

**A HISTORICAL AND LEGAL STUDY OF SOVEREIGNTY  
IN THE CANADIAN NORTH: TERRESTRIAL  
SOVEREIGNTY, 1870-1939**

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## *The Question of Sovereignty over the Sverdrup Islands, 1925-30*

The Sverdrup Islands were a principal source of worry for Canada in connection with the security of her northern frontier, from the time of their discovery by the Norwegian Otto Sverdrup during his expedition of 1898-1902 until the problem was finally disposed of in 1930. Sverdrup's expedition was privately sponsored by the consul Axel Heiberg and Amund and Ellef Ringnes of the Ringnes brothers brewing firm, each of whom assumed responsibility for one-third of the expenses. The Norwegian government loaned them the little steamer *Fram*, however, and the Storting provided 20,000 Kroner for necessary alteration and repair of the vessel. From bases on the east coast of Ellesmere Island in 1898-99 and the south coast of the same island in 1899-1900, 1900-1901, and 1901-1902, Sverdrup and his small crew carried out remarkable journeys of exploration. They traced almost all of the hitherto unknown western coast of Ellesmere, discovered and explored Alex Heiberg and the two Ringnes Islands, as well as the hitherto untravelled northern coasts of Cornwall, Graham, and Devon Islands, and sighted King Christian Island. Comments in Sverdrup's narrative indicate that he considered he was operating in a region not only unknown but also unclaimed,<sup>1</sup> and the narrative ends with the flat assertion that "An approximate area of one hundred thousand square miles had been explored, and, in the name of the Norwegian King, taken possession of."<sup>2</sup> It was this unofficial claim which aroused Canadian anxiety and led to the complications that followed.

Sverdrup maintained the view that he had established certain Norwegian rights in this part of the North American Arctic, and that later Canadian efforts to establish sovereignty over the islands he had discovered, without reference to Norway, were unjustified. For example, in the autumn of 1902, after Sverdrup had returned to Norway, he reportedly notified King Oscar that he had claimed these territories for the Norwegian Crown.<sup>3</sup> Norway was still united with (and dominated by) Sweden, however, and there seems to have been little inclination in Stockholm to take the matter seriously.

Sverdrup probably derived encouragement from British explorers' generous and accommodative attitude towards his achievements. In April 1903, he went to London to receive the gold medal of the Royal Geographical Society, and to present a paper of his expedition, which was actually read by the society's president Sir Clements R. Markham. The remarks of some members were such that Sverdrup could be excused for concluding, as he must have done, that they were willing

to concede to him the lands he had discovered. Admiral Sir Leopold McClintock, who had become renowned as a matter of the technique of sledging while serving as a junior officer during the Franklin search, said:

We looked upon that part of the arctic regions as so peculiarly our own that we spoke of it as if the Queen's writ was free to run through it even to the North Pole. But we can no longer make that boast; Captain Sverdrup has been there, and he has discovered other lands farther north, so that we cannot look for any immediate increase to the British Empire in that direction.<sup>4</sup>

In his closing remarks, Markham said:

There are those who believe, as I am inclined to do, that the great cairns discovered on Washington Irving Island are not wholly unconnected with the discoveries of the Norsemen. If that is the case, we must feel that Captain Sverdrup and his companions when near that island in Hayes sound, were on their own land. I do not venture to say that the round towers mentioned up Jones sound had anything to do with the Normans; but I do feel that we may rejoice in finding that the Norwegian explorers have filled up this gap which we have long wished to have filled up, more than if it had been filled by explorers from any other country. I rejoice to see those names which we used to study in the old maps now appearing as a sort

of wedge between our eastern and western discoveries.<sup>5</sup>

Historian T. C. Fairley noted that when Norway separated from Sweden and became completely independent in 1905, Sverdrup made fresh inquiries in Oslo (Christiania) about his islands, but again received an indefinite answer. Fairley suggests that Sverdrup and other Norwegians felt, nonetheless, that since the country was now independent the claim on behalf of Norway would be taken care of.<sup>6</sup> Little if anything was done, however, and the years slipped by.

In Canada, officials noted Sverdrup's claim, of course, and it aroused some comment. But it does not seem to have caused alarm on a scale comparable with that aroused by concurrent American activities in the Arctic. The region where the islands were located had presumably been included in the British transfer of 31 July 1880, and if this was insufficient, it must surely have been included in the Canadian orders in council of 2 October 1895 and 18 December 1897. At the same time, it could not be denied that the islands had been unknown until Sverdrup discovered them, and that no Canadian or Britisher had ever set foot on them.

Captain J.-E. Bernier manifested concern over Sverdrup's discoveries at an early stage, but he was also eager to use them as a means of promoting his own hoped-for Arctic voyage. In a February 1903 letter to Sir Wilfrid Laurier, he wrote:

Je vous envoie une carte géographique faisant voir les bornes du Canada septentrional, telles que je les comprends, et désignant plusieurs îles très – riches en charbon sur un étendu de douze cents milles, qui ont été découvertes de 1898 à 1902 par M. le capitaine Otto Sverdrup et



FIGURE 12-1.  
PORTRAIT OF OTTO  
SVERDRUP ON THE  
FRAM, 1895. FRIDJOF  
NANSEN / NATIONAL  
LIBRARY OF NORWAY /  
BLDSA\_Q3C055.

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plusieurs autres explorateurs, et dont je voudrais prendre possession au nom du Canada, auquel elles doivent appartenir.<sup>7</sup>

The Toronto Branch of the Navy League made representations about Sverdrup's claim to the Canadian government, which were forwarded to the Colonial Office in London and came under observation when both the Colonial Office and the Foreign Office were examining W. F. King's *Report on Canada's Arctic islands*. In a confidential letter to the Foreign Office, written on 30 July 1904, H. Bertram Cox of the Colonial Office remarked, *inter alia*:

I am to take this opportunity of acknowledging the receipt of your letter of the 1st of July, enclosing copy of a letter from the Toronto Branch of the Navy League to the

Canadian Government, on the subject of the reported action of Captain Sverdrup in claiming to take possession of Ellesmere Land in the name of the King of Sweden and Norway.

In Mr. King's memorandum there are several references to the territory in question; and it will be noted that Commander Nares is stated to have hoisted the British colours on Ellesmere Land in 1876, in four different places.<sup>8</sup>

If one may judge from this communiqué, the British harboured no great cause for alarm.

The patrol voyages of Low and Bernier began just after Sverdrup had completed his expedition. Again, the evidence suggests that in instituting them Canadian authorities were more worried about Americans than about Norwegians. Nevertheless, both Low and

Bernier, in their acts of taking possession, were careful to include the territories discovered by Sverdrup. When Low took possession on the east coast of Ellesmere Island on 11 August 1904, his proclamation specified that he had taken possession not only of the island itself but also “all the smaller islands adjoining it.”<sup>9</sup> Similarly Bernier, when taking possession at King Edward VII Point on the southern extremity of Ellesmere Island on 12 August 1907, named specifically the various parts of Ellesmere Island as they were then designated, the other large islands nearby including those discovered by Sverdrup, and “all adjacent islands” as being annexed to Canada.<sup>10</sup> Bernier’s sweeping sector claim at Winter Harbour, Melville Island, on 1 July 1909, named “all islands and territory within the degrees 141 and 60 west longitude” as being Canadian territory,<sup>11</sup> thus including the Sverdrup Islands along with all other land.<sup>12</sup>

Fairley remarked that Sverdrup heard of Bernier’s August 1907 appropriation later that year and immediately wrote to the Norwegian Foreign Office asking what it was going to do. Apparently he suggested that Norwegian police should be stationed on the islands. He never received a formal reply, but gathered that Norway was not inclined to take any action until the Canadian government openly endorsed Bernier’s activities or challenged Sverdrup’s claim.<sup>13</sup>

American expeditions led by Peary, Cook, and MacMillan explored parts of Sverdrup’s new land in the early years of the twentieth century (see chapter 6), but no British or Canadian expedition appeared until Vilhjalmur Stefansson’s Canadian Arctic Expedition of 1913–18 reached the same area. Stefansson explored parts of Ellef Ringnes, Amund Ringnes, and King Christian Islands, but he did not land upon the largest island of the group, Axel

Heiberg. This meant that until after the First World War no British subject had set foot upon this island and the entire group was still unoccupied, facts which Stefansson was not slow to impress upon the Canadian government as part of his campaign for greater activity in the north.<sup>14</sup> As chapter 10 revealed, Canadian officials were less concerned about Norway than about Denmark and the United States, particularly because the Norwegian government was evidently disinclined to take any definite stand respecting Sverdrup’s discoveries. In the absence of official Norwegian action, any possible Norwegian claim would presumably deteriorate with the passage of time.<sup>15</sup> Nevertheless, Canadian authorities took the matter seriously enough that one of the main features of the Stefansson expedition planned in 1921 (but which never materialized) was the establishment of a principal base upon Axel Heiberg Island.<sup>16</sup> Even though this plan fell through it was recognized that ultimately some action of this kind would be necessary.<sup>17</sup>

Evidently Sverdrup continued to badger the Norwegian government during these years. According to Fairley, the explorer visited the Norwegian Foreign Office in Oslo “periodically to make sure his islands were not completely forgotten.”<sup>18</sup> When the Danish government became involved in April 1920 by endorsing Rasmussen’s statement that the entire region was a “No Man’s Land” and there was no authority in Ellesmere Island except his own, “in Oslo Sverdrup renewed his old complaint, again asking for Norwegian police to be sent.”<sup>19</sup> There was no official contact between Norwegian and Canadian governments about the matter until 1925.

The Norwegian government broached the question in 1924, when it sent a semi-official communiqué to the British Foreign Office, the substance of which Colonial Secretary James

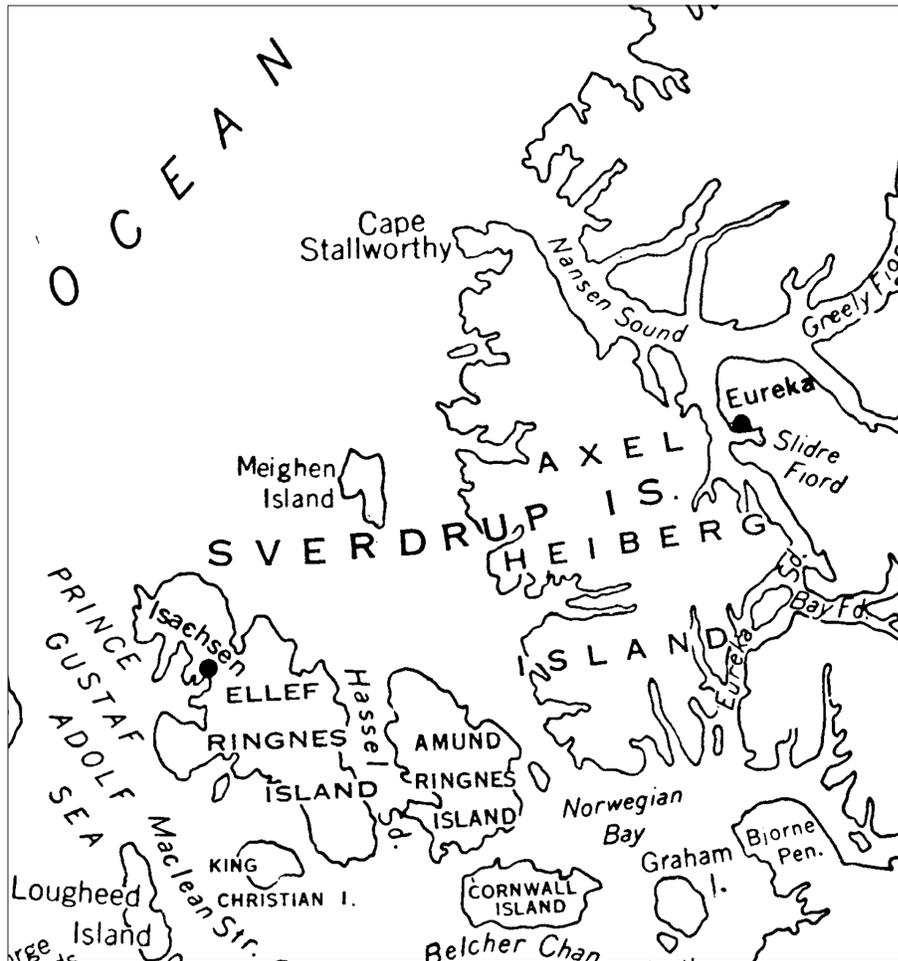


FIGURE 12-2:  
THE SVERDRUP  
ISLANDS.  
ANDREW TAYLOR,  
*GEOGRAPHICAL  
DISCOVERY AND  
EXPLORATION  
IN THE QUEEN  
ELIZABETH  
ISLANDS* (OTTAWA:  
DEPARTMENT  
OF MINES AND  
TECHNICAL  
SURVEYS, 1964),  
FRONTISPICE.  
BY PERMISSION  
OF NATURAL  
RESOURCES  
CANADA.

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Henry Thomas initially relayed to Ottawa on 29 October. Thomas's dispatch said that the Norwegian minister:

states that in May 1900 the Norwegian explorer Captain Sverdrup took possession, in the name of the King of Norway, of the so-called Otto Sverdrup Islands (comprising Ellef Ringnes, Amund Ringnes, Axel Heiberg, Kong Christian and North Cornwall Islands). These islands had been discovered and mapped out by

Captain Sverdrup, and a cairn was built at 80° 55' and the necessary documents place there in a metal box....

The Norwegian minister states that it is not the intention of his Government to claim sovereignty over these islands, but that they probably would like to be informed by Canada on what basis they base their rights... Should Canada maintain their special right he thinks his Government would desire to point out

that in regard to the discovery and work of Captain Sverdrup, Norwegians should meet with no difficulty in the future if they might desire to pursue some material interest in these islands.<sup>20</sup>

For some reason Thomas cancelled this dispatch by cable to Ottawa on 8 November.<sup>21</sup> The dispatch had noted Norway's intention to have its Consul General in Montreal put Norway's point of view before the Canadian government, and in due course, on 12 March 1925, this was done in a letter written by acting Consul General Sigurd Steckmest. After some remarks about the Norwegian discovery of the islands and their inclusion as Canadian in the report of the Canadian Arctic expedition of 1922, Steckmest said that he had been instructed by his government "to apply to the usual kind assistance of the Canadian Department of External Affairs at Ottawa in order to be informed whether the Canadian government contend that said islands belong to the Dominion of Canada, and, if so, on what basis such claim of sovereignty is founded."<sup>22</sup>

The letter elicited comment in Ottawa as well as interdepartmental memoranda. On one of the latter, a cryptic note in longhand observed that there was more involved here than a mere request for information.<sup>23</sup> No reply was sent. On 16 April, Oswald Finnie, Director of the Northwest Territories and Yukon Branch of the Department of the Interior, wrote a memo to W. W. Cory, remarking that the Norwegians "are mildly questioning our right to Axel Heiberg and the Ringnes Islands." He mentioned also the projected Arctic expeditions by MacMillan, Amundsen, and Krüger, observing that MacMillan planned to use Axel Heiberg as a base for airplane flights, that Amundsen was attempting to fly to the North Pole by way of

Spitsbergen and northern Greenland, and that Krüger, who was also going to the Axel Heiberg region, might kill all the muskox in his planned four-year stay. He thought that MacMillan and Krüger should ask the Canadian government for permission before using Canadian territory.<sup>24</sup>

As the memo indicates, this was a time when Canadian authorities were worried about the security of Canada's Arctic territories, and they had Americans and Germans as well as Norwegians to fret about. Largely in response to this situation, an interdepartmental committee was set up to keep an eye on Canada's interests and territorial rights in the Arctic,<sup>25</sup> and Minister of the Interior Stewart made his proclamation claiming for Canada in categorical terms all land within the Canadian sector to the North Pole.<sup>26</sup> The circumstances surrounding these actions (and others which were taken at about the same time) show clearly that Canada was much more concerned over the possibility of trouble with the United States than with Norway.<sup>27</sup>

Stewart's proclamation stirred up a good deal of comment in the American press. The *Washington Sunday Star* published a lengthy article on the subject on 7 June, saying, *inter alia*, that the Canadian claim might derive some support from the precedent of the Sverdrup Islands, since after Sverdrup had discovered and claimed them the Norwegian government had taken no action and had left them for Canada to appropriate. What happened here might inform the right of the United States to claim any Arctic lands that MacMillan might discover. The article concluded that under accepted principles of international law Canada's claim would fall down, but "the Axel Heiberg land case remains to bother all who try to get a clear understanding of the problem."

On 12 June, Henry Chilton, the British chargé d'affaires in Washington, suggested to Ottawa that since Canada feared the MacMillan expedition might end in an American attempt to claim Axel Heiberg and possibly Ellesmere Island, it "would be well to lose no time in intimating to the Government of the United States that Canada regards both these islands as being her territory." Accordingly a note was drafted in Ottawa, sent to Washington,<sup>28</sup> and in substance sent by the chargé d'affaires to American Secretary of State Frank B. Kellogg on 15 June. In his note, Chilton observed that the MacMillan expedition was reported to have the purpose "of exploring and flying over Baffin, Ellesmere, Axel Heiberg, and certain other islands within the northern territories of the Dominion." Drawing attention to the RCMP and HBC posts in the region, he said that although the Canadian government had received no information from the American government regarding the proposed route or intentions of the expedition, they were nevertheless willing to furnish the permits for an exploring and scientific expedition required under Canadian law, and to provide other assistance.<sup>29</sup>

When the Norwegian chargé d'affaires, Daniel Steen, asked at the British Embassy in Washington if the Canadian government had addressed the American government officially on the question of sovereignty in the North, he was told that this was not the case. He replied that if the subject were raised Norway would be interested because of Norwegian discoveries. Chilton communicated this information to the acting Governor General in Ottawa in a note written on 4 August 1925:

With reference to my dispatch No. 313 of the 24th ultimo, and to previous correspondence regarding the MacMillan expedition to

the Arctic regions, I have the honour to inform you that the Norwegian chargé d'affaires called at his Majesty's Embassy in Washington on July 31st and enquired of a Resident Secretary whether any reliance could be placed upon reports which had reached him through the Norwegian Consul in Montreal and the Associated press that the Dominion Government had addressed an official communication to the United States Government setting out their views as regards the sovereignty of territory which might be traversed or discovered by the expedition in question in the far north.<sup>30</sup>

Steen was informed that the governments of Canada and the United States had not discussed the question of sovereignty over these regions. If it was raised, he replied, the Norwegian government would be interested as Norwegian explorers had originally discovered Axel Heiberg and Ellesmere islands.<sup>31</sup>

Fairley suggests that the Canadian government may have feared that the Americans had asked for Norwegian rather than Canadian permission to use Axel Heiberg as a base.<sup>32</sup> Although this fear may have existed, there is no concrete evidence of it. The Canadian government did recognize, however, that American authorities were inclined to question Canadian sovereignty over Axel Heiberg. In a letter on 10 June 1925, to Foreign Secretary Austen Chamberlain, Chilton highlighted that the *New York Times* of 9 June had announced that the State Department were considering two points about the MacMillan expedition: first, whether Axel Heiberg was Canadian territory, so that a Canadian permit would have to be obtained to land there, and, second, whether any discoveries

should be claimed as American territory. Chilton sent a copy of the letter to the Governor General of Canada.<sup>33</sup>

Whatever the official Norwegian attitude at the time may have been, there were certainly prominent Norwegians besides Sverdrup who had no reservations about making a forthright claim to the islands. On 15 June 1925, Stefansson's former associate Dr. R. M. Anderson wrote a letter to O. D. Skelton, noting that the *New York Times* had quoted Conservative Carl Joachim Hambro, of the Foreign Affairs Committee of the Norwegian Parliament, saying that Norway claimed Axel Heiberg and the two Ringnes Islands.<sup>34</sup> Skelton replied on 20 June that Hambro had been "reiterating" this claim. He added that Canada had never replied to Norway's inquiry about these islands, but he thought the matter would be taken up "at the next meeting of the Advisory Committee."<sup>35</sup>

For two or three years afterwards the question of Norwegian interest in the Sverdrup Islands apparently aroused little public comment in Ottawa or official discussion with the Norwegian government. On several occasions, however, Norway made inquiries similar to that of 12 March 1925. On 6 February 1926, Ludvig Aubert, the Norwegian Consul General in Montreal, wrote a letter to the Secretary of State for External Affairs, drawing attention to the fact that no reply to this inquiry had been received. Accordingly, he had been instructed "to express to you that the Norwegian government with interest is looking forward to receive the Canadian government's reply to the request for information contained in the above mentioned note."<sup>36</sup> Aubert sent a further note, similar in import to the preceding ones, on 27 September 1926, again observing that no reply had been received. He referred to the Canadian government's regulations for the protection of game "in the Northwest Territories and the

Arctic Islands north of Canada," which had been published in the *Canada Gazette* on 31 July 1926, and which he evidently assumed were to apply to the Sverdrup Islands.<sup>37</sup>

The Canadian authorities doubtless felt that their position had been strengthened by the promulgation of this and other regulations applicable to the northern islands and, more particularly, by RCMP Staff Sergeant Alfred Herbert Joy's long patrol from Ellesmere Island to Axel Heiberg in early 1926. The following year, he made an even longer patrol that took him to all the major islands of this group. The Canadian government could now claim that a Canadian had landed upon all these islands for official purposes. On 9 October 1926, Skelton acknowledged Aubert's note of 27 September but only to say that he had left with the Prime Minister for the Imperial Conference and they would consider the matter when they returned from England.<sup>38</sup>

On 27 April 1927, Aubert wrote again, referring to this Canadian note, and asking if the Canadian authorities were now prepared to furnish any information.<sup>39</sup> His note went unanswered, so he wrote again on 26 March 1928, summarizing the background of events and drawing attention to the various unanswered Norwegian letters, as well as a conversation he had had with Skelton on 25 January 1928. Noting that Captain Sverdrup had taken possession of the islands in question for the Norwegian Crown, he concluded, "I am now instructed by my Government to inform you that they reserve to Norway all rights coming to my country under International Law in connection with the said areas."<sup>40</sup> A copy of this note was sent by the Norwegian minister to the British Government, and on 29 June 1928, Dominion Secretary L. S. Amery wrote to Ottawa asking for copies of the relevant correspondence, which, he said, would be of special interest because of

Norwegian claims in the Antarctic.<sup>41</sup> The Canadian government did not answer Aubert until 18 August, when Skelton's secretary sent an interim acknowledgment of Norwegian communications, again noting only that Skelton himself had just gone to Europe and had left word that the matter would receive immediate attention on his return.<sup>42</sup>

In the meantime Aubert had learned certain details about the appointment and responsibilities of James Colebrooke Patterson as a commissioner "to investigate titles of Great Britain (Canada) to lands in the Arctic Seas." The Norwegian Consul General mentioned in particular a reference in the Canadian House of Commons Debates to the provision of Patterson's salary,<sup>43</sup> and asked for copies of two orders in council setting forth certain stipulations about his activities.<sup>44</sup> After discussion in Ottawa, Canadian officials agreed that although the orders in council had not hitherto been made public there was no reason why they should not be and sent copies to him.<sup>45</sup> There was no specific reference either in the cited passage in Hansard or in the orders in council to the Sverdrup Islands.

Sverdrup himself remained as firm as ever in his view that he had established certain rights for Norway and that these rights should be respected. He wrote to the Norwegian Foreign Ministry on 8 February and 10 March 1928:

I now request the Norwegian Government to declare to the Canadian Government the priority of the Norwegian claim, in a clear and unambiguous way... I suggest urgently to the Ministry that they do not take a middle course but assert the Norwegian claim to the limit. Failing this, I reserve the right personally

to ask the Canadian Government to refund all the expenses of my expedition of 1898–1902.<sup>46</sup>

The ministry answered Sverdrup on 12 March, saying that the Norwegian Consul in Montreal had received no reply to the several inquiries he had made since 12 March 1925, but that he now had instructions "to present a new Note to the Canadian government making reservations with respect to the rights Norway has in those areas, according to intentional law."<sup>47</sup> This resulted, as seen, in Aubert's note on 26 March 1928.

According to Fairley's account, the Norwegian government early in April 1929 gave Sverdrup permission to relinquish Norwegian rights in the Sverdrup Islands, provided he claimed a refund for others who had contributed to the cost of the expedition as well as for himself.<sup>48</sup> Negotiations to this end were formally initiated by a letter written on 3 April to William C. Noxon, Agent General for Ontario in the British Isles, to Prime Minister Mackenzie King. The letter introduced Eivind Bordewick, the Canadian Pacific Railroad representative at Oslo, who had "some matters to settle in which the Government of Canada is concerned."<sup>49</sup> Bordewick became the principal go-between in the bargaining that followed. On 20 April, the veteran explorer Fridtjof Nansen sent King his "warmest recommendation" for his "good friend Capt. Otto Sverdrup,"<sup>50</sup> and on 22 April Sverdrup himself wrote to King, setting down his own case in a lengthy communiqué. Mentioning his awareness that the Canadian government desired to obtain full and undisputed possession of all territories in the region under consideration, he continued:

I venture, however, to point out that the Norwegian Government

have laid claim to the sovereign rights of the territories above-mentioned, but I would state that as a result of negotiations with the Norwegian Government these rights will be definitely relinquished should I at any time so desire. As no claim in this connection can be made other than by myself it follows that Canada will enter into full and undisputed possession the moment my claim is dropped, in which case, I am precluded from seeking compensation from the Norwegian Government for my services rendered in connection with the expedition.

As soon as the amount of compensation has been agreed upon I bind myself to obtain by telegraph a satisfactory declaration from the Norwegian Government that the Kingdom of Norway waives all claim to the territories aforesaid.

Noting that he had with the approval of the Norwegian Government entrusted his case to the care of Bordewick, Sverdrup added that Bordewick had his power of attorney to negotiate on his behalf and decide upon the amount of compensation he should receive "to settle the matter finally." An invoice, evidently attached to the letter but dated 15 April 1929, put the total cost of the expedition at \$200,900.<sup>51</sup>

The involved pattern of bargaining and fencing which was set off by these communiqués went on during the remainder of 1929 and throughout almost all of 1930. The records, or at least a large portion of them, have survived in External Affairs files, but they are so detailed that they can only be summarized here.

On 7 May 1929, Bordewick wrote a memo about Sverdrup's letter, which in his view

contained statements "which might have been worded in another way." He underlined in particular his understanding that although Norway had approached Canada about the matter, "the Norwegian government has not up to the present time laid any official claim to the sovereign rights to the islands discovered by Commander Sverdrup." Nevertheless, he emphasized that he did not want Sverdrup's language in his letter to "prejudice his claim."<sup>52</sup>

An official Norwegian government cable sent from Oslo on 22 May to Bordewick (then in Ottawa) stated cryptically: "Present government willing cede sovereignty but new unwilling therefore definite arrangement payment soonest necessary."<sup>53</sup> This introduced an intangible factor into the situation which hovered over negotiations, but whether this was in reality a source of gratification or of worry to the Norwegian negotiators would appear to be uncertain. A note to Prime Minister King on 3 June, unsigned but evidently written by Skelton, explained that the present Liberal government in Norway was willing to relinquish any title it might have to the islands if Canada would reimburse Sverdrup for the expense of his expedition, but the government was in a minority. The Labour Party, however, which was the strongest and might soon replace it, was averse to cession; hence the alleged need for speed, to prevent renunciation of the proposal.<sup>54</sup> Bordewick made his own explanations in a note to Skelton on 4 June,<sup>55</sup> and brought up the matter repeatedly thereafter, either because of genuine fear of the anticipated change or as a means of putting pressure upon the Canadian government.

Skelton answered Bordewick's note the following day, observing that the proposal to pay compensation to Sverdrup had "not yet received the consideration of the government." Referring to certain proposals Bordewick had

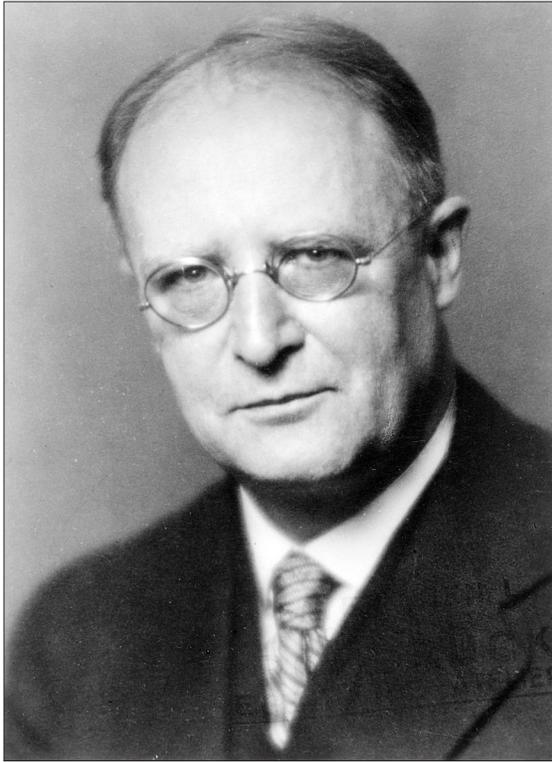


FIGURE 12-3: DR. OSCAR D. SKELTON. LIBRARY AND ARCHIVES CANADA / C-000079.

made, one being that the final settlement should take place in London not later than 1 October 1929, he said that Bordewick was mistaken in suggesting that the proposal had emanated from a meeting of the Northern Advisory Committee a few days earlier, which both had attended.<sup>56</sup> Prime Minister King also wrote to Bordewick a day later, his letter being a tactful and politely phrased appreciation of Sverdrup's achievements in his expedition, compensation for which the Canadian government would carefully consider.<sup>57</sup> As Skelton observed in another note to Bordewick, however, King's letter dealt essentially with the personal aspect of the matter, and "made no reference to any of the political considerations involved."<sup>58</sup> Bordewick

wrote to Skelton from Oslo on 13 September, saying that he was still without information about what was being done.<sup>59</sup> Many other such communiqués followed, by letter or cable, complaining about the lack of information and requesting – and in some case virtually demanding – payment of Sverdrup's compensation.

At Skelton's request, Lester B. Pearson, the first secretary in the Department of External Affairs, had prepared a lengthy report titled "The Question of Ownership of the Sverdrup Islands." During three interviews with Bordewick in June, Pearson noted, Skelton had informed the Norwegian that the Canadian government considered that this territory was already in Canada's possession and therefore any discussion of the matter would be without prejudice to this understanding. He observed also that in the dispute with Britain over Bouvet Island (an uninhabited subantarctic volcanic island in the south Atlantic), Norway had offered as a *quid pro quo* to abandon her claim to the Sverdrup Islands. The British representatives had "sheered off from this suggestion," however, thus foregoing an excellent opportunity to settle the whole matter. Regarding a Norwegian claim to the islands, Norway had apparently never made a public assertion of ownership, and any rights she might have acquired through Sverdrup's discoveries had disappeared. Therefore, Pearson concluded, "there would seem to be no reason why we should pay Captain Sverdrup \$200,000 on condition that Norway waive all rights to the islands in question, when those rights have already lapsed." On the other hand it might be wise to pay the money and avoid a long controversy. Interestingly, he suggested as an alternative that "a grant might be made to Captain Sverdrup of grace, not of right, in return for which, though not as a *quid pro quo*. Norway might acknowledge the

disputed islands as Canadian territories.<sup>60</sup> This solution was eventually adopted.

On 28 October, while on a visit to England, Skelton attended a meeting of the British Interdepartmental Committee on the Antarctic, where Jan Mayen and the Sverdrup Islands were among the subjects for discussion. The committee took the view that Great Britain should recognize the Norwegian claim to Jan Mayen Island in the Arctic and perhaps to Peter I Island in the Antarctic, and that in return Norway might abandon all claim to the Sverdrup Islands.<sup>61</sup> Skelton had this information sent to Ottawa by cable on 30 October, adding that he still adhered to the opinion of the Northern Advisory Committee that “it would be advisable in view of important Canadian interests concerned to offer some compensation,” and asking what amount might be considered.<sup>62</sup> Skelton finally received a reply cable on 30 November, informing him that the Canadian government was prepared to consider paying \$25,000 to Sverdrup as compensation, and that Skelton could take up negotiations with Bordewick on this basis.<sup>63</sup>

In a widely publicized speech at Bergen on 10 November about Norwegian policy in the polar regions, Norwegian Prime Minister Johan Ludwig Mowinkel refused to recognize British and Canadian sector claims in the Antarctic and Arctic, saying that these territories could be claimed only through occupation and that the claimant nations had not as yet fulfilled this requirement. Norway had played an important part in the polar regions, he said, and had special interests in both. The speech caused a flurry of excited comment in the Canadian press, and Canadian government officials hastened to reassert Canada’s sector claim, which, they said, was official and had now been generally recognized – except, apparently, by Norway.<sup>64</sup>

After various efforts to arrange a meeting Skelton and Minister of Justice Ernest Lapointe met with Bordewick and Sverdrup in Paris on 5 and 6 December. The proposal Skelton put before the Norwegians was essentially that suggested by the Northern Advisory Board: an annuity for Sverdrup of \$2,400 for life or a lump sum of \$25,000. This disappointing offer was not well received, and on 13 December Bordewick wrote letters to both Prime Minister King and Skelton, objecting to the terms and putting forward his case for more generous treatment. He suggested \$100,000 as an appropriate sum for Sverdrup, on the basis of an annuity of \$2,400 for approximately forty years (from 1902 till the estimated end of Sverdrup’s life). He also asked for \$200,900 to refund the cost of the expedition.<sup>65</sup>

After Lapointe and Skelton returned to Canada, and after receipt of the urgent message from the British High Commissioner’s office in Ottawa saying that a settlement with the Norwegian government of Arctic and Antarctic was essential,<sup>66</sup> the Canadian government reconsidered the question and adjusted their offer. They would now pay Sverdrup \$25,000 cash plus a life annuity of \$2,400 for his past service and for the delivery of the original maps, record, diaries, and other material in his possession, along with any other information he might be able to give them if and when required. Simultaneously Norway would recognize Canadian claims, and, the Canadian government assumed, Britain would acknowledge Norwegian sovereignty over Jan Mayen Island and possibly also Peter I Island.<sup>67</sup>

Soon after word of this offer had been received in Oslo, Bordewick sent a confidential cable to Premier Howard Ferguson of Ontario, with whom he was well acquainted personally, saying that he was “absolutely unable” to make Sverdrup accept the offer and asking

Ferguson's advice.<sup>68</sup> When Ferguson sent a copy of the cable to the Prime Minister (incidentally paying scant heed to Bordewick's instruction that it was strictly confidential),<sup>69</sup> King stated the government's refusal to make any further changes.<sup>70</sup> The Canadian authorities were strengthened in their stand by receipt of information through British diplomatic channels that the Norwegian Prime Minister was personally satisfied with their proposals, provided they were satisfactory to Sverdrup.<sup>71</sup> Evidently Sverdrup had some second thoughts, because Bordewick sent a cable to Ottawa on 11 February indicating an unwilling acceptance of the Canadian offer, provided the annuity were estimated at a lump sum of \$42,000 for a total cash payment of \$67,000.<sup>72</sup> The Canadian government considered and decided to accept this modification, on condition that Sverdrup would furnish the materials already requested, and that the undertaking set forth in his letter of 22 April 1929 (the relinquishment of Norwegian rights) would be carried out. This decision was communicated by cable to Bordewick on 26 February.<sup>73</sup> A note from Skelton to the British High Commissioner's office on 25 February, however, reiterated that any official Norwegian statement should not take the form of a relinquishment of Norwegian sovereignty, which Canada had never accepted, but rather recognition of the Canadian title.<sup>74</sup>

The basic framework of the arrangement had now been established, yet a succession of complications, misunderstandings, and disagreements prevented it from being finalized for eight months. In accepting the Canadian offer, Sverdrup initially attempted to attach the condition that arrangements to pay the \$67,000 should be made within one month.<sup>75</sup> Later, he resorted again to the argument that speed was essential because a change in the Norwegian government might mean a change in policy.<sup>76</sup>

He was informed that the payment would be provided for in a supplementary estimate, and that the House of Commons would have to approve all estimates, which in this instance could only be done towards the end of the current session.<sup>77</sup> When Bordewick continued to emphasize the need for speed,<sup>78</sup> Canadian officials inquired through the British High Commissioner whether an immediate political change was likely in Norway.<sup>79</sup> The British did not anticipate changes before the coming general election, deducing that the present government would probably remain in power until the end of 1930.<sup>80</sup> The Norwegian Prime Minister attempted to attach two conditions to Norway's recognition: first, that Norwegian subjects should retain fishing and landing rights in the islands and surrounding waters and, second, that no recognition of any sector should be implied.<sup>81</sup> The Canadian government agreed to the second without question, but refused the first on grounds that the fishing would probably be of no value and the proposition involved an objectionable servitude.<sup>82</sup>

A Canadian order in council was promulgated on 14 June 1930, authorizing payment of \$67,000 to Sverdrup under the conditions agreed upon, and the Canadian government put forward suggestions about an exchange of notes to bring matters to a conclusion.<sup>83</sup> After Bordewick cabled on 2 July that "Formal release Sovereign rights notified British minister June tenth,"<sup>84</sup> it remained vague whether the Norwegian recognition had been granted in acceptable form; or that it had been granted at all.<sup>85</sup>

On 8 August, the Department of the Interior sent Skelton a sterling exchange draft in favour of Sverdrup for the equivalent of \$67,000.<sup>86</sup> Delays ensued owing to the illness of the Norwegian Prime Minister,<sup>87</sup> and then by a further attempt by the Norwegian government

to attach conditions, in this instance that the Canadian government should “declare themselves willing not to interpose any obstacles to Norwegian fishing, hunting or industrial and trading activities in the area which the recognition comprises.”<sup>88</sup> The Canadian government refused,<sup>89</sup> and a good deal of haggling followed, including suggestions that Norway should be granted most-favoured-nation status in respect of these activities<sup>90</sup> and that Norwegians should be placed in the same position as British subjects except Aboriginal people.<sup>91</sup> In the meantime, Sverdrup was ill in Copenhagen<sup>92</sup> and Bordewick’s frequent communiqués took on an increasingly urgent tone. While trying to bring matters to a satisfactory and formal conclusion, Canadian authorities held to their stand that the money should not be paid until the full deal was done – and said little more than this when replying to Bordewick’s rather testy cables.<sup>93</sup> In the meantime the sterling draft was sent to the British minister in Oslo on 23 September, with instructions that it was not to be paid until negotiations had been concluded.<sup>94</sup>

A further snag was encountered when Skelton informed Bordewick by cable on 14 October that the draft had been forwarded, and that the Canadians understood that Sverdrup would now be prepared to deliver the materials mentioned in earlier telegrams.<sup>95</sup> Bordewick’s answering cable a day later said rather abruptly that, apart from some specified documents that had already been disposed of, “Commander Sverdrup had no additional data maps diaries documents of service whatever.”<sup>96</sup> The Canadian reply on 16 October asserted with equal bluntness:

Have noted with surprise your statement Commander Sverdrup has no additional data (stop) You will recall in our telegram of January

twenty-fourth and February twenty-sixth we stated our understanding that Commander Sverdrup would be prepared to furnish any additional data not published including maps, notes, diaries and other documents of service and that in your reply of February stated (stop) We cannot understand why position was not made clear at that time (stop).

The cable concluded with the firm statement that payment could not be made until negotiations had been completed.<sup>97</sup> Bordewick’s cable the next day regretted the “misunderstanding,” but observed that the agreement “stated precisely not published material considered unnecessary repeat what verbally stated Ottawa that all material of expedition had been published.” Sverdrup would deliver six copies of sketches of charts and thirteen handwritten private diaries in Norwegian which he still had in his possession.<sup>98</sup> Canadian officials decided to accept these as the most obtainable in the circumstances, along with an additional copy of a report which had already been published by the Nansen fund.<sup>99</sup>

All remaining obstacles to a settlement having now been removed, matters were brought to a conclusion on 5 November. The essential documents comprise two Norwegian notes respecting the recognition which had already been presented to the British government in London on 8 August, an exchange of notes in Oslo on 5 November respecting the privileges which Norway had asked for and Canada had refused, and Sverdrup’s acknowledgment of receipt of the \$67,000, also dated 5 November. These documents are reproduced below.

1. From the Norwegian Chargé d’affaires, London, to the Secretary of

State for Foreign Affairs, London. Royal Norwegian Legation, No. 95/1930 London, August 8th, 1930.

Sir, – Acting on instructions from my Government I have the honour to request you to be good enough to inform His Majesty's Government in Canada that the Norwegian Government, who do not as far as they are concerned claim sovereignty over the Sverdrup Islands, formally recognise the sovereignty of His Britannic Majesty over these islands.

At the same time my Government is anxious to emphasize that their recognisance of the sovereignty of His Britannic Majesty over these islands is in no way based on any sanction whatever of what is named "the sector principle."

I have the honour to be, etc., Daniel Steen Chargé d'affaires a.i.

The Right Honourable Arthur Henderson, P. C., M. P., etc., etc., etc.

2. From the Norwegian Chargé d'Affaire, London, to the Secretary of State for Foreign Affairs, London. Royal Norwegian Legation, No. 96/1930. London, August 8th, 1930.

Sir. – With reference to my note of to-day in regard to my Government's recognition of the sovereignty of His Britannic Majesty over the Sverdrup Islands, I have the honour, under the instructions from my Government, to inform you that the said note has been despatched on the assumption on the part of the Norwegian Government that His Britannic Majesty's

Government in Canada will declare themselves willing not to interpose any obstacles to Norwegian fishing, hunting or industrial and trading activities in the area which the recognition comprises. I have the honour to be, etc., Daniel Steen, Chargé d'Affaires a.i.

The Right Honourable Arthur Henderson P. C., M. P., etc., etc., etc.

3. From the British Chargé d'Affaires, Oslo, to the Norwegian Minister for Foreign Affairs, Oslo. No 122 British Legation, Oslo, 5th November, 1930.

Monsieur le Ministre d'Etat, – At the instance of His Majesty's Government in Canada and under the instructions of His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to invite reference to the two notes addressed to His Majesty's Secretary of State for Foreign Affairs by the Norwegian Chargé d'Affaires in London on August 8th last, in regard to the recognition by the Norwegian Government by the sovereignty of His Britannic Majesty over the Otto Sverdrup Islands, and to inform you that His Majesty's Government in Canada has noted the desire on the part of the Norwegian Government that no obstacle should be interposed to Norwegian fishing, hunting, or industrial and trading activities in the area which the recognition comprises, and wishes to assure the Norwegian Government that it would have pleasure in according any possible facilities. It wishes,

however, to draw attention to the fact that it is the established policy of the Government of Canada, as set forth in an Order in Council of July 19, 1926, and subsequent Orders, to protect the Arctic areas as hunting and trapping preserves for the sole use of the aboriginal population of the Northwest Territories, in order to avert the danger of want and starvation through the exploitation of the wild life by white hunters and traders. Except with the permission of the Commissioner of the Northwest Territories, no person other than native Indians or Eskimos is allowed to hunt, trap, trade, or traffic for any purpose whatsoever in a large area of the mainland and in the whole Arctic Island area, with the exception of the southern portion of Baffin Island. It is further provided that no person may hunt or kill or traffic in the skins of the musk-ox, buffalo, wapiti, or elk. These prohibitions apply to all persons, including Canadian nationals. Should, however, the regulations be altered at any time in the future, His Majesty's Government in Canada would treat with the most friendly consideration any application by Norwegians to share in any fishing, hunting, industrial, or trading activities in the area which the recognition comprises.

I avail myself of this opportunity to assure you, Monsieur le Ministre d'Etat, of my highest consideration.

Kenneth Johnstone.

Son Excellence Monsieur J. L. Mowinckel. Etc., etc., etc.

4. From the Norwegian Minister for Foreign Affairs, Oslo, to the British Chargé d'Affaires, Oslo, 5th November, 1930. (Translation)

Monsieur le Chargé d'Affaires,  
– I have the honour to acknowledge the receipt of your note of the 5th instant in reply to the two notes from the Norwegian Chargé d'Affaires in London to the British Foreign Minister of the 8th August last regarding Norway's recognition of His Britannic Majesty's sovereignty over the Otto Sverdrup Islands.

The Norwegian Government has noted that the Canadian Government would willingly have granted every possible facility to Norwegian fishing, hunting or industrial and trading activities in these regions, but that it is a leading principle in the policy of the Canadian Government to preserve the Arctic regions as hunting and trapping preserves for the sole use of the aboriginal population of the Northwest Territories, in order to prevent their being in want as a consequence of the exploitation of the wild life by white hunters and trappers, and that they have drawn up more definite regulations to this end by means of several Orders in Council.

The Norwegian Government has further noted that should these regulations be altered in the future, the Canadian Government will treat in the most friendly manner any applications from Norwegians for facilities to carry on fishing, hunting, industrial or trading activities in the

areas which the Norwegian Government's recognition comprises.

I beg to inform you that in these circumstances the Norwegians' Government find themselves able to concur in this reply to the above-mentioned notes of 8th August last.

I avail myself, etc, (for the Minister for Foreign Affairs) Aug. Esmarch.

Kenneth Johnstone Esq., The British Government's Chargé d'Affaires, etc., etc.<sup>100</sup>

#### 5. Acknowledgement of Receipt of Draft for 13,767.2.£ by Otto Sverdrup.

I hereby acknowledge of receipt of draft for – 13,767.2.£ from the Government of Canada in recognition of my contributions of the knowledge of the Arctic Archipelago in the Sverdrup Islands area and in full payment for maps, notes and other material bearing on the said region, which I have delivered for transmission to the Government of Canada. I am prepared to offer my services to the Government of Canada for consultation in regard to this region any time that may be desired.

(Signed) *Alex Nansen* on behalf of Commander Otto Sverdrup.

Date November 5, 1930.<sup>101</sup>

By prearrangement, news of the completion of the settlement was communicated to the press on 11 November, and published as close to simultaneously as possible in Ottawa and Oslo the following day.<sup>102</sup> A wave of announcements, newspaper articles, and comments

followed. The official Canadian communications to the press maintained the same separation between the Norwegian recognition and the award to Sverdrup that Canada had insisted upon throughout the negotiations, and took the form of two releases, one titled “Canadian Sovereignty in the Arctic” and the other “Norwegian Explorer Rewarded by Canada.”<sup>103</sup> Unfortunately, Sverdrup did not live long enough to get any real satisfaction or enjoyment from the money he had received, as he died of cancer (which according to Bordewick had been discovered only in July of that year and had developed very rapidly) on 26 November.<sup>104</sup> In due course, after they had been photostatted in Ottawa, Sverdrup's original diaries were returned to his widow, in accordance with a request she made through Bordewick.<sup>105</sup>

The negotiations took a long time to complete, but in the circumstances an earlier settlement would probably have done little for Sverdrup except to give him peace of mind. It is not easy to affix responsibility for the excessive delay, but it would certainly appear that both sides could have done more to expedite matters had they been so inclined. The Canadian authorities were determined to have their pound of flesh, and to insist upon the most formal processes of obtaining it before releasing the money to Sverdrup. They were also not disturbed about the passage of time, especially in the early stages of the proceedings. On the other hand, the Norwegian authorities, although not particularly worried over the matter, were inclined if possible to avoid a clear-cut recognition with no strings attached. As far as Bordewick himself was concerned, he obviously cared little about Canadian wishes or the form of protocol, and would have been happy to get the money for Sverdrup without paying particular heed to what was expected of Norway in return. The Canadian authorities were

unaware of the seriousness of Sverdrup's illness and that he was actually on his deathbed. It is to be hoped that this was so, at any rate, otherwise some of their communiqués become remarkably crude, and insensitive. For example, the form prescribed for his acceptance of the money had him say, "I am prepared to offer my services to the Government of Canada for consultation in regard to this region at any time that may be desired," and the cable to Bordewick on 12 November advising him about transmission of the draft asked him to convey to Sverdrup "best wishes for health and happiness."<sup>106</sup> It may be assumed, however, that Bordewick and the Norwegian government were reluctant to tell the Canadians the true state of affairs, since in calculating the amount of the fee payable to Sverdrup a considerable additional life span had been taken for granted. This circumstance also accounts in large part for Bordewick's anxiousness to obtain the money as quickly as possible.

The settlement of 1930 effectively ended all questions relating to the official status of the Sverdrup Islands, as far as the Canadian and Norwegian governments were concerned.<sup>107</sup> After the Second World War, however, Bordewick

attempted privately to reopen negotiations to secure more money for Sverdrup's son Otto Jr., who, like most of his countrymen, was in financial difficulty after the German occupation. He tried to make the point that Norway had ceded the Sverdrup Islands but the cession had not been completed, and to make the cession complete a further payment would be in order.<sup>108</sup> The Canadian government answered sympathetically, but at the same time made it clear that there was no prospect of a second grant. It was pointed out to Bordewick that in 1930 Norway had denied any claim to the Sverdrup Islands and had formally recognized Canadian sovereignty over them, so that no cession was involved, and that in any case the payment to Sverdrup was not connected with the alleged "cession." In addition the words "in full payment" in the receipt which Sverdrup's authorized representative had signed led the Canadian government to consider the payment of 1930 as final.<sup>109</sup> Evidently Bordewick dropped the matter, and it is important only as apparently the sole instant of an attempt emanating from Norway to question the finality of the settlement of 1930.