

THE LAND AGREEMENT at Little Red



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EMENT OF 1842

River

By

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Ferguson

On May 1, 1842, an agreement was signed at Fort Vermilion by five members of the Beaver Indian Nation and by William Shaw, the Hudson's Bay Company clerk in charge. As a "mark of [their] regard and attachment," the Beaver people ceded land to Shaw on the Little Red River, running upstream from its confluence with the Peace River. The land grant is described variously as "nine miles square" and "nine square miles." In return, William Shaw promised to move ancestral graves to a "secluded spot beyond the Boundaries," once he was in possession and engaged in farming.¹

This event is preserved in oral tradition as well. H.J. Moberly, who was Shaw's neighbour at Battle River on the Peace in 1868-69, recounted that, "he also showed me a parchment signed by three chiefs, Cree and Beaver Indians, giving him forever all the land he could see from the mouth of the Little Red River at its junction with the Peace River. This no doubt was a perfectly legal transfer."²

Actually, such land negotiations by individuals were expressly forbidden by the Royal Proclamation of 1763. Following upon the Treaty of Paris,

under which a number of colonies passed from French to British control, this Royal Proclamation addressed many aspects of colonial administration. Among other matters, it sought to regulate relations between the colonies and native peoples by affirming native territorial rights. Any transfer of land title was to be conducted on a government to government basis,³ involving a public meeting of the Indians involved, negotiations by a representative of the British Crown on behalf of the British Crown, and transfer by purchase.

Despite the intent of this proclamation, individual Europeans did continue to occupy native lands, both with and without their approval. The Shaw/Beaver agreement presents one particular instance. The intent of this paper is to provide the historical context for this agreement.

The location of the land cession document is unknown. A copy is held at the Glenbow Archives in Calgary, as part of the collection presented by the McDermid Studios of Edmonton.⁴

The main source of information about this period and the signatories are the Hudson's Bay Company records, particularly the post journals for Fort Vermilion. These are almost complete for the years 1834 to 1847, but there are major gaps both before and after these dates. The Roman Catholic records



Above:

William Shaw

Left, upper corner:

Little Red River post is located just east of Fort Vermilion on this 1887 map of the Athabasca district.

Left:

View of Beaver Indian camp in the Peace River area.

provide information on the families of the signatories. The Isabel Loggie papers, now held at the Glenbow Archives, provide information on William Shaw and on his stepson, Felix Akinnum.⁵

However, there appears to be no documentation of the negotiation itself. The post journals for Fort Vermilion were official Hudson's Bay Company records and make no reference to this private agreement. It is not clear if other members of the Beaver tribe even knew

Acheway, La Bonne Bouche (Good Mouth), La Patate (The Potato), and William Shaw. They signed as a witness. In contrast to the oral tradition reported by Moberly which states that Cree persons were involved, all of these people were of the Beaver Nation. The agreement gives Dents Malfait the alternate name of Makasis. This is Cree, probably for Little Fox, but it does not necessarily indicate that he was a Cree, merely that he had been given a Cree name.

Dents Malfait was known to the fur traders as the chief of the Beaver people of the Fort Vermilion area. An alternate Dene name provided by the 1825-26 post account book⁶ is Teltonkie. However, the post journals always referred to him as Dents Malfait. His hunting territory extended from upstream of Fort Vermilion over to the Upper Hay River where he hunted with the Cadottes, the Fourniers, and other Chipewyans. His family consisted of at least a wife, a daughter, and two nephews. From the mid-1830s on, his health was poor but he was still able to bring in a good fur hunt. On October 19, 1841, for instance, the journal noted the "appearance of the Old Chief, i.e. Dents Malfait scarcely able to walk but brought in 18 MB and a Bearskin."⁷ Dents Malfait appears to have died sometime between 1847 and 1857, a period which is not documented by any Fort Vermilion journals.

of the land grant. What the post journal does indicate is that the local hunters and trappers were mostly away from the fort at the time of the signing of this agreement. The entries for April 30 and May 1, 1842 read:

Most of the Indians left with the exception of our Fort Hunters, La Bonne Bouche & Lapata, who remain here a few days longer but will soon be off from this also.⁶

Fine day - All the Indians off for the Spring hunt except the two Fort Hunters, La Bonne Bouche and Lapata, whom I have engaged for that purpose - they have two lads to assist them as meat haulers and occasionally to hunt besides.⁷

The main signatories to this agreement were Dents Malfait (Bad Teeth),

Both La Bonne Bouche and La Patate were fort hunters and for many years supplied the post with fresh meat, both for immediate food needs and for the pemmican required for the canoe brigades. The main period of employment for fort hunters was fall to spring, but La Bonne Bouche and La Patate seem to have been employed by the post for much of the year, occasionally serving in other capacities such as making snowshoes or procuring bark for the roofs of the post buildings.¹⁰

Both men were hired as fort hunters by the time of the 1834 journal. Subsequent



Above:

View of the mighty Peace River when visited by William Francis Butler in 1872.

journals are full of references to their movements in and out of the vicinity of the post and to their runners coming in with news of cached animals. Although fort hunters moved about according to the abundance of animals, each had his traditional area.¹¹ For La Bonne Bouche, this was the Caribou River and the area towards the Caribou Mountains. La Patate's "old station behind the Fort /south of the river"¹² was specified and there were frequent references to his hunting towards the Buffalo Head Hills and Buffalo Lake.

La Bonne Bouche was also referred to as Azaliste in the 1825 Fort Vermilion account books and was described then as a middle-aged man.¹³ Mentioned in the post journals are an unnamed son, a stepson, and two wives. The son appears in the post journal in the 1840s, first, hunting with his father, and by 1847 as an independent fur hunter. The 1846 Roman Catholic records note the baptisms of three much younger children of La Bonne Bouche and Klozoin, ranging in age from two to six years.¹⁴

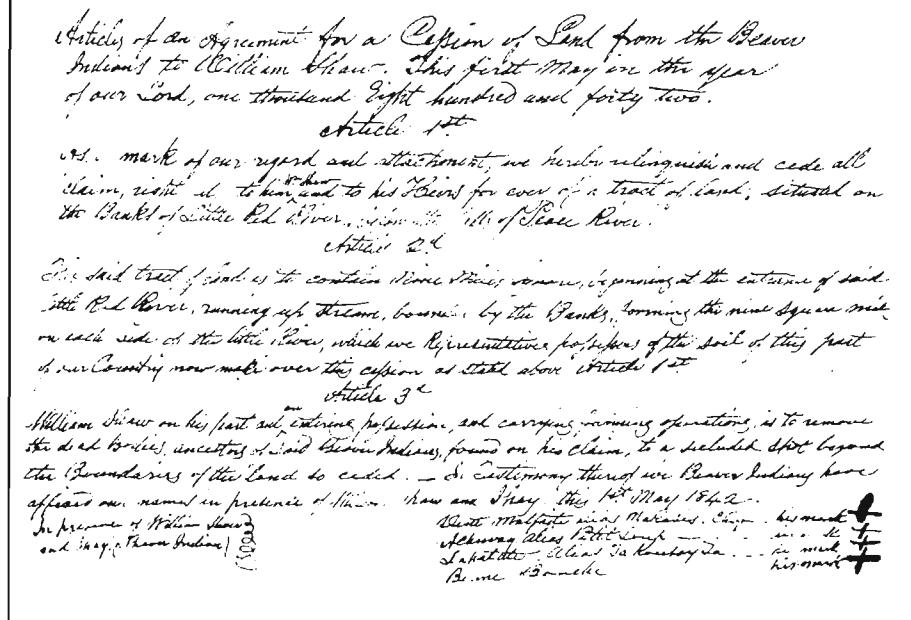
La Bonne Bouche was also known as a healer and in 1844, the author of the post journal, presumably Shaw, noted that: "Yesterday Sylvestre's Boy very unwell and he wishing much to see Bonne Bouche to get him to sing his medecine Songs over his Child, allowed him to pay him a visit to the Old Man for that purpose and gratify his wish, though I told him it was going a long way for a Song."¹⁵

La Bonne Bouche's interest in the spiritual life also led him to consider other traditions: "La Bonne Bouche of his accord is remaining here today - he is the first Indian I have seen keep the Sabbath and is determined hereafter never to do any work or hunt on that day, says that since the Rev'd Mr. Evans wishes all the people to keep that day for the Great Spirit alone, he should be sorry to break or not follow his order."¹⁶

The 1841 post journal referred to La

Bonne Bouche as an old man for the first time and 1844 was the last year in which he served as a fort hunter. Like Dents Malfaits, La Bonne Bouche probably died in the 1847-57 period not covered by the Fort Vermilion post journals.

La Patate's alternate name given on the land cession document was Takousay Ta. This reflects a naming tradition documented in the 1825-26 Fort Vermilion census¹⁷ whereby fathers took alternative names based on the name of their eldest son plus the suffix "tah."¹⁸ La Patate's stepson was known as Takousay. La Patate is a name not found on the 1826-27 Fort Vermilion census but there is a Patah listed as an unmarried male adult child, brother to L'Our Blanc [White Bear]. In the 1840s La Patate's family consisted of three wives and



numerous children. One son was old enough to be hired in 1844 for errands around the post and the Roman Catholic records of 1846 noted the baptisms of seven children ranging in age from one to seven years by three wives, Atoueh, Seszle, and Aieyoungeh.¹⁹

La Patate continued to serve as a fort hunter up through 1846, although he suffered a number of instances of ill

Above:

This is the agreement signed by Beaver Indians in 1842. The original was obtained by F.S. Albright, of the Peace River area, and taken to McDermid Studios of Edmonton in 1929 for copying. The location of the original document is unknown.

health, including a rheumatic complaint.²⁰ Like Dents Malfait and La Bonne Bouche, his name disappears from the records during the 1847-57 gap in post journals.

The other two signatories, Acheway and Ihay, were cited in the post journals of the late 1830s and 1840s as reliable fur and meat producers for the post. After 1840, they often hunted together and with members of Le Montagnier's family.



Above:

The severe winter conditions in the north are reflected in this early view of a Beaver Indian camp in the Peace River district.

The land cession document describes the Beaver people as the "sole possessors" of the Little Red River area. This land is now part of the Little Red River Cree traditional territory. In the 1840s the issue of territorial ownership below the chutes on the Peace River appears to have been ambiguous. There is an occasional reference in the post journals to meat cached at the chutes for the fort, or of a family camped at the chutes, but there is no reference to any Fort Vermilion family using the chutes area, or the Little Red River area, on an ongoing basis. This area may well have acted as a buffer zone between the Beaver people of Fort Vermilion and the Cree and Chipewyan peoples of Fort Chipewyan.

The migration of the Cree into this area was a gradual process. During the 1830-40s, parties of Cree occasionally passed through the region, travelling down Loon River (now called the Wabasca River) on their way to Fort Chipewyan. Frequent and longer visits were paid by two brothers, Baptiste and Alexis Auger, to the Fort Vermilion and Fort Dunvegan areas during these decades. These two brothers were described as being from the head of the Loon River,²¹ and were undoubtedly representatives of the Auger family at Trout Lakes. Such visits turned into a migration north from the Trout Lakes.²² By the mid-1870s, a permanent group of Cree occupied the lower Loon River and Little Red River area.²³

According to the Hudson Bay Company records, William Shaw was in the company's service from 1839 to 1869 at various posts in the Athabasca District, including Fort Vermilion (1839-51, 1852-57, 1866-67), Fond du Lac (1857-60), Fort Dunvegan (1851-52, 1860-63, 1864-65), Battle River (1867-69), and Fort St. John (1863-64). He was the clerk in charge at Fort Vermilion in 1842. From 1870 to 1874 he lived as a freeman in the Fort Vermilion area, and from 1876 to his death in 1878, he was a pensioner at Fort Vermilion.²⁴

Shaw's family is mentioned in both the post journals and in the Roman Catholic church records. His wife was Marguerite Taskounaham. Her children by her first husband, a Beaver Indian named Ateita or Atesta, were Felix (called Akinnum), Peter (called Apsassin), and Gabriel. These men were occasionally identified by the surname of Shaw.²⁵ William and Marguerite's children were William Junior, Emma, and John.

Moberly's narrative records that William Shaw died of a cold caught during his Christmas visit to the post in 1877. The post journal of January 4, 1878, notes: "Mr. Shaw died last night by taking an overdose of laudanum by mistake. He having been unwell for some time, the old man did not know the way to use such a medecine."²⁶

After William Shaw's death, the family left Fort Vermilion and settled in the region of Grouard, Battle River Settlement, and Fort St. John. Marguerite died in Grouard in 1918 at the age of 86.²⁷

There is no evidence that William Shaw ever acted upon this agreement and took up farming at Little Red River. Indeed, his choice of the relatively isolated Little Red River area for farm land is one of the questions raised by this case, since there was excellent agricultural land near Fort Vermilion. Perhaps Dents Malfaits was only willing to give land in an area not much used by the Beaver people and of ambiguous ownership.

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NOTES

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- 1 Glenbow Archives, M6719. William Shaw, land agreement with Beaver Indians, 1842.
- 2 H.J. Moberly, "Reminiscences of H.B.C. Pioneers, No. 3, William Shaw." *The Beaver*, January 1924, 129.
- 3 Royal Proclamation of 7 October 1763 as reproduced in Brian Slattery, "The Land Rights of Indigenous People," D. Phil. thesis, Oxford, 1979..
- 4 The land agreement, said to be written on moosehide, was obtained by F.S. Albright of the Peace River area and taken to McDermid Studios in 1929 for copying. A facsimile of this document may also be found in the Ernest Brown collection held at the Provincial Archives (PAA Photo Collection B7115).
- 5 Glenbow Archives, M4560, file 39.
- 6 HBCA, B224 a/8, April 30, 1842.
- 7 HBCA, B224 a/8, May 1, 1842.
- 8 HBCA, B224 d/2.
- 9 HBCA, B224 a/8, October 19, 1841.
- 10 HBCA, B224 a/9, August 17, 1844; B224 a/5, June, 1836.
- 11 For an analysis of Beaver hunting territories at Fort Vermilion at this time see Angel, "Fur Trade Relations with Native People at Fort Vermilion: 1821-1846," in Patricia A. McCormack and R. Geoffrey Ironside, eds. *Proceedings of the Fort Chipewyan and Fort Vermilion Bicentennial Conference*. Edmonton: Boreal Institute for Northern Studies, 1990.
- 12 HBCA, B224 a/7, September 14, 1840.
- 13 HBCA, B224 d/2.
- 14 Provincial Archives of Alberta (PAA), Oblate Records, Fort des Prairies, Baptêmes, Mariages et Sépultures, 1842-59, pg. 233.
- 15 HBCA, B224 a/9, July 6, 1844.
- 16 HBCA, B224 a/8, April 3, 1842.
- 17 HBCA, B224 d/2, 1825-1826.
- 18 See reference to suffix "-ta" in P.E. Gedgard, 1917 "Beaver Texts, Beaver Dialects," *Anthropological Papers of the American Museum of Natural History*, volume X, parts V and VI, pp. 415-16.
- 19 PAA, Fort des Prairies, 1846. Subsequent baptisms in the Fort Vermilion and Fort Dunvegan Roman Catholic records, associate the name Atzake/Etskeke/Azeke with this family along with the variant name, La Pataque.
- 20 Eg. HBCA, B224 a/8, October 14, 1841.
- 21 HBCA, B224 a/9, entries of September 10, 1843 and October 10, 1844.
- 22 HBCA, D25/9, Inspection Report, Peace River, 1889, Trout Lake Outpost.
- 23 HBCA, B224 a/16, 1875-79.
- 24 HBCA, Biographies of Company Servants, William Shaw. Moberly's narrative (*op.cit.*) suggests that William Shaw was also the man of the same name who served at Lesser Slave Lake in the 1819-21 period and after whom Shaw Point was named. The Hudson's Bay Company records document this earlier William Shaw, but they do not identify him with the William Shaw of the Peace River posts.
- 25 Oblate Records, Grouard Registers, Baptêmes, Mariages et Sépultures, 1881-1900.
- 26 HBCA, B224 a/16, entry of January 4, 1878.
- 27 Oblate Records, Grouard Registers, April 10, 1918.

Harvest Excursions, 1902

The harvesters' excursions to Manitoba and the Northwest commenced yesterday and for a few hours the Union Station was the busiest spot in town. The men came from Toronto, from points east of Toronto to Sharbot Lake and Kingston, including the Midland division, and north of Toronto and Cardwell Junction. Three carloads were attached to the regular North Bay train at 1:45 pm and there seemed to be thousands left behind them. These were taken in special trains later in the afternoon. Three specials of twelve, nine, and six coaches respectively were sent out, and all the cars were filled. The figures of the railway companies showed that about 1,700 took advantage of the cheap rates. In addition to the thirty cars required for the accommodation of the harvesters, six baggage cars filled with personal effects were sent out.

Yesterday was not expected to be a heavy day but the traffic was quite satisfactory to the railway officials. A bigger rush is expected today, when the territory covered by the main line, Toronto to Sarnia, and the district north to Cardwell Junction will be affected.

It is rumored that the supply of men this year will fall short of last year's contribution to the western agricultural army. Farm laborers are rather scarce in Ontario, and men can obtain positions here without much trouble. Comparative figures were not obtainable at the Union Station yesterday, excepting that last year, when the excursions were spread over several days, the total number of harvesters sent from Ontario points was 11,438.

— The Globe, Toronto, August 22, 1902.

major highway routes to such locations as Head Smashed in, Sundial Butte, Cypress Hills, Writing on Stone, and Zephyr Creek.

POW - Behind Canadian Barbed Wire

by David J. Carter. 253 pp., illus., paper. Eagle Butte Press, Box 39, Elkwater Lake, AB, T0J 1C0, \$21.00.

In 1980, the Rev. David Carter published his first book on prisoners of war in Canada. Since that time he has extended his research among ex-servicemen in Germany, attended reunions and added interviews and correspondence with those who were interned in Canada during World War Two. As a result, this new volume adds about one third to the previous book and includes camps in the United States and Britain.

The book looks at the organization of camps at such locations as Medicine Hat, Lethbridge, and Kananaskis, and deals with escapes, murders, trials, and executions. Of the murders, the most famous took place at Medicine Hat in 1943 when a mob hanged August Plaszek. He had been accused of working with Legionnaires to wrest control of the camp from a pro-Nazi group.

New chapters include the repatriation of prisoners after the war and the conditions they met when they returned to Germany.

Included are some two dozen excellent photos, many of which have never before been published.

REPRINT EDITIONS

The Last Best West: Women on the Alberta Frontier, 1880-1930,

by Elaine Leslau Silverman. Calgary: Fifth House Publishing, 220 pp., illus., paper, \$16.95.

The 1984 edition of this book has been revised and updated. The author interviewed more than 150 women to obtain their stories.

The Moccasin Maker,

by E. Pauline Johnson. Norman: University of Oklahoma Press, 266 pp., paper, \$12.95 (U.S.)

First published in 1913, this is the autobiography of one of Canada's greatest women writers, a Mohawk who became famous for her poetry and stage performances. This edition is introduced and annotated by A. LaVonne Brown Ruoff.

Peter Fidler: Canada's Forgotten Explorer, 1769-1822,

by James G. MacGregor. Calgary: Fifth House Publishers, 265 pp., paper, \$12.95.

Fidler was one of western Canada great explorers and surveys, but until MacGregor's book, first published in 1966, he was relatively unknown. Long out of print, this reprint will be a welcome addition to many bookshelves.

Charcoal's World: The True Story of a Canadian Indian's Last Stand,

by Hugh A. Dempsey. Calgary: Fifth House Publishers, 181 pp., illus., paper, \$12.95.

This book tells the gripping story of a Blood Indian who murdered his wife in 1896, and then became a fugitive. He remained at large for several weeks, and after killing a Mounted Policeman he was apprehended by his own brothers. The original edition was published in 1978.

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