

Exhibit, Est. of Kumekechi
O. H. New West.

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

REMARKS

2, 7, 2, 3

J

VIRTUE & RUSSELL

BARRISTERS, SOLICITORS
AND NOTARIES PUBLIC

McFARLAND BUILDING, OPPOSITE COURT HOUSE

LETHBRIDGE, ALBERTA

A GLADSTONE VIRTUE, M.C.K.C.
WILLIAM STAFFORD RUSSELL, B.A., LL.B.

3rd June, 1948

PLEASE REFER TO FILE NO.

3318

ATTORNEY GENERAL'S DEPT.

RECEIVED
JUN - 5 1948

ATTORNEY GENERAL,
Province of British Columbia,
VICTORIA, B.C.

JH
File No. *A4-5*

Dear Sir: RE: ESTATE OF KUMEKICHI FUJINO
Deceased.

We are solicitors for Mr. Iwojiro Fujino,
a beneficiary under the Will of the deceased.

So far he has not been able to obtain any
distribution from the Official Administrator, Mr. J.M.
Streight, of New Westminster, and in view of the de-
lay which has been occasioned we are asking you to
intervene on behalf of our client.

In order to appraise you fully of the situ-
ation in this Estate we are enclosing herewith a copy
of the Will.

The assets of the Estate, or the proceeds
therefrom, were apparently remitted to Mr. Streight
in 1945, and the latter sent to Mr. Iwojiro Fujino Release
and Discharge intending to give Mr. Iwojiro Fujino
\$798.82 in full satisfaction of his interest. Mr. Fujino
consulted us, and after some correspondence it was agreed
that the proper distribution should be based on the Will.

In spite of the fact that the problem of
distribution was apparently settled a further difficulty
arose because the other beneficiary, Mr. Eijiro Fujino,
has claimed to be entitled to \$225.00 for a certain ad-
vance which he allegedly made to Iwojiro Fujino. Our
client denies any obligation to his brother, and in any
event claims that his brother is indebted to him for a
greater amount than the \$225.00 claimed.

However, in view of the urgent need of Mr.
Iwojiro Fujino for the funds, we have written suggest-
ing that sufficient funds be retained by the Administrator

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ATTORNEY GENERAL,
Province of British Columbia,
VICTORIA, B.C.

3rd June, 1948

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Re: Estate of Kumekichi Fujino
Deceased.

to cover the amount in dispute, and that a distribution be made now of the balance. The Official Administrator, however, has written us as per copy of his letter attached. With deference, we feel that it is none of the Official Administrator's business whether a claim is being made to the Royal Commission or not, nor do we feel that he is entitled to any other document than a receipt for what money he pays over, and we have advised our client that without a full accounting we are not prepared to give the Official Administrator a Release. We do feel, however, that there is absolutely no justification for his holding up the funds until the Royal Commission has adjudicated on this claim, nor do we intend to have Mr. Iwojiro Fujino drop his claim in order to secure the money which the Official Administrator is retaining.

We might point out that when in Lethbridge, Mr. Justice Bird advised that any payment out would not prejudice the claim of any applicant to the Commission. The Japanese were encouraged to believe that they would not have to wait for the payment of recognized sums of money by the Custodian pending the ultimate disposition of their claims.

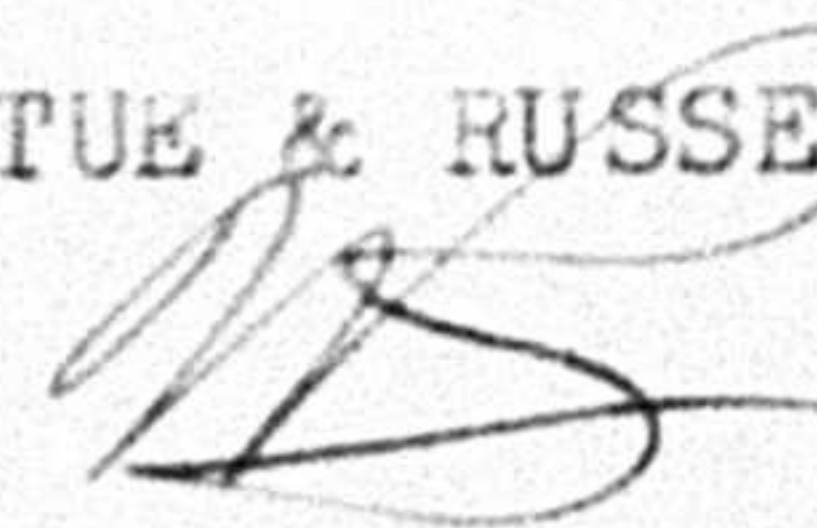
We would, therefore, ask you to kindly instruct the Official Administrator, Mr. Streight, to forward to us such amount of the funds in his possession which is legitimately the property of our client, and which is not disputed by the other beneficiary.

May we anticipate your early attention to this matter?

Thanking you, we are,

Yours truly,

VIRTUE & RUSSELL,

Per 

R/L
encls.

COPY

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W I L L

THIS IS THE LAST WILL AND TESTAMENT OF ME, KUMEKICHI FUJINO of Mission City in the Province of British Columbia, Farmer, made this twenty-second day of April, A.D.1942.

I REVOKE all former wills, codicils and other testamentary dispositions by me at any time heretofore made.

I HEREBY APPOINT EDWARD BUSH of Mission City aforesaid to be the sole Executor of this my will.

I DIRECT that all my just debts, my funeral and testamentary expenses be first paid out of my estate.

I GIVE, DEVISE AND BEQUEATH unto my son EIJIRO FUJINO, the East part of Block Two (2) a subdivision of the South West quarter of Section 20 in Township Seventeen (17) in the Municipality of Mission containing 4.5 acres, absolutely and forever.

I GIVE, DEVISE AND BEQUEATH unto my son IWAJIRO FUJINO absolutely and forever all the rest of my estate, both real and personal, including the North West portion of the North West Quarter of Section Twenty (20) in Township Seventeen (17) in the said Municipality containing 24.5 acres more or less.

IN WITNESS WHEREOF I, the said Kunekichi Fujino, the testator, have hereunto set my hand and seal the day and year first above written at Mission City, British Columbia.

Signed, published and declared
by Kunekichi Fujino, the testator,
as and for his last will and testa-
ment in the presence of us, both
present at the same time, who, at
his request, in his presence and in the
presence of each other have hereunto
subscribed our names as witnesses.

"K.Fujino"

"M.M.FLETCHER,
Mission City, B.C. Stenographer

J.M.CAMPBELL
Mission City, B.C. Solicitor

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OFFICIAL ADMINISTRATOR,

New Westminster, B.C.

April 29th, 1948.

Messrs. Virtue & Russell,
Barristers & Solicitors,
LETHBRIDGE, Alta.

Dear Sirs:

RE: KUMEKICHI FUJINO ESTATE.

With reference to your letter of March 31st, I understand from your letter of September 20th, that your client is laying claim with the Royal Commission. I do not think I would be well advised to pay him until the claim with the Commission has been settled.

There is no doubt that your client is entitled to the residue of the estate. In the event that he does not make claim through the Royal Commission, I am quite prepared to pay out the residue to your client, and hold back the sum of \$225.00, but before doing so I wish to be assured by your office that he will release me from all claims. The brother, Eijiro, is entitled to \$123.00, and I presume you agree that this is the amount, and that all the debts have to be paid from the residuary estate.

Yours very truly,

"J.M. Streight"
Official Administrator.

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J. M. Streight, Esq.,

Official Administrator,

New Westminster, B.C.

June 8th 1948

Re Estate of Kumekichi Fujino, Decd.

I have a letter from Messrs. Virtue & Russell, Solicitors, Lethbridge, Alberta, who are acting for Iwojiro Fujino, a beneficiary under the will of the deceased, in which the solicitors complain of the delay in obtaining any distribution from the estate. I gather you have written to them advising the matter is held up until the question is determined as to whether a claim being made to the Royal Commission is established or not. The Solicitors also ask for an accounting.

Will you kindly let me hear from you.

Deputy Attorney-General.

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A-4-5

June 8th 1948

Messrs. Virtue & Russell,
Barristers & Solicitors,
McFarland Building,
Lethbridge, Alberta.

Dear Sirs:

Re Estate Kumeichi Fujino. Decd.

Your letter of the 3rd instant received regarding
the above estate. I am looking into the matter.

Yours faithfully,

Deputy Attorney-General.



J. M. STREIGHT
OFFICIAL ADMINISTRATOR

TELEPHONE:
703

607 COLUMBIA STREET
NEW WESTMINSTER, B. C.
June 10th, 1948.

ATTORNEY GENERAL'S DEPT
RECEIVED
JUN 11 1948

Col. E. Pepler,
Deputy Attorney-General,
Attorney-General's Office,
Victoria, B. C.

File No. AH-5

Re: Estate of Kumekichi Fujino

Dear Sir:

With reference to your letter of June 8th.
I beg to advise you I received a copy from Messrs.
Virtue & Russell, Solicitors for Iwojiro Fujino.

There was a piece of property in this estate which was sold by the Office of the Custodian, Japanese Evacuation Section, prior to my taking over the estate. Subsequently, the estate entered into negotiations with the beneficiaries and this office was advised that one of the beneficiaries would present a claim to the Royal Commission with regard to the sale of the property and as I did not wish the Estate to be involved or this office, as it had nothing to do with the sale of the property, I asked for the usual Release which I prepared.

Messrs. Virtue & Russell are of the opinion that a receipt for the monies sent to them would be sufficient but under Section 59 of the "Administration Act";

"Every Official Administrator shall have the same right to require a Release or Discharge upon turning over any estate in his charge and handing over the property which may be in his hands to the persons or person entitled thereto, as an Administrator or any other Trustee has under the like circumstances."



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J. M. STREIGHT
OFFICIAL ADMINISTRATOR

TELEPHONE:
703

607 COLUMBIA STREET
NEW WESTMINSTER, B. C.
June 10th, 1948.

Col. E. Pepler

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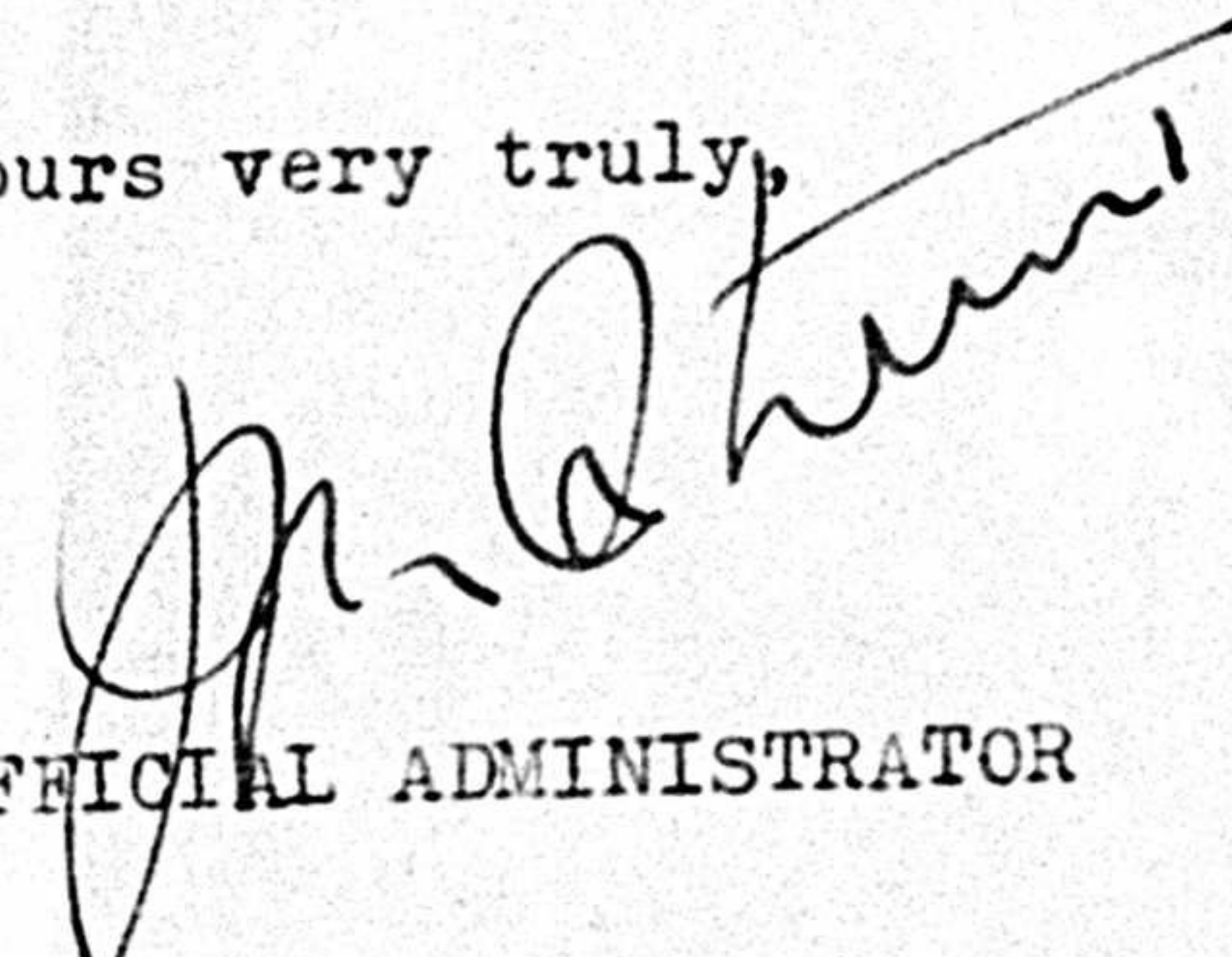
(continued)

I am of the opinion that I should receive this Release.

I am sending a copy of this letter to Messrs. Virtue & Russell, together with the Statement of the Estate which has just been audited and I am willing to advance at this time, one half the monies to his client as he states he is in need of funds and will remit the other half as soon as I obtain a Release.

If I am incorrect of my reading of the statute, please instruct me.

Yours very truly,


OFFICIAL ADMINISTRATOR

JMS:EM

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1948

June 12th 1948

Messrs. Virtue & Russell,
Barristers and Solicitors,
Lethbridge, Alberta.

Dear Sirs:

Re Estate of Kumekichi Fujino, Decd.

I am now in receipt of letter from the Official Administrator, and I understand he sent you a copy of same.

Yours faithfully,

Deputy Attorney-General.