

EVANGELINE CAIN-GRANT

6156 Quinpool Road
Halifax, Nova Scotia

Tel: 422-3500
Fax: 429-7848

March 30, 1995
Via Fax

Mayor and Alderpersons
c/o Mr. Ed Kerr, City Clerk
City of Halifax
Halifax, Nova Scotia

Dear Mayor and Councillors:

Re: Africville

The undersigned have been retained by Eddie and Victor Carvery in connection with the impending enactment of a by-law designed to remove them from the site of the former Africville community in North Halifax. As their counsel we request that a copy of this letter be distributed to the Mayor and all Alderpersons and that this letter be read at the Council meeting scheduled for Thursday, March 30, at City Hall, Halifax, Nova Scotia, in connection with the debate on the proposed Parks Ordinance #188.

The purpose of this letter is to ensure that City Council has an understanding of some of the concerns of our clients in sufficient time to act on those concerns by defeating the proposed Ordinance; or by removing the provisions in it which would purportedly preclude our clients staying on site in Africville (particularly paragraph 6 and paragraph 8); or to amend the Ordinance to specifically exempt Africville from the intended scope of the Ordinance until such time as the issues between the City and former Africville residents or their descendants have been satisfactorily resolved; or even deferring passage of the Ordinance pending resolution of Africville compensation and related issues.

Our clients are very concerned about the manner in which the Parks Ordinance, which is clearly aimed at them, has come about. Our understanding is that a memo to Halifax City Council on the subject of Africville dated October 28, 1994 was not even provided by the City to the Africville Genealogy Society for considered input from members of the Society in a manner to permit any informed or timely input into the deliberations of the City Council at that time. Matters deteriorated rapidly from there to the imposition of impossible deadlines, and now to the creation of a new City Parks Ordinance which, after hundreds of years of family homes, Council, for the first time, finds a need to prohibit camping and use of parks during the off peak hours. We suggest that it is no coincidence that the Ordinance has been developed at a time when our clients have been camping on the site for several months in order to draw attention to the need for resolution of the Africville issues. Nor is it a coincidence that the proposed Ordinance is being rushed through Council only a few months before the arrival of numerous delegates from the international community who might witness the peaceful protest and enquire about its causes.

The camping and hours of operation provisions of the Ordinance are targeted at our clients. Indeed, the entire Parks Ordinance has apparently been manufactured around the objective of creating a legislative scheme to facilitate a second deportation of Blacks from the Africville site and to suppress the protest of

Page 2
March 30, 1995
Re: Africville

former Africville residents on the only occasion in many decades in which the international community will be focused on this city.

Our clients have every confidence that if adequate time is given to allow information exchange and debate within the membership of the Africville Genealogy Society that the overwhelming majority of members will be shown to strongly oppose the Parks Ordinance until a fair and considered resolution of the Africville issues are negotiated. The question has been posed by at least one Council member, "are we dealing with an organization that represents Africville descendants or not?" Unless an opportunity for polling of members of the Black Community at a grass roots level, after discussion, education and debate, is built into the consultation process, the answer is of course that this small committee which consented to this Ordinance is not representative of Africville residents or descendants.

Our clients have a right to express themselves on this important issue. The means of expression which is fitting to the cause of their protest and which expresses the depth of their feelings on the Africville issue is the occupation of the Africville site from which they and their family were involuntarily removed three decades ago. They assert that their right to express themselves in this way to the unique external audience in June is fundamental to reaching their ultimate audience which includes the City of Halifax and its residents.

City Council has the opportunity of proving the Carvery's wrong in their supposition that the Parks Ordinance is conceived in bad faith, focused in a discriminatory fashion on them and specifically designed to remove them in advance of the G7 Summit. City Council also has the opportunity of proving that it genuinely does wish the input of the majority of the membership of the Africville Genealogy Society. All that needs to be done is to exempt Seaview Park from the ambit of the Parks Ordinance, to allow a reasonable opportunity for dialogue and debate within the Africville Genealogy Society, and unless the issues are resolved in a broad way, to allow the Carvery's to make their protest to the international community before rushing the Ordinance through second and third reading.

If Council insists on jamming this legislation through, it must be prepared for the consequences. These could include:

1. Legal action against the City for bad faith, discriminatory use of its legislative powers; and for breach of the constitutionally guaranteed right of free expression and free assembly as well as damage claims associated with any attempts to re-enact in the 1990's the forcible removal of Blacks from the Africville site which occurred in the 1960's;
2. Dissatisfaction in all segments of society over the City's handling of this issue could result in the filing of numerous civil claims pertaining to the wrongful taking of land or the wrongful assertion of title to land by the City arising from the events of the 1960's, before allowing the negotiation process to reach a reasonable conclusion; and
3. Widespread public and media protests now and through the G7 Summit conference may ensue.

Please give the above your serious consideration. It would be very much appreciated if you could accommodate the concerns of our client by postponing these hasty and discriminatory measures.

Page 3
March 30, 1995
Re: Africville

It should perhaps be added that the proposed Ordinance may not, in any event, apply to the Africville site in that it only applies to "land, owned by the City" and there is considerable dispute about the legitimacy of the City's title claims to this land.

It should also be noted that the Africville Genealogy Society has now obtained funding from the federal government in order to pursue research in connection with the Africville issues. This does signal that there is progress in attempting to resolve these issues. It is frustrating for all concerned to have to await the passage of time in order for these issues to be dealt with fairly and properly. However, it is most important that they be dealt with fairly. In the meantime, the "solution" of the proposed Ordinance should be placed on the back burner.

We urge upon you that the Ordinance should not be considered for final approval at this time.

Yours truly,



Evangeline Cain-Grant
Solicitor for Victor Carvery



B.A. Jones
Solicitor for Edward Carvery

ECG/ms