

P-31786

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GR-2202

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 "ADMINISTRATION
ACT", R.S.B.C. 1936, Chapter 5 and
Amendments,

AND

IN THE MATTER OF THE ESTATE OF KYUICHI
NOMOTO, DECEASED, whose first name is
sometimes spelled Kyichi, Kyvichi,
Kywichi.

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

The Petition of Kiku Nomoto, widow, of the
Village of Greenwood in the Province of British Columbia,
HUMBLY SHOWETH:

1. That Kyuichi Nomoto, whose first name is some-
times spelled Kyichi, Kyvichi, Kywichi, late of the Village
of New Denver, in the Province of British Columbia, deceased,
died on or about the 30th day of June, A. D. 1944 at
Essondale in the Province of British Columbia and that at
the time of his death the said deceased had his fixed place
of abode in the said Village of New Denver.
2. That the said deceased died leaving only a widow,
your Petitioner, surviving him and without having left any
Will, codicil or testamentary paper whatsoever.
3. That your Petitioner is the widow of the said
deceased and resides at the Village of Greenwood in the
Province of British Columbia.
4. That the value of the whole property of the said
deceased which he in any way died possessed of or entitled
to and for and in respect of which administration is to be
granted is \$11824.08 and that full particulars of all the
said property are exhibited herewith and verified upon oath.
5. That the said deceased was a Japanese National and
that your Petitioner, the widow of the said deceased and sole

survivor, is also a Japanese National.

7. That the Custodian of Japanese Property for and on behalf of the Secretary of State of the Dominion of Canada has consented to the appointment of your Petitioner as Administrator of the estate and to the disposition of the assets of the estate to her.

WHEREFORE YOUR PETITIONER PRAYS that administration of the property of the said deceased may be granted and committed to her by this Honorable Court.

AND YOUR PETITIONER AS IN DUTY BOUND WILL EVER PRAY:

DATED at Vancouver, B. C. this 11th day of July, A. D. 1944.

K. Nomoto.

Petitioner

It is not intended to serve this Petition upon any person.

IN THE S.C. OF B.C.
IN PROBATE

31786

IN THE MATTER OF THE
ADMINISTRATION ACT

AND

IN THE MATTER OF THE
ESTATE OF EYUICHI NOMOTO

P E T I T I O N

200

12-7-44

Revised

R. J. McMASTER, Esq.,
Campbell, Brazier & Fisher,
1408 - 675 W. Hastings St.
Vancouver, B. C.



IN THE S.C. OF B. C.
IN PRIBATE

31786

IN THE MATTER OF THE
ADMINISTRATION ACT

AND

IN THE MATTER OF THE
ESTATE OF KYUICHI NOMOTO.

AFFIDAVIT

R. J. McMASTER, Esq.
Campbell, Brazier & Fisher,
1408 - 675 W. Hastings St.
Vancouver, B. C.



IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE "ADMINISTRATION ACT" R.S.B.C. 1936, Chapter 5 and Amendments

AND IN THE MATTER OF THE ESTATE OF KYUICHI NOMOTO, Deceased, whose first name is sometimes spelled Kyichi, Kyvichi, Kywichi.



I, ROBERT JAMES McMASTER, of 4168 West 11th Avenue in the City of Vancouver, Province of British Columbia, Solicitor, MAKE OATH AND SAY:

1. That I am solicitor for Kiku Nomoto, Administratrix of the estate of Kyuichi Nomoto, deceased, and sole beneficiary thereof and as such have personal knowledge of the facts hereinafter sworn to.
2. That on the 12th day of July, 1944 Letters of Administration without bond to the above noted estate were issued to Kiku Nomoto by the Supreme Court of British Columbia.
3. That the said deceased at the date of his death was a Japanese National.
4. That the said Administratrix is a Japanese National.
5. That before applying for Grant of Letters of Administration consent to the appointment of the Administratrix was first had and obtained from the Custodian of Enemy Property and filed herein.
6. That upon applying for the said Grant the provisions of an Order-in-Council of the Lieutenant Governor in Council of the Province of British Columbia purporting to be in pursuance of the "Court Rules of Practice Act", R.S.B.C. Chapter 249 published in the B. C. Gazette on the 21st day of September, 1939 as amended and extended by an Order-in-Council of the said Lieutenant Governor in Council published in the said B. C. Gazette on the 29th day of January, 1942 were overlooked and were not brought to the attention of the Court.

7. The said Grant of Letters of Administration were made subject to the usual condition "that no portion of the assets shall be distributed or paid during the war to any beneficiary or creditor who is a National of the German Reich or Italy wherever resident, or to any one on his behalf, or to or on behalf of any person resident in the German Reich or Italy of whatever nationality, or to or on behalf of any subject or citizen of any country at war with His Majesty, without the express sanction of the Crown acting through the Minister of Finance; and if any distribution or payment is made contrary to this condition the grant of probate or letters of administration will be forthwith revoked".

8. As solicitor for the Administratrix and upon her instructions I proceeded to call in the said estate and convert the same into cash with the exception of the Dominion Government bonds and the War Savings Certificates held by the said deceased, the proceeds whereof and the said bonds and War Savings Certificates are in my possession save as hereinafter set forth.

9. At the time of preparing to call in the said estate with a view to distribution and upon the same being called in in error considering the reference to the Crown acting through the Minister of Finance in the said condition to Grant of Letters of Administration hereinbefore referred to, I requested the consent of the Crown through the Minister of Finance for the Government of the Dominion of Canada.

10. Upon being advised by the Dominion Minister of Finance that he had no interest in the proceedings and after consultation with the Registrar of this Honourable Court and the Inspector of Legal Offices I ascertained that the reference in the said condition was to the Minister of Finance for the Province of British Columbia and that the authority required to be obtained thereby purported to be by reason of the

Orders-in-Council hereinbefore referred to.

11. Upon applying to the Minister of Finance for the Province of British Columbia for sanction of the distribution of the estate and to waive the necessity of obtaining his prior consent to Grant of Letters of Administration I was informed that the deceased and the Administratrix both being Japanese Nationals, the Minister of Finance was not prepared to give his consent to the Grant of Letters of Administration to the Administratrix herein but would be prepared to give the same to the appointment of the Official Administrator.

12. I advised the Administratrix that there was some question as to the constitutionality of the Order-in-Council but was instructed by her in view of the expense of attacking the same to apply for revocation of the said Grant of Letters of Administration and to take the steps necessary to have the Official Administrator appointed.

13. The following is a statement of all the moneys which have been received by me in calling in the said estate and of all disbursements which I have made out of the same and there are no others:

August 15, 1944	By Inspector of Municipalities	\$2208.86
	By Custodian of Japanese Property	19.49
August 29	By Ministers Life & Casualty Company, on Casualty Policy	194.04
	To Receiver General (B.C. Security Commission)	166.60
	To Provincial Mental Hospital, Essondale	39.15
Sept. 1	By United Church of Canada, Mortality Benefit	500.00
Sept. 28	To Campbell, Brazier & Fisher (costs re. Lunacy Application)	25.00
	Carried Forward:	<u>230.75</u> 2922.39

	Brought Forward:	\$ 230.75	\$2922.39
October 4	By Ministers Life and Casualty, Insurance payable to Mrs. Nomoto		1003.23
	By Provincial Government, interest on bonds		1.63
	By Montreal Life Insurance Co. (Life and sickness)		1024.09
	By United Church of Canada, Pension Fund, first payment due thereunder		80.00
	To balance on hand	<u>4200.59</u>	
		\$ 5031.34	<u>\$5031.34</u>

14. That the said Kiku Nomoto as the sole beneficiary of the said estate has consented in writing to dispense with the taking of accounts in this matter.

15. That the said Kiku Nomoto as the sole beneficiary of the said estate has consented that the costs of the administration herein and the application to revoke the same be allowed and be paid out of the said estate.

16. That the Minister of Finance by his deputy has advised that the dispensing with the passing of accounts and allowing of the costs of administration and the application to revoke the same out of the said estate do not require the sanction of the Minister of Finance.

SWORN before me at the City
of Vancouver, in the Province
of British Columbia this 10th
day of January, A. D. 1945.

John H. Brown

A Commissioner for taking Affidavits within British Columbia.

R. J. McWaster

9,286.

IN THE S. C. OF B. C.

IN THE MATTER OF THE "ADMINIS-
TRATION ACT"

AND IN THE MATTER OF THE
ESTATE OF KYUICHI NOMOTO

AFFIDAVIT OF

ROBERT JAMES McMASTER

CAMPBELL, BRAZIER & FISHER,
Barristers, etc.,
675 W. Hastings St.,
Vancouver, B. C.



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE "ADMINISTRATION
ACT", R.S.B.C. 1936, Chapter 5 and
Amendments,

AND

IN THE MATTER OF THE ESTATE OF KYUICHI
NOMOTO, DECEASED, whose first name is
sometimes spelled Kyichi, Kyvichi,
Kywichi.

I, KIKU NOMOTO, widow, of the Village of
Greenwood in the Province of British Columbia, MAKE
OATH AND SAY:

1. That Kyuichi Nomoto whose first name is some-
times spelled Kyichi, Kyvichi, Kywichi, late of the Village
of New Denver in the Province of British Columbia, deceased,
died on or about the 30th day of June, 1944 at Essondale in
the Province of British Columbia; that the said deceased died
intestate leaving surviving him only his widow, your Petitioner,
and at the time of his death the said deceased had his fixed
place of abode in the Village of New Denver aforesaid.
2. That I am the widow of the said deceased and his
sole survivor.
3. That I will administer according to law all the
estate which by law devolves upon and vests in the personal
representative of the said deceased.
4. That I will exhibit a true and correct inventory
of the said estate and render a just and true account thereof
whenever required by law do so to.
5. That the whole of the said estate amounts in value
to the sum of \$11824.08 and no more to the best of my knowledge,
information and belief.
6. That I have 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 Will, Codicil or testamentary

paper whatsoever and I have been unable to discover any such Will, Codicil or testamentary paper and I verily believe that the said deceased died without having left any Will, Codicil or testamentary paper whatsoever.

7. That all of the debts of the said deceased have been paid in full.

8. That the said deceased was a National of the Empire of Japan.

9. That your Petitioner is a National of the Empire of Japan.

10. That now produced and shown to me and marked Exhibit "A" to this my Affidavit is a letter signed by K. W. Wright, Counsel to the Custodian of Japanese Property, of the Department of the Secretary of State of the Dominion of Canada setting forth the consent of the Custodian to the appointment of me as administratrix of the estate of the said deceased and to the distribution of the assets in accordance with the laws of the Province of British Columbia.

SWORN before me at the
City of Vancouver, in the
Province of British Columbia
this 11th day of July, A. D.
1944.

K. Homoto.

[Signature]
A Commissioner for taking Affidavits
within British Columbia.

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE

PLEASE REFER
TO
FILE NO. 10182

Evacuee Section

509 Royal Bank Building,
Vancouver, B. C.
July 6th, 1944

Messrs. Campbell, Brazier & Fisher,
Barristers & Solicitors,
Royal Bank Building,
675 West Hastings Street,
Vancouver, B. C.

Re: Kyuichi NOMOTO, Reg. No. 04518

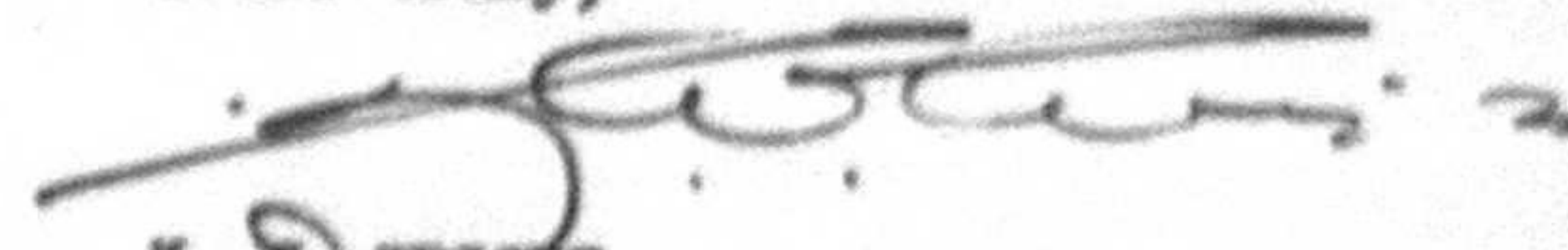
Gentlemen:

We have your communication of the 5th instant.

The Custodian has no objection to granting of Letters of Administration to the wife of the deceased. The Personal Representative, when appointed, will be required to wind-up the Estate in the usual way and distribute the assets in accord with our own Provincial Legislation.

As suggested in the course of our recent interview, you should inform The British Columbia Security Commission when an Administrator is appointed and furnish them with particulars of assets and liabilities. They should also be kept fully informed when distribution takes place.

Yours truly,



K. D. WRIGHT
COUNSEL TO THE CUSTODIAN

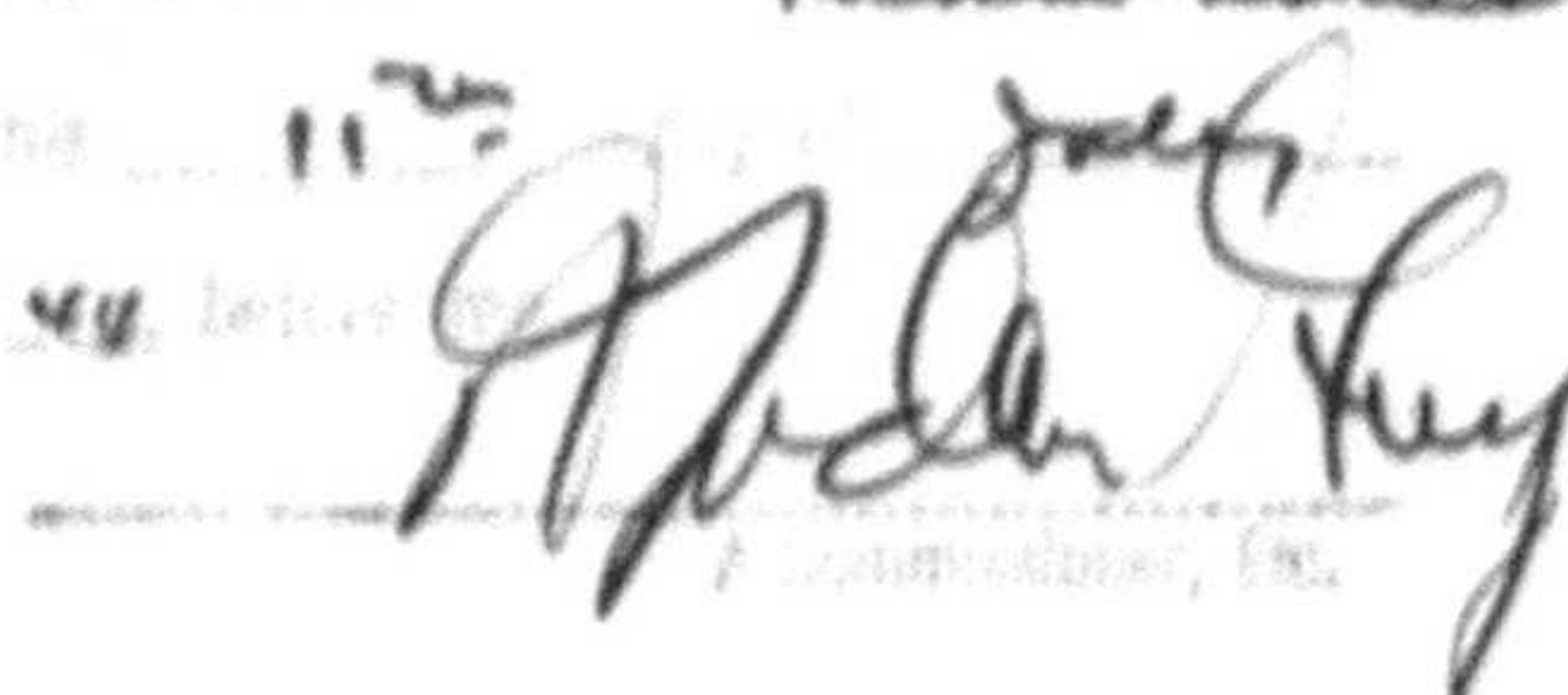
KWW/JF

This is the letter marked "A"

referred to by the letter of Kyuichi Nomoto

dated the 11th

A. L. 1244 letter





IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE "ADMINISTRATION ACT"
R.S.B.C. 1936 Chapter 5 and Amendments

AND

IN THE MATTER OF THE ESTATE OF KYUICHI
NOMOTO, DECEASED, whose first name is
sometimes spelled Kyichi, Kyvichi,
Kywichi.



I, KIKU NOMOTO, the Sole Beneficiary
of the above named Estate HEREBY CONSENT to an order
being made by the Court upon application to revoke
Letters of Administration granted to me by the Supreme
Court of British Columbia on the 17th day of July,
1944, that the taking of accounts in this matter be
dispensed with,

IN WITNESS WHEREOF I have set my hand and
seal at Greenwood in the Province of British Columbia
this 16th day of December, A. D. 1944.

Kiku Nomoto

WITNESS:

Madeline Bock

S.C. of B.C.
IN PROBATE 31786

IN THE MATTER OF THE
"ADMINISTRATION ACT"

and

IN THE MATTER OF THE
ESTATE OF KYUICHI NOMOTO
DECEASED

CONSENT OF BENEFICIARY TO
DISPENSE WITH TAKING OF
ACCOUNTS

CAMPBELL, BRAZIER & FISHER
Barristers and Solicitors,
1406 Royal Bank Building,
VANCOUVER, B.C.

31786
44



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN PROBATE

IN THE MATTER OF THE "ADMINISTRATION ACT"
R.S.B.C. 1936, Chapter 5 and Amendments

and

IN THE MATTER OF THE ESTATE OF KYUICHI
NOMOTO, DECEASED, whose first name is
sometimes spelled Kyichi, Kyvichi,
Kywichi.

I, KIKU NOMOTO, the Sole Beneficiary of
the above named Estate HEREBY CONSENT to an order being
made by the Court upon application to revoke Letters
of Administration granted to me by the Supreme Court
of British Columbia on the 17th day of July, 1944, that
the costs of the said Administration and the application
to revoke the same, be allowed and paid out of the said
Estate.

IN WITNESS WHEREOF I have set my hand and
seal at Greenwood in the Province of British
Columbia this 16th day of December, A. D. 1944.

Kiku Nomoto

WITNESS/

Madeleine Bock.

3124
S.C. of B.C.
IN PROBATE

IN THE MATTER OF THE "ADMINISTRATION ACT"

and

IN THE MATTER OF THE ESTATE
OF KYUICHI NOMOTO, DECEASED,

CONSENT OF BENEFICIARY TO
PAYMENT OF COSTS

CAMPBELL, BRAZIER & FISHER
Barristers and Solicitors
1408 Royal Bank Building
VANCOUVER, B.C.

MEMORANDUM

FILE NO. C-81-4

ATTORNEY-GENERAL'S OFFICE

VICTORIA October 23rd 1944.

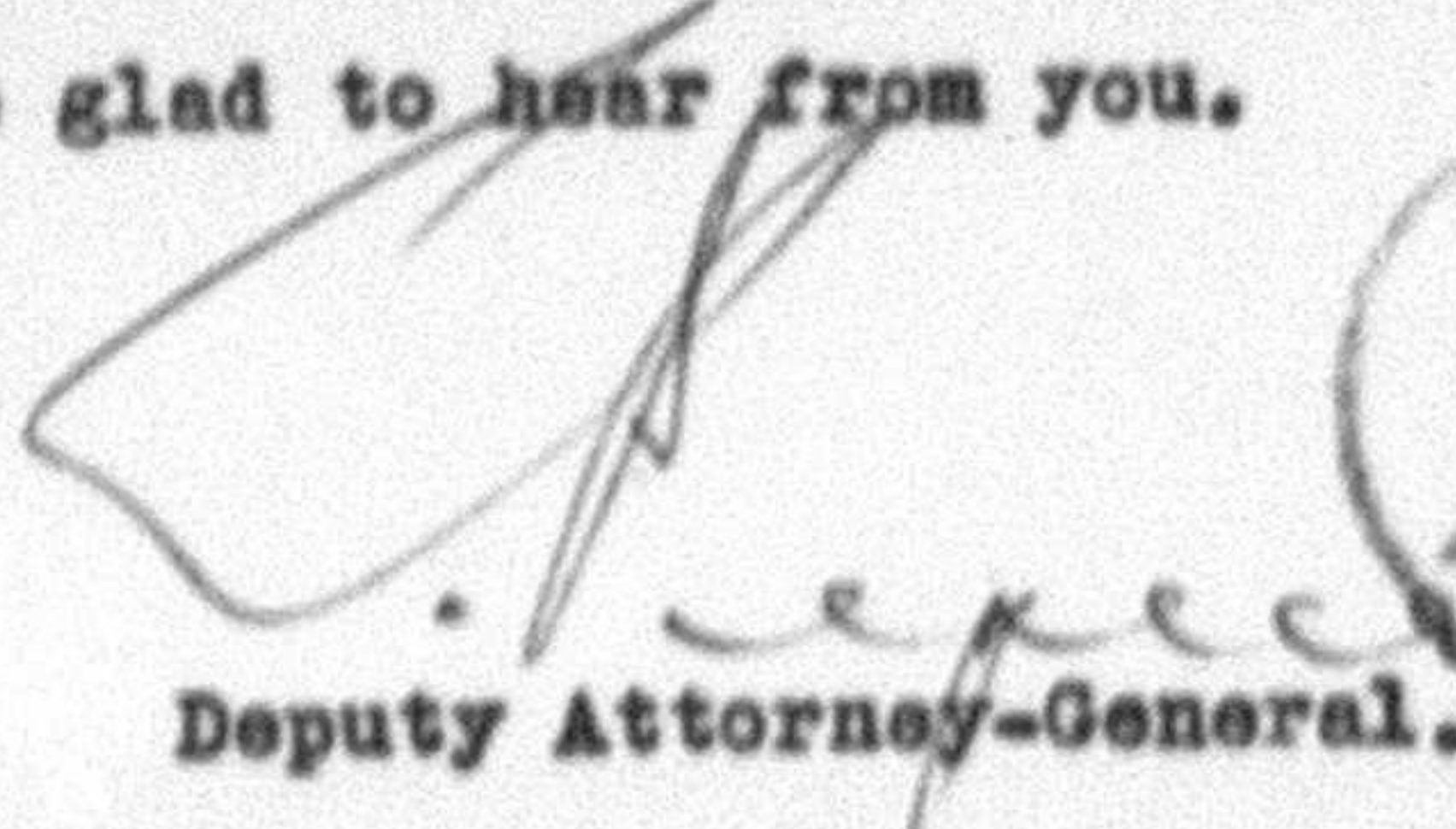
TO The District Registrar of
the Supreme Court,
Court House,
Vancouver, B.C.

Re Estate Kyuichi Nomoto, Deceased.

I enclose copy of letter received from the Deputy Minister of Finance.

As regards the second paragraph it appears that Letters of Administration have been granted contrary to Orders-in-Council #762 dated June 25th 1940, and #110 dated January 28th 1942, preventing the granting of Letters Probate or Administration to nationals or subjects of any country at war with His Majesty without the consent of the Minister of Finance.

I should be glad to hear from you.


Deputy Attorney-General.

ENCL.



COPY

VICTORIA, B. C.,
23rd October 1944.

File #22.07

The Deputy Attorney-General,
Victoria, B.C.

Dear Sir:-

Re Estate of Kyuichi Nomoto, deceased.

I enclose copy of letter received from Messrs. Campbell, Brazier and Fisher, Barristers, of 675 West Hastings Street, Vancouver, B.C., applying for the sanction of the Minister of Finance to the distribution of the assets of the estate of Kyuichi Nomoto, deceased, to Kiku Nomoto, wife of the said deceased, a Japanese National, resident in the Province of British Columbia.

It will be observed from the letter that Kiku Nomoto, the relict of the deceased, has already been appointed Administratrix of the Estate. As both the deceased and his wife were Japanese Nationals resident in British Columbia, it would seem that the Court was in error in granting Letters of Administration without the consent of the Minister of Finance.

The Minister of Finance will not grant consent to the issuance of Letters of Administration to a Japanese National in respect of the Estate of a Japanese National, but in such circumstances would be agreeable to the issuance of Letters of Administration to the Official Administrator.

I suggest therefore that you advise the Court that the said Letters of Administration should be revoked forthwith.

Yours truly,

H. Neville Wright

Deputy Minister of Finance.

HNW/AF.

ENCL.

MEMORANDUM

FILE NO. _____

ATTORNEY-GENERAL'S OFFICE

VICTORIA October 25th 1944.


TO A. L. Rodway, Esq.,

Deputy Registrar Supreme Court,

Vancouver, B.C.

Re "Court Rules of Practice Act".

Referring to our conversation of yesterday, I enclose herewith copy of rules under the above Act showing the dates they appeared in the B. C. Gazette.


Deputy Attorney-General.

ENCL.



In the Supreme Court of British Columbia.

IN PROBATE.

VANCOUVER

Registry.

We it known that on the 22th day of July

19 44, Letters of Administration of all the estate which by law devolves to and vests in the personal representative of Kyuichi Nomoto whose first name is sometimes spelled Kyichi Kyvichi or Kywichi, late of New Denver, British Columbia, deceased, who died on the 30th day of June, 19 44, at Essondale, British Columbia, intestate, were granted by the Supreme Court of British Columbia to Kiku Nomoto of Greenwood, B.C. the lawful Widow of the said intestate.

Estate sworn under -

Probate Duty -

Succession Duty -

Given under the Seal of the said Court this 17th

day of July, A.D. 19 44



A. R. Rodway
Dep. District Registrar.

Extracted by Messrs. Campbell Brazier & Fisher

Solicitors.

This Grant is made upon the condition that no portion of the assets shall be distributed or paid during the War to any beneficiary or creditor who is a National of the German Reich or Italy wherever resident, or to any one on his behalf, or to or on behalf of any person resident in the German Reich or Italy of whatever nationality, or to or on behalf of any subject or citizen of any country at war with His Majesty, without the express sanction of the Crown acting through the Minister of Finance; and if any distribution or payment is made contrary to this condition the grant of probate or letters of administration will be forthwith revoked.

31786

THE SUPREME COURT OF BRITISH COLUMBIA

VANCOUVER REGISTRY

In the Matter of the Estate
of

KYUICHI NOMOTO, whose first
name is sometimes spelled
KYICHI, KYVICH I or KYWICHI

Deceased.

Grant of Letters of

ADMINISTRATION

Reversed

Messrs. Campbell Brazier &
Fisher.

Solicitors.

270-544-5230

IN THE MATTER OF THE "ADMINISTRATION
ACT", R.S.B.C. 1936, Chapter 5, and
Amendments

AND

IN THE MATTER OF THE ESTATE OF KYUICHI
NOMOTO, DECEASED, whose first name is
sometimes spelled kyichi, Kyvishi,
Kywichi.

APPOINTMENT TO TAX

I HEREBY APPOINT Freiday the 23rd
day of February 1945, at the hour of 10
o'clock in the fore noon, at my office at the Court
House, Georgia Street, Vancouver, B.C., as the time and
place for the taxation of the within Bill of Costs.

DATED this 15th day of February, A. D.
1945.

B. Mather
DISTRICT REGISTRAR.

Like S.C. of B.C.
homot. state

D. G.

This is the Exhibit marked "A"
referred to in the affidavit of May Mc Rochlen
sworn this 21st day of February
A. D. 1925 before me, _____

before me.

[Signature]

A Notary Public
in and for the State of New York

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE "ADMINISTRATION
ACT" R.S.B.C. 1936, Chapter 5 and
Amendments

IN THE MATTER OF THE ESTATE OF
AYUICHI NOMOTO, deceased, whose first
name is sometimes spelled Kyichi,
Kyvichi, Kywichi.

BILL OF COSTS1944

July 5,

5-

Attending Mrs. Nomoto for instructions with interpreter, engaged 3 hours	15.00
Attending Custodian of Enemy property	2.50
Letter requesting Custodian's consent to the appointment of Mrs. Nomoto as Administratrix	1.00
Letter to United Church Pension Fund enquiring as to benefits thereunder	1.00
Attending telephone J. G. Brown for certificate as to age as shown on College record	.50
7, Attending B. C. Security Commission arranging extension of time for Mrs. Nomoto to stay in Vancouver to complete documents	2.50
Drawing Petition	1.20
Copy to keep	.60
Instructions re affidavit	1.50
Drawing same	1.20
Copy to keep	.60
Instructions re affidavit of Value and Relationship	1.50
Drawing same	2.40
Making duplicate	2.40
Copy to keep	1.20
Drawing Inventory X	1.20
Making duplicate	1.20
Copy to keep	.60
Drawing Inventory Y	.60
Carried Forward	<u>\$38.70</u>

1944	Brought forward	\$38.70	
July 7,	Making duplicate	.60	
	Copy to keep	.30	
* 11,	Counsel fee revising and settling documents		10.00
	Preparing four exhibits	1.00	
	Instructions to draw Declaration for Dominion Succession Duty Returns, Form S.D.1,	1.50	
	Drawing same	2.40	
	Making duplicate	2.40	
	Copy to keep	1.20	
	Drawing declaration of Debts for Dominion Returns, form S.D.14	.60	
	Making duplicate	.60	
	Copy to keep	.30	
	Attending Administratrix, engaged herein generally and on checking papers to be sworn and paid commissioner on three affidavits,	5.00	1.50
	Paid mark exhibits		1.00
12,	Drawing four sets of claims for Insurance, Claimant's form Attending upon declaration thereof	3.50	
	Attending Court Registry to file papers and bespeak Grant and paid	1.50	.90
5 — 13	Counsel fee on application for grant of Letters of Administration, without bond,		15.00
14	Attending Court Registry to extract Grant and paid	1.00	2.50
17	Letter to Ministers' Life and Casualty re sickness claim setting forth circumstances of sickness and death	1.00	
18	Drawing letter to the Attorney General authorizing payment of moneys in the hands of the Inspector of Municipalities and handing over all bonds and War Savings Certificates	.50	
	Carried forward	\$62.10	\$30.90

1944

July 18,

Brought forward

\$62.10 \$30.90

Letter to Custodian of Japanese property giving authority to hand over balance due to deceased to Mr. R. J. McMaster

.50

Letter to United Church of Canada Pension Fund authorizing them to pay Mortality Benefit to R. J. McMaster

.50

Letter to Montreal Life Insurance Company authorizing them to pay to R. J. McMaster proceeds of Insurance Policies

.50

Letter to Ministers' Life & Casualty Company authorizing them to pay proceeds of policy to Mr. R. J. McMaster

.50

Letter to Messrs Campbell, Brazier & Fisher instructing them to call in the Estate and upon the same being called in to transfer it to Rev. W. P. Bunt, in trust,

.50

19,

Letter to Harron Brothers Funeral Directors Limited enclosing affidavit in proof of death with instructions

1.00

Letter to Medical Superintendent Provincial Mental Hospital enclosing affidavit proof of death with instructions

1.00

22

Letter to Custodian of Japanese property filing notarial copy of Letters of Administration and advising re progress of estate

1.00

Letter to Inspector of Municipalities forwarding Notarial copy of Letters of Administration and letter authorizing payment of funds in his hands to R. J. McMaster and the handing over of bonds and war savings certificates

1.00

Long letter to Minister of Finance Ottawa enclosing copy of Letters of Administration and copy of Consent of the Custodian of Japanese property and copies of Dominion Succession Duty Returns requesting permission to distribute the estate

1.00

26

Letter to Inspector of Dominion Succession Duties filing returns

1.00

Carried forward

\$70.60 \$30.90

1944	Brought forward	\$70.60	\$30.90
July 26	Engrossing 2 Notarial copies of Letters of Administration for Dominion Succession Duty purposes	1.20	
	Granting 2 Notarial Certificates for same	2.00	
	Engrossing 5 Notarial copies of Letters of Administration for insurance claims and United Church Pension claim, Custodian and Inspector of Municipalities	3.00	
	Granting 5 Notarial Certificates for same	5.00	
August 1,	Long letter to B. C. Security Commission upon receipt of bills from it, setting forth arrangements made with the Inspector of Provincial Institutions	3.50	
3,	Upon receipt of letter from Inspector of Municipalities, attending Canadian Bank of Commerce to accept delivery of bonds and War Savings Certificates, attending checking same and to give receipt therefor and paid	3.50	.75
7,	Long letter to Administratrix reporting on progress	2.50	
	Letter to Superintendent of Provincial Mental Hospital requesting return of proof of death forms	1.00	
	Attending Rev. Mr. Bunt upon execution of affidavit of identity for insurance purposes	1.50	
	Engrossing notarial copy of extract from passport for proof of age for insurance purposes	1.20	
	Granting 2 notarial certificates of extract from passport	2.00	
	Long letter to Montreal Life Insurance Co. filing documents necessary for claim on life insurance policy	2.50	
19,	Filing claim with the United Church Pension Fund for mortality benefit, enclosing notarial copy of Letters of Administration	1.00	
	Letter to Ministers' Life and Casualty Union forwarding documents necessary to complete claim	1.00	

Carried forward \$102.50 \$31.65

<u>1944</u>	Brought forward	\$102.50	\$31.65
August 7	Letter to Montreal Life Insurance Company filing additional documents required to complete same	1.00	
29	Upon receipt of letter from Ministers' Life and Casualty Union forwarding cheques, acknowledging same and forwarding policy	1.00	
31	Letter to Minister of Finance Ottawa requesting reply to our letter of July 22nd	.50	
	Upon receipt of letter from Montreal Life Insurance Company forwarding notarial copy of Consent of the Custodian of Enemy property and advising as to right to pay Administratrix	1.00	
September 5	Letter to Pension Fund of United Church of Canada re payments due to Mrs. Nomoto under Pension Fund	1.00	
6	Upon receipt of affidavit in proof of claim by B. C. Security Commission, perusing same and advising payment thereof, letter to B. C. Security Commission paying account out of Estate Funds	2.50	
	Upon receipt of claim by Provincial Mental Hospital for the month of June, 1944, perusing same and advising payment thereof and letter forwarding payment out of the Estate	1.50	
27	Upon receipt of letter from Minister of Finance at Ottawa advising that documents had been misplaced, engrossing copies of documents previously forwarded and letter	2.50	
October 4	Letter to Mrs. Nomoto enclosing cheques received to be endorsed	1.00	
7	Upon receipt of letter from Mrs. Nomoto asking for distribution of \$100.00 out of the Estate, advising her that same could not be distributed without the consent of the Minister of Finance	1.00	
13	Attending Mr. Bunt at the request of Administratrix giving report on progress of estate to date	1.50	
	Carried forward	\$117.00	\$31.65

1944	Brought forward	\$117.00	\$31.65
October 16	Upon receipt of letter from the Minister of Finance, Dominion Government, advising that he had no authority to grant permission to distribute the Estate, attending Registrar of Supreme Court re consent required for distribution	2.50	
	Long letter to Inspector of Legal Offices re consent	2.50	
20	Upon receipt of letter from Inspector of Municipalities, long letter to Minister of Finance for the Province of British Columbia setting forth circumstances of Grant of Letters of Administration and asking for consent to administration and distribution	3.50	
21	Attending income Tax Department on telephone when they called re deceased's income tax	.50	
	Letter to Rev. P. W. Bunt, Superintendent of Home Missions in British Columbia for the United Church of Canada enquiring re arrangements for payment of Income Tax when deceased employed by United Church	1.00	
27	Upon receipt of letter from the Minister of Finance for the Province refusing to consent to the Grant of Letters of Administration, long letter to Mrs. Nomoto advising thereon, and as to the courses of action open to her	5.00	
27	Attending Official Administrator to ascertain his willingness to act if Administratrix applied for revocation	1.00	
November 10	Upon receipt of letter of instructions from Administratrix, letter to Minister of Finance seeking to ascertain if application for revocation were made whether the United Church Pension and policy of insurance to named beneficiary would be free to go direct to her	1.50	
	Long letter to Custodian setting forth circumstances of refusal of consent of Minister of Finance and asking for his consent to the official administrator being appointed	2.00	
	Carried forward	\$136.50	\$31.65

<u>1944</u>		Brought forward	\$136.50	\$31.65
November 15		Upon receipt of letter from Minister of Finance, letter to United Church Pension Fund asking for a copy of the Rules and Regulations applying and advising to continue forwarding cheques for Pension payments to this office until matter cleared	1.00	
	30	Letter to Minister of Finance forwarding copy of United Church Pension Regulations and pointing out that the Pension did not constitute part of the Estate and asking for the express leave and license of the Minister of Finance to the appointment of the Official Administrator as Administrator of the Estate	1.00	
December 5		Drawing consent to an order being made upon revocation of grant of Letters of Administration dispensing with the taking of accounts	1.00	
		Drawing consent upon grant of Letters of Administration to an Order for costs out of the Estate	1.00	
		Letter to Mrs. Nomoto forwarding consents with explanation thereof to be executed by her	1.00	
	20	Upon receipt of letter from Mrs. Nomoto asking for a further explanation with reference to consents, long letter in reply thereto	1.50	
<u>1945</u>				
January 4		Drawing Chamber Summons for application to revoke Letters of Administration	.60	
		Drawing long affidavit in support of application for revocation, 12 folios	2.40	
		Attending to swear affidavit and paid	.50	.50
	10	Attending file affidavit and Consents and issue Chamber Summons	.50	.80
	11	Counsel fee in Supreme Court Chambers on application to revoke letters of Administration		15.00
		Carried forward	\$147.00	\$47.95

5 -

<u>1945</u>	Brought forward	\$147.00	\$47.95
January 11	Drawing order revoking Letters of Administration	1.00	
	Attending enter Order and paid	.50	.60
February 6	Drawing Bill of Costs, 23 folios at 25¢	5.75	
	Copy to serve @ 15¢	3.45	
	Copy to keep	3.45	
	Drawing appointment to tax	.60	
	Copy to serve	.30	
	Copy to keep	.30	
	Attending for appointment and paid	1.00	1.00
	Attending to serve appointment and Bill of costs	1.00	
	Attending on Taxation	2.00	
	Drawing allocatur and paid	1.00	1.00

\$167.35 \$50.55

DISBURSEMENTS 50.55

TOTAL: \$217.90

TAXED OFF: \$ 15-

TAXED AND
ALLOWED AT: \$ 202⁹⁰

Sanaturo

21786
S.C. of B.C.
IN PROBATE

IN THE MATTER OF THE
"ADMINISTRATION ACT"

and

IN THE MATTER OF THE ESTATE
OF KYUICHI NOMOTO, DECEASED,

APPOINTMENT TO TAX
AND
BILL OF COSTS

CAMPBELL, BRAZIER & FISHER
Barristers and Solicitors
1408 Royal Bank Building
VANCOUVER, B.C.



IN THE SUPREME COURT.

In Prolocute
In the matter of the Administration of
 AND *KYUICHI*
In the matter of the Estate of Kyuichi
Nomoto Defendant.
 NOMOTO



Set on chambers last Wednesday
July 12 1944 appl. grant
Letters of Administration and to
disburse with a bond.

ok all

Dated this 11th day of July, 1944

R. J. MacMaster Solicitor for *app. Petitioner*

IN THE SUPREME COURT.

In Prolocute
In the matter of the Administration of
 AND
In the matter of the Estate of
Kyuichi Nomoto Decd Defendant.

REQUIRED

Lial allocation



Dated this 23rd day of February, 1945

R. J. MacMaster Solicitor for *Administration*

31786

S. C.

vs.

PRÆCIPE

—FOR—

Allocatur

Solicitor for

S. C.

vs.

PRÆCIPE

—FOR—

Solicitor for

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)

In the SUPREME COURT OF BRITISH COLUMBIA IN PROBATE

In the Matter of the Estate of **KYUICHI NOMOTO**, deceased,
 whose first name is sometimes spelled Kyichi, Kyvichi, Kywichi.
I, WAK KIKU NOMOTO, of the Village of Greenwood, in the Province
 of British Columbia, widow,

That I am ~~am~~ the applicant for letters of administration to the estate of **Kyuichi Nomoto**, who died on or about the **30th** day of **June**, A.D. 1944, domiciled in **British Columbia**, make oath and say:—

That I have caused application to be made in the office of the Registrar of the above-named Court that letters of administration be granted to the estate of the said deceased 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 deceased 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 deceased or of which the said deceased 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 \$ 11, 7 24. 08

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 deceased 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 deceased 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 deceased 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 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 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 11th day of July 1944

K. Nomoto.

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

31786

Filed July 1944

In the matter of the Estate of

KYUICHI NOMOTO.

DECEASED

Affidavit

OF VALUE AND RELATIONSHIP

The Clerk & Stuart Co. Limited, Law Printers and Stationers
Vancouver, B.C. Form No. 16

CAMPBELL, BRAZIER & FISHER,
Barristers, etc.,
675 W. Hastings St.,
Vancouver, B.C.

"Succession Duty Act" (British Columbia)

In the SUPREME COURT OF BRITISH COLUMBIA

In the Matter of the Estate of KYUICHI NOMOTO, Deceased.

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

TOTAL.

NIL

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.

(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 38082, Montreal Life Insurance Co., payable to personal representative

1000 00

Policy IA51425, the Ministers' Life & Casualty

Union of Minneapolis, Minneapolis, U. S.A. payable to named beneficiary

1000 00

Mortality benefit payable to the estate from the Pension Fund of the United Church of Canada

500 00
2500 00

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

PRINCIPAL.

INTEREST.

TOTAL.

Monies in hands of the Inspector of Municipalities for the Province of British Columbia on behalf of the Attorney General of British Columbia acting as committee of the estate of the deceased under the Lunacy Act R.S.B.C. 1936 Chapter 162 and Amendments
Credit balance funds in hands of the Custodian of Japanese Property

2374 07

19 49

Claim for benefits for total and permanent disability under Accident and Sickness Policy

160 00

T105446 Ministers' Life & Casualty Union of Minneapolis

2553 56

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.
\$100.00 Dominion of Canada 1st War Loan, Feb. 1, 1940 due 1952, No. F8 A082157. Call Letter B. Interest 3½%. Registered in name of Kyuichi Nomoto			100 00
\$300.00 Dominion of Canada War Bonds, June 15/51 Nos. K-4A041069, K-4A094802, K-4A260582, 3%			300 00
\$100.00 Dominion of Canada 3rd Victory Loan Nov. 1/42 due Nov. 1/56. No. L-2A067361, 3% Nov. 1/44 and all subsequent coupons attached			100 00
2 War Savings Certificates - face value \$5.00 ea. No. TA448283 - May 15/41 Kyuichi Nomoto			4 20
No. A439093 - Aug. 15/40 Kyuichi Nomoto			4 25
7 War Savings Certificates - face value \$10.00 ea. No. B70232 - Aug. 15/40 Kyuichi Nomoto			8 50
No. B168236 - Sep. 15/40 " "			8 50
No. E377976 - Feb. 15/41 " "			8 40
No. TB32870 - Apr. 15/41 " "			8 40
No. TB378734 - 15 - 9 - 41 " "			8 22
No. TB418490 - 15 - 10 - 41 " "			8 22
No. TB651205 - 15 - 2 - 42 " "			8 14
3 Dominion of Canada War Savings Certificates face value \$50.00 ea. No. D 19905 - June 15/40 Kyuichi Nomoto			43 10
No. D 108265 - Apr. 15/41 Kyuichi Nomoto			42 00
No. TD47866 - 15 - 12-41 Kyuichi Nomoto			41 50
1 War Savings Certificate - face value \$100.00 No. E287060 Mar. 15/41 Kyuichi Nomoto			84 00
			<u>777 43</u>

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.

Pension from United Church of Canada payable to Kiku Nomoto, the wife of the deceased as named beneficiary. Annually \$320.00
Kiku Nomoto born Sept. 12, 1909. Capitalized value

5793 09

12. OTHER PROPERTY.

TOTAL.

Household goods and furniture

200 00

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

SUMMARY OF FOREGOING NUMBERED ITEMS.
(State values of parts within and without British Columbia.)WITHIN
BRITISH
COLUMBIA.WITHOUT
BRITISH
COLUMBIA.

TOTAL.

Item 1

Item 2

Item 3

2500 00

2500 00

Item 4

2553 56

2553 56

Item 5

777 43

777 43

Item 6

Item 7

Item 8

Item 9

Item 10

Item 11

5793 09

5793 09

Item 12

200 00

200 00

TOTALS

11824 08

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

Harron Bros. Ltd., Vancouver, B. C.

Funeral and cremation

195 00

195 00

Superintendent of Home Missions,
United Church of Canada,Dominion Bank Bldg., Vancouver, B. C. - telegrams 8 50
Campbell, Brazier & Fisher - account re. appli-
cation for committee of the estate 25 00

8 50

25 00

228 50

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

of KIKU NOMOTO

Sworn to at Vancouver, B. C. on the 11th day of July, 1944.

