

Welcome to the C.N.A. E-Bulletin Vol. 2, No. 8 – March 1, 2006

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INTRODUCTION

I still enjoy putting this bulletin together. We have plenty of material on hand because we spend a bit of time on it every evening so we don't get behind. But that is no reason to ignore us. Why not send us some funny and unusual stuff?

WHAT DO YOU DO IF YOU FIND A BAG OF CASH? - PART TWO

In the last C.N.A. E-Bulletin, we published Robert Aaron's column that appeared in the February 18 Toronto Star, titled "What do you do if you find a bag of cash?" and sub-headed "Criminal proceeds can be seized - Quebec money fate unknown." Bob brought another column of interest to our attention and we are pleased to reprint it below, with permission. It appeared in the May 12, 2001 Toronto Star.

POSSESSION COUNTS WHEN FINDERS AREN'T KEEPERS - SOMETIMES THEY'RE THE WEEPERS, AT LEAST IN THIS COURT CASE

By Robert Aaron

It's a common misconception that the old adage "finders keepers, losers weepers" is the law of Canada. In most cases, however, that's actually not the rule our courts follow, as a builder in Stratford, Ont., found out.

The story takes place at 16 Jarvis St., in Stratford, where Jean and Harry Weitzner lived together for 38 years prior to Harry's tragic death in a fire in 1989. Harry left a will naming his wife as his sole heir. For about 30 years, Harry operated a scrapyard on the site, using a portion of his home as a business office. After she became a widow, Jean continued to live in the house until 1995, when she moved into a seniors' apartment at the age of 85. Two years later, in June of 1997, she sold the property to Wilbert Herman and his wife, Jean.

In July 1997, the Hermans hired Cornelius Gansevles to demolish the house. Wilbert was on site when the demolition began. During the leveling of the house, a fire extinguisher rolled out of a crawl space under the business office in the home. An unspecified quantity of silver coins was found in the extinguisher, along with \$130,000 in old \$50 and \$100 bills. The money was in 26 neat bundles of \$5,000 each. Many of the bills were stuck together and smelled of mildew. They bore different dates starting in 1954, but were all dated before Harry's death in 1989.

Neither Jean nor the Hermans knew about the hidden money when they signed the agreement of purchase and sale.

The Hermans tried to keep the find quiet but didn't count on 89-year-old Jean Weitzner going to the local beauty salon, apparently the clearinghouse for local gossip. Shortly after the demolition, the Hermans visited Jean Weitzner, ostensibly to return some photographs they found in the house. During the visit, Jean told the Hermans that she heard they found \$12,000 on the property during the demolition. Wilbert Herman admitted that he found that much "and a little more" but he had to share it with the contractor. Someone suggested they split it three ways with themselves and the contractor getting \$4,000 each.

The Hermans returned later with a cheque for \$4,000 payable to Jean Weitzner and got her to sign an agreement accepting the cheque in full payment "for any money found in or around the

house." The document also said that Jean didn't know the money was in the house, and that the Hermans "may keep any amount they have found."

No one bothered to tell Jean before she signed the agreement that the buyer had actually found \$130,000, not \$12,000. It's not clear how Jean found out the truth, but there was an independent witness present when the old extinguisher rolled out of the crawlspace. In another incident, Wilbert Herman sued Cornelius Gansevles, the contractor, for \$2,000 interest on a loan that had been partially paid off, and the cat may have come out of the bag during the Small Claims Court proceedings.

In any event, it wasn't long before everybody was suing everybody else in Superior Court, all of them claiming to be entitled to the money. Jean claimed she inherited the money from her husband even though she didn't know about it, and the deed to the house was never meant to pass title to the cash. Gansevles, the contractor, claimed salvage rights. The Hermans argued that Jean abandoned the contents along with the house, and transferred the money to them by delivering, on closing, a signed Bill of Sale for the movable items in the house.

The Hermans argued "finders keepers," an old rule applying to chattels, or items of personal property not attached to land or a building. The finders keepers rule, they said, goes back to an old English court case in 1722. The ancient principle of law that covers the situation is that the finder of a lost chattel acquires good title to it as against everyone but the true owner or someone enjoying a better claim, or a superior title. As with most legal rules, however, there are always exceptions. This case was one of the exceptions.

Justice Dougald McDermid ruled that Jean could recover the full \$130,000 from Wilbert and Jean Herman, minus the \$4,000 she got when she signed the release. That document was worthless, and the Hermans did not even bother to argue in court that it was valid. In his judgment, Justice McDermid decided that there was no agreement that ownership of the money was transferred along with the deed to the house or the bill of sale for the contents. He also tossed out the claim for salvage rights. He ruled that even though the Hermans contracted to buy the house "as is," that did not mean the money in the fire extinguisher came with title to the land. The judge said it was absurd to believe that someone could buy a property for \$163,500 and retain \$130,000 in cash inside it at the same time.

After hearing testimony from the former bookkeeper of Harry's scrap metal business, the judge even went out of his way to declare that Harry had always properly reported cash receipts to his accountants just in case, I suppose, anyone in Ottawa wanted to invoke their own salvage rights.

The next time someone says that the finders-keepers rule still applies, it might be worthwhile recalling the story about Jean Weitzner and the mildewed cash. A better statement of the rule might be that possession is nine-tenths of the law. In this case, Jean Weitzner's one-tenth rights carried the day.

I wonder what happened to the fire extinguisher.

BANKS AND COUNTERFEIT PAPER MONEY

Paul Johnson, the Chairman of the C.N.A. Education Committee, told us of an incidence involving his bank and a counterfeit bill.

Paul made a deposit into his bank account recently. Shortly after, he received a telephone call from the bank advising him that he had given them a counterfeit note. His deposit was, therefore, reduced by \$50.

A while later, the bank called back and advised him that, upon further examination, they have determined that the bill is, after all, genuine and they would be depositing a further \$50 to his account.

He had some dealings with both his mother and mother-in-law from whom he could have received the suspicious \$50 bill. Given a choice, I would vote for the mother-in-law.

THE EXPERTS

We picked up a recent Toronto Star, turned to the "Condo Living" section and read the questions and answers in the "Ask an Organizer" column by Eileen Chong.

The question from a collector of crystal, figurines, model cars, coins, postcards, birthday cards, matchbooks and other things, wondered what can be done with all of these items when there is insufficient room to display them, so that most are simply stored in boxes.

The answer, in part, states that they should pare down by going through the collections and saving only what is really wanted, and showing a few favorite pieces from a number or collections, or displaying as many pieces as possible of the most cherished collection. Items can also be rotated for display, as they do in museums. It goes on to suggest the use of display cases for the crystal collection or figurines, racks for shelves for model cars, and a binder for the cards. All good advice.

But what really caught our eye is the following: "For your coins and matchbooks, use bowls."

You got that from the expert? Remove all your coins and medals from your 2x2 holders, from your slabs, from your display cases. And put them all into a bowl!

I wonder if she were asked, would she recommend the same bowl for the matchbooks and coins?

We have a long way to go in educating even the so-called experts.

MUCH MORE RESEARCH ON MODERN ISSUES NEEDED

A recent City of Ottawa Coin Club bulletin stated that at the previous meeting, a member mentioned the seeming lack of research on errors and varieties in Canadian coinage. Other members mentioned the lack of research and information with respect to Ottawa area trade and transportation tokens.

This appears to be a common problem right across Canada and, no doubt, the U.S. and elsewhere. We recall a number of years ago when Interbranch International Mint of Rexdale, Ontario went into receivership and their assets were acquired by Johnson Matthey. John Regitko purchased all overruns, salesman samples and in-house issues and discovered dozens upon dozens of previously unreported medals. Paul Nadin-Davis wrote articles about some of these discoveries in the CN Journal. If Interbranch did not go into receivership and if Johnson Matthey destroyed them rather than making them available to someone involved with our hobby, they may never have come to light.

What about the history of all the medals and tokens about Toronto that the late Larry Becker's wife donated to the City of Toronto Archives and which are buried somewhere in boxes in the basement of City Hall? Do we have any idea how many Canadian National Exhibition medals were struck over the years by bankrupt Interbranch International Mint? Do we know anything about the medals struck by the Sherritt Mint?

Will we ever find out what the Lombardo Mint struck over many, many years? A recent example is the four different video arcade tokens struck for Marvel Arcade of Niagara Falls, Ontario. We managed to acquire a quantity of them to include in the 2006 C.N.A. Convention registration kits and to distribute them at the C.N.A. Club Delegates Breakfast meeting and the Canadian Association of Token Collectors (CATC) meeting.

Are we close enough to Pressed Metal Products, The Great Canadian Mint and all the companies that cast medals to know what comes out of their facilities? Or all those issues produced for Canadian companies by the Royal Canadian Mint over the years? If it was not for the Mint's annual reports and videos, we may never have known that they struck Chuckee Cheese video tokens, transportation tokens for the Toronto Transportation Commission or the many others we have seen in the annual Mint reports over the years.

Are we wrong in stating that the wooden money collectors, the Municipal Trade Token enthusiasts and the Canadian paper money collectors are really the only ones that are truly keeping up-to-date on modern Canadian numismatics?

YOUR FAVOURITE NUMISMATICALLY-RELATED NON-NUMISMATIC OBJECT

A number of years ago, when the C.N.A.'s annual Convention was hosted by the Moncton Coin Club, the convention chairman's wife, Sylvia Bell, obtained a quantity of railroad spikes from the local Canadian National Railroad depot, painted them black, added the words "CNA" in white paint on the head and distributed one to everyone attending the banquet. One has remained in my collection all these years, forming part of my C.N.A. memorabilia collection. Every time I come across it, it reminds me of poor Sylvia taking about 150 rusty old oversize nails, cleaning them up and painting them with a couple of layers of paint.

Do you have a favorite item that you obtained as a souvenir at a coin convention that you want to tell us about at cnanews@look.ca?

PET PEEVES

When we walk or drive around our neighbourhood, there are a number of things that aggravate us: people walking on the street. Not even facing traffic. Adults bicycling on the sidewalk. Without helmets. People crossing 10 feet away from an intersection or crosswalk. The button not being pushed before people dart out into the street at a crosswalk on a dark night. No turn signals. Driving with one foot on the gas and one foot on the break. But enough about me!

Send us your Numismatic Peeves and we will publish them. We'll get you started: Dealers who do not have their material individually priced and have to be asked for each and every item you are interested in.

Or the things you do like. For example, the collector who has duplicate material to sell and when you ask what they want for it, asks you what you are willing to pay. That gives us the opportunity to really low-ball the value and, more often than not, obtain the item for less than we would have been willing to pay for it had the seller given us a price.

ANOTHER ARTICLE FOR THE CREDIT CARD COLLECTORS

Every issue, we seem to be writing about another horror story about a topic that a number of our numismatic friends are into, namely credit cards.

According to Canadian Press, major police forces across Canada are among thousands of law enforcement agencies and forensic investigators whose private and financial information may have been stolen earlier this month in a hacker attack, according to the Ottawa Citizen newspaper.

Guidance Software, Inc., a private Pasadena, Calif., firm, said in a letter sent out to law enforcement agencies that thieves had raided its database sometime in November, stealing credit card numbers and in certain cases information such as addresses and telephone numbers for some 3,800 customers.

Guidance makes EnCase, a suite of forensic investigation software that has become the standard tool used by computer crime units of police, insurance companies, banks and private computer forensics specialists. The Royal Canadian Mounted Police (RCMP), the Ontario Provincial Police (OPP) and the Toronto police are among Canadian agencies that say they received letters from Guidance informing them that their units' confidential information had been exposed. Guidance became aware of the breach on Dec. 7.

EnCase products are used, among other things, to extract and analyse digital evidence from computers to identify hacker attacks. Guidance's own software "certainly should have set off some alarms that someone is downloading our entire database," said Ryan Purita, an EnCase-certified investigator with Totally Connected Security Ltd. in Vancouver. He is one of a handful of Canadian computer forensics experts authorized to testify in court. "Something fell apart here." John Colbert, chief executive of Guidance, said the attack "is ironic, but it highlights that intrusions can happen to anybody. It's not a matter of if, but of when, so nobody should be complacent about their (computer network) security."

The Los Angeles Electronic Crimes Task Force is leading an investigation, along with the U.S. Secret Service and FBI, Colbert said. He said the breach has led to "a few instances of fraud" involving the stolen credit card numbers. Colbert admitted Guidance broke the rules of credit card issuers by storing in its database the card value verification (CVV) codes - a security feature meant to stop the cards from being used in Internet or telephone fraud. The company could face fines for keeping CVVs permanently on file.

OPP spokesman Supt. Bill Crate said the computer investigation unit's credit card information had been kept on file by Guidance, but that despite concerns over the breach of confidentiality there is no evidence the agency has suffered any financial loss. RCMP Staff Sgt. Paul Marsh said the breach of confidentiality "is of concern." The agency's Technological Crime Program, based in the Ottawa area, and the Toronto police received correspondence from Guidance, and has offered to cooperate with the investigation.

I don't know about you, but I wouldn't mind adding some of the credit cards that are written about in the general press to my own collection. Wouldn't the background stories make a fascinating talk at a club meeting?

CONDOLENCES

To Paul Johnson, Chairman of the C.N.A. Education Committee, on the passing of his mother.

To the family of Donald D. Paterson on his recent passing. Paterson is best known as the designer of the Canadian 1975 silver dollar commemorating the 100th anniversary of the founding of the City of Calgary, Alberta, and the Canadian 1980 silver dollar commemorating the centenary of the transfer of the Arctic islands from the British Government to the Government of the Dominion of Canada. He has also done a lot of other work that will surprise you. We will do a feature on him in the next C.N.A. E-Bulletin.

2006 C.N.A. CONVENTION NEWS

The spouses will not be ignored at the upcoming C.N.A. Convention scheduled for July 20 to 23 in Niagara Falls, Ontario!

Spouses that register at the Convention can take advantage of the many programs. For example, registered spouses are invited to attend the President's Welcome Reception on Thursday, July 20, starting at 9:00 p.m. Spousal Continental Breakfasts are scheduled for Friday and Saturday morning, with the Royal Canadian Mint Reception on Friday evening. Also on Friday is a tour of Niagara-on-the-Lake and Inniskillin Winery tour. The City of Niagara Falls tour, on Saturday, includes admission to the Butterfly Museum, Aviary (the world's largest Bird Museum) and the Sir Adam Beck Generating tour.

The Hospitality Suite, open all day over three days, will feature unlimited visits for complimentary coffee, soft drinks & snacks. Spouses can also enjoy the exhibits and the variety of material found in the bourse room. The C.N.A. Banquet will also give them an opportunity to mingle with fellow spouses for a buffet dinner, followed by the Post-banquet President's Reception.

Also planned are give-aways to everyone attending the Spousal Breakfast gatherings. For example, quality fans from the Philippines that can also be used as a decoration on a wall, a hanging "hamagong" wood decoration embedded with a set of coins, and mugs decorated with Canadian paper money.

To assure that the Hospitality Suite is set up for these events, we are pleased to announce the appointment of Marian Munro of Calgary, Alberta to the position of Chairman of Spousal Activities. She has performed similar duties at other conventions, including at the 2005 C.N.A. Convention.

CONCLUSION

We wish to take this opportunity to thank Brian Smith, owner/operator of Torex, for allowing us to set up a C.N.A. Information Table, which resulted in some new members, the sale of C.N.A. Correspondence Courses and donations.

It is unfortunate that we cannot take advantage of all the offers we receive to set up Information Tables, such as from Ohio State, Michigan State, Nuphilex in Montreal and the various shows organized by Ted Bailey in Paris and Kingston, Ontario.

John Regitko
Your C.N.A. E-Bulletin Editor
Canadian Numismatic Association

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