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# Re-cognizing Co-management as Co-governance: Visions and Histories of Conservation at James Bay

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**Abstract:** James Bay Cree “hunting leaders” claim extensive authority over their hunting territories, including authority to control non-Native activities on them. They are encouraged by recalling that their authority has been recognized repeatedly by government officials over decades. I show that beaver conservation and co-management included repeated acknowledgments that nation state and Cree governing practices co-existed and were necessary to each other. I examine how recognition of co-governance can be an “effect” of co-management. But co-governance is a governmentality whose logic is outside the claims of nation states to exclusive sovereignty, and therefore its practice is acknowledged ambiguously and inconsistently.

**Keywords:** co-management, governance, governmentality, conservation, James Bay Crees, nation states

**Résumé :** «Les maîtres de chasse» cris de la Baie James revendiquent une autorité élargie sur leurs territoires de chasse, y compris l'autorité pour contrôler les activités non-autochtones sur ceux-ci. Ils s'enhardissent en rappelant le fait que leur autorité a été reconnue à de nombreuses reprises par les représentants du gouvernement, et ce, depuis plusieurs décennies. Je montre que la conservation et la cogestion des castors ont été accompagnées d'une reconnaissance réitérée du fait que les pratiques de gouvernance de l'État-nation et celles des Cris coexistent et sont interdépendantes. J'examine comment la reconnaissance de la co-gouvernance peut être un «effet» de la cogestion. Toutefois, la co-gouvernance est une gouvernementalité dont la logique se situe hors des prétentions des États-nations à la souveraineté exclusive, aussi la pratique de la co-gouvernance n'est-elle reconnue que de façon ambiguë et contradictoire.

**Mots-clés :** cogestion, gouvernance, gouvernementalité, conservation, Cris de la Baie James, états-nations

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## Remembering and Listening

As *Ndoho Ouchimau* I [Charlie Etapp] have full authority over my hunting territory and I am recognized by the community as having it. This authority allows me to grant access, assure guidance or refuse access to my *Ndoho Istchee* [hunting territory] to other Crees and to other Native persons. I especially try to grant access and provide guidance for others who are in need. I should also be able to exercise this authority with non-Native users, but they do not understand my role....

The logging companies have built roads in my hunting territory which allowed forestry operations and a lot of sport hunting and fishing by non-Natives. Because of this the number of animals has been greatly reduced. I am trying to protect the wildlife from over hunting. The government, the companies and the non-Natives don't listen to me....We owned, controlled and managed our land....All forestry operations are in complete disrespect of my authority over *Ndoho Istchee*...

I told representatives of the Québec Government in meetings, when they were planning to cut about 15 years ago, not to cut in certain areas, particularly moose yards. They ignored my authority as *Ndoho Ouchimau*. I even produced maps of these special areas for better understanding. These efforts have proven useless. They have allowed the forest cutting to take place in all the areas I asked them to preserve. When logging first came to my land I understood that the government and the forestry companies would respect my way of life while they carried out their forestry activities. This has not happened....

As manager of my hunting territory and as guardian for future generations, I believe that it is time for all forestry activities, wherever they may take place, to stop in my territory....

I understand that the forestry workers presently working in my hunting territory need to work for their families. Presently only their rights and interests are being looked after. I would prefer not to affect the basic

needs of the forestry workers' families, especially their children, but the forestry operations in my hunting territory have gone too far. My traditional way of life has been seriously harmed and is not respected.

—Charlie Etapp, of Mistissini, Quebec.  
Affidavit, July 7, 1999, translated by  
Charlie Mianscum, brackets mine.

About 45 years ago a representative of the Department of Indian Affairs visited Simon [Matabie] and me [Charlie Coon Blacksmith] and confirmed that we were *Ndoho Ouchimauch* of this territory.<sup>1</sup>

I have never consented to any [forestry] cutting on my land. I did hear that they were coming into my land from our Band council but I have had no word on where or how they cut. This is not right. As *Ndoho Ouchimauch* I am responsible for the land.

—Charlie Coon Blacksmith, of Mistissini, Quebec  
Affidavit, July 7, 1999, translated by  
Charlie Mianscum, brackets mine.

I remember so many years ago when Indian Affairs [agents] came to draw boundary lines [of the traplines for the Beaver Reserves, see below]. Allen [her husband] was already the tallyman [an *Ndoho Ouchimauch*]. They gave him a badge to show he was a game warden. I still have that badge and carry it with me...."

—Christine [Jolly] Saganash, of Waswanipi, Quebec,  
Affidavit, July 22, 1999, translated by  
Johnny Cooper, brackets mine.

When lawyers for the Grand Council of the Crees (*Eeyou Istchee*) went to northern Quebec in 1999 to collect affidavits from the *Ndoho Ouchimauch*, the "hunting leaders" of the Cree hunting territories, for a court case against commercial logging operations the latter explained eloquently why, after many years of trying to work with governments on conservation and proper use of the forests of the region, they had to oppose the destructive and insufficiently regulated practices of the forestry companies and governments.<sup>2</sup> They also recalled that the governments had in the past recognized their authority over the land, and that memory supported their demand that their authority needed to be respected now.

What the *Ndoho Ouchimauch* said has some links to the findings of recent scholarly research on resource use and conservation, but it also suggests a need to extend those findings. Recent analysis on the political contexts, histories and effects of conservation and co-management give a sense of the connections of conservation to governance. These studies show that conservation, and related forms of co-management, like development (Ferguson 1990), may be means of extending the capacity of a nation

state to govern lands and peoples. Nancy Lee Peluso shows how creating programs for conservation can emphasize formal, state planned resource management, while devaluing local conservation capacities and institutions (1993: 214). She shows how conservation ideology was used by some nation states to justify coercion against local populations, and how international conservation agencies frequently funded para-military conservation corps and their technologies, thereby facilitating state institution building, enhancing capacities for social control and strengthening the state in conflicts with groups that contested state authority (Peluso 1993: 199-200). As with development, she shows that the tools provided through conservation projects are especially useful means of legitimating and implementing government coercive responses because they are presented as apolitical actions (1993: 202). Even in states or regions where the use of weapons is more restricted, an organized cadre of conservation officers can still serve the state by expanding ongoing surveillance and communication functions within a region (1993: 213-214). Recent studies by Roderick P. Neumann show that where the coercive conservation rhetoric is avoided or dropped, and more "community" oriented approaches replace them in international conservation organizations and in governments, conservation measures still may be inherently violent or conducive to violence in practice (Neumann 2001: 306, 325-326).

Neumann goes on to suggest that some of the new "community friendly" forms of conservation and "co-management" are closely linked to disciplinary forms of power (Ferguson 1990; Foucault 1981, 1991). For example, in Tanzania where he did his research, villager space is restructured into conservation areas by community-based conservation programs. Within these areas village activities are limited, and villagers "voluntarily" agree to self-police, in exchange for a limited and jointly "planned" and secured access to wildlife resources of the areas from which the state had recently sought to exclude them. Thus conservation projects may institute practices consistent with state needs, extend resource controls consistent with state practices into areas previously unsuccessfully managed by the state, and in the process internalize forms of self-surveillance and a new consciousness about wildlife (2001: 325-327). Similar effects are cited in northern Canada by Nadasdy (2003, and this issue).

However, Neumann also notes that this pattern of disciplinary control may not be common to all groups adjacent to parks and conservation areas in Tanzania (2000: 131). History and political experience are important factors in shaping responses and consequences. For exam-

ple, in communities that have a recent involvement with more active pastoral lands rights movements he expects the transformations brought about by community friendly conservation projects will be more systematically contested, and the outcomes will be less easily anticipated.

Such contested co-management processes have been studied particularly in relation to public participation in forestry and natural resource decision-making in Canada (Feit and Beaulieu 2001; Nixon 1993; Richardson, Sherman and Gismondi 1993). These cases show how impact review processes and co-management institutions can channel the demands of groups affected by resource developments into specific forms of participation in managerial decision-making on terms initially set by governments and often formulated in terms of science and expertise. Thus co-management can direct increasingly vocal demands for more consideration of a diversity of interests and values in the use of natural resources into co-management boards, public hearings and negotiations, where public groups are often put into the position of being called both self-interested and lacking in expertise. Participation in a system controlled by professional management cadres of governments and corporations is legitimated as co-operation for the sake of the resources, and as a means to reach effective solutions among the competing economic and environmental interests of "stakeholders," who have interests but not rights. Within these frameworks public involvement is also constrained by limited political, legal and monetary resources.

Nevertheless, these studies also show that participation does not necessarily signal co-optation, and often contestation by consulted groups emerges in and then expands beyond the context of the participatory regimes. In some cases the terms initially set by governments have been contested and changed, alliances of affected groups have been built, and struggles continue albeit often with a mix of victories and setbacks (Richardson, Sherman, Gismondi 1993). These counter-hegemonic outcomes cannot be dismissed, nor can the achievement of changes to development plans which make a difference in people's lives, even where the developments are not stopped. Thus co-management is both a means of subordination and a tool used to contest government and corporate resource use plans by those in subordinated positions, with diverse effects. New consciousnesses and subject positions do develop, including those that limit forms of contestation, but they are not entirely shaped within state-dominated scenarios.

These latter research findings, specifically that the effects of co-management may be diverse, point to some of the insights that the statements of Cree *Ndoho Ouch-*

*imauch* highlight. The hunting leaders were not only actively opposing forestry developments, and seeking participation in decision-making, but they were also calling on governments to recognize a Cree system of governance. Further, they said that such Cree governance had been recognized by governments in the past and that such joint recognition should continue to be the basis on which the use of the lands and forests of the region is now decided. This does not suggest extensive disciplinary control, co-optation, or passive recognition of state claims to governance.

When I read these statements by *Ndoho Ouchimauch* and their families they echoed ones I have heard from other Crees over the course of more than three decades of periodic field research. But they also recalled my own initial surprise and slight discomfort at these types of statements. I was familiar with Cree claims to rights over their lands, and I had supported gaining recognition for those rights. But the view that these rights had been recognized over the course of decades by governments and non-Natives seemed likely to be the result of inter-cultural "miscommunications" rather than proper acknowledgments. It was true that there had been key historical practices and legal documents in the colonial period in North America, like the Royal Proclamation of 1763 and the 19th century treaties, that recognized Aboriginal rights, but Crees were talking about much more recent, recurrent and ordinary events. They were talking about what the Canadian and Quebec governments had done within their life times. What they recalled might be described as the everyday events that signify governance arrangements, not the jurisprudence or the political histories and ideologies of the state. While it was clear that the Cree hunting families which made these statements lived by them to the fullest extent that they could, I had never examined whether governments made statements and acted in ways that recognized Cree governance. Because it seemed "implausible," I never fully inquired whether governments had co-operated with the existing Cree governance of the region. In this paper I begin to look at these questions.

The questions have also become more urgent as Cree organizations and leaders have themselves been emphasizing their right of self-governance, and citing the recognitions they have of it in Cree law, in international law and in Canadian jurisprudence (Awashish 2002, 2005; Grand Council of the Crees [GCC] 2004: 13-15). This has been stimulated both by a growing sense of the need to formalize some aspects of "Cree governance" as Cree social relations become more complex and diverse, and also by the continuing struggles of Crees to define their place in

relation to Quebec and Canada, in part through their campaigns against hydro-electric development and against their assumed incorporation into Quebec, should it separate from Canada (GCC 1998). These developments open the taken for granted understandings of what is "governance" and "sovereignty" for re-examination (see Awashish 2002; Blaser, Feit and McRae 2004; GCC 1998).

In this paper I suggest that it is important to extend analyses of co-management to include issues and possibilities of co-governance. My exploration focusses on a historical study of the setting up of the beaver reserves in northern Quebec, which occurred within the lifetimes of some of the Crees quoted at the beginning of this article.

## **Incomplete Sovereignty as Context: The Canadian State and "Indian" Lands**

The rights and sovereignty of the Canadian state to govern the lands and people that were to become Canadian were and are both complicated and incomplete, largely but not solely because of the unsettled rights of Indigenous peoples on these lands.<sup>3</sup> As a result, use and management of lands and resources and the conservation and co-management of wildlife have repeatedly been at the centre of the processes of formation of the Canadian state, and of the processes of dispossession of Indigenous peoples.

Canadian rights to the lands draining into James and Hudson's Bays were acquired in 1869 by purchase from the Hudson's Bay Company (HBC), which had been given rights to trade and govern the region under a British royal charter granted some 200 years previous. In 1898, when the lands of the southern portion of the eastern drainage of James Bay were transferred to Quebec with respect to provincial powers under the Canadian constitution of 1867, it was intended that Quebec would deal with Indigenous rights to these lands as Canada had done as it expanded west. That is to say, it too would make treaties that in the governments' views both recognized some Indigenous rights within Canada while seeking Indigenous acquiescence to the rights claimed by the state. It did not matter that Indigenous peoples understood these treaties quite differently, and they did not generally acquiesce to government reinterpretations (see Asch 1997). But when Quebec did not seek a treaty on the lands transferred in 1898, an explicit obligation to do so was written into the 1912 legislation transferring the more northerly portions of the eastern James and Hudson's Bay drainages to Quebec. These obligations remained unaddressed by Quebec until the Crees took the province to court over hydro-electric development plans in the 1970s.

Whether the obligations have been fully met by the James Bay and Northern Quebec Agreement (JBNQA) of 1975, which was signed in response to an initial court victory in favour of Cree rights, is still contested today. The issues are not solely legal, but also ones of effective control and of autonomous Indigenous societies and governance.

Starting in the 1890s Quebec passed a series of hunting laws applying to all its lands. These laws initially banned all beaver hunting, and later sought to regulate beaver hunting by season and region. The government made informal provisions for special permits for "Indians in need" to hunt.<sup>4</sup> Beaver was a main subsistence staple of many Indigenous peoples in the northern portions of the province and an important pelt in the fur trade, and therefore also an important source of cash incomes for Indigenous people. There were a variety of views in governments and the public about whether hunting laws applied to "Indians," whether Aboriginal Peoples had special rights, whether they had their own law, and whether the new game conservation laws were intended to be, or could be, enforced for Indians.

The HBC, which was quick to see the implications of the ban on hunting beaver for its fur trade, expressed some of the understandings about Indian rights that were common at the time among those who were familiar with northern Indian peoples when it wrote the federal Deputy Superintendent General of Indian Affairs to ask whether the acts by Quebec were legal,<sup>5</sup> and later when it argued:

The proposition to grant licenses to certain Indians is a good one so far as it goes, but to endeavour to select cases of those who require to hunt Beaver as a means of subsistence would be an impossibility. As you are aware, the Indian regards his right to hunt as one which cannot be taken from him, and he will therefore, with Permit or no, take Beaver if he considers it at all necessary....<sup>6</sup>

In another submission the HBC highlighted Indigenous rights to lands not just to hunting, "in any case it would be difficult if not quite impossible to prevent the Indians from taking Beaver in hunting grounds which they not unnaturally look upon as their own...."<sup>7</sup>

Thus, in asserting its own interests as a fur trader the HBC, former government of these lands, cited a widely held recognition among non-Natives that Indian peoples considered that they had an inalienable right to hunt on these lands, and they considered the lands to be their own. While these initial statements leave unclear whether the HBC believed that what the "Indian regards [as] his right" could be recognized as legitimate in the Canadian legal system, it was willing, when it had difficulties pur-

suings its fur trade under the laws in 1911 and again in 1916, to initiate legal actions in which it argued that Indian people's rights were recognized by the Canadian legal system and therefore the HBC had a right to trade with them.<sup>8</sup>

The federal government recognized Quebec's right to legislate concerning wildlife, lands and natural resources, given the constitutional division of powers, but it was concerned because "Indians" were a federal responsibility, and as Quebec had no agents in the remote regions the enforcement of the law would fall on federal agents, to the extent that they were present. In addition, any financial burden to help impoverished Indians that was created by the ban on fur bearer harvests and sales of pelts would create a burden on the federal treasury. In the House of Commons the government said in 1897 that "it is the intention of the Department [responsible for Indians] to continue to urge that a general exception should be made in favour of the Indians,"<sup>9</sup> not just an exemption based on need. This claim was not only a government opinion made in the public chambers of the House of Commons, but the federal government made its case through the highest state institutions: the federal Privy Council addressed correspondence to the Lieutenant Governor of the Province of Quebec, the Crown's representative, noting in the argument that "it will not be possible strictly to enforce observance of the prohibitory legislation among Indians in the outlying districts, and that experience has shown that little if any diminution of beaver has occurred in districts where Indians alone are to be found..."<sup>10</sup> But Quebec refused general exemptions.

As the HBC and federal government predicted, and everyone effectively acknowledged, the Quebec legislation was unenforceable in remote regions, and Quebec did not bother to inform Cree hunters in the James Bay region of its laws, nor establish mechanisms for their enforcement in the region. Indeed, it would have been difficult to prosecute Crees under Canadian or Quebec law in the absence of treaties "settling" their Aboriginal rights. The Crees did not cease to hunt beaver nor did they change their activities, and the HBC and its competitors continued to purchase beaver and fur pelts in the James Bay drainage over the decades.<sup>11</sup>

Thus, throughout the first three decades of the 20th century effective control, tenure and governance of lands, wildlife, resources of the James Bay region and the hunting activities of everyone except the HBC employees, were in Cree hands. *Ndoho Ouchimauch* decided how these lands were used, and this was well understood by governments and fur traders, despite the passage of new conservation legislation. Indeed, Cree practices were rec-

ognized as facilitating game conservation by governments, geologists, anthropologists, fur traders and missionaries (see Cooper 1932, 1938; Low 1895; Privy Council quote above; Speck 1915a, 1915b; and for reviews see Feit 1991, 2004; Morantz 1986; Scott and Morrison 2004),<sup>12</sup> and some also recognized that Cree tenure constrained state governance (see HBC references above, Speck 1915a, 1915b). Thus, at the beginning of the 20th century, the relationship of Cree rights and "on the ground" governance to the rights and governance of the nation state were not settled in Canadian law, nor by the inconsistent and ambiguous practices of state institutions, nor in the minds of various non-Natives actively setting policies for the region or working in the area.

### **Economic Contexts: A Booming Fur Trade, Conservation and Welfare Budgets**

In the 1920s and 1930s many lands around James Bay experienced a serious decline in beaver populations, as fur prices boomed and the region became more accessible to outside trappers (see Scott and Morrison 2004). What was happening in 1927, and what Crees were thinking, was reported by Harry G. Cartlidge, an Anglican Missionary who visited and resided at Waswanipi trading post during the previous decade, in a letter to the Director of Indian Affairs:

At the request of the Chief, the councillors, and the Indians living at Waswanipi in Northern Quebec I desire to bring to your notice a serious situation which is arising in the region of Waswanipi and Mistassini owing to the advent of numbers of white trappers....

Until very recently the only hunters in these territories were Indians, and they, realizing that hunting was their only means of livelihood, hunted diligently but intelligently. By this I mean, each man divided his lands into sections and hunted on the sections alternate winters, and in this manner conserved the fur-bearing animals because they realized that they had to return to the same territory another year.<sup>13</sup> The result has been that these bands of Indians are self supporting and are an asset to the Dominion. In recent years...large gangs of men...engage in trapping, more or less, and have practically killed most of the fur bearing animals [in the areas they trap]....The chief said that last winter there were ten white trappers hunting on his territory and that wherever they go they kill every thing, especially the beaver; therefore leaving nothing to breed for future winters hunting....The white men having killed all fur-bearing animals in one region always move to another Indian's hunting land the following year....

...I am afraid that unless steps are taken immediately to safe-guard their only means of earning their liv-

ing—which is hunting—that they will have to be supported entirely by the Government (brackets mine).<sup>14</sup>

The problem was widespread, and resident Cree hunters often trapped out in advance of the trespassers (Feit N.d. a; Scott and Morrison 2004). In response to this and other entreaties Quebec set up game reserves exclusively for Indigenous hunters on the more accessible and overrun lands to the south of James Bay starting in 1927, and in 1932 it established the whole of the unsettled portions of northern Quebec as a Game Reserve<sup>15</sup> where Indians only could hunt for fur-bearing animals.<sup>16</sup>

These conservation measures regulated non-Native trapping in order to conserve game, and they prioritized Indigenous access to wildlife and lands for their welfare. Indians benefited from game reserves, but without controlling them or having their Aboriginal rights recognized. The exclusive hunting areas were not leased to Indians, as were sport hunting clubs' lands elsewhere in the province, because this was thought not to be "practical," instead Indians benefited by being exempt from restrictions on hunting inside reserves set aside for game.<sup>17</sup>

### Beaver Reserves, a Response to Cree Ideas and a Claim of Exclusive State Sovereignty

Coincident with some of the developments just described, a quite different series of responses to beaver depletion emerged within the James Bay region, initially from interchanges between a concerned HBC trader, James Watt, and Rupert's House Crees (now the Crees of the Waskaganish First Nation). The situation at Rupert's House, on the James Bay coast, had deteriorated further by the late 1920s than what was described above at Waswanipi by Cartlidge, beaver were already seriously depleted over most of the land, and the hunting territory system had been partly disrupted (see Scott and Morrison 2004, 2005). In response to some HBC initiatives, Watt wrote a proposal to his superior in August 1929 to try fur farming of several species.<sup>18</sup> The day after sending his "Fur Farming" proposal Watt wrote the same superior about the "Conservation of Beaver" (see Morantz 2002: 159) proposing a plan for aiding the general recovery of beaver over the entire landscape, with the active involvement of Crees, and recognition of their hunting territories and their rights. Watt began by explaining:

While questioning the Indians as to the best locality for establishing fur farming etc., a fact came out, which although I have known it for years did not strike me before as being the principal factor in the extermination of fur bearing animals.

I happened to ask the Indians, why, with so many old houses on Ministakwatin [peninsula] there were no

beaver at present. The answer was that now-a-days the Indians do not respect each others hunting lands as formerly, and consequently kill everything in sight, knowing that if they do not do so, some other Indian will come along and do so....

From a long discussion I had with several Indians on this subject it would appear that were it possible for a hunter to uphold his right to certain hunting lands it would do more to conserve beaver than any close season, which is always difficult to enforce in a country of such extent and of such difficult transportation (brackets mine).<sup>19</sup>

The key idea here was to recognize or reconstitute Cree hunting territory rights by some sort of a lease, as the means to conserve beaver. But the wording is imprecise, as Watt later admitted to not knowing or being very interested in Cree tenure arrangements at this stage of his career.<sup>20</sup>

Watt's initiative led to a long exchange with the HBC officials and friends as he sought to get "The Company" involved, but nothing came of it from within the HBC.<sup>21</sup> Frustrated and determined, James Watt and his wife Maud, who was well known in her own right as one of the first women who had made long expeditions across the remote Quebec-Labrador Peninsula, determined that she would seek Quebec support directly, as James was an HBC employee and she was a Quebecer. Arriving in Quebec City just two months after all of the north had been made a game reserve in 1932, she convinced the sympathetic Deputy Minister of Lands, L.A. Richard to act, and he set up a beaver reserve just north and east of Rupert's House on 18 500 sq. km., and leased it to her for 15 years for beaver conservation that would aid the Indians.<sup>22</sup> There were some discussions between Maud and the Deputy Minister about how to set the land aside (W.A. Anderson 1961: 140-141), and what was granted by the government was a lease to her and not to the Crees.

When Maud returned to Rupert's House after securing the lease the Watts had to explain to the Crees what the government had done, at their request, for they were aware that a lease to Maud was not what the Crees had suggested, nor what the Watt's initially sought. In the rough notes for his first speech to the Crees at Rupert's House to announce the Beaver Reserve Watt explained that, "all Beaver **are going to be the property of the Government** and when they think they are plentiful enough to kill the Government will tell you how many to kill, and will settle the price you will be paid" (quoted on Morantz, 2002: 162; italics in Morantz, bold face added; see also W.A. Anderson 1961: 144, although the text is quite different). Watt's use of the future tense to describe government

ownership, rather than the past perfect, suggests that he knew that what he was saying represented a change from previous Cree understandings of whether beaver could be owned, and who took decisions about whether they could be hunted. Indeed this was very probably the first attempt to get Crees to accept government sovereign control over lands, animals and their hunting.

Jimmie Watt also seems to have anticipated that there would be Cree challenges to these claims, as the HBC had asserted there would be if Quebec game laws were enforced back at the turn of the century. He preceded his assertion of government ownership with the statement that the Crees had brought the change on themselves: "You have already killed off nearly all the Beaver so you cannot say that the Government has taken anything away from you" (quoted by Morantz 2002: 162).<sup>23</sup> Watt also went on to try to get the Crees to accept government control by threatening that if they did not agree, the government would set up a beaver reserve elsewhere. Watt's statements signal how his initial idea of Cree hunting territory rights being recognized by the state had been transformed in the process of working out legal arrangements into a state-mandated program of beaver conservation that asserted state tenure and governance.

But, having succeeded in their goal of trying to protect beaver so they could replenish, for Crees and for the fur trade, it nevertheless took the Watts nearly a year to convince the HBC to take over the lease and to make the necessary financial investments.<sup>24</sup>

## Government Conservation and the Expansion of State Governance

Over the next decades the beaver reserves clearly served to enhance the legitimacy and the effectiveness of both the Canadian state and the HBC. When the Rupert's House beaver reserve was clearly a success and the number of beaver reserves was increased, the government and HBC agents actively publicized the reserves in specialist magazines and popular publications in Canada and the United States (e.g., Bonnycastle 1936, 1938, 1943; Denmark 1948). Jumping ahead in the story, by the mid-1950s the process had been written up in several mass-circulation popular magazines, and the operation of the beaver reserves had been memorialized by professional photographers and film makers on contract to government agencies to spread public awareness of the successes (see Feit N.d. b).

This series of reports and promotions demonstrated to the general public the expanding presence of the government in the north, and its ability to govern and manage northern resources and peoples. A widely read romantic view of the need for northern conservation was presented

by the Indian impostor Archie Belaney (Grey Owl) who described the beaver depletions on northern frontier in Quebec and Ontario (Belaney 1972 [1931], 1968 [1935]). While earlier stories of exploration, heroism, missionization, policing, benevolence and the conquering of the northern wilderness were common in Canadian literature, the government beaver reserve story was part of a transition from frontier stories to accounts of a modern nation state governing the north by means of rational and scientific management of resources, lands and people. The beaver reserves also contributed in a general way to the growing assertion of Canada's northern sovereignty during World War II and then the Cold War (Feit N.d. b.)

The beaver reserves were also part of creating the new bureaucracy needed for effective, if partial, governmental control of the James Bay region and of the Cree. The occasional visits of government agents, doctors and Royal Canadian Mounted Police (RCMP), were expanded by staff of a new regional Indian Affairs office and of the federal and Quebec beaver reserves, starting in the early 1940s. There were more bureaucrats running the beaver reserves than were running Indian social services in the early years.

The first director of the Quebec Fur Service recalled some of the effects of the establishment of the buildings constructed by Quebec for the administration of a beaver reserve at Mistassini, a Cree settlement and trading post northeast of Waswanipi, in his semi-fictionalized reflections:

*C'est en 1943 [sic 1953] que le Québec, par le ministère de la Chasse et de la Pêche, décida d'imposer sa présence au lac Mistassini en y érigeant un poste permanent. Il fallait démontrer aux Indiens que le grand, le plus grand des manitous [spirit leaders or bosses], était le Gouvernement du Québec.... les Indiens ne voyaient que des représentants de la compagnie de la Baie d'Hudson ou du ministère des Affaires Indiennes du gouvernement fédéral. Depuis le Québec y a bien assis son autorité. (Tremblay 1974: 97, my brackets)*

The beaver reserves were exercises in governance that reduced Cree control of the land and of their hunting, asserted the competing claims of governments and fur trade companies for authority, jurisdiction and control of the region and enhanced the legitimacy of their claims of northern rule more generally. The new bureaucratic presence in the region gave the governments more knowledge about the Crees and the lands and resources of the region, knowledge that was used later as the region was opened to industrial development (Feit 1985; Scott 2001). But the beaver reserves also required Cree involvement and legitimacy.



## Cree Support for Conservation as a Government Initiative

In 1933 14 Crees were appointed “game guardians” on the new Rupert’s House Beaver Reserve and according to the agreement with Quebec they were to be paid \$100 per year by the HBC for their official duties. Each was to be given a badge and an “impressive document with a fancy seal as his certificate of office.” They surveyed the locations and prepared maps of beaver lodges, and were to report trespassing and to help fight forest fires.<sup>25</sup>

Ethnohistorian Toby Morantz suggests that the benefits of the beaver reserve were quickly perceived by Cree hunters (2002: 161), but she also notes that several prominent Rupert’s House Crees spoke of it as Jimmy Watt’s idea to try and preserve the beaver, although they noted that he consulted them. Malcolm Diamond, for many years the Chief at Rupert’s House starting in the 1950s recalled in the 1980s, “this was the time the company manager has closed down trapping of the beaver, for a few years,” and he added “[h]e was right” (quoted in Morantz 2002: 162). A noted Cree story teller and historian recounted in the 1970s that Cree participated in the beaver reserve not for the money but because project made sense on Cree terms (John Blackned, recorded in 1975 and cited in Morantz 2002: 163; see also Preston 2002). That Crees approved of the development of additional beaver reserves also indicates a general Cree support, as does their agreement not to kill beaver on the reserves, so populations could recover now that non-Native trappers were excluded.

John M. Cooper, of the Catholic University of America, who was doing field research on Cree hunting territories and general ethnography along the James Bay coast in the summer of 1932, provides some insight into Crees views at the time. Cooper wrote in 1932 to the Governor of the HBC seeking assistance for his research on hunting territories, but also indirectly offering support for the Watts’ beaver reserve, having met them that summer.<sup>26</sup> The next year he prepared a memo for the federal director of Indian Affairs on hunting territories which described the views of James Bay Indians in those years:

...Public opinion among the Indians will enthusiastically support any measures that the government may find it wise to take to bring back the aboriginal family hunting ground and conservation system....Such is the force of public opinion among them as regards their traditional family hunting ground and conservation system that little appreciable expenditure for enforcement on the part of the government would be necessary.<sup>27</sup>

Cooper’s account reaffirms the urgency the Crees felt about the need to respond to the situation at the time, and their willingness to support government conservation measures that might aid them, although their focus was on hunting territories according to Cooper. In 1936 several “prominent Indians” told an Indian Affairs official in Rupert’s House that they were “very pleased with the results of the beaver preserve operated by the HBC” (Morantz 2002: 161).

However Cree support was qualified, as some of the quotes above suggest. J.W. Anderson, an HBC trader and close collaborator of the Watts, reported in 1936 that Crees who were involved in the Rupert’s House Beaver Reserve said that “Indians should be given trapping lands but should be protected in the matter of beaver only.” Anderson took it to mean that they did not necessarily want recognition of their hunting territories, at least for the time being.<sup>28</sup> But given the evidence of Cree concerns for hunting territories as distinct from beaver reserves one might consider whether the Crees also did not want the involvement of the governments and the HBC in other of their hunting activities besides beaver trapping.

Crees saw the conservation of beaver as a project they had a role in initiating, and they supported it, but neither Malcolm Diamond, John Blackned, nor the Crees whom Cooper or Anderson talked with claimed “ownership” of the initiative, nor did they equate it with their own practices. They participated in and supported what was seen a government form of conservation, not their own.

## Cree Visions: Exercising Cree Governance, Inviting Government Co-operation

In 1933 the Chief at Waswanipi southeast and inland from Rupert’s House wrote to the HBC requesting a moratorium on the trapping of beaver and the buying of pelts in their area for three years. In 1936 a new Chief and Council at Waswanipi reported that the community had started to conserve beaver although they did not have a beaver reserve, and they asked for government support (Morantz 2002: 161, 167).<sup>29</sup> The Waswanipi were not alone, the adjacent Rupert’s House Crees also agreed not to hunt beaver on hunting territories outside the initial beaver reserve, the Eastmain, Fort George (now Chisasibi) and Mistassini Crees also did so on their respective hunting territories (ibid.: 161, 167).<sup>30</sup>

No doubt Crees sometimes received encouragement to do this from traders and government agents, but they also did so against the views of some non-Natives. The 1936 request from Waswanipi was sent first to the HBC District Manager who thought it was a request for a new HBC-run beaver reserve, like that at Rupert’s House. So



when forwarding the request to Ottawa he made clear in his covering letter that this was not an HBC initiative and that the HBC were not trying to start another beaver reserve, apparently fearing new financial responsibilities.<sup>31</sup>

What did Crees have in mind with these initiatives? How did they see relationships with the governments and the HBC? The clearest record is the request from Waswanipi where Fred McLeod, the HBC post manager, wrote the 1936 letter in English which was signed by Chief Joseph Shaganash and Councillors Diom Blacksmith and Samuel Gull. McLeod was linked by his wife's kin to the community, and he had grown up at a nearby post and had an "excellent command of Eastern Cree" (*Moccasin Telegraph* 1957, 16[1]: 19; see also 1963, 22[2]: 50). The letter to Indian Affairs subtly described what decisions the Chief, Councillors and Waswanipi hunters had taken, and the specific kinds of support they requested:

...we think it would be best if the Beaver hunting was forbidden altogether, at least for three years, in fact we of the Waswanipi Band, have decided to protect the Beaver on our lands, as far as we can, and as we called a meeting among the Waswanipi Indians to this effect all the Indians were agreeable, so all we ask is if the Department will honour our move, and give us the authority to keep any outsiders off the said lands which we are determin[ed] to protect as far as Beavers are concerned[,] what we mean by outsiders, are Indians from other Posts (brackets mine).<sup>32</sup>

The Waswanipi were not asking for a beaver reserve, they agreed among themselves to a closed season on beaver on their *Ndoho Istchee*. They were not asking the government to legalize or authorize what they had done. It had been done on the authority of the community meeting, the *Ndoho Ouchimauch* and their own consensual agreement. They wanted government to "honour" their decision, to add such authority as it had to theirs to help assure the decision was respected by other Indians who were not part of the community decision. The Waswanipi thought that their initiative would benefit from government recognizing it, and the request applied "as far as Beavers are concerned," not more generally.

This provides an insight into how some Crees thought the new relationship between themselves and governments should work. Cree were using the initiatives, legitimacy and authority of the *Ndoho Ouchimauch*, community meetings and consensual decision-making to pursue their goals. But this did not preclude doing things jointly with government involvement. The Cree decisions were

not exclusionary, they were not making a claim against government but a request for mutual "honouring," they sought a sharing of the government's authority with the Crees.

Thus, there were several forms of co-management developing here, a claim to state sovereignty was being asserted and assumed by many non-Crees, and there was Cree co-operation.<sup>33</sup> Crees were themselves using, and sometimes reinvigorating, the hunting territory system and practices in order to conserve beaver on their initiative. But they also sought government recognition and support. In addition, there was awareness on the part of Crees that governments and fur traders sought exclusive governance of lands, tenure, wildlife, conservation and Cree hunting, but this was not accepted, and Crees sought to limit government involvement to beaver. Thus Crees did not adopt government ideas or practices as their own, nor accept the claim of government exclusivity, quite the opposite, Crees developed their own ideas and practices while they co-operated with government initiatives and sought mutual recognition.

From the perspective of the fur traders and government officials, Cree initiatives were generally perceived as support for their developing beaver reserves. When the HBC District Manager forwarded the 1936 request from Waswanipi to Ottawa he suggested that Indian Affairs send "badges of some sort to the Chief and his two assistants," thereby giving a sign of the government's recognition of the Waswanipi Chief and Council and of the community's conservation initiative. We have no record that these badges were sent on this occasion, but such recognitions were widely given out to Cree community leaders, and to all the *Ndoho Ouchimauch* as beaver reserves were set up in each area, as recalled in the statements 60 years later by Charlie Coon Blacksmith and Christine (Jolly) Saganash above.

The context of the 1936 request shows how such recognitions could have been understood both as exercises in exclusive nation state authority to bestow recognition on Cree leaders and initiatives, as the HBC District Manager intended, or as government recognition of autonomous Cree leadership and initiatives, as the Waswanipi Crees and the HBC Post Manager requested. Thus mutual recognitions began with misunderstandings about whom and what was being recognized, but this was to become clearer.

## Emerging Recognition of Cree Tenure and Rights—Acknowledging Co-existence

Jimmy Watt had originally thought that the Cree guardians who were hired by the HBC would be rotated periodically so their modest "honoraria" could be dis-

tributed widely in the community (W.A. Anderson 1961: 145; Morantz 2002: 162). But it soon became clear that the people who lived on the beaver reserve most of the year, because their hunting territories overlapped with it, had much more information about the lands and beaver and that they should be chosen as the game guardians.<sup>34</sup> In this way the operation of the beaver reserve started to be adapted to the Cree system of hunting territories.

When John M. Cooper met Watt and Anderson in 1932 and they told him about the newly established beaver reserve, he responded by emphasizing the need to get recognition of Cree hunting territory practices and rights. He argued that while the beaver reserve was the means to re-establishing beaver populations, in the long run the benefits would only continue if there were recognition of the Cree hunting territories. After leaving "the bay" at the end of his summer fieldwork in 1932 Cooper sent a map of the hunting territories he had documented to Anderson along with his observations on "Indian conservation customs" and their links to the family hunting territory system. He mentioned the scholarly works of Frank G. Speck, D.S. Davidson and A. Irving Hallowell as well as his own, and sent offprints. Watt and Anderson supported his ideas and accepted that the recognition of Cree rights would be essential to assuring the continuing conservation of beaver after the restocking of beaver was complete.<sup>35</sup>

When Cooper contacted the Governor of the HBC in London at the end of 1932 he argued that a "crucial element in the rebuilding of the fur trade seems to be the reinforcing, protecting, salvaging, and where still possible, the restoring of the native systems of conservation and of land rights and tenure." He went on to explain how with the recent breakdowns in the "family hunting ground system...we are witnessing...a transition from private ownership of the land to something very similar to outright communism in land."<sup>36</sup> His solution, from a "scientific" point of view, was the family hunting ground system. The HBC senior managers saw these more as issues for governments to decide rather than fur traders.<sup>37</sup>

Cooper pursued the recognition of Cree hunting territories when he passed through Ottawa while returning from James Bay in the summer of 1933, meeting with Dr. Harold W. McGill, the new federal Director of Indian Affairs, to whom he presented the argument about the importance of the Indigenous tenure and conservation system for the welfare and future of the Aboriginal peoples.<sup>38</sup> At the Director's invitation he prepared a detailed memo addressing the same points he made to the HBC Governor, but adding that in some areas:

The Indians themselves have gotten the impression that they no longer have government recognition of their family hunting grounds. They are further under the impression that the government not only does not recognize but actively denies such rights....<sup>39</sup>

The practical remedy appears pretty clearly to be some form of recognition or guarantee,—perhaps by some form of *leasing or land patent* or by some form of recognition similar to that given for mining claims,—of the traditional individual and family hunting grounds of the Indians. Without some such recognition there appears to be no reasonable hope of conservation of game and fur-bearing animals except perhaps at a great expense to the government for enforcement of such conservation laws and regulations as would be deemed necessary. With however some form of guarantee or recognition...[Indians would again achieve] economic independence and self-support" (brackets and italics mine).<sup>40</sup>

Almost immediately McGill at Indian Affairs gave the agent at James Bay "more or less a free hand to do all he can towards restoring the traditional Indian hunting land system," and he started planning to map out the hunting territories on the western or Ontario James Bay coast and made plans to give each "Indian" the right to his lands. J.W. Anderson was asked to assist.<sup>41</sup>

But provincial responses continued to be a complication. Ontario initially supported the idea, but Watt reported that it might not put the funding aside to implement the recognition of Indigenous lands, and complications did arise. Quebec continued to support beaver reserves on the east side of the bay.<sup>42</sup> By 1934 Anderson noted that most now agreed "to the restoration of the Indian trapping land system," but how to do this was not clear. In 1935 Anderson wrote to Cooper that while Indian Affairs remained sympathetic, they were "too much influenced, I think, by legal and technical difficulties as to title," and he was "somewhat fearful" as to the results.<sup>43</sup>

Thus, by the mid-1930s there was a relatively broad agreement on the dual need to restore beaver populations with beaver reserves, and also to recognize Aboriginal tenure and rights. Both were being talked about within the framework of state sovereignty, but they implicated constitutional problems of authority over unsettled Indian tenure and rights. Although implementation of recognitions of Aboriginal rights was stalled, this did not foreclose future possibilities, because with beaver not being hunted for some years the issue was not yet urgent.

The consensus that emerged on the value and need to recognize Aboriginal rights also indicates that what was being developing now was a complex, plural form of game

management. Beaver reserves were not to be just state-mandated conservation with Cree participation, but both government game reserves and a parallel Indigenous system of tenure and conservation that co-existed with beaver reserves were envisaged by Crees and non-Natives. They were seen as complementary by both. Nevertheless, no one as yet had much of an idea of how a relationship between these tenure regimes would work, in law or in practice. This would emerge as practices for organizing beaver harvests were developed.

## Beaver Conservation in Practice—A Need to Co-manage

By the beginning of the 1940s beaver numbers had grown sufficiently that the first of the beaver reserves was ready to be put into “production.” This was a challenge for all concerned, because the reserve managers had limited knowledge of beaver populations, of the land and of trapping. Yet, they claimed that they could decide when the beaver could be hunted again and how many could be harvested.

They thus had to decide: how many beaver there were within a reserve, when the beaver were numerous enough to sustain a significant harvest, what the harvest quota would be for the given area, how that quota would be allocated among Cree hunters and how it would be distributed over the land in relation to re-established beaver populations. None of the beaver reserve managers was a biologist, they were all fur traders, former traders, land surveyors or others with some northern living experience. Even if they had been biologists there was no relevant biological data at that time on carrying capacities, reproductive potential, the effects of harvests on beaver population dynamics or sustainable harvest levels for a subarctic region.<sup>44</sup>

On the social questions the managers faced a considerable gap in knowledge as well. New beaver reserves were set up regularly until they covered almost the whole of the northern forested area of Quebec, and the lands draining into the James Bay coast of Quebec were all included by 1948.<sup>45</sup> On the nearly 400 000 sq. km. of beaver reserves in James Bay region of Quebec, there would be tens of thousands of beaver lodges, and many hundreds of hunters. This was much too big an area for the less than half dozen managers to travel over and come to know. They quickly came to depend on Cree knowledge, expertise and organization.

The experiences of the early years at Rupert’s House foreshadowed what would come. Jimmy Watt originally envisaged that he would survey the Rupert’s House beaver reserve each year in the company of a few Cree

game guardians to count the growing number of beaver lodges. In practice the planned summer surveys by Watt were limited by how busy he was at that time of year and by the difficult summer access to many areas. But the Cree who lived there all winter on hunting territories could provide considerable information not otherwise available to Watt. In addition to locating beaver colonies and marking them on maps, they reported on the availability of suitable food and aquatic habitats for beaver on areas not yet reoccupied by beaver, and whether these lands had previously supported beaver populations. These reports of the general distribution of appropriate food supplies and of potential colony sites were the basis of HBC managers’ ability to assess how extensively beaver might repopulate the reserve.

With the beaver lodge counts being made by several people, it became necessary to be sure that lodges were not double counted, as had happened in the early years. The process of counting lodges thus came to depend on Crees and non-Crees agreeing that everyone should report the beaver lodges found within the boundaries of the *Ndoho Istchee* (Kerr 1950: 157).<sup>46</sup> There were no other socially recognized boundaries on the land in either society. The *Ndoho Istchee* boundaries were mapped by Crees to provide some cross-cultural understanding of the areas that everyone was reporting on.<sup>47</sup>

Figuring out how many beaver lodges the land could support and what quotas could be harvested was more guesswork than reliable calculation, especially in the early years. J.W. Anderson hinted at some numerical scepticism in 1936,<sup>48</sup> and in a memoir drafted in 1960 after he retired he wrote, “I used to study and ponder the figures with Watt and can remember summing up on one occasion with the statement that if he secured twenty-five percent of his estimates, the scheme would be a success. And that’s just about how it turned out....”<sup>49</sup> With the number of beaver the land could support not clear the decision to start trapping on the Rupert’s House reserve in 1940 was not taken on the basis of clear biological calculations of a sustainable harvest of the beaver populations, but on economic and welfare considerations.

The quota that could be sustained when the Rupert’s House reserve came into production was a guess. But the experience gained from the trapping of the Rupert’s House reserve was then turned to when trapping was beginning on the other reserves, starting in 1945. However, even then an apparently straightforward application of rule-of-thumb calculations—aiming for two lodges per square mile as the target density, and setting a quota of one beaver per reported lodge—was not the result of simple observations or experience. The beaver harvests

for some years at Rupert's House did not reflect only the estimates of the beaver population, they were influenced by the economic conditions of the fur traders. The HBC decided that "owing to the scarcity of some articles of merchandise, it was necessary to keep the [beaver] quota down," i.e., below what was thought to be a sustainable harvest. With high fur prices the HBC could not transport and supply sufficient goods to sell to hunters so that they could spend all their fur incomes, and the HBC feared that they might go to competitors to spend the surplus incomes. So they reduced the beaver quotas. Thus, they anticipated that if the following year (1945-46) "the beaver continue to increase and more goods are available, more beaver will be trapped."<sup>50</sup> Not surprisingly, there were disagreements between the HBC and government agencies, as well as with Crees, on when to start harvesting, and how many to harvest.<sup>51</sup>

There were also questionable biological assumptions used in the quota setting. The quota assumed that there was always a negative relationship between the number of beaver harvested from the population and the number surviving in the following year, because the reproductive potential of the population was not responsive to the harvest. But recent studies have shown that the fecundity of female beaver is density-dependent, increasing in response to trapping intensity. Researchers found that trapping increased the number of embryos formed and the number of young born, at least up to fairly intensive trapping levels (Novak 1987: 286). Beaver thus have a capacity to increase reproductive rates in response to being trapped at moderate levels (see Feit in press).

In the 1950s common rules-of-thumb were developed which did take account of longer experience, if not of density-dependent beaver population dynamics. But still by the 1960s beaver populations were declining on many of the reserves, which was thought to have resulted from setting quotas too high (Marcel Beaudet, Fieldnotes, 2 March 1972; see also Drolet 1965).<sup>52</sup> Thus managers did not succeed in setting sustainable harvest quotas during the decades of managing the reserves, although they did create conditions for beaver population recovery.

When beaver started to be trapped questions arose about how to divide the quotas among trappers, where the harvests would be taken and how would compliance be monitored? In the initial harvests at Rupert's House the answers were decided mainly on the basis of social welfare. Married adult men with families got 20 beaver, unmarried men, widows less. In this way the total quota of the reserve was allocated to hunters who used the *Ndoho Istchee* within the beaver reserve, but without any effort to allocate the quotas to particular traplines which had more

abundant beaver counts. The distributions of harvests in relation to beaver abundance was thus entirely up to the Crees who arranged and exchanged access to *Ndoho Istchee* (Kerr 1950: 157-160). Their harvests were monitored by having trappers report their harvests and by tabulating the fur pelt purchases made from each hunter and trapline.

The quota distribution problems that arose when arranging harvesting on the beaver reserves could not be solved by beaver reserve managers running government and HBC created beaver reserves for the Crees. There was no way for reserve managers to systematically decide which hunters should trap with whom and thereby decide which families should live together for nine or more months of the year. Nor could they decide which hunters had enough knowledge of a particular area of land to lead and assure the security of a group of hunters and their families who would live together in an area and provide most of their subsistence needs, as they trapped through the subarctic fall, winter and spring trapping seasons. The managers had to co-operate with the Cree who continued to use their own tenure arrangements, knowledge of the land and game, and social practices as the means by which hunters and the hunt were organized across the land, and as means to decide the social and territorial distribution of quotas. Reserve managers might make an occasional decision to send a particular trapper with another group, but their capacity to take such decisions depended on co-operation by the Crees affected, and on the whole set of Cree social and territorial governance practices, see below.

Anderson noted shortly after he left the James Bay District, that the beaver reserve was "essentially a co-operative effort" in as much as government agencies, traders, missionaries and "not least in importance," Indians, had to work together.<sup>53</sup> Beaver reserves had become a form of co-management not just set up by governments, but closely tied to co-existing ideas and practices of Cree tenure and leadership.

### Co-management as a Recognition of Co-governance

In 1942 the Nottaway Beaver Reserve south of the Rupert's House reserve, and the Old Factory Beaver Reserve to the north, were described as "in the process of being organized under a tallymen system" (Morantz 2002: 168),<sup>54</sup> thus acknowledging that the beaver reserve system was developing a systematic use of Cree *Ndoho Istchee* and *Ndoho Ouchimauch*. At the end of 1942 the Deputy Minister of Indian Affairs wrote the Commissioner of the RCMP in response to reports of problems on

beaver reserves which the police were being asked to settle, and about which they needed clarification. He sought to explain and affirm what the federal agencies were doing:

[The RCMP Officer] *rightly stresses the importance of trapping ground rights* and the following explanation of our tallyman system will show that *we also not only recognize these rights* but have put them to practical use in our administration of Fur Preserves.

When an area is set aside by the Province for the exclusive use of the Indians and marked by our Branch for development as a Fur Preserve, the first step is to divide the area into band or tribal areas generally called sections. These tribal areas are further divided into family hunting areas which we call districts [also widely but incorrectly called “traplines”] and one Tallyman is placed in charge of each district and charged with the following duties:

1. Count and mark—with special metal markers supplied for the purpose—every colony of beaver on his district.
2. Indicate the location of the colonies on a map and report the location to the Supervisor.
3. Report promptly to the supervisor the presence of white trappers on his district.
4. Report any cases of encroachment of other Indians on his district.
5. Put up posters throughout his district.

*When it is borne in mind that a Tallyman is the head of a family; that a district is a family trapping ground; that a section is the area trapped over by a whole tribe or band and that all boundaries are laid out by the Indians themselves, it is apparent that we have not only adhered strictly to Indian custom* but have actually improved on it since, through our Supervisor, we have maps of the districts and written records, which we can use to settle future disputes over trapping grounds (italics and brackets mine).<sup>55</sup>

This correspondence from a senior federal government official explicitly affirms that federal departments are recognizing Cree rights, and later he reports recognition of Cree tenure and leadership (see italics). These recognitions were repeated in various forms over the course of the next two decades. When Quebec established the largest of the beaver reserves at Mistassini in 1948 and decided to manage it, and when it took over management of the other beaver reserves, it used exactly the same system. The Quebec official who set up the Mistassini reserve described, in his later role as Director of the Quebec Fur Service and of Beaver Reserves, how all the beaver reserves in Quebec worked on the same terms

(Tremblay 1959: 2). Marcel Beaudet, also a former fur trader, and Quebec fur manager confirmed the traplines were drawn by the Crees, they reported beaver and game abundance, and tallymen arranged or approved the hunters who used their traplines. The tallymen would tell the beaver managers who would be trapping on their trapline the coming winter, and the beaver quota based on the number of lodges the tallyman reported seeing on that trapline would be divided among those hunters, usually taking account of their marital status and age.<sup>56</sup> Thus, now that harvest quotas were assigned by trapline, the quotas could in effect be distributed among the hunters by the *Ndoho Ouchimau*, taking account of the total quota and the social categories used for allocations. He could include those who usually hunted with him, those whom he invited or offered reciprocity to, and those whom he might agree to include on the recommendation of the fur supervisor. Both extensive Cree autonomy and extensive co-management were the practice.

In 1946 Hugh Conn the former fur trader who was the federal fur manager for the region could give a general description of the tallyman-trapline system to explain how the beaver reserves worked to the federal Parliamentary “Special Joint Committee of the Senate and the House of Commons Appointed to Examine and Consider the Indian Act”:

...our organization is based on Indian tradition and custom...once the white man's practices of written leases and agreements are disposed of we revert to Indian custom, pattern our organization after their sound, well-established practice and divide our preserves according to the original plan of land tenure that from time immemorial has served the Indian population.<sup>57</sup> (cited in Morantz 2002: 307, italics mine)

Thus using *Ndoho Ouchimauch* and *Ndoho Istchee* as “tallymen” and “traplines” not only resolved many of the key problems of how to administer the beaver reserves, they were recognitions of Cree tenure and rights. As Hugh Conn explained to Parliamentarians, “written leases and agreements” had to be “disposed of.” His felicitous phrasing acknowledged the need of managers like himself to put aside the law of the nation state and a strictly legal viewpoint, and to recognize Cree tenure and rights in order to put conservation into practice. He also was implicitly inviting the parliamentarians to whom he spoke to do the same, in order to understand how beaver reserves and conservation worked.

There were parallel systems not just of game management but of tenure and governance, which were linked

in various ways, but each was sufficiently autonomous that it did not conform to the logic and authority of the other. Yet, each was recognized by the other. Co-governance was not created by one group, but recognition of co-governance was an effect of co-management.

### **Co-governance: Clearly Recognized but Still Inherently Ambiguous and Contradictory**

Co-management thus involved certain forms of recognition of Indigenous rights and of co-governance. But not everything that was said or done by government agents and HBC traders was consistent with recognizing rights. The officials involved had varying degrees of awareness of co-governance. Where there was recognition of co-governance, there were nevertheless ambiguities and contradictions. Describing the links of “traditional” tenure to their adoption in the running of beaver reserves was not easy because such linked processes and practices were not conventional within the political and administrative practices and ideas of a nation state. It is not surprising that many of the recognitions of Cree tenure cited above occur in administrative policies, official correspondence, and explanations of how beaver managers work on beaver reserves, where acknowledgments of ambiguities could be inserted as Conn did, but not so often in the documents that make the law. The ambiguities and contradictions of what was being done could not be readily put into law, or explained, because they conflicted with the assumptions of exclusive sovereignty that underlay state legal instruments. This does not mean that what was being done and written had no legal standing or effects. The recognitions by government officials, some of them quite senior, were given in the course of exercising of their legally mandated authority. The practices went on for decades. The situation was as complex legally and administratively as it was ethnographically.

As a result, ambiguities also inevitably crept into the legal instruments. For example, a 1946 Quebec Order in Council concerning the hunting of beaver in the three southernmost beaver reserves mandated that all Indian trappers would be licensed to hunt beaver. A condition of granting a beaver reserve licence to a hunter was that “[e]very trapper will be obliged to make an annual inventory of his hunting ground and to make a report” respecting beaver. The Order in Council also stipulated that the quota allowed for a license be fixed at one beaver per lodge, and that special coupons be attached to the pelts before they were put on the market.<sup>58</sup> Legally, the Order in Council and the licensing of trappers can be seen as an extension of the exclusive claim of Quebec to regulate

hunting activities of the Crees, acting as the constitutionally sovereign authority over these matters on its territory. But the licence to be issued by Quebec requires a report about each trappers’ “hunting ground,” and it authorizes trapping based on the number of lodges on that hunting ground, yet nowhere is the legal status of the “hunting ground” defined by a Quebec legal instrument. As we have seen above, the reserve managers and heads of Indian Affairs and the Quebec Fur Service acknowledged that the “traplines” or “hunting grounds” were a form of Cree tenure. The Order in Council thus assumes not just the “hunting ground[s]” but Cree tenure and the social practices and authority associated with *Ndoho Ouchimauch* and *Ndoho Istchee*. Here a mix of nation state law and Cree tenure and law are implicitly recognized and put into state law in a way that mixes them together.

The Order in Council was also unworkable because its drafters did not understand how Cree hunting territoriality worked. There were roughly 200 to 300 Crees who were *Ndoho Ouchimauch* and who were tallymen recognized by the beaver reserves. All the other Cree trappers, numbering several times as many as the tallymen, did not have their own hunting grounds, they hunted with the tallymen. Thus the majority of Cree trappers could not make personal reports of beaver numbers on “his” hunting grounds, and therefore could not comply with the Order in Council conditions for a beaver permit. In practice what they did was to report their beaver kills to the reserve managers. This problem continued in later legal documents about beaver reserves right through the 1960s.<sup>59</sup> The drafting of legal instruments required simplifications of co-management practices that linked the two systems of governance to the point that inconsistencies developed in the official documents meant to encode them into state law.

Furthermore, to return to ethnography, from a Cree trappers’ point of view the licence and coupons provided by governments could be seen not as an assertion of state sovereignty but equally as an extension of other recognitions of Cree authority, like the recognition the badges and certificates distributed since the 1930s gave to Cree *Ndoho Ouchimauch*. This was implied in the way some Waswanipi hunters took out and showed me their trapping licences when we talked about their *Ndoho Istchee* in 1968-70, not just when we talked about game regulations.

Clear recognitions of Cree tenure and authority were made repeatedly by senior government officials, in public reports to Parliament, and in indirect ways within legal documents themselves. But ambiguities and contradictions existed at numerous levels, including the way reserves



enhanced both state authority and capacity and Cree authority and capacity.

### **Messy Co-governance: Coercion and Autonomy on Beaver Reserves and Ndoho Istchee**

There were also contexts in which reserve managers wanted to change Cree practices and in which they did not avoid conflict or the use of coercion. The most sustained was the insistence of the governments that the hunting territory boundaries be redrawn to fit the longitude line that separated Quebec and Ontario south of James Bay, and that Cree hunters be reallocated lands so that they had traplines in the province where they “resided,” where they traded or were registered by Indian Affairs. The latter changes conflicted with Cree views of their “residence,” which was on hunting territories, and neither change was readily accepted by many Crees. Conn noted in 1941 that even having Indians on each side of the border swap territories would be troublesome “because any interference with their traditional hunting grounds results in lack of cooperation among the Indians.”<sup>60</sup> He also wondered if royalties and other administrative needs could not be adapted to Cree social arrangements. But coercive force was used to initiate the changes, although the changes were never enforced with complete success (see Scott and Morrison 2005 for a history and analysis that I summarize here).

Trapline boundaries were redrawn and a number of the affected Crees did move their “residences” under threat of arrest. Some others were expelled from their lands by threats, harassment and brief arrest. Some moved and then moved back, some became “problems” to authorities in their areas of “exile,” some refused and never complied (Scott and Morrison 2005).

Crees also used their own customary practices to make adjustments. Some respected the boundary imposed on them by the beaver reserves, but they continued the hunting of non-fur game animals for food, such as moose and geese, on both sides of the border, and the Cree tallymen on both sides accepted that this was their customary right (Scott and Morrison 2005). Sometimes hunting territories were retained by in-laws “resident” in the appropriate province. Sometimes the invitations to hunt within a network of agnatic and affinal kin and friends upheld invitations to regularly access hunting territories across the border. And over time a substantial number of Cree were readmitted to trap in the reserves in the province of their original traplines. In some cases the traditional link to lands, “although under stress, was sustained through continued intermarriage between people

from traditional hunting territories on both ‘sides’ of the border” (quotations from Scott and Morrison 2005 are from the pre-publication English version).

Summing up this most conflict ridden area of beaver reserve implementation, Scott and Morrison say, “extraordinary concessions had now to be made to alien ideologies, and to alien authorities who occasionally exercised powers of police investigation and arrest to enforce their version of the proper regime....[and Cree responses were now] selectively and strategically attuned to Euro-Canadian fiscal and resource management priorities....” (2005, brackets mine).

In most areas away from this border there were neither major nor daily conflicts, and many Cree practices appeared to be indistinguishably part of both beaver reserve activities and the exercise of *Ndoho Ouchimau* leadership on *Ndoho Istchee*. But the general difference remained clear for Crees. The beaver reserve managers were called *Amisk Ouchimau* or “beaver bosses” by the Crees, reflecting the view of most Crees that the legitimacy of the HBC and the governments was limited to beaver. By contrast to the more restricted *Amisk Ouchimau*, the *Ndoho Ouchimau* were hunting bosses who took leadership in organizing social relations and access to all game animals and the land.

Ethnographic research starting in the late 1960s has radically changed our understandings of *Ndoho Istchee* and related forms of Cree tenure from those which prevailed when Cooper circulated anthropological accounts of hunting territories among governments and fur traders. The new post-beaver reserves studies show that hunting territories are not forms of private property, nor results of commodification or assimilation as had been assumed by some mid-century analysts and commentators. Hunting territories are both expressions and means of reproduction of Algonquian social relations, symbolic meanings and relations to the land and wildlife, i.e., they are integral to social reproduction broadly construed (see especially Feit 1973, 1991, 2004; Scott 1979, 1983, 1988; Tanner 1979). This is not to deny their long histories in the fur trade and beaver reserves, or the changes that those histories have brought, but the principles and values that inform these cultural practices do not themselves obviously derive from market ideas of property, or from the fur trade or beaver reserve ideas or practices, they are rooted in recognition of reciprocity between humans and animals, and in Cree ways of negotiating the tensions between collective and individual claims of access to lands and control of the products of one’s labour (see Feit 2004 for a recent review; and Scott 1979).



Nevertheless, hunting territories have been modified by the beaver reserves. Mapping the territories and having *Ndoho Ouchimau* understand that they should do so in such a way that there were no overlaps, or gaps between traplines, as well as having government agents redraw some boundaries, emphasized the boundaries and the fixity of terrains. Having *Ndoho Istchee* grouped as beaver reserves, or sections thereof, helped to enhance a collective identity among members of each of the different Cree administrative bands or First Nations. Listing territories and hunting leaders officially as tallymen led to a more formal and rigid application of leadership, authority and inheritance ideas. This also added non-Cree recognitions and authority for the role of *Ndoho Ouchimau*, some of whom then sought to enlist government authorities in their disputes with other Crees (for discussions of these changes see: Frenette 1990; Kerr 1950; S. Preston in preparation; Scott and Morrison 2005).

The demonstration of governmental capacity to use coercion, based in part on the knowledge gained through the new co-operation, also created diverse changes. In the late 1960s I observed Cree caution whenever it was thought that actions might provoke a response from government agents. These actions were typically accompanied by the use of both normal and also distinctly Cree forms of everyday resistance and aversion. But these responses did not dramatically transform Cree practices or ideas of what was proper. They did not greatly disturb Cree occupancy and use of the land and resources since the "customary individual and collective rights recognized by the community were to a significant extent reflected in the boundaries of individual and band territories" (Scott and Morrison 2005). Because *Ndoho Ouchimau* were appointed tallymen they still tended to control the flow of information about their lands, and their authority tended to be maintained, and some tallymen thought it had been enhanced by recognition (Scott and Morrison 2005).

The survival of Cree idea/practices was indicated when I first went to the Waswanipi region in 1968. The Waswanipi Beaver Reserve still existed on paper but government managers were no longer managing the reserve. Non-Native trapping was still illegal in the area, but the Quebec government had concluded that it could not any longer manage the reserve effectively as Cree mobility increased with roads, and furs could be sold at numerous places so sales could not be monitored as a check on catches. I was told that it made no sense to map the lodges and fix beaver quotas under these conditions. There was an expectation among government managers that the beaver would be depleted, and the Cree were "changing" anyway.

But Waswanipi hunters told me who each *Ndoho Ouchimau* was, and many explained how they organized hunting of beaver, moose and other animals on their hunting territories. I recorded their *Ndoho Istchee*, the beaver lodges and their harvests, and I showed that they were still managing beaver, and they were also managing moose which had never been co-managed with governments (Feit 1973). The leadership of *Ndoho Ouchimau* continued to be asserted and acknowledged by Crees, and it played an important role when Cree mobilized to oppose a direct threat to the land by hydro-electric development in the 1970s (Feit 1985). In the negotiations that led up to the 1975 treaty Crees insisted that the *Ndoho Ouchimau* and *Ndoho Istchee* be formally recognized in the agreement they signed with the governments (JBNQA 1976: clauses 24.1.8 and 24.1.9).<sup>61</sup> Thus, Cree hunting leadership was partly integrated with the beaver reserve operations, and partly altered by them, but it remained distinct in practice and authority, and it survived the government withdrawal from beaver reserve management.

Nevertheless, in recent decades many *Ndoho Ouchimau* have continued to find their lands increasingly transformed by logging operations, road networks, hydro-electric projects, tourism and sport hunters, as the quotes stress at the beginning of this paper. How the practices of co-management and co-governance I have described in this paper were transformed following the signing of the JBNQA, and how co-governance has become more marginalized, will be analyzed elsewhere. Today neither the national state governments nor the Cree hunters fully control lands, wildlife or peoples, nor can any one of them alone fully conserve game or forests. But their capacities are not equal, and the failures of the nation state governments to conserve lands, forests and wildlife since the 1970s are tragic (see Cree quotes at the beginning of this paper; Feit and Beaulieu 2001; Mulrennan and Scott, this volume; Scott 2001).

## Conclusions: Co-governance as Effect and Vision

What was created during this half century was a "messy" system because beaver reserves did not merge or reconcile Cree authority with that of the nation state, nor did they subsume one under the authority of the other. Nation state governance and tenure, Cree governance and tenure, and the institutions and practices of beaver reserves all co-existed, and they constituted a messy, complex network.<sup>62</sup>

Thus, as the recent research in political ecology emphasizes, the process of developing beaver reserves as conservation and co-management regimes was a process

of expanding the authority, legitimacy and capacity of state institutions to govern northern Quebec. And responses and resistance varied. But, as Cree hunters emphasize, it was also a process of multiple recognitions of the capacity, authority and legitimacy of Cree governance, albeit these recognitions, while explicit, were always surrounded by ambiguities and contradictions and they were also often ignored. Informed by Cree insights, this story shows that non-state governance may not only be recognized, but actively taken up in the workings of state projects over long periods of time, and while this partly enhances nation state control, it may also partly enhance the autonomy of non-state groups.

These conclusions do not challenge those developed by recent research in political ecology, rather they layer other effects of co-governance onto them in counter-intuitive ways that make the processes more complex and the outcomes less certain. They help explain why non-state based struggles continue, as do some alternatives to the state institutions and practices, despite the unequal relations.

In this particular case the long history of co-governance also challenges the view that state sovereignty is exclusive, an idea being reexamined in several quarters today, for this history shows that the Canadian nation state has been engaged in some joint governance in their everyday practices throughout the contemporary period (see Feit, In Press, and Under Review).

*Ndoho Ouchimauch* keep pointing out these processes, recalling their presence, and asserting their significance for how they, governments and corporations can act today. These experiences shape Crees' challenges to the current operations that abuse their lands, as the quotes at the beginning of this paper indicate. The record shows that co-governance has been hard to ignore, it is both unexpected and obvious. Its renewed recognition is laden with possibilities, possibilities which have been happening all along.

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## Notes

### *Abbreviations for Archival Sources Cited in the Endnotes:*

CUAA	Catholic University of America Archives (Washington, DC)
FTD	Fur Trade Department (In HBC Archives)
HBCA	Hudson's Bay Company Archives (In Public Archives of Manitoba)
JMC Papers	John M. Cooper Papers (In CUA Archives)
PAC	Public Archives of Canada (Ottawa)
PAM	Public Archives of Manitoba (Winnipeg)

- 1 Simon Metabie was Charlie's brother-in-law, from whom Charlie inherited the position of *Ndoho Ouchimauch*.
- 2 The forestry case for which these affidavits were made was dropped by the Crees in 2002.
- 3 I use the term Indigenous as the general term of preference, but where legal rights are the focus I sometimes use the Canadian Constitutional term Aboriginal, and in some contexts where the historical sources speak of Indians I use that term. The latter is a term that many contemporary Crees continue to use today, albeit with an awareness of its complex history and meaning.
- 4 PAC, RG10, Vol. 6750, File 420-10, reel C8106, "The Game Laws of the Province of Quebec...1894.;" "An Act to Amend the Quebec Game Laws, assented to 21st December 1895," 6p.; "Law Clerk" to The Deputy Superintendent General [Indian Affairs], 30 December, 1902; E.E. Tache [Quebec] to Hayter Reed [Ottawa], December 5, 1896.
- 5 PAC, RG10, Vol. 6750, File 420-10, reel C8106, C.C. Chipman to Hayter Reed, 1 December 1896; Hayter Reed to C.C. Chipman, 12th December, 1896.
- 6 PAC, RG10, Vol. 6750, File 420-10, reel C8106, C.C. Chipman to Reed, 7 January, 1897.
- 7 PAC, RG10, Vol. 6750, File 420-10, reel C8106, [undated and unsigned memorandum, ca. May 15, 1897] which is referred to in another "Memorandum" by J.D. McLean, attached to a report to the "Governor General in Council," 2 June, 1897, in which he says it was delivered by C.C. Chipman, Chief Commissioner of the HBC on a visit to Ottawa.
- 8 PAC, RG10, Vol. 6750, File 420-10, reel C8106, Meredith, MacPherson, Hague & Holden to J.D. McLean, 2 November, 1911; and, Meredith, MacPherson, Hague, Holden,

- Shaughnessy & Heward to J.D. McLean, February 26, 1916. Its case did not proceed, but not because of a ruling on Aboriginal rights.
- 9 PAC, RG10, Vol. 6750, File 420-10, reel C8106, [typed reply to] Mr. Poupore, 19 May, 1897.
  - 10 PAC, RG10, Vol. 6750, File 420-10, reel C8106, "Extract form a Report from the Committee of the Honourable the Privy Council, approved by His Excellency on the 14th June, 1897;" "Copy of a Report of a Committee of the Honourable the Executive Council, dated the 16th July, 1897, and approved by the Lieutenant Governor on the 16th July 1897."
  - 11 By 1917-20 fur traders and non-Native commercial trappers, who clearly were subject to Canadian and Quebec law, had to be licensed annually in Quebec, and they were prohibited to transport furs within the province or to export them unless a royalty had been paid to the benefit of the province; PAC, RG10, Vol. 6750, File 420-10, reel C8106, Meredith, MacPherson, Hague, Holden, Shaughnessy & Heward to J.D. McLean, February 26, 1916.; "Summary of the Game Law of the Province of Quebec," no date indicated in the file.
  - 12 Also see, CUAA, JMC Papers, "Aboriginal Land Holding Systems," Memorandum to Dr. Harold W. McGill, 11 October, 1933,
  - 13 Cartlidge could describe hunting territories from his experience on lands around the trading post, but he was also familiar with Frank Speck's accounts of the Algonquian hunting territory system. Cartlidge had prepared a map of the location of Waswanipi Cree hunting camps in 1915 at the request of the National Museum of Canada where Edward Sapir was engaged, which sponsored some of Speck's work in those years. Cartlidge's map was later published by D.S. Davidson (1928; see also Feit, 1991).
  - 14 PAC, RG10, Vol. 6750, file 420-10 H. C. Cartlidge to D.C. Scott, Department of Indian Affairs. 29 October 1927. The federal government forwarded his letter to Quebec, L.A. Richard to J.D. McLean, November 22, 1927. The fur records show that a decline in beaver pelt sales began about this time at Waswanipi (Feit n.d. a.).
  - 15 That the government established reserves initially in limited areas, and later only in isolated areas, would appear to confirm the assessment made C.S. Elton, of the Oxford University Bureau of Animal Population, who met wildlife officials while on a tour in Canada for the HBC in 1928. He noted that conservation efforts were often hindered by two political difficulties: "Fear of offending the white trapper, who is a voter;" and use of royalties as a general tax that does not directly subsidize protective measures. PAM, HBCA, Dead Dossier, Box 85, "Report of Research Work in Canada," 28 November, 1928.
  - 16 PAC, RG10, Vol. 6750, File 420-10A, reel C8106, "Indians of Province Promised Legislative Protection Against Invasion of the White Hunters," *Quebec Chronicle Telegraph*, 29 September [1927, marked on attached sheet]; J.J. Wall "Grand Lake Victoria," 1927; Vol. 6751, File 420-10X1, "Respecting the creation of two game reserves in favour of the Indians," "Copy of the Report of a Committee of the Honourable the Executive Council, dated 20th of April, 1928, approved by the Lieutenant-Governor on the 21st of April, 1928;" File 420-10A, reel C8106, "Copy of the Report of the committee of the Honourable the Executive Council dated January 15, 1932, approved by the Lieutenant Governor on 16 January, 1932," "Respecting the erection of the whole of the Northern Region of the Province as a Game Reserve."
  - 17 PAC, RG10, Vol. 6750, File 420-10A, reel C8106, "Indians of Province Promised Legislative Protection against Invasion of the White Hunters," *Quebec Chronicle Telegraph*, 29 September [1927, marked on attached sheet]. The reasoning behind the decision that it was not "practical" was not made clear, but it was noted at the time that the reserves were much bigger than hunting club areas (W.A. Anderson, 1960: 141). On the other hand, in the 1970s it was a concern of Quebec that lands set aside for the benefit of Indians could be recognized as "Indian lands" under the Constitution, and they would therefore be federal lands. Whether this was a concern in the 1920s is not clear from the records examined.
  - 18 PAM, HBCA, Reel E82/2, Personal Papers W.R. Parsons, J.S.C. Watt 1925-1943, Watt to West, 16 August 1929; see also: Watt to Ralph Parsons, 3 March, 1929; D.D., Box #79a, Fur Trade Commissioner to Governor and Committee, March 15, 1929; Secretary to Fur Trade Commissioner, 28 June, 1929 and 12 July, 1929.
  - 19 PAM, HBCA, Reel E82/2, Personal Papers W.R. Parsons, J.S.C. Watt 1925-1943, Watt to West, 17 August 1929.
  - 20 Watt wrote that "although I have lived a long time with Indians I never was interested in their customs until your visit here," addressing anthropologist John M. Cooper who first met Watt at Rupert's House in 1932, CUAA, JMC Papers, Watt to Cooper, 23 February, 1940.
  - 21 For support see PAM, HBCA, Reel E82/2, Personal Papers W.R. Parsons, J.S.C. Watt 1925-1943, Parsons to Watt May 2, 1930; proposal to district manager, Unclassified, FTD, File 2-4-95, Buildings and Lands, Charlton Island 1854-1930, Watt to West, 24 April, 1930, and 3 May, 1930; and Watt to West 4 July, 1930; correspondence passed to Fur Trade Commissioner, West to French, 15 July, 1930. More senior HBC staff considered such preserves, which shortly after developed in several other provinces as well, to be "experimental," and a clear policy to pursue them only emerged in the mid 1930s, Dead Dossier, Box 79A, "Fur Farming," "enclosure to C.C.P. No. 218 of 5th December, 1935"; "To Mr. Brooks [Secretary], Message from the Governor," 29 January, 1936; Secretary to The Canadian Committee, "L.C.P. No. 5301," 30 January, 1936; "Fur Farming," "Encl. to C.C.P. 229, 5/3/36," "Submitted to the Board on the 7th April, 1936."
  - 22 "Concernant l'érection d'une Réserve de Chasse," Conseil exécutif, 24 March, 1932. See W.A. Anderson, 1961 for a semi-fictionalized account of Maud Watt's life and of these events based, one presumes, on interviews with Maud Watt. His account has many discrepancies with archival materials. Also see a brief account in Maud Watt, 1938.
  - 23 This instance of blaming the Cree is primarily strategic because it ignores the complicated circumstances and responsibilities for the depletion of beaver mentioned above by Cartlidge and sometimes cited in Watt's own correspondence (see, for example, PAM, HBCA, Unclass., FTD, File 2-4-95, Buildings and Lands, Charlton Island, 1854-1930, Watt to West, July 4, 1930).

- 24 CUAA, JMC Papers, Watt to Cooper, 9 October, 1932; support of the Fur Trade Commissioner confirmed by Anderson, Anderson to Cooper, 2 December, 1932. This may, or may not, have been putting a good face on what has been described elsewhere as a tumultuous period of debate (W.A. Anderson, 1961: 146-49).
- 25 PAM, HBCA, Unclassified. FTD, Fur Trade Conference Minutes, 1933, Appendix F. "Report on Rupert's House Beaver Sanctuary, by J.W. Anderson."
- 26 CUAA, JMC Papers, John M. Cooper to Patrick Ashley Cooper, 23 December, 1932; P.A. Cooper to J.M. Cooper, 12 January, 1933; Secretary, Canadian Committee to J.M. Cooper, 20 February, 1933; Cooper to Watt, 22 September, 1932; Saindon, O. M. I. to Cooper, 23 October, 1932; Cooper to Anderson, 12 November, 1932; Anderson to Cooper, 14 November, 1932 and 2 December, 1932.
- 27 CUAA, JMC Papers, "Aboriginal Land Holding Systems," Memorandum to Dr. Harold W. McGill, 11 October, 1933, Appendix A, page 3.
- 28 PAM, HBCA, Unclass., FTD, Fur Trade Conference 1936, Minutes, Appendix "G," "Report on Beaver Conservation in James Bay District," by J.W. Anderson. He reported that the Crees explained their views by saying that "great sections of the country are so poor in wild life that, until such times as the beaver had been restocked thereon, the Indians would starve," therefore other recognition was not necessary.
- 29 PAC, RG 10, Vol. 6750, File 420-10-4, reel C8106, Chief Saganash to Department of Indian Affairs, 3 August, 1936; District Manager to A. F. MacKenzie, 12 August, 1936.
- 30 Also see, CUAA, JMC Papers, Anderson to Cooper, 25 May, 1936; Watt to Cooper 9 December, 1939; PAC, RG 10, Vol. 6750, File 420-10-5, reel C8106, Hervé Larivière to D.J. Allan, 6 September, 1941; "Report on Annual visit to Mistassini Band, Abitibi Agency," H. Larivière, 31 July, 1943.
- 31 In response, Indian Affairs asked the HBC to refer the matter of the beaver to the provincial authorities. PAC, RG 10, Vol. 6750, File 420-10-4, reel C8106, District Manager to A. F. MacKenzie, 12 August, 1936; A.F. MacKenzie to Manager, HBC, Montreal, 16 September, 1936.
- 32 PAC, RG 10, Vol. 6750, File 420-10-4, reel C8106, Chief Saganash to Department of Indian Affairs, 3 August, 1936.
- 33 This pattern was not always the case elsewhere. To the southeast of James Bay at Lake St. John where Montagnais had experienced the dispossession of their lands at the hands of agricultural settlers since the mid-19th century, willingness to work with governments was more limited and beaver reserves met with "indifferent success" and "a certain measure of non-cooperation." It was "very difficult to convince them [the Montagnais] that, at last, the white man has decided to help them protect their trapping rights" (Burgess 1945: 13, brackets mine).
- 34 PAM, HBCA, Unclass., FTD, Fur Trade Conference, 1933, Minutes, Appendix F, "Report on Rupert's House Beaver Sanctuary, by J. W. Anderson."
- 35 CUAA, JMC Papers, "Notes for Father Cooper" [1932], attached to J.S.C. Watt "17th August 1929, Copy, Fur Conservation." Anderson, an experienced HBC District Manager presented the material Cooper sent to the annual HBC Fur Trade Conference, after which he wrote to Cooper "quite candid[ly]" to say "none of the district managers present seemed to be particularly interested although they were quite willing to discuss the problem in a general way." CUAA, JMC Papers, Anderson to Cooper, 2 December, 1932.
- 36 CUAA, JMC papers, J.M. Cooper to P.A. Cooper, 23 December, 1932.
- 37 CUAA, JMC Papers, Secretary, Canadian Committee to Cooper, 20 February, 1933.
- 38 CUAA, JMC Papers, Cooper to Anderson, 13 October, 1933.
- 39 CUAA, JMC Papers, "Aboriginal Land Holding Systems," Memorandum to Dr. Harold W. McGill, 11 October, 1933, page 7. The reference to denial of rights probably refers to statements made by federal government agents after the signing of a treaty with the Indian peoples in northern Ontario on the west coast of James Bay where Cooper did much of his field research. Scott and Morrison (2004) have cited and discussed Cooper's comments on how the treaty led to government agents asserting that hunting territories were superseded by treaty rights on those and adjacent lands, and how this affected conditions at Rupert's House.
- 40 CUAA, JMC Papers, "Aboriginal Land Holding Systems," Memorandum to Dr. Harold W. McGill, 11 October, 1933, Appendix A, page 1.
- 41 CUAA, JMC Papers, Cooper to Speck, 2 November, 1933; McGill to Cooper, 23 October, 1933; Anderson to Cooper, 9 November, 1933, 22 February, 1934, 15 December, 1933, and 25 May, 1934; Cooper to Anderson, 5 January, 1934.
- 42 CUAA, JMC Papers, Watt to Cooper, 2 March, 1934; Cooper to Watt, 30 October, 1934.
- 43 PAM, HBCA, Unclass., FTD, Fur Trade Conference, 1934, Minutes, "Appendix H. Paper on Fur Conservation....J.W. Anderson" pg. 4 "H"; CUAA, JMC Papers, Anderson to Cooper, 21 December, 1935.
- 44 Systematic biological research data on beaver productivity in the James Bay region was only gathered in the 1960s, indeed scientific studies of beaver reproduction in other regions only started to appear about 1949 (see citations in Novak 1987).
- 45 "Map Indicating the Beaver Preserves and the Areas of Trap-lines Where the Trapping of Beaver is Permitted Under Control." Quebec: Quebec, Ministry of Game, 1960.
- 46 Also see, PAM, HBCA, Unclass., FTD, Annual Reports, from Manager, Fur Preserves, to Manager FTD, 1945-50, Report 1/2/45-31/1/46, pages 9, 13.
- 47 There was not always agreement on whose base maps to use. One HBC trader reported that some Crees "say they would sooner have their own map [of the streams and lakes] printed as they understand it better it being so much larger and more clear to them..." (brackets mine). PAM, HBCA. Unclass. FTD, File 6-9-2 (3), Furs, Beaver Sanctuary, Notaway Reserve, A.H. Mitchell to Denmark, received 22 January, 1945.
- 48 CUAA, JMC Papers, Anderson to Cooper, 25 May, 1936.
- 49 PAM, HBCA, E.93/28, pages 201-202.
- 50 PAM, HBCA, Unclass., FTD, "Annual Reports from Manager, Fur Preserves, to Manager FTD, 1945-50, Report 1/2/44 to 31/1/45," page 14.

- 51 PAM, HBCA, Unclass. FTD, File 6-9-2 (3), Furs, Beaver Sanctuary, Nottaway Reserve, D.J. Allan to Denmark, 15 September, 1945; Denmark to Allan, 18 September, 1945; Allan to Denmark, 3 October, 1945; Denmark to Allan, 16 October, 1945; "Report on Nottaway Beaver Preserve, 20 November, 1945" [initialled "DED"].
- 52 The reasons for these declines have not been clearly identified. One possibility is that Cree populations which increased rapidly as medical services were improved, and declining fur prices, made it difficult to meet nutritional and social needs while keeping harvests sustainable, both for the fur reserve managers and *Ndoho Ouchimauch*.
- 53 PAM, HBCA, E.93/8, "The Role of the Trader in Indian Affairs," page 15.
- 54 Also see, PAC, RG10, Vol. 6750, File 420-10-5, reel C8106, Hugh R. Conn, Memorandum to D.J. Allen "Re Fur Conservation—Province of Quebec," 31 January, 1942.
- 55 PAC, RG10, Vol. 6750, File 420-10-5, reel C8106, Deputy Minister to The Commissioner, R. C. M. P. 10 December, 1942.
- 56 Described by Marcel Beaudet in court testimony in 1972 in Superior Court, re: Chief Robert Kanetawat, et al. vs The Attorney General of the Province of Quebec and the Quebec Hydro-electric Commission.
- 57 The phrase "time immemorial" is imprecise and much debated (see Feit, In Press). Morantz cites this quotation as anonymous.
- 58 Order in Council, Chamber of the Executive Council, Number 3437, Québec, August 28, 1946.
- 59 Order in Council, Executive Council Chamber, Number 1638, Québec, June 14, 1967.
- 60 PAC, R.G.10, Vol. 6750, File 420-10-5, Reel C8106, Conn to D.J. Allan, "Re: Fur Conservation—Province of Quebec," 31 January, 1942.
- 61 The JBNQA (1976) defines "Cree tallyman" as "a Cree person recognized by a Cree community as responsible for the supervision of harvesting activity on a Cree trapline." (24.1.18), and "Cree trapline" as "an area where harvesting activities are by tradition carried on under the supervision of a Cree tallyman" (24.1.9). In this context, the English terms "Cree tallyman" and "Cree trapline" refer to what have been called *Ndoho Ouchimau* and *Ndoho Istchee* in this paper.
- 62 In thinking about this I have drawn on insights from the work of Bruno Latour, Donna Haraway, Jasmin Habib and Mario Blaser (see 2004).

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