors appointed under the last will of Edith Mary Wurtele or Lindsay, have by their petition represented:

That Edith Mary Wurtele or Lindsay, widow of the late Major William Pentland Lindsay of the Royal Canadian Mounted Police, in her lifetime of the city of Quebec, died at the said city of Quebec on the 12th July, 1940, having purported to make her will in the form derived from the laws of England and to execute the same at Kingsmere, in the Province of Quebec, on the 21st September, 1936, before James Sabiston Rankin, barrister at law, and Winnifred Mary Rankin, his wife, both of the city of Ottawa, and then residing at Kingsmere, aforesaid;

That by this will the said testatrix purported to appoint the petitioners and also her son, Errol Lampson Crawford Lindsay, and the survivors of them, to be the trustees and executors thereof, and to provide that one-half of her estate should be for her daughter, the petitioner, Gertrude Jean Crawford Lindsay or Bishopric, and her children, and one-half thereof for her son the said Errol Lampson Crawford Lindsay, and his children, save and except that special provisions

were made in respect of a certain property known as the Champlain Street property which had been bequeathed to the testatrix by her aunt, Marion Gertrude Lampson Wurtele, by her holograph will dated the 4th of March, 1930, probated at the city of Quebec the 4th January, 1933, with the stipulation that, should the said property not be expropriated or sold prior to the death of the said Edith Mary Wurtele or Lindsay, she should dispose of it by will as she might see fit or best at that time;

That the said Errol Lampson Crawford Lindsay had died at the city of Ottawa, on the 12th day of May, 1937, intestate and unmarried and the benefits conferred upon him by the said will have, under the terms thereof, accrued to the petitioner, Gertrude Jean Crawford Lindsay or Bishopric, and her children;

That although the said James Sabiston Rankin, barrister at law, and his wife, Winnifred Mary Rankin, both have capacity under the laws of the Province of Ontario, wherein they are domiciled, to act together as witnesses to wills made in the form derived from the laws of England, doubts have arisen because of the amendments made to the Civil Code of Lower Canada by the statute 21 George V, chapter 101, sections 14 and 15, as to their capacity to do so in respect of wills made in that form in the Province of Quebec, and grave prejudice would be caused to the interested parties if such doubts were allowed to remain a cloud upon the title to the real estate affected by this will; and

Whereas they have prayed for the passing of an act to declare sufficient the attestation of the said will and whereas under the circumstances it is expedient to grant their prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Attestation
of will
validated.

1. The attestation of the last will and testament of Edith Mary Wurtele or Lindsay, widow of the late Major William Pentland Lindsay, of the Royal Canadian Mounted Police, in her lifetime of the city of Quebec, made at Kingsmere, in the Province of Quebec, in the form derived from the laws of England, in the presence of James Sabiston Rankin, barrister at law, and Winnifred Mary Rankin, his wife, both of the city of Ottawa, as witnesses, on the 21st day of

September, 1936, is declared to be sufficient and valid and the said will may be presented for probate and probated in the manner provided in article 857 of the Civil Code of Lower Canada, notwithstanding the amendments made to that Code by the statute 21 George V, chapter 101, sections 14 and 15, and the fact that the said attesting witnesses were husband and wife.

2. This act shall come into force on the day of its ^{Coming} sanction. _{into force.}

