

TABLE OF CONTENTS

	<u>Page</u>
Introduction	
History of Africville	1-3
Africville: A Blight in the Eye of Halifax	3-6
Industrial Value of Land	7-12
Relocation Reports	12-23
Process of Relocation	23-30
Conclusion	30-32
Afterward	32-34

Introduction

This paper is about the death of a Black community called Africville. This community was located on the shores of the Bedford Basin in Halifax, Nova Scotia. Between 1962 and 1969, the City of Halifax purchased the homes and land of Africville and relocated the Africville families.

In this paper I will analyze this process of purchase and relocation. Within my analysis I will go beyond the sentimental mourning of the loss of a Black community and a lost chapter of Nova Scotian culture and history. I will analyze the legal and political process of the destruction of the Africville community, the purchase of the homes and land of Africville, and the relocation of the families of Africville by the City of Halifax.

The argument I will be developing throughout this paper is that the purchase and relocation process employed by the City of Halifax was deceitful, legally suspect, politically corrupt and morally bankrupt.

My objective in undertaking this analysis is to lay the foundation for the argument that the process of purchase and relocation employed by the City was so fundamentally flawed, that the issue of financial compensation paid to the families of Africville for the loss of their homes, their land and their

community must be re-opened. It should be noted, however, my discussion will be of a general nature. It is beyond the scope of this paper to analyze the precise amount that was paid to each family and to suggest what should have been paid. Here, I will analyze the process generally to lay the foundation for the determination of specifics for individual families.

The History of Africville

The original settlement of Africville is shrouded in mystery and controversy. Oral history within the Black community, reinforced by older living residents of Africville and President of the Africville Genealogy Society (Irving Carvery), suggests that Africville was originally settled by refugee slaves well before the 1830's.¹ Irving Carvery on the issue of when the area was first settled by Blacks stated recently:

"As a child I can remember my grandfather, who, at that time, was upwards of one hundred years old, telling me about his parents and his parents' parents who lived in Africville."²

Clairmont and Magill describe this oral historical version as myth on the basis there is no evidence to support this assertion at the Registry of Deeds. They argue that it is more likely that Africville was first settled between 1835 and 1840 by Black refugee settlers who arrived at the Africville location from other local Black communities such as Preston and Hammonds Plains. The basis for this version lies in the recording of certain land transactions at the Registry of Deeds.³

It is submitted that it is just as likely the Black oral history version is the correct one. Africville was located on the

¹Interview with Irving Carvery, November 21, 1991.

²Ibid.

³Clairmont, H. Donald, Magill W. Dennis, "Africville Relocation Report", Institute of Public Affairs, Dalhousie University, Halifax, Nova Scotia, 1971, at pp. 42-50.

outskirts of the City of Halifax. All Black communities were so located in Nova Scotia at this time. Little value and attention was placed on these lands and Blacks were either forced to settle in these areas or settled in these areas with little notice. Further, Black refugee settlers would know little or nothing about the legal requirements of clear title to land.

Similar mystery surrounds the issue of how Africville came to have its name. Irving Carvery states that the name was imposed on the community by Whites and other Blacks not living in Africville in the late 1800's or early 1900's.⁴ The name is believed to have originated from the term "African Village" which in time developed into Africville.⁵

Residents of Africville maintained their subsistence through share-cropping and fishing up until the early 1900's. After this, fishing continued but residents also became employed by Canadian National Railways and various intense manual labour, as well as domestic workers.⁶

The survival of Africville over the years was due in part to the focal point of the community: Seaview Baptist Church. The

⁴Supra, footnote 1.

⁵Supra, footnote 3 at pp. 60-61.

⁶Interview with Donald H. Clairmont, November 8, 1991.

church was the social, family and spiritual foundation of the community. One former resident noted:

"We had beautiful services, and people used to come from all around - coloured people and white people - to our services. People called it a spiritual church".⁷

Africville was a vibrant, living and breathing, close-knit community that survived for over a hundred years because of the strength of the community and in spite of the larger Halifax community.

Africville: A Blight in the Eye of Halifax

It was lovely, lovely. They talk about Peggy's Cove but I am going to tell you, it was the most beautiful sight you would want to see -- Africville. You get on the hill, and look over the Bedford Basin in fall of the year, say from October to around December, and that was a sight to see, especially at twilight when the sun is sinking over the hills at Bedford... And another thing, during the War ... when the convoys were in the Basin, there was another beautiful sight. It was one of the most beautiful spots I've been in, in Nova Scotia. And the City didn't develop it. Africville should have been developed years ago when labour was cheap. Africville would have been a pretty sight. Why didn't they do it? There is only one meaning I can put to it. Because black people was living out there.⁸

(Emphasis added)

Thus far I have briefly outlined the history and origins of Africville. A study of the history and experience of Africville is

⁷Supra, footnote 3 at p. 103.

⁸Clairmont H. Donald, Magill William Dennis, "Africville: The Life and Death of a Black Community, Revised Edition"; Canadian Scholars Press, Toronto, 1978, p. 83. [Name of person interviewed not named by Interviewer.]

essentially a study of deprivation of services to a community within the City of Halifax. In this portion of my paper I will focus on this deprivation of services and the key impact this had on the City's removal and destruction of Africville. The City of Halifax neglected to provide basic services to Africville, and then used the living conditions created by the lack of services as a rationalization to do away with the community.

Although Africville was a vibrant living and breathing community unto itself, it was isolated from the City of Halifax geographically, but the isolation did not end there. Although within the City boundary, the City of Halifax did not provide basic services to Africville that the rest of the city took for granted. Within Africville the roads were never paved. Paved roads ended where the community began and picked up again where the community ended.⁹

Similarly, sewer and water systems stopped at Africville and continued past Africville in Bedford. Although the early Africville settlers had no problems with pollution through the early 1900's, as time passed problems appeared. Water was often contaminated and people had to boil water before consuming it.¹⁰ On this point, the City Manager in 1954 stated:

⁹Ibid., at p. 405.

¹⁰See Appendix "A".

"The water supply [in Africville] is from shallow wells which show more contamination than is desirable. The proximity of privies to these wells is particularly bad with the rocky soil conditions. The City of Halifax has been fortunate that no serious health conditions have resulted from this situation."¹¹

In this comment the City Manager failed to consider three crucial factors that may have contributed to the contamination of the water. Long after Africville was settled, an infectious disease hospital, a slaughter house, and lastly a dump, were all located just outside the community.¹²

Lack of running water for the residents of Africville was not only an inconvenience but also had devastating economic and life-threatening results in the event of a fire in the community.

Residents say that fires were not uncommon in Africville. In fact, many attempts were made to get proper facilities implemented, but nothing was ever done. In the words of a former resident, "Once a home in Africville caught fire the only thing you could do was get as much of your belongings out because there was little chance that your home could be saved".¹³

¹¹Minutes of the Halifax City Council, September 17, 1954, p. 760. See Appendix "A".

¹²Supra, footnote 3 at p. 45. See Appendix "B".

¹³Interview, October 24, 1991.

On May 2, 1963, fire consumed a structure in Africville. The Fire Department's only access to a hydrant was one-half mile outside of the Africville community. As a last attempt to save the structure, the Fire Department tried to pump water from the Bedford Basin. The Deputy Fire Chief had this to say:

"...we did everything possible to save the house. But you have to remember the location. It is inaccessible and the lack of hydrants added to our difficulties."¹⁴

The lack of provision of essential municipal services to a Black community located within the municipal boundary represents a blatantly racist negligence. The placement of a slaughterhouse, infectious disease hospital, a prison, and in particular a dump, on the outskirts of the community represents devaluation of, and insult to, the community and its residents.

The fact remained that the City owned all of the above-mentioned property which surrounded the community of Africville. This placed the City in a very advantageous position to attract large industrial organizations to the Halifax area, but the removal of Africville was required before the City's position would be solidified:

"Minutes of the Halifax City Council show that the eventual industrial use of the Africville land was a matter of long-standing implicit intent. This 'policy' was a reason for Council's neglect of Africville residents."¹⁵

¹⁴"Africville Family Homeless," The Mail Star, Halifax, Nova Scotia, May 3, 1963.

¹⁵Supra, footnote 3 at p. 141.

Industrial Value of Land

When Africville was originally settled by Blacks, little attention was given to the issue as the land was outside the settled City. This was true of most, if not all, Black communities in Nova Scotia. As the City of Halifax grew, people began to notice Africville. At the same time, the community was deprived of basic services, and as the City grew, Africville came to be situated on prime industrial land.

The first group to recognize the value of the Africville land and the first to attempt and succeed at expropriation of land in the community was the Canadian National Railway Company in 1854.¹⁶

Pursuant to An Act to Authorize the Construction of Railway in this Province,¹⁷ the expropriation of land in Africville, for the implementation of a railway, was authorized. The railway company was to compensate the residents for the land and houses that were expropriated to facilitate the new railway. Compensation for loss of property was to be immediately given to those residents whose land was expropriated. But as the Board of Railway Commissioners stated:

"Difficulties have arisen during the past year in adjusting the damages due to parties whose land has been

¹⁶Supra, footnote 3 at p. 130.

¹⁷S.N.S. 1854, c. 1.

taken by the Commission ... None of the parties have been paid ... cases of hardship have already occurred....¹⁸

It would take another four years before residents of Africville would finally receive adequate compensation for their land.¹⁹

By 1912, two additional railway lines would pass through what the railway company called "The African Village." The residents whose land was taken received the following:

	Land and any Buildings Thereon	Damages	Total
Settlement One	\$220	\$ 55	\$ 275
Settlement Two and Three	\$940	\$100	\$1,040
Settlement Four	\$225	\$ 25	\$ 280
Settlement Five	\$ 50	\$ 25	\$ <u>75</u>
			\$1,670 ²⁰

The railroad tracks went right through the community and split people's yards as well as the community's organization. The railway contributed a lot of noise and pollution in Africville. It also presented a serious hazard to curious and active children who

¹⁸Nova Scotia Legislative Assembly, Journal of Proceedings, 1854-1855, Appendix 17, p. 143.

¹⁹Supra, footnote 3 at pp. 131-132.

²⁰Ibid., at p. 135.

lacked a recreation centre. Over the years, some children lost their lives while playing on the lines.²¹

The expropriation of land in the middle of Africville for a rail line represents the first example of the industrial value of the land receiving more weight than the value of the homes on the land and the Black community living in the homes.

The purchase of land in Africville at this time was achieved by expropriation. The railway company did abide by legal procedure in the acquisition of Africville land as well as the equitable compensation to proprietors of lands.

The City also came to realize that Africville was located on prime industrial land by at least 1907 as it revealed in this statement:

"The Africville portion of Campbell Road will always be an industrial district and it is desirable that industrial operates should be assisted in any way that is not prejudicial to the interests of the public; in fact, we may be obliged in the future to consider the interest of the industry first."²²

In fact, just before the above statement was made, the City, in 1907, had already set the death of Africville in motion. At a meeting of City Council, the decision to expropriate Africville was

²¹See Appendix "C".

²²Minutes of the Halifax City Council, September 9, 1915, p. 211.

made.²³ Also at this meeting, the City undertook steps to purchase other land surrounding Africville.²⁴ The "acquisition of the Africville land would give the City a section of waterfront property extending far back from the shoreline, an attractive industrial resource."²⁵

In 1915, Imperial Oil Company expressed interest in the land of Africville.²⁶ The Halifax Board of Trade Industries Commission wrote to City Council and said:

"Realizing that the carrying through of the proposal under consideration would have certain advantages for the City, we would recommend that if it were found necessary we exercise the legislation which we now have for the expropriation of part or the whole of the property known as Africville..."²⁷

However, Africville would temporarily avoid destruction in the name of "development" only because the Africville land was not conducive to house an oil refinery.²⁸

As a response to this attempted industrialization of the Africville land the residents felt the need to further dig their

²³Minutes of the Halifax City Council, January 11, 1907, p. 252.

²⁴Ibid.

²⁵Supra, footnote 3 at p. 142.

²⁶Supra, footnote 20.

²⁷Ibid., p. 218.

²⁸Minutes of the Halifax City Council, December 9, 1915, p.309.

roots into their land with the foundation of their community: the Church. They requested the use of City land to build a new church.²⁹ In response to this request the City Engineer recommended to City Council as follows:

"It is not desirable that the City should part with any of its property in Africville for any such purpose, as it is probable that in the near future, all property in this district will be required for industrial purposes, and it will be abandoned as a residential district.

I see no objection, however, to leasing a piece of property large enough to accommodate the church at a nominal figure so long as the members of the church are located at Africville, the lease to be drawn on such condition as may be considered necessary to enable the City to cancel it and have the building removed promptly."³⁰

(Emphasis added)

In 1947, Africville was rezoned and designated as industrial land and in 1948, the residents of Africville were asked to relocate.³¹ After a public meeting their answer was clear:

"A Public Hearing was held in the Council Chamber, City Hall on Wednesday, February 4, 1948, at which a large representation of residents from Africville and others were present. A free discussion took place; all residents expressed a desire to remain in Africville and pledged their co-operation to any move made by the City to improve conditions there also agreed to appoint a Committee of not more than five persons to meet with a Committee from the City Council for the purpose of working out a definite program."³²

(Emphasis added)

²⁹Ibid., April 27, 1916, p. 569.

³⁰Ibid.

³¹Minutes of the Halifax City Council, January 15, 1948, p. 10.

³²Ibid., February 12, 1948, p. 107.

No move was ever made by the City to improve living conditions in Africville. This would not be the last time the residents of Africville would be uplifted with news of improvements to their community only to be passed over by the City of Halifax. In 1954, Halifax City Council approved a proposal to relocate the community of Africville to a 15 acre site not far from where it presently stood.³³ As time passed, the hope for this proposed move faded away, but the idea of Africville as an industrial area did not.

Relocation Reports

By 1962, the push by the City of Halifax to possess the land of Africville for industrial purposes intensified.³⁴ A memo from the Assistant City Planner at this time conveys this:

"Africville stands out as the greatest problem in this study area, and a lengthy legal and administrative problem is likely to stem from establishing ownerships, etc., and forestall an early redevelopment of the 'shanty town'. City Council must also clarify its position and policy in relation to the rehousing of the Africville population."³⁵

The City of Halifax responded to the "greatest problem" in the area by destroying the community and relocating the residents elsewhere.

³³Report by the City Manager to the Mayor and City Council, August 19, 1954. See Appendix "D".

³⁴Supra, footnote 3 at p. 160.

³⁵Memorandum from D. A. Baker, Assistant Planner, to K. M. Munnich, Director of Planning, City of Halifax, January 2, 1962, p. 2.

The actions of the City in response to its "greatest problem" in the area was based on two reports compiled and funded by them: First, on July 23, 1962, a "Development Department Report" was completed; Second, on December 6, 1963, a report was compiled by Dr. Albert Rose (Professor of Social Work, University of Toronto) and based on a two-day visit to Halifax from November 24th to 26th, 1963.

Both of these reports focus on the living conditions and services provided to Africville as a means to rationalize the intended relocation of the residents. Neither report questions why essential services were not provided in the first place. Neither report seriously considers the provision of services and upgrading of housing as a viable alternative. Neither report manifests any respect for Africville as a rich cultural community that has survived many years. Essentially, both reports use the living conditions created by a racist bureaucracy as a means to erase the community.

The 1962 Development Department Report began with a quote from Professor Gordon Stephenson (from his redevelopment study of the City of Halifax) who, in his study, "seems to have stated the problem of the area in a simple and precise manner":

"There is a little frequented part of the City, overlooking Bedford Basin, which presents an unusual problem for any community to face. In what may be described as an encampment, or shack town, there live about seventy negro families. They are descendants of early settlers, and it is probable that Africville

originated with a few shacks well over a century ago. Title to some of the land will be difficult to ascertain. Some of the hutted homes are on railway land, some on City land, some on private land. There will be families with Squatters Rights, and others with clear title to land which is now appreciating considerably in value.

The citizens of Africville live a life apart. On a sunny, summer day, the small children roam at will in a spacious area and swim in what amounts to their private lagoon. In winter, life is far from idyllic. In terms of the physical condition of buildings and sanitation, the story is deplorable. Shallow wells and cesspools, in close proximity, are scattered about the slope between the shacks.

There are no accurate records of conditions in Africville. There are only two things to be said. The families will have to be rehoused in the near future. The land which they now occupy will be required for the further development of the City.

A solution which is satisfactory, socially as well as economically, will be difficult to achieve. Africville stands as an indictment of society and not of its inhabitants. They are old Canadians who have never had the opportunities enjoyed by their more fortunate fellows."³⁶

This statement which "seems to have stated the problem of the area in a simple and precise manner" is explicitly paternalistic, one-sided and prejudicial against the interests of the residents of Africville. The statement is important for what it leaves out. This "simple and precise" statement of the problem fails to look at, let alone recognize, the residents' versions of how their foremothers and forefathers came to be on the land. It fails to examine how a community within a municipal boundary came to have such deplorable living conditions. The statement fails to examine

³⁶"Africville", City of Halifax Development Department Report, July 23, 1962. See Appendix "E".

how the "fortunate fellows" created the living conditions in Africville over the years. Most importantly, this statement doesn't address why the "fortunate fellows" are now at all interested in the living conditions of these "old Canadians".

Later on in the report, only the following is said in regards to "Municipal Services":

"The community of Africville is not served with either piped sewer or piped water. Such roads as are in the area are unsurfaced. Sanitary conditions in the area are very unsatisfactory.

Complete implementation of the requirements of the Health Statutes would undoubtedly indicate that few, if any, properties were fit for continued habitation."³⁷

In regards to title to land in Africville, the report concludes:

"Title to the Africville properties is in a chaotic state while ownership of a sort could be proven in most instances, the expense of proving such title might be more than the property was worth."³⁸

(Emphasis added)

Based on what was observed, the report suggested three basic options for the City of Halifax:

- "1. The City can do nothing about the problem -- this has been the basic approach for over 100 years.
2. The City can make full use of its statutory powers to remove blight. It can provide limited

³⁷Ibid., p. A2.

³⁸Ibid., p. A4.

compensation and assistance to the absolute minimum required by law.

3. The City can use its statutory power to remove the blight and, at the same time, temper justice with compassion in matters of compensation and assistance to families affected."³⁹

The report stated that the first approach was not acceptable but the second and third approaches deserved serious consideration as possible solutions to the "problem".

The social and living conditions of Africville were used to rationalize the foregone conclusion that the residents would be moved to make way for redevelopment. No consultation or input from the residents was utilized at this step of the process. Their view was diametrically opposed to that of the City. As Irving Carvery states, "The residents of Africville said NO, we don't want to move. Help us to develop."⁴⁰

The report laid out the "legal machinery" available to the City to obtain ownership of the land:

- "1. Almost all residential structures within the area could be ordered vacated under provisions of the various statutes applying to the occupancy of buildings.
2. The great majority of the structures in the area could be demolished under Provisions of the City Charter or under Provisions of the Fire Prevention Legislation.

³⁹Ibid., p. A4.

⁴⁰Interview with Irving Carvery.

3. The City could expropriate the vacant lands.
4. The City could order those properties now occupying City land to be vacated and arrange for their demolition immediately."⁴¹

The report concludes that whatever legal means were available should be used but their use should be tempered with "understanding and natural justice":

"It is the opinion of Staff that the blighted housing and dilapidated structures in the Africville area should be removed. It is the further opinion of Staff that the full legal authority of the City should be used to accomplish this removal. It is the further opinion of the Staff that the use of legal authority should be tempered with understanding and natural justice on matters of housing and matters of compensation for the apparent owners of Land and buildings within the Africville Area."⁴²

This report appeared in a local paper on August 1, 1962.⁴³ On August 8, 1962, residents of Africville once again voiced their desire to remain in Africville:

"Men and women rose one after the other to speak against any move, and also to blast City Hall officials for their reluctance to give out building permits for the area."⁴⁴

The desires of the residents of Africville fell on deaf and uncaring ears. The City had already decided the fate of

⁴¹Supra, footnote 34 at p. A5.

⁴²Ibid., p. A7.

⁴³"Africville District Takeover Being Viewed as Necessary: Halifax Planning Board Considers Report Tuesday," The Mail-Star, Halifax, Nova Scotia, August 1, 1962.

⁴⁴"Residents Want to Keep Homes in Africville," The Mail-Star, Halifax, Nova Scotia, August 9, 1962.

Africville. In October of 1962, City Council unanimously passed the following general policy:

"That Council establish the following general policy:

- (a) That the blighted housing and dilapidated structures in the Africville Area should be removed;
- (b) That the full legal authority of the City should be used to accomplish this removal;
- (c) That the use of legal authority should be tempered with understanding and natural justice on matters of housing and matters of compensation for the apparent owners of land and buildings within the Africville Area;
- (d) That this policy be implemented with the utmost dispatch after its implications are fully conveyed to the residents affected and/or their representatives in consultation with church and welfare organizations."⁴⁵

Once the community members were made aware of the intentions and actions of the City political turmoil and media attention surrounding Africville intensified. In response to this, a Human Rights Advisory Committee was established. The Committee was designed to act in the best interest and represent the residents of Africville.⁴⁶ However, relocation was a given. The issue was where to relocate the residents. On September 6, 1963, this Committee, by way of correspondence to the Mayor and Aldermen of Halifax, suggested two possible means by which housing might be made available:

⁴⁵Minutes of Halifax City Council, October 24, 1962.

⁴⁶Supra, footnote 3 at p. 177.

- "1. By the formation of a limited dividend housing company on a non-profit basis (under Section 16 of the National Housing Act) for the advantage of Africville residents financially able to benefit from such a formation.
2. By the construction of high-density housing on the upper slopes of Africville, provided by the City of Halifax in agreement with a corporate body (under provisions of the Municipal Corporation Supplementary Powers Act, 1954) to be made available to persons displaced through the redevelopment program anticipated for the Africville area and, regardless of race, to other citizens of Halifax."⁴⁷

The Committee went on to recommend that a specialist be brought to Halifax to review the Africville situation in depth and make recommendations as to how to rectify the situation. The person recommended was Dr. Albert Rose. At a City Council meeting, it was unanimously decided Rose would be invited to Halifax to study the Africville situation.⁴⁸

Dr. Rose arrived on November 24, 1963. He completed his study and left Halifax on November 26, 1963. Despite admitting that he himself knew very little about the history, people or living conditions of Africville, he did not once consult with residents on his two-day visit. On this point, in a 1970 interview he stated:

"Bob Grant, or the city Manager, or both, took me through the community, and we drove through it twice. We got out and we walked around. It is not a very big community in

⁴⁷Correspondence between the Halifax Human Rights Advisory Committee and His Worship The Mayor and Aldermen, City of Halifax, September 6, 1963.

⁴⁸Minutes of the Halifax City Council, September 12, 1963, p. 367.

terms of distance. And at the time, this was late November, 1963, the roads were such that you could barely get in and out, so it wasn't something that would take long. I don't suppose I spent more than perhaps two hours in Africville altogether, on two separate visits."⁴⁹

Though only present in Nova Scotia for two days, and present in Africville for two hours, Rose managed to interview five City officials, two university specialists, and two professional social workers.⁵⁰ He also attended a four hour meeting with the Human Rights Advisory Committee at which Rose "... raised three significant issues of public policy in the form of questions...":

- "1. Can a modern urban metropolis tolerate within its midst a community or grouping of dwellings which are physically and socially inadequate, not served with pure water and sewage disposal facilities?
2. Can a minority group be permitted to reconstitute itself as a segregated community at a time in our history, at a time in the social history, of western industrialized urban nations, when segregation either de jure (in law) or de facto (in fact) is almost everywhere condemned?
3. Are there solutions to the immediate problem at hand which are feasible, sensible and just, and which will cause a modest, as against a massive, disruption to the families and individuals concerned?"⁵¹

The questions posed by Rose reveal the extent to which the Halifax City bureaucracy and not the residents of Africville informed his thinking and decision-making process. First, the

⁴⁹Tape-recorded interview, Toronto, Ontario, February, 1970.

⁵⁰Supra, footnote 3 at p. 215.

⁵¹Supra, footnote 47.

question of whether a "modern urban metropolis" can or should tolerate a community possessing no running water, no sewer, and substandard housing doesn't address the question of why the City allowed the community "within its midst" to exist as such. Second, use of the term "segregated community" shows that Rose has no understanding of the spirit, culture, and community the residents of Africville had, and no respect for the community's desire to stay together. Third, if his eventual recommendation to expropriate and relocate was "feasible, sensible and just," and represents a "modest as against a massive disruption", then he was devoid of any understanding of, or respect for, the families of Africville.

During the 1970 interview, Rose recalled that during his meeting with City officials, it was made clear that the land (Africville) was intended for non-residential use:

"The Public officials made it perfectly clear to me that they intended to utilize those lands for non-residential purposes... But it seems to me that what they told me, and what plans they had in the back of their minds, may have been very different. They may have had plans in their minds for various uses that would have been offensive, considering the destruction of the community that was about to occur."⁵²

With a clear explicit intention on the part of the City to use the land for non-residential purposes, the issue for Rose to assess was relocation of the residents. Dr. Rose made eight

⁵²Ibid.

recommendations with this as a starting point. The first recommendation states:

"1. The City Council of Halifax enunciate a clear policy that the community of Africville will be expropriated and cleared during the period commencing April 1, 1964 (or shortly thereafter) and that this process will be completed not later than December 31, 1966."⁵³

In regards to the relocation which would follow, he recommended in part that:

"7. The Development Department of the city of Halifax be assigned the responsibility of administering the entire relocation programme and that for this purpose a special budget be appropriated to enable:

(a) the employment of a trained social worker or social scientist to visit and document the social and economic situation and requirements of each family unit or single individual, and to recommend the order or priority of relocation; and

(b) the development of a registry of available housing for sale or for rent (outside public housing) which might be suitable for families or persons relocated from Africville; and

(c) the creation of a special relocation fund to assist families who require furniture or equipment to enable them to function properly and live decently in their new accommodation.⁵⁴

In a 1970 interview (one year after the destruction of Africville was complete), Rose stated that he probably would recommend differently if faced with the same decision again:

"...I might make a different decision today, after six years of seeing urban renewal neighbourhoods identified,

⁵³"Report of a Visit to Halifax with Particular Respect to Africville, November 24-26, 1963", Dr. Albert Rose, Professor of Social Work, University of Toronto. See Appendix "F".

⁵⁴Ibid.

designated... legally torn apart, uprooted, rebuilt, and then finding that my attitude toward what we were doing was not as clear as I thought it was... Today I might make an entirely new recommendation... I don't think I would accept the view that I just swallowed everything the City was saying to me... I was so appalled by what I saw that certainly there was a quick reaction in my mind...."⁵⁵

However, Rose's report and recommendations were adopted by City Council in 1964 and the relocation of Africville residents began.⁵⁶

Process of Relocation

The first step in the relocation process by the City was to appoint Peter J. MacDonald, a social worker, to oversee the process.⁵⁷ Although MacDonald was a social worker, essentially his role within the process was to act as a moderator in the matter of financial settlement between the residents of Africville and the City Development Department.⁵⁸

The City urged the residents to utilize Mr. MacDonald on the basis that:

"Mr. MacDonald will have available to him expert advice about real estate, and Africville residents would be well advised to consider proceeding through Mr. MacDonald rather than through conventional real estate channels

⁵⁵Supra, footnote 47.

⁵⁶Minutes of the Halifax Council, January 2, 1964, p. 2.

⁵⁷"Named to Shift Africville Fall", The Mail-Star, Halifax, Nova Scotia, April 10, 1964.

⁵⁸Supra, footnote 3 at p. 245.

where humanitarian considerations may not be a dominant concern."⁵⁹

Following the first relocation settlement, the Halifax Human Rights Advisory Committee decided that three of its members would merge with a subcommittee. This subcommittee became the sole decision-making body in relation to the relocation of Africville residents. The subcommittee consisted of three Blacks, three Aldermen, the relocation social worker, and the Development Officer.⁶⁰

This subcommittee could not and did not act in the best interests of the residents given its makeup.⁶¹ First, this subcommittee did not have any input from any Africville residents. The three Black committee members were not residents of the Africville community. The fact of being Black does not empower a person to represent a community that she or he has no ties to. Second, even if the Black subcommittee members were capable of acting in the best interests of the residents, they were outnumbered five to three.

The voice of the residents of Africville was simply not present in the relocation process. Further to this, MacDonald, although a social worker, could not and did not act impartially as

⁵⁹Minutes of the Human Rights Advisory Committee, June 9, 1964.

⁶⁰Supra, footnote 3 at p. 267.

⁶¹Rev. D. Skier, speaking at the 1989 Africville Inquiry.

Bob Grant, the Development officer for the City was his boss. As MacDonald stated:

"Bob Grant... was my boss... I would discuss the prices asked by individuals with him, and find out what his thinking was, and how this might be accepted by Council.

. . . .

He [Bob Grant] would be the most important person because he was the one with whom I was dealing most of the time... He would be responsible... for the... money decisions - the amount of money that was actually to be spent."⁶²

After discussions between Grant and Macdonald were complete, the proposed settlement price was taken to the subcommittee, who usually adopted the proposed settlement unanimously. One Alderman in a tape recorded interview stated:

"Reports were brought in from the staff, which we presumed to be primarily the work of Peter MacDonald... Most of such reports were approved without any great detail of discussion or controversy... Sometimes we had discussions about criteria and so on, but fundamentally we accepted what seemed to be both recommended by our professional advisors and acceptable to the people. This was a lazy, if you like, approach, but the assumption on which we operated."⁶³

As a matter of strategy, the City, through MacDonald, dealt with residents on an individual basis. Further, they kept residents in the dark about the negotiations with other residents and in some instances, they passed on partial truths and non-truths to their advantage. The City also told residents to settle for what

⁶²Tape-recorded interview, October, 1969.

⁶³Supra, footnote 3 at p. 270.

they City offered or they would proceed in a way so the residents would be entitled to nothing.⁶⁴

The City was smart. What they did was deal with the people of Africville on an individual basis, not as a group. Say, for example, if I refused to settle they would tell me that the land would only be expropriated and I could possibly receive nothing for my land... once you signed they would move you out and the dozens in as soon as possible.⁶⁵

A second strategy followed by the City was to consider a person's debt within the context of how much money the person was to receive as compensation for their land. Irving Carvery describes this process as follows:

"The City would act as bill collector. If you owed someone money and they could prove it, the City would pay them out of what they said they were going to give you."⁶⁶

An example of this process is provided with the first Africville relocation.

Shortly after Macdonald's introduction into the Africville community he announced that Miss Dorothy Wilcox had expressed a desire to sell her home and move into Malgrove Park. As financial compensation to Miss Wilcox, the City waived a \$1,500 hospital

⁶⁴Supra, footnote 1.

⁶⁵Ibid.

⁶⁶Ibid.

bill, paid for her relocation⁶⁷ and paid her \$500 (\$100 immediately and \$400 to be paid in monthly payments of \$28).⁶⁸

A third strategy followed by the City was to figure a resident's character directly into the question of financial compensation for the relocation. The subcommittee's secretary stated that one of the reasons why the three Black committee members were selected to sit on the board was because they "...have the first hand knowledge of the community, particularly about persons, and would be able to assess claims in terms of persons and their background...."⁶⁹ An Alderman stated:

I hesitate to use the word 'character', but I think it had something to do with it. Sometimes a Committee member would indicate that a certain fellow had a reputation as being very irresponsible, even though he had a family. If he got a grant of so much money, it would end up back in the provincial coffers via the liquor store, or something like that... Okay, maybe in these cases we were playing God, I don't know, but in those cases we felt that nothing would be served by giving that person a larger grant. Whereas you had a fellow who had, like I say, a good steady job and was of fairly good character, you would stake him."⁷⁰

The consideration of a person's character and reputation in determining the value of their property has no legal or moral

⁶⁷"They moved us out of our home in the city garbage trucks. We had it a lot better out there than some places they put us up in this City." (Daisy Wilcox)

⁶⁸Minutes of the Halifax Human Rights Advisory Committee, June 2, 1964, p. 1.

⁶⁹Supra, footnote 3 at pp. 267-268.

⁷⁰Ibid., at p. 274.

legitimacy. The Committee had no right or authority to incorporate a person's alleged consumption of alcohol into the calculation of the value of her or his property.

The means by which settlement agreements were reached was never truly revealed. Although consideration was given to financial compensation, welfare, hospital bills and tax bills, the Development Officer, when asked how the settlement grants were reached, stated:

"That's the \$64,000 question... I suppose it was a combination of factors... There was no formula, believe me. I suppose it was as much by precedent as anything. Once a pattern started to evolve in the first few settlements, then everything else was measured against those. It was certainly an artificial calculation in legal terms, because there was no way in which we could possibly justify any of the amounts we paid, if it were on a strictly legal basis."⁷¹

Earlier I noted that one of the options available to the City, noted by the Development Department, was to acquire the lands of Africville by a strict application of housing standards and fire code statutes coupled with the minimum compensation required by law. Rather than follow this route, the City chose to use its statutory power to "remove the blight" and "temper justice with compassion in the matters of compensation and assistance to families affected."

⁷¹Ibid.

An analysis of the process of relocation of Africville residents and compensation for their lost homes, land and community reveals that this process was totally void of any sense of justice or compassion for the residents of Africville. The process was informed by a divide and conquer mentality. Throughout the process, the City of Halifax kept individual residents in the dark and threatened to use strict legal means whereby the residents would receive nothing. This is not necessarily the case.

If the City of Halifax had used the Expropriation Act to acquire the Africville land, they would have had to pay due compensation for any damages under s. 11 of the Expropriation Act:⁷²

11 The Minister shall make to the owner of land entered upon, taken or used by him, or injuriously affected by the exercise of any of the powers conferred by this Act, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the owner may derive from the contemplated work; and any claim for such compensation not mutually agreed upon shall be determined as hereinafter provided.

Under s. 16 of the Expropriation Act,⁷³ the compensation for land acquired under the Act, is to be determined by an agreement between the "Minister and the owner" of the expropriated land, or by arbitration.

16 The Minister and the owner may agree upon the amount of the compensation, or either party may have notice in writing to the other that he requires the amount of such

⁷²R.S.N.S. 1954, c. 21, s. 11.

⁷³R.S.N.S. 1954, c. 21, s. 16.

compensation to be determined by arbitration under the provisions of this Act.

By electing to refrain from the use of the Expropriation Act, City officials would not be under statutory obligation to follow procedure for the removal or compensation to the Africville residents. Also, important is that the requirement under s. 12 of the Expropriation Act⁷⁴ would not have to be adhered to:

12 Where land has been entered upon, taken or used by the Minister under the compulsory powers conferred by this Act, the Minister shall, within sixty days after the registration of the plan and description of the land in the registry office, give notice to the owner.

Thus the removal of residents could be immediate upon settlement and the development of the area could commence at a much more excellent rate than if the Africville land was acquired under statutory means.

Conclusion

The City of Halifax paid a total of \$399,117.33 to the families of Africville as compensation for the homes, land and community they lost when Africville was destroyed.⁷⁵

It is beyond the scope of my analysis here to examine each family's compensation and assess whether that particular family's compensation was sufficient and just legally, politically and

⁷⁴R.S.N.S. 1954, c. 21, s. 12.

⁷⁵Supra, footnote 3 at p. 279.

ethically. However, my analysis here establishes that on a general level the process of valuation of compensation was fundamentally flawed politically and ethically.

The City chose not to go the legal route and chose an informal, political negotiation route. This left the door open for a biased moderator whose salary was paid for by the City, a subcommittee with no Africville representation, rumours and threats to individual residents, residents' debts and character and reputation of residents, to determine the compensation to be paid to individual residents for their property, cultural, historic and emotional loss.

Given all of this, it is submitted that the relocation and compensation process was sufficiently legally, politically and ethically flawed to the extent the compensation issue should be re-evaluated. The use of a non-statutory process to acquire the Africville land allowed for a quick and conveniently inexpensive process by which to remove a community, acquire the land, and commence industrial development.

Thus, it is submitted that:

- (a) The evaluation process used to arrive at a compensation settlement for Africville residents be re-examined and the proper financial compensation be awarded.

- (b) Land be granted to the Africville Genealogy Society on the old Africville site for the erection of a church which would house a community and cultural centre.

Afterward

The story of "Pa" Carvery is a story which epitomizes the spirit of the Africville community and the City and White society's lack of respect for both the spirit and community of Africville.

While most of these residents were overtaken with defeat, an Africville resident was determined to hold on as long as he possibly could, but at age 72, he knew it was just a matter of time before he too would have to leave Africville. Aaron "Pa" Carvery was the last resident of Africville. Even when they turned his power off he refused to leave.⁷⁶

On December 4, 1969, officials at Halifax City Hall offered "Pa" Carvery a briefcase containing \$14,000 in cash in return for his home. When approached with the case full of money, "Pa" said:

"The suitcase was open and stuck under my nose so as to tempt me and try and pay me off right there and then... I didn't like that at all... it hurt me... I told them, 'you guys think you're smart... well, you're not smart enough'. Then I got up and walked out of the office... when they paid me it was by cheque and they came to my home to do business."⁷⁷

⁷⁶Supra, footnote 1.

⁷⁷Jim Robson, "Last Africville Resident: If I had Been a Little Younger City Would Never Have Gotten my Land," The Mail-Star, Halifax, Nova Scotia, January 12, 1970.

When news of this spread through the Black community, Gus Wedderburn, as President of the Nova Scotia Association of Coloured People, wrote a letter of protest to the City of Halifax.⁷⁸

In response to the letter, the City publicly stated there was no attempt to coerce Mr. Carvery and "... he was simply shown the money was available."⁷⁹ The City also responded with the following resolutions which were unanimously adopted:

- "1. City Council recognizes the error in judgment of the cash incident, supports its staff in their motivation, and recognizes that the City should have sought a Court Order as the means to secure vacant possession of a City-owned property. In future, a Court Order would be used.
2. The City does not accept the moral judgments or errors of the NSAACP letter, but notwithstanding, endorses the apology to Mr. [Miller] Murphy and Mr. Crowell.
3. The City offered to refer the matter to the Nova Scotia Human Rights Commission. The NSAACP rejected this offer. The City is not prepared to deny the competence of the Human Rights Committee by adding nominees to a Committee to investigate.
4. The report of Mr. Ward and the statements of Mr. Murphy and Mr. Crowell provide the facts and put the matter in perspective.
5. The City, having acknowledged the error of judgment, having endorsed the apology to Mr. [Miller], and having accepted the City Manager's report on the facts, now with respect to all

⁷⁸Minutes of the Halifax City Council, January 29, 1970, pp. 21-22.

⁷⁹"Ward Replies to NSAACP Charge," The Mail-Star, Halifax, Nova Scotia, January 24, 1970.

those involved in the case, considers the matter closed."⁸⁰

Several weeks later "Pa" Carvery left Africville. Shortly thereafter a local newspaper which had in 1963 questioned the very existence of Africville as a community, published a story which depicted the loss of the Africville community as a sad day in history that would long be remembered. It also revealed some of the pain suffered by the last resident in his attempt to keep his home and fight the City of Halifax:

"The day I left my home a part of me inside died... I didn't want to leave, I was born there, got married and raised my family there... I'm getting ready to die so what the hell do I want to leave for - I like it here."⁸¹

The time for sentimental after-the-fact mourning has passed. The time has come for us to re-examine the Africville situation in a real, not abstract, sense.

⁸⁰Supra, footnote 72 at pp. 30-31.

⁸¹Supra, footnote 71.

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