

SUBJECT General

"Administration Act."

File No. A 4-3.

19 . (1938 - 1943 inclusive)

REMARKS

1

ATTORNEY-GENERAL'S DEPARTMENT
VICTORIA, B.C.

41

S. A. Moore, Esq.,
Official Administrator,
Vancouver, B.C.

October 10th 1939.

Re Various Estates - Alien Enemies.

Receipt is acknowledged of your letter of the 4th instant, together with enclosure. In this connection your attention is called to the provision of the regulation respecting Trading with the Enemy (1939) (P.C. 2512 and 2586), made by the Dominion Government, copy of which is enclosed herewith. Under these regulations it would appear to be contrary to law to send any property belonging to an alien enemy out of the country, and the regulations appear to vest all such property in the Custodian.

Deputy Attorney-General.

ENCL.

70
A.4.3.

August 20th, 1940.

The Custodian of Enemy Property,
Department of The Secretary of State,
Ottawa.

Dear Sir:--

A point has been raised in regard to the administration of the estates of alien enemies. Under our Provincial regulations letters probate or administration cannot be granted to the estate of an alien enemy without permission of the Minister of Finance of the Province. Once this is obtained, however, the question arises whether the executor or administrator can administer the estate in this Province, or whether the administration of the estate should be handed over to the Custodian under the regulations respecting trading with the enemy. The practice to date has been for the executor or administrator to administer the estate and, after paying the debts, turn the proceeds over to the Custodian. This seems to be the intention of Regulation 28 and I should be glad if you would advise whether this practice is in accordance with the regulations.

I have the honour to be,
Sir,
Your obedient servant,

Deputy Attorney-General.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE
PLEASE REFER
TO
FILE NO. 837

71

Room 45A, Central Chambers.

Ottawa, August 28th, 1940.

Dict. 27/8/40.

ATTORNEY-GENERAL'S DEPT.

RECEIVED

SEP 3 1940

File No. A.4.3

Dear Sir:

Re: Regulations Respecting Trading
with the Enemy
Your File No. A.4.3.

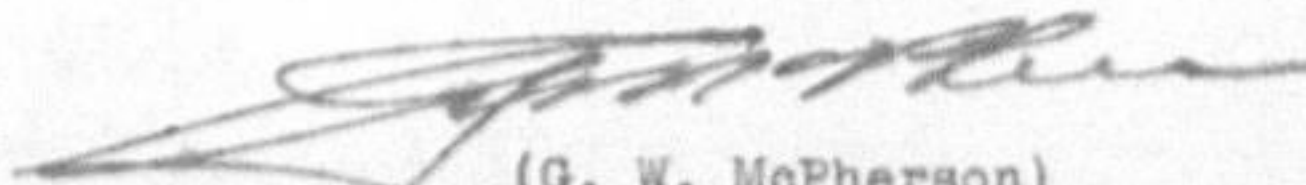
I have your letter of August 20th.

Under the above Regulations as you no doubt know, an enemy alien residing in Canada is not an enemy unless he has been specifically declared to be such or has been interned. No persons in Canada up to the present time have been declared to be enemies and therefore, the only enemies in Canada are those people who are now in Internment camps or have been detained under the Defence of Canada Regulations for internment.

The Custodian, therefore, would not object to letters of administration or probate being granted to an enemy alien but, as stated in your letter, any debts payable to persons residing in enemy or proscribed territory or any share of the estate distributable to such a person should be paid to the Custodian as required by the Regulations. Your interpretation is, in fact, the correct interpretation of the Regulations in so far as this Department is concerned.

On behalf of the Custodian I wish to thank you for your co-operation.

Yours truly,



(G. W. McPherson)
Counsel for the Custodian.

Deputy Attorney-General,
VICTORIA, B.C.
GWM/H

BRITISH COLUMBIA POLICE

GENERAL ORDER NO. 275

HEADQUARTERS,
VICTORIA, B.C.
April 9th, 1942.

PART 1.

COAST DEFENCE GUARDS.

1. A number of specially selected military officers have been detailed as Field Supervisors for duty in connection with the organization and administration of units of the Coast Defence Reserve Militia (Coast Defence Guards). Officers employed in such duty will be in possession of letters from H.Q. Pacific Command outlining their status. If members of the force are approached by Field Supervisors, they should extend the fullest co-operation

ESTATES OF DECEASED
PERSONS

2. It is not necessary to have the Official Administrator act in winding up estates where there are relatives in the Province or Wills have been made by the deceased. It is preferable to have this done by the ordinary Solicitor who acts for the family and nothing would be gained by using the Official Administrator, as the estate costs are the same in both cases.

GAME ACT -
(Issuance of Licences)

3. The following Order (No. 1) issued by the British Columbia Security Commission is published herewith for the information of all ranks:

BRITISH COLUMBIA SECURITY COMMISSION
ORDER NO. 1.

WHEREAS under and by virtue of the powers conferred on the British Columbia Security Commission by orders of the Governor-in-Council, P.C. 1665 and P.C. 1666, both dated the 4th day of March, 1942:

AND WHEREAS it is deemed expedient for the security and defence of Canada for the Commission to make certain orders regarding the conduct, activities and discipline of persons of the Japanese race:

NOW, THEREFORE, pursuant to the authority conferred on the Commission, it is ordered as follows:

1. For the purpose of this order, and any subsequent orders of the Commission, unless the context otherwise requires:-
 - (a) "Persons of the Japanese race" means, as well as any person wholly of the Japanese race, a person not wholly of the Japanese race if his father or mother is of the Japanese race and if the Commissioner of the Royal Canadian Mounted Police by notice in writing requires him to register pursuant to Order-in-Council P.C. 9760 of December 16, 1941.
 - (b) "Protected area" shall mean any protected area within British Columbia as defined in the "Defence of Canada Regulations (Consolidation) 1941", or any regulations passed thereunder, and shall also include any areas further restricted by any order issued or to be issued by the British Columbia Security Commission, referred to in such orders as "restricted" areas.
2. No licence or permit for fishing or angling in either coastal or inland waters of Canada shall be issued to any person of the Japanese race either within or without any protected area, and all licences or permits issued to such persons shall be cancelled.

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- 3. No game license or permit for hunting or trapping within Canada shall be issued to any person of the Japanese race either within or without any protected area, and all licenses or permits issued to such persons shall be cancelled.

DATED AT Vancouver, British Columbia, this 20th day of March, 1942.

INQUESTS.

- 4. With reference to the position of Coroners in the case of death occurring through accident or other violent means to a member of the Canadian Forces or a member of the U.S. Forces now in this Province.

The Civil law applies to the Forces the same as to the public and it is only superseded when martial law has been proclaimed.

In the case of the death of a member of the Forces by violent or unnatural means, it is the duty of the Coroner to hold an Inquiry or an Inquest into the death, pursuant to the provisions of the "Coroner's Act".

MOTOR CARRIER ACT.
(application forms)

- 5. Those offices which carry application forms for licences under the 'Motor Carrier Act' for the convenience of the public within their jurisdiction, should make sure that they have a sufficient number of the different application forms on hand. Should they be short of any forms, such forms should be requisitioned from the Supt. of Motor Carriers, Public Utilities Commission, 1740 West Georgia Street, Vancouver.

POLICE RADIO.

- 6. By order of the Controller of Radio and effective forthwith the transmission of plain language weather reports by radio stations of all classes in any part of Canada is prohibited. Any messages sent by Police Radio having reference to weather conditions must be coded.

REPORTS.

- 7. Re: JAPANESE.
It has been noted that in reports dealing with Japanese in a number of cases the initial only is given. In all such cases the full name should be quoted, together with the number of the subject's (Jap) registration card. No difficulty should be experienced in providing this information, as every Japanese should be in possession of such registration card.

PART 11.

TRANSFERS:

#	Rank	Name	Date	From:	To:
39	1/Cst.	STEWART, W.B.	1-3-42	Keremeos	Oliver
506	1/Cst.	SHIELL, R.	1-3-42	Oliver	Cranbrook
530	1/Cst.	TAYLOR, A.H.	1-3-42	Fr. George	Duncan
542	1/Cst.	KELSBURG, P.	1-3-42	Victoria	Vancouver
692	1/Cst.	MACDONALD, M.	1-3-42	Cranbrook	Keremeos
751	2/Clk.	GURN, J.A.	1-3-42	MLO, Vanc'r	MLO, N. Westm'r.

DISCHARGES:

191	Asst. Supr.	F.P.B. GILES, W.E.	31-3-42	Time expired.
193	1/Cst.	SIMS, R.A.	31-3-42	Superannuated.
367	Ser. gt.	McCLINTON, J.H.	31-3-42	Purchased.
307	2/Skpr.	RAYBONE, H.	10-3-42	Purchased.
563	1/Cst.	HOUSE, C.W.	31-3-42	Time expired.
726	2/Cst.	McKIM, S.A.	31-3-42	Time expired.
767	2/Cst.	CANTRIGHT, A.P.L.	31-3-42	Purchased

S.22

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PART 11 ORDERS (CONTINUED).

DISCHARGES (cont'd).

#741	2/Clk.	STANTON, R.S.	31-3-42	Time expired
707	2/Cst.	BLATCHFORD, J.	31-3-42	Time expired

ENGAGED:

#849	3/Cst.	PATTON, F.D.	1-3-42	Ladysmith
850	3/Cst.	CRAMOND, M.	1-3-42	ARP - Vancouver
851	3/Cst.	NELSON, G.S.	1-3-42	Abbotsford
852	3/Cst.	CLUNK, F.J.	1-3-42	Chemainus
853	3/Cst.	CUMINS, J.N.	1-3-42	Mission
854	3/Cst.	CUTLER, L.I.	1-3-42	Bonnington
855	3/Cst.	BRAILEY, E.	1-3-42	Prince Rupert
856	3/Cst.	FERGUSON, S.	1-3-42	Prince Rupert
857	3/Cst.	BROTHERSTON, R.J.	1-3-42	Port Renfrew
858	3/Cst.	CORSON, E.	1-3-42	Courtenay
859	3/Cst.	AVIS, F.D.	1-3-42	Nanaimo City
860	3/Cst.	BROWN, T.G.	1-3-42	Victoria
861	3/Cst.	CALVERT, A.	1-3-42	Victoria
862	3/Cst.	PELTON, G.A.	1-3-42	Kimberley
863	3/Cst.	COWAN, W.L.	1-3-42	Revelstoke
864	3/Cst.	BONNER, H.G.G.	1-3-42	Pattullo Bridge
865	3/Cst.	DRYSDALE, P.Q.	1-3-42	Vernon
866	3/Cst.	GARDINER, W.C.	1-3-42	Prince Rupert
867	3/Cst.	WALKER, F.J.	1-3-42	Nanaimo
868	3/Cst.	KENDALL, S.	1-3-42	Vancouver
869	3/Cst.	LAPEK, J.	1-3-42	Cranbrook
870	3/Cst.	VAN MEER, A.N.	1-3-42	Victoria
871	3/Cst.	COX, J.E.D.	1-3-42	Grand Forks
872	3/Radio Opr.	LARSON, N.L.	1-3-42	Prince Rupert.

IN MEMORIAM.

The Force lost another veteran police officer when Corpl. J.M. Smith passed away at Pouce Coupe, B.C. on March 22nd last. Enlisting in the B.C. Police in April 1912, Corpl. Smith served overseas in the last war, and made a host of friends wherever he was stationed. The deep sympathy of the whole force is extended to Mrs. Smith in her sad loss.

Thos. W.S. Parsons,
Commissioner, B.C. Police.

SUBJECT

General.

"Administration Act."

File No.

A 4-3.

1944

REMARKS

1

ATTORNEY-GENERAL'S DEPARTMENT
VICTORIA, B.C.

PLEASE ADDRESS
ALL COMMUNICATIONS
TO THE
COMPTROLLER-GENERAL

65

20th September 1944.

File C53

ATTORNEY-GENERAL'S DEPT.

RECEIVED

SEP 21 1944

File No. A 4-3

Deputy Attorney-General,
Buildings.

Dear Sir:

Letters of Administration

During the audit of the records of Official Administrators throughout the Province it has been noted that there is a lack of uniformity of practice in taking out Letters of Administration for estates where the assets have little realizable value. Such assets usually consist of cash found on the person of the deceased and personal effects.

As an example the Official Administrator at Pouce Coupe realized in the Estate of Paul Dumais 15th April 1943 the sum of \$48.36. He considered the estate too small to take out Letters of Administration. Letters of Administration taken out under Section 25 of the "Administration Act" without legal services would, I understand, cost less than \$5.00.

While it is lawful for the Official Administrator to collect and sell the assets to protect an estate it would appear to be unlawful to distribute the proceeds without first taking out Letters of Administration. The schedule attached shows how the Official Administrator, Kelowna dealt with a number of these small estates.

Would it be advisable to promulgate a ruling for the guidance of Official Administrators in such cases?

Yours very truly,



J.A. Craig,
Comptroller-General.

JAC/KD
Encl.

(copy)

Schedule "2"

Audit - September 9, 1944

Official Administrator - Kelowna

List of Estates in which no Letters of Administration were taken out

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<u>Estate</u>	<u>Date</u>	<u>Amount Realized</u>	<u>Reason why None Taken out</u>
Ying Fong	Jan. 10/44	\$4.00	Cash received from Hospital. Official Administrator states no further assets. Balance on hand.
Stewart, E.		32.05	No further assets. Official Administrator states Estate not large enough to take out legal papers. Money was turned over to pay hospital account.
Twaddle, B.		54.47	No further assets. Official Administrator states that Estate not large enough to take out legal papers. Money applied for funeral expenses.
Yamansuchi, C.		56.75	No further assets. Monies applied by Official Administrator on a pro rata basis to Hospital and debts.

The Comptroller-General,
BUILDINGS.

September 21st 1944.

Re Letters of Administration - Small Estates
Official Administrators.

I have your letter of the 20th instant, and in reply may say that it is difficult to lay down a hard and fast rule for Official Administrators to follow in connection with this matter. It is true that under section 25 of the "Administration Act" administration may be applied for by the Official Administrator himself without the services of a solicitor and his expenses in connection with that application would be merely the labour and material involved in the preparation of the documents and the court fees and disbursements, the latter of which do not amount to much. In a small estate under \$25.00 it would hardly be worth while for the Official Administrator to bother applying for Letters as the maximum commission he is allowed is only 5%. Where, however, the estate amounts to \$50.00 or more I should think he should take out Letters of Administration as his commission on a \$50.00 estate would be \$2.50 in addition to fees and disbursements. From a legal point of view an Official Administrator has no more right to intermeddle with an estate without taking out Letters of Administration than anybody else, and his doing so makes him an administrator de son tort, and anyone interested in the estate who can prove damage by reason of his intermeddling is entitled to bring action for damages against the person so intermeddling. The probability of any such action in a small estate of around \$50.00 is extremely small, especially as the Official Administrator usually applies the money in payment of the hospital or funeral expenses and other debts.

There is another angle to be considered, and that is the Official Administrator is usually looked upon as the proper official to handle intestate estates of all kinds where there is no near relative, and the police usually turn over the assets of small estates to this official for safekeeping. If they did not do so the money would probably find its way into other persons hands who had no right to it.

Deputy Attorney-General.