

P - 28606

M28 1059

GR2202 BRITISH COLUMBIA. SUPREME COURT (Vancouver).
Probate files, 1941 - 1947.
P - 28116 to P - 36499.

IN THE SUPREME COURT OF BRITISH COLUMBIA

(IN PROBATE)

IN THE MATTER OF THE ESTATE OF SHOSUKE
NAKANO, DECEASED

TO THE HONOURABLE THE CHIEF JUSTICE OR OTHER PRESIDING JUDGE
IN CHAMBERS AT THE COURT HOUSE, VANCOUVER, BRITISH COLUMBIA.

THE PETITION of TEIJI KOBAYASHI, of Steveston,
in the Province of British Columbia, Insurance Agent, HUMBLY
SHEWETH:



1. THAT Shosuke Nakano, Deceased, late of the City
of Vancouver, in the Province of British Columbia, died on the
30th day of March, 1942, at the City of Vancouver aforesaid,
having at the time of his death a fixed place of abode and
domicile in the Province of British Columbia.

2. THAT the said Deceased in his lifetime duly made
his last Will and Testament dated the 21st day of March, A.D.
1940.

3. THAT your Petitioner and Kazuo Kobayashi, Insurance
Agent, and Kanichi Matsubayashi, both of the City of Vancouver
aforesaid, are the Executors named in the said Will.

4. THAT the said Kazuo Kobayashi and Kanichi Matsu-
bayashi, did, on the 13th day of April, A.D. 1942, renounce all
their right and title to the probate and execution of the said
Will of the said Deceased.

5. THAT your Petitioner is of the full age of
twenty-one (21) years, and is a Naturalized British Subject.

WHEREFORE YOUR PETITIONER HUMBLY PRAYS that Probate
of the said last Will of the said deceased may be granted to him

by this Honourable Court.

AND YOUR PETITIONER AS IN DUTY BOUND WILL EVER
PRAY ETC.

DATED at Vancouver, British Columbia, this 13th
day of April, A.D. 1942.

Teiji Kahanashi
Petitioner.

W I T N E S S:

S.C.B.C. IN PROBATE

28606

IN THE MATTER OF THE
ESTATE OF SHOSUKE
NAKANO, DECEASED

P E T I T I O N



KILLAM & SHAKESPEARE

28th Apr 27th

IN THE SUPREME COURT OF BRITISH COLUMBIA

(IN PROBATE)

IN THE MATTER OF THE ESTATE OF SHOSUKE NAKANO,
DECEASED

I, KAZUO KOBAYASHI, of 557 East Cordova Street, in the City of Vancouver, in the Province of British Columbia, Insurance Agent, MAKE OATH AND SAY as follows:

1. I was well acquainted with the above-named deceased, having known him for a period of twenty-two years, and I am one of the executors named in his Will.

2. The above-named deceased died at the City of Vancouver, in the Province of British Columbia on the 30th day of March, A.D. 1942.

3. I saw and recognized the remains of the said deceased on the 31st day of March, A.D. 1942.

4. That the said deceased was buried at Mountain View Cemetery, in the City of Vancouver, in the Province of British Columbia, on the 1st day of April, A.D. 1942.

SWORN BEFORE me at the City
of Vancouver, in the Province
of British Columbia, this 13th
day of April, A.D. 1942.

[Signature]

A Commissioner for taking Affidavits
within British Columbia.



APR 24 1942

Kazuo Kobayashi

28606
S.C.B.C. IN PROBATE

IN THE MATTER OF THE
ESTATE OF SHOSUKE NAKANO,
DECEASED

AFFIDAVIT OF DEATH

KILLAM & SHAKESPEARE

IN THE SUPREME COURT OF BRITISH COLUMBIA

(IN PROBATE)

IN THE MATTER OF THE ESTATE OF SHOSUKE
NAKANO, DECEASED

I, TEIJI KOBAYASHI, of Steveston, in the Province of
British Columbia, Insurance Agent, MAKE OATH AND SAY as follows:-

1. THAT I believe the paper writing now produced and
shown to me and marked Exhibit "A" to this my Affidavit, and marked
by me to contain the true and original last Will and Testament of
the said Shosuke Nakano, who died at the City of Vancouver, in the
Province of British Columbia, having at the time of his death a
fixed place of abode and domicile in the said Province of British
Columbia.

2. THAT the said Deceased was buried in Mountain View
Cemetery in the City of Vancouver, in the Province of British
Columbia, on the 1st day of April, 1942.

3. THAT I am one of the Executors named in the said Will,
the other Executors, Kazuo Kobayashi, Insurance Agent, and Kanichi
Matsubayashi, Agent, both of the City of Vancouver aforesaid,
having renounced all their right and title to the probate and
execution of the said Will on the 13th day of April, 1942. The
said Renunciation of the said Kazuo Kobayashi and Kanichi Matsubayashi is hereunto annexed and marked Exhibit "B" to this my Affidavit.

4. 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.

5. 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 is \$382.11 to the best of my knowledge, information and belief.



APR 24 1942

TEIJI KOBAYASHI

6. That the said deceased was a Naturalized British Subject, and I am a Naturalized British Subject.

SWORN before me at the City
of Vancouver, in the Province
of British Columbia, this 15th
day of April, A.D. 1942.

Teiji Katsuyoshi

Glen Davis
A Commissioner for taking Affi-
davits within British Columbia

28606
S.C.B.C. IN PROBATE

IN THE MATTER OF THE
ESTATE OF SHOSUKE
NAKANO, DECEASED

AFFIDAVIT OF
FAITHFUL ADMINISTRATION

KILLAM & SHAKESPEARE

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

IN THE MATTER OF THE ESTATE OF SHOSUKE NAKANO, late
of the City of Vancouver, in the Province of British
Columbia, Insurance Agent.

WHEREAS SHOSUKE NAKANO, Insurance Agent, late of the
City of Vancouver, in the Province of British Columbia, Deceased,
died on the 31st day of March, A. D. 1942, at the City of Van-
couver aforesaid, having made and duly executed his last Will
and Testament bearing date the 21st day of March, A.D. 1940,
and therein appointed Kazuo Kobayashi, of the City of Vancouver,
in the Province of British Columbia, Insurance Agent, and Kanichi
Matsubayashi, of the same place, agent, and Teiji Kobayashi, of
Steveston, in the said Province, to be the executors and trustees
thereof, and devised and bequeathed all his real and personal
property to his said trustees upon the trusts and for the intents
and purposes therein mentioned;

NOW WE, the said Kazuo Kobayashi and the said Kanichi Matsu-
bayashi, DO HEREBY DECLARE that we have not inter-meddled in
the Estate of the said Deceased, and will not inter-meddle therein
with intent to defraud creditors, and we do hereby renounce all
our right and title to the Probate and execution of the said
Will.

SIGNED by the said KAZUO
KOBAYASHI this 13th day of
April, A.D. 1942, in the
presence of:-

Bevil Kellam

Kazuo Kobayashi

SIGNED by the said KANICHI
MATSUBAYASHI this 13th
day of April, A.D. 1942,
in the presence of:

Bevil Kellam

Kanichi Matsubayashi



APR 24 1942

93

S.C.B.C. IN PROBATE

28606.

IN THE MATTER OF THE
ESTATE OF SHOSUKE NAKANO,
Deceased

This is Exhibit "B" referred to in the
affidavit of Teiji Kobayashi
sworn before me this 18th day of

April A.D. 1942

Glenn Davis
A Commissioner for taking Affidavits
within the Province of British Columbia

RENUNCIATION OF KAZUO
KOBAYASHI and KANICHI
MATSUBAYASHI

KILLAM & SHAKESPEARE

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

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

501 Royal Bank Bldg.,
Vancouver, B. C.,
April 23, 1942.

Messrs. Killam & Shakespeare,
Barristers and Solicitors,
626 Pender Street West,
Vancouver, B. C.


Dear Sirs:

Re: Estate Shosuke Nakano

I have your letter of April 16th and I wish to advise you that the Custodian will not object to probate of the estate being issued.

If the Registrar desires a formal letter will you kindly let me have full particulars as to whom it should be addressed.

Yours truly,


(G. W. McPherson)
Authorized Deputy of the Secretary
of State and/or Custodian.

GWMcP/FC.



28606

ALL

THE SECRETARY OF THE ARMY
WASHINGTON, D. C.
JANUARY 1, 1918

TO THE SECRETARY OF THE ARMY
WASHINGTON, D. C.
JANUARY 1, 1918

TO THE SECRETARY OF THE ARMY
WASHINGTON, D. C.
JANUARY 1, 1918

DEPARTMENT OF THE ARMY
WASHINGTON, D. C.
JANUARY 1, 1918

ENTERED ON CHAMBER LIST

No. _____



IN THE SUPREME COURT. OF BRITISH COLUMBIA
(IN PROBATE)

IN THE MATTER OF THE ESTATE OF SHOSUKE NAKANO
DECEASED.

~~DECEASED~~

~~XXX~~

REQUIRED 24 1942
APR 24 1942
REGISTERED

~~DECEASED~~

To set on Chamber List, for mon day, the 27th day of
April, A.D. 1942, application for Letters Probate.

Dated this

15th

day of

April,

1942.

C. Killam

Solicitor for

the Petitioner.

PA 6929

c.c. costs
J.P.D.
S.P.D.

28606

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

★ ★ ★ ★ ★

IN THE SUPREME COURT OF THE UNITED STATES

IN THE MATTER OF THE ESTATE OF ROBERT M. HAYES

(BY APPOINTMENT)

AND

ADMINISTRATOR

VS.

JOHN A. C. HAYES, Administrator for Robert Hayes

JOHN A. C. HAYES
The Defendant

SCHEDULE A.

Affidavit of Value and Relationship

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

"Succession Duty Act" British Columbia

(Sections 12, 13, 31, 32)

CANADA:
PROVINCE OF BRITISH COLUMBIA
COUNTY OF
VANCOUVERIn the SUPREME COURT OF BRITISH COLUMBIA,
IN PROBATE

In the Matter of the Estate of SHOSUKE NAKANO, deceased,

I/We TEIJI KOBAYASHI, of Steveston, in the Province of British
Columbia, Insurance Agent,

, make oath and say:—

That I am/are the applicant for letters probate to the estate
of SHOSUKE NAKANO, who died on or about
the 30th day of March, A.D. 1942, domiciled in the Province
of British ColumbiaThat I have caused application to be made in the office of the Registrar of the above-named Court
that letters Probate be granted to the estate of the
said SHOSUKE NAKANO 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 SHOSUKE NAKANO 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 herewith exhibited, marked "X," a full, true and particular account of all the real and
personal estate of the said SHOSUKE NAKANO or of which the said
SHOSUKE NAKANO 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 interest 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 \$ 382.11.

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 SHOSUKE NAKANO was not, to the best of 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 SHOSUKE NAKANO 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 SHOSUKE NAKANO was not, to the best of my knowledge, information, and belief, at the time of his death seized 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, 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 the City of Vancouver,
in the Province of British Columbia,
this 15th day of April 19 42

Teiji Kohnguchi

Glen D. Dancer
A Notary Public in and for the Province of British Columbia,
A Commissioner for taking Affidavits within British Columbia.

28606

Dated APRIL 1942

In the matter of the Estate of

SHOSUKE NAKANO,

DECEASED

Affidavit

OF VALUE AND RELATIONSHIP

The Clarke & Stuart Co. Limited, Law Printers and Stationers
Vancouver, B.C.

KILLAM & SHAKESPEARE

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	
Cash						06
Sun Life Assurance Company Policy No. 2203600 - \$1,000, less arrears of premiums and interest) payable to Chiyono Kobayashi, beneficiary, wife of Kazuo Kobayashi	364	55			364	55

4. BOOK DEBTS AND PROMISSORY NOTES, ETC., INCLUDING INTEREST TO DATE OF DEATH	PRINCIPAL		INTEREST		TOTAL	
Y. Saito (Rent)	10	00			10	00
Grandview General Hospital - refund	7	50			7	50

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	
NIL						

6.	PROPERTY OR INCOME TRANSFERRED IN CONTEMPLATION OF DEATH	TOTAL
	N I L	

7. PROPERTY TRANSFERRED AS A <i>DONATIO MORTIS CAUSA</i> OR GIFT <i>INTER VIVOS</i>	TOTAL
N I L	

8. REAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY	TOTAL

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

SUMMARY OF FOREGOING NUMBERED ITEMS (State values of parts within and without British Columbia)		WITHIN BRITISH COLUMBIA		WITHOUT BRITISH COLUMBIA		TOTAL	
Item 1		N11				N11	
Item 2		N11				N11	
Item 3		364	61			364	61
Item 4		17	50			17	50
Item 5		N11				N11	
Item 6		N11				N11	
Item 7		N11				N11	
Item 8		N11				N11	
Item 9		N11				N11	
Item 10		N11				N11	
Item 11		N11				N11	
Item 12		N11				N11	
TOTALS		382	11			382	11
DETAILS OF DEBTS AND LIABILITIES FOR WHICH ALLOWANCE MAY BE MADE UNDER SECTION 3 OF "SUCCESSION DUTY ACT."							
Armstrong & Company, Undertakers		177	50			177	50
Dr. B.D. Gillies		5	00			5	00
Dr. M. Achida		14	50			14	50
Mountain View Cemetery		34	00			34	00
Taxis		10	50			10	50
Divine Services		11	67			11	67
Refreshment		13	35			13	35
Flowers and incidentals		12	00			12	00
		278	52			278	52

This is Inventory "X" referred to in the affidavit of Value and Relationship _____
of TEIJI KOBAYASHI
in the Province of British Columbia
SWORN to at the City of Vancouver, on the 15th day of April A.D. 1942.

[Signature]
A Notary Public in and for the Province of British Columbia.
A Commissioner for taking affidavits within British Columbia.

INVENTORY Y.

In the SUPREME COURT OF BRITISH COLUMBIA (IN PROBATE)"SUCCESSION DUTY ACT" (BRITISH COLUMBIA)In the matter of the Estate of SHOSUKE NAKANO

Deceased.

N.B.—Relationship by marriage only must be so stated.

NAME	RELATIONSHIP	PLACE OF DOMICILE	PLACE OF RESIDENCE AND ADDRESS	Date of Birth of Life Tenants and Annuitants	PROPERTY PASSING	VALUE
Fujie Nakano	Grand Nephew	Japan	Yamaguchiken, Japan	-	Half estate	nil
Ryozo Ono	Brother-in-law	"	Fukushima-Shi, Japan	-	One-eighth estate	Nil
Mrs. Yoshi Fukuda	Sister-in-law	"	" "	-	One-eighth estate	Nil
Fumi Ono	Sister-in-law	"	" "	-	One-eighth estate	Nil
Mrs. Akiko Kanno	Sister-in-law	"	" "	-	One-eighth estate	Nil

This is Inventory "Y" referred to in the affidavit of Value and Relationship

of TEIJI KOBAYASHI in the Province of British Columbia,SWORN to at the City of Vancouver on the 15th day of April A.D. 1942

Glen Davis
 A Commissioner for taking affidavits within British Columbia.

THIS IS THE LAST WILL AND TESTAMENT of me,
SHOSUKE NAKANO, of 300 Cordova Street East, in the City
of Vancouver, Province of British Columbia, Insurance
Agent, I hereby revoking all former Wills at any time
made by me.

I APPOINT KAZUO KOBAYASHI, TEIJI KOBAYASHI,
and KANICHI MATSUBAYASHI (who, and the survivor of them,
are hereinafter called my "Trustees") to be the Executors
and Trustees of this my Will.

I DIRECT my Trustees to pay all my just debts,
testamentary and funeral expenses as soon as may be after
my decease and to pay thereafter all expenses incurred
from time to time by the aforesaid Teiji Kobayashi in
travelling to and from the said City of Vancouver upon
business as one of my Trustees.

I GIVE, DEVISE and BEQUEATH all my property
unto my Trustees in trust to convert the same into money,
with power to my Trustees to postpone the conversion of
any part of my property for so long as they shall think
fit, and at such time and from time to time as my
Trustees shall deem in the best interests of my estate,
to divide the residue of my property and estate equally
between the following two persons, namely: Fujie Nakano,
(son of my nephew, Tataichi Nakano of Yamaguchiken, Japan:)
and Mrs. Yoshi Fukuda, (my late wife's sister), of
Fukushima-Shi, Japan: with the direction to my wife's
said sister that her share of my estate shall be divided
by her equally between my late wife's brother, Ryoze Ono,
of Fukushima-Shi, Japan, herself and my late wife's two
sisters, Fumi Ono and Mrs. Akiko Kanno, both of the same
place.

"S.M."

"Y. M."
"T. Y."



I DIRECT my Trustees to carry out such of my wishes and directions as are contained in my small black-covered memorandum book in which I enter memoranda from time to time and to observe the details of such memoranda as far as possible.

IN WITNESS WHEREOF I, the said SHOSUKE NAKANO, the Testator, have to this my Last Will and Testament, set my hand this 21st day of March, A. D. 1940.

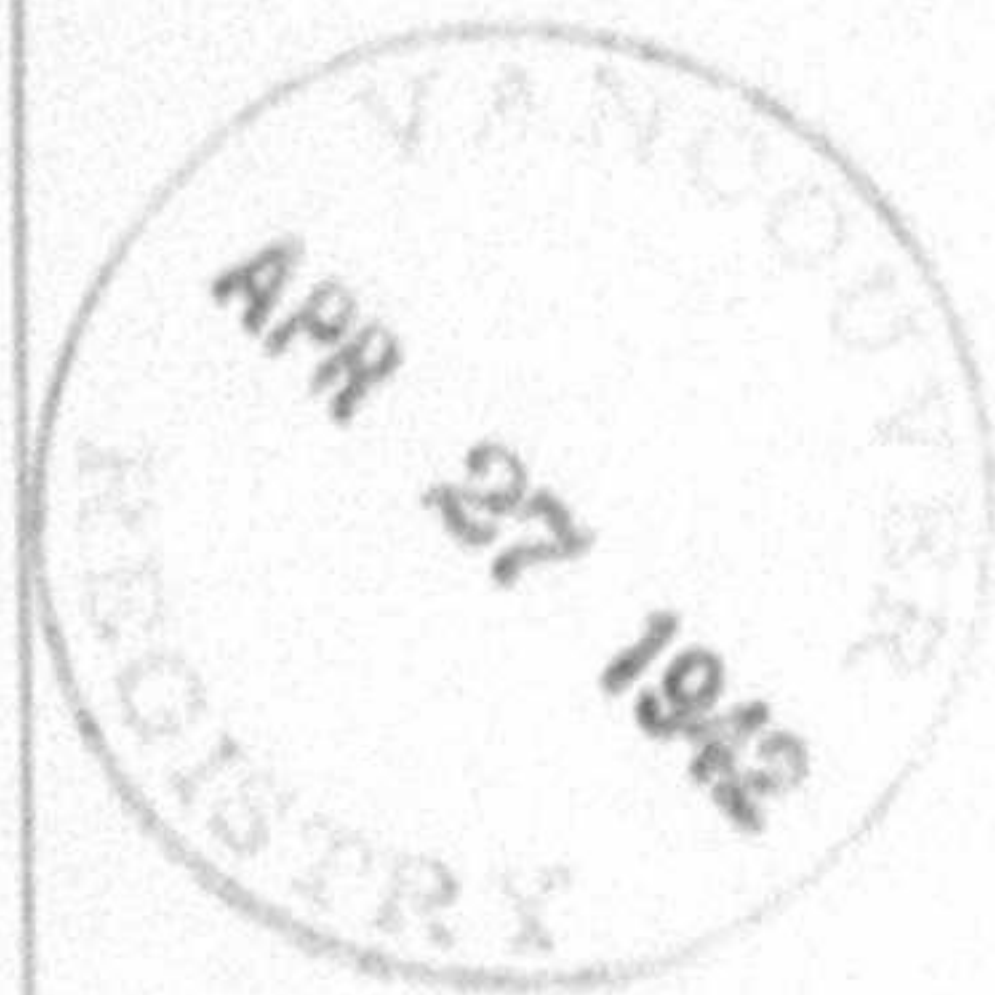
SIGNED, PUBLISHED AND DECLARED by
the said SHOSUKE NAKANO, Testator,
as and for his Last Will and Tes-
tament, in the presence of us,
both present at the same time, who
at his request and in his presence
and in the presence of each other,
have hereunto subscribed our names
as witnesses.

"SHOSUKE NAKANO"

(Seal)

"Yukio Maeno"
Book Keeper
235 Powell St.,
Vancouver, B. C.

"Toshiharu Yokoyama"
Bookkeeper
470 E. Hastings St.,
Vancouver, B.C.



○

28606

S. hakano

Dec

will