

HOW THE WEST WAS LOST:
FREDERICK HAULTAIN AND THE FOUNDATION
OF SASKATCHEWAN

by

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ABSTRACT

In September 1905, Frederick W.G. Haultain, Premier of the North-West Territories, was not asked to form the first government of either Saskatchewan or Alberta. Many considered his treatment scandalous, especially since Haultain had distinguished himself during the Territorial period. As the Territorial government's first leader, Haultain worked tirelessly to provide the region with the services the residences of the other provinces took for granted. Despite these achievements, Haultain was not a good strategic thinker. After 1905, Haultain formed the Provincial Rights Party and served as the first leader of the opposition in Saskatchewan. Haultain retired from politics in 1912 after failing to secure a majority in three successive elections. Haultain's reputation as an elder statesman developed after his death in 1941.

Many scholars have blamed Liberal politicians for Haultain's marginalization. In reality, by 1905 Haultain had undermined his own base of support by making poor political choices that alienated his supporters. In seeking provincehood for the North-West Territories, Haultain unwisely alienated his Cabinet colleagues whose support was essential to maintaining the Assembly's confidence in the government. He also failed to build the Provincial Rights Party into a serious alternative to the Liberals because he lacked some important political skills. Haultain failed to enlist any talented individuals to serve along side him in the Assembly. Most importantly, Haultain failed to realize that it was practically impossible to form a government without the support of rural Saskatchewan, and took many positions that alienated farmers. His failure to support reciprocity in 1911 ultimately destroyed his already damaged reputation.

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CHAPTER ONE:

Introduction

Frederick William Gordon Haultain has been largely forgotten. Given the important role Haultain played in shaping the institutions of government in Saskatchewan and Alberta, many have found this difficult to explain. Haultain entered Territorial politics shortly after moving to Fort Macleod in 1884 to start a legal practice. He was elected to the Territorial Council in 1888 and quickly rose to prominence. He was chairman of the Advisory Council (1888-1896), Premier and Attorney-General of the North-West Territories (1897-1905), Leader of the Opposition in the Legislative Assembly of Saskatchewan (1905-1912) and Chief Justice of Saskatchewan (1917-1938). During the 1890s, Haultain led the faction in the Assembly that petitioned the lieutenant-governors and Parliament for responsible government for the North-West Territories. In doing this, Haultain established a non-partisan tradition that a multitude of twentieth century third parties built on, some with great success. Haultain was appointed premier when the North-West Territories achieved responsible government in 1897, serving until 1905. He used his position to secure provicthood for Alberta and Saskatchewan. Yet, few actually remember the man and fewer still can point to a legacy. Is this an appropriate fate for the North-West Territories' first and only premier?

Frederick W.G. Haultain was born in the English borough of Woolwich on 25 November 1857. His father, Frederick W. Haultain, was a career officer in the Imperial Army, retiring as a lieutenant colonel in 1860. Many of Lieutenant Colonel Haultain's early postings were in British North America. Fascinated with the young country, upon his discharge Colonel Haultain settled in Peterborough, Upper Canada. Colonel Haultain's imperialism and his belief that politics was a noble profession explain his involvement in the Conservative Party. In 1861, he was elected to the Legislature of the Province of Canada as a supporter of Prime Minister John A. Macdonald and, in time, Macdonald's plan to confederate the British North American provinces. It was in Canada under this new constitution—the *British North America Act, 1867*—that the young Frederick W.G. Haultain came of age.

The family moved to Montreal in the late 1860s. Colonel Haultain had accepted the position of secretary to the French Canadian Missionary Society of the Presbyterian Church. There, young Frederick finished his secondary schooling. The family returned to Peterborough when Colonel Haultain was appointed the Land Recorder of the county. Young Frederick briefly considered a military career, accepting a commission with the 57th Rifles Regiment. In the autumn of 1876 Haultain enrolled in the University of Toronto and convocated with a first class degree in classics in 1879. Deciding to pursue a legal career, he articulated with Bethune, Moss, and Falconbridge. He was called to the Law Society of Upper Canada in 1882.¹ The young lawyer began practicing in Kingston. Around this time, younger brother Wilmot was homesteading in Manitoba. He wrote Frederick extolling the virtues of the West: he claimed that the limitless

¹ *Fort Macleod Museum and Archives*, Haultain fonds, certificate of admission to the Law Society of Upper Canada.

potential of western Canada held much opportunity for an ambitious solicitor. The sudden death of Fredrick's father seems to have spurred the decision to move west. He wrote Charles McCaul, a University classmate who was practicing law in Fort Macleod, asking about the opportunities for a young solicitor in the North-West Territories. McCaul's reply was succinct; they could discuss that when Haultain arrived.²

Haultain arrived in Fort Macleod in September, 1884. He was only the second barrister and solicitor in the area so he quickly prospered; the presence of a second barrister meant that the circuit court could now include a session in Fort Macleod. Haultain's university degree, legal training, and family background established him automatically as a member of the elite.³ He was easygoing, friendly and a skilled orator which made him an ideal candidate for office. When Viscount Boyle resigned as Macleod's representative in the Council of the North-West Territories, Haultain was willingly drafted to run. He won in a close election against C.F.P. Conybeare, taking his seat in 1887.⁴ Over the next fifteen years, only once would he not win his seat by acclamation.

The North-West Territories was granted representative government in 1888 and a Legislative Assembly replaced the Legislative Council. Haultain quickly became the leading member of the Assembly, a fact that did not escape the lieutenant-governor's notice. The 1887 amendment to *The North-West Territories Act* included provision for a four-member Advisory Council appointed from the members of the Legislative

² Grant MacEwan, *Frederick Haultain, Frontier Statesman of the Canadian Northwest* (Saskatoon: Western Producer Prairie Books, 1985), 14-15.

³ Glenbow Archives, Sir Frederick W.G. Haultain Fonds, Haultain to 'Mother', 8 June 1885, Box 1, File 1.

⁴ *Saskatchewan Archives Board*, "Saskatchewan Executive and Legislative Directory," December 2002, Sec 1, 25.

Assembly. The Council was to advise the lieutenant-governor in allocating the funds raised by the Assembly. Haultain was a natural choice to chair the committee. His education and legal training made him the ideal Crown servant; his popularity ensured he would have the Assembly's support. There were no political parties during the Territorial period; with a powerless Assembly, they would have been redundant. Haultain used his position as chairman of the Advisory Council to slowly build support in the Assembly.

As chair of the Advisory Committee, Haultain was not an impartial civil servant. Due to his legal expertise, his knowledge of public policy, and his popularity, the lieutenant-governor often deferred to Haultain's judgement on political matters. *The North-West Territories Act* limited the Advisory Council's jurisdiction to appropriating funds raised by the Legislature, leaving the federal grant in the hands of the lieutenant-governor. However, by 1888 the Assembly was appropriating the entire budget.⁵ In leading the Assembly, Haultain slowly became the de facto head of the government of the North-West Territories.

Each lieutenant-governor came to depend on Haultain's advice in selecting the other committee members, and Haultain's advice was given with an eye towards building support for his administration. These committee members therefore owed Haultain their loyalty. By 1897, Haultain had created and groomed a base of support for his leadership within the Assembly. He was creating a political party in all but name. It was a 'court party', an association of Members of the Legislative Assembly united

⁵ Lewis Herbert Thomas, *The Struggle for Responsible Government in the North-West Territories, 1870-97*, 2nd ed. (Toronto: University of Toronto Press, 1978), 163-166.

behind the lieutenant-governor and his Advisory Council.⁶ In leading the Assembly, Haultain exercised real power—power Haultain used to lobby the federal government to grant the North-West Territories true responsible government. When responsible government was formally established in 1897, Haultain was the natural choice for the premiership. He was the only person capable of commanding the support of a majority in the Assembly. This was in large part due to the absence of political parties in the Assembly.

By 1903, the Legislative Assembly of the North-West Territories had all the important powers of a provincial legislature, save one. The Assembly did not control Crown land; the Department of the Interior did, and the lucrative revenue that came from its management was deposited in the federal treasury. Prior to the introduction of provincial income tax in the twentieth century, income generated by Crown land formed the bulk of provincial revenue. Parliament's yearly grant-in-aid—designed to compensate for this lack of revenue—was not growing as quickly as expenditures. A growing number of homesteaders expected Haultain's government to provide an array of services such as roads and schools—services which the Assembly was finding it increasingly difficult to fund. With Parliament's repeated failure to address the situation directly, many assemblymen, including Haultain, slowly concluded that the only solution was provincial autonomy.

The unity of Haultain's supporters began to fray when he began seeking provincial autonomy. Despite Haultain's protestations to the contrary, there was little

⁶ Stanley Gordon refers this to Haultain's use of patronage to build support among non-partisan assemblymen as a "Quasi-party system." See "F.W.G. Haultain, Territorial Politics and the Quasi-Party System," *Prairie Forum*, 6, No. 1 (1981), 4-5.

consensus as to what the autonomy settlement should contain. While westerners saw the Territorial system of government as a transitional phase, many felt that the north-west should be divided into multiple provinces. Many also were willing to accept a grant-in-aid in lieu of control over Crown land. Many of his supporters abandoned Haultain when it became clear that he was not willing to negotiate with Prime Minister Sir Wilfrid Laurier. When he broke with his non-partisan stance by campaigning for Robert Borden in the 1904 federal election, Haultain alienated most of his supporters. This fractured the government, causing most Liberals to abandon him.

In forming the two original provincial administrations in 1905, Prime Minister Laurier refused to consider Haultain for the premiership of either province. Laurier privately admitted that had autonomy been granted in 1903, it would have been difficult to deny Haultain a premiership because of the high esteem in which he was held. But by 1905, Laurier had found Haultain difficult to negotiate with because he was unwilling to compromise on his position. Haultain even declared that he would have the autonomy acts tested before the courts if Laurier brought them into force. This infuriated the Prime Minister. Haultain had already alienated the Territorial Liberals and their leader George H.V. Bulyea by refusing a federal grant-in-aid and accepting the Honorary Presidency of the Territorial Conservative Association. When Bulyea withdrew his support, it became possible for Laurier to brush the Territorial Premier aside and call on Walter Scott to form the first government of Saskatchewan. This was possible because Haultain had alienated too many territorial Liberals without building a corresponding Conservative base.

Haultain continued on after 1905 in the Legislative Assembly of Saskatchewan, forming the first protest party in Canadian history. The extent to which it was a true protest party is debatable because it was closely aligned with and would ultimately be absorbed into the Conservative Party. The Provincial Rights Party was nevertheless an attempt to continue the “non-partisan” political tradition that Haultain had established during the 1890s. It failed because Haultain was unable to take advantage of the Liberal government’s weaknesses. Haultain retired from politics in 1912 and was appointed to the bench, eventually becoming Chief Justice of Saskatchewan. It was after his retirement and death in 1942 that Haultain gained a reputation as the elder statesman of the west.

Grant MacEwan, Haultain’s only biographer, believed that Haultain’s disappearance from public memory was a disgrace.⁷ MacEwan wrote *Frederick Haultain, Frontier Statesman of the Canadian Northwest* largely with the intent of resurrecting Haultain's memory by celebrating his political achievements.⁸ *Frontier Statesman* is celebratory and largely uncritical of its subject, as was most of MacEwan’s work. Still, the book was a bestseller and MacEwan’s lively work remains the standard account of Haultain’s life and career.

MacEwan paints Haultain as the creator of western Canada’s political institutions. In MacEwan’s version, Haultain takes the flawed Legislative Assembly created by Parliament and provides western Canada with the best government he can.

⁷ Trained as an agronomist, MacEwan worked as an academic, politician and journalist. He also wrote books and articles on the history of the Canadian West. His works on western Canadian history were usually bestsellers.

⁸ Grant MacEwan, *Frederick Haultain, Frontier Statesman of the Canadian Northwest* (Saskatoon: Western Producer Prairie Books, 1985).

As the limits of the Territorial constitution become obvious, Haultain successfully lobbied Parliament to expand the jurisdiction of the Legislative Assembly. This struggle culminated in 1897 when the North-West Territories was granted responsible government. This was a significant achievement and likely the pinnacle of Haultain's career, but MacEwan is completely oblivious to Haultain's failings. He does not comment on Haultain's failure to organise a functional political party after 1905. To MacEwan, Haultain failed to obtain a premiership because of Laurier's interference and not because of any personal failing on Haultain's part.

C. Cecil Lingard and Lewis Herbert Thomas on the other hand, examine the evolution of the territorial system of government in Canada.⁹ Each author places Haultain firmly within an analysis of the Territorial system of government. There is a limited amount of attention paid to the collapse of the non-partisan government; neither addresses Haultain's post-1905 career. Still, while neither book focuses specifically on Haultain, it is clear that he played a crucial role in the obtainment of responsible government and autonomy.

Lingard's *Territorial Government in Canada* is an analysis of the evolving system of governing the North-West Territories. It focuses on the attempts of the Territorial government to obtain provincial autonomy for the North-West. Premier Haultain played a crucial role, but he was by no means central. *Territorial Government* has been the defining work exploring the constitutional evolution of the North-West Territories. Haultain's policies were the result of the inability of Ottawa to come up

⁹ C. Cecil Lingard, *Territorial Government in Canada: The Autonomy Question in the old North-West Territories* (Toronto: The University of Toronto Press, 1946); Lewis Herbert Thomas, *The Struggle for Responsible Government in the North-West Territories, 1870-97* 2nd ed. (Toronto: University of Toronto Press, 1978)

with a permanent solution to finance the regional government. With the responsibilities of a province and the taxing powers of a municipal council, the Territorial government was going broke.¹⁰ Haultain became the leader of the autonomy movement when it became clear Ottawa was not willing to address the looming fiscal crisis. Provincial jurisdiction over Crown land would solve the North-West's problems.

In *The Struggle for Responsible Government in the North-West Territories 1870-97*, Lewis Herbert Thomas examines the evolution of local government in the North-West from the transfer of Rupert's Land and the North-West Territories to Canada to the acceptance of responsible government in 1897. Thomas believes that the most important event in the West's constitutional evolution was the establishment of responsible government within the Whig interpretation of British constitutionalism. The "struggle" for responsible government is the region's attempt to assert the political rights inherent in British citizenship. Again, while Haultain plays a central role, it is by no means pivotal.

Haultain's present reputation is rooted in his "fight" with Ottawa to preserve the "rights" of the West. Grant MacEwan originally resurrected Haultain from an ignoble anonymity but his book was a non-critical celebration of this struggle. At one point, he even goes so far as to argue that had Haultain become premier in 1905 he would have been one of the western politicians invited to join the Union government in 1917 and this would have made him Borden's natural successor as prime minister.¹¹

¹⁰ Haultain himself originally argued against provincehood; since the problem was a matter of finance it could be solved simply by the federal parliament amending the *North-West Territories Act* to give the Legislative Assembly of the North-West Territories the powers of the provincial legislature.

¹¹ MacEwan, *Frederick Haultain*, 5.

Haultain, however, was not a political genius. He was outmanoeuvred easily, not because of Liberal scheming, but because of his poor political skills. He made several mistakes in 1904 that destroyed his coalition. Had autonomy not been just over the horizon, his government would have likely fallen. Haultain attempted to continue in the non-partisan tradition after 1905 by forming the supposedly non-partisan Provincial Rights Party. While he continued in politics as Leader of the Opposition in the Legislative Assembly of Saskatchewan, he failed to make any inroads against the Scott government. Haultain wanted to discuss terms of autonomy when the rest of the province focused on developing the provincial economy. Haultain ultimately failed to regain the premiership because of his poor political choices.

Unfortunately, no significant collection of Haultain papers exists. This may explain in part why there is such a limited amount of scholarly analysis of Haultain or the Provincial Rights Party. Fortunately, as is the case with most public figures, there is no shortage of third party commentary on Haultain's public actions. Many of Haultain's contemporaries discuss him in their personal papers and the news media reported his public acts in detail. Haultain was a talented debater and parliamentarian, so the 'Newspaper Hansard' is therefore a particularly useful to any scholar of Haultain or the government of the period.¹² Haultain could usually be counted upon to describe in detail his reasons for his actions. These sources compensate for the lack of Haultain's private papers.

¹² While no official transcript of debates of the Territorial or Provincial Assembly prior to the 1940s, most newspapers published verbatim transcripts of the previous day's debates. Successive clerks of the Legislative Assembly of the North-West Territories and the Saskatchewan collected most of these articles, organizing them chronologically in scrapbooks. The "Newspaper Hansard" is now in the care of Saskatchewan Archives Board.

A chronological narrative of Haultain's public actions between 1903 and his retirement in 1912 can be constructed from these sources. This places Haultain's actions in context and allows the reasoning for them to be analyzed. What Haultain did, or failed to do, during this period shed light on the collapse of the non-partisan movement, the details of timing of the autonomy settlement, and Saskatchewan's failure to develop an opposition party capable of challenging Liberal hegemony until the 1930s. Scholars have analyzed these events for generations without attempting to explore Haultain's role.

A proper and full assessment of the politics of the west during first decade of the twentieth century cannot exist in the absence of a discussion of Haultain's contribution. It is often forgotten that constitutions are as much, if not more, a product of political circumstance as philosophical musing about the ideal function of government. During the first decade of the twentieth century, the kernel of the provincial constitution was formed. Understanding what Haultain did and why helps us understand Saskatchewan's political heritage.

CHAPTER TWO: Towards Provincial Autonomy, 1902-1904

At the beginning of the twentieth century, Premier Frederick W.G. Haultain was the dominant political figure in the North-West Territories. Haultain was at the pinnacle of his career. The premier was widely credited with bringing responsible government to the North-West Territories in 1897. The government's supporters held an overwhelming majority in the Legislative Assembly and Liberal MPs spoke favourably of Haultain, echoing many of his arguments in the House of Commons. Still, a crisis was brewing—a crisis Haultain was cognizant of, but powerless to resolve. Faced with the twin problems of the government's spiralling expenses and the Assembly's powerlessness to raise additional revenue, the Premier shocked his supporters when he tried to force Prime Minister Sir Wilfrid Laurier to resolve this. Haultain argued that the entire North-West Territories should become a single province under terms similar to Canada's original four provinces. His single-minded pursuit of this policy alienated most of his supporters and this undermined his authority.

At the turn of the twentieth century, the North-West Territories was broke. The population had more than doubled during the 1890s, going from 67,000 people in 1891

to 159,000 in 1901.¹ These newcomers, mostly homesteaders, required roads to transport their produce to the nearest grain elevator. They also expected schools for their children, a system of civil law adapted to the needs of prairie communities, and the array of government services that the provinces were beginning to provide at the turn of the twentieth century. Haultain's government was more than willing to supply all of this. However, unlike most of the other provinces and American states faced with similar demands, the Legislative Assembly of the North-West Territories found itself unable to raise the necessary revenue.

By 1903, the Legislative Assembly of the North-West Territories had acquired most of the powers of a provincial legislature, save one. The Assembly, like the provincial legislature of Manitoba, did not have control over the management of its Crown lands.² Prior to the introduction of income tax, the most lucrative source of provincial revenue stemmed from the rents and licensing fees that were charged to persons seeking to use Crown lands. The North-West Territories had no shortage of Crown land, but the federal government had jurisdiction over it and the revenue from Crown land within the North-West flowed into the federal treasury.³ The North-West Territories was limited to charging a variety of fees to raise revenue and levying direct taxes.

¹ The decennial census recorded an exponential population increase in the Canadian prairies during the settlement period. See Gerald Friesen, *The Canadian Prairies: A History* (Toronto: University of Toronto Press, 1987), 511.

² Section 13 of *The North-West Territories Act* as amended describes the power of the Legislative Assembly. See, for example, *Revised Statues of Canada*, 1886, c. 50, s. 13.

³ Saskatchewan, Alberta and Manitoba did not obtain jurisdiction over Crown land until 1930. See *The British North America Act, 1930*.

The government's limited revenue sources severely handicapped its ability to undertake costly construction projects.⁴ The federal government was not wholly unconscious of the problems caused by the Territorial government's financial difficulties. Indeed, the federal budget included a yearly grant for Territorial purposes. Unfortunately, while the Territorial population was growing exponentially, the grant was not.⁵

The precarious financial situation of the North-West Territories affected the evolution of representative institutions. Despite the arrival of responsible government, the members of the Assembly did not divide themselves into parties. Each MLA, including Haultain, was elected upon their individual merits. This began in 1881 when an elected Councillor was first added to the Council of the North-West Territories.⁶ Political parties are a means of organising members of an assembly to work towards a common goal. As the power of the Council was so proscribed, the organizational influence of political parties was considered unnecessary. This remained the case as the jurisdiction of the Assembly increased during the 1890s.

As *The North-West Territories Act* was a federal legislation, any reform would have to be undertaken by Parliament. Haultain understood this. Lacking jurisdiction

⁴ *The North-West Territories Act* never included a provision for issuing Territorial debentures. The Territorial government therefore always operated without a capital account. As a result, the cost of expensive building projects could not be spread across several fiscal years.

⁵ C. Cecil Lingard, *Territorial Government in Canada: The Autonomy Question in the Old North-West Territories* (Toronto: The University of Toronto Press, 1946), 16-17.

⁶ *The North-West Territories Act, 1875* stipulated that elected Councillors were to be added to other appointed Council of the North-West Territories (the precursor of the Assembly) as population increased; see *Statutes of Canada, 1875*, c. 49, s. 13 (38 Vict). The first such election occurred in 1881; see Lewis Herbert Thomas, *The Struggle for Responsible Government in the North-West Territories, 1870-97* 2nd ed. (Toronto: University of Toronto Press, 1978), 89.

over the constitution of the North-West Territories, Haultain tried to influence Parliament by emphasizing his moral right as premier to have input into the solution. He had the Assembly move several ‘memorials’ addressed to the Governor-General in Council.⁷ Haultain’s efforts to gain influence over federal policy regarding the North-West Territories affected every aspect of how the Assembly and government were organized.

Haultain built the Territorial system of non-partisanship both to consolidate support for his leadership and to assist him in pursuing regional grievances with the federal government. In forming the first Advisory Council in 1888, Lieutenant-Governor Joseph Royal indicated that it was important that it have the confidence of the Assembly, if only to prevent gossip.⁸ In the ensuing secret ballot, Haultain was selected as chairman of the council. The members likely selected him because of his forceful advocacy for responsible government. Although legally the Councillors were limited to allocating revenue raised by the Assembly, a steady stream of lieutenant-governors would depend on Haultain’s advice in a variety of matters. Haultain was soon using his position to consolidate his support in the Assembly. In doing so, he did not discriminate between those who identified either with the Liberal Party or the Conservative Party.

A formal party never took shape, but most members could be identified as either supporters or critics of Haultain’s administration. Liberals like James Hamilton Ross and George H.V. Bulyea allied themselves with Haultain, a Conservative whose platform they could accept. By aligning themselves with Haultain, these men gained

⁷ In 1903, the memorials were printed at the request of the Assembly in *Journal of the Legislative Assembly of the North-West Territories*, 1st Session, 5th Legislature (Regina: R.B. Gordon, 1903), Appendix, 1-73.

⁸ Thomas, *The Struggle for Responsible Government in the North-West Territories*, 161.

access to the corridors of power. Haultain, on the other hand, gained several competent and well-connected ministers. Non-partisanship greatly aided Haultain, to a point, in negotiating with the federal government.

Haultain and his supporters equated non-partisanship with unanimity. To oppose the government's policies was not just to oppose Haultain, but the will of the Territorial electorate. Allowances were made for partisanship in the federal sphere. Although free to vote their conscience in the Assembly, Conservatives and Liberals campaigned for their respective causes in federal elections.⁹ Still, ministers avoided commenting on Territorial issues and abstained from criticizing one another. While this could make Territorial elections a little colourless, it kept the government in office.

Acceptance of this method of governing the region was far from universal. Conservatives especially chafed under the 'non-partisan' regime. R.B. Bennett loathed both Haultain and his 'non-partisanship.' In a letter to federal Conservative leader Robert Borden, Bennett complained that Haultain was not using the patronage at his disposal to build a Conservative organization. He pointed out how the government had dismissed several Conservatives from the clerkship of a district court, appointing a Liberal instead. Writing to Borden, Bennett explained in frustration that:

It is idle for us to attempt to understand Haultain's ways. ... The assurances of fealty to a leader and loyalty to a party count in my judgement for very little when the visible evidence of that fealty and loyalty advances the interests of the opposing party.¹⁰

⁹ See Thomas discussion of the organization of the first Territorial executive. Thomas, *The Struggle for Responsible Government in the North-West Territories, 1870-97*, 205-207.

¹⁰ *National Archives of Canada*, R.B. Bennett Papers, Vol. 877, Reel M314, pp 545724-5, Bennett to Borden, March 10th, 1903.

Bennett would be the first of many Conservatives to wonder why Haultain did not build Conservative support while his Liberal colleagues took care to build support for their party. It was within this political dynamic that Haultain attempted to resolve the Territory's fiscal crisis.

The North-West Territories' precarious finances were difficult to accept given the success of the western settlement policy, the cornerstone of Canada's economic policy. The prairie economy provided both the raw materials for central Canadian factories and a market for these manufactured goods. The North-West Territories and Rupert's Land were acquired by Canada from the British Government and the Hudson's Bay Company in 1870.¹¹ The Laurier government pushed immigration aggressively after 1896, making western development a key initiative of the administration. Federal Minister of the Interior Clifford Sinton's settlement policy was at its zenith—the number of people in the Territories had more than doubled in ten years.¹²

Starting in 1891, the jurisdiction of the Assembly was periodically expanded by Parliament with the expectation that it would assume responsibility for local administration. By 1902 the Assembly exercised all the major powers of a provincial legislature.¹³ Still, Haultain pointed out that “we have not the power to borrow money; we have not the power to deal with the public domain”—in other words, management of Crown Lands.¹⁴ The Territorial government was expected to provide a public school

¹¹ *The British North America Act, 1867* describes the method by which the North West Territories were to be admitted to the Union.

¹² Friesen, *The Canadian Prairies*, Appendix, Table 4.

¹³ *The North-West Territories Act*, unedited office consolidation to 1 September 1905 (Regina: Queen's Printer, 2002), sec 13-16.

¹⁴ North-West Territories, Legislative Assembly, “Constitutional and Financial Questions affecting the North-West Territories: Speech of F.W.G. Haultain (Attorney

system; construct and repair bridges, culverts, ferries, dams and reservoirs; survey and build roads; bore public wells; construct fire guards; exterminate pests and noxious weeds; and give grants to hospitals and asylums. Prior to the introduction of income tax, rents and licensing fees derived from Crown land formed the bulk of a province's revenue. This problem was compounded by the Territorial inability to issue bonds which prevented the government from spreading the expense of capital projects across multiple budgets. Lacking the ability to raise additional revenue, the Government of the North-West Territories was in an increasingly precarious financial situation as expenses outstripped income.

Haultain believed that the relationship between the North-West Territories and the federal government was analogous to the relationship between a colony and the Imperial Government. The Colonial Office in London had believed that public lands should be administered in the Imperial interest and instructed its governors accordingly. In both cases, the higher level of government had borne the expense of opening the colony up for settlement. Should the imperial authority not expect some compensation as a result? Haultain realized that "the immigrant was a distinct asset to the Dominion and, at the same time, a distinct liability to the Territories, with their increased need for local improvements."¹⁵ Originally, Haultain believed that the simplest solution to the problem was to amend the *North-West Territories Act* to give the Territories the rents

General of the Territories) in the Legislative Assembly on Wednesday the Second day of May, 1900" 2 May 1900. (Regina: John Alexander Reid, Queen's Printer, 1900), 4-5; *Glenbow Archives*, Haultain fonds, Box 1, file 17.

¹⁵ F.W.G. Haultain, interview with C.C. Lingard Dec. 1937, quoted in C. Cecil Lingard, *Territorial Government in Canada: The Autonomy Question in the Old North-West Territories* (Toronto: University of Toronto Press, 1946; reprint, Toronto: University of Toronto Press, 1978), 9.

from Crown lands or a dependable grant. Pursuing better financial terms for the Territories was the goal of his government after 1897. Haultain's repeated attempt to arrange a meeting with Laurier and the ministers of Finance and of the Interior were unsuccessful. It was becoming clear to him that the federal government did not consider the government of the North-West Territories' impending insolvency an issue. He reasoned that if the Territories were granted provincial autonomy, the provincial government would possess the jurisdiction to solve the fiscal crisis.

Haultain therefore drafted a petition that was subsequently endorsed by the Assembly. It requested the Governor-General in Council to "order inquiries to be made ... with a view to the settlement of the terms and conditions upon which the Territories or any portion thereof shall be established as a Province."¹⁶ Haultain had decided that the Territorial system of government was unworkable and that federal indifference to the Territory's impending financial crisis had become intolerable.

Shortly after the Lieutenant-Governor had forwarded the petition to the Secretary of State, Haultain tried to arrange a meeting with the relevant federal ministers to discuss the situation. Six months passed without a response. Haultain and James Hamilton Ross, the Territorial Treasurer and Commissioner of Public Works, went to Ottawa in January 1901 to explain the gravity of the situation to Clifford Sifton, the Minister of the Interior. Sifton was the logical person to approach because the Department of the Interior was responsible for the North-West Territories. It was also a shrewd move on Haultain's part: as a Member of Parliament from Manitoba, where he had been a

¹⁶ *Journal of the Legislative Assembly of the North-West Territories*, 5th Legislature, 1st Session (1903): Appendix, 1-2.

member of the provincial cabinet, Sifton was likely sympathetic to their plight.¹⁷ Upon returning to Regina, Haultain wrote Sifton to reiterate what had been discussed:

The Memorial ... points out how, in the opinion of the Legislature, our legislative jurisdiction and administrative responsibilities have been enlarged and increased out of all proportion to the means placed at our disposal. ...While financial embarrassments rather than constitutional aspirations have led the North-West Government and Legislature to discuss the provincial status I think that sufficient practical reasons can be given for the early establishment of Provincial institutions in the West.¹⁸

This time, Haultain's forceful advocacy received a swift reply.¹⁹ Without committing to a specific policy, Sifton wrote, "the time has arrived when the question of organizing the Territories on the Provincial basis ought to be the subject of full consideration." The letter concluded with an invitation for Haultain to bring representatives of his government to Ottawa for a conference.²⁰ The organization of a conference appeared to be a victory for Haultain. Haultain's advocacy was finally bearing fruit.

The Ottawa meeting was between Haultain and Arthur Lewis Sifton, the new Territorial Treasurer and MLA from Banff (and Clifford's brother), and members of the federal Cabinet, including Laurier and Sifton.²¹ It is safe to assume from Haultain's

¹⁷ Manitoba suffered similar fiscal problems, as that Province also did not have control of its Crown land. Friesen, *The Canadian Prairies*, 126.

¹⁸ Haultain's 30 Jan. 1901 letter to Sifton in the *Journal of the Legislature of the North-West Territories*, 5th Legislature, 1st Session (1903): Appendix, 6-7.

¹⁹ Sifton forwarded his most recent correspondence with Haultain to the Prime Minister. There is no record of a reply. *NAC*, Laurier Papers, Frederick Haultain to Clifford Sifton, 30 Jan 1901, 4832.

²⁰ Sifton's 21 March 1901 letter to Haultain in the *Journal of the Legislative Assembly of the North-West Territories*, 5th Legislature, 1st Session (1903): Appendix, 6-7.

²¹ Cabinet committee meetings were constituted ad hoc and semi-formally before the Second World War. It appears to have been considered unnecessary to tax the limited resources of the Privy Council Office by keeping minutes. In this case, there is some record as Laurier scribbled a few notes on the back of his copy of the memorial from the Assembly. *NAC*, Laurier Papers, North-West Autonomy, 24.

correspondence that the discussion was far reaching, encompassing the problems and aspirations of the North-West Territories. Haultain argued that the federal grant-in-aid was unsatisfactory. As long as Ottawa managed Crown land in the Territories, the North-West was entitled to compensation based on what had been lost. Until the North-West was properly compensated, it would be difficult to deal with the challenges of rapid population growth. The simplest way to rectify this situation was for autonomy to be granted.

The cabinet committee stated that while they understood Haultain's difficulty the time was perhaps not ripe for the region to enter confederation as a province. Laurier asked Haultain, evidently as a stalling tactic, to submit a memorial outlining exactly why the Territories sought provincehood.²² If it was a stalling tactic, Haultain did not believe it was a counterproductive one. He returned to Regina to begin working on the memo describing the Territories' proposed solution in detail. Given all the difficulties Haultain endured just to secure a meeting, he should have pressed for a commitment for some concrete action from Laurier's government.

The strength of Haultain's position rested in his refusal to align his government with the Liberals or Conservatives. Haultain cultivated a symbiotic relationship with the Liberal in the Legislative Assembly. His relationship with the Liberals meant that, whilst a Conservative, he was protected from partisan attacks. By 1902, all the members of the Haultain's cabinet were Liberal.²³ Through these men, the Members of

²² C. Cecil Lingard, *Territorial Government in Canada: The Autonomy Question in the Old North-West Territories* (Toronto: University of Toronto Press, 1946), 36-37.

²³ The Ninth Parliament was elected on November 7, 1900 and dissolved on September 29, 1904. The Territories sent four MPs, three Liberals and one "independent" Liberal.

Parliament from the North-West Territories were quietly lobbying Laurier on Haultain's behalf. Walter Scott, the new Member for Assiniboia West, was at first especially helpful. Still, the non-partisanship system had limitations. While non-partisanship protected the Territorial government from partisan attack, it also limited the extent to which the government could challenge the federal government lest it affect the Liberals.

Realization that the federal subsidy for the Territories would have to be significantly increased was not limited to Conservatives; in both the Legislative Assembly and the federal Parliament, Liberals supported Haultain in pressing for autonomy. Indeed, in 1902, the 'Liberal' members of the Assembly were all strong supporters of the Haultain government.²⁴ Recognizing the value of an intelligent and forceful voice in Parliament (and the government caucus), Haultain supported Walter Scott in the 1900 election over the Conservative candidate. Scott saw Haultain as a friend and colleague.²⁵ He, in turn, assisted Haultain by trying to convince Parliament and the cabinet of the necessity of provincial status.²⁶ Scott was a forceful advocate. During the budget debate in 1901 Scott raised the issue of Territorial finances. Scott's arguments mirrored those of Haultain, demonstrating that Haultain's influence reached into the Liberal caucus in Parliament. During a debate in the House Scott argued that:

... some different arrangement ought be made so as to enable them to better carry out the work of local government. The difficulty they labour under is not so

See Saskatchewan Archives Board, *Saskatchewan Executive and Legislative Directory*, December 2002, section 3.4, p. 2.

²⁴ The fact that political parties did not exist in the Legislative Assembly did not stop the individual members from supporting a party federally. D.H. Bocking, "Political Ambitions and Territorial Affairs," *Saskatchewan History*, Vol 18, no. 2 (Spring 1965), 63-34.

²⁵ Gordon L. Barnhart, *Peace, Progress and Prosperity: a biography of Saskatchewan's first premier T. Walter Scott* (Regina: Canadian Plains Research Centre, 2000), 28-29.

²⁶ Bocking, "Political Ambitions and Territorial Affairs," 63.

much constitutional as it is financial. ... Each of the provinces has a fixed financial status and the provincial subsidies are not voted by this parliament year after year, but are paid under statute, whereas with regard to the North-west Territories the grant which corresponds in a sense to the provincial subsidies has to be voted each session by this House.²⁷

This kind of support may have caused Haultain to overestimate his position.

Haultain completed the memorandum Laurier requested in December 1901. It was a catalogue of the problems with the Territorial constitution. Haultain mentioned Parliament's failure to allocate and fix a sufficient subsidy in light of the fact that monies earned through the administration of the 'public domain' flowed to the federal treasury. He mentioned how this problem was compounded by the Assembly's inability to raise revenue, since it was limited to collecting licensing fees. The lack of public credit forced the government to spend an overly large portion of its yearly budget on capital expenses. He demonstrated that the growth in population had caused the demand for services to increase exponentially. For example, there were now 649 school districts compared to the 436 in 1886. The North-West Territories were expecting a deficit of at least \$250,000 before the 1903 fiscal year was half over. He requested an appropriation of \$600,000 to help cover these expenses. Haultain declared, "we seek for no advantage over any other Province, and we do not anticipate that we will be denied any privileges given elsewhere."²⁸

Haultain enclosed a draft autonomy bill which proposed creating a province out of the entire North-West Territories.²⁹ There were three important points in the draft

²⁷ House of Commons, *Debates*, 1st Session, 9th Parliament (March 25, 1901), 2007.

²⁸ Appendix to *Journals of the Legislative Assembly of the North-West Territories*, 1st session, 1903, 8-35.

²⁹ Haultain to Laurier, December 7, 1901, *Journals of the Legislative Assembly of the North-West Territories*. 1st Session, 5th Legislature (1903), Appendix, 15-31.

bill: the financial arrangements, the fact that jurisdiction over water would be solely provincial, and the size of the new province. Management of Crown lands would be vested in the province. Management of Crown lands would provide the money needed to administer the government. Haultain emphasized that the principle of provincial ownership of public land was established in the British North American colonies by *The Union Act of 1840*. There would also be an annual transfer payment, calculated in part on the amount of land granted to the railroads. Haultain proposed that waterways would be provincially regulated because of irrigation's importance to the prairie agricultural economy. If jurisdiction was shared between the province and the Dominion as it was in the original four provinces, concurrent legislation would be necessary for irrigation.³⁰

Haultain's draft bill also proposed that the entire North-West Territories should form a single province. He believed that the North-West had a single economic and political identity. Knowing that Laurier doubted that such a large area could be administered effectively from Regina, Haultain pointed out that the North-West was already being administered from Regina. He added that the majority of the population would come to reside in the southern half of the province, as the northern half was inhospitable and thus require minimal government activity.

Opposing multiple provinces was the first of Haultain's mistakes. The number of provinces that should be formed out of the North-West Territories was an issue debated repeatedly in the Assembly. For example, Haultain rewrote a portion of the

³⁰ "Navigable waterways" fall within federal jurisdiction whilst un-navigable waterways are provincial. The surprisingly large number of "navigable" prairie rivers and lakes makes it difficult to isolate jurisdiction in one level of government; irrigation often therefore requiring concurrent federal and provincial legislation. See the 'Double Aspect Doctrine' discussed in Peter W. Hogg, *Constitutional law of Canada*, 4th ed, (Toronto: Carswell, 1997), 387-388.

1900 petition to the Governor General when fellow MLA R.B. Bennett objected to language suggesting the creation of a single province in favour of more ambiguous language.³¹ By the turn of the twentieth century, district consciousness was emerging as a significant political force.³² In an era before automobiles, the sheer distance separating most communities dissuaded most from unnecessary travel within the North-West Territories. Indeed, the premier himself rarely ventured outside Regina. Most electors therefore identified themselves more closely with their district than the whole region. Non-partisanship likely heightened local sympathies as each MLA campaigned largely on local issues. Haultain seemed unwilling or unable to alter his plans to accommodate the desire for two or more provinces.

Although Laurier received Haultain's letter in late December, he did not deal with it promptly. Indeed, while Haultain had successfully captured Ottawa's attention, he had yet to incite any sizeable interest in autonomy. Winter passed to spring without a reply; Laurier blamed his inaction on Sinton's absence from the capital due to a prolonged illness.³³ If Laurier had considered autonomy important, it is doubtful whether he would have waited so long. The autonomy question was a constitutional one and not within the Interior portfolio per se; as the 'western minister,' Sinton's input was valuable, but it would not have violated any constitutional conventions to begin

³¹ *Constitutional and Financial Questions affecting the North-West Territories: Speech of F.W.G. Haultain (Attorney General of the Territories) in the Legislative Assembly on Wednesday the Second day of May, 1900.* (Regina, North-West Territories: printed by order of the Legislative Assembly: J. A. Reid, Queen's Printer), 9-10.

³² Peter A. Russell, "Rhetorics of Identity: The Debate over Division of the North-West Territories, 1890-1905," *Journal of Canadian Studies* 20, No. 4 (Winter 1985-86), 107-109.

³³ Laurier to Haultain, March 18, 1902 in *Journals of the North-West Territories*, 1st Session, 5th Legislature, Appendix, 36.

discussions without the Minister of the Interior. Laurier probably still felt that action was still premature.

On 26 April 1902, Haultain advised the lieutenant-governor to dissolve the Assembly for an election on May 21.³⁴ Haultain called the election specifically to secure a mandate to negotiate autonomy. A May election would coincide with seeding and participating in a campaign would be a major inconvenience for farmers. That Haultain risked offending farmers demonstrates how pressing autonomy was. The governing coalition fought the election solely on the issue of immediate provincial autonomy for the North-West Territories. The campaign was short and uneventful. All candidates agreed on the issues at stake: the Territories should be reorganized as a province to deal with the immediate fiscal crisis. The disagreement was whether the premier had done everything he could to impress upon the federal cabinet the magnitude of the problem, and on the number of provinces that should be created.

The Legislature that was returned on May 21 contained a comfortable majority of Haultain supporters and only a handful of allies for Brett and Bennett, the two most prominent members opposed to Haultain's government in the assembly. Given the system of government in the Territories, it could reasonably be considered a landslide for Haultain and his fight for immediate western autonomy. Haultain planned to utilize his renewed support to take the issue again to the federal government. Still, his tremendous victory contained the seeds of disunity and disaster.

Unbeknownst to Haultain, Richard Bedford Bennett, a self-declared Conservative partisan, was plotting with the Conservatives in Ottawa to introduce party

³⁴ Saskatchewan Archives Board, *Saskatchewan Executive and Legislative Directory*, December 2002, section 1-14, 1.

politics to the Legislative Assembly. Bennett thought parties were a vital part of the British parliamentary system and regarded non-partisanship as a nearly autocratic system. Non-partisanship did not, after all, provide room for an organised 'loyal opposition' to the government. The fact that Haultain purported to be a Conservative only further raised the ire of the 'partisan' Conservatives, including their self-appointed Territorial leader Richard Bedford Bennett.³⁵

Searching for an issue which could distinguish the Conservatives from the Liberals, Robert Borden, Conservative Leader in the House of Commons, latched onto autonomy for the North-West Territories. Bennett had been lobbying Borden to comment on the constitutional status of the North-West Territories. Borden called for a Territorial convention of Conservatives to organize a Conservative Party to fight the next election. Such a convention held the potential to make autonomy a partisan issue and upset the delicate balance between Liberals and Conservatives upon which Haultain's government depended. Still, if Haultain believed that a Conservative convention would cause friction between Territorial Liberals and Conservatives, he did not believe it would threaten his position. As it turned out, the bonds that held his government together were more fragile than he anticipated.

When the first session of the fifth Legislature began in April 1903, the members were restless. The Assembly's first topic of discussion was autonomy. Shrewdly demonstrating his understanding of Haultain's popularity, Bennett accused the members of the cabinet of misleading the Premier. Bennett suggested that the 1902 election was held at the behest of the Liberal members of the cabinet in order to increase the number

³⁵ Stanley Bruce Gordon, *R.B. Bennett, M.L.A., 1897-1905: The Years of Apprenticeship* (MA Thesis, The University of Calgary, 1975), 110.

of Liberal members in the Assembly and thus their hold on power. Bennett was soon discredited as Haultain explained that the autonomy issue had to be dealt with immediately.³⁶ Bennett was not finished.

Robert Borden desperately needed an issue where he could carve out a distinct position from the Liberals, and Bennett convinced Borden that autonomy for the West was a winning issue. A federal election was fast approaching. The West was so firmly in favour of autonomy that westerners would shift their support to the Conservative Party if it was in favour of autonomy. Conservative support of autonomy would destroy non-partisanship. After all, how could Haultain continue to 'sit on the fence' by claiming to be non-partisan if the Conservatives adopted the key plank of his government's platform? In such an instance, Haultain could not refuse to support Borden over Laurier without reversing his own position. Borden declared himself in favour of immediate autonomy, sponsoring a resolution in the House of Commons to that effect.³⁷ Then, upon the advice of Bennett, he advised the western Conservatives to fight the next Territorial election as a party. To fulfill this goal, Borden called a convention of western Conservatives to organize a Conservative Party capable of running candidates in the next Territorial election.³⁸

Whatever his faults, R.B. Bennett was an excellent political organizer. Haultain seems to have been working behind the scenes to thwart Bennett by trying to stack the convention with delegates who favoured non-partisanship. Bennett reported to Borden that, "Mr. Haultain's friends had steadily worked in the hope of inducing a considerable

³⁶ Stanley Gordon, "F.W.G. Haultain, Territorial Politics and the Quasi-Party System", *Prairie Forum*, Vol. 6, no. 1 (1981), 6.

³⁷ Canada, House of Commons, *Debates*, 13 Oct 1903, 13882-3.

³⁸ Gordon, *R.B. Bennett, M.L.A.*, 117-123.

number of delegates to vote against any resolution favouring the introduction of party politics into the legislature.”³⁹ Haultain’s fair-weather support of the Conservative Party made him no match for Bennett in obtaining the support of Conservative party members. Bennett quickly outmanoeuvred Haultain and when the convention met in Moose Jaw, Haultain had already lost. Still, the premier decided to participate in the convention’s proceedings. The convention passed eight motions; the seventh threatened the survival of the Haultain government. It stated that Conservative candidates should be nominated for every constituency at the next general election of Members to the Legislative Assembly of the North-west Territories.⁴⁰ The convention concluded by electing Haultain to the honorary presidency of the Territorial Conservative Party.

Haultain may have attended because the convention endorsed his vision for autonomy. Still, there was no way for a non-partisan premier to participate in a party convention called to introduce partisanship in the Assembly without alienating many of the government’s supporters. Haultain may have remained at the convention because it was obvious that the Conservatives were going to adopt his autonomy policy. The Conservative platform adopted by the convention was focused exclusively on obtaining autonomy. This small victory came at a high price. Haultain’s behaviour threatened the stability of his government. Haultain’s cabinet colleagues, all Liberals, were wary of Haultain’s motives in attending the convention. Haultain explained that he was not bound by the results of the convention; the government needed the confidence of the Assembly, not the Conservative party, to continue. He therefore had no intention of

³⁹ NAC, Bennett to Borden, 30 March 1903, Vol. 877, pp. 545778-81.

⁴⁰ George H.W. Richardson, *The Conservative Party in the Provisional District of Alberta, 1887-1905* (MA Thesis, University of Alberta, 1977), 151.

discontinuing the non-partisan tradition. The Liberals, especially George Bulyea, were less than convinced.

This tension did not prevent the cabinet from working together on the annual budget. The federal budget would be presented soon and the size of the federal grant would determine Territorial budgetary priorities. In addition to the pressure exerted by rapid population growth, an unexpected spring flood had destroyed many roads and bridges. These urgently needed repairs presented an additional financial burden as this would need to be done before harvest. Haultain and George H.V. Bulyea, the Territorial Secretary and Commissioner of Public Works, began lobbying Ottawa for an increase in the grant.⁴¹

By 1903, Bulyea was the leading Liberal in the North-West Territories and almost Haultain's equal in the cabinet. Bulyea had acquired a tremendous amount of personal influence with the federal Liberals, particularly Laurier. Bulyea was Laurier's eyes and ears on Territorial matters and Laurier used his knowledge to evaluate the Conservatives in the Legislature, particularly Haultain.⁴² Despite his close relationship with Laurier, Bulyea was not a Liberal spy. Haultain was likely aware of Bulyea's relationship with Laurier and, in light of the access Bulyea had to the Prime Minister, probably approved.⁴³ When Haultain wrote the prime minister and finance minister

⁴¹ Bulyea was first elected to the Assembly in 1894 and joined the first Cabinet in 1897. He rose quickly due to his competence and Liberal connections, connections Haultain exploited regularly. After 1899, he was always at Haultain's side when negotiating with Ottawa.

⁴² Bulyea and Laurier were in regular correspondence by 1903 and continue to be for the remainder of the latter's premiership. See *NAC, Laurier Papers, 1903-1911*.

⁴³ This is likely why Bulyea originally joined the Cabinet as Territorial Secretary. The Territorial Secretary's primary job was to manage the government's relationship with Ottawa.

requesting additional monies, Bulyea lobbied hard for an increase in the grant utilizing his connections in the Liberal party.

Their combined efforts paid off when Bulyea and Haultain obtained a sizeable increase in the grant for the 1903 fiscal year. The \$957,979 grant was almost double the preceding year's assistance. Even more significantly, the Territories received 85 percent of the requested amount.⁴⁴ Haultain had repeatedly stated that autonomy was unnecessary if a permanent solution to the North-West's financial problems could be found. A grant of this size, so easily obtained, went a long way to satisfying Haultain's request for stable funding.

The cabinet started falling apart that fall when, during the annual budget speech, Haultain refused to ask the Assembly to appropriate the federal grant-in-aid. Haultain explained that he was doing this in protest to the restriction that the federal government had placed on the money's use. Parliament had stipulated that the grant could not be used to cover an overdraft from the previous fiscal year, much to Haultain's dismay. Haultain argued that the government should be allowed to use the money to pay outstanding bills; bills that could not be paid as the government had literally run out of money. Haultain objected to the Territories being dealt with in such a harsh manner. "I need hardly remind you that the Territories are not a Province, and that they do not enjoy the revenues or powers of a Province, and further that it is the opinion of the Government and Legislature of the Territories that the 'liberal allowances' you provide is not liberal enough to establish an analogy."⁴⁵ Haultain felt that the only way to make

⁴⁴ Lingard, *Territorial Government in Canada*, Table V, 258.

⁴⁵ Haultain to Fielding, June 15, 1903 in *Journals of the North-West Territories*, 1st Session, 5th Legislature, Appendix, 52.

this point with the federal government was to embarrass the federal ministry. For some reason, Haultain did not share his decision with his cabinet colleagues before making a public announcement.

Bulyea was livid and immediately threatened to resign.⁴⁶ Strangely, Haultain did not anticipate Bulyea's resignation. In announcing his decision not to allocate the grant, Haultain had humiliated his most important supporter by embarrassing the federal government. Bulyea had placed his reputation with Laurier on the line to get the grant. As Territorial Secretary and Haultain's deputy, Bulyea reasonably assumed that he would have input into Haultain's decisions. The Liberals in Haultain's cabinet now wondered if they were being used to humiliate the federal government. Believing that Bulyea's resignation was a personal attack, Haultain refused to discuss the situation with him. This standoff between the two key members of the cabinet frightened the government's supporters in the Assembly. The government's supporters believed that if either Haultain or Bulyea withdrew from cabinet the government would likely collapse. The government's reliance on the support of Bulyea and his Liberal colleagues demonstrates that the government was no longer non-partisan but a coalition—a coalition that was being torn in two over its leading member's policies on autonomy. An agreement was mediated between Haultain and Bulyea—the grant would be included in the budget—but their relationship was now quite strained.

Bulyea's correspondence with Laurier demonstrated a darker view of Haultain. Bulyea was convinced that Haultain refused to allocate the grant money in an effort to bolster Conservative support. Perhaps it was intended to provide an excuse to introduce

⁴⁶ Bocking, "Political Ambitions and Territorial Affairs," 65-66.

partisanship into the Assembly. It may have been this particular incident that ultimately caused Bulyea's recommendation against Haultain's appointment to the premiership of Saskatchewan in 1905. It is more likely that Haultain had completely misjudged the situation. Haultain believed that the Liberals' loyalty to his government would have outweighed their loyalty to Laurier. The truth was that Bulyea and his supporters were all too involved in the Liberal party to be immune to attacks directed against Liberals. By 1903, it was an open secret that the Liberal members of the cabinet were using the patronage at their disposal to fortify the position of the Liberal party.⁴⁷ Haultain had failed to build the equivalent loyalty among Conservatives or to organise a third party. If forced to choose between Haultain and the Liberal party, Bulyea and the other ministers would choose the Liberals.

Despite having lost the confidence of his cabinet, Haultain could not be easily discarded. He was well regarded by North-Westerners, as was his philosophy of non-partisanship. Haultain may have been a poor politician, but he was an excellent campaigner. The media attributed Haultain's failings to bad advice from corrupt officials and narrow-minded backbenchers. Haultain's elegant speeches in which he described the Territories' bright future were always well received. Although the collusion was cracking, Haultain still maintained widespread popular support that crossed party lines and that made him a threat to the Liberals. The Liberals simply did not have a leader comparable to Haultain.

Towards the end of 1903, Haultain made it known to his friend James Hamilton Ross, a prominent Liberal and former MLA, that he was exhausted and thinking about

⁴⁷ Bennett often complained of this. *NAC*, R.B. Bennett Papers, Vol. 877, Reel M314, pp 545724-5, R.B. Bennett to R.L. Borden, March 10th, 1903.

retiring from politics.⁴⁸ Ross apparently spread the word and Territorial Liberals were soon contemplating a future without Haultain. This could be an immense opportunity: there was no obvious heir to Haultain's leadership. There certainly was no Conservative in the Assembly who was viewed as Haultain's successor; Haultain himself made sure of that. If Haultain retired, the succeeding premier would likely be a Liberal. Indeed, Haultain was the only member of the cabinet without Liberal sympathies. His resignation would therefore cause the government to become Liberal in all but name. Introducing partisanship to the Assembly would cause little difficulty, for the Liberal party at least.

The federal Justice Minister offered to appoint Haultain to the Supreme Court of the North-West Territories. Haultain did not turn down the offer right away. Handling both trials and appeals, the Supreme Court was the equivalent to a provincial superior court. Haultain was quite proud of his career as a barrister and solicitor, more so than his political career. Appointment as a justice of a superior court was a high honour so Haultain was quite flattered by the offer. The fact that he was offered such an important position, one that was traditionally reserved for an experienced solicitor and partisan Liberal, spoke both to the regard in which he was held and the threat that the federal government thought he could potentially pose to Liberal hegemony. Haultain however put off his decision, seeking to discuss it with his friends and constituents in Fort Macleod.

⁴⁸ Ross had served in Haultain's Cabinet until 1902 when he was appointed Gold Commissioner of the Yukon Territory. In December of 1902, he had been elected as the first Member of Parliament from the Yukon Territory.

Discussing the offer publicly was a huge mistake. Offers of official appointments are made in confidence under the British-Canadian constitutional tradition. This offer was all the more sensitive because of the motive behind it. In the coming weeks, Haultain discussed the offer with so many people that it became almost public knowledge in Fort Macleod. Ultimately deciding to continue as premier, Haultain's very public rejection of the offer embarrassed and infuriated the Liberals. Some Liberals had gone to great lengths to obtain this position for Haultain. Many even suggested that Haultain had publicly rejected the appointment to embarrass their party. With Liberal faith in Haultain now completely destroyed, the non-partisan movement effectively ended. George Bulyea especially started to believe that Haultain was now using his position to bolster support for the Conservative Party. Bulyea's began manoeuvring to protect the Liberals and oust Haultain.

As 1904 approached, the Ottawa Liberals became convinced that autonomy must soon be granted. The North-West Territories, especially the southern districts of Assiniboia and Alberta, were being settled rapidly. If provincehood was not granted, some other financial settlement would have to be reached to ensure the solvency of the Territorial government. The federal cabinet concluded that autonomy was the best solution. Parliament was dissolved in September 1904. In the ensuing election campaign, the prime minister committed himself to autonomy for the North-West if he was returned to power.⁴⁹ Laurier and the Liberals were determined to sideline the increasingly uncooperative Haultain and take credit for the creation of the new

⁴⁹ Bocking, "Political Ambitions and Territorial Affairs," 70-71.

provinces. They shrewdly left the discussion of the contents of the new provincial constitutions to the post-election negotiations with the Territorial executive.

The Liberals in the North-West Territories, including those in the Assembly, lined up behind Laurier. Meanwhile, Haultain campaigned for Conservative leader Robert Borden, a ridiculous mistake. With both parties now favouring autonomy, Haultain could have safely remained non-partisan by declaring his intention to work with whoever was elected. By alienating the Liberals in his Cabinet, Haultain lost the position from which he had thus far been negotiating. The Liberals had effectively neutralized the one advantage that the Conservatives had in the North-West, namely an autonomy plank in their platform. Over the past decade, Haultain had watched sympathies in the Legislature turn from predominantly Conservative to Liberal.⁵⁰ The Liberals were well organized. Bulyea was in correspondence with other Liberals and using many of the patronage powers of the government to organize a Liberal “machine.” The Conservatives, on the other hand, were busy fighting among themselves. The bombastic and unpredictable R.B. Bennett caused as much trouble for his party as he did for Haultain. Bennett had to compete with the charismatic Haultain for the support of many Conservatives. Haultain was still working hard for the principles of non-partisan administration. Indeed, although they never competed directly against each other, it is likely that they each bled energy and talent from the other’s campaign.

Soon after being returned to power, Laurier sent word to Haultain that autonomy would be the first order of business for the new Parliament. Haultain had to be consulted to placate public opinion. After consulting his now divided cabinet, Haultain

⁵⁰ MLAs with Liberals sympathies formed a majority in the Assembly for the first time in 1902. Gordon, *R.B. Bennett*, 101.

agreed to travel to Ottawa with Bulyea to negotiate the details of the new provincial constitution with Laurier. Haultain did not realize that Laurier was not negotiating with him, but trying to decide how best to deal with the western premier. Having alienated his key supporters, Haultain no longer had any influence over the autonomy settlement. He would easily be cast aside in a few short months.

CHAPTER THREE:
A new Constitution, whether you like it or not!

Three years of federal inaction came to an end when the 10th Parliament of Canada convened in January 1905. During the throne speech, the governor-general confirmed Laurier's campaign promise when he said that: "the rapid growth in the population of the North-West Territories during the past two years justifies the wisdom of conferring on these Territories provincial autonomy. A bill for that purpose will be submitted for your consideration".¹ A few days later, Prime Minister Wilfrid Laurier himself introduced Bill 69, *An Act to establish and provide for the government of the Province of Alberta*.² As Frederick Haultain watched from a place of honour on the floor of the House, he must have believed that he was witnessing the enactment of his autonomy policy. He sincerely believed that the West spoke with a single voice—his voice. However, when Saskatchewan and Alberta became provinces in September, it was Laurier's vision of western autonomy that came to fruition. Haultain's weak position within his own cabinet ensured that he no longer had the influence to challenge

¹ Debates, *Senate of Canada*, January 12, 1905, 20.

² *The Saskatchewan Act* was introduced immediately afterwards as Bill 70 with the explanation that the bills were identical in all every provision except in their description of the boundaries for the two provinces. See Debates, *House of Commons*, Canada, 21 February 1905, 1459.

Laurier. Haultain's weakness became particularly apparent on 12 September 1905 when Lieutenant-Governor Amédée Forget called on Walter Scott, not Haultain, to form Saskatchewan's first government. Haultain and non-partisanship were spent forces that proved impotent at resisting the Liberal ascendancy in the new province of Saskatchewan. His difficulties at the end of 1904 were rooted in his inability to come to terms with the reality that he no longer was the sole spokesperson for western affairs.

Haultain wanted to ensure that the prairie economy would grow and, above all, that the new province would be solvent. He believed that the agricultural economy would flourish if the province had jurisdiction over agriculture and settlement. For example, Haultain proposed, as he had done before to Laurier, that irrigation be a provincial matter.³ While Haultain's proposal did not follow the 1867 divisions of powers to the letter, it did ensure that jurisdiction over agriculture was provincial. His draft bills specifically stated that any interest in Crown land that was not specifically identified as necessary to perform a federal activity be transferred to the new province.⁴ This meant that any royalties due to the Crown for the use of its land would be paid into the provincial treasury. This proposal ensured that the provincial government would be solvent and the provincial legislature would largely have jurisdiction over agricultural matters.

In enacting provincial autonomy, Laurier was primarily concerned with maintaining the federal government's jurisdiction over western settlement. The

³ Due to the peculiar division of powers in the *British North America Act, 1867*, irrigation required concurrent federal and provincial legislation in the original four provinces. 'Draft Autonomy Bill', *Journal of the Legislative Assembly of the North-West Territories*, 5th Legislature, 1st Session (1903): Appendix, 19.

⁴ See Sections 18-21, 'Draft Autonomy Bills', *Journal of the Legislative Assembly of the North-West Territories*, 5th Legislature, 1st Session (1903): Appendix, 21-22.

economic boom Canada experienced between 1896 and 1912 was attributed in part to western settlement. In fact, the country and the West in particular were growing so fast that Laurier optimistically declared that “the twentieth century belongs to Canada.” Laurier had staked his government’s reputation on the success of western settlement and took great pride in the success of colonization.

Acceding control over Crown lands to the new provincial governments would threaten federal oversight of settlement. Parliament regulated homesteading through its control over Crown land and the vast majority of the land in the North-West was Crown land. It was this Crown land, surveyed into lots by Dominion Land Surveyors, that was offered to homesteaders.⁵ The fees and rents collected in administering this land was deposited in the federal treasury. If jurisdiction over Crown land was transferred to the new provinces, they would gain de facto control over settlement policy.

Haultain and Bulyea arrived in Ottawa on 4 January 1905. They were occupied with negotiations with the federal ministers right up until the day before Parliament opened. Lingard has described the story of these negotiations in detail.⁶ The Territorial representatives met with Prime Minister Sir Wilfrid Laurier and ministers Sir William Mulock, Charles Fitzpatrick and R.W. Scott. Conspicuously absent from the proceedings was the Minister of the Interior, Clifford Sifton. There are no records of

⁵ *Rupert’s Land and North-West Territories Order* describes the method by which the North-West was purchased from the Hudson’s Bay Company and transferred to Canada see ; *The Dominion Lands Act* describes how the prairies were to be surveyed into lots and section 33 describes how a homesteader could claim ownership of his parcel *Statues of Canada*, 35 Victoria, c 23.

⁶ C. Cecil Lingard, *Territorial Government in Canada, The Autonomy Question in the Old North-West Territories* (Toronto: University of Toronto Press, 1946), 129-132.

precisely what transpired during the meetings.⁷ The terms of the autonomy bills were hammered out at these conferences. Sifton's absence during these negotiations soon became a source of a crisis in the federal government.

In hindsight, it is clear that Laurier had no desire to accept Haultain's autonomy policy. Unbeknownst to Haultain, while Laurier was discussing autonomy with him and Bulyea, he was also consulting the Territorial members of Parliament, particularly Walter Scott. These Liberals likely reassured Laurier that disagreeing with Haultain on autonomy would not threaten the Liberal Party on the prairies. While westerners were troubled by the financial crisis the Territorial government was faced with, as most were homesteaders, they were also passionate supporters of the western settlement policy and therefore Laurier's government. Most westerners received their homesteads under this policy. Walter Scott and his colleagues in the Liberal caucus made it clear that autonomy had to come in a way that did not affect western settlement.

It was this second group of advisors who Laurier largely depended on to frame his policy. Scott and his colleagues impressed upon Laurier that Haultain must not be trusted, asserting that he was pursuing the interests of the Conservative Party and not the North-West Territories.⁸ By 1904, Scott had become a valuable member of the Liberal caucus and his advice was taken seriously. He advised Laurier that the North-West Territories held a diversity of political opinions and that these would find most effective expression by dividing the North-West Territories into two provinces. It also probably did not hurt that a second province could provide another source of patronage for Liberal

⁷ Laurier stated that no records were kept because the appointment of a secretary seemed unnecessary. See Debates, *House of Common of Canada*, 15 March 1905, 2504.

⁸ Gordon Barnhart, "*Peace, Progress and Prosperity: A biography of Saskatchewan's first premier, T. Walter Scott* (Regina: Canadian Plains Research Centre, 2000), 31.

supporters. It was under these circumstances that Sir Charles Fitzpatrick wrote the final drafts of the Autonomy bill on the 19 and 20 of February.

Laurier disagreed with Haultain on four major issues surrounding provincial autonomy. These issues were: the number of provinces that should be formed from the Territories; whether administration of Crown lands should be vested in the federal or provincial governments; the financial terms that the new provinces would be given; and the role that minority religious groups would play in the public school system.⁹

Believing that his cabinet was behind him, Laurier argued for two provinces divided along the fourth meridian and stretching from the international boundary dividing Canada from the United States to the 60 degrees latitude. To ensure that autonomy could not affect settlement policy, Laurier proposed that the Ministry of the Interior maintain jurisdiction over Crown lands. To compensate for the lack of the most lucrative source of provincial revenue, Laurier proposed, in addition to the standard transfer payments, an additional payment based on a per-capita assessment of the province. Laurier also proposed reinstating the 1875 territorial school system.¹⁰

Haultain believed that the settlement would see the present North-West Territories continue as a province. He believed that a single province with jurisdiction over natural resources—and the lucrative source of revenue that came with this control—could most efficiently manage the growth of the Canadian West and therefore fulfil the confederation compact. Believing that westerners agreed on most political questions unanimously, Haultain feared that dividing the Territories into two provinces was an attempt to prevent the West from becoming a significant power. He believed

⁹ Lingard, *Territorial Government in Canada*, 144.

¹⁰ “Bill 70”, *Journals of the House of Commons of Canada*, 22 February 1905.

that the financial terms should be roughly equivalent to those granted the original four provinces in 1867. Finally, Haultain campaigned strenuously for a “national school system” based on consistent standards and methods of instruction throughout Buffalo (his name for the new province) and Canada. The aim of such a system was to endow pupils with the technical skills necessary to become economically productive and assimilate newcomers into British-Canadian culture.¹¹

Haultain was stunned when he realized the level of disagreement with Laurier on these issues and made his complaints public almost immediately. He wrote an open letter to Laurier outlining the flaws in the current autonomy bills.¹² It was stunning how much support Haultain failed to muster in rejecting the prime minister’s plan. The western newspapers—nearly all now owned by Liberals—praised Laurier’s policy. In the immediate aftermath of Haultain’s public statements, they ignored the western premier. Editorials from all parts of the proposed province of Saskatchewan proclaimed the justice of the settlement. Despite their previous support for Haultain, the editorial board of the *Saskatoon Phenix* declared that the “provision for the administration of new provinces seems fair.”¹³ Even the few Conservative newspapers preferred to speculate on which city would become the capital of the new provinces rather than if two would be better than one.¹⁴

¹¹ Robert S. Patterson, “F.W.G. Haultain and Education in the Early West” (M.Ed. Thesis, University of Alberta, 1960), 44-45.

¹² Letter to Laurier re provincial autonomy for the North-West Territories” *Saskatoon Phenix* (March 17, 1905). 1.

¹³ *Saskatoon Phenix*, March 3 1905, 4.

¹⁴ See various newspapers quoted in Doug Owsram, ed. *The formation of Alberta: a documentary history* (Calgary: The Historical Society of Alberta, 1979), 263-264.

By this point, George Bulyea, Haultain's partner in the cabinet, no longer believed that Haultain spoke for the North-West Territories. By 1903, Bulyea was the *de facto* leader of the Liberal Party in the North-West Territories. Laurier consulted with him before distributing patronage in the North-West Territories. Without Bulyea's continued support, the government would probably have collapsed in 1903 during the crisis over the federal advance.¹⁵ That it did not was a testament to the self-interest of the Liberals. In 1903, Haultain's support in the Assembly was still quite strong. Had the government collapsed, Haultain most likely could have gathered the support to form a Conservative government. There is no evidence that Bulyea and Laurier were working in concert against Haultain. Whatever the level of communication between the two Liberals, it is clear that Laurier's plan had Bulyea's support.

This division within the territorial cabinet marked the beginning of Haultain's fall from power and demonstrated the futility of continuing his struggle with Laurier. No one contested Parliament's legal capacity to establish the new provincial constitutions.¹⁶ However, Haultain always asserted that the Legislative Assembly of the North-West Territories had a moral right to draw up the terms of autonomy. After all, every other province had some control over the terms of its constitution. By accepting Haultain's and Bulyea's participation in the final negotiations, was Laurier not implicitly acknowledging this fact? The Assembly, however, now had a majority of "Liberals," a

¹⁵ D.H. Bocking, "Political Ambitions and Territorial Affairs, 1900-04" in *Saskatchewan History* Vol 27, No 2 (December 1965), 70.

¹⁶ The Legislature and Government of the North-West Territories existed as an Act of Parliament. See section 146 of *The British North America Act, 1867* and *The British North America Act, 1871*.

fact that would become clear after the 1905 provincial elections. Laurier would have been aware of this situation.

Laurier was finding it difficult to defend the education clauses in the autonomy bills. The autonomy bills would have reintroduced the education system established in the *North-West Territories Act, 1875*. The Act described a framework in which separate and public school boards would coexist.¹⁷ This system was intended, in part, to empower an anglophone or francophone linguistic minority in any given district within Saskatchewan to administer their own schools and included the power to set an independent curriculum.

Haultain's government had slowly shut down the separate school system as Parliament ceded jurisdiction over education to the Assembly. The majority of the settlers that came west in the 1880s and 1890s self-identified as 'British'. Their nationalism, combined with the belief that a nation-state had room only for a single culture if it was to thrive, led many protestant anglophones to advocate the assimilation of minorities.¹⁸ By 1904, the 'separate schools' in the North-West Territories were predominantly French-Catholic and their pupils were instructed in the French language to the extent that the law permitted. The francophone community considered separate schools to be its most important (and only remaining) right. Was Canada not a bicultural nation? The Catholic Bishops of Quebec agreed and placed a great deal of pressure on Laurier to entrench the right to separate schools in the new provincial constitutions. Laurier felt obliged to do so, lest he alienate Liberal support in Quebec.

¹⁷ *North-West Territories Act, 1875*.

¹⁸ The individuals who settled rural Saskatchewan during this period held an especially strong British identity. See Nelson Wiseman, "The Pattern of Prairie Politics," in *The Prairie West*, 2nd ed, (Edmonton: Pica Pica Press, 1992), 650.

The second issue that concerned Haultain was continued federal control over natural resources. Laurier and Sifton agreed that maintaining federal control over public lands was necessary to facilitate the colonization of western Canada; they feared that if the Prairie Provinces gained control, they would radically change homesteading policy. Haultain thought that equality between the provinces was more crucial to maintaining a successful settlement policy. Given the success and popularity of the settlement policy, it is unlikely that any provincial government would have sought changes to it. Still, Laurier decided to play it safe.

Haultain disagreed, arguing that the *British North America Act, 1867* created a precedent that must be respected. The “Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon” was among the original provincial powers.¹⁹ In justifying his draft autonomy bill in 1903 against the background of the Territorial fiscal crisis, Haultain emphasized that the majority of provincial revenue was derived from the management of Crown property. Haultain had been seeking provincial autonomy with the specific intention of stabilizing public finances.

Laurier argued that the terms by which Rupert’s Land and the North-West Territories had become part of Canada justified his policy. The North-West was purchased from the Hudson’s Bay Company by the Canadian government. The infrastructure that facilitated settlement—the railway and the North-West Mounted Police—had been paid for from the federal funds. Laurier believed that the whole of the Canadian people, not only westerners, had both a right to administer the colonization

¹⁹Section 92 of *British North America Act, 1867* sets out the powers of the provincial legislatures.

policy they paid for and a right to profit from it. Many settlers, who had benefited directly from the homesteading policy, may have agreed.

Laurier and Haultain also disagreed over whether agriculture, the most important economic activity on the prairies, would be regulated federally or provincially in the new provinces. Western farmers required an efficient system to transport their product to market, the ability to administer a system of civil law in the producers' interest, and control over irrigation. All these matters were now effectively vested in the federal government. The source of the region's inequality, in Haultain's mind, was the inability of the provinces to control these vital areas of jurisdiction. Today it is this inability to control the means of production that is the fountainhead for much western alienation. While the provinces currently possess jurisdiction over Agriculture, it is subject to federal paramountcy.²⁰ By virtue of the region's small size, Haultain sensed that the West would never be able to control its own destiny.²¹

Laurier and Haultain also disagreed on the number of provinces that should be created. Laurier believed that the North-West should be divided into two separate provinces. Solicitor-General Rodolphe Lemieux defended Ottawa's position explaining that two provinces were necessary to maintain "the balance of confederation".²² Due to the rapidly swelling population, Laurier feared that it would be impossible to govern such a large geographical area from Regina. In time, governing a large and diverse

²⁰ In the event of an inconsistency or conflict between federal and provincial agricultural legislation, the provincial Act is void. See Section 95, *The British North America Act, 1867*.

²¹ Roger Gibbons, "Political Discontent in the Prairie West" in *The Prairie West, Historical Readings*, 2nd ed., ed R.D. Francis and Howard Palmer (Edmonton: Pica Pica Press, 1992), 690.

²² Debates, *House of Commons, Canada*, March 28, 1905, Column 3310.

population would compound this problem. Laurier may also have been concerned with maximizing the potential sources of Liberal patronage by adding a second government. Haultain, on the other hand, believed that the North-West Territories had become a single economic and cultural group and therefore should become a single province. Through shared history, the North-West Territories had developed a unique identity. Two or more provinces would therefore create unnecessary duplication as two separate provincial governments would implement nearly identical policies.

Opinion was not as unanimous as Haultain thought. Many electors in the district of Alberta supported the idea of two provinces. In Alberta, agriculture was already beginning to diversify away from ranching into mixed farming. Sifton chose not to renew these leases as they came up for renewal, opting to open the land to homesteaders instead and the ranching industry was therefore in decline.²³ If Alberta was established as a separate province, then the ranchers could expect more favourable treatment from their provincial government.

While the Liberals and even some Conservatives focused their arguments on the political effects of partition, Haultain now focused exclusively on the ‘administrative’ problems that two provinces would cause. Haultain believed that if the Territories were divided, it would create administrative inefficiencies and amplify the West’s financial difficulties. It would also dilute the West’s influence in Parliament given the region’s rapid growth. How would Territorial civil servants be divided? If civil servants based in Regina would be employed by Saskatchewan, it would force Alberta to construct a

²³ Sir John A. Macdonald’s government had leased large tracts of land on very favourable terms to ranchers. Large pastures were necessary for grazing. The success of western ranching therefore depended on the renewal of these cheap leases.

civil service from scratch.²⁴ How would Alberta deal with the burden of constructing a capital? Haultain emphasized problems while Laurier spoke hopefully of the future. Perhaps taking a cue from Sir John A. Macdonald, a father of Confederation, Haultain argued that many of Canada's problems was the result of too many provinces each putting local needs ahead of national ones.

Haultain's critique that dividing the North-West would make the region vulnerable to exploitation was more realistic. As Oliver Mowatt proved during his tenure as Premier of Ontario, the most effective means of thwarting the will of the federal cabinet lay not with the 'official' opposition in Parliament but a determined provincial government. Indeed, a friendly provincial government was often a valuable ally in federal election campaigns. Dividing the prairies in two provinces divided this influence in two.

Haultain may have been able to oppose Laurier if he had the support of his cabinet. His premiership was notable for the influence Haultain had over his government. In the Government of the North-West Territories, the premier set the most important policies with the advice of a few key officials. Suddenly having to deal with the federal government, which was capable of operating independently of the government of the Northwest Territories, was unexpected. Haultain did not believe anyone, not even Laurier, would seriously challenge his autonomy policy. Haultain's autonomy policy—the scholarly fruit of a man familiar with constitutional law and Canadian history—was good policy. Haultain failed to convince his cabinet colleagues of the virtue of his position vis-à-vis Laurier's. These men all sided with Laurier.

²⁴ Prior to 1907, the North-West Territories and Saskatchewan did not have departments but "commissioners" with almost the entire civil service resident in Regina.

Haultain had depended on these men to organize his campaigns. Denied this support, Haultain was left little room to manoeuvre when confronted by a federal government with its own policy.

Controversy over the schools clauses prevented swift passage of the Autonomy Bills. Laurier had wanted to reintroduce the Catholic and Protestant school boards that existed in 1875 by entrenching them in the new provincial constitution. Clifford Sifton's resignation triggered a brief crisis that ended when Laurier negotiated a compromise schools clause that facilitated the passage of the two bills.²⁵ When they each passed the House of Commons, the deal was done. Haultain's virulent and persistent criticism of Laurier had associated him with the Conservatives in the public imagination. Ironically, the Conservatives failed to recognize him as a Conservative. Haultain had alienated the Liberals completely without building any bridges within the Conservative party.

The Saskatchewan Act received Royal Assent on 20 July 1905; it was to come into force on 1 September.²⁶ The territorial Liberals immediately began organizing for the imminent provincial election. George Bulyea was appointed lieutenant-governor of Alberta, leaving it an open question as to who would become the Liberal leader in Saskatchewan. The Liberals quickly chose Liberal Member of Parliament Walter Scott as provincial leader.²⁷ It turned out to be a fortuitous decision, as the next few years would demonstrate. Although lacking Haultain's debating skills and scholarly abilities,

²⁵ D.J. Hall, "A Divergence of Principle: Clifford Sifton, Sir Wilfred Laurier and the North-West Autonomy Bills, 1905" in *Laurentian University Review* 12, No. 1 (November 1974), 15.

²⁶ Canada, *Statutes of Canada*, 4-5 Edward VII, c. 42.

²⁷ Barnhart, "*Peace, Progress and Prosperity*", 42-43.

Scott proved to be a talented politician. Under Scott's leadership, the Liberals became the dominant party in Saskatchewan. Liberal hegemony stood in stark contrast with Conservative disorganisation, especially since they had failed to develop much of a platform or even select a leader. The Conservatives were planning to rectify these shortcomings by calling a convention, but this was cancelled when Haultain announced that he would continue as a non-partisan. The Conservatives backed out of politics, unofficially at least, and Haultain was chosen leader of the newly created 'Provincial Rights Party'.

The Provincial Rights Party was a vehicle for Haultain to continue as a non-partisan politician. The ridiculousness of this proposition was demonstrated on 4 September. The vice-regal party arrived in Regina on that day to inaugurate the new province. The governor-general, in the presence of the prime minister and several other dignitaries, was to issue the proclamation creating the Province of Saskatchewan. After speeches by the governor-general and the prime minister, Saskatchewan's first lieutenant-governor was sworn into office.²⁸ Haultain was conspicuously absent from the proceedings. Regina Mayor Laird claimed that Haultain had been invited to speak, but that he had asked to be excused.²⁹ This was peculiar; nearly everyone else of significance spoke. If Haultain did choose not to address the gathering on such an important day, it was testimony to the poverty of his political skills.

Despite Haultain's failure to participate in the inaugural ceremonies, many were surprised when the new lieutenant-governor asked Walter Scott to form Saskatchewan's first government on 5 September. The members of Saskatchewan's first cabinet were

²⁸ "Hail Province of Saskatchewan", *The Regina Leader*, September 6, 1905, 1 & 3

²⁹ "Haultain not ignored", *The Regina Leader*, September 13, 1905, 1.

announced on 12 September. Scott had convinced an impressive number of leading Territorial figures to support the Liberals and serve in the provincial government. William Motherwell, a former Deputy Commissioner of Agriculture, was appointed Agricultural Commissioner and James Alexander Calder, a political veteran of the Territorial period, was appointed Treasurer and Education Commissioner. Just a year previously, many of these men had been staunch Haultain supporters.

Many have argued that Haultain was entitled to the premiership of Saskatchewan. Was it improper to summon Walter Scott? It is customary in newly formed jurisdictions that the premier should be chosen at the will of the Crown pending the first general election.³⁰ Haultain realized that the coalition that had governed the region had shattered. He believed that Scott and the provincial Liberal politicians were puppets of Laurier, while the voters supported him. Haultain's assessment of Scott's support was a gross misinterpretation of the political situation. Saskatchewan accepted party politics and the Liberals were now going to act like a party. With even a minority supporting the Liberals, non-partisanship was now practically impossible. Still, Haultain persisted in his belief that non-partisanship was the ideal method to conduct politics. With his remaining support, he formed the first protest party in Canadian history.³¹

³⁰ The appointment of ministers is a Royal Prerogative and the idea that ministers should have the support of the legislature is a constitutional convention. There is no precedent in Canada limiting the Crown's option to select the first premier when a jurisdiction is first formed. If the Crown appoints a premier that the Assembly cannot support, it is the responsibility of the Assembly to withdraw its support. See Peter Hogg, *The Constitution of Canada*, 4th Ed. (Toronto: Carswell, 1997), 258.

³¹ I dispute the assertion put forth by many historians that the Patrons of Industry was the first protest party. While they did seek Parliamentary seats during the 1880s, once elected, Patrons acted as independents rather than as a parliamentary group. The Patrons of Industry was therefore an interest group.

Despite being dejected and now alone, Haultain remained a force to be reckoned with. The key to the Provincial Rights Party platform was the promise to contest the lack of provincial control over natural resources. Even his harshest critics pointed to his stature. Most historians have been quite sympathetic to Haultain personally. Haultain was never accused of harbouring devious motives. Even Laurier displayed nothing but respect for the Territorial premier. Provincial Rights Party supporters hoped that Haultain could translate the widespread respect in which he was held into votes. Haultain argued that the *British North-America Act of 1871* did not permit the modification of section 91 and 92 of the *British North America Act, 1867*—only to “erect provinces out of existing territories.”³² Therefore, the failure to give provinces full control over civil law was *ultra virus*. This was a very desperate and silly move on Haultain’s part. *The British North America Act, 1871* had been enacted by the Imperial Parliament specifically to ensure that the Parliament of Canada had the power to create a Manitoba. Whether intended or not, the *British North America Act, 1870* also gave Parliament the authority to create provinces without control over Crown lands. This was obvious to anyone with a superficial knowledge of constitutional law; it therefore should have been obvious to Haultain. Haultain had always staked so much on his mastery of constitutional law and history. Scott and the Liberals marvelled at their good fortune.

In organizing the Provincial Rights Party for the election, Haultain encountered two problems. The first and probably most pressing was the lack of colleagues of the same calibre as Scott’s front bench. Aside from Haultain, the entire pre-autonomy cabinet consisted of Liberals who proved unwilling, post-autonomy, to support their

³² Canada, *Statutes of Canada*, 34 and 35 Victoria, c. 28

former leader. Haultain's failure to find a well-known politician with government experience to work at his side detracted from his claim of enjoying widespread support. In stark contrast to Scott and his government, a Haultain cabinet would have been full of neophytes. The Liberals, with the help of their counterparts in Ottawa, expended a tremendous amount of energy on organizing their party in the North-West. Most townships had at least a few "card carrying" Liberals. When the provincial election was called, it was simply a matter of getting one of them to organize for the upcoming battle.³³

Ironically, while the Liberals successfully labelled Haultain as a Conservative, few Conservatives offered him any support. No Conservative Member of Parliament or Senator campaigned for the Provincial Rights Party. Although there were rumours that Manitoba's governing Conservatives were assisting the Provincial Rights Party, it remains unproven. Borden was conspicuously absent, while Laurier was supporting Scott behind the scenes. Aside from R.B. Bennett's periodic bursts of organizational energy, such as the Moose Jaw convention in 1903, there was really nobody preparing the Conservatives in Saskatchewan to function as a party in the heat of an election campaign. Liberals, by contrast, were so organised because of the strength that the federal wing of the party had in the province. When the territorial coalition subsequently collapsed, it turned out to be a significant boon to their fortunes.

Haultain's failure to acknowledge the Conservative Party was another obstacle to effectively opposing Scott's government. At a time when the dividing lines between the federal and provincial wings of Canadian political parties were blurred, provincial

³³ David E. Smith, *Prairie Liberalism: the Liberal Party in Saskatchewan, 1905-71* (Toronto: University of Toronto Press, 1974), 32-34.

politicians often depended on their federal ‘cousins’ for financial and logistical support during elections. Because of his passionate pursuit of “non-partisanship,” Haultain failed to establish links with the Conservative Party. It is reasonable to assume that Conservatives would have done what they could do to help, if only to defeat a Liberal government. The Manitoba government was Conservative and Robert Rogers, the ‘Minister of Elections’ quickly acquired a reputation for skilled political organization; the Conservative Senator James Lougheed, now in Alberta, was equally skilled as a fundraiser. Would these not have been useful colleagues for Haultain to cultivate? Always a poor organizer, Haultain was now in a situation that emphasized his weaknesses.

In organizing his “non-party,” Haultain did what many Western provincial leaders have done since his time. He played up the ‘aggravated’ relationship that the Prairie Provinces had with the national government. He suggested that a “test case” be placed before the courts to determine the constitutionality of *The Saskatchewan Act*.³⁴ He was not particularly convincing with this line of argument. Westerners were too busy celebrating their achievement of provincehood to notice any defects in their new constitution. Unfortunately, as a man who always felt most at home when dealing with constitutional issues and administrative problems, Haultain was out of his depth with political organization; he had depended on Bulyea for that. Indeed, to this point in his career, Haultain had always happened into positions of authority, not by mistake, but with his supporters organizing his electoral machine on his behalf. Because he was

³⁴ The mind boggles at the idea of the Attorney-General of Saskatchewan appearing before the Supreme Court of Saskatchewan to argue that the provincial constitution was unconstitutional.

unable to find a lieutenant within the Provincial Rights Party capable of doing this kind of organizational work for him, Haultain attempted to do it himself. His party was left completely without a platform apart from the criticism of *The Saskatchewan Act*.

In the ensuing election Haultain's campaign focused on a negative message. While the Liberals spoke of hope, Haultain traveled the province describing how Saskatchewan had been defrauded. Because of his negativity, Haultain found himself unable to identify issues that concerned the new province. Ideally, he should have found something that could have distinguished him from the governing Liberals, but this would have been difficult due to his inability to carry the issue of a single province.

Haultain fought Saskatchewan's first provincial election as best he could. Attracting skilled political lieutenants proved impossible. There was no real platform to draw the principled support of potential candidates. Haultain, not even in a position to offer the limited connections of the Conservative Party, only attracted ambitious locals, mostly political neophytes, to contest the election. The reaction to Haultain's suggestion of test case specifically, was swift. Conservative papers were in agreement with Haultain's position on the unconstitutionality of the *Saskatchewan Act*. Haultain had come to be identified with the Conservative Party, something that the Liberals encouraged. His association with the Conservative Party largely negated his claim to non-partisanship.

Haultain should have accepted the leadership of a Conservative Party, accepting with grace the derision that such a flip-flop would cause. With the organizational and financial aid of the Conservatives, Haultain may have stood a chance at winning the election. As it was, the election was essentially over before the campaigning began.

Haultain's negative-one-issue campaign proved ineffective against the Liberals, who spoke of the birth of a golden age. After all, few were willing to consider the possibility that the autonomy acts had been passed with undue haste. Despite the Liberal gerrymandering, Haultain put up a fairly good fight. The twenty-five seats in the first legislative assembly were very hotly contested. Still, when the ballots were counted, there were seventeen Liberals to eight Provincial Rights supporters.

Losing the first election was a devastating blow to Haultain's future political chances. Even the illusion of non-partisanship was destroyed when Haultain accepted the leadership of His Majesty's Loyal Opposition in the new legislature, an office which did not exist in the Territorial Assembly. Without a cabinet position, Haultain had no outlet for his administrative skills. Within the assembly, Haultain focused on being a helpful fixer to the government. The Liberals must have marvelled at their good fortune.

CHAPTER FOUR: Wandering in the Wilderness

The Provincial Rights Party met in Moose Jaw in January 1906 to plan strategy for the first session of the new Legislature. Despite his recent setback, Frederick W.G. Haultain had every reason to be confident that he would soon return to power. The Provincial Rights Party under Haultain's leadership had lost the election by less than one percent of the popular vote, and Haultain was still the most respected politician in Saskatchewan.¹ Still, Liberal Premier Walter Scott recognized that the fortunes of a political party in Saskatchewan would rise and fall with the success or failure of the farmer. That important lesson was strangely lost on the former territorial premier. The Scott government pursued a series of policies intended to make rural life more conformable and agriculture less financially precarious. Haultain, by contrast, chose his platform poorly, constantly misreading public opinion. His idea to press for a judicial review to test the constitutionality of *The Saskatchewan Act* may have been justified from his perspective, but it dumbfounded many voters. The party was further hurt by Haultain's failure to make significant inroads among the many newcomers, especially German immigrants. Scott was looking to the future; Haultain had his eyes fixed firmly

¹ SAB, *Saskatchewan Legislative and Executive Directory*, 2002, 2-14, 1.

on past grievances. Frederick Haultain was a skilled administrator and jurist but, deprived of office after 1905, he proved to be an incompetent politician.

Early in the afternoon on 29 March 1906, Lieutenant-Governor Amédée Forget left Government House to open the first session of the first legislature of the new province. He was escorted by a small dispatch of Royal North-West Mounted Police officers.² William Motherwell, the provincial secretary, greeted him at the door of the old Territorial Legislature. The membership of the new assembly was a snapshot of the changing provincial demographics. There were farmers and a few professionals; many were recent arrivals from the United Kingdom, Ontario and the American Midwest. Interspersed with these homesteaders was a francophone. It was an inexperienced lot; the twenty-five members of the new provincial legislature contained only had a handful of Territorial veterans. Indeed, the most compelling argument for electing Thomas MacNutt Speaker was that he was the only Liberal member of the Legislative Assembly of the North-West Territories, whose rules would govern proceedings until new ones were drawn up.³

Parliamentary inexperience was not limited to one caucus, or for that matter, to the backbench. Listening to the lieutenant-governor reading the Speech from the Throne, the four commissioners were ridiculously inexperienced considering the job they were about to undertake. None had held Territorial office and only Premier Walter

² SAB, Newspaper Clippings, Legislative Assembly (First Legislature, First Session), File One, "The West", 1.

³ James William Brennan, "A Political History of Saskatchewan, 1905-1929" (Ph.D. Diss, University of Alberta, 1976), 81.

Scott had served in a parliamentary body.⁴ The government backbenchers were even more inexperienced and the opposition was in a similar predicament. By 1905, all of Haultain's colleagues in the Territorial government had been Liberals. None of these men were present in the new Legislature nor did they support the Provincial Rights Party. The members of the Provincial Rights Party caucus were equally inexperienced—only Haultain, A.B Gillis, and Dr W. Elliot had served in the Territorial Assembly.⁵ The Provincial Rights side had the majority of the professionals and drew considerable support from urban areas and from the ranching community. However, support from these two important groups was no match for the Liberals' support in the rural, agricultural areas. Voters residing in rural ridings comprised the bulk of the population of the new province and during Saskatchewan's first decade, the number of rural ridings would only grow. If Haultain wished to form a government, he would have to find a way to build support in rural communities.

The first session of the first legislature was both busy and crucial to the development of the province and the Liberal party. With the possible exception of the first session of the tenth legislature in 1944, convened to enact the bulk of the newly elected Cooperative Commonwealth Federation's party agenda, never again would a legislature enact such a variety of key legislation.⁶ The legislature would be asked to approve "measures relating to the Lieutenant-Governor, the Executive Council, the

⁴ Scott served as the MP for Asiniboia West from 1900 until he was named premier. SAB, *Saskatchewan Legislative and Executive Directory*, 2002, 3-10, 2-3.

⁵ Brennan, "A Political History of Saskatchewan," 82.

⁶ David E. Smith, ed., *Building a Province: A History of Saskatchewan in Documents* (Saskatoon: Fifth House Publishers, 1992), 10.

Legislative Assembly and the several departments of the public service.”⁷ *The Saskatchewan Act* described the new government in broad terms; it was up to the first Legislature to create the court and executive departments. These reforms were undertaken in part to undermine Haultain’s position by distancing the new provincial government from its territorial predecessor. *The Saskatchewan Act* provided that all ordinances in effect in the Territories that were not inconsistent with the act would continue until repealed.⁸ Scott was therefore recreating the entire administrative arm of government, a system that Haultain had taken great pride in designing. Indeed, the only major departure from the system Haultain created was the establishment of a Department of Railways. Haultain did not see this as an opportunity to attack the government.

Haultain began the new session confident in his position. He sincerely believed that he had been cheated out of office in the election of 1905. He concluded that Scott had won the election by relying on the intervention of federal officials in key ridings and through the government’s use of patronage. Walter Scott’s biographer, Gordon Barnhart, has suggested that Scott did not use patronage to build support during the four months between his swearing in and the election. Scott simply did not have time to “reshape the government”.⁹ However, Territorial Conservatives had been complaining since 1903 that the territorial cabinet, dominated as it was by “federal Liberals,” was

⁷ In the throne speech the Lieutenant-Governor basically said that the provincial constitution had to be provided for. *SAB, Newspaper Clippings, Legislative Assembly, First Legislature-First Session, “The West”, 1.*

⁸ *The Saskatchewan Act.*

⁹ Barnhart, “*Peace, Progress and Prosperity*”, 51.

using the public works commissionership to build support for the Liberal party.¹⁰ The synchronized patronage of the federal and provincial government was brought to bear against the Provincial Rights Party. Given that Haultain was in power while the Liberal machine was being built and that he conceivably approved many of the appointments, he only had himself to blame.

Despite the partisan nature of the session, the members got along well together. The small community of Regina and the short duration of the sessions ensured that the members socialized together during parties at the Royal North-West Mounted Police barracks and state functions at Government House. The members' differences were often quite limited. The second day of the session saw the appointment of committees. Haultain's reputation as a solicitor was recognized by his appointment to the law reform committee.¹¹

Haultain began the session by repeating the arguments he made during the general election campaign. In replying to the Speech from the Throne, Haultain recognized the problem that he was facing. The session would be the first real test of the Scott government and his claim to the premiership. The Scott government's support in the provincial election was widespread but not deep. Many ridings had been won by small margins.¹² Haultain assumed that most of the issues from the election were still in play and that Scott's hold on power was tenuous. Haultain still commanded a large section of the electorate's support. Many editorials during and immediately after the

¹⁰ NAC, R.B. Bennett Papers, Vol. 877, Reel M314, pp 545724-5, Bennett to Borden, March 10th, 1903.

¹¹ SAB, Newspaper Clippings, Legislative Assembly, First Legislature, First Session, "The West", 2.

¹² SAB, "Election Results by Electoral Division", *Legislative and Executive Directory*, 2002, 2-13.

election had lamented Scott's ascendancy; it was not uncommon to declare Frederick Haultain the "First Statesman of the Canadian North-West."¹³ Walter Scott was one of the first to recognize the challenge he faced in measuring up to Haultain.

Haultain attempted to reassert himself in the uncomfortable role of Leader of the Opposition by repeating his platform from the provincial election campaign. He seems to have believed that it was possible to convince enough Liberals to vote against the government to cause its defeat. It is clear from his actions during the first session that he believed that the unity of the government caucus was tenuous—an explosive issue could easily divide the Liberal party. He opened with what should have been his most effective argument, a critique of *The Saskatchewan Act*. In the debate on the address in reply to the Speech from the Throne, Haultain immediately denounced many of the clauses of the Saskatchewan Act. His first target was the schools settlement.¹⁴ The settlement was anathema to Haultain's educational policy, a policy that stressed the assimilation of all territorial inhabitants to the British-Canadian 'norm' of the political and economic elite. He again brought up the pastoral letter from Archbishop Langevin, declaring that Catholics should support the Liberals in the December 1905 provincial election. He reaffirmed his commitment to National Schools "and the fight against the hierarchical domination of the west by Quebec directed through the priest ridden

¹³ Grant MacEwan, *Frederick Haultain: Frontier Statesman of the Canadian North-West* (Saskatoon: Western Producer Prairie Books, 1985), vii-viii.

¹⁴ The settlement declared that the Province would have to make certain guarantees, in perpetuity, to the Roman Catholics of the Territories to support separate schools for their benefit. In 1905, this was tantamount to entrenching the right of francophones to maintain, at least in within their community, their language and culture.

government in Ottawa.”¹⁵ Haultain was reaffirming the stance his party had made during their August convention. Schools should be agents of cultural assimilation in addition to teaching the technical skills needed in an agricultural province.

The schools question itself had been very divisive, but the divisions were between provinces, between Ontarians and other anglo-Protestants and francophone Quebecers. The people of Saskatchewan were united in their feelings. Haultain was dredging up an issue settled largely in Saskatchewan’s interest. The curriculum taught in the Catholic schools would be set in Regina, not Rome.¹⁶ What is interesting about this speech is it would set the pattern for the Provincial Rights Party within the Legislature. In speaking on the address in reply, the members of the Opposition largely failed to pick up on points initiated by Haultain. They either did not participate in the debate or they proceeded to discuss issues that they considered to be of strictly local concern. The issue of education in the first session died with the conclusion of Haultain’s speech.

Besides the education critique, the remainder of Haultain’s speech was only vaguely critical of the government’s priorities. The government’s agenda was a scattershot mix of questionable administrative reforms. Haultain did have enough foresight to see that the CPR tax exemptions would potentially create a huge revenue problem for the region. Forcing the government to discuss the CPR tax exemption could highlight a weakness in their policy, but he diluted a powerful critique with questions about trivial matters. At one point Haultain asked why, “the attorney-general [had]

¹⁵ *SAB*, Newspaper Clippings, Legislative Assembly, 1st Session 1st Legislature, “The West,” 3.

¹⁶ *The Saskatchewan Act* limited the power of the separate schools boards to have the schools and teach religious classes. See *The Saskatchewan Act*, Sec 17.

nothing better to do than make arrangements for coroners.”¹⁷ Still, the CPR tax exception was an opportunity Haultain did not totally miss.

Haultain asserted that denying the province the ability to tax the property that was owned by the largest private landholder in Saskatchewan unbalanced Confederation. Haultain asserted that the CPR tax exception shifted the burden of provincial taxation to the prairie farmer. If Confederation was an equal partnership between the provinces, there were now two provinces lacking a right enjoyed by the original four--management of the public domain. He declared that, in response to *The Saskatchewan Act*, “our hopes were realized to a certain extent, but to say that they were amply realized is to say something, which to say the least, cannot be borne out by facts ... I do not know whether the fathers of Confederation would recognize this new constitution or whether they would like it. It is a gross libel on the memory of the great men of Canada.”¹⁸ Haultain clearly believed that the novelty of Saskatchewan’s constitution could upset the balance of power in Canada. What is unclear is whether he was aware that the tide of public opinion was quickly shifting to Walter Scott’s position that the present settlement was sufficient.

As the debate on the address in reply to the Throne Speech drew to a close, A.B. Gillis, the Provincial Rights MLA for Whitewood, moved an amendment to the address. While the Provincial Rights Party would join in congratulating the creation of Saskatchewan, the assembly should “most respectfully express our regret that in their establishment that important principle of absolute equality among the provinces of the

¹⁷ *SAB*, Newspaper Clippings, Legislative Assembly, 1st Session 1st Legislature, “The West,” 4.

¹⁸ *Ibid.*, 5.

Dominion which is the only sure guarantee of the permanency of the confederation structure, has not been adhered to in several important respects.” That so much energy was invested in amending the address in reply to the speech from the throne speaks to the belief among Haultain and his supporters that partisanship had not totally overwhelmed the legislature; that a persuasive argument could carry an amendment to a government bill. Alas, the first division in Saskatchewan’s legislative history had the Legislature dividing on strictly party lines, 7 to 13.¹⁹ Nobody in the press gallery or even the opposition remarked at the incredible occurrence, but the old Territorial Legislative building had just seen its first formal whiff of partisanship that, in 1904, seemed unimaginable. Anyone from that time would have been dumbfounded by the sight of Haultain being on the outside looking in—and doing it so poorly.

The first division along party lines triggered a debate in the assembly a few days later, ostensibly about the schools question. The progress of this debate clearly demonstrates how non-partisanship had collapsed. If Haultain realized this, he did not adjust his actions in response. Dr. Ellis, one of Haultain’s most influential and outspoken lieutenants, declared that the former Territorial premier had been victimized by the “Ottawa dictators” when it became clear to them that Haultain would not support their Autonomy policy in 1905. In what would become habit for the Provincial Rights caucus, the government was accused of being the clandestine cover for direct rule from Ottawa. Dr. Ellis declared, “Mr. Haultain was turned down because he said he would exercise all the rights of British freemen in fighting the autonomy bill, and would find

¹⁹ Ibid., 14.

out just where the constitutional rights were.”²⁰ A few other members added fury to the fire by suggesting that Haultain had been turned out because he had campaigned for Conservative candidates in two federal by-elections in Ontario.²¹ The crescendo of this fury—the opposition had by this point captured the momentum of the debate—came with Liberal William Charles Sutherland’s introduction of a motion to have *The Saskatchewan Act* placed before the Judicial Committee of the Privy Council.²²

Adding to the drama was Haultain’s almost winning a vote that fixed the amount of sessional indemnity for the members. The question was how much should the MLAs receive in recognition of their services, \$700 or \$1000. Many members pointed out the trouble of travelling to Regina and the expense of their extended residence in the provincial capital as warranting a significant increase over the Territorial indemnity. Haultain agreed that a raise was in order but believed that \$700 was sufficient. Everyone was stunned when Haultain lost the motion by a single vote.

While the near loss of the indemnity motion may not have been a clear indicator of the state of the government’s support, it did temporarily knock the cabinet off keel. Scott quickly gained his footing again. Whatever Scott may have felt regarding his ability compared to Haultain, he was clearly capable of opposing him. The newspapers on 6 April reported his response in the assembly to Haultain’s accusations regarding the constitutionality of *The Saskatchewan Act*. Scott asserted that the government believed that the constitutional problems had been solved by the *British North America Act of*

²⁰ Ibid., 19.

²¹ SAB, Newspaper Clippings, Legislative Assembly, 1st Session 1st Legislature, “The West,” May 2, 1906.

²² SAB, Newspaper Clippings, Legislative Assembly, 1st Session 1st Legislature, “The West,” 24.

1870, which had been designed to remove doubts about the constitutionality of *The Manitoba Act*. Scott then went on to explain why Haultain had been passed over for the premiership when the new government had been formed. He simply did not support the constitution of Saskatchewan. It would have been unthinkable to place a person in charge of implementing a constitutional settlement to which he was diametrically opposed.

Scott's answer was somewhat melodramatic but basically sound. He was quite correct in stating that none of the original provincial premiers had ever worked to undermine the constitutional settlement that was being implemented. Indeed, when choosing the governments in the new provinces of Quebec and Ontario, then Prime Minister Sir John A. Macdonald chose politicians from the ranks of his own Liberal-Conservative Party to form the first governments.²³ While it is questionable whether Haultain could have single-handedly reversed the settlement, he could have undoubtedly created a headache for Laurier. The matter had been settled to the satisfaction of both Parliament and the majority of the people of Saskatchewan. It had been a close election, but most people considered the issue settled. Nothing was to be gained by Haultain's insistence on his right of ascendancy.

The debate came to a climax when James Thomas Brown of the opposition came forward with another argument supporting Haultain's aspirations to the premiership. Brown argued that Haultain should have been provided with the opportunity to demonstrate that he was unsuited to the task of governing and that he should have been given the premiership of the Province, and the people should have had the option to

²³ Donald Creighton, *The Young Politician, The Old Chieftain*, Reprints in Canadian History (Toronto: University of Toronto Press, 1998), 478-479.

thrown him out. “He had come out with a straight platform and on it he was prepared to stand or fall, but His Honour had seen fit to call another to usurp the position the leader of the opposition should have held.”²⁴

Scott realized that the debate had the potential to grow beyond the confines of the Assembly, perhaps endangering his government. The government placed a motion before the Assembly requesting “that the Saskatchewan Act be placed before the Privy Council for Judicial review of their constitutionally.”²⁵ The motion was a sly move by Scott. He knew that Laurier would be completely unwilling to do anything to jeopardize the status quo. Placing a ‘hot’ issue before the federal government was a clever move—one that would be repeated by future western premiers. Ironically, he probably learned it from Haultain’s example of dealing with federal authorities. Scott shifted the blame to the federal government, planning to plead provincial impotence if the issue was again raised in the Assembly.

Haultain believed that the motion had been introduced for partisan purposes to undermine his position in the Assembly.²⁶ Some newspapers sardonically wondered if Scott would be dismissed for casting doubt on the legality of the provincial constitution.²⁷ After all, was it not this sort of behaviour that got Haultain dismissed in the first place? Scott understood in arranging for Sutherland to introduce the motion that Laurier would not act. He was shrewdly undermining Haultain’s position while risking nothing more than a little heckling from the editorialists in the press gallery. Haultain

²⁴ *SAB*, Newspaper Clippings, Legislative Assembly, 1st Session 1st Legislature, “The West,” 21 April 1906, 65.

²⁵ *Journals of the Legislative Assembly of Saskatchewan*, 1906

²⁶ *NAC*, John Stephen Willison fonds, correspondence, Haultain to Willison, 14808.

²⁷ *SAB*, “The Evening Standard”, April 24, 1906.

tried to regain the upper hand by introducing an amendment to the test-case motion claiming that, as there was “a difference of opinion respecting the constitutionality of certain provisions of *The Saskatchewan Act* ... it is desirable that all doubt should be removed.”²⁸ The Haultain amendment was defeated on a strictly party lines vote. The more partisan Scott motion was carried, so the matter was dropped. Laurier, as expected, never acknowledged the motion and the issue quickly receded from the public imagination.

The first session was prorogued on 26 May 1906.²⁹ The Assembly went into a ten-month interregnum as the cabinet set up the departments and prepared for the next sitting. The budget had been the last item of the session. Haultain offered some token resistance, but the government’s legislative program had passed with little difficulty. The provincial administrative machinery was now in place and with the eyes of the whole province focused optimistically on the future; the achievements of the Territorial period were quickly fading from memory.

Such a long recess was not uncommon for a provincial legislature of the time. The Assembly’s business was normally limited to less than ten public bills and a few private incorporations. Canadians were willing to allow the cabinet to go about the day-to-day affairs of state with little scrutiny. Haultain, like all opposition leaders, had limited opportunity to engage in public debate. Not surprisingly, he receded into the background, probably concerning himself with his rapidly growing legal practice. He would have been unaccustomed to being so far removed from the spotlight. In the

²⁸ Journals of the Legislative Assembly of Saskatchewan, 1906, (may 22, 1906)

²⁹ SAB, “Sessions of the Legislative Assembly and their Duration”, *Saskatchewan Executive and Legislative Directory*, section 2-12, 1.

territorial period, newspapermen sought out his opinion on a variety of matters. Now, the reporters who had been friendliest to Haultain were in Alberta concerning themselves with the affairs of another province. It was even less helpful that he was so unaccustomed to manufacturing his own publicity. His lack of interest in publicizing himself did not help him build any support.

Haultain always seemed to save his most remarkable speeches for those in support of the government. When the Saskatchewan Legislature returned on February 28, 1907 Haultain was in a weakened state. His platform had been seriously undermined but nobody, including the government, thought that the wounds were fatal. The first matter before the legislature was the establishment of a new court system. Haultain would be playing to his strength. Saskatchewan and Alberta were still using the judicial system designed for the old North-West Territories. The Supreme Court bill before the legislature would abolish the jurisdiction of the Supreme Court of the North-West Territories in Saskatchewan. It would be replaced with a system of circuit courts and an appellate court to deal with both civil and criminal matters. The government may not have organized a judicial system during the first session of the legislature fearing that it may provide Haultain with an opportunity to bring down the government. Haultain was regarded as an expert on jurisprudence. He had been one of the leading solicitors in western Canada for over a decade and the attorney-general of the North-West Territories for the last seven years. Haultain welcomed the introduction of the court legislation and, in what would become a habit of his time leading the opposition, made some 'helpful' suggestions. He asked if it would not be better to pattern the new court system after the

reforms underway in England for the court system of England and Wales.³⁰ Although he never expanded upon the details of that plan, it probably involved placing all the judicial functions of the province in a single court based out of Regina and Saskatoon, which sent judges out on yearly circuits to hold court on a number of minor cases.

The second matter before the legislature was education. Education had always been a special concern to Haultain. During the territorial period, he had gone to great lengths to ensure that he secured the best people to write the provincial curriculum and administer the department. To Haultain, education was not simply a means of economic progress but a means of social stability.³¹ Calder seemed to share many of Haultain's ideas and had continued the educational politics of the territorial period. Indeed, one of the first acts in the area of education established the University of Saskatchewan. The territorial University Haultain had envisioned became the model for the new University. The University Convocation would elect the majority of the members to the Board of Governors, ensuring a nondenominational institution free from government influence.³² Haultain was obviously still closely associated with the idea of a provincial university. He was elected by the convocation to be a member of the first University Senate shortly after its creation.³³

The second session wound down with the presentation of the provincial budget. Here too, Haultain found that he was limited to criticizing the details of a policy with which he found himself in broad agreement. He proposed that the government was not

³⁰ *SAB, Newspaper Clippings, Legislative Assembly, 1st Session 1st Legislature, "The Daily Standard,"* 126.

³¹ Robert Steven Patterson, *F.W.G. Haultain and Education in the Early West*. (M.Ed. Thesis, University of Alberta, 1960), 71-72.

³² *Ibid.*, 7-9.

³³ *Ibid.*, 14.

being as careful with accounting principles as he would have been, but concluded it was an acceptable budget. His most damning criticism was that the government had no “fixed and guiding principle” in their estimates.³⁴ Haultain gave the opposition’s final speech of the session. He again failed to make a compelling case for why he should lead the opposition, never mind the government. The *Morning Leader*, a Liberal paper, summed up his performance by reporting that the leader of the opposition had indulged in his well-known “penchant for sarcasm and his many remarks of this nature were thoroughly enjoyed by the house, and apparently quite as much by the members occupying the government benches as his own followers.”³⁵

The Provincial Rights Party was formed primarily to oppose the autonomy settlement and therefore the Liberal Party but Haultain alienated members of his own caucus by failing to be the voice of those opposed to Scott’s government. The new provincial University was a case in point. Calder modelled his university bill very closely on a similar Territorial ordinance. Indeed, Haultain stated that if the bill found disapproval in Ottawa and was disallowed by the Governor-in-Council “the opposition would be a unit in support of the government.”³⁶ Supporting a threatened government was not wise for an opposition leader who wished to become premier. Besides, would supporting the government in a dispute over jurisdiction with the federal government not contradict the Provincial Right Party’s platform on the validity of *The Saskatchewan Act*? The second session ended with Haultain having accomplished nothing but

³⁴ *SAB*, Newspaper Clippings, Legislative Assembly, 1st Session 2nd Legislature, “The Morning Leader,” 119.

³⁵ *Ibid.*, 116.

³⁶ *SAB*, Newspaper Clippings, Legislative Assembly, 1st Session 1st Legislature, “The Morning Leader,” 106.

alienating some of his own supporters. The Cabinet was likely shocked that Haultain, who had been such a bitter foe the previous session, was so willing to cooperate in passing so much key legislation. His own tactics probably did not endear him to his own backbenchers. The backbenchers were quickly drifting from Haultain's leadership.

As the provincial Legislature went into the intra-session deepfreeze, Haultain again found himself with no political outlet. Should he not have been travelling the province giving speeches? Could he not have spent some time creating a policy to pursue? By now, it may not have mattered. Haultain liked to feel he was making a contribution to anything with which he was involved. He undoubtedly would have thrown himself into his duties as a University senator with his usual gusto. The university would have been making arrangements to put down permanent roots in a Saskatoon.³⁷ These limited victories did not prepare him for the trouble he was about to face.

The last session of the first legislature opened to great fanfare on 2 April 1908.³⁸ The Speech from the Throne was full of optimistic pronouncements about the future of agriculture within the province.³⁹ Haultain was not suspicious that an election would soon be called. He should have been. The province's institutions were now almost complete. The provincial legislature was under construction and the court system was functioning. The province was quickly filling with homesteaders and there was fear that, with all the rapid changes taking place, the legislature was no longer as reflective of the

³⁷ Hayden, *Seeking a Balance: The University of Saskatchewan, 1907-1982* (Vancouver: University of British Columbia Press, 1983), 32-45.

³⁸ SAB, "Sessions of the Legislative Assembly and their Duration," *Legislative and Executive Directory*, 2-11, 1.

³⁹ SAB, Newspaper Clippings, Legislative Assembly, 3rd Session 1st Legislature, "The Morning Leader," 244.

electorate as it should be. Soon after Scott introduced the Oaths bill, there was speculation about when the next election would take place.⁴⁰ Would the proposed redistribution of seats precede an early election?

Haultain seemed to be becoming accustomed to life on the opposition benches. He was slowly growing more concerned with the needs of agriculture. His first speech demanded that the government do something about the horrible state of grain transportation system. Manitoba and Alberta were each exploring the option of provincial ownership and control of elevators, but Scott was hesitant. The other important issue to Haultain was the creation of a telephone system for the province. Long distance telephone service would help the isolated homesteader keep in touch with the wider world, but the sparsely populated province made it impossible to make a reliable system profitable. Bell Telephone's presence in the province was therefore small and mostly confined to urban areas. In dealing with these issues during the next few years, Scott would lay the foundation for a generation of Liberal dominance; Haultain would almost destroy his party.

Haultain began the third session in fine form. He opened by declaring that the contract negotiated by Education Minister Calder that had Morag Ltd. of the United States print school textbooks was an example of government profiteering. The government wanted to provide free textbooks to each school district in an attempt to harmonize the provincial curriculum. Haultain claimed that the benefit to the individual student was grossly out of proportion to the aggregate cost.⁴¹ The textbook provision would entail a large expenditure of money "with a very small benefit to the

⁴⁰ Ibid., 245.

⁴¹ Ibid., 251.

individual.”⁴² He went on to accuse Calder of graft. Failing to provide evidence of this charge, Haultain eventually apologized to the House stating, “I never made a charge that I cannot prove and I admit that I cannot prove it.”⁴³ Calder replied by giving a clause-by-clause explanation of the contract, explaining why it was in the interests of Saskatchewan. It is interesting that the government felt it necessary to prove itself innocent after the leader of the opposition withdrew a charge. Haultain was still a political force, at least in the government’s eyes. Calder seemed almost frightened of him.

On 7 April, the *Morning Leader* published an article predicting a large provincial deficit in the next fiscal year. Haultain declared that this deficit could only be due to the CPR’s exemption from property taxation. Instead of denying the charge, the cabinet indicated that they were interested in testing the constitutionality of this provision in the courts.⁴⁴ The decision to request a court’s opinion was the first sign that the government believed Haultain’s assessment of *The Saskatchewan Act* had been correct. Haultain, for some reason, did not take advantage of this excellent opportunity to push the Provincial Rights Party’s central policy: provincial control of Crown lands. Scott had just admitted that the settlement was inadequate. Why else was he running a deficit?

Shortly after the announcement of the deficit, Calder presented the provincial budget which predicted a surplus. The budget included a provision to tax the CPR. Haultain warned that any attempt to tax the CPR would trigger an action where the

⁴² *SAB*, Newspaper Clippings, Legislative Assembly, 3rd Session 1st Legislature, “Standard,” 15 May 1908.

⁴³ *SAB*, Newspaper Clippings, Legislative Assembly, 3rd Session 1st Legislature, “The Morning Leader,” May 9th 1908.

⁴⁴ *Ibid.*, 258.

courts would be asked to rule on the constitutionality of a section of *The Saskatchewan Act*.⁴⁵ Not only had his test case finally arrived, it was being initiated by the government. Haultain moved to have the lieutenant-governor provide the Assembly with all information related to *The Saskatchewan Act*. Haultain's motion suggests that he suspected that something was going on behind the scenes. It is unlikely that the CPR would give up the lucrative tax exception *The Saskatchewan Act* provided. Scott would soon have to solve the revenue problem, lest Haultain's critiques of autonomy be vindicated. Perhaps Haultain had been right all along.

When the budget was finally presented, Haultain repeated another of his habits. He rejected the assertion that the provincial books showed a surplus. He believed that the surplus had been manufactured by including a significant bond issue as income. Haultain complained that "he never could quite make out what he [Scott] meant by that statement but he had a habit of using words in a meaning opposite to their ordinary sense."⁴⁶ He should have demanded an explanation for the CPR tax. His party had been formed specifically to reject the autonomy settlement. At a time when the Liberals were beginning to adopt Haultain's policy, he should have been continuously pointing out that the financial provisions of the autonomy settlement were woefully inadequate. The Liberals should not have been able to take a major plank from Haultain's platform without losing credit for their own mistaken stance.

⁴⁵ CPR un-taxability was part of the original charter which was continued by the Saskatchewan Act. *SAB*, Newspaper Clippings, Legislative Assembly, 3rd Session 1st Legislature, "The Morning Leader," 15 May 1908.

⁴⁶ *SAB*, Newspaper Clippings, Legislative Assembly, 3rd Session 1st Legislature, *The Morning Leader*, 5 June 1908, 383.

Why was Haultain unable to discredit the Scott government for adopting one of the Provincial Rights Party's key policies? Haultain had cast himself in the role of a helpful fixer, not as a premier in waiting. It also did not help his case that the backbenchers of his own party did not always follow his lead. They generally offered little support to their leader. The party itself was unorganized, the Provincial Rights Party caucus usually making little effort to follow up on Haultain's critiques. What is clear is that his objections had little effect on the organization of the party or its political agenda. He spent the remainder of the session offering scattershot critiques of the government. He found himself revisiting issues brought up earlier in the session as the bills came up in their final stages in the assembly.

Just when he should have made his biggest impact, he was nitpicking. In debating the final draft of a new *Legislative Assembly Act*, Haultain denounced the proposed five-year life for the legislature. The proposed bill would extend the life of an assembly to a maximum of five years. Haultain argued, "four years was considered long enough in most provinces."⁴⁷ In the matter of the rural telephone system, Haultain indicated that he saw no reason for the telephones to be operated by a cooperative; more to the point, he felt that the failure of the government to significantly subsidize long distance construction, particularly through the addition of lines through government ownership, would create nothing but hardship for the ratepayers. There was concern about the state of the Territorial transportation system, particularly regarding the feasibility of a line to Hudson Bay.⁴⁸ A rail link to Hudson Bay would theoretically

⁴⁷ Ibid., 399.

⁴⁸ Brennan, *A Political History of Saskatchewan*, 116.

allow grain easier access to the world's markets by allowing them simpler access to the port.

The Legislature was prorogued on 12 June 1908. Haultain and his supporters were confident that another session would occur before the Legislature was dissolved. Scott had promised as much during the debate on the *Legislative Assembly Act*. They were already, like the Liberals, organizing for a general election but it was a slow and haphazard affair testifying to their belief that they had another year. Towards the end of summer, in response to new legislation giving the government permission to begin construction on some badly needed branch lines, Scott travelled to Ottawa to ask the federal government for financial assistance to that end. With federal guarantees in hand, Scott arranged for the dissolution of the Legislative Assembly.⁴⁹ An election was called for 14 August.

Haultain was caught completely off guard. His surprise demonstrated the weakness of his political skills. The government had spent the preceding months enumerating electors; the legislature redistributed the electoral ridings during the last session. Conservative newspapers were outraged that a “snap” election had been called.⁵⁰ Still, Haultain quickly rallied the Provincial Rights Party. Candidates were soon selected for all ridings. The snap election call was not necessarily fatal.

The issues of 1905 were not dead. The Autonomy settlement had affected many of the decisions that the government had made since the creation of Saskatchewan. Haultain campaigned hard against the hated *Supplementary Revenue Act*, which had the province resorting to direct taxation to pay for education. The province had to levy a

⁴⁹ *The Morning Leader*, 20 July 1908.

⁵⁰ Brennan, *A Political History of Saskatchewan*, 117.

direct tax to pay for education; it needed federal assistance to construct railway branch lines; it had to issue bonds to help pay for infrastructure because the province had been denied the resources of Crown lands. Scott was infuriated by Haultain's attacks but he found the deficit increasingly difficult to justify. Haultain asserted that if the CPR were compelled to pay tax on its land, there would likely be no deficit. Given the amount of land the CPR owned, this was not unreasonable.

Despite the short notice, Haultain found no difficulty in attracting candidates in all ridings. Haultain's claim that the Provincial Rights Party was an extension of the non-partisan movement was seriously crippled when J.T. Brown, a federal Liberal who sat as a member of the Provincial Rights Party caucus, decided to seek a House of Commons seat as a Liberal.⁵¹ It threatened the Provincial Rights' claim to be a non-partisan movement since the party was now made up entirely of Conservatives. The Liberal newspapers of the province had a field day with the news. For the remainder of his political career, the Liberal *Morning Leader* would refer to Haultain and his colleagues not as 'Provincial Righter' but 'Conservatives' in all their stories, including their transcriptions of Assembly debates.

The Liberals stressed the achievements of their first term during the election campaign. The railway and telephone legislation were touted as examples of the businesslike attitude of the province's administration. Haultain stressed that the government would find its railway policy difficult to carry out because of the inadequate financial terms accepted in 1905.⁵² He counter proposed that the branch lines should be built as the resources of the province would permit. He was also highly critical of the

⁵¹ The Morning Leader, 22 June 1908.

⁵² Standard, 4 August 1908.

supplementary revenue measures that placed the burden of school taxation on the homesteader and rancher while the wealthiest parts of the province were exempt. On this issue, the Liberals were weak; the new taxes had not worked out as well as had been planned.

The election results were extremely close. Although the Liberals eventually won twenty-seven seats to the Provincial Rights' sixteen, it was much closer. The Liberals won only 50.5 percent of the popular vote. In eleven ridings, the Liberal candidate was elected with less than 100 votes.⁵³ Cabinet ministers Motherwell and Calder failed to win their seats, demonstrating that Haultain's charges of maladministration carried some weight. Scott seemed to accept the results of the general election that he should forge ahead in the same path. In the throne speech, the lieutenant-governor stated that "the foundations of important institutions were well begun by the first legislature." He complimented the members for the important work they had done in building upon those foundations. Of particular interest to Haultain were the grain elevator question and the organization of rural municipalities.

Haultain was not discouraged by the election results. Indeed, as time wore on, he believed that he had found a reason for the assembly's premature dissolution. The province's books were not in wonderful condition. In addition to the province's dependency on direct taxation, there was going to be a huge bond issue and the cabinet had greatly exceeded the 1908 estimates, forcing the Treasury to rely heavily on royal warrants. According to *The Standard*, "the government feared to spring the two million

⁵³ SAB, "Election Results by Electoral Division", *Legislative and Executive Directory*, 2002, 2-13

dollar loan upon the people before first stealing from the people a five year term in office.”⁵⁴

Despite his recent setbacks, MLA Haultain seemed to be growing in influence in the new legislature. He was appointed to the Public Bills and Railway, Public Accounts and Printing, Law Amendments and Education committees. On each committee, he was treated with a greater amount of deference than membership in the opposition usually entailed. On matters of justice, he was considered something of an expert—so much so that the attorney-general found himself having to refute Haultain’s arguments on a case-by-case basis.

Early in the session, the issue of Haultain’s accusations against Calder was raised once again. Scott was furious, probably because Calder had lost his seat as a result. Haultain had taken pride in his belief that his actions had been at least partially responsible for the education minister's defeat. Scott defended Calder vigorously.⁵⁵ Scott was clearly agitated, perhaps feeling that his government was vulnerable over this issue. He accused Haultain of dishonourable conduct by accusing Calder of profiteering. Haultain explained that while he was mistaken regarding Calder’s personal involvement, he believed that graft was involved. Because he had no evidence, these were highly politicized charges—charges that Haultain found difficult to prove. Haultain went on to argue that he “said there was graft, and there was graft, but I did not

⁵⁴ *The Standard*, 10 December 1908.

⁵⁵ *SAB*, Newspaper Clippings, Legislative Assembly, 1st Session 2nd Legislature, *The Morning Leader*, 421.

say that the commissioner had grafted by putting money into his own pocket, but by violating a public trust.”⁵⁶

Scott arranged for a select committee of the Assembly to investigate the charges. During the debate on this motion, Gillis of the opposition suggested that a Royal Commission should conduct the investigation instead of a partisan committee of the assembly. Scott, sensing an opportunity to discredit the Provincial Rights Party, agreed. The announcement of the Royal Commission’s appointment caused a sensation. Chief Justice E.L. Wetmore was appointed along with another Justice of the Supreme Court of Saskatchewan. The commissioners conducted a brief investigation and found that the contract was sound.

The commission’s report did not slow Haultain’s critiques of the government. The railway policy was, Haultain suggested, “a paper and pencil policy ... which appealed to certain communities with much the same effect as would a cry of ‘bread’ shouted through a keyhole to a roomful of starving people.”⁵⁷ Haultain pointed out that the railway bill had not been printed; preventing the electors from reviewing the matter the election had been called to resolve.⁵⁸ In response to heckling, Haultain pointed out that his party had not done so badly under the circumstances. They had managed to defeat two ministers and forced Scott to change ridings for fear that the same would happen to him. Indeed, the expense of constructing so many railway lines was beginning to cause serious problems for the province. By the time the budget was brought down in the Assembly, the Finance Minister was predicting a shortage of nearly

⁵⁶ *Ibid.*, 425.

⁵⁷ *Ibid.*, 422.

⁵⁸ *SAB*, Newspaper Clippings, Legislative Assembly, 1st Session 2nd Legislature, “The Morning Leader,” 15 December 1908, 422.

a half a million dollars. Haultain spent much of the budget debate pointing out that autonomy was supposed to solve the North-West's financial problems.

Haultain, in replying to the Throne Speech, outlined his theory behind the role of the leadership of the opposition. He declared that the job was to find fault with the government's policy, but not constantly. The opposition leader was at least as responsible for limiting the partisan rancour within the Assembly as the members of the cabinet. A failure to act in any other way would make the legislature too pessimistic. He went on to claim that he objected to being misquoted on the railway bill.⁵⁹ He argued that "we are just as strongly in favour of the immediate construction of the Hudson Bay Railway" as the members of the government.⁶⁰ But as leader of the opposition, was he not supposed to present an alternate vision for the provincial government? Because he saw himself as a 'helpful fixer' to the government, he constantly missed opportunities that he should have vigorously pursued.

With the opening of the third session of the second legislature, it was clear that the Provincial Rights Party was collapsing. Haultain was unable to take advantage of the government's weakness. Haultain, in the "reply" debate, spoke for only ten minutes, saying vaguely that he would introduce a "controversial" matter later in the session.⁶¹ He again returned to the central theme of the movement. He demanded again that the federal Crown resources be transferred to the province so they could be used to pay for the school system. It was announced during the third session that the province would henceforth be charged for the services of the Royal North-West Mounted Police. The

⁵⁹ *Leader*, 23 November 1909

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, 18 January 1911.

autonomy settlement Scott so often boasted about had Parliament paying the cost of the Mounties.

As the evidence against autonomy was piling up, Scott was becoming politically vulnerable. On 16 February 1911, the government presented a motion requesting the transfer of all Crown lands to the province.⁶² Scott indicated simply that the transfer payments the province was receiving had proven inadequate to meet the growing province's needs. Haultain had been vindicated, or would have been had he pointed out that federal jurisdiction over Crown lands was his main critique of *The Saskatchewan Act* and transferring them to provincial jurisdiction had been the main plank in the Provincial Rights Party platform since its founding. Scott's change of heart regarding the value of provincial management of Crown lands was due to the province's inability to balance a budget without them. It was becoming apparent that the financial provisions of the autonomy settlement had not taken the rapid growth of the province into consideration. Haultain was presented with the perfect opportunity to reclaim momentum. Scott had tied his government's credibility to the success of the autonomy settlement, just as Haultain had based so much of his reputation its rejection. Could the government not fall over this?

Unfortunately, Haultain was at the apex of a crusade against the cooperative movement from which he could not be distracted. Farmers relied on elevator companies to store and sell their grain. The grain handling companies had slowly acquired a monopoly that was used to inflate prices. The province's farmers demanded government action in response. Federal jurisdiction over railways and inter-provincial trade limited

⁶² SAB, Newspaper Clippings, Legislative Assembly, 1st Session 2nd Legislature, 16 February 1911, 1090.

the provincial government's options. In all three Prairie Provinces there were demands for the provincial government to expropriate the elevators and run them as public works.

Haultain and Scott disagreed over who should operate the elevators: farmers, through cooperatives, or the provincial government. Scott wanted to assist cooperative societies in purchasing the elevators. He believed that the grain handling system would operate more efficiently if farmers had a direct hand in it.⁶³ The legislation regulating the grain elevator system was introduced this session. Haultain railed against the premier's refusal to "grant government elevators," declaring that the whole concept of cooperative enterprises was based on "unbusinesslike principles." The people of Saskatchewan were increasingly turning to cooperatives as a means of controlling key enterprises. Haultain's objection to them was a little perverse, especially since their existence extended back into the early territorial period. That Haultain focused on criticizing Scott's popular elevator legislation instead of the ownership of Crown land was a stupid error.

The end of Haultain's political career came on 8 March 1911 when he came out in favour of the reciprocity pact that Prime Minister Laurier had just negotiated for Canada with the United States. Supporting the government was good politics—access to the American market was vital to Canada's growing harvests. Scott suggested that the Legislature should pass a motion endorsing the federal policy and the assembly complied unanimously. By endorsing the trade agreement Haultain had done the only sensible thing. The problem for Haultain was that he flip-flopped.

⁶³ Barnhart, "*Peace Progress and Prosperity*", 92-94.

When it became clear that Laurier intended to campaign on the issue, Robert Borden, the Conservative leader, declared himself against the measure. Borden claimed that unrestricted trade between the two countries would destroy the Canadian manufacturing industry. Between the third and fourth sessions of the legislature, the federal Parliament was dissolved. Most of the country turned on the Liberals. Removing the export tariffs would expose central Canadian manufactures to the American competition. Many central Canadians saw in this the potential to destroy their economy. The prairies supported free trade as it would give them access to cheaper American machinery.

Campaigning for the federal Conservatives, Haultain reversed himself by coming out against reciprocity. Haultain's support for Borden confirmed Liberal accusations that the non-partisan movement was nothing more than an organ of the Conservative party. Supporting the Conservatives' trade policy during a general election campaign shattered Haultain's claim of non-partisanship. Taking a position so at odds with Saskatchewan's farmers destroyed the Provincial Rights Party and ended any chance at becoming premier.

The Provincial Rights Party limped through one more session of the provincial legislature. With Robert Borden as prime minister, Scott now pushed hard for the transfer of Crown land to Saskatchewan's jurisdiction. He blamed everything wrong with local administration on the resource issue. Haultain was unable to get any of the credit for this, despite campaigning for it since before Saskatchewan's existence. With The Provincial Rights Party caucus divided and drifting, the party slowly disintegrated. Shortly after the end of the fourth session, the Provincial Rights Party 'merged' with the

Conservative Party. It was less a merger and more of a re-branding: the Provincial Rights Party was now the Conservative Party in all but name.

In time, many of Haultain's political positions were vindicated. Most of the defects inherent in *The Saskatchewan Act* were removed in 1930 when Saskatchewan obtained jurisdiction over Crown lands.⁶⁴ Haultain also was the first politician to consistently pursue western grievances with the federal government. He was the first to see that many of the Canadian prairies' economic problems were at least partially the result of federal policies—policies more attuned to the needs of eastern Canada than the prairies.

Unfortunately, Haultain was generally only persuasive in hindsight. He failed to reclaim the premiership because, unlike Walter Scott, he was out of touch with the spirit of optimism that inundated the young province he sought to govern. Unlike Scott, who sensed what the people of the province were feeling about any given issue, Haultain lacked political instinct. Haultain often found himself trying to rectify past mistakes. In doing this, he failed to capture the imagination of the optimistic electorate. Haultain was re-elected to the third Legislative Assembly but did not take his seat, choosing instead to retire.

⁶⁴ *British North America Act, 1930*

CHAPTER FIVE:

Conclusion

Shortly after resigning from the Legislative Assembly, Haultain was appointed to the bench, becoming Chief Justice of Saskatchewan in 1912. Haultain, now in his mid-fifties, was beginning his third career. The man who had dedicated his life to public service served the people of Saskatchewan for another 25 years. When Haultain retired from the bench in 1938 he had acquired a reputation as a brilliant jurist. When he passed away in 1942, he was eulogised as a western Canadian statesman. Without detracting from his many accomplishments, it's safe to say that Haultain was far from perfect.

As the jurisdiction of Legislative Assembly of the North-West Territories increased while revenues stagnated during the last decade of the nineteenth century, Territorial Premier Frederick W.G. Haultain did the best he could to deal with the problems this caused. He tried to secure federal grants to compensate for the lack of taxing powers. When Parliament repeatedly failed to link the grant's value to territorial population growth, Haultain chose to agitate for provincial autonomy. The jurist and constitutional historian in Haultain compared the challenges his Legislative Assembly faced to the challenges the British Parliament faced freeing itself from the Crown's

influence. Haultain reasoned that if the Assembly, much like the British Parliament before it, obtained control over Crown land then the revenue they generated would enable to the region to set policy independent of the federal government.

The ‘rights’ Haultain kept alluding to were not legally enforceable and could only be granted by an Act of Parliament. Haultain realized that such an Act was necessary, but somehow believed that the prime minister could be convinced to grant autonomy with scholarly arguments. Non-partisanship was perfectly rational before responsible government was granted to the North-West Territories in 1897, but after Haultain was officially appointed premier it quickly became a quagmire.¹ As the number of issues increased due to the enlarged jurisdiction of the Assembly and government, this idea was less and less realistic.

Haultain’s autonomy policy was essentially correct, but his weaknesses as a politician ensured that he was never able to challenge Laurier when the latter introduced *The Saskatchewan Act* in the House of Commons. He constantly alluded to the ‘rights’ that they had been denied, mainly territorial control over Crown land, but elementary mistakes—such as embarrassing his colleagues or accepting the honorary presidency of the Territorial Conservative Party—caused the coalition that Haultain’s government depended on to fragment. If he was aware of this problem, he failed to rectify it. Indeed, he seemed oblivious to it.

In framing problems as part of a defect in the constitutional structure, Haultain set the genetic for the western Premiership. He was the first to see that the terms of

¹ Political parties are a method of organizing voters into coalitions capable of controlling parliaments. Non-partisanship is premised on the belief that ‘right-thinking’ people can have only a single opinion on any given issue. Obviously, there are usually as many unique political opinions as people.

autonomy settlement placed fiscal and economic burdens on Saskatchewan (and Alberta) that the first six provinces did not share. Crown land in Saskatchewan was used by the federal government for federal purposes and agricultural policy was fixed by parliament. Haultain was the first—before and after 1905—to see many western problems as a result of a constitutional defect. He was also the first to demand the constitutional amendments that would resolve them.

What would have become of Saskatchewan had Haultain been appointed Premier? It did have many great accomplishments to build upon. The remarkable education systems in Saskatchewan and Alberta bore Haultain's imprint, as did the Territorial transportation network and the nascent system of local government. Haultain would have entered office determined to improve on these accomplishments. However, Haultain would also have entered office with the belief that *The Saskatchewan Act* was both unwise and unconstitutional. In his first campaign as leader of the Provincial Rights Party, Haultain said he was prepared to have the attorney-general of Saskatchewan go before the courts to argue that *The Saskatchewan Act* was unconstitutional. The mind boggles at what might have ensued had a court of law agreed with this assessment. It was, at the least, politically unwise to make arguments against provincehood when a sense of optimism was so prevalent in the West, and Canada was so optimistic about its future. It is striking that Haultain was unable to sense the needs and desires of the electorate.

In hindsight, Haultain must be given some credit for foreseeing the defects of *The Saskatchewan Act*. By failing to transfer jurisdiction over Crown lands to the new province, the new government remained fiscally dependent on federal grants, grants that

quickly proved inadequate. The argument carried some weight as the Provincial Rights Party did so well in the first general election, but why was such a party necessary in the first place? Could he not have done equally as well as a Conservative? The Liberals were the first to introduce partisanship in provincial politics. Haultain could easily have followed their example. After all, Haultain could have benefited from the financial and organizational support the Conservatives could have provided. Haultain was mysteriously wedded to the non-partisan tradition. Why he was so wedded to a flawed idea remains a mystery.

Haultain was most comfortable when discussing the rights of the provincial Legislature, powers of taxation or the organization of the judicial system. The issues that fuelled his imagination were constitutional, issues with which the electorate rarely shared his fascination. Indeed, even when Haultain discussed issues which farmers thought important—the construction of roads and bridges, the formation of school districts or the government’s ability to pay for all of this—he was most comfortable in arguing his position in the abstract language of rights. Haultain’s fascination with legal questions would serve him well on the bench. He was appointed to the Supreme Court of Saskatchewan by the Borden government shortly after resigning from office and when Chief Justice Wetmore resigned in 1912, Haultain was selected to replace him.

When jurisdiction over Crown lands was transferred to the three Prairie Provinces in 1930, it was seen as a vindication of Haultain’s autonomy policy.² The achievement of responsible government for the North-West Territories in 1897, his juridical tenure, and even the natural resources transfer in 1930 are the foundation of

² *British North America Act, 1930.*

Haultain's reputation as an elder statesman. Without detracting from these accomplishments, the role Haultain played in bringing about provincial autonomy and his leadership of the Provincial Rights Party was not those of a statesman. Haultain failed to form a government because he lacked political savvy. Western populists often believe that political savvy is a character flaw, not a necessary ingredient for leadership in a parliamentary democracy. Haultain's example in this regard should not be emulated.

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