

## Lizzie Arthur Russell Theosophical Memorial Trust<sup>1</sup>

“If you put Theosophy in a man’s heart he cannot go wrong.”

Henry Erle Russell is not a name familiar to most theosophists but his bequest has had reverberations throughout the Theosophical Movement, and in particular in the annals of Edmonton Lodge. In early Spring 1972 Mr. Russell came to Edmonton, Alberta from Vancouver, British Columbia. He discovered from reading *The Canadian Theosophist* at the Centennial Library (central public library in Edmonton) that there was a group of Theosophists who gathered every week for the purpose of theosophical study. Unsuspecting of what lay ahead, the members accepted Mr. Russell, a mysterious man, with open arms. This is the story of Mr. Russell and the impact his bequest has had on the Theosophical Movement.

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On Monday afternoon, November 26<sup>th</sup>, 1973, Mr. Russell was walking on Jasper Avenue just east of the 101<sup>st</sup> Street intersection in the core of downtown Edmonton. A man named Richard Bruce Low approached Mr. Russell as he appeared to be in pain and having difficulty walking. Mr. Russell was carrying a large canvas bag and was dragging some clothes on a hanger. Mr. Low offered assistance and was permitted to carry his clothes and assist him to the Royal Bank, Main Branch, at 101 Street & Jasper Avenue, where he was going.<sup>2</sup> Upon arrival at the bank Mr. Russell identified himself to Mr. Low and explained that he was an American living in Canada, that he had just come from seeing his lawyer and that he wanted to get some documents from Price Waterhouse, an accounting firm.

Mr. Russell spoke of his dissatisfaction with lawyers and accountants who had worked for him, his main complaint being that they seemed to be in a conspiracy to overcharge him. He explained that he needed some documents in order to make a case before the Commission which supervises the dealings of chartered accountants. Mr. Russell confided to Mr. Low that he had a large sum of negotiable securities in his canvas bag and that he was being denied access to his safety deposit box at the Royal Bank for which he had paid.<sup>3</sup> Mr. Low confided that he too was a lawyer and stated that he would help him gain access to his safety deposit box. Mr. Russell expressed great satisfaction in finding a lawyer with “heart” and referred to Mr. Low as the “answer to his prayers”.<sup>4</sup>

Upon investigation it was discovered “that the deposit box had been taken out in the name of one Simon G. Postma, which was given as the reason why Mr. Russell could not have access to the deposit box.”<sup>5</sup> Mr. Postma was a member of Edmonton Lodge at the time.<sup>6</sup> Mr. Russell expressed his unhappiness with Mr. Postma, stating that he was attempting to increase his charges for managing his affairs. Mr. Russell immediately requested that Mr. Low act for him and gave him the following instructions:

1. To take possession of the negotiable securities from his canvas bag and deposit them in a safety deposit box at the Bank of Nova Scotia in the name of his holding company, Henry Erle Russell Holdings Limited.
2. To change his Royal Bank of Canada savings account to a savings account in the name of his holding company.
3. To obtain his file from Price Waterhouse, and to deliver a letter in which Mr. Russell’s complaints against various accountants and lawyers were detailed.
4. To have the registered office of Henry Erle Russell Holdings Limited changed to the law firm of Bishop & McKenzie, and to have new directors appointed for that holding company in substitution for the present directors, all of whom were associated with Edmonton Lodge.

Together they then visited the offices of Price Waterhouse and learned that the person whom they wanted to see, Mr. Geddes, was not present and that he was leaving on a two week vacation the next morning. Mr. Low, upon instructions, contacted Mr. Geddes at home that evening.

Mr. Russell and Mr. Low then proceeded to the offices of Bishop & McKenzie<sup>7</sup> where Mr. Russell transferred the contents of his canvas bag to Mr. Low. Mr. Low listed and determined the negotiable securities to have a face value in excess of \$100,000. Mr. Russell then instructed Mr. Low to prepare a new Will. The particulars to the new Will would be given to Mr. Low when Mr. Russell was feeling better. Mr. Russell was particularly unhappy with Mr. Postma's attitude, and related a telephone conversation in which he alleged Mr. Postma used terrible language, the likes of which he "could not believe his ears."<sup>8</sup> He also expressed, on many occasions during the course of this conversation with Mr. Low, that he felt that the Edmonton Lodge was attempting to "hijack him"<sup>9</sup> before he died.

After receiving Mr. Henry Russell's valuables and noting his instructions, Mr. Low arranged for him to take a taxi to the Hardisty Nursing Home, where Mr. Russell was living. Mr. Low was to contact him in a few days to have him sign the signature card for the Bank of Nova Scotia safety deposit box and to take detailed instructions with regard to his Will.

In his affidavit to the Supreme Court of Alberta, dated October 27<sup>th</sup>, 1975, Mr. Low stated:

Throughout my discussion with Mr. Russell November 26<sup>th</sup>, it was apparent that he did not feel well, and that he was suffering from a very bad cold. His speech seemed to come with difficulty, and his breathing was laboured. However, his speech was grammatically correct in all respects, and not disjointed or incomprehensible. He had no difficulty in understanding anything I said to him, and appeared in all respects entirely lucid.

Mr. Low contacted Mr. Russell at the Nursing home on November 27<sup>th</sup> to inquire whether he felt well enough to sign the signature card for the safety deposit box. Mr. Russell advised Mr. Low that at the time he was not feeling well, that he wanted to concentrate on getting better first, and that he would "take care of all those other things with (me) later".<sup>10</sup> Mr. Low attempted to speak with Mr. Russell on December 4<sup>th</sup> and was advised by the staff at the Nursing Home that he had been admitted to the Royal Alexandra Hospital on November 30<sup>th</sup>, 1973, and had died there overnight.

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Before continuing it is necessary to provide some background information.

Mr. Russell was born November 27<sup>th</sup>, 1886. In his letter dated June 2<sup>nd</sup>, 1972<sup>11</sup> from Edmonton, he claimed that he was born in California and moved to Santa Cruz in 1887, and that he had been a resident of California all his life.

On January 18<sup>th</sup>, 1971, at Pasadena, California, Henry Erle Russell had written his Last Will and Testament. At the time, he had been living at Salina, California, and had contemplated moving to Mexico. He declared that he was a widower and that his nearest relatives were the children of his sister, Elsa Louise Cardiff, and his brother, Charles E. Russell, Jr., both deceased. He declared that he was not leaving any provision for the children of his sister and brother but that he was making a gift of his estate in memory of his mother. Other than the usual expenses as the result of his death, (such as funeral, debts, expenses of administration, federal and state transfer, estate and inheritance tax) he was bequeathing the remainder of his estate to The Theosophical Endowment Corporation, a California non-profit corporation at Pasadena. A provision was in place that if for any reason his gift to the above said Corporation was in violation of any laws, he wanted the funds to be redirected to Pomona College.

When he came to Edmonton he had already been looking at establishing a theosophical study center. In a letter dated June 2<sup>nd</sup>, 1972 to his lawyer, Mr. Crockett of Crockett & Company of Edmonton, Mr. Russell stated that he had written to Miss Grace F. Knoche requesting her assistance in establishing a theosophical society in Canada. Miss Knoche was the Leader of the Theosophical Society (International) Pasadena and on the Board of the Theosophical Endowment Corporation. Miss G. F. Knoche replied on

May 16<sup>th</sup>, 1972:

Your letter of April 28, 1972, has arrived . . . to the matter of your endeavor to form an Endowment Corporation in Canada in order that at your death the funds may go according to your Will without inheritance tax.

It seems to me that you are “cutting off your nose to spite your face.” By this I mean that apparently you are living in Canada in order not to have to pay income tax to the U.S. government. And yet now you are finding that Canada will extract a stiff inheritance tax, and possibly income tax too, on your holdings in that country. I, as Leader, am not interested in assisting you to avoid what is your proper karmic responsibility, whether you live in the U.S. or in Canada. . . . I cannot in conscience help you to “form a Theosophical Society in Canada,” just for the purpose of enabling you to avoid paying tax.<sup>12</sup>

In his June 2<sup>nd</sup>, 1972, letter to Mr. Crockett, Mr. Russell claimed that he had paid his taxes in California and never lived in Mexico to avoid paying taxes.

Mr. Russell seemed to have been put off by Miss Knoche’s letter. He had considered contacting Mr. Laurence Merkel whom he considered “a true friend” and “chairman of International Society Board”.<sup>13</sup> He thought for sure that Mr. Merkel would put his request before the Board. There are no records indicating that Mr. Russell followed up on that idea.

It appears that before receiving Miss Knoche’s May 16<sup>th</sup>, 1972, letter he had realized that chances were slight, if not nil, that the Board would consider his proposal of establishing a theosophical study center. He accordingly decided to amend his Will of January 18<sup>th</sup>, 1971.

After arriving in Edmonton in early spring 1972 Mr. Russell hired Mr. P. G. C. Ketchum, Barrister and Solicitor, of the firm Crockett & Company. Mr. Ketchum incorporated Henry Erle Russell Holdings Limited for Mr. Russell on April 21<sup>st</sup>, 1972.

At the same time that he hired Mr. Ketchum, Mr. Russell also contacted another Solicitor from the same law firm, Mr. K.L. Crockett, with regards to preparing a new Will. Apparently Mr. Russell wanted both men in the same room to discuss his case. However, Mr. Russell instead hired Miss Fleming to do a Codicil to his January 18<sup>th</sup>, 1971, Last Will and Testament (which he had executed in Pasadena, CA). This she did on May 1<sup>st</sup>, 1972.

In this Codicil Mr. Russell revoked the appointment of the Security Pacific National Bank, Pasadena, Main Branch, as Executor and appointed The Royal Trust Company in the City of Edmonton as the new Executor and Trustee. He declared that he had abandoned his domicile of origin in California and was now a resident of Alberta, Canada. He apparently had tried to live in British Columbia but had abandoned that as his choice. He declared that:

[W]hile it is my intention to see as much of the world as I possibly can, no matter where I travel it is always my intention to return to the city of Edmonton, in the Province of Alberta, which now is my permanent home.<sup>14</sup>

He amended the clause that bequeathed the remainder of his estate to The Theosophical Endowment Corporation to only a net annual income, and also revoked his bequest to Pomona College and named The Alberta Universities Commission<sup>15</sup> residuary beneficiary in the event that the disposition of his estate to The Theosophical Endowment Corporation was held invalid.

In a letter to Mr. Ketchum, dated July 6<sup>th</sup>, 1972, Mr. Russell wrote that on June 8<sup>th</sup> he had told him not to go ahead with the Will. He added that he had written to Mr. Ketchum on June 10<sup>th</sup>: “When you receive the Will do not make out new one until you hear from me.” Mr. Russell had apparently agreed to make arrangements for Mr. Ketchum to receive a copy of the January 18<sup>th</sup>, 1971, Will. Mr. Russell obviously

changed his mind for in this same letter he wrote:

To date the will is still in Pasadena, Calif. The present will I made in Alberta is just as I want it without any changes. It is satisfactory.

Miss Fleming has already written me a will as I want for \$25.00 the present Alberta Will that is satisfactory. As resident of Alberta I can sit down and write my own Will and it will not cost me nothing [sic].

While living in Vancouver, British Columbia, Mr. Russell decided that he needed a complete medical examination. He crossed the border to the State of Washington and proceeded to the Bellingham Medical Center. On March 29<sup>th</sup>, 1972, Dr. Grant E. Deger, a specialist in internal medicine and Nephrology,<sup>16</sup> examined Mr. Russell. He told the doctor that he wanted to do some traveling and that he was concerned about his health. He was 5 feet 10½ inches tall and now weighed 150 pounds. He was alarmed that he had lost 12 pounds since an episode with bronchitis in January 1971. Without going into details of his medical report the doctor informed him: "In general, I found you to be in excellent general physical condition for your age and should be able to travel."<sup>17</sup>

Mr. Russell was not one to be taken advantage of. He was in his eighty-sixth year and his mind was still quite sharp. At some time during the course of his meeting with Mr. Ketchum the question of his health came up. Mr. Ketchum wanted a medical evaluation on Mr. Russell before working on his Will. Later when Mr. Russell got wind that Mr. Ketchum had called his doctor for a medical evaluation, obviously without his permission, Mr. Russell got very upset. In his letter of July 6<sup>th</sup>, 1972, to Mr. Ketchum he stated:

Your phone call to Dr. Weibe my doctor, is unnecessary. I have letter from M.D. for Alberta will that stated I am well in mind, my physical condition is satisfactory for my age. . . . As you actuate a physical examination by Dr. Weibe will cost from \$75.00 to \$150.00. As a witness for the will would leave less than \$25.00.

Mr. Russell was very concerned that he was being taken advantage of and did not want to overpay for any services. In his letter of July 6<sup>th</sup>, 1972, to Mr. Ketchum he also stated: "You was [sic] present and heard what Mr. Crockett had to say. This is the idea I did not have to pay any of bill. . . . Inclosed find check for \$322.50 the whole payment minus the price for will \$127.50, which is legal payment up to date." He then requested "Let one of your clerks give me the incorporation and papers." He signed off, "Obliged and many thanks for helping me."

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After the death of Mr. Russell many complications arose relating to his Last Will and Testament. In order to understand why so many problems occurred probating his Will, one has to understand the nature of Mr. Russell. The founder or president sets the tone for their company or organization for many years to come, sometimes for hundreds of years. Consequently, understanding Mr. Russell helps us to understand the *raison d'être* for the Trust which ensued.

At the same time that he was negotiating with his lawyers, Mr. Ketchum and Mr. Crockett, Mr. Russell hired an investment advisor named Mr. Geddes at Price Waterhouse in the Royal Bank Building on Jasper Avenue. It was at this time that Mr. Russell unburdened himself of his assets, such as cash and American stocks, which he had been looking after all this time.<sup>18</sup> He received financial advice and bought Canadian Bonds and stocks in some of the best Canadian companies at that time. He purchased Bonds in Alberta Gas Trunk Line Company Ltd, Calgary Power Limited, Canadian Utilities Ltd, Genstar Ltd, Maple Leaf Mills Ltd, and Preferred Shares in British Colombia Telephones, Traders Group Ltd, as well as other companies. By mid-summer Mr. Russell had most of his financial affairs in order and he had also opened a bank account at the Royal Bank of Canada for the dividend payments and interest he was to receive

from his investments. It appears that he was frugal but yet generous when it came to promoting Theosophy and therefore he only kept what he needed in his bank account for his general expenses.

Mr. Russell's name first appeared in the Minute Book of Edmonton Lodge on September 6<sup>th</sup>, 1972. When he came in contact with Edmonton Lodge he must have felt quite comfortable with the group. Emory Pope Wood, the President, was a retired accountant in his early eighties. He was a deep student of Theosophy who corresponded with numerous theosophists around the globe, particularly those students who were associated with the Point Loma and Pasadena organizations. Another gentleman with Edmonton Lodge was Bertram John Whitbread, a retired teacher and District Agriculturist. A few years younger than the President, he was Secretary/Treasurer of the Lodge until November 1974.<sup>19</sup>

It would seem that Mr. Russell found some common friendship and developed a good rapport with some of the members of Edmonton Lodge, especially Emory Wood and Bertram Whitbread who were slightly his junior by a few years. Emory felt that Edmonton Lodge was destined to play a major role in promoting Theosophical ideals. These ideas would have been discussed with Mr. Russell and a common bond would have been struck. Mr. Wood later recounted:

Henry Erle Russell saw a great opportunity for the promotion of Theosophy in Western Canada. He felt that our group, at the time consisting mostly of men, was the one most fitted to carry out this enterprise.

There were two other members of Edmonton Lodge whom Mr. Russell became quite involved with: Simon Postma, as mentioned earlier, and Ernest G. Staniforth<sup>20</sup>. Both were employees with the Alberta Government. The former was employed with the Department of Highways, and the latter was the Registrar of Alberta Energy and Natural Resources. Mr. Staniforth was a senior employee who took early retirement in 1974, after 36 years of service, to devote more time to the study of Theosophy. He later did some consulting work with the Co-operative Activities Branch of the Department of Consumer Affairs. All four gentlemen: Mr. Wood, Mr. Whitbread, Mr. Postma and Mr. Staniforth, were also involved with the Masonic Order, especially Mr. Wood and Mr. Staniforth. Both were Master Masons who had gone through the Chairs up to Worshipful Master. They thought that they could eventually influence Masons to join as members of Edmonton Lodge and thereby develop a study group similar to the Masonic Research group but with more emphasis on the study of Occult Laws and a better comprehension of the rituals of the Masonic Order. There is no indication that Henry Erle Russell was a Mason but chances are that he was.

Mr. Russell must have been impressed with the caliber of the lodge members and their aspirations. By the fall of 1972 he was searching for yet other lawyers to help him write another Will. Emory Wood introduced him to Alfred G. Bramley-Moore on September 22<sup>nd</sup>, 1972. Mr. Bramley-Moore was a lawyer who had been practicing his profession since 1928. After four visits the Will was signed and executed on October 6<sup>th</sup>, 1972. Miss Margaret Goodridge, legal secretary, was the witness.

After making the usual declaration and intention that Edmonton was to be his permanent home, Mr. Russell decided to make this Will more concise. It is only two pages plus a signature page. In this Will he stipulated that he wanted his body to be cremated after his death and that there was to "be an unrecorded disposition" of his remains. For the first time he seems to have been more direct in what he wanted done with his estate. In the third clause the Will read:

I GIVE, DEVISE, and BEQUEATH all the rest, residue and remainder of my estate, both real and personal, of what kind-soever and wheresoever situate, that shall belong to me or to which I shall be in any way entitled to or over which I have any power of appointing at the time of my death to the Edmonton Lodge of the Theosophical Society in Canada, a non-profit organization formed for religious, literary and educational purposes. This bequest is without restrictions and is subject to the trusts, conditions and stipulations hereinafter mentioned.

(a) The said estate or portions thereof may, at the discretion of the executors be left in the Bank, or in the present securities or invested in any investments authorized by law for the trust funds or under the Canada Life Insurance Act with power to vary such investments at the discretion of the executors.

In subsection (b) he decided to cut back what he had bequeathed to The Theosophical Society, Pasadena, California, to a nominal amount payable each month for a term of ten years. In subsection (c) he described the powers of the executors:

The executors in their own absolute discretion after consultation with the executive of the said Society shall have the power to use the income from and/or encroach upon the capital or corpus of my estate if the net income therefor being insufficient or inadequate for the religious, literary and educational purposes of the said Edmonton Lodge of the Theosophical Society in Canada.

In the fourth clause, the last clause of the Will, he continues to describe the powers of the executors and Trustees:

My Executors and Trustees, hereinafter named shall have in their discretion the right to appoint the Royal Trust Company or other Trust Company of the City of Edmonton, on their behalf to keep the accounts and records as they, the said executors and trustees might determine and also such other matters as they, the said executors and trustees, might in their discretion request be done. My said executors and trustees shall also have the power and right to vary any discretions made to the said Royal Trust Company from time to time.

I NOMINATE AND APPOINT EMORY POPE WOOD AND BERTRAM J. WHITBREAD, both of the City of Edmonton, in the province of Alberta, to be the executors and trustees of this my Last Will and Testament.

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It had been Mr. Russell's intention to do some traveling. He wanted to take a European trip which had interested him for some time so he decided that he needed someone to look after his affairs while he was away.<sup>21</sup> Mr. Russell requested that a General Power of Attorney document be drawn. This document was prepared and executed on December 29<sup>th</sup>, 1972, in the office of the Royal Bank before a Commissioner For Oaths and signed by witnesses. He signed the Power of Attorney over to Simon G. Postma, and in the event of Mr. Postma's inability to act as a result of death or medical disability, that Ernest G. Staniforth was to act as his replacement. Mr. Russell also nominated Mr. Postma and his wife, Petronella, along with Emory Wood and Ernest Staniforth as the five Directors of Henry Erle Russell Holdings Limited. No other written agreements were signed between Mr. Russell and Mr. Postma.

On December 31<sup>st</sup>, 1972, Mr. Russell wrote three short notes advising that he had signed over Power of Attorney to Mr. Postma. One letter went to Garth L. Comba of Royal Trust, who was a witness to the signing of the Power of Attorney. Another letter went to Gene R. Hagen, a stockbroker with James Richardson & Company in Edmonton, and one to R. David Lewis, an accountant with Thorne, Gunn, Helliwell & Christenson in Edmonton. According to Mr. Postma, an administration fee of one hundred dollars per month was agreed to for conducting Mr. Russell's affairs.<sup>22</sup> Mr. Postma, as well as being a director of Henry Erle Russell Holdings Limited, was to be the Acting President and General Manager and his wife, Petronella, its Secretary. Since the year end of the company was December 31<sup>st</sup>, 1972, Mr. Postma and his wife agreed that their responsibilities would become effective January 1<sup>st</sup>, 1973. Mr. Russell also arranged to issue one share of Henry Erle Russell Holdings Limited to Petronella Postma, in trust for the purpose of acting as Secretary-Treasurer of the company if and when required. Mr. Postma did not have any shares in the holding company.

On January 1<sup>st</sup>, 1973, Mr. Russell left Edmonton for his trip. He went to Holland then to France, Spain, Austria, and possibly Germany. He stayed at Salvation Army Hostels whenever he could. He found prices

quite expensive and thought that in some places the retailers would ask first if he was American then jack up the prices if he said yes. In Spain he mentioned that one should never open up one's wallet for "they take out money never give it back. Same way in France".<sup>23</sup>

While in Holland Mr. Russell needed medical attention. These bills were forwarded home to Edmonton in order for him to receive a refund from the Alberta Health Care Insurance Commission. Some of Mr. Postma's obligations under Power of Attorney while Mr. Russell was away were to pay his bills and forward funds to him in Europe. He was "to look after his investments, to reinvest these, to see that mortgages were collected . . ." <sup>24</sup> Besides having his investments in his holding company, Mr. Russell also had personal assets. Mr. Russell's intentions were to have Mr. Postma "reinvest monies as they were relieved from other investments" <sup>25</sup> and to roll these personal assets into the holding company. For his convenience, after Mr. Russell's departure for Europe, Mr. Postma opened an account at the Royal Bank to expedite his responsibilities.

According to Mr. Postma's deposition on April 6<sup>th</sup>, 1976, Mr. Russell returned home to Edmonton on September 22<sup>nd</sup>, 1973. <sup>26</sup> On September 20<sup>th</sup>, 1973, a letter had been addressed to Mr. Postma from Ralph T. Manktelow, M.D. at the Etobicoke General Hospital in Rexdale, Ontario, advising him to look after Mr. Russell when he arrived in Edmonton. Dr. Manktelow sent this letter to ensure that Mr. Russell would have continued care. He had been diagnosed with having a lesion on his back left shoulder blade. The tumor was a malignant melanoma and it had been treated. However, after the sutures were removed Mr. Russell broke the wound open and it had to be resutured before he left for Edmonton. Mr. Postma also received a bill from this same Hospital, from Dr. Lamk M. Lamki, for eighteen hospital visits during the periods August 20<sup>th</sup> to 30<sup>th</sup> and September 4<sup>th</sup> to 10<sup>th</sup>, 1973. Apparently Mr. Russell had been admitted for congested heart failure. <sup>27</sup>

On September 27<sup>th</sup>, 1973 Mr. Postma wrote to Mr. R.W. Scott, Trust Officer, Royal Trust Company, 10039 Jasper Avenue, Edmonton, Alberta, to have a cheque issued for three hundred dollars. This cheque was to be paid directly to Emery Jamieson, Barrister and Solicitor, for professional fees owing. "Upon Mr. Russell's return he canceled my instruction and told Royal Trust not to make any payments." <sup>28</sup> As a result of this disagreement the relationship between them was strained to the point that Mr. Postma offered to terminate their business relationship on approximately October 15<sup>th</sup>, 1973. Mr. Postma recounts that "in the three weeks after his return he made no move to retake responsibility for his affairs." <sup>29</sup> Mr. Russell refused to pay Mr. Postma the \$1050.00 fee for looking after his affairs and "[h]e did not wish to sever his relationship with me, nor did he wish to pay me \$500", <sup>30</sup> an amount Mr. Russell had counter-proposed as payment.

Mr. Russell had returned to the Salvation Army Hostel after his trip to Europe. Shortly after their disagreement Mr. Postma received a phone call from Dr. Yake telling him that Mr. Russell had been admitted at the Royal Alexandra Hospital. During his stay at the hospital Dr. Yake wrote a referral note to Dr. Herbert Pascoe, Consultant Psychiatrist, Forensic Services Unit, Alberta Hospital, Edmonton, requesting that he see Mr. Russell. In his letter to Dr. Pascoe he stated:

Am attempting to get this man into a lodge and feel a psychiatric assessment may assist towards this end, since he cannot attend to himself properly in his Salvation Army residence. It may be well that he be made "a ward of the State" for his own financial interest. Thank you. (Signed W.W. Yake, M.D.) <sup>31</sup>

On November 19<sup>th</sup>, 1973, Dr. H. Pascoe dictated his Consultative Report of his psychiatric diagnosis of Mr. Russell.

It would be almost impossible at this point in time to make a case for senile degenerative disease. I would be prepared to accept that this man might well be disoriented, confused and deprived of what I suspect is a very high degree of judgement and common sense when he is suffering from

congested heart failure and cerebral anoxia makes its appearance but at the present time he is well oriented in all three spheres. His memory is quite acute for the most part, and he has an amazing [sic] grasp of facts and details of recent vintage relating to a trip to Europe, his length of time in hospital, the care he has been getting, all the rest.

Extremely demanding and garrulous, and complains about the food in the Salvation Army Lodge, stating that he wants fish three times a week and fruits and vegetables [sic] and he misses things like cornmeal mush, and I wonder if he gave the staff there a difficult time because of his tendency to be so complaintive as seems to be the case here. He claims that he came to Canada two or three years ago from his native California where he spent all his time and was very successful in business including realstate [sic] because this was a good place to settled [sic] from the financial point of view. I wonder if there is truth to the fact that he is carrying on an active business at the present time and buying stocks and bonds and the like. I think he is so sharp mentally that it would be very difficult to any con artist to talk him out of any large sums of money and the like but of course it is possible if he goes into a state of mental confusion from heart failure that he may be deprived of his good judgement and reasoning. Nonetheless as I see him at the present time I could not state that he is mentally incompetent.

We state that he can not attend himself properly at the residence he has been living in. Would this have in part to due [sic] with the presence of such an extremely [sic] degree of heart failure as compared to mental confusion as such. He is certainly frail and I would accept that his strength must be limited and he will likely have to be looked after in a chronic care situation for the foreseeable future but he is not by any stretch of the imagination certifiable mentally ill because of senile change for potential transfer to Alberta Hospital. If he was sent there of course his estate would be taken over and exacuted [sic] by the Public Trustee but such would not appear to be a potential situation at this present time.

(Signed) H. Pascoe, M.D.

Before leaving hospital Dr. Yake found Mr. Russell a place at the Hardisty Nursing Home. Mr. Postma went to visit him at his new location for his eighty-seventh birthday on November 27<sup>th</sup>, 1973. This was the last time he would see him alive. On November 30<sup>th</sup>, Mr. Russell was re-admitted to the Royal Alexandra Hospital where he died December 1<sup>st</sup>, 1973, of acute congestive heart failure. According to notes by Emory Wood:

We engaged the Chapel of the Chimes . . . to pick up the body at the Royal Alexandra Hospital, and have him cremated, Mr. Russell not wishing to have any regular funeral services. He was so porly [sic] dressed that they wanted cash before they proceeded. This I provided, since they did not wish to wait for monies to come from his estate.

The cost for picking up of the body and disposal of the ashes, the obituary notice, and the registration at Vital Statistics Branch, was \$171.30. He was cremated on December 5<sup>th</sup>, 1973, with no ceremony.

On January 5<sup>th</sup> and 12<sup>th</sup>, 1974, Cross and Bramley-Moore, Solicitors for the Executors, published a Notice to Creditors and Claimants in the Estate of Henry Erle Russell in the *Edmonton Journal* advising "all persons having claims on the estate . . . must file . . . a full statement of their claims and of securities held by them" by February 12<sup>th</sup>, 1974. An Affidavit later filed with the Court stated:

On the 13<sup>th</sup> day of February, 1974, the Last Will and Testament of the Testator was proved in common form in the Surrogate Court of Northern Alberta, Judicial District of Edmonton.<sup>32</sup>

By May 28<sup>th</sup>, 1974, Alberta Consumer Affairs had registered Henry Erle Russell Limited to Emory P. Wood's address at 9360 - 86 Street. Mr. Russell's Last Will and Testament, signed and executed on October 6<sup>th</sup>, 1972, was finally probated on April 25<sup>th</sup>, 1975. However, there were troublesome shadows lurking which would test the mettle of the Executors.

In his April 25<sup>th</sup>, 1975, letter to Mr. Wood, Mr. Thompson<sup>33</sup> wrote:



Having examined the Will of the Late Henry Erle Russell as probated, we are of the opinion that the following problems exist with respect to the interpretation and effect of its contents.<sup>34</sup>

Apparently there were concerns within the Attorney General's Office and other institutions, especially the University Commission,<sup>35</sup> that both Executors were too old to administer the estate left by Mr. Russell and that Edmonton Lodge was not a charitable organization. These concerns were only mentioned in private conversations with Legal Counsel and with the executive members of Edmonton Lodge. In his annual financial report for the 1974 income tax statements Mr. Emory Wood explained:

During the past year we have been held up from getting a final settlement of the Will in probate, due to the overhanging interest of the University Commissioners in considering whether they might find it worth while to endeavor to break the Will. Their legal advisers, we understand, have advised them against it. But the Commissioners decided it might be well to have a second opinion. My understanding of the matter is that they had to February 11<sup>th</sup> last to decide whether they would enter their intention with the Probate Court, and apparently this was not done. Our legal talent thinks they will drop the case, but we have no verification of that. In the meantime, we have not made the monthly payment to the beneficiaries in Pasadena.

The Will provided that the Executors, Mr. Whitbread and myself, would be trustees also, and on account of our respective ages, it would be the better part of discretion to request the Judge, if the University back off, to make a cash settlement with Pasadena, and thus end the trusteeship. Then the residue of the Estate could be handed over to the Lodge.

Another concern was that Edmonton Lodge was not incorporated under the Societies Act as had been insinuated in Mr. Russell's Will. Therefore, when it ended up in Court and in order to satisfy all claimants who were contesting the Probated Will, the Judge could rule against Edmonton Lodge on grounds that it was not eligible. It was at this time that Ted G. Davy became involved.

Mr. Davy had first been elected General Secretary of The Theosophical Society in Canada in 1968. One evening Mr. Wood called Mr. Davy<sup>36</sup> in Toronto to inform him of this dilemma and ask for advice. Mr. Wood, being on the Board of T.S. in Canada, knew that it was not incorporated either.<sup>37</sup> Under Mr. Davy's advice, together with his letter<sup>38</sup> certifying "that the Edmonton Lodge of the Theosophical Society was officially chartered in 1911 [and] has been continuously active as a Lodge . . . since that time . . .", an application was filed. On the 16<sup>th</sup> day of October, 1974, The Theosophical Society in Canada, Edmonton Lodge was incorporated.<sup>39</sup>

A hearing was held before Mr. Justice D.C. McDonald, in Chambers, on Friday March 12<sup>th</sup>, 1976. He ordered that the Executors:

[D]eliver to the clerk of this Honorable Court, such of the assets of Henry Erle Russell, deceased, as remain together with an accounting of the manner in which the said assets have been administered, such assets to be held by the said clerk until further Order of this Court.<sup>40</sup>

Many issues arose during this hearing that would have to be addressed before a settlement could be reached. The Solicitor for the Public Trustee, as well as the Attorney General's Department acting for the Crown, attempted to contest the Last Will and Testament on grounds of testamentary capacity or undue influence by members of Edmonton Lodge. However, when they read Dr. H. Pascoe's November 19<sup>th</sup>, 1973, Consultative Report of his psychiatric diagnosis of Mr. Russell just a few days before his death, they quickly relented. On April 30<sup>th</sup>, 1976, Mr. Brian Burrows on behalf of the Crown stated:

Please be advised that we have now received instructions from our principals that the Crown does not intend to contest the matter of testamentary capacity or undue influence with regard to the probated Will any further.

As far as the crown is concerned, the matter now resolves to a determination of the issues raised on the interpretation of the Will.<sup>41</sup>

There were many other issues that the Executors had to face and the trial date was not yet set. It was obvious that in order to have a successful outcome the President of the Lodge had to bring all his players into the game — for it did look like a game by this time.

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The major scenario has been presented. Investing too much time on the trial and backroom politics which occupied lawyers and the Executors of the estate for an additional five years would at this point divert the intent of this document. Therefore, the focus will be on the evidence presented in Court and the reasons why Judge Stevenson ruled in favor of Edmonton Lodge.

Trial date was set for the 19<sup>th</sup> and 20<sup>th</sup> of May 1977. His Honour Judge W.A. Stevenson was presiding. Judge Stevenson was appointed to the Alberta District Court in 1975. He was considered a conservative Judge with “academic skills combined with compassion and common sense.”<sup>42</sup> In his *Reasons for Judgement*,<sup>43</sup> Judge Stevenson ruled on the critical portions of the Will. One point, the most important, was regarding subsection (c) which described the powers of the Executors. He stated:

The Edmonton Lodge of The Theosophical Society in Canada was not, and had never been prior to the testator’s death, incorporated. Evidence as to the state of the parent Theosophical Society in Canada (and as to the status of branches or lodges) was given by Mr. Davey [sic] who is the principal officer of that parent society. I am satisfied from his evidence that there has long been an organization known as The Theosophical Society in Canada functioning under a written constitution. Its members were either members at large or members associated with a branch or lodge. All the members (whether at large or members of a branch or lodge) accepted the objects which (after the testator’s death) were incorporated into letters patent obtained by the parent group when it incorporated under federal law.

On the evidence I conclude that the lodge at all relevant times, up to and including the date of the testator’s death was functioning under the objectives which Mr. Davey [sic] expressed to be the objectives of the parent body.

Judge Stevenson seems to have valued the expertise Mr. Davy offered in Court. Mr. Davy is the only Theosophical member mentioned, other than the Executors, in his *Reasons for Judgement*. The Judge could tell from Mr. Davy’s disposition that he would have to take him seriously. Mr. Davy had just turned fifty and was in the prime of his life. He had a good command of the English language and was a respectable businessman in a high profile management position in one of Canada’s major companies at the time. Mr. Davy was also General Secretary of The Theosophical Society in Canada and was by then living in Calgary, Alberta. This proximity of the General Secretary to Edmonton Lodge must have weighed heavily in Edmonton’s favor as well since the only theosophists the Judge had heard and seen up to that time were the two older gentlemen and Mr. Postma. The other members of Edmonton Lodge were not as involved with this process at that time, and the only other member who had been involved had died a few years prior to trial date.

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Ted Davy was a young evacuee who was brought to Canada in September 1940 under the threats that the Germans would bomb and invade England during World War II. In Canada, while living in Halifax, Nova Scotia, Ted joined the Norwegian Merchant Navy when he was sixteen, and later the British Merchant Navy. He spent his early years as a sailor after the war. His experience on ships taught him a disciplined way of life (not to mention an incredible talent for packing everything he needs when he travels into an incredibly small piece of luggage). His disciplined ways served him well as General Secretary of The Theosophical Society in Canada from 1968 to 1986 and as co-Editor of *The Canadian Theosophist*, along with his wife, Doris, from 1968 to March 1992. He maintained a steady course and managed to navigate the organization through both calm waters and stormy seas over the years. Living in compact quarters

with numerous other bodies also taught him the finer aspects of diplomacy which also served him very well during his tenure.

Ted Davy and Emory Wood had created a strong bond of trust and friendship over the years. They both served on the Board of The Theosophical Society in Canada for years. Ted has mentioned in private conversations that Mr. Wood had saved the day on more than one occasion when dealing with the politics which come up in theosophical organizations from time to time. It would only be apropos that the favors would someday be returned.

When its Executive thought that the monies would be awarded to Edmonton Lodge Mr. Wood and Mr. Whitbread rented a meeting room, Suite 219 at 8631 - 109 Street, near the University of Alberta. They purchased chairs, books and other materials and opened the lodge room for business. Ted Davy gave the first address, "Whence Divine Wisdom . . ." at the new location on August 8<sup>th</sup>, 1974. Unfortunately, the monies took a lot longer to come and the room had to be given up. Ted and Emory co-operated on many joint ventures to promote Theosophy in Canada. One program was to bring international lecturers on speaking tours across the country.<sup>44</sup>

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Judge Stevenson found that the Will created a valid, enforceable charitable-purpose trust for the educational purposes of Edmonton Lodge of The Theosophical Society. In his *Reasons for Judgement* he stated:

This gift was clearly intended to be for the benefit of an un-incorporated organization — at least for certain of its purposes — and I am of the view that it was intended to take effect as a trust and not as an absolute gift.

To quote further from Judge Stevenson's *Reasons for Judgement*:

I have reached the conclusion . . . . It seems to me that the study of comparative religion, philosophy and sciences is *prima facie* charitable. . . . A gift for the advancement of education, would inevitably be construed as charitable and an educational purpose embracing the encouragement of the study of comparative religion, philosophy and science must be construed as one for the advancement of education.<sup>45</sup>

After the *Reasons for Judgement* was registered Mr. Thompson, the Lawyer for the Executors, filed a formal Judgement Roll<sup>46</sup> with the Clerk of the Court and waited for the twenty day period during which appeals could be filed. This twenty day period was extended by the Court and a Notice of Appeal was filed by the Respondents<sup>47</sup> on November 16<sup>th</sup>, 1977. A Notice of Cross Appeal was filed with the Appellate Division of the Supreme Court of Alberta on January 6<sup>th</sup>, 1978.

On October 30<sup>th</sup>, 1979, the Court of Appeal ruled that:

- 1.) It is ordered and adjudged that the Appellant's appeal is dismissed.
- 2.) It is further ordered and adjudged that the Respondents cross-appeal is dismissed.
- 3.) It is further ordered and adjudged that the Appellants do recover the cost of the cross-appeal on a solicitor/client basis and the Respondents do recover the costs of the appeal on the solicitor/client basis, all such costs to be paid out of the Estate of Henry Erle Russell, Deceased, by the Executors of the Estate.<sup>48</sup>

It took a few more years before the Executors could finally be extricated from their responsibilities. On July 22<sup>nd</sup>, 1982, Arthur H. Channer<sup>49</sup> wrote to Mr. Postma requesting<sup>50</sup> "documents which should be signed by you and your wife and returned to this office." He listed three items which needed signing:

- 1.) Minutes of a Meeting of Directors of Henry Erle Russell Holdings Ltd.
- 2.) Certificate of Incumbency of Henry Erle Russell Holdings Ltd.
- 3.) An application to register the newly formed Trust as a Canadian Charity.

Mr. Postma was appointed as one of the Trustees along with Mr. Wood and Mr. Davy.

On May 11<sup>th</sup>, 1982, at 7:00 p.m. in the offices of Messers. Michaels & Co., Barristers and Solicitors, the first Meeting of the Lizzie Arthur Russell Theosophical Memorial Trust was held. Present were Arthur H. Channer, Ted G. Davy, Sherrill L. Ingrey, Ernest E. Pelletier,<sup>51</sup> Rogelle Pelletier, Simon Postma, and Emory P. Wood.

On August 30<sup>th</sup>, 1984, Mr. Wood submitted his resignation as Chairman of the LARTM Trust to take effect on September 15<sup>th</sup>, 1984. At an Edmonton Lodge meeting held on September 12<sup>th</sup>, 1984, Mr. Wood nominated Mr. Pelletier, who was unanimously elected to replace him as a Trustee on the Trust. At the Eleventh Meeting of the LARTM Trust on September 23<sup>rd</sup>, 1984, he was welcomed as a fellow Trustee and was requested to assume the Office of Chairman, the position Mr. Wood had held since the inception of the Trust. Mr. Davy was Secretary and Mr. Postma was Treasurer.<sup>52</sup>

This interesting case has been recognized as a bench mark case for its importance with regards to Willed bequests. In his *Reasons for Judgement*, His Honour Judge W.A. Stevenson had to determine if this particular bequest was an “Absolute gift or Trust”, “The validity of the Purpose Trust”, whether it was “A Charitable Trust in Whole or in Part” and if it could “be construed as a trust for charitable objects, namely the advancement of education . . .” The Judge’s ruling was favorable to Edmonton Lodge based on its second object, which reads:

To encourage the study of comparative religion, philosophy and science.

Because of all the precedents<sup>53</sup> reviewed by the Court of Appeal this case has been cited as the first case, and still possibly the only case in Canada if not in all of North America, in which it was ruled that a bequest can be granted to a charitable organization which is deemed not a religion or an established educational institution.

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In early 1985, with the labor donated by members of Edmonton Lodge and by Mr. Davy, and with the financial support from the Trust, a program of republishing and distributing theosophical literature was initiated. By this time Mr. Davy and Mr. Pelletier were working closely together in preparing theosophical texts which they had deemed beneficial to the Theosophical Movement. It had been Mr. Russell’s intent, as declared in his first Will, to distribute theosophical literature. His motto was, “If you put Theosophy in a man’s heart he cannot go wrong.”

When Mr. Russell was living in Edmonton he donated sums of money to pay for theosophical books to be distributed by Edmonton Lodge to various libraries in Western Canada. The books published with the aid of the monies he bequeathed have contributed significantly to the Theosophical Movement in ways which are noticeable today. Well over 100 republished titles have been distributed to various organizations and students of Theosophy. These have been used for research purposes and some are now being scanned and put on websites so that anyone can access them. Before the republishing venture was undertaken most of the titles and documents reproduced were extremely rare and some were in near complete obscurity.

Ted Davy has always had an interest in the history of The Theosophical Society and he was very keen to assist Edmonton Theosophical Society<sup>54</sup> with its republishing programme. Ted compiled indexes for a number of reprints, among them *Dawn*, *The Northern Theosophist*, *Prasnottara*, *The Theosophic Isis*, *Theosophical Forum* (both the original and new series), *Transactions of The Scottish Lodge*, *The Irish Theosophist* and *Lucifer*.<sup>55</sup>

In his October 6<sup>th</sup>, 1972, Last Will and Testament, as with the other Wills prepared by Mr. Russell, it was

always his intention to have a memorial to the individual he most admired. He stated: “This is made in the memory of my mother Lizzie Arthur Russell.”<sup>56</sup> Mrs. L.A. Russell was secretary of the Santa Cruz Branch in California during the 1890s. At that time William Q. Judge was General Secretary of the T.S., American Section and later, in 1895, he was elected President of the newly-formed Theosophical Society in America. The ‘Secretary’s Report’ by Mrs. Russell was published regularly in *The Path* and *The Pacific Theosophist*. She likely hosted Mr. Judge when he visited the San Francisco Bay area, as well as theosophical lecturers from abroad. It is reasonable to assume that young Henry Erle Russell met most of the Theosophists who came to the Bay area during those early years.

Mr. Judge’s influence was realized in Canada for many years. Albert E.S. Smythe, the first General Secretary of The Theosophical Society in Canada, was a close friend of William Q. Judge, one of the co-founders of The Theosophical Society. Mr. Smythe was a staunch supporter of the Original Program of the Society, and this was reflected in The T.S. in Canada organization until the end of Ted Davy’s term as General Secretary. This policy has been maintained by Edmonton Theosophical Society.

It is interesting to note some of the correlations between Mr. Judge and Edmonton Theosophical Society. For example, Mr. Judge’s office and the headquarters of the Aryan Theosophical Society were at 144 Madison Avenue in New York City. The NY building was brown with more than one storey. The headquarters of Edmonton Theosophical Society (the Pelletier residence) is also a brown building with more than one storey, and it is located on an avenue at 14004. Mr. Judge was involved with a silver mine — so are the Pelletiers. Mr. Judge was a lawyer — one of the Pelletier sons is also a lawyer. Ernest Hargrove worked closely with Mr. Judge until WQJ’s death. When The T.S. in America (better known as Mr. Hargrove’s New York group) disbanded, most of their assets were donated to Harvard University — except their bust of Mr. Judge which was eventually passed to the Pelletiers for safe-keeping. Mr. Judge ended his association with *The Path* at his death in 1896. One hundred years later *Fohat*, a quarterly publication of Edmonton Theosophical Society, was conceived and the first issue published in spring 1997.

In a letter<sup>57</sup> to Ted Davy, Emory Wood attempted to explain why Edmonton ended up with Mr. Russell’s estate. He wrote:

Really, old Henry Erle Russell left his estate to Pasadena in a previous Will, and it would seem they were more entitled to it than we were, but karmically, we must have had some claim, otherwise we would not have come into the picture.

Geographical points from New York to California to Edmonton form an almost perfect triangle.<sup>58</sup> These three centers have contributed significantly and have had a positive impact on the Theosophical Movement worldwide. It would appear that there are strong links with Edmonton which have not been broken over the years. Mme. Blavatsky traveled extensively in North America and laid down these currents prior to establishing The Theosophical Society in New York in 1875.<sup>59</sup> Having Mr. Russell come to Alberta when he did (a few years prior to 1975) can perhaps be considered occultly significant. These areas may be magnetic centers for future spiritual unfoldment.

It is thanks to Mr. Russell’s determination to establish a memorial to his mother that the *Lizzie Arthur Russell Theosophical Memorial Trust* eventually manifested. There is no doubt that the Theosophical Movement has benefitted substantially through the financial support of LARTM Trust to the republishing efforts of Edmonton Theosophical Society.

Ernest E. Pelletier

1. References cited in this document are in the Archives of The Lizzie Arthur Russell Theosophical Memorial Trust. [\[Rtn\]](#)
2. Mr. Russell had been dealing with the Royal Trust Co. and decided to close out his account with them. He was upset with the Trust Co. for having made a payment of \$435.00 to Bishop & McKenzie, a legal firm, without having made him aware that such payment would be taken from his account. He departed with his canvas bag for the Royal Bank of Canada, Main Branch, took a weak spell, and was assisted by Mr. Low. [\[Rtn\]](#)
3. According to Mr. Postma's notes, Mr. Russell wanted to open a safety deposit box, but none was available at the time. [\[Rtn\]](#)
4. *Affidavit* of Richard Bruce Low, October 27<sup>th</sup>, 1975. [\[Rtn\]](#)
5. *Affidavit* of Richard Bruce Low, October 27<sup>th</sup>, 1975. [\[Rtn\]](#)
6. Mr. Simon Postma, born May 12, 1930, immigrated to Canada from the Netherlands in 1958. He was employed with the Government of Alberta, Department of Highways, when he joined Edmonton Lodge on March 3<sup>rd</sup>, 1968. He was elected Secretary/Treasurer, November 27<sup>th</sup>, 1974, of The Theosophical Society in Canada, Edmonton Lodge (registered and incorporated October 16<sup>th</sup>, 1974). [\[Rtn\]](#)
7. Richard Bruce Low was a Barrister and Solicitor with the law firm of Bishop & Mackenzie at that time. [\[Rtn\]](#)
8. *Affidavit* of Richard Bruce Low, October 27<sup>th</sup>, 1975. [\[Rtn\]](#)
9. *Affidavit* of Richard Bruce Low, October 27<sup>th</sup>, 1975. [\[Rtn\]](#)
10. *Affidavit* of Richard Bruce Low, October 27<sup>th</sup>, 1975. [\[Rtn\]](#)
11. Letter from Mr. Russell to Mr. Crockett (Barrister & Solicitor of Crockett & Company) dated June 2<sup>nd</sup>, 1972. [\[Rtn\]](#)
12. Letter from Grace F. Knoche, Leader, Theosophical Society (International) Pasadena, to Mr. H. Erle Russell, Edmonton, Alberta, May 16<sup>th</sup>, 1972. [\[Rtn\]](#)
13. Letter from Mr. Russell to Mr. Crockett (Barrister & Solicitor of Crockett & Company) dated June 2<sup>nd</sup>, 1972. [\[Rtn\]](#)
14. Codicil to the Last Will and Testament, dated May 1<sup>st</sup>, 1972. [\[Rtn\]](#)
15. Codicil to the Last Will and Testament, dated May 1<sup>st</sup>, 1972. [\[Rtn\]](#)
16. The Branch of medical science concerned with the kidneys. [\[Rtn\]](#)
17. Two page typed letter (March 29<sup>th</sup>, 1972) from Grant E. Deger, M.D. to Mr. H. Earl [sic] Russell. [\[Rtn\]](#)
18. After his death, it had been rumored that Mr. Russell had crossed the border into Canada with a money belt full of cash so that he could evade paying income tax in the U.S. Because of this some of the members felt that it was inappropriate for them to have any dealings with this money. All evidence uncovered supported the fact that Mr. Russell paid his taxes in the United States as well as in Canada. [\[Rtn\]](#)
19. Other active Lodge members were: Mrs. Nellie Dalzell (born December 6<sup>th</sup>, 1880); Mrs. Nellie MacDonald, member since 1920 (born August 18<sup>th</sup>, 1887); Mr. Ernest G. Staniforth, Vice-President, (born May 30<sup>th</sup>, 1919); Mr. Karl Kaesekamp (Provincial Museum employee) and Mrs. Charlotte Kaesekamp (both joined on July 14<sup>th</sup>, 1971); Mrs. Winifred Tiplin, long-time Lodge Secretary, (died December 1972); Mr. & Mrs. Loft & Cora Haughton; Mrs. Winnie Darling; and Mrs. Ann Redwood. It is interesting to note that there were two lodges in Edmonton at the time, up until the early 1990s. The other lodge was called Mercury Lodge, part of the Federation organization in Canada. Some of the members were Mr. Harold Taylor (Priest in the Liberal Catholic Church) and his wife, Florence; Tad Walkowski, also an L.C.C. priest; Ron Homenchuk; Dr. Phan-chon-Tôn, and a few others. [\[Rtn\]](#)
20. Mr. Staniforth joined the Edmonton Lodge on July 10<sup>th</sup>, 1969 and quickly became its Vice-President. He had a keen mind and a wide range of related interests, especially "The Kabala". He died unexpectedly on November 21<sup>st</sup>, 1975. [\[Rtn\]](#)

21. Mr. Russell was in the Royal Alexandra Hospital in November 1972. Mr. Postma and Mr. Staniforth visited him in hospital a couple of times. Following his discharge from hospital Mr. Russell went to stay at the Eventide Home, which is a boarding arrangement operated by the Salvation Army on Whyte Avenue in Edmonton. There Mr. Postma visited Mr. Russell twice and also offered him a ride once to attend an Edmonton Lodge meeting but he declined. It was at this time that Mr. Postma was asked to look after Mr. Russell's affairs while he traveled Europe. [\[Rtn\]](#)
22. The Examination for Discovery of Simon G. Postma, at the Law Courts, in the City of Edmonton, April 6<sup>th</sup>, 1976. [\[Rtn\]](#)
23. H.E. Russell, letter dated Vienna, Austria, July 25<sup>th</sup>, 1973. [\[Rtn\]](#)
24. The Examination for Discovery of Simon G. Postma, at the Law Courts, in the City of Edmonton, April 6<sup>th</sup>, 1976. [\[Rtn\]](#)
25. The Examination for Discovery of Simon G. Postma, at the Law Courts, in the City of Edmonton, April 6<sup>th</sup>, 1976. [\[Rtn\]](#)
26. The Examination for Discovery of Simon G. Postma, at the Law Courts, in the City of Edmonton, April 6<sup>th</sup>, 1976. [\[Rtn\]](#)
27. Letter addressed to Mr. Russell at Mr. Postma's address from Lamk M. Lamki, dated Sept. 25<sup>th</sup>, 1973. [\[Rtn\]](#)
28. The Examination for Discovery of Simon G. Postma, at the Law Courts, in the City of Edmonton, April 6<sup>th</sup>, 1976. [\[Rtn\]](#)
29. The Examination for Discovery of Simon G. Postma, at the Law Courts, in the City of Edmonton, April 6<sup>th</sup>, 1976. [\[Rtn\]](#)
30. The Examination for Discovery of Simon G. Postma, at the Law Courts, in the City of Edmonton, April 6<sup>th</sup>, 1976. In his letter, November 2<sup>nd</sup>, 1977, R.W. Thompson advised Emory Wood, "We would suggest that it is appropriate that Mr. Postma provide a more detailed breakdown of his account with Mr. Russell prior to it being paid by the Executors." Mr. Thompson's advice came too late. According to documented records Mr. Postma was paid the \$1050.00 on October 27<sup>th</sup>, 1977. [\[Rtn\]](#)
31. Letter dated November 12<sup>th</sup>, 1976, addressed to the attention of Mr. R.W. Thompson of Emery Jamieson, Barristers & Solicitors, Edmonton, Alberta. [\[Rtn\]](#)
32. Exhibit "A" Notice of Motion and an Affidavit in Support. Witnessed and granted under seal of Court, pursuant to the fiat of His Honour Judge T. L. Cross dated the 18<sup>th</sup> day of Dec., 1974. [\[Rtn\]](#)
33. Both Emory P. Wood and Bertram J. Whitbread were now officially the Executors of the Estate of Henry Erle Russell. Robert W. Thompson, Barrister and Solicitor with the firm Emery Jamieson, was the new lawyer retained by the Executors. [\[Rtn\]](#)
34. The day the Will was probated (April 25<sup>th</sup>, 1975) Mr. Thompson wrote to Mr. Wood explaining the cautions and concerns now facing the Executors. The problems alluded to are not listed here as this would bring too many side issues to this document. [\[Rtn\]](#)
35. The University Commission was a department of the University of Alberta. Many difficulties too numerous to mention in this document were bestowed on the Executors of the estate and on the members of Edmonton Lodge. [\[Rtn\]](#)
36. This was confirmed with Mr. Davy during a weekend visit to the writer's home in Edmonton on June 1<sup>st</sup>, 2001. [\[Rtn\]](#)
37. The Theosophical Society in Canada was registered as a Corporation under the Societies Act on March 23<sup>rd</sup>, 1976. The application was signed by the Executive members of T.S. in Canada on May 3<sup>rd</sup>, 1975, and the date of Letters Patent was May 14<sup>th</sup>, 1975. [\[Rtn\]](#)
38. TO WHOM IT MAY CONCERN: Dated October 8<sup>th</sup>, 1974, signed by Ted G. Davy, General Secretary, The Theosophical Society in Canada. [\[Rtn\]](#)
39. By June 24<sup>th</sup>, 1977, The Theosophical Society in Canada, Edmonton Lodge was also registered with the Charitable and Non-Profit Organizations Section, Department of National Revenue, Taxation. [\[Rtn\]](#)
40. By *Order* of The Honourable Mr. Justice D.C. McDonald, March 12<sup>th</sup>, 1976. [\[Rtn\]](#)

41. Letter from Brian Burrows to R.W. Thompson, dated April 30<sup>th</sup>, 1976. [\[Rtn\]](#)
42. *Edmonton Journal*, Saturday, June 6<sup>th</sup>, 1992. [\[Rtn\]](#)
43. *Reasons for Judgement* of His Honour W.A. Stevenson, Dated at Edmonton, Alberta, this 5<sup>th</sup> day of August, 1977. The Supreme Court of Alberta, Judicial District of Edmonton. [Filed September 1<sup>st</sup>, 1977], pp.4, 5. [\[Rtn\]](#)
44. Lecturers included Geoffrey Farthing of England (who visited Canada in 1973 and 1975 and did some work with Mr. Wood in Alberta), Gordon Plummer, Will Ross, Radha Burnier, and a host of others. [\[Rtn\]](#)
45. *Reasons for Judgement* of His Honour W.A. Stevenson, Dated at Edmonton, Alberta, this 5<sup>th</sup> day of August, 1977. The Supreme Court of Alberta, Judicial District of Edmonton. [Filed September 1<sup>st</sup>, 1977], pp.17, 19, 20. [\[Rtn\]](#)
46. A formal Judgement Roll has to be approved by the various parties before being filed with the Court. [\[Rtn\]](#)
47. The Respondents were Her Majesty The Queen in Right of the Province of Alberta, The Public Trustee of the Province of Alberta, The Theosophical Society, The Theosophical Endowment Corporation, Pomona College and The Theosophical Society in Canada, Edmonton Lodge. The Applicants were Emory Pope Wood and Bertram J. Whitbread. [\[Rtn\]](#)
48. Appeal From: The Judgement of His Honour Judge W. A. Stevenson, Between: Emory Pope Wood and Bertram J. Whitbread, Applicants, and Her Majesty the Queen in Right of the Province of Alberta, Appellant (Respondent), and The Public Trustee of the Province of Alberta, The Theosophical Society, The Theosophical Endowment Corporation, Pomona College and The Theosophical Society of Canada, Edmonton Lodge; Before the Honourable Justices S.S. Liberman, W.M. Morrow, and A.M. Harradence. [\[Rtn\]](#)
49. By January 1980, the Executors, Mr. Wood and Mr. Whitbread had passed though many lawyers and Law firms who promised to conclude this case to a just end but none would be able to help them carry out their responsibilities. By then a young lawyer named Sherrill L. Ingrez was hired and she brought the case to a close. Mr. Channer was an associate with the same law firm as Ms Ingrez, Michaels and Co., and he concluded the case. [\[Rtn\]](#)
50. Mr. Postma had retained possession of the documents and the corporate seal for Henry Erle Russell Holdings Limited. [\[Rtn\]](#)
51. Rogelle and Ernest Pelletier started attending meetings of Edmonton Lodge on December 14<sup>th</sup>, 1977, and after a six month probation period were invited to join in June 1978. Ernest Pelletier was nominated by Mr. Wood and elected unanimously by the membership to replace him as President of Edmonton Lodge at the Annual Meeting held June 23<sup>rd</sup>, 1982. [\[Rtn\]](#)
52. Simon Postma resigned in 1987; Ted G. Davy resigned in 1991. [\[Rtn\]](#)
53. Thirty-nine Precedents were cited in the Notices of Motion presented before the Court of Appeals, from Gold mines in the Texas Gulf to cases heard in New South Wales, Australia and to *Inre Hopkins' Will Trusts* [1965] where there was a bequest to the Sir Francis Bacon Society "to be applied towards finding the Bacon-Shakespeare manuscripts and general work and propaganda of the society [p.19]." [\[Rtn\]](#)
54. The name: The Theosophical Society in Canada, Edmonton Lodge was officially amended to Edmonton Theosophical Society (under the Alberta Business Corporations Act) on December 8<sup>th</sup>, 1989. [\[Rtn\]](#)
55. *Fohat*, Volume V, Number 2, Summer 2001, "The Joy of Indexes" by Ted G. Davy, pp.38-39. [\[Rtn\]](#)
56. Last Will and Testament of Henry Erle Russell, October 6<sup>th</sup>, 1972, section 3, subsection (b) page 2. [\[Rtn\]](#)
57. Letter dated May 28, 1981. Mr. Wood had just learned that Grace Knoche was coming to Vancouver. He decided to ask Mr. Davy if he had any objections if he were to invite Miss Knoche to come to Edmonton after the estate was settled. [\[Rtn\]](#)
58. The distance between each location varies within a few hundred kilometers. [\[Rtn\]](#)
59. Mme. Blavatsky apparently came to Alberta, Canada, going as far as Lake Louise in the Rocky Mountains. [\[Rtn\]](#)