

No.

56177^I

NAME

Ebisuzaki Company Inc.

56177

vol I

THE UNIVERSITY OF TORONTO
JAN 10 1968
CATALOGUE NO. 1 1113

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
November 9, 1950

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Re: M. Ebisuzaki Company

Dear Mr. Shears:

I acknowledge with thanks receipt of your communication
of the 21st ultimo enclosing P. S. Ross & Sons' report on the
Liquidation of the above Company, dated October 18th, 1950.

Yours very truly,

K. W. WRIGHT
CHIEF COUNSEL

KWW/JF

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

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FILE NO.

506 Royal Bank Bldg.,
Vancouver, B. C.,

October 21, 1950.

K.W. Wright, Esq. K.C.,
Chief Counsel,
Office of the Custodian,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ont.

Dear Mr. Wright: Re: M. Ebisuzaki Company

Enclosed is P. S. Ross & Sons' Report on
Liquidation of the above Company, dated 18th October, 1950.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

per G.N.

FGS/GN
Encl.

J-13

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

October 5th, 1950.

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B.C.

Dear Mr. Shears:

Re: Ebisuzaki Company Ltd.

I have for acknowledgment your communication of the 2nd instant, enclosing copies of Affidavits of Teiji Morishita and Kentaro Ebisuzaki together with your letter of September 25th and Mr. Sheppard's reply of September 30th, 1950.

It will be in order for you to act in accord with Mr. Sheppard's opinion and I wish that you would instruct Messrs. P. S. Ross & Sons accordingly.

Yours very truly,

K. W. Wright,
Chief Counsel.

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

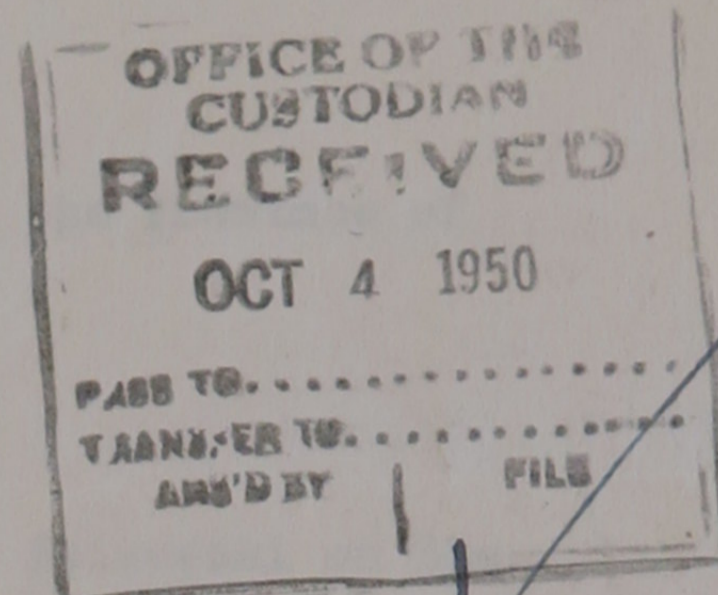
ADDRESS ALL
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FILE NO. 5078
E/170

506 Royal Bank Bldg.,
Vancouver, B. C.,
October 2, 1950.

K. W. Wright, Esq. K.C.,
Chief Counsel,
Office of the Custodian,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ont.



Dear Mr. Wright:

Re: Ebisuzaki Company Ltd.

In accordance with your letter of July 13th, we communicated with Mr. Teiji Morishita and Mr. Kentaro Ebisuzaki and received affidavits from them, copies of which are enclosed.

These were forwarded to Mr. Sheppard in my letter of September 25th, copy of which is enclosed. Mr. Sheppard's reply of September 30th is now sent to you and I assume it will be in order to act on his opinion, but before advising Messrs. P. S. Ross & Sons, I will wait for your confirmation.

Yours very truly,

F. G. Shears,
Director.

FGS/GN
Encl. 2.

(c) Subsequently, the said Kentaro Ebisuzaki informed me that he had destroyed the original ("Japanese") promissory note and that he had sent the "English" note on to the Custodian.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at the City)
of Slocan City)
in the)
of British Provinces)

DOMINION OF CANADA
Province of
British Columbia

District of

West Kootenay

TO WIT:

IN THE MATTER of

Morishita and M. Ebisuzaki & Co.

C
O
P
Y

I, Teiji Morishita, of the City of Slocan City, in the Province of British Columbia, Logger.

DO SOLEMNLY DECLARE THAT

(1) That I borrowed the sum of \$1000.00 from Kentaro Ebisuzaki on the following dates:

\$500.00 on April 3, 1936, \$300.00 July 10, 1936, and
\$200.00 on September 15, 1936.

(2) That on the 15th day of September 1936, the said Kentaro Ebisuzaki requested me to give him a note to secure the loan of \$1000.00 as advanced above. Subsequently on the same day, I wrote out in Japanese and signed the said promissory note for \$1000.00 and gave it to the said Kentaro Ebisuzaki.

(3) That it was understood that I was to pay the said debt, if and when I sold my house, 466 East Cordova St. Vancouver. The said monies were advanced to me by Kentaro Ebisuzaki to repair my said home.

(4) Subsequently, about March 1942, I was relocated in Alberta, at the Town of Raymond. The Custodian of Enemy Property sold my house known as 466 East Cordova St. Vancouver, sometime in December 1943 without my knowledge.

(5) At no time have I repaid Kentaro Ebisuzaki any amount on account of the said promissory note, and I still owe him the sum of \$1000.00

(6) The Custodian is now holding the sum of \$1124.49 which is the proceeds of the sale of my said home in Vancouver.

(7) Subsequently I received a letter from the said Kentaro Ebisuzaki requesting me to sign a new note (the new note appeared to be a translation in English of the original note which I had given to him. I received this letter in August, 1948, and the new promissory note, which I signed and returned to him. He requested me to sign this "English" note so that he could send it on to the Custodian.

(8) Subsequently, the said Kentaro Ebisuzaki informed me that he had destroyed the original ("Japanese") promissory note and that he had sent the "English" note on to the Custodian.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at the City)
of Slocan City)
in the Province)
of British Columbia)
this 11th day of September)
A.D. 1950.)

"TEIJI MORISHITA"

"HOWARD BARKER" (?)

A Notary Public in and for the Province of British Columbia.

DOMINION OF CANADA
Province of Ontario.

IN THE MATTER OF

COUNTY of YORK

M. Ebisuzaki & Company

TO WIT:

I, Kentaro Ebisuzaki, formerly of the City of Vancouver, in the Province of British Columbia, now of the City of Toronto, in the Province of Ontario, Shipper

DO SOLEMNLY DECLARE

1. That in the year 1936, I loaned the following sums, on the following dates to my Uncle, Teiji Morishita to repair his home in Vancouver:

\$500.00 in April 3, 1936

\$300.00 on July 10, 1936

\$200.00 on Sept. 15, 1936

2. That on the 15th of September, 1936, I requested my said uncle to give me a promissory note to secure the said loan of \$1000.00. Subsequently that same day my said uncle wrote out, with my direction in Japanese, the following promissory note and executed the same. (The English translation of which is set out below.)

466 East Cordova St.,
Vancouver, B. C.,
September 15, 1936.

On Demand, I, Teiji MORISHITA, promise to pay my nephew, Kentaro EBISUZAKI, Vancouver, B. C., the sum of One Thousand Dollars (\$1000.00), being loaned to me on three dates as follows:

\$500.00 on April 3, 1936,

\$300.00 on July 10, 1936,

\$200.00 on September 15, 1936.

This will bear no interest.

I also promise that I will not sell my house at above address without the knowledge of my nephew, Kentaro EBISUZAKI.

T. Morishita (signed)

3. That the understanding between my uncle and myself was that I should be paid the \$1000.00 when he sold his home at 466 East Cordova Street, Vancouver, B.C.

4. Subsequently during the winter of 1943, my uncle was re-located to Raymond, Alberta, and also the Custodian sold my uncle's home

at 466 East Cordova St., Vancouver, B.C., without my uncle's knowledge.

✓ ~~5. That while I speak of "my uncle's home" it is merely for convenience's sake because, while it was registered in my uncle's name, I was a co-owner with him of the same.~~ ✓

6. I held the said promissory note (written in Japanese) until evidence was requested by the Custodian for this note, about the 13th of December, 1948. On or about that date, I destroyed the original note written in Japanese and sent an English translation of the same to my uncle for his signature. I sent the new note for execution by my uncle, and destroyed the old note because I believed that since the original note was written in Japanese that it would be of no avail to the Custodian, I destroyed the original note because I felt bound to destroy the same, because my said uncle had given me a new note (written in English) for the original one written in Japanese and made on September 15, 1936.

7. That I have never received any sums from my said uncle toward payment of the said promissory note, and that the sum, \$1000.00 is still owing to me under the said promissory note.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

DECLARED before me at the City
of Toronto
in the County
of York
this 23rd day of September
A.D. 1950

Kentaro Ebisuzaki



L.G. Kurata
A Commissioner, etc.

September 25, 1950.

Messrs. Locke, Guild, Lane, Sheppard & Yule,
Barristers & Solicitors,
703 Rogers Building,
470 Granville St.,
Vancouver, B. C.

Dear Sirs:

Attention, Mr. F. A. Sheppard, K.C.

Re: Teiji Morishita and M. Ebisuzaki

You have previously given us advice in regard to this matter. Certain affidavits have now been received, and it will be appreciated if you will give us your written opinion as to the disposition of the funds we have on hand.

For your convenience, the following will outline the circumstances:

Our letter written to Mr. Wright reads as follows:

"The Ebisuzaki Company is a partnership consisting of -

Masataro Ebisuzaki,	Enemy - 25%
Mrs. Hide Ebisuzaki	(wife of above) Evacuee - 50%
Teiji Morishita	Evacuee 25%

"Teiji Morishita is the only partner with funds, and we have on hand the sum of \$1124.49.

"Morishita claims that he borrowed \$1000.00 from his nephew Kentaro Ebisuzaki, and under date of 26th August 1948 we received a letter from Kintaro claiming the \$1000.00 and giving the same story as written by Morishita. Kentaro Ebisuzaki supported this contention by forwarding us a note signed by his uncle, Morishita, purporting to be signed on September 15, 1936. We wrote to Kentaro Ebisuzaki, pointing out that the note was typed on the same bond paper as used by Kentaro in his letter to us written in 1948, our letter reading as follows:

"You state in that letter that you are enclosing the original note signed by your uncle, Mr. Teiji Morishita. This note purports to be signed on September 15, 1936. We notice however, that it is typed on the same bond paper as used by yourself in your letter to us of September 15th, 1948. It appears to us therefore, very unlikely that the document you sent was actually signed in 1936, and (over)

that it has only recently been typed and signed. As such, it would in itself provide very little evidence in support of the loans it is claimed were made over twelve years ago."

"The reply received from Kentaro Ebisuzaki was as follows:

"This note my uncle, Mr. Teiji MORISHITA, gave me was written and signed in Japanese. Before I sent you the note, I translated the note into English and had it signed by my uncle. When I obtained the note in English, I saw no necessity in keeping the note in Japanese and destroyed it."

"Mr. Sheppard has advised us that -

"Under that rule the partnership assets would be applied first in payment of the partnership liabilities, any surplus would be allotted namely to the individual partners and the amount allotted to each partner would then be available to pay the separate creditors of such partner. Similarly the separate property of a partner, that is the property not in the partnership would be applied first in payment of the separate debts of that partner, and any surplus could then be incorporated into the partnership assets for payment to the partnership creditors."

"The question is therefore whether we will admit Morishita's personal indebtedness, in which case there would be no money for the partnership liabilities."

Mr. Wright replied -

"The evidence before you is insufficient therefore Morishita should file an affidavit disclosing all the details, and he should secure a further affidavit from the creditor in support of his claim."

"Mr. Sheppard has furnished you with a general outline of the law rather than an opinion on this case. My thought is that when you receive the material above referred to the matter should be placed before him again with request that he advise the Custodian as to proper disposition. When you receive Mr. Sheppard's written opinion kindly submit a new report, in duplicate, with your recommendation. This report should be complete in itself in order that I may present it to the Custodian for final decision."

We wrote to Morishita and to Ebisuzaki as follows:

"We are holding \$1124.49 to the credit of your account. We have a further request from the Liquidator of Ebisuzaki & Company to pay this amount to him in order to contribute to the deficiency of funds required to pay creditors of the partnership.

"We are aware that you claim to have borrowed \$1000.00 from your nephew, Kentaro Ebisuzaki and that this amount should be paid to him rather than being applied to payment of partnership debts.

"We have pointed out to Mr. Kentaro Ebisuzaki that it was evident that the note which he sent to us purporting to support this loan, while being dated Sept. 15th, 1936, had only recently been typed and signed, and the explanation given was that having obtained a note in English, the original note written in Japanese had been destroyed. It is difficult to understand why, after keeping a note for over twelve years, it was destroyed just at the time when its evidence would have been of value.

"In referring this matter to Ottawa, they agree that the evidence before us is insufficient and suggest that if the facts are as have been previously indicated by yourself and Mr. Kentaro Ebisuzaki, that an affidavit disclosing all the details concerning this loan should be made by yourself, and a further affidavit from Mr. Kentaro Ebisuzaki in support of his claim.

"If this is done and you are prepared to swear to these affidavits in a legal manner, we will then submit the documents to our solicitor for his opinion as to whether the \$1000.00 should be paid to Mr. Kentaro Ebisuzaki or to the Liquidator of the partnership.

"This matter must be attended to promptly so that a final decision can be given by the Custodian."

The enclosed Affidavits have now been received, and these, you will note from Mr. Wright's letter, are to be forwarded to Ottawa, together with your written opinion.

It would be appreciated if you will let us have this.

Yours truly,

F. G. Shears,
Director.

FGS/GN
Encls.

LOCKE, GUILD, LANE, SHEPPARD & YULE

Barristers & Solicitors

703 Rogers Building,

Vancouver, B. C.

September 30th, 1950.

Office of the Custodian,
506 Royal Bank Bldg.,
675 West Hastings Street,
VANCOUVER, B. C.

C
O
P
Y

Dear Sir:-

Re: Teiji Morishita and Mr.
Ebisuzaki, File No. 5078 and
E.170.

In this matter the nephew made claim to the Custodian for a \$1000.00 which he claims he lent to his uncle, Morishita, in 1936 on a promissory note. However, when the nephew made claim in 1948 he purported to send the original note in English, and although dated 1946 it was on the same paper as that on which he wrote his letter in 1948. The question is not one of law but of fact, and the sole question is whether this claim should be believed. Being a question of fact there is no principle to which we can resort for an answer. However for what they are worth my views are as follows :-

The claimant nephew has since offered the explanation that from 1936 he held the original note in Japanese and for the purpose of the Custodian he made out the note in English, in 1948, and had his uncle sign it, hence that is the reason for the note being on the same paper as the letter he wrote. As the claim has a proper basis for suspicion then the parties should have produced some corroborative evidence, such as a Bank Account showing that the nephew had these sums, and the cheques making payment, but none of these have been offered; the promissory note of 1936 is not produced and the nephew says he destroyed it when he obtained the one in 1948. In place of this corroborative evidence you are offered two declarations, one by the claimant nephew and one by the uncle. While the transaction is still suspicious yet it is of a type that could occur between Orientals and in the same family. The basis for suspicion, the similarity of the note of 1936 and the letter of 1948 has been explained. As there now appears no further suspicion we would accept the declarations and pay the claimant the amount requested.

Yours truly,

LOCKE GUILD LANE SHEPPARD & YULE,

Per:

FAS/EB

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario

July 13th, 1950.

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B.C.

Dear Mr. Shears:

Re: M. Ebisuzaki & Company

I question if we may regard this altogether as a policy problem for the reason that consideration must be given to certain legal aspects.

The evidence before you is insufficient therefore Morishita should file an affidavit disclosing all the details, and he should secure a further affidavit from the creditor in support of his claim.

Mr. Sheppard has furnished you with a general outline of the law rather than an opinion on this case. My thought is that when you receive the material above referred to the matter should be placed before him again with request that he advise the Custodian as to proper disposition. When you receive Mr. Sheppard's written opinion kindly submit a new report, in duplicate, with your recommendation. This report should be complete in itself in order that I may present it to the Custodian for final decision.

Yours very truly,

KWW/G

K. W. Wright,
Chief Counsel.

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

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FILE NO. En. 170.

506 Royal Bank Bldg.,
Vancouver, B. C.,

July 10, 1950.

September 15, 1936. We wrote to Kentaro Ebisuzaki, partner in the Ebisuzaki Company, and asked him to provide paper as used by Kentaro Ebisuzaki in 1948, our letter reading as follows:
K. W. Wright, Esq., K.C.,
Chief Counsel,
Office of the Custodian,
Victoria Building,
7 O'Connor St.,
Ottawa, Ont.

Dear Mr. Wright:

Re: M. Ebisuzaki & Company

The decision regarding the following is I think, a matter of policy, and your advice would be appreciated at your convenience.

P. S. Ross & Sons have written -

"As you will recall we filed a claim against the assets of Mr. Teiji Morishita, a partner in this organization, and we feel that the disposition of our claim against Morishita should be made before we attempt to distribute the assets now in our hands."

The Ebisuzaki Company is a partnership consisting of -

Masataro Ebisuzaki,	Enemy - 25%
Mrs. Hide Ebisuzaki	(wife of above) Evacuee - 50%
Teiji Morishita	Evacuee- 25%

Teiji Morishita is the only partner with funds, and we have on hand the sum of \$1124.49.

Morishita claims that he borrowed \$1000.00 from his nephew Kentaro Ebisuzaki, and under date of 26th August 1948 we received a letter from Kintaro claiming the \$1000.00 and giving the same story as written by Morishita. Kentaro Ebisuzaki supported this contention by forwarding us a note signed by his uncle, Morishita, purporting to be signed on

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CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

- 2 -

September 15, 1936. We wrote to Kentaro Ebisuzaki, pointing out that the note was typed on the same bond paper as used by Kentaro in his letter to us written in 1948, our letter reading as follows:

"You state in that letter that you are enclosing the original note signed by your uncle, Mr. Teiji Morishita. This note purports to be signed on September 15, 1936. We notice however, that it is typed on the same bond paper as used by yourself in your letter to us of September 15th, 1948. It appears to us therefore, very unlikely that the document you sent was actually signed in 1936, and that it has only recently been typed and signed. As such, it would in itself provide very little evidence in support of the loans it is claimed were made over twelve years ago."

The reply received from Kentaro Ebisuzaki was as follows:

"This note my uncle, Mr. Teiji MORISHITA, gave me was written and signed in Japanese. Before I sent you the note, I translated the note into English and had it signed by my uncle. When I obtained the note in English, I saw no necessity in keeping the note in Japanese and destroyed it."

Mr. Sheppard has advised us that -

"Under that rule the partnership assets would be applied first in payment of the partnership liabilities, any surplus would be allotted namely to the individual partners and the amount allotted to each partner would then be available to pay the separate creditors of such partner. Similarly the separate property of a partner, that is the property not in the partnership would be applied first in payment of the separate debts of that partner, and any surplus could then be incorporated into the partnership assets for payment to the partnership creditors."

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

- 3 -

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FILE NO.

The question is therefore whether we will admit Morishita's personal indebtedness, in which case there would be no money for the partnership liabilities.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/GN

J-13
Legal Section
KWW/MC

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

March 1st, 1948.

B. Good, Esq.,
Comptroller,
Office of the Custodian,
506 Royal Bank Bldg.,
Vancouver, B.C.

Re: Teiji Morishita and
Ebisuzaki & Co.-Files 170 & 5078

Dear Mr. Good:

We have for acknowledgement your communication of the 25th ultimo, enclosing copy of Mr. Sheppard's report.

We note that the last report of Messrs. P.S. Ross & Sons on file here is dated the 9th September, 1946. It appears desirable to obtain a further report from the Controller giving the present position of the accounts, and send a brief review of this to Mr. Morishita. You should also advise him in regard to Mr. Sheppard's opinion and indicate that unless he shows cause why the funds to his credit should not be paid over to the Controller, it will be necessary to retain the funds to partially satisfy the obligation arising out of the partnership.

If the Controller makes a demand upon you for the balance, I think you must comply, unless Mr. Morishita makes out a case against this. Assuming that Mr. Morishita objects, I suggest that you be guided by Mr. Sheppard's instructions. In the event that you are advised to transfer the funds to Mr. Field, please see to it that Mr. Sheppard's account for legal services is paid beforehand.

Yours very truly,

K. W. Wright,
Counsel to the Custodian.

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

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FILE NO. 5078
12144
E/170

506 Royal Bank Bldg.,
Vancouver, B.C.,
February 25, 1948.

FEB 28 1948

Your File No. J-13

K.W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ont.

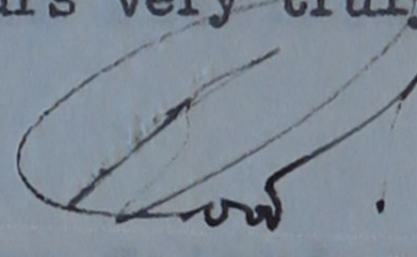
Dear Mr. Wright:

Re: Teiji MORISHITA and
Ebisuzaki & Co. - Files 170 & 5078

I regret the delay in answering your letter of 2nd of January last, but the file was passed to Mr. Sheppard as soon as your letter was received, and Mr. Sheppard has apparently made several trips east, so that we did not receive his reply until today.

We are enclosing a copy of the reply received from him, and the letters and files will be drawn to Mr. Shears' attention on his return from Vernon the day after tomorrow.

Yours very truly,


B. Good
Comptroller.

BG/GN
Encls.

Good, Lane, Sheppard & Yule

COPY

CABLE ADDRESS: "MAYERS"
TELEPHONE: PACIFIC 7137

LOCKE, LANE, GUILD & SHEPPARD

Barristers and Solicitors

703 Rogers Building

Vancouver, B.C.

W. S. LANE

F. A. SHEPPARD, K.C. (SASK.)

J. R. YOUNG

C. K. GUILD, K.C. (MAN.)

K. L. YULE

S. C. LANE

C. C. LOCKE

February 25th, 1948

Office of the Custodian,
675 West Hastings Street,
Vancouver, B.C.

Attention Mr. Good

Dear Sir:-

Re : Teiji MORISHITA and Ebisuzaki
& Co. Files 170 & 5078 - Also File No. J-13

We have caused a search to be made in the Court Registry at Vancouver and find that in respect of the above partnership a declaration of partnership was filed in June 1936. The filing was apparently made under the Sections of the Act relating to general partnerships, and the members of the partnership were stated to be Masatara Ebisuzaki, Teiji Morishito and Hide Ebisuzaki. It was further stated that the partnership had subsisted since 1919, and that the above were the only members of the partnership. No limitation of liability appears in the declaration. The effect of this is that each member of the partnership is liable jointly with the other partners for all debts and obligations of the firm incurred while he was a partner. If there be a partnership agreement existing limiting the liability of the partners such agreement would be effective only between the parties and would not restrict the liability of each partner to creditors.

Yours faithfully,

LOCKE, GUILD, LANE, SHEPPARD & YULE,

Per :

FAS/EB.

J-13

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
January 2nd, 1948

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Re: Teiji MORISHITA and
Ebisuzaki & Co.-Files 170 & 5078

Dear Mr. Shears:

We have for acknowledgment your communication of the
30th ultimo.

In our letter of December 18th last, we asked you to
advise if this Agreement was registered and this query was evidently
overlooked.

Offhand, it appears that Morishita is only liable for
25%, but if the liabilities exceed \$4,000.00, the funds in your hands
will be practically wiped out.

Before taking any further action in the matter, you should
ask Mr. Sheppard to cause the usual search to be made in connection
with the Partnership Agreement and obtain his opinion as to Morishita's
liability under the British Columbia Law. You will be guided by his
advice in the matter.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

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FILE NO. ~~12144~~ E/170
5078

506 Royal Bank Bldg.,
Vancouver, B.C.,

December 30, 1947.

K.W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ont.

Dear Mr. Wright: - Re: Teiji MORISHITA
and Ebisuzaki & Company

We wrote to you on the 15th December and received your reply of the 18th asking for some further information.

We now enclose a copy of the Agreement between the three partners of the above firm, dated 30th July, 1936. I note that Clause 5 of this Agreement states that in case of deficiency the losses be borne and paid by the partners in the proportion of which they are entitled to the profits of the business.

There are no funds being held to the credit of either Mrs. Hide EBISUZAKI nor in the account of Masataro EBISUZAKI, now deceased.

For your information, I have received letters from Mrs. EBISUZAKI and from MORISHITA on different occasions asking for a full report in regard to the liquidation of the Ebisuzaki Company, but have not been able to give them the full information as the last report I had from P.S. Ross & Sons was dated 9th September, 1946. However, I am hoping to receive an up-to-date report without much further delay and will then reply as fully as possible to the partners who have requested information.

Yours very truly,

F.G. Shears
F.G. Shears,
Director.

FGS/GN

subject to such rental agreement as can be made with the owner thereof.
3. The capital shall consist of the stock-in-trade, merchandise and all goods, chattels, furniture and fittings including the good-will of the business now being carried on at 337 Powell Street, Vancouver,

THIS INDENTURE made in duplicate this 30th day of July in the year of our Lord One Thousand Nine Hundred and Thirty-six.

B E T W E E N:

MASATARO EBISUZAKI, Merchant, of 466 Cadova Street in the City of Vancouver, in the Province of British Columbia, hereinafter called "THE PARTY OF THE FIRST PART"

OF THE FIRST PART

- and -

TEIJI MORISHITE, Merchant, of the same address, hereinafter called "THE PARTY OF THE SECOND PART"

OF THE SECOND PART

- and -

HIDE EBISUZAKI, wife of the said Masataro Ebisuzaki, of the same address, hereinafter called "THE PARTY OF THE THIRD PART"

OF THE THIRD PART

WITNESSETH that the parties hereto mutually covenant and agree to become and be partners in the trade and business of general merchants upon and subject to the terms, conditions and stipulations expressed in the following articles, that is to say:

1. The Parties hereby declare that the partnership has subsisted since the year 1919 and that same is to continue until determined by notice or otherwise.
2. The firm name and style of the partnership shall be "M. Ebisuzaki Co." and no one of the said partners shall enter into any engagement on behalf of the said partnership except under the said name. The business shall be carried on at 337 Powell Street in Vancouver, subject to such rental agreement as can be made with the owner thereof.
3. The capital shall consist of the stock-in-trade, merchandise and all goods, chattels, furniture and fittings including the good-will of the business now being carried on at 337 Powell Street, Vancouver, under the said name of "M. Ebisuzaki Co.", the interest of the parties hereto being as follows:-

The Party of the First Part - an undivided one-quarter ($\frac{1}{4}$) interest.

The Party of the Second Part - an undivided one-quarter ($\frac{1}{4}$) interest.

The Party of the Third Part - an undivided one-half ($\frac{1}{2}$) interest.

the said assets to be held by the partnership subject to existing liabilities.

4. The Bank of the firm shall be the Royal Bank of Canada, Main and Hastings Streets, Vancouver, or such other Bank as shall be from time to time agreed upon. All moneys from time to time received on account of the partnership not required for current expenses shall be paid immediately into the Bank for the time being of the partnership in the form of drafts, cheques, bills or cash in which they are received and all disbursements made on behalf of the partnership shall be made by cheque on the said Bank. Cheques on the said Bank shall be drawn in the name of the firm by Kentaro Ebisuzaki and he shall sign, endorse any bills, notes, drafts or other instruments for the purposes of the business of the firm only.

5. The rent of the partnership premises and all taxes, payments for insurance and other payments in respect thereof, the wages and salaries of all persons employed and all expenses incurred in or about the said business and all losses arising thereunder shall be paid and borne out of the earnings of the business or in case of deficiency the losses shall be borne and paid by the partners in the proportion in which they are entitled to the profits of the business.

6. The net profits of the business shall belong to the partners in the proportion in which they are interested in the assets of the partnership and any net profit shall be provided at times to be agreed upon.

7. Proper books of account shall be kept and all entries made therein of all matters transactions as are usually written and entered in books of account kept by persons engaged in concerns of a similar nature and each partner shall have free access at all times to inspect, examine and keep any records or entries relating to the partnership business.

8. If any partner should die during the term of the partnership the remaining partners may purchase the share of the deceased partner in the partnership property upon giving to his legal personal representative or trustee as the case may be a notice in writing to that effect at any time within Thirty (30) days from the death of the said partner, such purchase to take effect as from the date of such death. The price to be paid for the share of the deceased shall be the net value of such share after providing for the debts and liabilities of the firm as of the date of the death and if the parties shall be unable to agree as to

the value thereof it shall be ascertained by arbitration under the Arbitration Act in the Province of British Columbia.

The sum of money ascertained to be the value of the said share shall be paid by the Purchaser or Purchasers in such manner and at such times as may be agreed upon provided however that the remaining partners or either of them may purchase the interest of the deceased partner at the ascertained value for cash. In ascertaining such value nothing shall be allowed for goodwill.

IN WITNESS WHEREOF the said Parties hereto have hereunto set their hands and seals on the day and year first above written.

WITNESS:

"WILLIAM S. LANE"

Solicitor

Vancouver, B. C.

"M. EBISUZAKI"

"H. EBISUZAKI"

"T. MORISHITE"

J-13

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
December 18, 1947

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Re: Teiji Morishita
Your Files 5078 and 170

Dear Mr. Shears:

We have for acknowledgment your communication of the 15th instant.

Kindly forward a copy of the Agreement, dated July 30, 1936, referred to in Messrs. P. S. Ross & Sons' Report of April 5, 1943, and also advise if this Agreement was registered.

Are you holding funds at the Vancouver Office to the credit of Masataro Ebisuzaki or Mrs. Hide Ebisuzaki?

Upon receipt of this information, the matter will receive our further consideration.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

506 Royal Bank Building,
Vancouver, B.C.

ADDRESS ALL
COMMUNICATIONS
TO THE
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PLEASE REFER

TO

FILE NO. 5078 (Evac. Section)
170 (Enemy ")

15th December, 1947.

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Teiji MORISHITA

The decision in regard to the following may be a matter of Government policy.

The above Japanese has a 25% partnership interest in M. Ebisuzaki & Company, the shareholders being:

Masataro Ebisuzaki - now in Japan	25%
Mrs. Hide Ebisuzaki - wife of Masataro Ebisuzaki, resident of Canada	50%
Teiji Morishita - Canada	25%

Teiji Morishita has a present balance with us in his personal account, which has no concern with his interest in the company, of the sum of \$1,132.59.

You will have at Ottawa Messrs. P.S. Ross & Sons' Reports of 5th April, 1943, and 9th September, 1946, from which it is apparent that the liabilities of this company will exceed its assets. From information received from P.S. Ross & Sons today the present situation is as follows:

Outstanding liabilities due to a number of
Japanese and white creditors \$4,499.-

With a cash asset of only \$78.-

Morishita has requested payment of the \$1,132 which we have to his credit and the question arises as to whether this should be paid

OFFICE OF THE SECRETARY OF STATE
CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

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PLEASE REFER
TO
FILE NO. 5078 (Evac. Section)
170 (Enemy ")

K.W. Wright, Esq.

15th December, 1947

or be held on account of his liability as a shareholder in the partnership.

Yours very truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

J-13

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
January 22, 1947

F. G. Shears, Esq.,
Director,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Re: Ebisuzaki & Company
Your File No. 170

Dear Mr. Shears:

We have for acknowledgment your communication of the 17th instant, enclosing Messrs. P. S. Ross & Sons' account for services rendered for the months of July, 1942, to October, 1946, liquidating the affairs of the above Company.

I have approved payment of this account and same is returned herewith.

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

Account amounts to \$800⁰⁰

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

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TO
FILE NO. 170
Enemy Section

506 Royal Bank Building,
Vancouver, B.C.

17th January, 1947.

K. W. Wright, Esq.,
Counsel to the Custodian,
Office of the Custodian,
Victoria Building,
Ottawa, Ont.

Dear Mr. Wright:

Re: Ebisuzaki & Company.

We enclose herein Messrs. P.S. Ross & Sons' account for fees in connection with the above company for O.K. for payment. A report in regard to Ebisuzaki & Co. was sent to you recently.

Yours truly,

F. G. Shears

F. G. Shears,
Director.

FGS/PMH

encl.

File # J-13

Extract from: P. S. ROSS & SONS' LETTER

Dated: February 2, 1944.

M. EBISUZAKI & COMPANY

Since April, 1943, a number of small accounts receivable have been received and the ordinary creditors have been paid .50¢ on the dollar. Unless the accounts receivable show up more favourably in the future, it is not expected that any further substantial dividend will be able to be paid.

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

November 11, 1943.

K. W. Wright, Esq.,
Counsel to the Custodian,
912 Royal Bank Bldg.,
Vancouver, B. C.

Dear Mr. Wright:

Re: Masataro EBISUZAKI (Japan)

I have your letter of November 9th and am returning the form of acknowledgment as well as the affidavit duly completed. My impression is that at the time the documents were here before there was no certificate for affidavit.

Yours very truly,

GWMcP/FC.

G. W. McPherson
Executive Assistant

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

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FILE No. 382

Legal Department

912 Royal Bank Bldg.,
Vancouver, B. C.
November 9th, 1943.

G. W. McPherson, Esq.,
Executive Assistant to the
Secretary of State of Canada,
Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario.

Dear Mr. McPherson:

Re: Masataro EBISUZAKI (in Japan).

We enclose herewith Quit Claim Deed in duplicate
executed by Dr. Coleman.

Will you be kind enough to have the Form of
Acknowledgment as well as the Affidavit of Execution completed,
and return same to us at your early convenience.

Yours truly,



K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/W
Encl.

J 105

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

September 10, 1943.

K. W. Wright, Esq.,
Counsel to the Custodian,
912 Royal Bank Bldg.,
Vancouver, B. C.

Dear Mr. Wright:

Re: Masataro Ebisuzaki

Attached hereto are three copies of Quit
Claim Deed covering property owned by the above
resident of Japan. These have been duly executed
by the Deputy Custodian.

Yours very truly,

(G. W. McPherson)
Executive Assistant.

FC.

105

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

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TO
FILE NO. 170 & 382
Legal Department

912 Royal Bank Bldg.,
Vancouver, B. C.
August 31st, 1943.

G. W. McPherson, Esq.,
Executive Assistant,
Office of the Custodian,
Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario.

Re:

Dear Mr. McPherson:

Masataro EBISUZAKI

Masataro Ebisuzaki, a resident of Japan, is the owner of property known as 337 Powell Street, Vancouver, and the Custodian is asked to execute a Quit Claim in favor of Miss Ruth Levenson, first mortgagee.

There are two mortgages against this property, the first in favor of Miss Levenson for \$3000.00, and the second in favor of T. Matsuyama for \$5250.00. The unpaid taxes on the property up to the end of 1942 amounted to \$833.40.

Messrs. Johnson & Reeve valued the property at \$2500.00 and suggested that an offer of not less than \$2000.00 should be given consideration. We sent a copy of Mr. Reeve's valuation to Mr. Field of Messrs. P. S. Ross & Sons, as they were appointed liquidators of M. Ebisuzaki & Company. This firm conducted a general store at 337 Powell Street, the stock consisting principally of dry goods, with a smaller stock of groceries and hardware. Messrs. P. S. Ross & Sons were also interested in the property as they were appointed controllers of T. Matsuyama & Company Ltd., the second mortgagees. Mr. Field was of opinion that the valuation made by Messrs. Johnson & Reeve was low and suggested that we have another valuation, and Mr. J. G. Walker, Manager of Pemberton Realty Corp. Ltd. duly reported that these premises would have a sales value of about \$2500.00.

We advertised the property for sale by public tender on the 20th, 21st and 22nd of May, 1943, but no bids were received.

Mr. J. G. A. Hutcheson of Messrs. Maitland, Maitland and Hutcheson, has been in at the office on several occasions and renewed his petition about two weeks ago. We suggested that if Miss Levenson would release the mortgagor from the personal covenants, we would present the Quit Claim for your consideration.

and the east wall of No. 337 as 17 inches. The roof timbers of the adjoining building may rest partly on the wall of No. 337.

In a location of this kind an upper storey is of considerable advantage, as productive of revenue which lends a degree of investment value to the property. Upper floors with rooms are likely to be more in demand on Powell Street than ground floor premises, for some time to come, until business is re-established.

The present value of the property exists only for a buyer who could make use of the building. Although the building cost a good deal more than a two storey wood structure, this aspect discounts its superiority in quality and permanence under present conditions.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

- 2 -

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FILE No. _____

We therefore enclose Quit Claim in triplicate, copy of Mr. Reeve's valuation dated April 29th, 1943, copy of Messrs. Pemberton Realty Corp. Ltd. valuation dated April 20th, 1943, copy of letter from Messrs. P. S. Ross & Sons to Custodian under date of 21st instant, copy of letter from Messrs. P.S. Ross & Sons dated 25th instant.

Under the circumstances, we recommend that the documents be executed, as it would appear that the first mortgagee will suffer substantially and to proceed by way of foreclosure will but add to her loss.

Yours truly,



K. W. WRIGHT

COUNSEL TO THE CUSTODIAN

KWW/W

Encls.

P.S. We are also enclosing copy of letter received under date of 16th instant from Messrs. Maitland, Maitland & Hutcheson.

The building is a two storey structure, the ground floor being of brick and the upper storey of wood. The building is situated on a corner lot, the frontage being on the east side of the lot. The building is in good condition, but the roof is in need of repair. The building is a good example of a two storey wood structure. The building is a good example of a two storey wood structure. The building is a good example of a two storey wood structure.

There is a basement, which is low and is of little, if any, value.

The plumbing is not in good condition and requires a sink on the ground floor and a sink in the basement, the latter being probably contrary to City By-law.

The wiring is mostly in conduit, but looks as if it had been done piecemeal, and some portions omitted.

The adjoining building on the east side is also of brick, but the fire map shows the west wall as being only 8 inches thick, and the east wall of No. 337 as 17 inches. The roof timbers of the adjoining building may rest partly on the wall of No. 337.

In a location of this kind an upper storey is of considerable advantage, as productive of revenue which lends a degree of investment value to the property. Upper floors with rooms are likely to be more in demand on Powell Street than ground floor premises, for some time to come, until business is re-established.

The present value of the property exists only for a buyer who could make use of the building. Although the building cost a good deal more than a two storey wood structure, this aspect counts its superiority.

JOHNSON and REEVE

Bank of Nova Scotia Building,
602 West Hastings Street,
Vancouver, B. C.
29th April, 1943

The Custodian's Office,
Room 912, Royal Bank Building,
Vancouver, B. C.

File Nos. 170 and 382
Legal Department

Attention of Mr. K. W. Wright

Dear Sir: re M. Ebisuzaki & Company
337 Powell Street
Lot 34, Block 40, D. L. 196

In accordance with your instructions we have inspected this property and beg to report as follows.

The location is in what was formerly the best retail shopping part of Powell Street. The land assessment, as made by the City, is therefore much too high in present circumstances, resulting in high taxes.

The building, which is vacant, is a one storey brick structure covering the whole site, with a basement at the northerly end, about 25 feet square. There is plate glass shop front with tiled vestibule and oak flooring in the show windows. The floor of the shop is in fairly good condition but worn in the traffic strips. The rear of the premises has been used for storage and the floor is badly worn in places, also in this part some of the plaster is broken, with some indication of leakage in the roof.

There is a mezzanine, with so low a ceiling that it is of little, if any, value.

The plumbing is not in good condition and comprises a sink on the ground floor and a w.c. in the basement, the latter being probably contrary to City By-Laws.

The wiring is mostly in conduit, but looks as if it had been done piecemeal, and some portions omitted.

The adjoining building on the east side is also of brick, but the fire map shows the west wall as being only 9 inches thick, and the east wall of No. 337 as 17 inches. The roof timbers of the adjoining building may rest partly on the wall of No. 337.

In a location of this kind an upper storey is of considerable advantage, as productive of revenue which lends a degree of investment value to the property. Upper floors with rooms are likely to be more in demand on Powell Street than ground floor premises, for some time to come, until business is re-established.

The present value of the property exists only for a buyer who could make use of the building. Although the building cost a good deal more than a two storey wood structure, this aspect discounts its superiority in quality and permanence under present conditions.

The Custodian's Office,
Vancouver, B. C.

29th April, 1943

We are of the opinion that the value of the property is not more than \$2,500.00, and that an offer of not less than \$2,000.00 should be given consideration, especially as we are informed that the taxes are in arrears to the extent of \$833.30.

Yours faithfully,

JOHNSON, REEVE & WATSON

Per "D. W. REEVE"

DWR

Yours very truly,

JOHNSON, REEVE & WATSON

"D. W. REEVE"

Manager - Rental Department

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PEMBERTON REALTY CORPORATION LIMITED

418 Howe Street,
Vancouver, B. C.
April 20, 1943

Mr. K. W. WRIGHT,
Counsel to the Custodian,
912 Royal Bank Building,
VANCOUVER, B. C.

Dear Sir: Re: Masataro Ebisuzaki (in Japan)
 and Ebisuzaki & Co. - 337 Powell St.

In reply to your letter of April 8th, we have made an inspection of these premises. At the present time these premises would likely only have a sales value of about \$2,500.00. The building itself should be insured for about \$3,000.00. If it were not for the fact that these premises were situated in the surroundings that they are, they would likely sell for about \$3,800.00.

We trust that this is the information that you would like to have.

Yours very truly,

PEMBERTON REALTY CORPORATION LIMITED

"J. G. WALKER"

Manager - Rental Department

JGW:M

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P. S. ROSS & SONS

Royal Bank Building,
Vancouver, B. C.
21st August, 1943

176A

Our file 295-143

Office of the Custodian,
Royal Bank Building,
Vancouver, B. C.

Dear Sirs:

Attention Mr. K. W. Wright

Re: M. Ebisuzaki and Company, and
Masataro Ebisuzaki

Referring to your letter of August 17th, we would advise you that as T. Matsuyama and Company is under our control we have written to Mr. R. Kita the former manager of the company requesting his decision as to whether or not the company should give a Quit Claim deed of their interest in this property. As soon as we receive the reply from him, we will advise you.

Yours faithfully,

"P. S. ROSS & SONS"

Yours faithfully,

"P. S. Ross & Sons"

Enclosure.

C O C
P P
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P. S. ROSS & SONS

Royal Bank Building,
Vancouver, B. C.
25th August, 1943.

Our File 295-109 and 295-143

170A

Office of the Custodian,
912 Royal Bank Building,
Vancouver, B. C.

Attention: Mr. K. W. Wright

Dear Sirs:

Re: M. Ebisuzaki and Company and
T. Matsuyama and Company Limited

As suggested to you in our letter of the 21st August we have written to Mr. Kita requesting his opinion as to our suggestion that the company should give a Quit Claim Deed re the Ebisuzaki building.

We now attach hereto a copy of Mr. Kita's reply, and advise you we have written him pointing out that in our opinion T. Matsuyama and Company as second mortgagees of the building are not entitled to rank with the creditors of Mr. Ebisuzaki and Company when dividends are paid.

You will note Mr. Kita is being repatriated and we consider that gratitude expressed by him in the manner in which his companies' affairs are administered by the Custodian will be exceedingly appreciated by Mr. McPherson.

Yours faithfully,

"P. S. Ross & Sons"

Enclosure.

C
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ALPINE LODGE COMMUNITY
CHRISTINA LAKE B. C.

1704 Cascade, B. C.
August 23rd, 1943

Messrs. P. S. Ross & Sons,
Royal Bank Building,
Vancouver, B. C.

Dear Sirs:

Attention: Mr. Wray

Re: Your file No. 295-109

With reference to your favor of the 21st inst., regarding the second mortgage to the building of Masataro Ebisuzaki, I regret to say that, not knowing approximately what percentage the M. Ebisuzaki and Company will be able to pay the unsecured creditors, I cannot express my opinion as to the issuance of Quit Claim.

On suggestion made through the Spanish Consul at Vancouver, I am about to be repatriated, together with my wife, to Japan in exchange with Canadian Nationals now in Japan. However, upon arrival of peace, I am looking toward returning to this country, and at this opportunity, I wish to express my gratitude to you.

While I have given no authority to Mr. Kishizo Kimura, I have requested him to furnish you all the necessary information to his best knowledge concerning T. Matsuyama & Co. Ltd., B. C. Fish Salteries Ltd., and the Nanaimo Shipyards Ltd., should such occasion arise.

Thanking you again, I am,

Yours faithfully,

"R. Kita"

Ryotaro Kita

MAITLAND, MAITLAND & HUTCHESON

Royal Trust Building,
626 Pender Street West,
Vancouver, B. C.
August 16, 1943

K. W. Wright, Esq.,
Office of the Custodian of Enemy Property,
912 Royal Bank Building,
Vancouver, B. C.

Dear Sir:

re: Ehisuzaki
Your file 382-170

We beg to refer you to your letters of May 26th and June 26th, and to the writer's conversation with you the other day. As we explained to you, we act for Miss Ruth Leverson, who holds a mortgage on property owned by the above named. This mortgage is long overdue, the interest is in arrears, the taxes have not been paid, and the insurance premiums have had to be paid by Miss Leverson.

Apart from other arrears, the principal due under Miss Leverson's mortgage is \$3000.00. I understand you have had the property valued recently and that valuation was between \$2000.00 and \$2500.00. It would also appear from your letter of June 26th that although you have advertised the property for sale you have received no bids.

Miss Leverson is an elderly lady, dependant upon the income from her investments, and she cannot allow this matter to stand or to grow any further in arrears. It looks as though Miss Leverson were bound in any event to take a very heavy loss. Under these circumstances we are writing to ask that you give a Quit Claim Deed of the property, rather than put Miss Leverson to the costs of foreclosure proceedings.

It is quite obvious, from the valuations you have obtained and from the offers which you have made to dispose of the property, that the owner has no interest nor has the second mortgagee.

If you would be prepared to give a Quit Claim Deed, Miss Leverson would, on her part, release the personal covenants.

We have drawn a Quit Claim Deed, which we have had executed by Miss Leverson, and we would ask you to submit this to the Secretary of State for his signature. We have not put on an acknowledgment for him, as we imagine you probably have special forms.

In discussing the matter with the Land Registry Office, we understand that it will be necessary for you, under your recent regulations, to apply to register the transfer of the interests of the owner and the second mortgagee, which are vested in you. This will have to be done before the Quit Claim can be registered.

I think you will find the Quit Claim in order and if there are any features of it which you wish to discuss, I would appreciate it if you would get in touch with me.

Yours very truly,

"J. G. A. HUTCHESON"

JGAH:S

Encl.

P. S. ROSS & SONS

CHARTERED ACCOUNTANTS

MAJ. GEN. J. G. ROSS, C.M.G.,
 J. W. ROSS, LL.D.,
 S. R. CAMPBELL,
 J. A. GRANT,
 W. L. GATEHOUSE,
 G. M. HAWTHORN,
 I. A. ROSS,
 H. I. ROSS,
 G. M. SMITH,
 G. E. HOULT,
 S. B. PECKHAM,
 W. G. JEPHCOTT,
 H. S. HAWTHORNE,
 F. E. H. GATES,
 J. A. ROSS,
 F. A. COFFEY,
 G. G. HARRIS.

MONTREAL TORONTO WINNIPEG
 CALGARY VANCOUVER

ROYAL BANK BUILDING
 360-61 JAMES STREET

MONTREAL, QUE.

Vancouver, B. C.
 17th June, 1943.

Our File No. 295-143 & 295-136

G. W. McPherson, Esq.,
 Executive Assistant,
 Department of the Secretary of State,
 7 O'Connor Street,
 Ottawa, Ontario.

Copy on 17246

Dear Mr. McPherson:

Re: M. Ebisuzaki Co. Ltd.
and M. Furuya Co. Ltd.

In response to yours of the 11th inst. in respect to the payment of creditors' accounts re the above, we have only recently received a statement of the taxes due by the Furuya Company to the Dominion Government and immediately requested the approval of your local office to enable us to pay the accounts of the ordinary creditors in full. This authority was received under date of June 12th and cheques have been mailed to all creditors of M. Furuya Co. Ltd. with the exception of one or two where there is some difference between the books and the amounts of their claims. A cheque in the sum of \$1,168.05 was mailed to Messrs. Gault Bros. Ltd. on the 14th inst.

With regard to M. Ebisuzaki Co. Ltd. it was our desire to effect a more definite understanding with the McNair Shingle Co. Ltd. before proceeding with the payment of the recommended dividend. We also desired to obtain a clearance from the taxation department. The clearance from the taxation department has now come to hand and we are issuing cheques to the creditors for a 20% dividend immediately.

We are having some difficulty in getting matters settled with the McNair Shingle Co. Ltd. owing to the fact that certain matters are not clearly defined from a legal viewpoint, and our only hope of making a reasonable settlement is in the event that the McNair people adopt a reasonable attitude. We have consulted with Mr. K. W. Wright and have agreed that it is desirable that we request the manager of the McNair Shingle Co. Ltd. to meet with us at an early date in an endeavour to get the whole matter of the Stillwater shingle bolt camps cleaned up. You will recall that in addition to the assets owned at that point by the Ebisuzaki Company there was also a quantity of tools owned by the Japanese themselves and left in the woods.

G. W. McPherson, Esq.

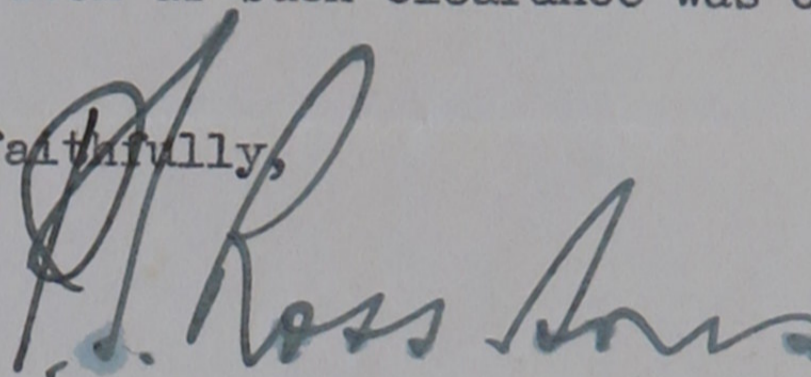
- 2 -

17th June, 1943.

We are also endeavouring to secure an offer for the Japanese merchandise.

We regret that Messrs. Gault Bros. Ltd. saw fit to write you in the manner they did, and would point out that we have been in touch with them frequently on the telephone and have told them that tax clearance had to be obtained and that as soon as such clearance was obtained we would make distribution.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "P. Ross". The signature is written in a cursive, somewhat stylized hand. Below the signature, there is a single horizontal line.

O.K.

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

J-13 & J-15

June 11, 1943.

Messrs. P. S. Ross & Sons,
Chartered Accountants,
411 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sirs:

Re: M. Ebisuzaki Company Limited
& M. Furuya Company Limited.

I would refer you to your letter of April 24th, my letter of April 29th, the letter from Gault Brothers of June 8th and my reply of today's date.

Would you please advise me as to the reason for the delay in distributing the dividend.

I would suggest that it might be desirable to get in touch with Gault Brothers immediately in view of the tone of their letter.

Yours very truly,

(G. W. McPherson)
Executive Assistant.

GWMcP/FC.

o.k.

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

J-13 & J-15

June 11, 1943.

Gault Brothers Limited,
Wholesale Dry Goods,
361 Water Street,
Vancouver, B. C.

Dear Sirs:

Re: M. Ebisuzaki Company Limited
& M. Furuya Company Limited.

I have your letter of June 8th and regret that I am unable to advise you as to the reason for the delay in distributing a dividend since I had assumed that the dividend was distributed at least a month and a half ago.

I am writing to P. S. Ross & Sons immediately and will write you further the end of next week.

Your further indulgence in this matter until I have an opportunity of obtaining the facts, would be greatly appreciated.

Yours very truly,

(G. W. McPherson)
Executive Assistant.

GWMcP/FC.

Gault Brothers Limited.

*Wholesale Dry Goods
Mens Furnishings, House Furnishings*

"Caribou" Brand Work Clothing

*261 WATER STREET
Vancouver, B. C. June 8th, 1943.*

*all.
Copy on file 17246*

Mr. G. W. McPherson,
Executive Assistant,
Department of the Secretary of State,
Victoria Bldg.,
7 O'Connor St.,
Ottawa, Ontario.

Dear Sir:

Re: M. Ebisuzaki Company Limited
M. Furuya Company Limited.

If you will kindly refer to our previous correspondence in respect to these two accounts, you will find you reported on April 22nd, that the Companies auditors, presumably Messrs. P. S. Ross and Sons, had advised that they intended to make a distribution shortly of monies in hand, but we have heard nothing further in respect to either of these two accounts, although we wrote them on May 17th and again on May 26th, to ascertain when payment might be expected.

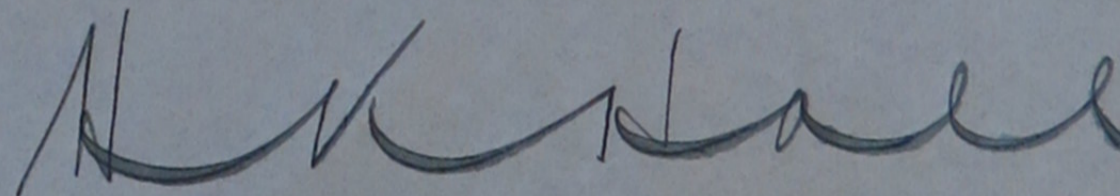
Since these two estates were placed in their hands for liquidation, we have been able to secure very little satisfaction from them as to what is transpiring and although we are creditors to the extent of close to \$2,400.00 in all, we have yet to receive any sort of a statement as to the financial position, nor any word concerning payment of our claims, which as you probably know have been in abeyance for well over a year.

Frankly we do not intend to go hat in hand seeking information as to what is being done with our money and if a satisfactory report, together with an adequate payment from monies now in hand, is not forthcoming shortly, we shall have to make representations elsewhere for proper treatment of our account.

Will you kindly let us know if any measures can be taken through your office to expedite settlement of our claim, or at least give us our proportion of monies now available for distribution to the trade creditors.

Yours truly,

GAULT BROTHERS LIMITED.



Secretary.

HKH/K

May 26th,

43

file

Messrs. P. S. Ross & Sons,
Royal Bank Building,
Vancouver, B. C.

Dear Sirs:

Re: M. Ebisuzaki Co. Ltd.

Under date of April 29th Mr. G. W. MacPherson, Executive Assistant, the Department of Secretary of State advised us by letter that "the liquidator will be paying a dividend immediately on creditors' claims and you will, no doubt, be hearing direct from him".

Nearly a month has passed but we have no confirmation from you and as we are about to close our books for the half year, we would ask you to kindly arrange to let us have a cheque for our proportion of monies now available for distribution.

Yours truly,

GAULT BROTHERS LIMITED.

HKH/MK

Secretary.

P. S. We would also direct your attention to our letter dated May 17th concerning the account of M. Furuya & Co. to which we have not yet received a reply.

J-13

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

April 29, 1943.

Gault Brothers Limited,
361 Water Street,
Vancouver, B. C.

Dear Sirs:

Re: M. Ebisuzaki Company

Further to my letter of April 14th, I am
advised that the liquidator will be paying a dividend
immediately on creditors' claims and you will, no
doubt, be hearing direct from him.

Yours very truly,

(G. W. McPherson)
Executive Assistant.

GWMcP/FC.

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

J-13

April 29, 1943.

Messrs. P. S. Ross & Sons,
Chartered Accountants,
411 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sirs:

Re: M. Ebisuzaki Company

I have your letter of April 24th and have also received a copy of your report of April 5, 1943, from Mr. Shears.

I note that you intend to make a payment of 20% to the creditors forthwith and in view of the information given in your report the Custodian approves of this payment.

Yours very truly,

GWMcP/FC.

(G. W. McPherson)
Executive Assistant.

P. S. Ross & Sons

CHARTERED ACCOUNTANTS

MAJ. GEN. J. G. ROSS, C.M.G.,
J. W. ROSS, LL.D.,
S. R. CAMPBELL,
J. A. GRANT,
W. L. GATEHOUSE,
G. M. HAWTHORN,
I. A. ROSS,
H. I. ROSS,
G. M. SMITH,
G. E. HOULT,
S. B. PECKHAM,
W. G. JEPHCOTT,
H. S. HAWTHORNE,
F. E. H. GATES,
J. A. ROSS,
F. A. COFFEY,
G. G. HARRIS.

MONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER

ROYAL BANK BUILDING
360 ST. JAMES STREET

MONTREAL, QUE.
Vancouver, B. C.

Our file 295-143

24th April, 1943.

G. W. McPherson, Esq.,
Executive Assistant,
Department of the Secretary of State,
Victoria Building,
7 O'Connor Street,
Ottawa, Canada.

Dear Mr. McPherson:

Re: M. Ebisuzaki Company
Your file J-13

We wish to acknowledge receipt of yours of the 15th instant regarding the above company. We have handed today to Mr. Shears a report on the above company brought up to the 31st March 1943 and have asked him to see that a copy of this report goes forward to you immediately.

In this report we recommend the payment of a dividend of 20% to the creditors forthwith. The payment of such a dividend together with payment of the preferred claims will leave over \$2,000.00 still on hand but we feel that it is desirable to keep funds on hand until the prospects of further realizations are more clearly defined.

Yours faithfully,

P. S. Ross & Sons

VIA AIR MAIL

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE

PLEASE REFER
TO

FILE No. 170

506 Royal Bank Building,
Vancouver, B.C.

24th April, 1943.

G. W. McPherson, Esq.,
Executive Assistant to the
Secretary of State of Canada,
Office of the Custodian,
Victoria Building,
Ottawa, Ontario.

Dear Mr. McPherson:

Re: M. Ebisuzaki Company

Messrs. P.S. Ross & Sons' Report on M. Ebisuzaki
Company has just been brought to me by Mr. Field and he is
anxious that this should be forwarded to you immediately and
the same is herein enclosed.

Yours very truly,

F. G. Shears

F. G. Shears,
Acting Director.

FGS/PMH

encl.

J-13

Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

April 15, 1943.

Messrs. P. S. Ross & Sons,
Chartered Accountants,
411 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sirs:

Re: M. Ebisuzaki Company Ltd.

Gault Brothers Ltd. have written concerning the possibility of a payment being made to creditors of the above company and I am enclosing a copy of their letter.

On looking into the Ebisuzaki case it does not appear that I have any report on file from you, although there may be a report in the Vancouver Office. I have a memorandum dated December 21, 1942, which indicates you were then preparing a progress report and I would appreciate it if you would let me have a copy of same as soon as possible.

You might also advise me of the possibility of making a payment to the creditors in this case.

Yours very truly,

GWMcP/FC.

(G. W. McPherson)
Executive Assistant.

J-13 & J-15

61/2.
Victoria Building,
7 O'Connor Street,
Ottawa, Ontario.

April 14, 1943.

Gault Brothers Limited,
361 Water Street,
Vancouver, B. C.

Dear Sirs:

Re: M. Ebisuzaki Company Ltd. &
M. Furuya Company Ltd.

I have your letter of April 10th, and wish to advise that I have not sufficient facts or information available here to answer your question. However, I am taking the matter up immediately with Vancouver and will advise you in due course.

On behalf of the Custodian I wish to express his regret at the long delay but assume it has been unavoidable.

Yours very truly,

GWMcP/FC.

(G.W. McPherson)
Executive Assistant.

Gault Brothers Limited.

*Wholesale Dry Goods
Mens Furnishings, House Furnishings*

"Caribou" Brand Work Clothing

*361 WATER STREET
Vancouver, B.C.* April 10th, 19 43

Copy on file 17246

O.K.

Mr. G. W. MacPherson,
Deputy Secretary of State,
Ottawa, Ontario.

Dear Sir:

For some months past we have been endeavouring to prevail upon Messrs. P. S. Ross & Sons of this city to pay an interim dividend on our claims against Messrs. Ebisuzaki Company and M. Furuya Co. Ltd., \$1,218.00 and \$1,172.35 respectively, but we are informed in respect to the Ebisuzaki account that you have not given your authority to do so and in the case of the Furuya Company that nothing can be disbursed until a clearance has been secured from the Dominion Income Tax Office.

In both instances we understand a fairly substantial sum has already been realized from the disposal of assets sufficient to pay a substantial dividend without leaving the estates short of funds to take care of taxes or other incidentals and if our information is correct then we cannot see why a dividend should not be paid on our claims.

We have had our money tied up in these two accounts for well over a year and we wish to know if there is any good reason why some of the money now in hand should not be distributed to the creditors of these two estates. We shall appreciate hearing from you in this regard at your early convenience.

Yours truly,

GAULT BROTHERS LIMITED.

[Signature]
Secretary.

HKH/MK

December 21st, 1942.

MEMORANDUM

Re: M. Ebisuzaki & Company

Mr. Field will let us have a progress report shortly, but in the meantime he is continuing the liquidation of the company's affairs.

The property was already advertised for sale and subsequently sold by auction, insofar as the Canadian merchandise is concerned, and the Japanese merchandise is still on hand, but it might possibly be disposed of to Maikawas.

It appears that the property is owned by Ebisuzaki in Japan, and, since it is a partnership and the assets of the partner would be liable for the debts of the company, and, if the company is in debt, the premises should be sold if at all possible.

Mr. Field should be appointed liquidator of the affairs of the individuals and the property advertised in the usual way. This can be done under Regulation 15 (1) (b).

GWMcP:HW.

28/4/43
[Signature]

Report on M. Ebisuzaki Company

5th April, 1943.

P. S. ROSS & SONS

CHARTERED ACCOUNTANTS

MONTREAL

TORONTO

WINNIPEG

CALGARY

VANCOUVER

MONTREAL, 360 ST. JAMES STREET
TORONTO, ROYAL BANK BUILDING
WINNIPEG, 607 ELECTRIC CHAMBERS
CALGARY, LANCASTER BUILDING
VANCOUVER, ROYAL BANK BUILDING

ESTABLISHED 1858

CABLE ADDRESS PHILROSS

P. S. Ross & Sons

CHARTERED ACCOUNTANTS, TRUSTEES & LIQUIDATORS

BRIG. GEN. JAMES G. ROSS,
C.M.G., C.A., F.C.A. (CAN.)
A. F. C. ROSS,
C.A., F.C.A. (CAN) F.S.A.A. (ENG.)
JOHN W. ROSS,
LL.D., C.A., F.C.A. (CAN.)
GORDON W. SCOTT, C.A.
S. R. CAMPBELL, C.A.
JOHN A. GRANT, C.A.
S. B. PECKHAM, C.A.
GUY E. HOULT, C.A.
W. L. GATEHOUSE, C.A.
W. G. JEPHCOTT, C.A.
H. S. HAWTHORNE, C.A.
F. E. H. GATES, C.A.
G. M. HAWTHORN, C.A.
IAN A. ROSS, C.A.
JOHN A. ROSS, C.A.

ROYAL BANK BUILDING

VANCOUVER, B.C.

5th April, 1943.

Office of the Custodian,
Royal Bank Building,
Vancouver, B. C.

Attention: Mr. F. G. Shears,
Acting Director

Dear Sir:

Re: M. Ebisuzaki Company

Pursuant to an order issued by you on the 18th December, 1941, under regulation eight of the Consolidated Regulations Respecting Trading with the Enemy (1939), we made a preliminary report dated the 5th January, 1942. On the 27th April, 1942, our Mr. Frederick Field was appointed Controller with the powers of a Liquidator, and we now report the result of our further investigations to date.

Ownership

This firm is a partnership and is operated under an agreement dated the 30th July, 1936, the respective shares in profits and losses being as follows:

Masataro Ebisuzaki - now in Japan

25%

Mrs. Hide Ebisuzaki - wife of
Masataro Ebisuzaki, resident of Canada

50%

Teiji Morishita - Canada

25%

Extent and Nature of Enemy Interest

The enemy interest in the firm is represented by Masataro Ebisuzaki, now in Japan, who shares in profits and losses to the extent of twenty-five (25%) percent. The records do not show any other debt due to an enemy.

Office of the Custodian,
Vancouver, B. C.

5th April, 1943.

Directors, Officers and Employees

Prior to his evacuation, Mr. Teiji Morishita acted as manager of the firm and subsequently the affairs of the business were supervised by Mrs. Hide Ebisuzaki with the assistance of her son, Kentaro Ebisuzaki.

Nature of Business

The firm conducted a general store at 337 Powell Street, Vancouver, the stock consisting principally of drygoods, with a smaller stock of groceries and hardware. A large part of the trade consisted of shipments to employees of logging camps.

Financial Position

We attach hereto the following exhibits:

Exhibit 1. Statement of Affairs 28th April, 1942.

Exhibit 2. Accounts Payable 28th April, 1942.

Exhibit 3. Cash Statement showing progress of Liquidation
28th April, 1942 to 31st March, 1943.

The store was closed on the 28th April, 1942, and a general investigation of the firm's position commenced, as well as a stocktaking of the merchandise on hand. The books have not been balanced due to the records being maintained partly in Japanese and the sparseness of essential information. Our examination of the records leads us to the conclusion that the accounts have not been properly balanced for some years past. The statement of affairs as at 28th April, 1942, has been prepared from the books as they exist and the claims filed by creditors in response to the advertisement published in that regard. We are satisfied that the liabilities stated are correct with the exception of the liability shown in respect of wages due re the Taira and Suzuki shingle bolt camps. On behalf of the workers at the Suzuki camp, Suzuki has filed a claim in total of \$610.02 and we are asking Suzuki to supply us with the amounts due to the respective employees.

Office of the Custodian,
Vancouver, B. C.

5th April, 1943.

It appears that in May 1941, the firm purchased from B. Taira a shingle bolt camp at Stillwater, B. C. for the sum of \$3,300.00 in connection with which the sum of \$1,500.00 is said to be still owing to Taira. The firm also owns a similar camp at Stillwater, B. C. operated on their behalf by Suzuki. These camps are located on timber limits owned by the McNair Shingle Company Ltd. Arrangements were made between the firm of M. Ebisuzaki Company and the McNair Shingle Co. Ltd. for the cutting of shingle bolts and their chuting down to the lake. It appears that when the evacuation of Japanese from the Coast areas commenced, the Police gave these shingle bolt cutters a very limited time to collect their belongings before shipping them out of the area. Most of the workers were forced, by lack of time, to leave their saws and tools in the woods. A representative of the Custodian's Office visited the area and reported that it would be extremely difficult and costly to collect the tools together. We should point out that the McNair Shingle Co. Ltd. have not been very co-operative in this regard. These shingle bolt cutters claim credit for a quantity of bolts cut and chuted considerably in excess of the credits passed by the McNair Shingle Co. Ltd. We have been and are still endeavouring to secure a proper settlement from the Shingle Company. The assets owned by the M. Ebisuzaki Company at these camps consist largely of buildings and chutes that have a value only if operated. The McNair Shingle Co. Ltd. state they are not interested in purchasing the camps and it would seem that little or nothing can be expected to be received from this asset.

With the exception of Japanese manufactured merchandise, practically all the merchandise inventory has been disposed of. Merchandise of a value of \$2,333.58 was disposed of with your approval to the T. Maikawa Stores Ltd. at cost price less ten (10%) percent for handling. The balance of the Canadian merchandise and store fixtures and equipment

Office of the Custodian,
Vancouver, B. C.

5th April, 1943.

were offered for sale by public tender. The highest offer received was \$2,500.00 covering all Canadian merchandise and the fixtures. Before considering this offer it was decided to call together the principal creditors and secure their opinion. As a result of the meeting held, the offer was considered too low, and it was decided, with your approval, to offer the merchandise and fixtures for sale by auction. The sale was held and the sum of \$2,877.26 received for merchandise and \$922.00 for fixtures. After paying the Auctioneer's fee of ten (10%) percent and advertising costs amounting in all to \$481.64, a net amount of \$3,317.62 was received, or an increase of \$817.62 over the highest tender of \$2,500.00.

All automobiles and trucks owned by the firm have been disposed of under the supervision of the Custodian and the sum of \$2,067.00 realized therefor.

Accounts Receivable are in the hands of the Custodian's Office for collection. The payment of all creditors in full will depend in part upon the success attained in the collection of the Accounts Receivable.

While the statement of affairs as at 28th April, 1942, shows a substantial surplus, subject to realization, the following facts should be kept in mind.

1. A very doubtful realization from the Accounts Receivable as the majority of the accounts consist of amounts due from wage earners most of whom are at present living in Japanese evacuation camps.
2. The remaining Japanese merchandise consists largely of fancy goods not at present saleable.
3. The shingle bolt camps, as mentioned earlier in this report, have a value only when in use.

Office of the Custodian,
Vancouver, B. C.

5th April, 1943.

The store premises are owned by M. Ebisuzaki personally, the legal description thereof being Lot 34, Block 40, D. L. 196 Vancouver.

This property is encumbered with two mortgages, the first in favor of Miss Ruth Levenson in the sum of \$3,000.00, interest being paid thereon to 19th April, 1941. The second mortgage is in favor of T. Matsuyama & Co. Ltd. in the sum of \$5,250.00, interest paid to 14th April, 1938. Taxes on the property for the years up to and including 1942 amounting to \$833.30 are unpaid. In the event that the firm's assets are insufficient to meet all liabilities, it will be necessary to dispose of this property to contribute to the deficiency. With this in mind, the local office of the Custodian is having a sale valuation made of the building by a responsible valuer.

We also understand that T. Morishita is the owner of real estate which should be available to meet any deficiency.

Since the 28th April, 1942, all secured creditors, amounting to \$404.00, have been paid, the relative assets having been disposed of. When the store was closed all employees' wages owing were paid and together with Unemployment Insurance represent a total paid on account of preferred claims of \$482.01.

Application of Control

In the latter part of April, confirmed by letter on the 27th April, 1942, you advised us that Mr. Teiji Morishita had been evacuated from Vancouver, resulting in the Custodian representing a fifty (50%) percent interest, and that you wished us to take immediate and active control of the business.

In accordance with your instructions, we took immediate control of the business and we recommended to you verbally that the store business be discontinued as at 30th April, 1942, and the assets realized. The reasons underlying our recommendation were as follows:-

5th April, 1943.

1. The business was having difficulty paying its accounts as they became due.
2. Due to the Japanese evacuation, there was a considerable decline in business.
3. The evacuation of Mr. Morishita, the former manager, resulted in very indifferent management.
4. We were of the opinion that merchandise was leaving the store without being either paid for or charged to the customer.

As a result of our recommendations, you appointed our Mr. Frederick Field as Controller, with such powers as are exercisable by a Liquidator in a voluntary winding up of a company under date of 27th April, 1942.

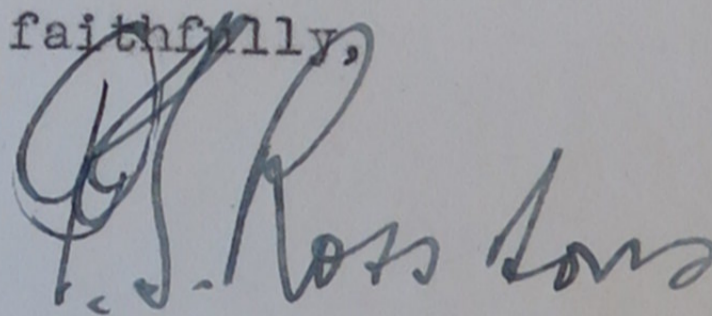
Conclusions and Recommendations

In the meantime, we recommend that as soon as the balances due to the Japanese shingle bolt cutters are finally determined, they should be paid and we recommend consideration be given to the payment of an interim dividend of twenty (20%) percent to the ordinary creditors forthwith.

The remaining assets to be dealt with are the Accounts Receivable and the stock of Japanese merchandise. We are working with the Evacuee section of your office in connection with the Japanese Accounts Receivable and are endeavouring to make arrangements with a view to disposing of the Japanese merchandise. We are not in a position to make an estimate of the possible remaining realization but it would not appear that there will be sufficient to pay the creditors in full.

We shall be glad to furnish any further information you require.

Yours faithfully,



M. Ebisuzaki Company
Statement of Affairs 28th April 1942

A s s e t s

Cash balance at bankers		
Accounts Receivable		83.30
Trade		
McNair Shingle Co. - estimated	9,901.76	
Inventory of merchandise	1,500.00	11,401.76
Canadian		
Japanese	6,283.59	
	3,417.92	9,701.51
Furniture and fixtures		500.00
Automobiles		1,600.00
Shingle Bolt Camps - Taira	3,300.00	
- Suzuki, estimated	2,500.00	5,800.00
		29,086.57

L i a b i l i t i e s

Accounts Payable		
Preferred	2,040.54	
Secured	404.00	
Ordinary	10,689.19	13,133.73
Apparent Surplus of Assets over		
Liabilities - subject to realization		\$ 15,952.84

Capital Accounts per records

Masataro Ebisuzaki	793.35
Mrs. Hide Ebisuzaki	8,568.58
Teiji Morishita	4,065.11
	<u>\$13,427.04</u>

M. Ebisuzaki Company
Accounts Payable 28th April 1942

Preferred

Workmen's Compensation Board		
Unemployment Insurance Commission	5.00	
Wages - Suzuki Camp	51.90	
Wages - Taira Camp estimated	610.02	
Wages - Store	1,000.00	
	<u>373.62</u>	2,040.54

Secured

Curtis Motors balance on car	384.00	
Scale Shop Limited	<u>20.00</u>	404.00

Ordinary

Caulfield, Burns & Gibson Ltd.	108.75	
Tairiku Nippo Sha Ltd.	148.74	
G. Ebata	584.45	
M. Furuya Co. Ltd.	8.18	
Gault Brothers Limited	1,218.00	
Milne & Middleton Limited	26.63	
Mackay, Smith & Blair Co. Ltd.	727.51	
Nimi Shokai	82.20	
C. Wakabayashi	18.41	
Wing Lee Ltd.	108.22	
Parsons Brown & Company Limited	19.52	
B. C. Telephone Company	8.96	
B. C. Electric Railway Company Ltd.	8.12	
S. Eto	3,750.00	
K. Ebisuzaki	1,256.67	
Jones Tent & Awning Co. Ltd.	70.36	
S. Kato	1.76	
Y. Suzuki	1,000.00	
B. Taira	1,500.00	
Maikawa Limited	<u>42.71</u>	10,689.19
		<u>\$ 13,133.73</u>

Balance on hand 31st March 1942

M. Ebisuzaki Company
Statement of Cash Receipts and Disbursements
28th April 1942 to 31st March 1943

Receipts

Balance on hand 28th April 1942

McNair Shingle Co. Ltd.		83.30
Accounts Receivable	500.00	
Sale of groceries at Shingle Camp	42.30	
Sales of perishable merchandise	52.00	
Sales of merchandise to T. Maikawa Stores Ltd.	178.40	
	2,100.22	
Sales of merchandise by Auction	2,877.26	
Sales of fixtures by Auction	922.00	
Sale of Automobiles	2,067.00	
		<u>8,739.18</u>
		8,822.48

Disbursements

Preference claims paid		
Store wages	373.62	
Unemployment Insurance	51.90	
Camp wages	56.49	
		482.01
Secured claims paid		
General Securities re car	389.00	
Scale shop re scale	20.00	
		409.00
Liquidation expense		
re Auction Sale	481.64	
re Sale of cars	105.99	
Advertising	143.37	
Wages re stocktaking -		
Store	88.32	
Wages re stocktaking -		
Camps	75.00	
Light account	7.57	
Scavenger	10.00	
Sundries	13.85	
		<u>925.74</u>
		<u>1,816.75</u>
Balance on hand 31st March 1943		<u>\$ 7,005.73</u>

M. Ebisuzaki Company

Report on Liquidation

9th September, 1946

P. S. ROSS & SONS

CHARTERED ACCOUNTANTS

MONTREAL

TORONTO

WINNIPEG

CALGARY

VANCOUVER

P. S. Ross & Sons

CHARTERED ACCOUNTANTS

MONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER

MAJ. GEN. J. G. ROSS, C.M.G.,	G. E. HOULT,
J. W. ROSS, LL.D.,	S. B. PECKHAM,
S. R. CAMPBELL,	W. G. JEPHCOTT,
J. A. GRANT,	H. S. HAWTHORNE,
W. L. GATEHOUSE,	F. E. H. GATES,
G. M. HAWTHORN,	J. A. ROSS,
I. A. ROSS,	F. A. COFFEY,
H. I. ROSS,	G. G. HARRIS,
G. M. SMITH,	

XXXXXXXXXXXX
XXXXXXXXXXXX

MONTREALXXXX

Royal Bank Building,
Vancouver, B. C.
9th September, 1946.

Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Attention: Mr. F. G. Shears
Director

Dear Sirs:

Re: M. Ebisuzaki Company

Since our report to you of 5th April, 1943, we have continued the liquidation of the assets of this firm and now wish to report as follows.

337 Powell Street

In our report of 5th April, 1943, we mentioned the fact that the store premises occupied by this firm were owned by M. Ebisuzaki personally. We also reported at that time that there were two mortgages on the property amounting in all to \$8,250.00, with arrears of taxes and interest amounting to a further \$1,000.00. This property was the subject of a valuation by Mr. D. W. Reeve, who gave as his opinion that \$2,500.00 would be a fair price. The property was advertised for sale by the Custodian and no bids were received. Subsequently, we again advertised the property in July, 1943, and again no bids were received. An application was made by the solicitor for the first mortgagee that in view of the low valuation of the property and the fact that the first mortgage and taxes amounted approximately to \$4,000.00 his client be granted a Quit Claim. We were advised by your office on the 31st August, 1943, that the Custodian had consented to the issuance of a Quit Claim to the first mortgagee.

Japanese Merchandise

In view of the fact that the store premises were to be vacated the Japanese merchandise was advertised for sale by tender on 21st July, 1943. As a result of this offering the following bids were received:

Army & Navy Department Store	\$ 650.00
West Coast Agencies	510.00
A. Cload (Edmonton)	500.00
Western Auto Supply	350.00
Nat Meltzer	250.00

Since this was Japanese merchandise, it was very difficult to arrive at a valuation but it was felt that these bids were insufficient and we consulted with Mr. Thompson of Thompson & Binnington, Auctioneers & Valuers, who stated that in his opinion an auction sale of the Japanese merchandise should net not less than \$800.00. As a result of this information you authorized us to refuse all bids and sanctioned selling the merchandise by public auction. The auction sale was carried out by Mr. Thompson and produced a gross amount of \$1,791.50. The various expenses of advertising, auctioneer, etc., amounted to \$366.74, realizing a net amount to the firm of \$1,424.76.

Dividends to Ordinary Creditors

During the period since our last report we have recommended from time to time the payment of dividends to the ordinary creditors, and at this time total dividends to the ordinary creditors amount to 55%. We attach hereto as Exhibit 2 statement of outstanding debts, together with the dividends paid thereon.

Robert McNair Shingle Company Limited

We have continued our efforts to arrive at a settlement with the Robert McNair Shingle Company Limited but without success. In our opinion there should be certain monies coming to the firm from the Robert McNair Shingle Company Limited but we hesitate to recommend the taking of any drastic steps to force payment from this company. The arrangement between the firm and Robert McNair Shingle Company Limited was very loosely drawn,

9th September, 1946.

and while the correspondence with the company would indicate to us that there are funds still due the firm it appears to us that it would be very difficult to establish these claims in a court of law. It does not seem possible to obtain any further payments from Robert McNair Shingle Company Limited without such recourse. The buildings at the property where the shingle bolt camps were located have, we are informed, collapsed through heavy snowfall and the various chutes used for floating the shingle bolts are only of value if used. In our opinion there is very little possibility of securing any further monies from this source.

Accounts Receivable

There have been collected to date accounts receivable amounting to \$445.44. Most of these have come to us through the agency of your office and it would not seem that we may expect much more from this source. Other than the possible collection from Robert McNair Shingle Company Limited this is the only asset remaining not realized.

Statements

Attached to and forming part of this report are the following:

- Exhibit 1 - Statement of Cash Receipts and Payments,
28th April, 1942 to 31st July, 1946.
- Exhibit 2 - Statement of Creditors, showing dividends
paid.
- Exhibit 3 - Statement of Affairs, 31st July, 1946.
- Exhibit 4 - Statement showing loss on realization
to 31st July, 1946.

Clearances

We have received advices that all claims are paid from the following:

Inspector of Income Tax
Department of Excise & Customs
Unemployment Insurance Commission

Office of the Custodian,
Vancouver, B. C.

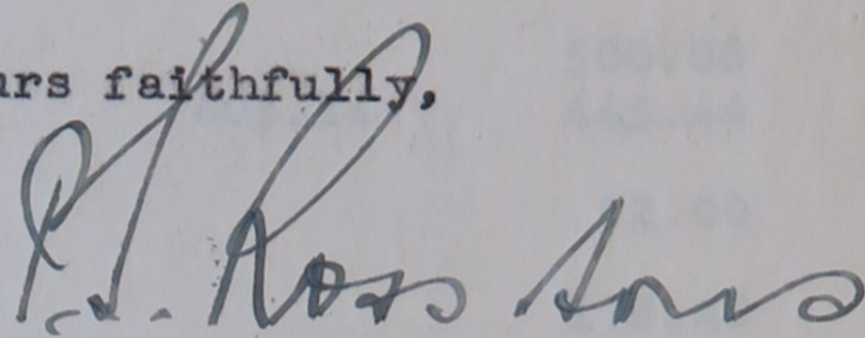
- 4 -

9th September, 1946.

Conclusions

Before entirely closing the firm's claim against the Robert McNair Shingle Company Limited, we recommend your perusal of the correspondence on file. Subject to this recommendation we suggest that the funds on hand be transferred to your office and a release of control issued to our Mr. Frederick Field.

Yours faithfully,



Chartered Accountants.

Robert McNair Shingle Co. re			
Shingle Camp	500.00		500.00
Accounts receivable	42.50		42.50
Sale of groceries at			
Shingle Camp	52.00		52.00
Sale of merchandise			
Perishable	178.10		178.10
to T. McNair Stores	2,100.00		2,100.00
by auction	2,877.50		2,877.50
Sale of fixtures by			
auction	672.00		672.00
Sale of automobiles	2,387.00		2,387.00
Insurance rebate			
Exchange			
	8,739.10	2,808.60	11,547.70
Preferred claims			
Wages - store	373.62		373.62
- camp	50.49	1,289.24	1,339.73
Unemployment insurance	51.90		51.90
McNair's compensation		5.00	5.00
Unpaid claims			
General liabilities re			
camp	389.00		389.00
Shingle Camp re scale	20.00		20.00
Ordinary creditors			
5% dividend P. S. Mc Loan		2,062.10	2,062.10
5% dividend sundry		2,815.75	2,815.75
	721.01	4,877.85	5,598.86
Expenses:			
re sale of automobiles	100.00		100.00
Wages - stock-taking			
store	28.32		28.32
Wages - stock-taking			
camp	75.00		75.00
Advertising	143.37	25.00	168.37
re auction sales	451.64	163.70	615.34
Light account	7.57		7.57
Refrigerator	10.00		10.00
Supplies	13.00		13.00
Insurance on stock		22.10	22.10
Arranging stock		14.30	14.30
Unemployment insurance		.43	.43
Controller's fees		222.00	222.00
	2,514.53	2,412.53	4,927.06

M. Ebisuzaki Company

Statement of Cash Receipts and Payments

28th April, 1942 to 31st July, 1946

	28 Apr, 1942 to 31 Mar, 1943	31 Mar, 1943 to 31 July, 1946	Total	
<u>Receipts</u>				
Balance on hand				\$ 83.30
McNair Shingle Co. re shingle camps	500.00		500.00	
Accounts receivable	42.30	403.14	445.44	
Sale of groceries at shingle camp	52.00		52.00	
Sale of merchandise Perishable	178.40		178.40	
to T. Maikawa Stores	2,100.22	7.93	2,108.15	
by auction	2,877.26	1,791.50	4,668.76	
Sale of fixtures by auction	922.00		922.00	
Sale of automobiles	2,067.00		2,067.00	
Insurance rebate		5.99	5.99	
Exchange		.10	.10	10,947.84
	<u>8,739.18</u>	<u>2,208.66</u>		<u>11,031.14</u>
<u>Payments</u>				
Preferred claims				
Wages - store	373.62		373.62	
- camp	56.49	1,269.26	1,325.75	
Unemployment insurance	51.90		51.90	
Workmen's compensation		5.00	5.00	
Secured claims				
General Securities re car	389.00		389.00	
Scale shop re scale	20.00		20.00	
Ordinary creditors				
55% dividend S. Eto loan		2,062.50	2,062.50	
55% dividend sundry		3,816.56	3,816.56	
	<u>891.01</u>	<u>7,153.32</u>	<u>8,044.33</u>	
Expenses:				
re sale of automobiles	105.99		105.99	
Wages - stock-taking store	88.32		88.32	
Wages - stock-taking camp	75.00		75.00	
Advertising	143.37	95.80	239.17	
re auction sales	481.64	363.70	845.34	
Light account	7.57		7.57	
Scavenger	10.00		10.00	
Sundries	13.85		13.85	
Insurance on stock		23.10	23.10	
Arranging stock		34.35	34.35	
Unemployment insurance		.63	.63	
Controller - fees		575.00	575.00	10,062.65
	<u>1,816.75</u>	<u>8,245.90</u>		
Balance cash on hand 31st July, 1946				\$ <u>968.49</u>

M. Ebisuzaki CompanyStatement showing Dividends paid to Creditors

	<u>Amount of claim</u>	<u>Amount paid</u>
<u>Secured claims</u>		
General Securities Ltd.	\$ 389.00	\$ 389.00
Scale shop	20.00	20.00
	<u>409.00</u>	<u>409.00</u>
<u>Preferred claims</u>		
Wages - store	373.62	373.62
Wages - camp	1,325.75	1,325.75
Unemployment insurance	51.90	51.90
Workmen's Compensation	5.00	5.00
	<u>1,756.27</u>	<u>1,756.27</u>
<u>Ordinary creditors</u>		
Caulfield, Burns & Gibson Ltd.	108.75	59.80
M. Furuya Company Limited	8.18	4.50
Gault Bros. Limited	1,218.00	669.90
Milne & Middleton Ltd.	26.63	14.64
Mackay, Smith & Blair	727.51	400.14
Wing Lee Limited	108.22	59.52
Parsons, Brown & Co. Ltd.	19.52	10.74
B. C. Telephone Co.	8.96	4.93
B. C. Electric Railway Co.	8.12	4.47
Jones Tent & Awning Co. Ltd.	70.36	38.70
Tairiku Nippo Sha Limited	148.74	81.81
G. Ebata	584.45	321.45
Nimi Shokai	82.20	45.21
C. Wakibayashi	18.41	10.13
S. Eto	3,750.00	2,062.50
K. Ebisuzaki	1,256.67	691.16
S. Kato	1.76	.97
Y. Suzuki	1,000.00	550.00
B. Taira	1,500.00	825.00
Maikawa Limited	42.71	23.49
	<u>\$ 10,689.19</u>	<u>\$ 5,879.06</u>

M. Ebisuzaki Company

Statement of Affairs

31st July, 1946

A s s e t s

<u>Cash</u> - balance at bankers	\$ 968.49
<u>Deficiency</u> to 31st July, 1946	<u>3,841.64</u>
	<u>\$ 4,810.13</u>

L i a b i l i t i e s

<u>Accounts Payable</u>	<u>\$ 4,810.13</u>
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M. Ebisuzaki Company
Statement showing Loss on Realization
to 31st July, 1946

Apparent surplus per statement 28th April, 1942			\$ 15,952.84
<u>Add: Surplus on realization</u>			
Furniture and fixtures	422.00		
Automobiles	467.00		
Sundry receipts	6.09		
Reduction accounts payable	<u>279.27</u>	<u>1,174.36</u>	
			17,127.20
<u>Deduct: Losses on realization</u>			
Accounts receivable	9,456.32		
McNair Shingle Co.	1,000.00		
Merchandise	2,694.20		
Shingle bolt camps	<u>5,800.00</u>	<u>18,950.52</u>	
Deficiency on realization			1,823.32
<u>Add: Expenses</u>		<u>2,018.32</u>	
<u>Loss on realization to 31st July, 1946</u>			<u>\$ 3,841.64</u>

M. Ebisuzaki Company

Report on Liquidation

18th October, 1950

P. S. ROSS & SONS

CHARTERED ACCOUNTANTS

MONTREAL

TORONTO

WINNIPEG

CALGARY

VANCOUVER

P. S. Ross & Sons

MAJ. GEN. J. G. ROSS, C.M.G.
 G. E. HOULT
 S. R. CAMPBELL
 W. L. GATEHOUSE
 G. M. HAWTHORN
 J. A. ROSS
 F. A. COFFEY
 G. G. HARRIS

S. B. PECKHAM
 W. G. JEPHCOTT
 H. S. HAWTHORNE
 F. E. H. GATES
 H. I. ROSS
 G. M. SMITH
 W. M. BRACE

CHARTERED ACCOUNTANTS
 MONTREAL TORONTO WINNIPEG
 CALGARY VANCOUVER
 SAINT JOHN N.B.

ROYAL BANK BUILDING
 360 ST. JAMES STREET

MONTREAL, QUE.

18th October, 1950

Office of the Custodian,
 506 Royal Bank Building,
 Vancouver, B. C.

Dear Sirs:

Attention: Mr. F. G. Shears, Director

re: M. Ebisuzaki Company

Under date of 9th September, 1946 we reported to you upon the affairs of this company to 31st July, 1946. We now wish to make our final report and attach the following statements:

Exhibit "A" - Statement of Cash Receipts and Disbursements for the period 28th April, 1942 to 17th October, 1950.

Exhibit "B" - Statement showing Dividends paid to Creditors.

Since the date of our last report there have been no further developments in connection with the Robert McNair Shingle Company account. Collections of accounts receivable have totalled \$322.30 and along with the receipt of \$124.49 from your office for the account of Teiji Morishita, one of the partners, makes total collections since our last report of \$446.79. After consultation with officials of your department it was decided that there was little likelihood of collecting any additional accounts and accordingly a final dividend of $1\frac{1}{2}\%$ was paid to creditors. This along with a distribution of 3% paid on 5th May, 1947, made a total dividend on winding-up amounting to $59\frac{1}{2}\%$.

As the disposition of the assets of this company has now been completed, we would appreciate receiving a release of control in favour of our Mr. Frederick Field.

Yours faithfully,

P. S. Ross & Sons
 Chartered Accountants.

M. Ebisuzaki Company

Statement of Cash Receipts and Disbursements
for the period 28th April, 1942 to 17th October, 1950

	28/4/42 to 31/3/43	31/3/43 to 31/7/46	31/7/46 to 17/10/50	Total
<u>Receipts</u>				
Balance - 28th April, 1942	83.30			83.30
McNair Shingle Co. re shingle camps	500.00			500.00
Accounts receivable	42.30	403.14	322.30	767.74
Custodian re Teiji Morishita			124.49	124.49
Sale of groceries at shingle camp	52.00			52.00
Sale of merchandise				
Perishable	178.40			178.40
To T. Maikawa stores	2,100.22	7.93		2,108.15
By auction	2,877.26	1,791.50		4,668.76
Sale of fixtures by auction	922.00			922.00
Sale of automobiles	2,067.00			2,067.00
Insurance rebate		5.99		5.99
Exchange		.10		.10
	<u>8,822.48</u>	<u>2,208.66</u>	<u>446.79</u>	<u>11,477.93</u>
<u>Disbursements</u>				
Preferred claims				
Wages - store	373.62			373.62
- camp	56.49	1,269.26	38.48	1,364.23
Unemployment insurance	51.90			51.90
Workmen's compensation		5.00		5.00
Secured claims				
General Securities re car	389.00			389.00
Scale Shop re scale	20.00			20.00
Ordinary creditors				
59½% dividend S. Eto loan		2,062.50	168.75	2,231.25
59½% dividend sundry		3,816.56	308.28	4,124.84
	<u>891.01</u>	<u>7,153.32</u>	<u>515.51</u>	<u>8,559.84</u>
<u>Expenses</u>				
Re sale of automobiles	105.99			105.99
Wages - stocktaking -				
store	88.32			88.32
camp	75.00			75.00
Advertising	143.37	95.80		239.17
Re auction sales	481.64	363.70		845.34
Light account	7.57			7.57
Scavenger	10.00			10.00
Sundries	13.85			13.85
Insurance on stock		23.10		23.10
Arranging stock		34.35		34.35
Unemployment insurance		.63		.63
Controller - fees and expenses		575.00	899.77	1,474.77
	<u>1,816.75</u>	<u>8,245.90</u>	<u>1,415.28</u>	<u>11,477.93</u>
Balance 17th October, 1950				<u>N11</u>

M. Ebisuzaki CompanyStatement showing Dividends paid to Creditors

<u>Secured claims</u>	<u>Amount of Claim</u>	<u>Amount Paid</u>
General Securities Ltd.	\$ 389.00	\$ 389.00
Scale shop	20.00	20.00
	<u>409.00</u>	<u>409.00</u>
<u>Preferred claims</u>		
Wages - store	373.62	373.62
- camp	1,364.23	1,364.23
Unemployment insurance	51.90	51.90
Workmen's compensation	5.00	5.00
	<u>1,794.75</u>	<u>1,794.75</u>
<u>Ordinary creditors</u>		
Caulfield, Burns and Gibson Ltd.	108.75	64.69
M. Furuya Company Limited	8.18	4.74 *
Gault Bros. Limited	1,218.00	724.72
Milne and Middleton Ltd.	26.63	15.84
Mackay, Smith and Blair	727.51	432.87
Wing Lee Limited	108.22	62.77*
Parsons Brown and Co. Ltd.	19.52	11.63
B. C. Telephone Co.	8.96	5.33
B. C. Electric Railway Co.	8.12	4.83
Jones Tent and Awning Co. Ltd.	70.36	41.86
Tairiku Nippo Sha Limited	148.74	86.27 *
G. Ebata	584.45	347.75
Nimi Shokai	82.20	48.92
C. Wakibayashi	18.41	10.96
S. Eto	3,750.00	2,231.25
K. Ebisuzaki	1,256.67	747.71
S. Kato	1.76	1.04
Y. Suzuki	1,000.00	595.00
B. Taira	1,500.00	892.50
Maikawa Limited	42.71	25.41
	<u>\$ 10,689.19</u>	<u>\$ 6,356.09</u>

* These companies did not participate in the final dividend of $1\frac{1}{2}\%$ as they were no longer in business