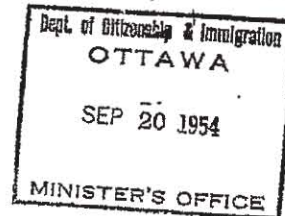
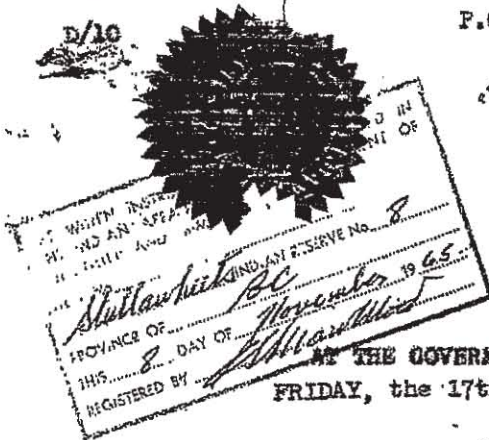


67/31-4-41



AT THE GOVERNMENT HOUSE AT OTTAWA  
FRIDAY, the 17th day of SEPTEMBER, 1954.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Public Works for the Province of British Columbia has applied for the lands described in the Schedule hereto for road purposes, being portions of Puckatholetchin Indian Reserve number eleven, Albert Flat Indian Reserve number five, and Stullawheets Indian Reserve number eight, all in the said Province;

AND WHEREAS a public road has been maintained by the Province of British Columbia on the said Indian Reserves for a number of years on a portion of the lands described in the said Schedule;

AND WHEREAS the Band Council of the Union Bar Band of Indians for whose use and benefit Puckatholetchin Indian Reserve number eleven has been set apart, and the Band Council of the Yale Band of Indians for whose use and benefit the other two Reserves have been set apart, have both by separate Resolutions dated February 16th, 1954, and February 17th, 1954, respectively, recommended approval of the application upon payment of the sum of \$897, being at the rate of \$150 per acre for that portion of the lands not contained within the existing public road aforesaid, which sum has been received from the Province of British Columbia;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to the provisions of section 35 of the Indian Act, is pleased to consent and doth hereby consent to the taking of the lands described in the Schedule hereto by the Province of British Columbia, and is further pleased to transfer, and doth hereby transfer the control, management and administration thereof to Her Majesty in right of the Province of British Columbia.

Certified to be a true copy

*R. B. Boyer*

Clerk of the Privy Council.

The Minister of Citizenship and Immigration.

R/W 1872, 1873 & 1874.  
Your File: 153/31-4-33.

RIGHT OF WAY AGENT

April 9th, 1954  
Victoria, B.C.

Mr. W.S. Arneil,  
Indian Commissioner for B.C.,  
Dept. of Citizenship & Immigration,  
P.O. Box 70,  
Vancouver, B.C.

Re: Right-of-way Settlement. Yale Indian  
Reserves Nos. 5, 8 and 11.

Dear Sir:

This will acknowledge receipt of your letter of March 26th concerning the compensation award of \$889.50 as issued in respect of the above mentioned settlement.

The initial offer as based on the Location Plan consisted of 5.73 acres at a rate of \$150.00 per acre to make a total of \$859.50. Subsequent to the survey as carried out by Mr. Abbott, B.C. Land Surveyor, it was noted that the right-of-way actually acquired amounted to 5.93 acres and consequently payment was authorized pursuant to the surveyor's calculations.

It is hoped that this is satisfactory and clarifies the issue of this increase in compensation.

Yours truly,

E.W. Pritchard,  
Asst. Right-of-Way Agent.

EMP:PS

March 2nd, 1954

R/W Agent,  
Victoria, B.C.

Mr. H.M. McCallum,  
Chief Engineer,  
Victoria, B.C.

Yale  
R/W 1872, 1873 & 18'

Settlement for Right-of-way within  
Yale Indian Reserves No. 5, 8 and 11.

Attached herewith please find Forms P.W.120  
recommending settlement of \$889150 be paid  
to the Receiver General of Canada for right-  
of-way acquired within the above mentioned  
Indian Reserves.

This section of the Trans-Canada Highway  
between Hope and Yale has been constructed  
under Project No.289. Survey of "as-constructed"  
highway has been completed and this settlement  
is based on the acreages as computed by the  
P.C. Land Surveyor.

L.J. Moore,  
R/W Agent.

by:

E.W. Pritchard,  
Asst. R/W Agent.

ENP:PS  
encl: 4





IN YOUR REPLY REFER TO

No. 153/31-4-33  
Also by date of this letter

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

PLEASE QUOTE

Your FILE 1872,1873  
1894

P.O. BOX 70  
Vancouver, B.C.

April 24, 1952

L. J. Moore, Esq.,  
Right-of-Way Agent,  
Department of Public Works,  
Victoria, B.C.

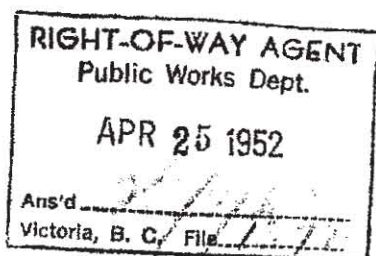
Dear Mr. Moore:

Re: Trans-Canada Highway (Yale-Hope)  
Indian Reserves Nos. 5, 8 & 11

With reference to your letter of April 21st, I am instructed by our Department to request that the Province pay for the full Reserve acreage required for the highway referred to above, including the portions of the old right-of-way.

Your views in this connection are noted but I would ask you to please advise definitely whether or not it is the intention of the Province to pay for the full acreage comprising 8.981 acres in Yale I.R.#11, 3.933 acres in Yale I.R.#8 and 8.831 acres in Yale I.R.#5. We are unable to authorize entry on to the Reserve for the purpose of carrying out construction until this point is settled.

Yours truly,



W. S. Arneil,  
Indian Commissioner for B. C.

-EW

C O P Y

DEPARTMENT OF CITIZENSHIP & IMMIGRATION

No. 153/31-4-33

P.O. Box 70,  
Vancouver, B.C.

April 7th, 1952.

Mr. L.J. Moore,  
Right-of-Way Agent,  
Department of Public Works,  
Victoria, B.C.

Dear Sir:

Re: Trans-Canada Highway - Yale-Hope.

With reference to your letter of March 24th, a review of our records indicates that there has been no previous grant to the Province of any acreage in Yale Reserves 5, 8 and 11, nor has payment been received for any right-of-way on these three Reserves. The Reserves in question are in the Railway Belt and consequently provisions of Order-in-Council No. 1036 are not applicable and payment is required for the full acreage required for the new highway right-of-way including the purchase of the old right-of-way.

Will you please advise if your offer of \$150.00 per acre is still applicable?

Yours very truly,

-LM

W.S. Arneil,  
Indian Commissioner for B.C.

Our File 1872, 1873, 1874  
Your File 164/31-4-3-2

RIGHT OF WAY AGENT

March 24th, 1968  
Victoria, B.C.

Mr. W.S. Arneil,  
Indian Commissioner for B.C.,  
Dept. of Citizenship & Immigration,  
P.O. Box 70, Vancouver, B.C.

Re: Trans-Canada Highway-Yale-Hope

Dear Sir:

The Department of Public Works will, in the near future, be undertaking reconstruction of portions of the above section of the Trans-Canada Highway. This results in encroachments upon various properties including Yale Indian Reserve's Nos. 8, 9 and 11.

One original and three prints from the tracings of each of our Location Plans showing the areas in question, are today forwarded you under separate cover by registered mail. It will be observed that the encroachment involves widening the existing 60 foot right-of-way. There are several places where the former road, evidence of which is still in existence, will constitute part of the new encroachment but we are considering these old portions of road as now being held by the Indians, whether or not the formal transfer was ever approved.

Hereunder the particulars regarding areas in each Reserve.

1. Yale I.R. #11 -- Total Right-of-Way area--	8.801ac.
Existing right-of-way	-- 8.042"
Area being acquired	-- 0.759"

--2--



-- 3 --

S. Yale I.R. #8 -- Total Right-of-Way area--3.935 ac.  
Existing Right-of-Way --2.598 "  
Area being acquired --1.337 "

S. Yale I.R. #6 -- Total Right-of-Way area--8.831 ac.  
Existing Right-of-Way --7.595 "  
Area being acquired --1.236 "

The total area to be acquired comprises 5.73 acres more or less and we are recommending compensation at the rate of \$150.00 per acre for a total of \$859.50.

No fencing would be undertaken as there does not appear to be any evidence. All existing approaches will be restored. A small section in Indian Reserve No. 11 has a small quantity of merchantable timber between Station 340 and Station 357. This can be moved beyond the limits of the right-of-way for use or disposal by the Indians.

The ground survey plan prepared by a D.C. Land Surveyor will be undertaken as soon as construction is completed.

As above intimated, the construction work will evidently be undertaken very soon and it would be appreciated if we may be advised at your earliest convenience.

Very truly yours,

L.J. Moore,  
Right-of-Way Agent.

LJM:ps

Page 8 redacted for the following reason:

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s3



16...HDA/SD  
DETACH BEFORE PRESENTING

1932 *release July*  
*tax cert. C-16*

COMPENSATION RE..PORTION OF  
D.L. 65, Y.D.Y.D. EXC. 1.PART  
PLAN 286. S. PARCEL 'A. R.P.  
B-5638. RE DEPT.LOC.PLAN.

\$ 536.00

PROVINCE OF BRITISH COLUMBIA  
GENERAL ACCOUNT  
IN SETTLEMENT OF ACCOUNT AS STATED

Nº 289360 ○

## COMPENSATION IN TERMS OF THE "HIGHWAY ACT"

(SECTION 16)

001932

DEPT. FILE No. \_\_\_\_\_ PLAN No. \_\_\_\_\_ DISTRICT FILE No. R/W 1932ENGINEERING DISTRICT No. 3 ELECTORAL DISTRICT YaleName and details of highway or incidental works Trans-Canada Highway. Project #288American Creek-YaleDescription of property portions of D.L. 85, Y.D.Y.D. except 1. Part plan 286.  
2. Parcel "A", R.P. B-5638 as shown on Department Location Plan.Name of registered owner Maud Ellen StuartIs title unencumbered? NO If not, give details of encumbrance s22s22

Name, title, etc., of party to whom compensation is recommended to be paid

Maud Ellen Stuart subject to partial release of mortgage

## DETAILS OF COMPENSATION RECOMMENDED TO BE PAID PURSUANT TO SECTION 16 OF THE "HIGHWAY ACT"

## A. For Improvements on the Lands taken.

(Subsec. 1a.) "Improvements on the land so taken, that is to say, everything constructed on or annexed to the soil by the hand of man."

Roads: Length, \_\_\_\_\_; width, \_\_\_\_\_  
Buildings: Length, \_\_\_\_\_; width, \_\_\_\_\_; height, \_\_\_\_\_  
See Remarks \_\_\_\_\_

Structures: See Remarks \_\_\_\_\_

Fences: Length, \_\_\_\_\_ feet. See Remarks \_\_\_\_\_

Clearing: Area, \_\_\_\_\_ acres

Grading: Area, \_\_\_\_\_ acres

Planting: Area, \_\_\_\_\_ See Remarks \_\_\_\_\_

Cultivation: Area, 0.184 ac. See Remarks \_\_\_\_\_Other improvements (to be stated) 7 fruit trees  
Pole and sign

Remarks: \_\_\_\_\_

COMPENSATION RECOMMENDED

140.00

A.

## B. For Lands taken (not Subdivided Lands).

(Subsec. 1b.) "Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area."

Area of original Crown grant - - - - - acres.

Total area taken for road purposes - - - - - acres.

Deduct one-twentieth of area of original Crown grant - - - - - acres.

Area for which compensation is payable - - - - - acres.

The land is valued at \$ \_\_\_\_\_ per acre.

COMPENSATION RECOMMENDED \$ \_\_\_\_\_ B.

I hereby certify that this statement is in accordance with the provisions of section 16 of the "Highway Act."

Date July 22nd, 19 52

I hereby recommend that compensation be paid accordingly.

Date \_\_\_\_\_, 19 \_\_\_\_\_

District Official, P.W. Dept.

APPROVED

Date \_\_\_\_\_, 19 \_\_\_\_\_

Deputy Minister, Chief Engineer, or Assistant Chief Engineer.

(DEALT WITH.)

Departmental Comptroller

(OVER)



**C. For Lands taken (Subdivided Lands only).**

(Subsec. 1b.) "But, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without payment of compensation shall not exceed one-twentieth of the area of that parcel, and where the lands are being taken from two or more of the parcels at the same time, the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas."

Details of registered subdivision plan, parcel, lot, etc. D.L. 65, WYD except part on Plan 286 & except Pol. A, R.P. B-8638

Total area of parcel	- - - - -	<u>123.17</u>	acres.
Total area taken for road purposes	- - - - -	<u>8.96</u>	acres.
Deduct one-twentieth area of parcel	- - - - -	<u>6.16</u>	acres.
Area for which compensation is payable	- - - - -	<u>2.636</u>	acres. <u>0.184 ad. comp. ted under Sec.</u>
The land is valued at \$	<u>150.00</u>	per acre.	

COMPENSATION RECOMMENDED \$ 395.40 C.

**D. For Materials taken from Improved Lands.**

(Subsec. 4.) "Where in respect of gravel, sand, stone, timber, or other materials taken by Crown for construction, maintenance, or repair of any highway or bridge, the provisions of any Statute or the reservations contained in any Crown grant permit of the same being so taken without payment of compensation, and where the same is taken from Improved Lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor."

CLASS OF MATERIAL TAKEN	QUANTITY	UNIT RATE	AMOUNT

TOTAL COMPENSATION RECOMMENDED \$ \_\_\_\_\_ D.

**E. Deduction for Increased Capital Value due to Construction.**

(Subsec. 3.) "In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section."

Details \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL DEDUCTIONS \$ \_\_\_\_\_ E.

**Remarks:**

(NOTE.—Give details and approximate value of any other compensation arranged for and recommended, such as fencing or transfer to adjacent owner of land comprised in old road to be closed, or other matters.)

**The Department to replace existing fences and gates where disturbed due to construction and to provide reasonable access at feasible sites to be selected by the claimant who will notify the Resident Engineer.**

**SUMMARY OF AMOUNT OF COMPENSATION RECOMMENDED TO BE PAID**

A.	For improvements on lands taken	- - - - -	\$ <u>140.00</u>	A.
OR	B.	For lands taken (not subdivided lands)	- - - - -	\$ _____ B.
	C.	For lands taken (subdivided lands only)	- - - - -	\$ <u>395.40</u> C.
	D.	For materials taken from improved lands	- - - - -	\$ <u>461.00</u> D.
		Gross total amount of compensation recommended	- - - - -	\$ <u>536.00</u>
	E.	Deduction for increased value	- - - - -	\$ _____ E.
		NET TOTAL OF COMPENSATION RECOMMENDED TO BE PAID	- - - - -	\$ <u>536.00</u>



P.W. 179A.

Government of British Columbia,  
Department of Public Works,  
Right-of-Way Agent, Victoria, B. C.

Compensation agreement under provisions of Section 16, Highway Act.  
R.S.B.C. 1948 Cap. 116

Electoral District Yale

Project Trans-Canada Hwy. American  
Creek-Yale #289

For and in consideration of the sum of \$536.00, being settlement in full,  
to be paid upon completion of transfer or gazette I, Maude Ellen Stuart  
(I) (We)

\_\_\_\_\_ of \_\_\_\_\_ s22  
(Address)  
hereby agree to convey to Her Majesty The Queen in right of the Province of British  
Columbia, the following described lands portions of D.L. 65, Y.D.Y.D. except

1. Part Plan 286, 2. Parcel "A", R.P. B-5638, as shown on Department  
Location Plan.

Y.D.Y.D. Land District, the same to be used for Right-of-Way or other  
public purposes, free from all encumbrances, the above mentioned sum to cover all damage  
to the said land and improvements, if any, consequent upon construction of highway or  
other public works thereon.

Compensation covers:	LAND	<u>2.626 ac. unimproved @ \$150.00</u>	<u>\$395.40</u>
OTHER IMPROVEMENTS:		<u>0.163 ac. improved @ \$400.00</u>	<u>65.60</u>
	<u>Fruit Trees</u>		<u>65.00</u>
	<u>Pole and sign</u>		<u>10.00</u>

Total - \$536.00

The Department to replace existing fences and gates where disturbed  
due to construction and to provide reasonable access at feasible  
sites to be selected by the claimant who will notify the Resident  
Engineer.

No other party has an equity in the lands aforesaid, other than as set forth hereunder  
and compensation is therefore payable only as stipulated herein. All adjustments  
subject to approval of the Chief Engineer.

Given under my hand and seal at July 17 B. C. this 14th day of July 1952

WITNESS

s22

(Right-of-Way Agent)

SIGNATURE

Maude Ellen Stuart

Title owner:

Maude Ellen Stuart

To whom compensation payable above, subject to partial

s22

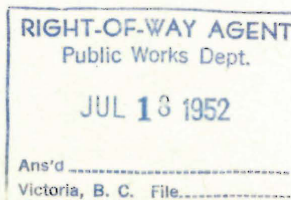
Encumbrances

s22

s22

Total Area of Parcel 123.17 acres.

1951 paid?





Pages 13 through 14 redacted for the following reasons:

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s3

PS 11782

# PROPERTY REGISTER

## LAND ONLY

Page No. 57  
Electoral District Yale-Lillooet  
Highways District Merritt (R2)  
P.W. Zone No. and Area No.

Property used for See below Address s22 City Date January 26, 1973

Full legal description of property:  
Pt. of L.S. 1, Sec. 33, Tp. 5, R 26 W6M

Location of property:  
Severed portion between new highway and  
Railway Right-of-Way. Station 150.

Area of property: 2.849 acres

Order in Council No.

Approval date of O.I.C.

Purchase or reserve Purchase

Purchase date January 1960

Purchased from Lloyd Walter Green & Myrtle

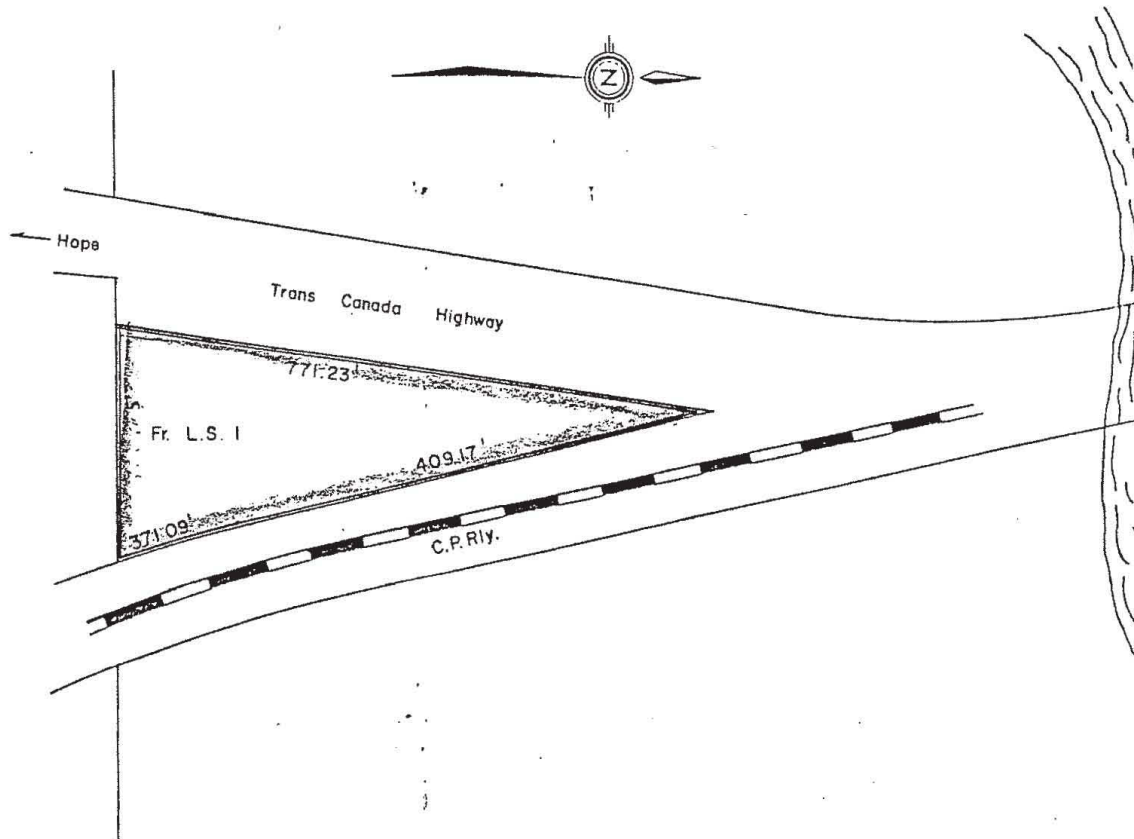
Cost \$ Nil Voucher No. Annie Green

Assessed value \$ Taxes \$

Rental Page No.

Remarks: Suitable access road to be  
provided by Dept. to connect with existing  
road on L.S. 8, Sec. 33, Tp. 5, R 26.  
This was an isolated portion of property  
due to reconstruction at Prj. 1030 Hope-  
American Creek, and included in purchase  
of Right-of-Way.

Plan of property (show building location):





DEPARTMENT OF HIGHWAYS  
Kamloops, B. C.

Regional Highway Engineer,  
523 Columbia Street,  
March 12, 1963

Mr. Lloyd W. Green,

s22

Dear Sir:

Re: L.S. 1, Sec. 33, Tp. 5,  
Range 26, W6M

This will confirm that access road through your property to the property of Mr. Doolan at American Creek has been established as a public road and is registered under B.C.L.S. Plan No. H-676 deposited in the Land Registry Office at Kamloops.

Yours very truly,

M. G. Elston, P. Eng.  
REGIONAL HIGHWAY ENGINEER

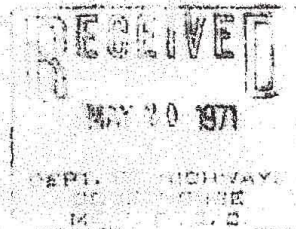
by:

*A. C. Brown*  
A. C. Brown,  
Right-of-Way Agent.

ACB/ga

c.c. Mr. O. C. Doolan,

s22



Aug 3rd 1959

Mr A.C. Brown,  
Right-of-Way Agent,  
Dept of Highways,  
523 Columbia St.,  
Kamloops B.C.

Your File No 11782

Dear Mr Brown:

I have received your letter of July 3rd informing me of the proposed allocation of the Trans Canada Highway as it affects my property on American Creek, and the plan of reconstruction.

I am not much of an expert at reading plans but it does seem to me that this plan, when carried out, means the destruction of my access to my property, which access I hold under Permit CAP 248/58.

Your last sentence says: "any existing access will be protected at time of construction" and that ~~the~~ ~~continuation~~ assurance is comforting. I conclude that if the government finds it necessary to destroy my present access to my property that the government will provide an alternate access for me.

Yours truly,



Oliver C. Doonan

s22



523 Columbia Street  
Kamloops, B. C.

Right-of-Way Office  
July 30, 1959

Mr. & Mrs. O. C. Doolan,

s22

Dear Mr. & Mrs. Doolan:

Re: Fractional L. S. 8, Section 33,  
Township 5, Range 26, W. 6th M.  
Hope.

The construction of the new Trans Canada Highway from Hope to American Creek will be commencing shortly. Enclosed is a copy of a plan showing outlined in red the location as it affects your property at American Creek. This right-of-way was acquired from Mr. Green and Mr. Dillman under the resumptive power of the Crown on March 24, 1952. At that time, the highway was being widened to the minimum Trans Canada Standard of 100 ft. which you will note on the enclosed plan is what it will be after construction. Any existing access will be protected at time of construction.

Trusting this meets with your approval.

Yours very truly,

A. C. BROWN,  
Right-of-Way Agent.

ACE/cdk

Pages 19 through 20 redacted for the following reasons:

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s3

VOICE NUMBERS:

WORKS REGION # 2

R/W/1874

W  
9 16400

\$ 628.50

PROVINCE OF BRITISH COLUMBIA  
GENERAL ACCOUNT  
In Settlement of Account as Stated  
DETACH BEFORE PRESENTING

38647 C

Chief Right-of-Way Agent,  
Victoria, B. C.

Regional Highway Engineer  
Kamloops, B. C.  
March 30, 1965  
Yale

R/W 1874

Right-of-Way - T.C.H.

*Supplementary*

Enclosed for vouchering is compensation form as follows:

R/W 1874      Receiver General of Canada      \$628.50

A. C. BROWN,  
Right-of-Way Agent.

/gs  
Attachment