

Indian Territory did not seem applicable to lands occupied by the Inuit (although the term Esquimaux Indians was sometimes used for northern Indigenous people in the nineteenth century).

Since the 1840s, whaling had been carried on at Cumberland Sound⁵ by Scottish and American firms. Two inquiries were made about the status of this area in 1874, one by a Newfoundlander, Augustus Harvey, and one by an American, William Mintzer (docs 1, 3). Their letters brought the matter to the attention of the Colonial Office. After a short and not very thorough investigation, CO officials concluded that the area was not part of either Rupert's Land or the North-Western Territory, and hence had not been transferred to Canada (doc. 10).

At least one British politician, James Lowther, expressed particular concern about the "Yankee adventurer" Mintzer and the possibility that, if he were told Britain did not have sovereignty, the result might be an American claim (doc. 4). As in so many episodes of Canadian Arctic history, the concern was misplaced, reflecting a lack of accurate information. The issue of sovereignty over Cumberland Sound had been raised years earlier by the Scottish whaler William Penny, and as a result, in 1854 the British ambassador in Washington had sent a memo to the US Secretary of State in which Britain's "rightful claim to the several groups of islands which lie to the northward of Hudson strait" was asserted.⁶ This action appears to have been effective, since internal US government documents from later decades show that Canada's title to Baffin Island was always taken for granted by Washington officials. Nor was Mintzer himself any threat: as a previously unknown letter from him to the Canadian government (doc. 15) makes clear, he truly was interested in nothing more than obtaining a licence to carry on economic activities.

At first, the intention in both London and Ottawa was that an act should be passed by the imperial Parliament to remove any doubts about the extent of territory transferred in 1870. CO officials went to considerable trouble to determine what the boundaries created by such an act ought to be. Because the matter was not considered of special importance or urgency, it moved slowly. In the end, two obstacles to the original plan arose. First, Admiralty officials pointed out that the United States had a potential claim by discovery to Grinnell Land, as the central portion of Ellesmere Island was then known (doc. 30). This information meant that the British must either define the boundary so as to exclude Grinnell Land or else not define it at all. The first option would preclude any future Canadian claim to Grinnell Land, while the second would leave Canada free to explicitly claim the entire archipelago at a future date if there had been no

⁵ Cumberland Sound is on the east coast of Baffin Island; however, the name Baffin Island was not used until the 1880s.

⁶ Edmund Hammond to Herman Merivale, 12 April 1854, with enclosed copies of John Crampton to Lord Clarendon, 20 March 1854, and memorandum from Ambassador Crampton to William L. Marcy, undated, TNA, CO 6/21. Because Baffin Island was then thought to be several islands, this claim applied to the area immediately north of Hudson Strait, not to the entire archipelago.