St. David's-by-the-Sea, Cordova Bay

Prepared by Jesse Robertson (June 28, 2023; revised June 25, 2024)

Property Acquisition

Address	5182 Cordova Bay Road, Victoria, BC
Legal description	LOT 1 SECTIONS 31 AND 32 LAKE DISTRICT PLAN VIP85818
First private landholder	Partial payments on land made in 1861; Crown Grant issued to separate owners in 1874.
Diocesan Acquisition	Church property purchased for \$600 around February 1945.

Narrative Overview

St. David's-by-the-Sea Cordova Bay is located in the municipality of Saanich (Figure 1) in the territory of the WSÁNEĆ and ləkwəŋən peoples. The land property straddles Sections 31 and 32, Lake District. Partial payments for these sections were made by speculators George Deans and John Tod, respectively, in 1861 (Figure 2). It is possible that Deans and Tod forfeited their claim by failing to pay the full purchase price, as both had outstanding payments listed on an 1864 Return of Lands. 1

Two different individuals, Robert Ker and Henry Skye Mason, are listed on a joint 1874 Crown Grant for Sections 28 and 30-32 (Figure 3).² These lands were subdivided and sold several times over before their purchase by the Diocese.

In October 1944, an Anglican Women's Guild formed to fundraise for a new church property and building for the growing community of Cordova Bay.³ The Diocese purchased a suitable property from one "Mr. Sutcliffe" for \$600 around February 1945.⁴ An adjacent parcel of land was acquired for the rectory in 1953.⁵

¹ Local historian Anne Pearson suggests Tod and Deans purchased their lands in 1858. Anne Pearson, *Sea-Lake: Recollections and History of Cordova Bay and Elk Lake* (Victoria: Sea-Lake Editions, 1981), 23–24; Vancouver Island House of Assembly, *Minutes of Proceedings of a Select Committee of the House of Assembly, Appointed to Inquire into the Present Condition of the Crown Lands of the Colony* (Victoria: Harries and Company, 1864), Return of Lands, v-vi, https://open.library.ubc.ca/collections/bcbooks/items/1.0221799.

² Crown Grant Image G00031403001, Section 32, Victoria District, Government Access tool for Online Retrieval (GATOR): https://a100.gov.bc.ca/pub/pls/gator/gator/gueryforms.menu

³ St. David's Women's Guild Minutes, 3 Oct 1944, text 158, Archives of the Diocese of BC, Victoria, BC (hereafter ADBC).

⁴ The Women's Guild passed a resolution to purchase the Sutcliffe property at their 19 Feb 1945 meeting. Rev. Pike reported that a site had been obtained three days later at meeting of the Synod Executive Committee. Pike had purchased the property and was awaiting the deed by the time of the St. David's Vestry & Church Committee meeting of 6 Jun 1945. 19 Feb 1945, 6 Jun 1945, Annual Vestry & Church Committee Minutes, St. David's, text 159, ADBC; 22 Feb 1945, Record of the Executive Committee, text 209, ADBC. Anne Pearson suggests that part of the old Catteral dairy farm was sold as a site for St. David's in 1944. She probably refers to the identification of a potential site by Rev. Pike and the Women's Guild in October of that year.

⁵ News clipping, "St. David's parishioners share diverse church's history," 22 Jul 1988, text 696, ADBC; Pearson, *Sea-Lake*, 100; 'St. David's to Welcome New Pastor', *Daily Colonist*, 2 May 1953; 'New Cordova Bay Church Planned', *Daily Colonist*, 9 December 1944.

Interpretive Summary

Decisions regarding future land use should bear the following considerations in mind:

- \Rightarrow A Crown Grant for Sections 31 and 32 was issued in 1874. These sections were subdivided and occupied by several individuals prior to Diocesan possession in 1945. Prior owners significantly altered the landscape through logging, agriculture, and residential development. Diocesan ownership of this land did not directly contribute to the historical dispossession of <u>W</u>SÁNEĆ or ləkwəŋən people from their territories.
- \Rightarrow Private property is considered "off the table" for Aboriginal treaty negotiations, such as those currently being pursued by the Malahat and Songhees Nations. Consequently, the BC Treaty Process presents few opportunities to return land to the <u>W</u>SÁNEĆ and ləkwəŋən peoples given the significant urban and agricultural development that has occurred on their territories.
- \Rightarrow This property may present an opportunity to provide redress for dishonoured treaty obligations. The church sits on or near $\%\text{EL}_{\text{JL}}\acute{\text{L}}\acute{\text{C}}$ / $\acute{\text{cel}}\acute{\text{if}}\acute{\text{C}}$ (roughly: "Tel-eech"), a village on Cordova Bay with ties to the $\underline{\text{W}}$ SÁNEĆ and lek^{w} eggen which arguably should have been reserved under the terms of an 1852 treaty. The village was never surveyed, however, and was eventually subsumed by the suburban community of Cordova Bay. Archaeologists have yet to determine the village's entire footprint. The presence of an archaeological sites near St. David's suggests the church may sit on land associated with $\%\text{EL}_{\text{J}}\text{LE}\acute{\text{C}}$ / $\acute{\text{cel}}\acute{\text{if}}$ Et asome point in its history.
- ⇒ The property may present an opportunity to advance <u>W</u>SÁNEĆ and ləkwəŋən access to significant cultural sites. Protected archaeological sites are recorded within 65 metres of St. David's, and there is high potential for unrecorded sites extending onto the property. Excavations at nearby Agate Lane Park (Figure 6) have revealed dozens of ancient hearths and hundreds of artifacts. Research is ongoing, but study by archaeologists and Indigenous community members is largely limited to small, isolated parcels that are not privately owned.

Historical Context

In 1852, Governor James Douglas signed a treaty with the <u>W</u>SÁNEĆ people encompassing Cordova Bay and surrounding lands. The impetus for the treaty stemmed from timber activities on the bay, where the HBC was considering a sawmill (Figure 4). <u>W</u>SÁNEĆ oral histories tell that a group of loggers attracted the attention of nearby chiefs when they lit a fire that threatened to scare away fur and game animals. <u>W</u>SÁNEĆ leaders objected to their unsanctioned presence and demanded payment. The resulting treaty stipulated that village sites would be surveyed and reserved to the <u>W</u>SÁNEĆ.⁸ This

⁶ BC Treaty Commission, 'Land and Resources', n.d., https://www.bctreaty.ca/land-and-resources; 'Te'mexw Treaty Association', Te'mexw Treaty Association, accessed 15 May 2023, https://temexw.org/.

⁷ //EL_IŁĆ is the SENĆOŦEN name; ċalifłč is the lakwaŋan name. Brian Thom, 'Indigenous History in Cordova Bay', n.d., https://www.saanich.ca/assets/Community/Documents/Planning/LAP~Updates/Cordova%20Bay%20LAP%20Indigenous%20History%20December%202018%2048x36.pdf.

⁸ Plans for a mill at Cordova Bay were later abandoned in favour of Mill Stream in what is now View Royal. TEL_JŁĆ / ċalifŁ is the lakwanan was the primary village in the geographic area covered by the South Saanich treaty. No villages or other sites were reserved within this area. Wilson Duff, 'The Fort Victoria Treaties', BC Studies, no. 3 (Fall 1969): 8, 21; Neil Vallance, 'The Earliest First Nations Accounts of the Formation of the Vancouver Island (or Douglas) Treaties of 1850-52', in To Share, Not Surrender: Indigenous and Settler Visions of Treaty Making in the Colonies of Vancouver Island and British Columbia, ed. Peter Cook et al. (Vancouver: UBC Press, 2021), 136–37; John Lutz, 'The Rutters' Impasse and the End of Treaty Making on Vancouver Island', in To Share, Not Surrender: Indigenous and Settler Visions of Treaty Making in the Colonies of Vancouver Island and British Columbia, ed. Peter Cook et al. (Vancouver: UBC Press, 2021), 223, 241n16.

never happened in the case of <code>%EL_ILĆ</code> / <code>ċəlítč</code>, a village on Cordova Bay with historic ties to the <code>WSÁNEĆ</code> and <code>ləkwanan</code> people. <code>%EL_ILĆ</code> / <code>ċalítč</code> was ultimately subsumed by the suburban community of Cordova Bay. House posts from the village were still visible in 1911-1912.

Ten men marked the treaty with an "X" next to their name (Figure 5). WSÁNEĆ oral testimony shared by Dave Elliot, Sr. recalls that that these marks were associated with the sign of the cross: "This was the sign of their God. It was the highest order of honesty. It wasn't until much later they found out actually they were signing their land away by putting those crosses out there." 10

Indigenous Presence and Land Use

Languages	SENĆOŦEN; ləkwəŋən
Governance	Tsawout First Nation; Tsartlip First Nation; Tseycum First Nation; Pauquachin First Nation; Malahat Nation; <u>W</u> SÁNEĆ Leadership Council; Songhees Nation; Esquimalt Nation; Te'mexw Treaty Association
Land use	The property is located near or on TEL,IŁĆ / ċəlíłč, a historic village on Cordova Bay. Oral histories and archaeological evidence show numerous land use activities in the area. These include hunting, kwetlal (camas) harvesting, medicine gathering, cedar usage, fish traps, intertidal food production, burial sites, canoe runs, traditional trails, bathing sites, and transformer rocks. ¹¹ WSÁNEĆ Elder Dave Elliott Sr. recalled that house posts from the village were still standing in 1911-1912. ¹²
Archaeological data	No known archaeological sites recorded on property. However, the provincial Archaeology Branch advises that protected archaeological sites are recorded within 65 metres of it, and there is high potential for unrecorded portions of the archaeological site to extend onto the subject property. ¹³
	The entire footprint of the TEL, IŁĆ village site has not been mapped. In 2008, excavations to make way for a waterfront home next to Agate Lane Park, which revealed over 40 ancient hearths, over 350 artifacts, and numerous burials. The park is approximately 100 metres east of St. David's (Figure 6).

⁹ Jack Knox, 'Exploring a Vanished Village at Cordova Bay', *Times Colonist*, 19 May 2023,

https://www.timescolonist.com/local-news/jack-knox-exploring-a-vanished-village-at-cordova-bay-6723608; Rachel Hooton, 'Exploring Intertidal Stone Elements at TEL, IŁĆE/ Čalíłč' (BA Honours thesis, University of Victoria, 2022), 19–20; Dave Elliot, Saltwater People: As Told by Dave Elliott Sr., ed. Janet Poth (Saanich, BC: School District 63, 1990), 54; Duff, 'The Fort Victoria Treaties', 50.

¹⁰ Elliot, Saltwater People, 71–72; Vallance, 'The Earliest First Nations Accounts', 138.

¹¹ District of Saanich, 'Cordova Bay Local Area Plan', 5 November 2021, 10, 93,

https://www.saanich.ca/EN/main/community/community-planning/local-area-plans/local-area-plan-updates/cordova-bay-local-area-plan-update.html.

¹² Elliot, Saltwater People, 54.

¹³ Email, Erin Partridge (Archaeological Information Administrator, Archaeology Branch, Ministry of Forests) to Jesse Robertson, 8 Feb 2023.

¹⁴ Further research, including the use of ground penetrating radar, is planned for Agate Park this summer. Thom, 'Indigenous History in Cordova Bay'; 'First Nation, UVic Researchers to Uncover Ancient Indigenous Village in Cordova Bay', *CHEK*, 19 March 2023, https://www.cheknews.ca/first-nation-uvic-researchers-to-uncover-ancient-indigenous-village-in-cordova-bay-1145226/.

	In several instances in the 1950s, excavations unearthed ancestral remains near McMorran's Pavilion, approximately 350 metres to the south. 15
Historic treaties	Douglas Treaty signed with "the Chiefs and people of the Sanitch Tribe" (1852) encompassing land from "Cowitchen Head" (north of Cordova Bay) to PKOLS (Mount Douglas) and west. 16
Modern treaties	Tsawout, Pauquachin, and Esquimalt First Nations are not involved in the BC Treaty Process. Tsartlip and Tseycum First Nations are in negotiation with the province outside the treaty process. Malahat and Songhees Nations are members of the Te'mexw Treaty Association in Stage 5 of the BC Treaty Process (Negotiation to Finalize a Treaty).

Timeline

Italicized text indicates contextual information. **Bold** text indicates information specific to the property.

Date	Details
1843	Hudson Bay Company (HBC) erects Fort Victoria in lək๋พอŋอก territory.
13 Jan 1849	HBC awarded ten-year charter for the "advancement of colonization" on the Colony of Vancouver Island. 17
1852	Map by surveyor J.D. Pemberton shows site of proposed sawmill and an Indigenous trail beginning at Cordova Bay (Figure 4). ¹⁸
6 Feb 1852	Treaty signed with "the Chiefs and people of the Sanitch Tribe" encompassing land from "Cowitchen Head" (north of Cordova Bay) to PKOLS (Mount Douglas) and west. The treaty stipulates that village sites will be surveyed and reserved to the <u>W</u> SÁNEĆ. ¹⁹
	Ten men mark the treaty with an "X" next to their name (Figure 5b). WSÁNEĆ oral testimony recounts that these marks were associated with the sign of the cross: "This was the sign of their God. It was the highest order of honesty. It wasn't until much later they found out actually they were signing their land away by putting those crosses out there." 20
25 Apr 1858	The Fraser River Gold Rush begins with the arrival of some 400 miners arrive from California. Their number would reach 25,000 by the fall, and around 50,000 the

¹⁵ 'Alas, Poor Yoricks! We Didn't Know Them Then', *Daily Colonist*, 30 March 1950; 'Skeleton Found', *Daily Colonist*, 11 August 1950; 'Indian Skeleton Discovery Suggests Violent Death', *Daily Colonist*, 17 September 1955.

¹⁶ Duff, 'The Fort Victoria Treaties', 21.

¹⁷ 'The Colonization of Vancouver Island, 1849-1858', *BC Studies*, no. 96 (1992): 6.

¹⁸ J.D. Pemberton, Map showing Haro Strait and Cordova Bay, 1852.

¹⁹ Duff, 'The Fort Victoria Treaties', 21.

²⁰ Elliot, *Saltwater People*, 71–72; Vallance, 'The Earliest First Nations Accounts', 138.

	following year. The sudden influx dramatically increases property values around Victoria. 21
12 Jan 1859	Diocese of British Columbia established amidst global expansion of British Empire and Church of England (38 new dioceses established between 1814-1859). The Letters Patent creating the Diocese give the Bishop power to hold property on behalf of the church. ²²
9 Dec 1861	George Deans makes partial payment on Sections 30-31, Lake District (152 acres) for £119. John Tod purchases makes partial payment on Sections 32-33 (163 acres) for £131. ²³
1862	Lake District Official Map lists George Deans and John Tod as "original purchasers" of Sections 31 and 32, Lake District, respectively (Figure 2). ²⁴
1 Feb 1864	George Deans and John Tod listed on a Return of Lands as having outstanding payments due for Sections 30-33, Lake District. ²⁵
31 Mar 1866	Legislature of British Columbia removes Indigenous peoples' right to pre-empt land without the permission of the Governor. The prohibition would remain in effect until 1953. ²⁶
16 Feb 1874	Crown Grant of 342 acres (Sections 28 and 30-32, Lake District) to Robert Ker and Henry Skye Mason upon payment of \$1882.08. ²⁷
1880	Ker and Mason sell Section 32 to James Pusey, who clears trees, builds a home, and establishes a farm near where St. David's was later built. ²⁸
1883	Ker and Mason sell Section 31 to Charles Gowen, who conducts logging in the area. ²⁹
1886	Pusey sells Section 32 to James Rutherford Carmichael. Carmichael clears the lower part of his land for a sheep and cow pasture. The higher part of the section is cleared in the 1890s using Chinese labour. ³⁰

²¹ Daniel P. Marshall, Laura Neilson Bonikowsky, and Eric Wright, 'Fraser River Gold Rush', in *The Canadian Encyclopedia* (Historica Canada, 2019 2006), https://www.thecanadianencyclopedia.ca/en/article/fraser-river-gold-rush; Dorothy Blakey-Smith, ed., *Reminiscences of Doctor John Sebastian Helmcken* (Vancouver: UBC Press, 1975), 158–59.

²² "Letters Patent of the Bishop of Columbia, 1859" (copy), 85.36, ADBC.; G. Hollis Slater, 'New Light on Herbert Beaver', British Columbia Historical Quarterly 6, no. 1 (January 1942): 14.

²³ Deans and Tod are both recorded as having outstanding payments due on an 1864 Return of Lands. Vancouver Island House of Assembly, *Minutes of Proceedings*, Return of Lands, v-vi.

²⁴ Lake District. O. M. 1862, 1862, Land Title and Survey Authority of British Columbia Maps, University of Victoria Libraries, https://vault.library.uvic.ca/concern/generic_works/5be75f29-f8e8-43db-9821-e25ed4ae55e1.

²⁵ Vancouver Island House of Assembly, *Minutes of Proceedings*, Return of Lands, v-vi.

²⁶ Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990), 41–42, 121.

²⁷ Crown Grant Image G00031403001, Section 32, Victoria District, Government Access tool for Online Retrieval (GATOR): https://a100.gov.bc.ca/pub/pls/gator/gator/queryforms.menu

²⁸ Pearson, *Sea-Lake*, 30.

²⁹ Pearson, 32.

³⁰ Pearson, 30, 32–33.

Anglican Synod of the Diocese of British Columbia incorporated by Act of Provincial Legislature and empowered to acquire, hold, and sell property.
Charles Gowen sells Section 31 to Charles Revans. ³¹
ames Carmichael subdivides and sells waterfront portions of Section 32. ³²
Cordova Bay Road extended north through Sections 31 and 32, prompting further subdivision of local waterfront properties. Charles Revans divides Section 31 into twenty-five small lots. ³³
Sarah Feltoe and her nephew Archibald Feltoe purchase all of Section 31 west of Cordova Bay (including future St. David's property) and establish a farm. 34
Sarah Feltoe subdivides land, selling 34 acres (including future St. David's property) to Walter Catteral, whose family clears the land for use as a dairy farm. 35
<u>W</u> SÁNEĆ Elder Dave Elliott Sr. later recalled that house posts were still standing at the historic village of ₹EL¸IŁĆ / ċəlíłč in 1911-1912.³6
Canadian Northern Pacific Railway runs tracks from Victoria to what is now McTavish Road, introducing new summer residents who continue subdividing waterfront lots. ³⁷
Anglican Women's Guild forms to fundraise for a new church property and building for the growing community of Cordova Bay. ³⁸
Daily Colonist reports plan for the construction of a new church, noting that an already acquired site "was presented by Mrs. Mary Strange, Cordova Bay." 39
St. David's Vestry and Church Committee passes resolution to purchase a property from one Mr. Sutcliffe for \$600.40
Synod Executive Committee notes that a site had been obtained at Cordova Bay for a new church and hall. 41
St. David's Vestry and Church Committee records that Rev. Pike had purchased the property and was expecting to receive the deed shortly. 42

³¹ Pearson, 32.

³² Pearson, 41.

³³ Pearson, 37, 42.

³⁴ Pearson, 43.

³⁵ Pearson, 45.

³⁶ Elliot, Saltwater People, 54.

³⁷ Saanich Parks and Cordova Bay Association for Community Affairs, 'Cordova Bay', n.d.,

 $https://www.saanich.ca/assets/Parks^Recreation^and^Community^Services/Documents/CordovaBayHistorySign.pdf.\\$

³⁸ St. David's Women's Guild Minutes, 3 Oct 1944, text 158, ADBC. Anne Pearson suggests that part of the old Catteral dairy farm was sold as a site for St. David's in 1944. She probably refers to the selection of the site in that year by Rev. Pike and the Women's Guild. Pearson, *Sea-Lake*, 45.

³⁹ 'New Cordova Bay Church Planned', *Daily Colonist*, 9 December 1944, https://britishcolonist.ca/.

⁴⁰ 19 Feb 1945, Annual Vestry & Church Committee Minutes, St. David's, text 159, ADBC.

⁴¹ 22 Feb 1945, Record of the Executive Committee, text 209, ADBC.

⁴² 6 Jun 1945, Annual Vestry & Church Committee Minutes, St. David's, text 159, ADBC.

Post-1945	Cordova Bay transforms from summer community to suburban residential area as returning soldiers seek family housing in the area. ⁴³
29 May 1947	Cornerstone laid for new parish hall. It would double as a sanctuary until the church was completed some thirty years later. ⁴⁴
27 Mar 1950	Ancestral remains unearthed during an excavation near McMorran's Pavilion (5109 Cordova Bay Road), some 350 metres south of St. David's. ⁴⁵
10 Aug 1950	Further ancestral remains disturbed near McMorran's Pavilion. 46
1953	Rectory property acquired from Mr. Tavers, whose home adjoined the parish hall. ⁴⁷
17 Sep 1955	Daily Colonist reports further ancestral remains found near McMorran's Pavilion. ⁴⁸
30 Nov 1979	New St. David's church building dedicated. ⁴⁹
8 Jan 1987	Chiefs of Pauquachin, Tsartlip, Tseycum, and Tsawout issue the Saanich Indian Territorial Declaration reaffirming their inherent and absolute title to the <u>W</u> SÁNEĆ homeland. ⁵⁰
2008	Excavations near Agate Lane Park reveal over 40 ancient hearths, over 350 artifacts, and numerous burials. 51
2021	Indigenous people in Cordova Bay estimated to be just 1.6% of the total population. ⁵²
May-Jul 2023	Further surveys, including use of ground-penetrating radar, planned for Agate Lane Park and other areas associated with TEL_IŁĆ / ċəlíłċ.53

Figures

Figure 1. Map showing current extent of St. David's-by-the-Sea property.

PMBC Parcel Cadastre 027684512, iMapBC, Province of British Columbia.

⁴³ Saanich Parks and Cordova Bay Association for Community Affairs, 'Cordova Bay'.

⁴⁴ News clipping, "St. David's parishioners share diverse church's history," 22 Jul 1988, file 52, box 3, text 696, ADBC; Pearson, *Sea-Lake*, 99.

⁴⁵ 'Alas, Poor Yoricks! We Didn't Know Them Then', 3.

⁴⁶ 'Skeleton Found', 3.

⁴⁷ News clipping, "St. David's parishioners share diverse church's history," 22 Jul 1988, text 696, ADBC; Pearson, *Sea-Lake*, 100; 'St. David's to Welcome New Pastor'.

⁴⁸ 'Indian Skeleton Discovery Suggests Violent Death', 13.

⁴⁹ Pearson, Sea-Lake, 100.

⁵⁰ 'This January Marks the 35th Anniversary of the Saanich Indian Territorial Declaration', 7 January 2022, https://wsanec.com/this-january-marks-the-35th-anniversary-of-the-saanich-indian-territorial-declaration/.

⁵¹ Thom, 'Indigenous History in Cordova Bay'; 'First Nation, UVic Researchers to Uncover Ancient Indigenous Village in Cordova Bay'.

⁵² District of Saanich, 'Cordova Bay Local Area Plan', 16.

⁵³ Thom, 'Indigenous History in Cordova Bay'; 'First Nation, UVic Researchers to Uncover Ancient Indigenous Village in Cordova Bay'.

Figure 2. Official map of Lake District showing land allotments and a list of "Original Purchases" on the right side.

"Lake District. O. M. 1862," Land Title and Survey Authority Maps, UVic Libraries: https://vault.library.uvic.ca/concern/generic_works/5be75f29-f8e8-43db-9821-e25ed4ae55e1

Figure 3. Crown Grant map showing 1874 grant of Sections 28, 30-32, Lake District.

Crown Grant Image G00031403002, Lots 31-32, Lake District, Government Access tool for Online Retrieval (GATOR): https://a100.gov.bc.ca/pub/pls/gator/gator/queryforms.menu

Figure 4. Map of Cordova Bay and adjacent coast indicating Indigenous trails (faint orange lines) and site of a proposed sawmill.

"Map showing Haro Strait and Cordova Bay," 1852, Hudson's Bay Company Archives, G1/130. *The Colonial Despatches of Vancouver Island and British Columbia 1846-1871*, Edition 2.4, ed. James Hendrickson and the Colonial Despatches project (Victoria: University of Victoria): https://bcgenesis.uvic.ca/G1-130.html

Figures 5a, 5b. Douglas Treaty signed with "the Chiefs and people of the Sanitch Tribe," showing "X" marks and stipulation that village sites would be surveyed and reserved to the WSÁNEĆ.

"Register of land purchases from Indians," MS-0772, BC Archives, Victoria, BC: https://search-bcarchives.royalbcmuseum.bc.ca/register-of-land-purchases-from-indians

Figure 6. Map showing proximity between St. David's and Agate Lane Park, where archaeological excavations have taken place.

Custom map of Cordova Bay. Google Earth, earth.google.com/web/

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