



P - 28987

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 ICHITARO HOSAKI, DECEASED

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

AUG 17 1942

THE PETITION of SHIZUO HOSAKI, formerly of the town of Haney in the Province of British Columbia, and now of the Rural Municipality of Portage la Prairie in the Province of Manitoba, Farmer, HUMBLY SHEWETH:

1. That Ichitaro Hosaki, late of the town of Haney in the Province of British Columbia and temporarily of the Rural Municipality of Portage la Prairie in the Province of Manitoba, deceased, died on or about the 28th day of June 1942, at the City of Portage la Prairie in the Province of Manitoba, and that the said deceased at the time of his death was domiciled in the Province of British Columbia.

2. That the said deceased in his lifetime duly made his last will and testament bearing date the 11th day of October 1939.

3. That your Petitioner is the executor named in the said will.

4. That the said deceased did not intermarry since the execution of the said will.

YOUR PETITIONER THEREFORE HUMBLY PRAYS that Probate of the said 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 the City of Portage la Prairie, in the Province of Manitoba, this ^{28th} day of July A.D. 1942.

Witness

G. G. Newman

Shizuo Hosaki
PETITIONER

S.C.B.C. In Probate

In the matter of the Estate of Ichitaro Hosaki, Deceased.

"B"

This is exhibit "B" to the affidavit of Shizuo Hosaki sworn before me this ^{28th} day of July 1942.

G. G. Newman
Notary Public.

S. C. B. C. 28987

IN THE MATTER OF THE ESTATE
OF ICHITARO HOSAKI, DECEASED



PETITION

2.70

Aug 19

P. E. PIERCE,
BLACK & PIERCE
Barristers, solicitors,
504-5 Crown Building,
615 Pender Street West,
Vancouver, B. C.



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE ESTATE OF ICHITARO HOSAKI, DECEASED

I, SHIZUO HOSAKI, formerly of Haney in the Province of British Columbia and now of the Rural Municipality of Portage la Prairie in the Province of Manitoba, Farmer, make oath and say as follows:

1. That I believe the paper writing now produced and shown to me and marked as Exhibit "A" to this my affidavit and marked by me, to contain the true and original last Will and Testament of Ichitaro Hosaki, deceased, who died at the City of Portage la Prairie in the Province of Manitoba on the 28th day of June 1942.
2. That I am a son of the said deceased and the sole executor named in the said will.
3. That I am the petitioner applying for probate of the said will, and I am over the age of 21 years.
4. That the facts and statements set out in the Petition now produced and shown to me and marked as Exhibit "B" to this my affidavit are true in substance and in fact.
5. 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.
6. That I will exhibit a true and perfect inventory of the said estate and render a just and true account thereof whenever by law required so to do, and that the gross value of the said estate amounts to \$7088.82, and no more, according to the best of my knowledge, information and belief.
7. That I have made and caused to be made diligent and careful search in all places where the said deceased usually kept his papers of moment and concern and in his depositories in order to ascertain whether he had or had not left any further or other will or any codicil, and I have not been able to discover any such further or other will or codicil, AND I make oath and say that I verily believe that the said Exhibit "A" hereto contains the only last will and testament of the said deceased.

8. That the said deceased was a naturalized British subject as evidenced by Certificate of Naturalization No. 13453 issued to him under the provisions of the Naturalization Act of Canada on the 26th day of July 1921; that said Certificate of Naturalization was never revoked, and the said deceased continued to be a naturalized British subject until his death as aforesaid.

9. That Tsuma Hosaki, a beneficiary of the said deceased, is the widow of the said deceased.

10. That Takeji Hosaki, a son and a beneficiary of the said deceased, was born on or about the day of *April 1911* *at* in the Province of British Columbia, and since his birth he has continued to be and still is a British subject by birth.

11. That I am the sole beneficiary under the said last will and testament of the said deceased, and I was born on or about the *20th* day of *June 1914* at *Sea Island, Eburne* in the Province of British Columbia, and since my birth I have continued to be and am still a British subject by birth.

12. And I further make oath and say that the said deceased was not a National of the German Reich nor a subject of the Kingdom of Italy or of the Empire of Japan and that no portion of his estate would in time of peace be distributed or payable to any National of the German Reich nor subject of the Kingdom of Italy or of the Empire of Japan or to any person in any of the countries now associated with the said three countries.

SWORN before me at City of Portage)
la Prairie in the Province of
Manitoba, this *28th* day of July
A.D. 1942.

Shizuo Hosaki

E. G. Newman

A Notary Public in and for the Province of Manitoba.

S. C. B. 28987

IN THE MATTER OF THE ESTATE OF
ICHIKARO HOSAKI, DECEASED

OATH OF EXECUTOR

P. E. PIERCE
Black and Pierce,
Barristers, solicitors, eto.
504-5 Crown Building,
615 Pender Street West,
Vancouver, B. C.

No. 28987

IN THE SUPREME COURT.

IN PROBATE



IN THE MATTER OF THE ESTATE OF
ICHITARO HOSAKI, DECEASED

Plaintiff

XANDX

Defendant

REQUIRED set down Petition for hearing before presiding Judge in
Chambers on the 19th day of August 1942, for grant of Probate to
Executor named in Will.



Dated this

day of August, 19 42.

Solicitor for *P. E. Pierce* Petitioner (Executor).

[Handwritten signature]

★ 10M (100)-342-7053

No. 28987

IN THE SUPREME COURT

Ichitaro Hosaki.

AND

Plaintiff,

Defendant.



*typing
Cvt.*

*1 00
2 00*

Dated this

, 19

Solicitor for

★ 10M (100)-1147-6921 (2)

28987

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

IN THE SUPREME COURT

28987.

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

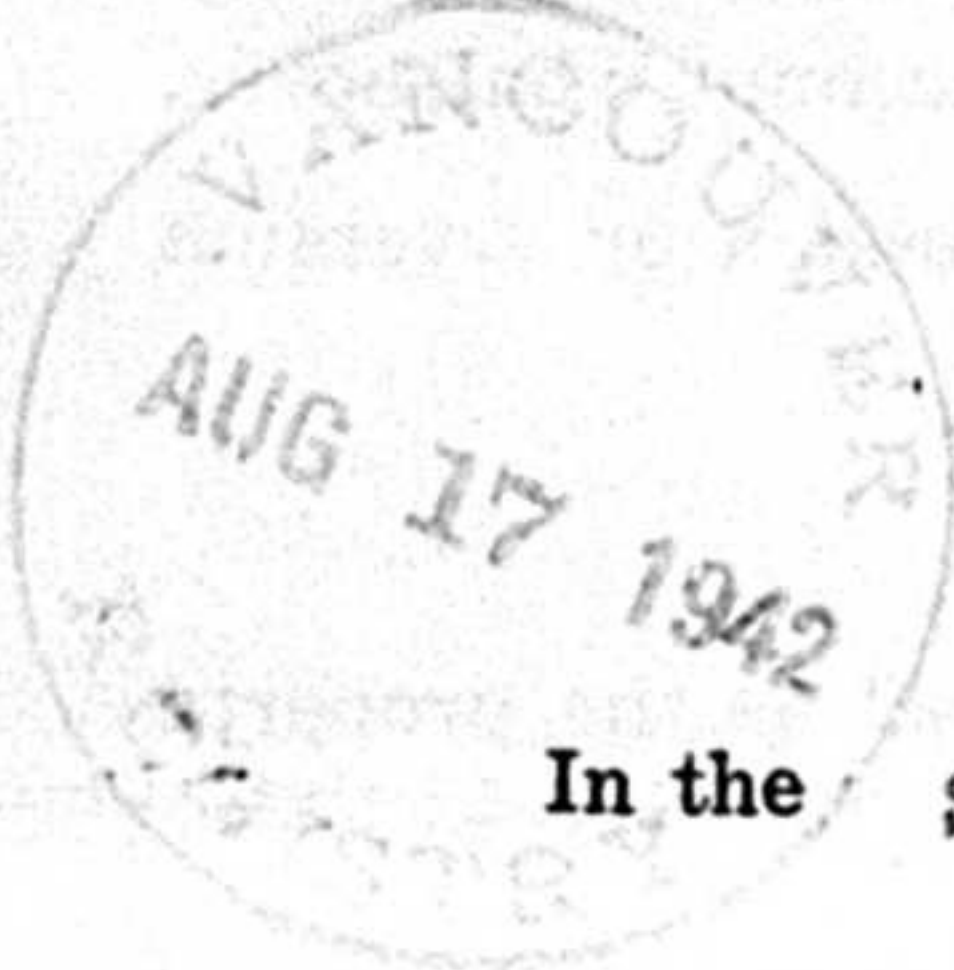
IN THE SUPREME COURT



SCHEDULE A.

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.)

In the SUPREME COURT OF BRITISH COLUMBIA

IN PROBATE

In the Matter of the Estate of ICHITARO HOSAKI, deceased.

I, SHIZUO HOSAKI formerly of the town of Haney in the Province of British Columbia, and now of the Rural Municipality of Portage la Prairie in the Province of Manitoba, Farmer,

, make oath and say:—

That I am the applicant for letters probate to the estate of Ichitaro Hosaki, who died on or about the 28th day of June, 1942, 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 probate be granted to the estate of the said Ichitaro Hosaki 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 Ichitaro Hosaki 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 Ichitaro Hosaki, or of which the said Ichitaro Hosaki 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 \$ 7088.82.

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

Ichitaro Hosaki 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

Ichitaro Hosaki 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

Ichitaro Hosaki 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 himself, 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 himself 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 City of Portage
la Prairie
in the Province of Manitoba

this 28th day of July, 19 42,

Shizuo Hosaki

G. G. Newman

A Commissioner, etc.

A Notary Public in and for the Province of Manitoba.

28987

S.C.B.C.

IN PROBATE

IN THE MATTER OF THE ESTATE

OF

ICHITARO, DECEASED

AFFIDAVIT OF
VALUE & RELATIONSHIP

BLACK & PIERCE,
Barristers &c.

INVENTORY X.

"Succession Duty Act" (British Columbia).

In the SUPREME COURT OF BRITISH COLUMBIA IN PROBATE

In the Matter of the Estate of ICHITARO HOSAKI, Deceased.

1. REAL ESTATE.

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

TOTAL.

Lots 11 and 12 of Lot 399 Map 1112, Municipality of Maple Ridge
Group 1, New Westminster District, British Columbia

4000 00

NOTE: Above Real Estate is stated to be under the control
of the Custodian of Enemy Property.

2. MONEYS SECURED BY MORTGAGE OR AGREEMENT OF SALE.	PRINCIPAL.	INTEREST.	TOTAL.
NONE			
3. CASH AND GROSS AMOUNT OF LIFE INSURANCE, INCLUDING INSURANCE MONEYS PAYABLE TO A NAMED BENEFICIARY. (All of the foregoing to be carried into the summary and included in the total value of the estate subject to Succession Duty in Schedule A.)	PRINCIPAL.	INTEREST.	TOTAL.
Policy B1754 in Canadian Mutual Benefit Association payable to Tsuma Hosaki, widow of deceased as named beneficiary Policy B254/354 in Western Mutual Benefit Association payable to Takeji Hosaki, son of deceased as named beneficiary Bank of Montreal, Haney, B.C.			1000 00 500 00 1588 82
4. BOOK DEBTS AND PROMISSORY NOTES, ETC., INCLUDING INTEREST TO DATE OF DEATH.	PRINCIPAL.	INTEREST.	TOTAL.
NONE			

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.

NONE

6. PROPERTY OR INCOME TRANSFERRED IN CONTEMPLATION OF DEATH.

TOTAL.

NONE

7. PROPERTY TRANSFERRED AS A DONATIO MORTIS CAUSA OR GIFT INTER VIVOS.

TOTAL.

NONE

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

TOTAL.

NONE

9. PERSONAL PROPERTY VESTED IN DECEASED AND ANOTHER PERSON JOINTLY.

PRINCIPAL.

INTEREST.

TOTAL.

NONE

10. PROPERTY PASSING UNDER SETTLEMENT WHEREBY DECEASED RESERVED RIGHT TO RECLAIM OR TO RESETTLE, OR OVER WHICH DECEASED HAD POWER OF APPOINTMENT.

TOTAL.

NONE

11. BENEFICIAL INTERESTS FROM ANNUITIES PROVIDED BY DECEASED.

TOTAL.

NONE

12. OTHER PROPERTY.		TOTAL.
Household goods and furniture	NONE	
Pictures, plate and jewellery	NONE	
Farming implements	NONE	
Horses	NONE	
Horned cattle	NONE	
Sheep, swine, and other domestic animals and birds	NONE	
Farm produce of all kinds	NONE	
Stock-in-trade, including good-will of business	NONE	
Other personal property not before mentioned	NONE	

SUMMARY OF FOREGOING NUMBERED ITEMS. (State values of parts within and without British Columbia.)	WITHIN BRITISH COLUMBIA.		WITHOUT BRITISH COLUMBIA.		TOTAL.	
Item 1	4000	00			4000	00
Item 2						
Item 3	3088	82			3088	82
Item 4						
Item 5						
Item 6						
Item 7						
Item 8						
Item 9						
Item 10						
Item 11						
Item 12						
TOTALS	7088	82			7088	82

DETAILS OF DEBTS AND LIABILITIES FOR WHICH ALLOWANCE MAY BE MADE UNDER SECTION 3 OF "SUCCESSION DUTY ACT."					
Glen Hospital, Portage la Prairie, Man., Hospital				4	00
Dr. G. P. Armstrong, Portage la Prairie, Man.				12	00
Dr. A. A. Alfred, Portage la Prairie, Man.				12	00
McKillops Ltd., Portage la Prairie, Man.				206	93
Funeral expenses					
				234	93

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

of _____ Shizuo Hosaki _____

SWORN to at Portage la Prairie on the 28th day of July, 1942.
Manitoba

THIS IS THE LAST WILL AND TESTAMENT of me ¹ICHITARO HOSAKI
of the town of Haney in the Province of British Columbia
made this Eleventh day of October in the year of our Lord
one thousand nine hundred and thirty-nine.

I REVOKE all former Wills and other Testamentary Dispos-
itions by me at any time heretofore made, and declare
this only to be and contain my last Will and Testament.
I DIRECT all my just debts, Funeral and Testamentary
expenses to be paid and satisfied by my Exceytor herein-
after named as soon as conveniently may be after my demise.
I GIVE, DEVISE AND BEQUEATH all my Real and Personal Estate
of which I may die possessed in the manner following,
that is to say: All my real and personal Estate to my
son, SHIZUO HOSAKI.

ALL the residue of my Estate, both real and personal, not
hereinbefore disposed of, I give, devise and bequeath
unto SHIZUO HOSAKI

AND I nominate and appoint Shizuo Hosaki to be Executor
of this my last Will and Testament.

IN WITNESS WHEREOF I have hereunto set my hand the day
and year first above written.

SIGNED published and declared by the
said Ichitaro Hosaki the Testator as
and for his last Will and Testament
in the presence of us who both present
together at the same time in his
presence at his request and in the
presence of each other have hereunto
subscribed our names as witnesses.

ICHITARO HOSAKI

Name: Halbert Menzies
Address: Haney, B.C.
Occupation: Notary Public.

Name: Jean V. Menzies
Address: Haney, B.C.
Occupation: Stenographer.

J. J. H.

58987

W. J. D.