

P-28511

M2B-1059

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED.

IN PROBATE.



TO THE CHIEF JUSTICE AND JUDGES OF
THE SUPREME COURT OF BRITISH COLUMBIA:-

THE PETITION of GEORGE F. JACOBS, of 245 East
Hastings Street, in the City of Vancouver, in the Province
of British Columbia, Real Estate Agent, HUMBLY SHOWETH:-

1. That Otokichi Shiomi, late of the City of Vancouver,
in the Province of British Columbia, Boarding-house Keeper,
deceased, died on the 5th day of April, 1934, at the City
of Vancouver, in the Province of British Columbia.
2. That the said deceased in his lifetime duly made his
last will and testament bearing date the 30th day of April,
1928, and wherein he appointed Kenkichi Shiomi his Executor.
3. That by Power of Attorney in writing, dated the
17th day of March, 1942, the said Kenkichi Shiomi appointed
your Petitioner his lawful Attorney to apply for Letters of
Administration with the Will annexed of the Estate of the
said Otokichi Shiomi.

YOUR PETITIONER therefore humbly prays that Letters
of Administration with the Will annexed of the said Will of
the said deceased may be granted to him by this Honourable
Court, without bonds.

AND YOUR PETITIONER, as in duty bound, will ever pray.

DATED at Vancouver, B.C., this 23rd day of March, A.D. 1942.

Geo F. Jacobs
PETITIONER.

98511

IN THE S. C. B. C.

IN PROBATE.

IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED.

P E T I T I O N



E. A. BURNETT,
Barrister & C.,
218 Rogers Building,
Vancouver, B. C.

Handwritten:
d. 12 Jan 21st
- Bond
2nd

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE.

IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED.



I, GEORGE F. JACOBS, of 245 East Hastings Street, in the City
Vancouver, in the Province of British Columbia, Real Estate Agent,

MAKE OATH AND SAY:-

- 7461.08 MAR 30 1942
1. That I believe the paper writing now produced and shown to me
and marked Exhibit "A" to this Affidavit and marked by me, to contain
the true and original last will and testament of the said Otokichi
Shiomi, formerly of Vancouver, British Columbia, deceased, who died
on the 5th day of April, A.D. 1934, at Vancouver, British Columbia.
 2. That I am the Attorney appointed by Kenkichi Shiomi, the sole
Executor in the said Will.
 3. That I will administer according to law all the estate which by
law devolves to and vests in the personal representative of the
said deceased.
 4. That I will exhibit a true and perfect inventory of the said
estate and render a just and true account thereof whenever required by
law so to do, and that the gross value of the said estate amounts to
\$1000.00 and no more, to the best of my knowledge, information, and
belief.
 5. That no beneficiary or creditor of this estate is a subject
or National of the German Reich, or of the Kingdom of Italy, or of
Japan, and that no part of the assets of this estate shall be
distributed or paid to any subject or National of the German Reich,
or of the Kingdom of Italy, or of Japan, or to anyone on behalf of
any such person, wherever resident.

SWORN before me at the City of Vancouver,
in the Province of British Columbia,
this 23rd day of March, 1942,

Alexander
George F. Jacobs
A Commissioner for taking Affidavits
within British Columbia.

George F. Jacobs

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IN THE S. C. B. C.

IN PROBATE.

IN THE MATTER OF THE ESTATE
OF OTOKICHI SHIOMI, DECEASED.

AFFIDAVIT OF
GEORGE F. JACOBS

E. A. BURNETT,
Barrister & Co., Building,
218 Rogers Building,
Vancouver, B. C.

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED,

IN PROBATE.



I, EDGAR ALBERT BURNETT, Solicitor, of
218 Rogers Building, 470 Granville Street, Vancouver,
British Columbia, MAKE OATH AND SAY:-

THAT I am informed by Kenkichi Shiomi, and
verily believe that he did not apply for Letters of
Administration of this Estate earlier because the
Estate consisted only of the one parcel of real estate
described in the Affidavits herein, which was mortgaged
and was not saleable, and it is now proposed to quit
claim the property to the mortgagee, and the Petition
for Probate was delayed for no reason other than that
there were no other assets that could be realized on.

SWORN before me, at the City
of Vancouver, in the Province
of British Columbia, this 30th
day of March, 1942,

Edgar Albert Burnett
A Commissioner for taking
Affidavits within British
Columbia.

Kenkichi Shiomi

28511

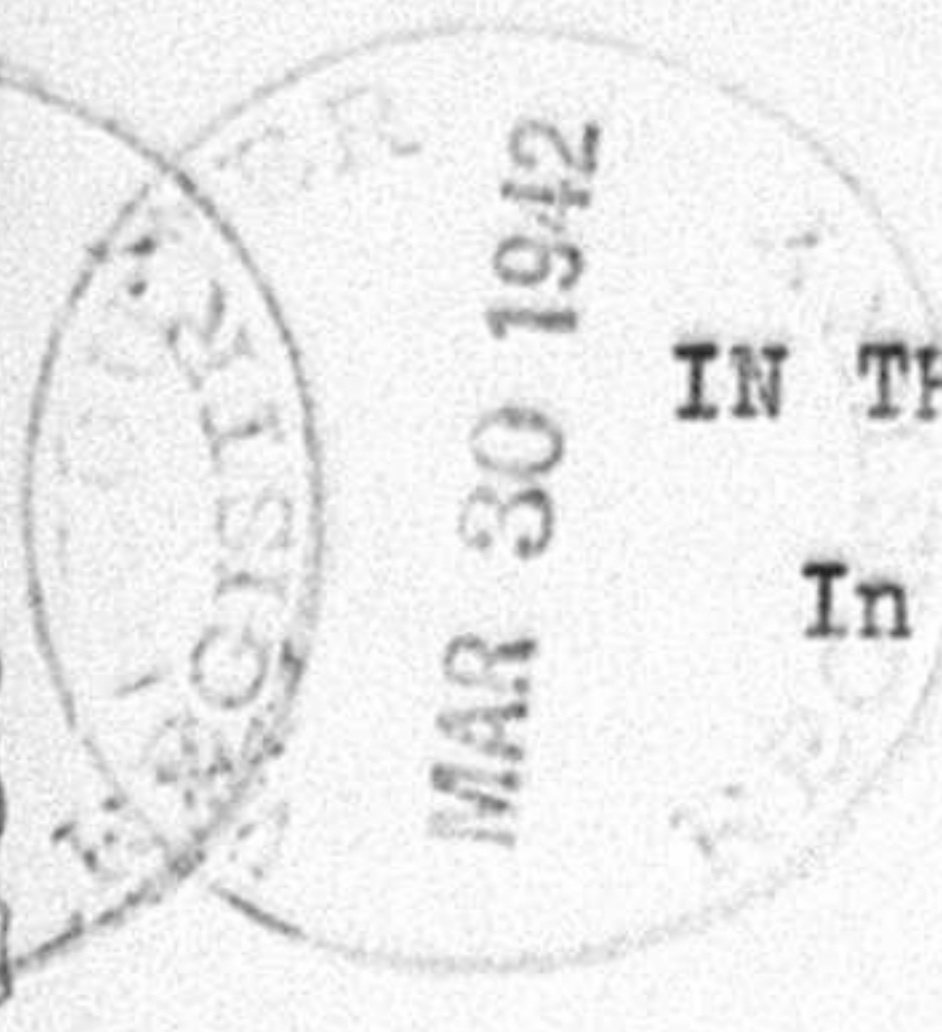
IN THE S. C. B. C.

IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED.

IN PROBATE.

AFFIDAVIT OF
EDGAR ALBERT BURNETT.

E. A. BURNETT,
Barrister & C.,
218 Rogers Building,
Vancouver, B. C.



IN THE SUPREME COURT OF BRITISH COLUMBIA

In The Matter of The Estate Of

OTOKICHI SHIOMI, DECEASED.

IN PROBATE.

I, KENKICHI SHIOMI, of 437 Alexander Street, Vancouver, British Columbia, MAKE OATH AND SAY:-

1. That I am the Executor named in the last Will and Testament of Otokichi Shiomi, dated the 30th day of April, 1928, who died at Vancouver, British Columbia, on the 5th day of April, 1934.

2. That the said Otokichi Shiomi was born in Japan, but was naturalized ~~on or about the~~ month of _____, in British Columbia, where he has resided for a number of years.

3. That I was born at Vancouver, British Columbia, on the 11th day of November, 1908.

SWORN at Vancouver, British Columbia, this 17th day of March, 1942, before me,

Andrew M. Ingle

A Commissioner for taking Affidavits within British Columbia.

Otokichi Shiomi

28311

IN THE S. C. B. C.

IN THE MATTER OF THE ESTATE OF

OTOKICHI SHIOMI, DECEASED

IN PROBATE.

AFFIDAVIT OF
KENKICHI SHIOMI

E. A. BURNETT,
Barrister & C.,
218 Rogers Building,
Vancouver, B. C.

ENTERED ON CHAMBER LIST

No.

IN THE SUPREME COURT.

IN PROBATE.

IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED.
AND

Plaintiff,

Defendant.



Place on Chamber List. *Trudy*
31 March 1942

Application for Letters of Administration with
Will annexed, without bonds.

Dated this 30th day of March, 19 42.

Mr. E. A. Burnett, Solicitor for Petitioner.

★ 10M (100)-340-4335

E. A. Burnett
C. C. Coombs
H. J. [unclear]

28511

S. C.

IN THE MATTER OF THE
ESTATE OF
OTOKICHI SHIOMI, DECEASED
PRÆCIPE

—FOR—

Administration.

E. A. Burnett,
Solicitor for Petitioner.

Application for Letters of Administration with
Place on Chamber List.

OTOKICHI SHIOMI, DECEASED.
IN THE MATTER OF THE ESTATE OF
IN PROBATE.

IN THE SUPREME COURT

FILED ON CHAMBER LIST

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED.
IN PROBATE.



WHEREAS Otokichi Shiomi, late of the
City of Vancouver, in the County of Vancouver,
deceased, died on the 5th day of April, 1934,
having made and duly executed his last Will and
Testament bearing date the 30th day of April, 1928,
whereof he appointed Kenkichi Shiomi Executor:-

NOW I, the said Kenkichi Shiomi, at
present residing at 437 Alexander Street, Vancouver,
British Columbia, do hereby nominate, constitute,
and appoint GEORGE F. JACOBS, of 245 East Hastings
Street, in the City of Vancouver, in the County of
Vancouver, to be my lawful attorney for the purpose
of obtaining letters of administration with the said
will annexed of the Estate of the said Otokichi Shiomi,
Deceased, to be granted to him by the Supreme Court
of British Columbia, for his sole use and benefit, and
I hereby promise to ratify and confirm whatsoever my
said attorney shall lawfully do or cause to be done in
the premises.

IN WITNESS WHEREOF I have hereunto set my
hand and seal this 17th day of March, in the year of
our Lord, 1942.

SIGNED, sealed and delivered)
in the presence of

 } 



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE ESTATE OF
OTOKICHI SHIOMI, DECEASED.
IN PROBATE.

I, EDGAR ALBERT BURNETT, Solicitor, of
218 Rogers Building, 470 Granville Street,
Vancouver, British Columbia, MAKE OATH AND SAY:-

1. I was personally present and did see
the within instrument duly signed and executed by
Kenkichi Shiomi, the party thereto, for the purposes
named therein.
2. The said instrument was executed at
Vancouver, British Columbia.
3. I know the said party, and that he is of
the full age of twenty-one years.
4. I am the subscribing witness to the said
instrument and am of the full age of sixteen years.

SWORN before me at Vancouver,
in the Province of British
Columbia, this 17th day of
March, 1942,

Edgar Albert Burnett

Kenkichi Shiomi

A Commissioner for taking Affi-
davits within British Columbia.

28511

IN THE S. C. B. C.

IN THE MATTER OF THE ESTATE OF

OTOKICHI SHIOMI, DECEASED

IN PROBATE.

POWER OF ATTORNEY

E. A. BURNETT,
Barrister & Co.,
218 Rogers Building,
Vancouver, B. C.

AFFIDAVIT OF VALUE AND RELATIONSHIP.

(This affidavit is to be made by the applicant, or one of the applicants.)



"SUCCESSION DUTY ACT" (BRITISH COLUMBIA).
(Sections 12, 13, 31, 32.)

the SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE.

In the Matter of the Estate of OTOKICHI SHIOMI, deceased.

I, GEORGE F. JACOBS, of 245 East Hastings Street, Vancouver,

British Columbia, Real Estate Agent,

, make oath and say:—

That I am the applicant for letters of Administration with Will annexed to the estate of Otokichi Shiomi, who died on or about the 5th day of April, 1934, domiciled in British Columbia.

That I have caused application to be made in the office of the Registrar of the above-named Court that letters of Administration with Will annexed be granted to the estate of the said Otokichi Shiomi by the said Court.

That I have made full, careful, and searching inquiry for the purpose of ascertaining what real and personal property and effects the said Otokichi Shiomi was possessed of, or entitled to, at the time of his death, together with the market value thereof respectively.

That I have, according to the best of my knowledge, information, and belief, set forth in the Inventory hereby exhibited, marked "X," a full, true, and particular account of all the real and personal estate of the said Otokichi Shiomi, or of which the said Otokichi Shiomi was possessed, or to which he was entitled at the time of his death, and of all other property, income, and interests required by the form of the said Inventory to be set forth therein, together with the market value as at the date of death of each and every asset forming part of the said real and personal estate and of the other property, income, and interests particularized in the said Inventory. The said Inventory includes all real and personal estate over which the deceased had a general or limited power of appointment. The gross value of the said estate, property, income, and interests as at date of deceased's death was \$ 1000.00.

That I have included in said Inventory every security, debt, and sum of money outstanding due or payable to or standing to the credit of the said deceased at the time of his death, and in estimating the value thereof I have included all the interest due, payable, chargeable, and accruing due thereon up to the death of the said deceased.

That, save and except what is set forth in the said Inventory, the said Otokichi Shiomi was not, to the best of my knowledge, information, and belief, at the time of his death possessed of, or entitled to, any debt or sum of money, or any security, pledge, or undertaking for the payment of any money to him on any account whatsoever, or to any leasehold or other personal estate, goods, chattels, or effects in possession or reversion absolutely or contingently or otherwise howsoever.

That in the said Inventory is included all the property of the said Otokichi Shiomi situate outside of this Province, as well as the property situate within the Province.

That, save and except what is set forth in the said Inventory, the said Otokichi Shiomi was not, to the best of my knowledge, information, and belief, at the time of his death seised of, or entitled to, any real estate in possession, remainder, and reversion absolutely or contingently or otherwise howsoever.

That, to the best of my knowledge, information, and belief, the said deceased did not voluntarily transfer by deed, grant, or gift made in contemplation of his death, or made, or intended to take effect in possession or enjoyment after his death, any property or any interest therein, or income therefrom, to any person in trust or otherwise by reason whereof any person is or shall become beneficially entitled in possession or expectancy in or to the said property or income thereof, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, the said deceased did not at any time within two years previous to the date of his death transfer by way of *donatio mortis causa*, or purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise, any property whatsoever, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, the said deceased did not at any time previous to the date of his death transfer any property of which property the *bona fide* possession was not assumed by the donee immediately upon the gift, and thenceforth retained to the entire exclusion of the donor or any benefit to him by contract or otherwise, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, the said deceased did not transfer or cause to be transferred to or vested in him self and any person jointly any property to which he was absolutely entitled by purchase or investment, or in any other manner whatsoever, so that the beneficial interest therein or in some part thereof passed or accrued by survivorship on his death to such other person, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, the said deceased was not at the time of his death a party to any past or future settlement, including any trust, whether expressed in writing or otherwise, whether made for valuable consideration or not, as between the settlor and any other person, and not taking effect as a will whereby an interest in such property, or the proceeds of the sale thereof for life, or any other period determinable by reference to death, was reserved expressly or by implication to the deceased, or whereby the deceased reserved to him self the right by the exercise of any power to restore to him self, or to reclaim the absolute interest in such property or the proceeds of the sale thereof, or otherwise resettle the same or any part thereof, save and except what is set forth in the said Inventory.

That, to the best of my knowledge, information, and belief, no annuity, policy of insurance, or other interest had been purchased or provided by the said deceased, either by him self alone or in concert or by arrangement with any other person, save and except what is set forth in the said Inventory.

That I have in the Inventories, respectively marked "X" and "Y," hereto annexed, set forth the assets, debts, and liabilities of the deceased and the names of the several persons to whom the property of the said deceased will pass, the degree of relationship (if any) in which they stand to the deceased, their places of domicile and residence and their addresses so far as I can ascertain them, and the nature and value of the property passing to each of these persons respectively.

Sworn before me at Vancouver,
in the Province of British Columbia,
this 23rd day of March, 1942.

Geo F Jarvis

Alex Haley

A Commissioner, etc.

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IN THE S. C. B. C.

IN PROBATE.

IN THE MATTER OF THE ESTATE OF

OTOKICHI SHIOMI, DECEASED.

AFFIDAVIT OF VALUE AND
RELATIONSHIP

E. A. BURNETT,
Barrister & C.,
218 Rogers Building,
Vancouver, B.C.

INVENTORY X.

"Succession Duty Act" (British Columbia).

In the SUPREME COURT OF BRITISH COLUMBIA

In the Matter of the Estate of OTOKICHI SHIOMI, Deceased.

1. REAL ESTATE.

(Give full value of property, setting out encumbrances (if any) in detail separately.)

TOTAL.

City of Vancouver, Province of British Columbia,
and more particularly known and described as Lot
Twenty-five (25), in Block Thirty-eight (38), in
Subdivision of District Lot numbered One Hundred
and Ninety-six (196), Group One (1), New Westminster
District, according to a registered map or plan of
the said Subdivision deposited in the Land Registry
Office at the City of Vancouver, and No. 196:

1,000 00

Subject to Mortgage to Mike Bolettino, of 703 East
Georgia Street, Vancouver, British Columbia:

Principal owing \$850.00

Interest for 1940, 1941 and to date 157.00

1,007 00

2. MONEYS SECURED BY MORTGAGE OR AGREEMENT OF SALE.

PRINCIPAL.

INTEREST.

TOTAL.

N I L

3. CASH AND GROSS AMOUNT OF LIFE INSURANCE, INCLUDING INSURANCE MONEYS PAYABLE TO A NAMED BENEFICIARY.

PRINCIPAL.

INTEREST.

TOTAL.

N I L

4. BOOK DEBTS AND PROMISSORY NOTES, ETC., INCLUDING INTEREST TO DATE OF DEATH.

PRINCIPAL.

INTEREST.

TOTAL.

N I L

5. SECURITIES FOR MONEY, BONDS, STOCKS, AND SHARES.

(State where bonds were found at date of death and whether shares in bearer form, and where stocks and shares are transferable if not in bearer form.)

PRINCIPAL.

INTEREST.

TOTAL.

N I L

6. PROPERTY OR INCOME TRANSFERRED IN CONTEMPLATION OF DEATH.		TOTAL.	
N I L			
7. PROPERTY TRANSFERRED AS A DONATIO MORTIS CAUSA OR GIFT INTER VIVOS.		TOTAL.	
N I L			
8. REAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY.		TOTAL.	
N I L			
9. PERSONAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY.	PRINCIPAL.	INTEREST.	TOTAL.
N I L			
10. PROPERTY PASSING UNDER SETTLEMENT WHEREBY DECEASED RESERVED RIGHT TO RECLAIM OR TO RESETTLE, OR OVER WHICH DECEASED HAD POWER OF APPOINTMENT.			TOTAL.
N I L			
11. BENEFICIAL INTERESTS FROM ANNUITIES PROVIDED BY DECEASED.			TOTAL.
N I L			

12. OTHER PROPERTY.

TOTAL.

Household goods and furniture	NIL
Pictures, plate and jewellery	NIL
Farming implements	NIL
Horses	NIL
Horned cattle	NIL
Sheep, swine, and other domestic animals and birds	NIL
Farm produce of all kinds	NIL
Stock-in-trade, including good-will of business	NIL
Other personal property not before mentioned	NIL

SUMMARY OF FOREGOING NUMBERED ITEMS. (State values of parts within and without British Columbia.)	WITHIN BRITISH COLUMBIA.	WITHOUT BRITISH COLUMBIA.	TOTAL.
Item 1	1000 00		1000 00
Item 2	NIL		
Item 3	NIL		
Item 4	NIL		
Item 5	NIL		
Item 6	NIL		
Item 7	NIL		
Item 8	NIL		
Item 9	NIL		
Item 10	NIL		
Item 11	NIL		
Item 12	NIL		
TOTALS	1000 00		1000 00

DETAILS OF DEBTS AND LIABILITIES FOR WHICH ALLOWANCE MAY BE
MADE UNDER SECTION 3 OF "SUCCESSION DUTY ACT."

Gross Estate

\$1000 00

Debts:

Mortgage to Mike Bolettino

1000 00

Tax, City of Vancouver

203 00

1210 00

Net Estate

NIL

This is inventory "X" referred to in the Affidavit of Value and Relationship

of George F. Jacobs.

SWORN to at Vancouver, B. C. on the 23rd day of March, 1942.*Alex Haley*

A Commissioner, etc.

S. C. B. C.

IN PROBATE

IN THE MATTER OF THE ESTATE

OF

OTOKICHI SHIOMI, DECEASED.

INVENTORY #Xth

E. A. BURNETT,
Barrister & C.,
218 Rogers Building,
Vancouver, B. C.

*Looney's
w. B. No*

THIS IS THE LAST WILL AND TESTAMENT of me,
OTOKICHI SHIOMI, of 437 - Alexander Street, in the City of
Vancouver, Province of British Columbia, Boarding-House
Keeper.

I HEREBY REVOKE all former wills or other testa-
mentary dispositions by me at any time heretofore made and
declare this only to be and contain my last will and testa-
ment.

I DIRECT all my just debts, funeral and testa-
mentary expenses to be paid and satisfied by my Executor
hereinafter named as soon as conveniently may be after my
decease.

I NOMINATE, CONSTITUTE and APPOINT my son, Kenkichi
Shiomi of 437-Alexander Street, City of Vancouver, Province
of British Columbia, to be the sole Executor of this my will.

I GIVE, DEVISE and BEQUEATH and APPOINT all the
real and personal estate which I am seised or possessed of,
or entitled to, or over which I have any power of appointment
to my said son, Kenkichi Shiomi, for his sole and only use
forever.

WITNESS my hand this 30th day of April A.D. 1928.

SIGNED, PUBLISHED and DECLARED,
by the above-named Testator,
Otokichi Shiomi, as and for his
last will and testament, in the
presence of us both present at the
same time, who at his request, and
in his presence, and in the presence
of each other have hereunto sub-
scribed our names as witnesses.

"Otokichi Shiomi"

"R.J. Canefield" - R.N.
Graduate Nurse -

"H. Iwasaki"
Labour

Seal



28511

C. Shoni.

Dec

will