



A CONSTITUTIONAL ANNIVERSARY

September 1, 1905: Two Provinces Under the Crown

Alberta and Saskatchewan between autonomy, compromise and unfinished federalism

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Territorial change on September 1, 1905: Alberta west of the Dominion Land Survey's fourth meridian and Saskatchewan east of it. Map: Golbez, CC BY-SA 3.0.

Canada did more than grow on September 1, 1905. Its constitutional order changed shape: two parts of the North-West Territories became provinces, each with a lieutenant governor, responsible government and a legislature empowered to make its own laws.

The birth was not a seamless success story. Ottawa chose two provinces rather than one, retained public lands and natural resources, imposed a contested school settlement and drew borders across Indigenous peoples and Crown treaty territories. To understand 1905 is therefore to hold new autonomy and imposed limits in view at the same time.

The Canadian Crown did not create two personal governments for the King. Through law, it gave two new provincial democracies a common form of continuity: public authority remained non-partisan while ministers became answerable to elected assemblies.

JULY 20

Royal Assent to the Alberta and Saskatchewan Acts.

SEPTEMBER 1

Both provinces came into legal existence in 1905.

1930

Administration of natural resources was transferred to the provinces.



THE POWER TO MAKE A PROVINCE

A parliamentary creation, not a personal decree

The Constitution Act, 1871 empowered the Parliament of Canada to establish new provinces in the territories and to provide for their constitution and administration. That is why Alberta and Saskatchewan did not enter through an intergovernmental conference: two federal statutes constituted them.

“The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada [...] and may, at the time of such establishment, make provision for the constitution and administration of any such Province.”

Constitution Act, 1871, section 2.

1871	Parliament receives explicit authority to establish provinces in the territories.
1897	Responsible government is recognized in the North-West Territories under F. Haultain.
1903	Haultain proposes one large western province; Ottawa ultimately chooses two.
1905	The autonomy bills become the Alberta and Saskatchewan Acts.
Sept. 1	The Acts take effect and territorial institutions yield to provincial ones.

In constitutional-monarchy terms, these were acts of the Crown in Parliament. The Commons and Senate debated and adopted the texts; Royal Assent completed the laws. Neither the sovereign nor the governor general personally selected the boundaries or school policy. Those choices belonged to Laurier's ministry and Parliament, which bore political responsibility for them.

One province or two?

Haultain argued that one province would preserve an economy and administration already integrated across the plains. Laurier considered a unit reaching from Manitoba to British Columbia too large to govern; some Liberals also feared the political weight it could exercise in the federation. The boundary at the fourth meridian of the Dominion Land Survey, approximately 110 degrees west longitude, was therefore a choice about power as well as geography.

Royal Assent on July 20

The two Acts received Royal Assent on the same day and fixed September 1 as their commencement. The dates illustrate a useful distinction: an Act is completed upon assent, yet its legal effects may be postponed. The Crown's continuity joins those moments without creating a vacancy in public authority.

Law can create without settling legitimacy

Parliament had the legal competence to draw the map. It does not follow that every choice was equitable or adequately consulted. Distinguishing validity from legitimacy produces a more serious history: the constitution supplied the method, while history must still judge the power relationships that method carried into law.





THE MORNING THE STATE CHANGED SCALE

Two provincial Crowns take form



The Alberta Legislature Building, completed in 1913. Photo: WinterE229, CC0.



The Saskatchewan Legislative Building, opened in 1912. Photo: Stonedan, CC BY-SA 3.0.

The provinces did not emerge into an administrative void. Territorial laws, courts, commissions and officers continued until changed by competent authority. The larger transformation was the arrival of complete provincial governments rooted in ministerial responsibility.

Lieutenant governor	Executive Council	Elected Assembly	Crown in right
Represents the Crown in the province and preserves continuity of the head of state.	Ministers advise and bear responsibility for government action.	Passes laws, grants supply and can withdraw confidence from a ministry.	Names a provincial legal capacity distinct from the federal government.

Alberta: a commission read at noon

At Edmonton on September 1, George Hedley Vicars Bulyea's commission was publicly read and he took the oaths of lieutenant governor. The next day Alexander Cameron Rutherford was called to form the first ministry. The one-day sequence reveals the logic: the provincial head of state had to exist before a premier could be commissioned to govern in its name and under the Assembly's political control.

Saskatchewan: law before ceremony

Saskatchewan existed in law on September 1, although its major inauguration took place in Regina on September 4 with Governor General Earl Grey and Wilfrid Laurier present. Amédée Forget, the last lieutenant governor of the North-West Territories, became the first of the new province. One office-holder thus embodied a change of regime without a break in the state.

More governments, not more partisan heads of state

Creating two provinces added two centres of public authority without creating two rival presidencies. Each provincial ministry acquired an enduring capacity to act, but no premier owned it. This separation is a quiet advantage of monarchy in a federation: governments may embody the state within their jurisdictions while sharing one discipline of non-partisan succession.

The premier is not the province

The lieutenant governor appoints the premier capable of retaining the Assembly's confidence, assents to provincial legislation and ordinarily exercises formal powers on ministerial advice. Elected actors decide, but the majority of the day is not allowed to become identical with the province's legal existence.

Institutions before monuments

Neither province possessed the monumental building now identified with its legislature. Alberta opened its first session in March 1906 at Edmonton's Thistle Rink and later met at McKay Avenue School; members entered the present building only in 1912. A constitution begins with offices, oaths and confidence, not with a dome.



THE DISPUTED COMPROMISES OF 1905

Provincial autonomy, but on what terms?

The autonomy Acts granted wide provincial power while settling in advance matters the new electorates might have wished to decide for themselves. Schools and resources immediately exposed the tension between constitutional protection, national strategy and federal equality.

Question	The 1905 choice	Purpose advanced	Political cost
Schools	Section 17 protected denominational separate schools under the 1901 territorial system while leaving the general curriculum to the province.	Preserve acquired rights of Catholic or Protestant minorities within school districts.	Clifford Sifton resigned; francophones, Catholics, Protestants and provincial autonomists objected for different reasons.
Lands and resources	Section 21 kept Crown lands, mines, minerals, royalties and certain water interests under federal administration.	Ottawa sought to continue homesteading, grants and a coordinated western settlement policy.	The provinces lacked an economic base enjoyed by older provinces; the grievance fed western alienation.
Boundary	Two roughly equal provinces replaced Haultain's proposal for one large province.	Manageability, federal balance and more distributed representation.	Territorial representatives did not have the final word on the form of their autonomy.

The school question was also linguistic

The first bills attempted to revive older territorial guarantees. After a national crisis, Laurier adopted a compromise based on the 1901 school ordinance: denominational minorities retained publicly funded separate schools, but provincial curriculum and common standards constrained autonomy. A narrow opening for primary instruction in French remained, without making the provinces officially bilingual.

Minority protection or an imposed constitution?

Both readings carry truth. Entrenchment prevents a provincial majority from readily abolishing a minority right. Yet when Ottawa sets the terms while creating a province, protection can also be experienced as a limit imposed on democratic self-government. Monarchy does not dissolve the tension; it gives the compromise a legal form that can be located, contested and, through proper procedures, amended.

A province without its public lands

Federal retention of resources was more than a technical clause. Royalties, grants and territorial control shaped roads, schools, agriculture and future development. Ottawa provided compensation, but western governments argued that provincehood remained incomplete while the Crown assets within their boundaries were administered for Canada.

Federalism grows through disagreement

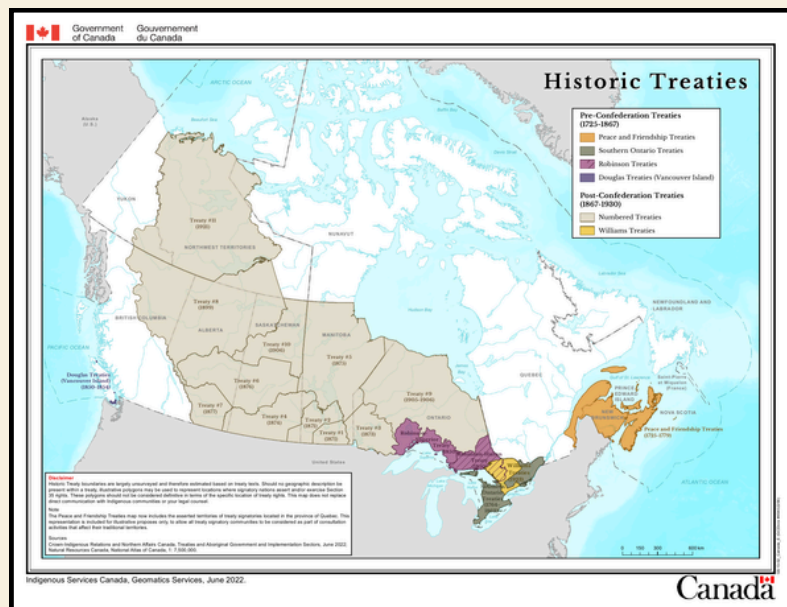
Canada in 1905 was not a finished model handed down from the centre. It was a federation capable of creating governments and then obliged to negotiate the inequalities left by that creation. Constitutional continuity matters precisely because terms can be corrected without abolishing the province or refounding the state.

The detail that endures. Section 17's school protections remain part of the constitutional architecture. Their history shows that constitutions distribute jurisdiction but may also remove certain questions from ordinary majority rule.



BEFORE PROVINCEHOOD, PEOPLES AND TREATIES

The 1905 map is not the beginning



The creation of Alberta and Saskatchewan overlaid two provincial boundaries on Indigenous nations, Métis communities and legal relationships that long predated them. Treaties 4, 6, 7 and 8 already covered much of the area; Treaty 10 was concluded in 1906, after provincehood.

Treaty 6 demonstrates what the 1905 line could not erase: its territory extends across central Saskatchewan and central Alberta. A person, community or treaty obligation does not become historically provincial simply because Ottawa selected a meridian.

Autonomy negotiations were dominated by federal and territorial governments and settler interests. First Nations and Métis peoples were not equal partners in deciding that the provinces should be created. A serious commemoration must acknowledge that exclusion rather than treat September 1 as an absolute beginning.

Historic treaty areas cross provincial borders. Illustrated limits are approximate and do not determine the extent of rights. Map: Crown-Indigenous Relations and Northern Affairs Canada, 2022.

Crown and treaties

Promises bind the Crown beyond the replacement of a ministry or creation of a province.

Division of powers

Federal section 91(24) remains; provinces exercise their powers within constitutional rights.

Crossing borders

Indigenous territories and practices do not necessarily match administrative lines drawn in 1905.

A useful but demanding continuity

The Crown supplies a language of continuity: obligations do not disappear when a government changes or land passes from federal to provincial administration. That is beneficial because it identifies an enduring public debtor. It becomes empty, however, if permanence is celebrated without examining whether promises were honoured in practice.

One Crown, several legal capacities

As federalism evolved, law distinguished the Crown in right of Canada from the Crown in right of each province. Divisibility permits precise attribution of land, contracts, wrongs and obligations. It does not allow government to use the Crown as a screen: the responsible federal or provincial minister remains accountable for advice and administration.

Treaty 10 after the provinces

A federal report in 1906 acknowledged that Aboriginal title had not been extinguished in much of northern Saskatchewan and a small adjoining part of Alberta. The treaty was therefore negotiated after provincial boundaries already existed. The chronology defeats any suggestion that the provinces acquired an uncomplicated and uncontested sovereignty over every part of their maps in 1905.

The institutional lesson

A constitutional monarchy can preserve legal memory more effectively than a state identified with an elected leader because duties belong to the enduring Crown, not to a government's personality. The benefit depends on accountability: legislatures, courts, governments and citizens must keep asking which Crown acts, on whose advice and under what obligation.



FROM LIMITED AUTONOMY TO RESOURCE EQUALITY

1930: the Crown transfers without disappearing



First page of the official consolidation of the Alberta Natural Resources Act. It approved the 1929 agreement that came into force in 1930. Source: Department of Justice.

After twenty-five years of dispute and federal-provincial conferences, agreements transferred to the provinces the Crown interest in public lands, mines, minerals, royalties and waters. Alberta's preamble expressly sought to place the province "in a position of equality" with the other provinces.

This was neither a sale nor the Crown's disappearance. Assets moved from Canadian to Alberta or Saskatchewan administration. Responsible ministers changed; public personality, records, contracts and duties continued. Exceptions remained for reserves, certain federal properties and national parks.

Moment	Enduring authority	Political responsibility	Limit or correction
1905	Two provinces, two lieutenant governors and continuity of existing laws.	Ministries answerable to newly elected assemblies.	Resources administered by Ottawa; school settlement constitutionally entrenched.
1930	Crown interests transferred through agreements and coordinated statutes.	Provincial governments become accountable for resource administration.	Reserves and treaty duties remain protected; harvesting rights are restated.
Today	The Crown joins succession, legislatures, courts and public property in each order.	Premiers and ministers answer for advice given to the King's representatives.	Constitutional law, Indigenous rights and judicial review constrain majorities.

Why this architecture benefits Canada

A province does not need an elected president to possess a political personality. Its citizens elect an assembly; a ministry holding confidence governs; a lieutenant governor embodies an impartial head of state and preserves legal succession. Democratic legitimacy remains where it can be withdrawn, while the existence of the state sits outside partisan competition.

The Crown does not excuse policy

Laurier's decisions on boundaries, schools and resources remain ministerial choices open to criticism. Indigenous exclusion from the negotiations remains a historical failure. Attributing legal acts to the Crown must never dilute political responsibility; it should make the chain between advice, public authority and enduring obligation easier to trace.

Transformation without vacancy

In 1905, courts, officers and territorial rules did not vanish at midnight. In 1930, titles and obligations were not reinvented when administration changed. The capacity to absorb major reform without interrupting authority is a concrete benefit of constitutional monarchy: continuity does not freeze the federation, but enables it to transform.

Conclusion. September 1 marks neither the discovery of these lands nor the birth of their peoples. It marks the establishment of two provincial structures able to enlarge their autonomy without a rupture in the state. Alberta and Saskatchewan therefore show why the Canadian Crown remains useful in a federation: it separates the temporary government from the enduring province, multiplies centres of autonomy without multiplying partisan heads of state and carries obligations beyond an election.