**Chapter Outline**

to accompany

*Indigenous Peoples within Canada: A Concise History*, Fifth Edition

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**Chapter 11: Toward Confederation for Canada, Toward Wardship for Indigenous Peoples**

The purpose of the chapter is to examine the expanding administration of Indian Affairs as policy development continued toward Confederation. The chapter concludes with an analysis of the Red River crisis of 1869–70. In a process that has become so common in Canada today, the 1840s saw a number of what would be termed *Royal Commissions* with the intent of coming up with solutions for the “Indian problem". The most influential of these was the Bagot Commission of 1842–44. Among other findings, the Commission recommended the public announcement of the survey of reserves and the boundaries of such reserves; that all title deeds for land sold or purchased by Indigenous Peoples be registered; and that Indigenous Peoples be taught techniques of land management and be provided with such resources as livestock and agricultural implements. The focus of the commission was the continued goal of assimilating Indigenous Peoples. In 1850–51 the Canadian legislature approved two pieces of legislation, incorporating some of Bagot’s recommendations.

The most influential legislation was the 1850 *Act for the Better Protection of the Lands and Property of the Indians in Lower Canada* because, as it sought to determine who could legally be within Indigenous spaces not yet acquired through treaty, it provided a formal definition of who an “Indian” was under law. This definition would be adapted and become the definition that Canada uses until the present day. It introduced the concept of status versus non-status Indians. As the result of a formal definition, existing mechanisms were then put in place to remove a person’s status as he or she became assimilated. This would be accomplished through a process called *enfranchisement* and was first introduced in the 1857 *An Act to Encourage the Gradual Civilization of the Indian Tribes in this Province, and to Amend the Laws Respecting Indians.* However, the requirements that had to be met for enfranchisement were extremely high and First Nations also resisted the idea of reserve allotment that accompanied the process. By 1876, only one person had been enfranchised.

The chapter also examines the process of treaty-making and the establishment of reserve boundaries. Beginning with the Robinson Treaties of 1850, land cessions increasingly became the process through which Indigenous Peoples would lose their lands. Lands were surrendered only to the Crown, and reserves to be held in common were annexed to each treaty. First Peoples retained the privilege of hunting and fishing in those territories except for portions allotted for specific uses. These treaties marked the beginning of the government’s paternalistic position of viewing Indigenous Peoples as wards of the state.

With the creation of Canada in 1867, the administration and responsibility for Indigenous Peoples fell to the Canadian government under the British North America Act. The majority of legislation and policy would simply be carried on by the newly-formed Canadian government, with added portions of legislation where necessary. An example of this was the 1869 *Act for the Gradual Enfranchisement of Indians and the Better Management of Indian Affairs*, which affected the Indian status of Indian women depending on who they married. Beginning in 1869, if an Indian woman married a non-Indian man, she ceased to be a status Indian.

On the west coast, the gold rushes of the late 1850s and early 1860s overwhelmed Governor Douglas’s ability to try to assert British authority, even by force. As mining activities led to encroachment and damage on Indigenous lands, the local First Nations began to send out war parties to attack road gangs. Indigenous insurgents received death sentences and jail time, and no Indigenous war developed in spite of such fears. However, the land policies of Joseph Trutch meant the reduction of reserve sizes, and ultimately, First Nations were left in a position of having to purchase land from non-Indigenous people. After Confederation, British Columbia retained control of Crown lands and refrained from signing any post-Confederation treaties in the province.

After only a short period of development, Canada was faced with its first challenge, namely, Métis recognition. The attempts at this recognition resulted in Louis Riel rising to prominence, as well as the Red River Resistance, as it was labelled by some. In addition, settlers as well as Indigenous Peoples were making it known that they felt they were being ignored by the Canadian government. The end result of the events of 1869 was the creation of Manitoba, with the passing of the Manitoba Act in 1870; however, it was not the end of discontent in the West, as waves of settlers continued to flood the North-West and the issue of land disputes remained unresolved.