

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

1. The partition made under the judgment of the 30th of June, 1914, between the estates of Léonidas Villeneuve and of the Honourable Joseph Octave Villeneuve, and the titles resulting therefrom, are ratified and validated to all intents and purposes.

2. This act shall come into force on the day of its sanction.

Coming
into force.

CHAP. 158

An Act respecting the Stanley Bagg Corporation and the succession and estate of the late Stanley Clark Bagg

[Assented to, 14th of February, 1920]

WHEREAS Robert Lindsay, esquire, George Hampden Smithers, stock broker, and Huntly Ward Davis, architect, all of the city of Montreal, and acting in their quality of surviving executors duly appointed to the last will and testament of the late Stanley Clark Bagg, in his lifetime of the said city of Montreal, notary public; George Archibald Campbell, of the said city of Montreal, King's Counsel, in his quality of curator duly appointed and acting to the substitution created under the said last will and testament of the said Stanley Clark Bagg; Dame Katherine Sophia Bagg, of the said city of Montreal, widow of the late Right Reverend William Lennox Mills, in his lifetime Lord Bishop of Ontario; Dame Amelia Josephine Bagg, of the said city of Montreal, wife of the Venerable Archdeacon John G. Norton, of the same place, and the said Venerable Archdeacon John G. Norton for the purpose of authorizing his said wife; Dame Mary Heloise Bagg, of the said city of Montreal, wife of the said Robert Lindsay, and the said Robert Lindsay for the purpose of authorizing his said wife; Dame Helen Frances Mitcheson Bagg, of the city of Vancouver, in the Province of British Columbia, wife of Herbert Charles Drummond, of the same place, esquire, and the said Herbert Charles Drummond for the purpose of authorizing his said wife; the foregoing Mesdames Katherine Sophia Bagg, Amelia Josephine Bagg, Mary Heloise Bagg and Helen Frances Mitcheson Bagg herein acting in their quality of institutes

Preamble.

to the substitution created under the said last will and testament of the said Stanley Clark Bagg; Dame Evelyn St. Clair Stanley Bagg, of the city of Montreal, wife of the said Huntly Ward Davis, and the said Huntly Ward Davis for the purpose of authorizing his said wife; Dame Gwendolyn Katherine Stanley Bagg, of the said city of Montreal, wife of Frederick E. Smith, banker, and the said Frederick E. Smith for the purpose of authorizing his said wife; Harold Fortescue Stanley Bagg, of the said city of Montreal, esquire; the said Dame Evelyn St. Clair Stanley Bagg, Dame Gwendolyn Katherine Stanley Bagg and Harold Fortescue Stanley Bagg in their quality of substitutes called as the children of their late father, Robert Stanley Clark Bagg, to the substitution created under the said last will and testament of the said Stanley Clark Bagg; Arthur Lennox Stanley Mills, of the city of Montreal, advocate, only child of the said Dame Katherine Sophia Mills, and as such called to the substitution created under the said last will and testament of the said Stanley Clark Bagg in respect of the share of his said mother; Dame Katherine Ada Lindsay, of the said city of Vancouver, wife of Julius H. Griffith, of the same place, mortgage broker, and the said Julius H. Griffith for the purpose of authorizing his said wife; Lionel Mitcheson Lindsay, physician; Stanley Bagg Lindsay, clerk; Miss Marjorie Mary Clark Lindsay, *fille majeure*; Miss Helen Frances Marguerite Lindsay, *fille majeure*, all of the city of Montreal; and the Reverend Sydenham Bagg Lindsay, of Valleyfield, in the Province of Quebec, Rector, all children of the said Dame Mary Heloise Lindsay, and as such called to the substitution created under the said will of the said Stanley Clark Bagg in respect of the share in said succession and estate of their said mother; and the STANLEY BAGG CORPORATION, a body corporate, duly incorporated and having its head office and principal place of business in the said city of Montreal, have by their petition represented:

That the Stanley Bagg Corporation was incorporated by letters patent of the Province of Quebec dated the 30th of May, 1919, with chief place of business in the city of Montreal, and with power, among other things, to acquire the moveable and immoveable properties belonging to the estate of the late Stanley Clark Bagg, in his lifetime of the city of Montreal, notary public;

That the said late Stanley Clark Bagg died at the said city of Montreal on the 8th of August, 1873, leaving his last will and codicil executed before J. A. LaBadie and colleague, notaries, dated the 7th of July, 1866, and the

17th of December, 1870, by which he appointed certain executors, extending their powers beyond the year and day, and by which, after certain special legacies, he bequeathed to Dame Catherine Mitcheson, his wife, and afterwards his widow, the usufruct during her lifetime of the residue of his estate, and he bequeathed the ownership of said residue to the children issue of his marriage with the said Dame Catherine Mitcheson, with substitution in favour of the issue of said children respectively;

That by act of the Legislature of the Province of Quebec, 38 Victoria, chapter 94 (1875), as amended by act of the said Legislature, 9 Edward VII, chapter 149 (1909), the said executors of the said estate of the said Stanley C. Bagg were authorized and empowered, with the assistance of the curator appointed to the said substitution, to sell and convey from time to time the immoveable property belonging to the said estate on the terms and conditions in the said act mentioned;

That petitioners Robert Lindsay, George Hampden Smithers and Huntly Ward Davis are the present executors of the said estate of the said late Stanley Clark Bagg, having been so named, in conjunction with the said late Dame Catherine Mitcheson, by judgment of the Honourable Mr. Justice Beaudin of the Superior Court for the district of Montreal on the 4th of November, 1912, duly registered;

That the said late Dame Catherine Mitcheson died at the city of Montreal on the 29th of October, 1914;

That there were issue of the marriage of the said late Stanley Clark Bagg with the said late Catherine Mitcheson five children, to wit : the petitioners Mesdames Katherine Sophia Bagg, widow of the late Right Reverend William Lennox Mills; Amelia Josephine Bagg, wife of said Venerable Archdeacon Norton; Mary Heloise Bagg, wife of said Robert Lindsay, Helen Frances Mitcheson Bagg, wife of said Herbert Charles Drummond; and the late Robert Stanley Clark Bagg, in his lifetime of the city of Montreal, advocate;

That the said late Robert Stanley Clark Bagg died on the 22nd day of July, 1912, and was and is survived by three children, to wit: the petitioners Dame Evelyn St. Clair Stanley Bagg, wife of the said Huntly Ward Davis; Dame Gwendolyn Stanley Bagg, wife of Frederick E. Smith, and Harold F. Stanley Bagg, in respect of whose shares the substitution created by the said last will and testament of the said late Stanley Clark Bagg opened upon the death of their said father, Robert Stanley Clark Bagg;

That said executors of said estate Bagg have remained

in possession of the whole undivided estate of the said Stanley Clark Bagg in their said quality, and as the duly authorized attorneys in fact of the said substitutes, to wit, the said children of the said Robert Stanley Clark Bagg;

That petitioner George Archibald Campbell was duly appointed as curator to the substitution created by the said will of the said late Stanley Clark Bagg under judgment of the prothonotary of the Superior Court for the district of Montreal dated the 16th day of June, 1916;

That petitioner Arthur Lennox Stanley Mills is the only child of the said petitioner Dame Katherine Sophia Mills; and the petitioners Dame Katherine Ada Lindsay, Lionel Mitcheson Lindsay, Stanley Bagg Lindsay, Miss Marjorie Mary Clark Lindsay, Miss Helen Frances Marguerite Lindsay and the Reverend Sydenham Bagg Lindsay are the only children of the said Dame Mary Heloise Lindsay;

That petitioners Mesdames Amelia Josephine Norton and Helen Frances Mitcheson Drummond have no issue of their respective marriages;

That many of the assets of the estate belonging to the said late Stanley Clark Bagg consisted of large immoveable properties, with buildings thereon, the partition of which would have been extremely inconvenient, costly and disadvantageous to all parties concerned, as they agreed;

That in order to avoid the inconvenience, loss and expense necessarily incidental to a partition of the said assets, it was, by the unanimous consent of the executors of the said estate, the curator to the said substitution, the institutes to the substitution so created, and all substitutes to the said substitution, agreed to form the said Stanley Bagg Corporation for the purpose of taking over, holding, developing and dealing with all the assets, moveable and immoveable, of the said succession and estate of the said Stanley Clark Bagg in consideration of the issue, fully paid-up and non-assessable, of all the shares of stock of the said Stanley Bagg Corporation to the said executors of the said estate Stanley C. Bagg or their nominees, or to other parties entitled thereto under and by virtue of the said last will and testament of the said Stanley Clark Bagg;

That at the city of Montreal before Henry Fry, notary, on the 21st day of November, one thousand nine hundred and nineteen (1919), under numbers sixteen thousand one hundred and twenty-one (16121) and sixteen thousand one hundred and twenty-two (16122), of his minutes, certain deeds of sale, conveyance and transfer were passed from said executors of the estate of the said late Stanley Clark Bagg and others, with the consent and approval of the

said curator to the said substitution and all the institutes and all substitutes to the substitution created by the said last will and testament, conveying all the assets, moveable and immoveable, real and personal, of the said succession and estate to the said Stanley Bagg Corporation in consideration of the issue of all the shares of fully paid-up stock of the said corporation as set out in said deeds;

That it is desired and deemed advisable to ratify and confirm the said sales, conveyance and transfers, and to make the shares of stock of the said Stanley Bagg Corporation so issued in payment of the said price of sale, conveyance and transfer stand in the stead of the properties moveable and immoveable so transferred and conveyed and subject accordingly to the provisions of the said last will of the said Stanley Clark Bagg in the same manner and to the same extent as the said properties, moveable and immoveable, formerly were;

That doubts have arisen as to the capacity and authority of the said executors to make the said sale, conveyance and transfer to the said Stanley Bagg Corporation, more particularly such a general conveyance *en bloc* and in consideration of the issue of said shares of stock, and to take, hold and administer the said shares in the said Stanley Bagg Corporation in accordance with the terms and provisions of the said last will and testament of the said Stanley Clark Bagg;

Whereas it is expedient to quiet the said doubts, and to ratify and confirm the said deeds of sale, conveyance and transfer to the said Stanley Bagg Corporation; and

Whereas the petitioners have prayed for the passing of an act to that effect;

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

1. The following deeds of sale, conveyance and transfer ^{Deeds} are hereby ratified, confirmed and declared legal and valid: ^{ratified.}

a. Deed of sale and conveyance from Messrs. Robert Lindsay, George H. Smithers and Huntly W. Davis in their quality of executors of the estate Stanley C. Bagg, and Mrs. Evelyn B. Davis, Mrs. Gwendolen B. Smith and H. Stanley Bagg, with the intervention of George A. Campbell *et al.*, to the Stanley Bagg Corporation, passed at the city of Montreal before Henry Fry, notary public, on the 21st of November, 1919, and bearing number sixteen thousand one hundred and twenty-one (16121) of the minutes of the said Henry Fry;

b. Deed of transfer from Messrs. Robert Lindsay,

George H. Smithers and Huntly W. Davis in their quality of executors of the estate Stanley C. Bagg, and Mrs. Evelyn B. Davis, Mrs. Gwendolen B. Smith and H. Stanley Bagg, with the intervention of George A. Campbell *et al.*, to the Stanley Bagg Corporation, passed at the city of Montreal before Henry Fry, notary public, on the 21st of November, 1919, and bearing number sixteen thousand one hundred and twenty-two (16122) of the minutes of the said Henry Fry.

Certain
rights not
to be
affected.

2. The conveyance and transfer aforesaid shall in no way prejudice or affect any of the rights of the institutes or substitutes to the substitution created by the last will and testament of the said late Stanley Clark Bagg, which said institutes and substitutes shall have and preserve all said rights upon the shares of stock in the said Stanley Bagg Corporation so issued and received in payment of the price of said conveyances and transfers, and said shares of stock shall stand in the stead of the said properties, moveable and immoveable, so conveyed and transferred, and shall be subject to all the provisions of the said last will and testament of the said Stanley Clark Bagg accordingly.

Shares to be
held by
executors.

The shares must be held by the testamentary executors according to the terms of the will, and the proceeds of all sales must be invested in accordance with the terms of the will, of the acts mentioned in the preamble, and of the law relating to substituted property, except the shares opened to the substitutes.

Curator to
substitution
to be
director
ex officio.

3. Until the final opening of the substitution created by the last will and testament of the late Stanley Clark Bagg, in his lifetime of the city of Montreal, notary public, the curator for the time being duly appointed and acting to the said substitution shall be *ex officio* a member of the Board of Directors of the said Stanley Bagg Corporation.

Purchasers
not obliged
to see to
investment
of purchase
price.

4. Purchasers of any of the aforesaid moveable or immoveable properties conveyed by the said executors and others to the said Stanley Bagg Corporation shall in no way be obliged to ascertain that the re-investment of the purchase price has been made.

Coming
into force.

5. This act shall come into force on the day of its sanction.
