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Racism and Relief Distribution in the Aftermath of the Halifax Explosion

MARK CULLIGAN & KATRIN MACPHEE*

Les récits populaires ou universitaires ont romancé l'explosion de Halifax. Dans la plupart de ces récits, l'explosion a uni les Haligonien(ne)s dans la souffrance et la reconstruction. Cet article démontre, en s'appuyant sur des documents de la Commission de secours d'Halifax, qu'une autre conclusion s'impose : les requérantes et requérants afro-néo-écossais(es) ont subi de la discrimination au cours des efforts de secours, ce qui a renforcé les inégalités raciales préexistantes. Les travailleurs et travailleuses humanitaires ont en effet traité les demandes des Afro-Néo-Écossais(es) avec plus de scepticisme, ont fait des efforts minimes pour repérer leurs demandes, et ultimement les ont moins indemnisés que les autres. De plus, la décision de la Commission de secours de prioriser l'indemnisation pour perte de biens plutôt que de salaires, a diminué la valeur des pertes des Afro-Néo-Écossais(es) de manière systémique.

Cet article évalue aussi les recours juridiques potentiels pour obtenir réparation face à cette injustice historique et conclut que tous ces recours mèneraient probablement à l'échec. L'article démontre ainsi, non seulement que les efforts de secours en cas de catastrophe qui priorisent le renforcement de l'ordre social pré-catastrophe au détriment de la réponse aux besoins des victimes peut perpétuer des inégalités subies par des groupes opprimés, mais aussi que le droit canadien empêche de présenter des demandes d'équité et de réparation fondées sur la discrimination historique.

Popular and academic histories have romanticized the Halifax Explosion. In most retellings, the Explosion united Haligonians, in suffering and in reconstruction. This article presents evidence from the Halifax Relief Commission's Records that points to a different conclusion: African Nova Scotia claimants were discriminated against during Relief distribution efforts and pre-existing racial inequalities were reinforced. Relief workers treated the claims of African Nova Scotians with enhanced skepticism, expended minimal effort to locate those with claims, and ultimately provided less by way of compensation. Moreover, the decision of the Relief Commission to prioritize the compensation of lost property, not lost wages, systemically devalued the losses of African Nova Scotians.

This article also evaluates potential legal avenues to secure a remedy for this historic injustice. It concludes that all of these avenues would likely fail. As such, the article serves to illustrate not only that disaster relief efforts that prioritize reinforcing the pre-disaster social order over meeting the needs of victims may perpetuate the inequalities suffered by oppressed groups, but also that Canadian law effectively bars equity and reparations claims rooted in historic discrimination.

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ON 6 DECEMBER 1917, AN EUROPE-BOUND MUNITIONS SHIP COLLIDED with a relief ship in the narrows of Halifax harbour. The munitions ship drifted towards Halifax's North End and exploded. The catastrophe has been described as the largest pre-atomic human-made explosion.¹ The blast killed 1,600–2,000 people and injured 6,000–9,000. The waterfront and the North End were hardest hit. The Richmond district was devastated.²

Popular and academic histories have romanticized the Explosion. In most retellings, the Explosion united Haligonians, in suffering and in reconstruction. Ordinary people rushed to aid one another. As aid and sympathy poured in from the outside world, the city rebuilt itself, a symbol of quiet hope.³

This paper contests the romanticized accounts of the Explosion which disregard or discount the racism and discriminatory treatment African Nova Scotians experienced in the blast's aftermath. The disaster did not burden all equally. African Nova Scotians were excluded from the full benefits of Halifax's reconstruction efforts. While the Halifax Relief Commission was established to distribute aid, our review of its records indicates that African Nova Scotian claimants seeking promised relief received compensation at lower rates. Relief Commission workers also made fewer efforts to locate African Nova Scotian claimants, and treated their claims with skepticism and indifference. This differential treatment constituted discrimination. Discrimination also operated at a systemic level. The structure of the aid program prioritized property compensation and some wage earners. By virtue of their economic marginalization and the precarious nature of many African Nova Scotians' employment, few African Nova Scotian claimants were even eligible to receive aid at a level comparable to that paid to white Haligonians.

In light of this discriminatory treatment, we evaluate several legal avenues for a remedy: a Section 15 *Charter* claim, a human rights complaint, a suit in unjust enrichment, and a fiduciary duty claim. Potential claimants would encounter serious difficulties in pursuing any or all of these avenues for a remedy. As such, this paper highlights how Canadian legislation and jurisprudence effectively bar equity and reparations claims rooted in historic discrimination and injustice.⁴ While there may not be any possibility of legal relief for this particular historical event, this study indicates the need for disaster relief organizers to be mindful of the ways in which relief distribution can perpetuate the disadvantages experienced by oppressed groups.

¹ Jesse N Bradley, "The December 6, 1917, Halifax Explosion was the Largest Man-Made Non-Nuclear Blast in History" (2002) 19:5 *Military History* 16.

² John C Weaver, "Reconstruction of the Richmond District in Halifax: A Canadian Episode in Public Housing and Town Planning, 1918–1921" (1976) *Plan Canada* 36.

³ An academic example of this comforting narrative is Jacob Remes, "Cities of Comrades: Urban Disasters and the Formation of the North American Progressive State" (PhD Thesis, Duke University, 2010) [unpublished] at 516–517. Remes' focuses on white working-class solidarity in the aftermath of two urban disasters. For instance, his thesis concludes, "Haligonians and Salemities stretched their ordinary practices of community solidarity and support to new ends after each disaster. Haligonians had always relied on complex family economies. Though the content of these economies often changed after the explosion, for instance when an earner or carer was injured or killed, their structure of mutual support remained the same." Popular examples include CBC's docudrama Bruce Pittman, dir, *Shattered City: The Halifax Explosion* (television show) (Toronto: CBC, 2003) and Laura M MacDonald, *Curse of the Narrows* (New York: Walter & Company, 2005) at 274: "(A survivor) once told a reporter that the act of remembering the explosion was a tribute to what he called quiet courage."

⁴ The difficulty of using human rights and *Charter* legislation for historic claims is also evidenced by litigation surrounding the expropriation of Africville. The only cause of action the Africville claimants now rely upon is the city's failure to follow the expropriation provisions of the Halifax City Charter; see *Williams v Halifax Regional Municipality*, 2015 NSSC 228 at para 78.

I. BACKGROUND

A. HISTORICAL CONTEXT

The discriminatory treatment of African Nova Scotians in the wake of the Halifax Explosion must be contextualized within the broader sweep of African Nova Scotian history. The history of enslavement in Nova Scotia is well-documented. It was not until the 1790s that the legality of slavery was successfully challenged in Nova Scotia.⁵ Several scholars have documented the racist violence, the deliberate impoverishment, and the segregation endured by waves of Black migrants to Nova Scotia, as well as the resiliency and beauty of African Nova Scotian communities.⁶ Racism permeated every facet of African Nova Scotian life during the early twentieth century. Race dictated labour force participation, residence, and one's status before the justice system.⁷

We examined records from the 1911 census to learn about the circumstances of African Nova Scotians prior to the Explosion. Nearly all the African Nova Scotians surveyed for this census worked in precarious, low-paying jobs. Almost every African Nova Scotian woman who worked outside the home was recorded as a “domestic” or “washerwoman.” Nearly every African Nova Scotian man worked as a labourer or a sleeping car porter.⁸ At the time of the Explosion,

⁵ DG.Bell, J Barry Cahill & Harvey Amani Whitfield, “Slavery and Slave Law in the Maritimes,” in Barrington Walker, ed, *The African Canadian Legal Odyssey: Historical Essays* (Toronto: University of Toronto Press, 2012) 363 at 365.

⁶ See Harvey Amani Whitfield, *Blacks on the Border: The Black Refugees in British North America, 1815–1860* (Burlington Vermont: University of Vermont Press: 2006) at 12–22; Harvey Amani Whitfield, *Black American Refugees in Nova Scotia 1813–1840* (PhD Dissertation, Dalhousie University, 2003); Elizabeth Beaton, “An African-American Community in Cape Breton, 1901–1904” (1995) 24:2 *Acadiensis* 65 at 67, 92; Claudine Bonner, *Industrial Island: African-Canadian Migration to Cape Breton, Canada, 1900–1930* (MA Thesis, Dalhousie University, 2017). At the close of the American Revolution, 3,500–5,000 people of African descent fled to Nova Scotia and New Brunswick. Among them were approximately 3,500 ex-slaves promised freedom in exchange for loyalty to Britain. Denied quality land and equal status, 1,196 of this population left Halifax for Sierra Leone in 1792. White slave-owning Loyalists arrived in Nova Scotia post-American Revolution. Advertisements in Halifax newspapers from the late eighteenth century bear witness to the sale and purchase of enslaved Africans in the province. In 1796, a group of approximately six hundred Maroons exiled from Jamaica arrived in Nova Scotia. Forced to construct public works such as the citadel, they left *en masse* for Sierra Leone in 1800. Approximately two thousand Black refugees arrived in Nova Scotia in the years following the War of 1812. Unlike white settlers, these refugees were not provided land grants. The land they were permitted to occupy was of poor quality for agricultural production. These refugee communities nonetheless formed several stable communities which persist to this day. A fourth important wave of Black migration to Nova Scotia occurred in Cape Breton in the early twentieth century. Several hundred African American workers from Alabama were recruited to work in the Steel Mill in Cape Breton, but many members of the fledgling community left by 1904. Finally, a significant number of Black people from the Caribbean migrated to Cape Breton to work in the steel mills in the first decades of the twentieth century. Claudine Bonner noted at page 37 of her recent Master's thesis the difficulty of determining the exact number of people who migrated during this era. She found that Census records and records from the local branch of the Universal Negro Improvement Association show that a population of between 400–600 Black migrants from the Caribbean in industrial Cape Breton by the 1920s.

⁷ David Steeves, “Maniacal Murderer or Death Dealing Car: The Case of Daniel Perry Sampson, 1933–1935” in Barrington Walker, ed, *The African Canadian Legal Odyssey* (Toronto: University of Toronto Press, 2012) 201 at 222–225.

⁸ Canada, *Fifth Census of Canada, 1911* (Ottawa: C.H. Parmelee as King's Printer, 1913) Halifax, Ward 5, Sheets 770–80.

African Nova Scotians lived either in segregated communities like Africville, or clustered in low-income housing in the city's north end.⁹

B. THE HALIFAX RELIEF COMMISSION

The Halifax Relief Commission was established to distribute aid. Within hours of the Explosion, a group of local elites met at City Hall. The mayor was out of town, and city councillors were scattered throughout the city. Within this vacuum, “the city’s deputy mayor and province’s lieutenant governor essentially ceded political authority to a self-constituted group of local worthies.”¹⁰ They adopted the name the Halifax Relief Commission (the HRC). Within four days, they established routine meetings and had even selected a letterhead.¹¹ In January 1918, the federal government invoked its wartime powers to pass an Order-in-Council. The Order formalized the HRC’s existing structure and appointed three chairmen. The Commission was granted control over \$30 million (in 1917 dollars) in relief funds.¹²

In April 1918, the provincial government passed *An Act to Incorporate the Halifax Relief Commission*.¹³ The *Act* clarified the Commission’s powers and responsibilities. The Commission had two basic functions: rehabilitation and reconstruction. Its rehabilitation powers included the disbursement of relief. It had power to compel attendance before a designated administrative Board and the courts. Within a defined geographic area, it could expropriate land, pass zoning bylaws, and create and implement a city plan.¹⁴

An Appraisal Board was established as a branch of the Relief Commission to smooth over disputes between insurance companies and real estate owners. It was staffed by fire-insurance underwriters and insurance brokers. The files of this board were not examined, since the 1911 census revealed few African Nova Scotians to own significant amounts of real estate.

The records of the Pension Commission were examined. This branch of the HRC distributed relief to a wide array of Haligonians. It was responsible for personal property claims, short-term emergency relief, and pensions for the injured and widowed.¹⁵ Confusingly, some real

⁹ *Ibid.* Africville was a closely-knit African Nova Scotian community located on the South Shore of the Bedford Basin from the 1840s until the 1960s. It was subjected to some of the most notorious environmental and urban planning racism in Canadian history. The City sited an infectious disease hospital, a dump, railway tracks, and other undesirable industries near Africville. The municipality did not provide Africville with necessary municipal services provided to other residents, such as clean water, lighting, a sewage system, and waste collection. Nevertheless, Africville thrived. By the 1960s it had a Church, a school, and several stores and was home to hundreds of residents. During the 1960s Halifax expropriated Africville from its owners and relocated its residents into public housing in the City’s North End and outlying areas. Many of Africville’s former residents continue to mourn and protest the destruction of their community, and to litigate about the inadequate compensation they received for their losses. See Jennifer Jil Nelson, *Razing Africville: A Geography of Racism* (Toronto: University of Toronto Press, 2008) at 1–13; DJH Clairmont & DW Magill, *Africville: The Life and Death of a Canadian Black Community* (Toronto: Canadian Scholars’ Press, 1999) at 25–42, 135–72; *Carvery v Halifax (City)*, 2018 NSSC 204.

¹⁰ Remes, *supra* note 3 at 48.

¹¹ Weaver, *supra* note 2 at 36.

¹² *Ibid* at 38. \$4,815,000 of this total was a grant from the British Imperial government, \$18,000,000 was contributed by the Canadian federal government, \$3,800,000 comprised public donations, and \$350,000 came from insurance companies.

¹³ *An Act to Incorporate the Halifax Relief Commission*, SNS 1918, c 61.

¹⁴ Suzanne Morton, “The Halifax Relief Commission and Labour Relations During the Reconstruction of Halifax, 1917–1919” (1989) 18:2 *Acadiensis* 73.

¹⁵ Janet F Kitz, *Shattered City: The Halifax Explosion & The Road to Recovery* (Halifax: Nimbus Publishing, 2008) at 142.

estate claims also appear in its records. It is unclear if files were cross-referenced with the Appraisal Board, or if the Pension Committee took on the Appraisal Board's functions over time. The Pension Committee's work was performed by social workers and a small claims court system. Social workers were tasked with investigating personal injury and personal property damage claims and recommending the amount of compensation. Small claims courts staffed by barristers made the final decision about the amount of compensation awarded. Each case was heard for a maximum of ten minutes. The amount of relief recommended by social workers could be granted, modified, or refused.¹⁶

The Halifax Relief Commission's broad powers therefore encompassed the financial rehabilitation of the explosion's victims and the physical reconstruction of the blast site.¹⁷ The goal of financial rehabilitation endorsed by the leaders of the relief efforts was to "assist families to recover from the dislocation induced by the disaster and to regain their accustomed social and economic status."¹⁸ Rather than adopt a needs-based approach to relief distribution, the Commission prioritized the restoration of the pre-Explosion social order. Those with greater property holdings prior to the disaster received larger amounts of relief.

C. EXISTING SCHOLARSHIP

African Nova Scotians' experiences of the Halifax Explosion have received little attention. This silence permeates both academic and popular histories of the Explosion. Race is entirely absent from Suzanne Morton's study of the explosion, reconstruction efforts, and the subdivision of Richmond Heights' working-class life in its aftermath.¹⁹ Janet Kitz's popular history of the disaster includes no mention of African Nova Scotians.²⁰ Laura M MacDonald's account of the disaster briefly discusses how relief claimants from Africville encountered skepticism from social workers, but does not discuss the experiences of residents of Ward 5, an area where more African Nova Scotians lived.²¹

In 2015, Jessica Bundy wrote an undergraduate honours thesis about African Nova Scotian child welfare services after the explosion. Bundy examined the Halifax Relief Commission's Children Committee records and the report of the Nova Scotia Superintendent of Neglected and Delinquent Children for the calendar year of 1918.²² Prior to the Explosion, African Nova Scotian children were seldom accepted into local Protestant and Catholic Orphanages. African Nova Scotian community members organized to create a home specifically to serve the needs of African Nova Scotian children.²³ The Nova Scotia Home for Coloured Children was incorporated in 1917. The original building was destroyed during the Explosion. It was not rebuilt until 1921. Bundy argues that its reconstruction should have been an important priority soon after the explosion. After

¹⁶ *Ibid* at 143.

¹⁷ Morton, *supra* note 14.

¹⁸ Remes, *supra* note 3 at 251, quoting from a text which informed the Relief Commission's efforts.

¹⁹ Suzanne Morton, *Ideal Surroundings: Domestic Life in a Working-Class Suburb in the 1920s* (Toronto: University of Toronto Press, 1995) at 12. The only mention of race is in her introduction. Her study is of Richmond Heights, which she describes as "a uniformly white subdivision...relatively homogenous." Due to her focus on Richmond, race is not a factor in her discussion of the explosion's aftermath.

²⁰ Kitz, *supra* note 15.

²¹ MacDonald, *supra* note 3 at 239.

²² Jessica Bundy, *The Problem of the Coloured Child: Child Welfare Services After the Halifax Explosion* (Bachelor of Arts with Honours in Sociology Thesis, Acadia University, 2015) [unpublished] at 20.

²³ *Ibid* at 8.

all, many African Nova Scotian children lived in the North End. Many of these children were probably in need of child welfare services and excluded from available help for white children. The government's failure to rebuild the Home likely left African Nova Scotian children orphaned by the Explosion in a very vulnerable position.²⁴

African Nova Scotian children are almost entirely absent in the records Bundy examined. The data in general is of very poor quality. It tracked only the number of children in different private charitable institutions after the Explosion; the data was not race disaggregated. Her primary conclusion is that the records' silence about the needs of African Nova Scotian children in the explosion's aftermath speaks volumes. Bundy argues that African Nova Scotian children required the Commission's attention intensely, due to the overt racism of the child welfare system. The Commission's silence on this issue is evidence of governmental indifference towards African Nova Scotian children.²⁵ This treatment of African Nova Scotian children was, we suggest, reflective of governmental neglect of the African Nova Scotian community in the Explosion's aftermath.

The Africville Genealogical Society's submissions to the United Nations Special Rapporteur on Contemporary forms of racism argued that money earmarked for Africville's post-Explosion reconstruction was never delivered.²⁶ The report does not provide a citation for that claim. We were unable to ascertain its basis.

To mark the Explosion's hundredth anniversary the Canadian Heritage Encyclopedia published a survey of how several marginalized groups, including African Nova Scotians, were impacted by the Explosion. The section on African Nova Scotians was based on six Relief Commission files. The authors noted that some of the African Nova Scotian claimants sampled had overtly racist comments on their files or were awarded low amounts of relief. However, they also noted that "the situation was not entirely bleak...African Nova Scotians were given unrestricted access to public health care, and, while evidence is limited, they appear not to have been discriminated against over the issuance of cash allowances or disability and widows' pensions."²⁷ Our study, based on a much larger number of African Nova Scotian relief files, arrives at a contrary conclusion. African Nova Scotian claimants received lower amounts of compensation for personal effects, lower levels of per capita relief, and less temporary income replacement aid, as is evident from Appendixes C, E, and F.

Historian Jacob Remes contests the tendency of academics, activists, and intellectuals to focus upon Africville in their discussions of African Nova Scotian experiences. This perspective neglects the other, larger African Nova Scotian neighbourhood on the peninsula, the community in the Fifth Ward centered on Creighton and Maynard Streets. The 1911 census recorded approximately 450 African Nova Scotians in Ward 5 and about 250 in Ward 6, which included Africville.²⁸ Residents of Ward 5 lived in a clustered, quasi-integrated community. The notorious expropriation of Africville residents' land and homes is a story that needs to be told and retold.

²⁴ *Ibid* at 16.

²⁵ *Ibid* at 32.

²⁶ Denise Allen, "Africville: The Case for Compensation, Exposing all aspects of racism in Nova Scotia, Canada" (Letter delivered to the United Nations Special Rapporteur on Contemporary Forms of Racism, September 2003) [unpublished] at 5.

²⁷ David A Sutherland, "People on the Margins of the Halifax Explosion," *The Canadian Encyclopedia* (1 November 2017), online: <www.thecanadianencyclopedia.ca/en/article/people-on-the-margins-of-the-halifax-explosion> [perma.cc/2XPV-8PLJ].

²⁸ Jacob Remes, "What We Talk About When We Talk About Africville," (2015) [unpublished, under review at *African American Review*] at 8.

However, popular and academic interest in Africville risks eclipsing the experiences of the larger African Nova Scotian community in Ward 5.

In the context of the Halifax Explosion, a focus on Africville may underestimate the blast's effects upon African Nova Scotians. Remes notes that Africville's topography afforded it some protection from the disaster. This claim is based upon a reading of histories of Africville. Accounts of the explosion are conspicuously absent from community oral histories, such as Donald H Clairmont's "The Spirit of Africville."²⁹ The claim that Africville was largely unaffected by the explosion is also based upon reports created by city and military officials in the blast's aftermath.³⁰ The reality of this accepted wisdom deserves careful scrutiny. The indifference and skepticism with which Africville residents were treated by relief workers may have influenced estimates of the damage suffered by the community.

Remes' thesis is an examination of working-class institutions' responses to early twentieth century disasters in Salem, Massachusetts and Halifax, Nova Scotia. His primary research on the explosion was completed through a "simple random sample" of 739 of the HRC's pension files.³¹ Of this sample, he discusses seven files concerning African Nova Scotians. He explains the contents of these files in some detail to draw conclusions about African Nova Scotian experiences of the Explosion. He describes Sarah Henry's file. Henry was a sixty-three-year-old widow at the time of the Explosion. Her experience was distinguished from that of other poor, widowed women due to the difficulty she and her family experienced in trying to cross the American border. While other Explosion survivors emigrated to New England to receive care from family members, Henry was denied entry to the United States. Her family members were twice denied entry to Canada. Remes concludes, "there seems little doubt that she was excluded because she was black."³²

The other African Nova Scotian files Remes examined had one unifying feature: unsympathetic responses from relief workers. Katie Donegan's request for two or three dollars to compensate for lost work was denied.³³ Similar indifference is apparent in Sophie Thompson's file. Although her eye was injured and needed daily dressing, a relief worker wrote her family has "not been effected by [the] explosion."³⁴ Ada Cooley was separated from her husband. She supported herself and her children by keeping boarders. HRC workers treated her with blatant skepticism. On her file, they noted, "If applying for relief be careful." Careful was heavily underlined.³⁵ Remes' sample turned up two claimants from Africville. The first, Lavina and Fred Byers, placed a \$60 property claim. They received \$5, which Remes deemed a "particularly small proportion." Similarly, Jane and James Brown sought compensation for damage to their home and store. Their claim was called "extravagant for Africville" and Remes claims they received only \$75.³⁶

From this small sample, Remes infers that the HRC distinguished between claimants on the basis of race. However, beyond "simple racism," he attributes the distinction to the

²⁹ Donald H Clairmont, "Historical Overview," in Africville Genealogical Society, ed, *The Spirit of Africville*, (Halifax: Maritext/Formac, 1992) 36 at 36–50.

³⁰ Remes, *supra* note 3 at 342.

³¹ *Ibid* at 266.

³² *Ibid* at 326.

³³ *Ibid* at 330.

³⁴ *Ibid*.

³⁵ *Ibid* at 331.

³⁶ *Ibid* at 330. It appears that Remes' summary of the Browns' file is mistaken. The details of their retail property claim are contained at Appendix D to our study as file number 3058. They claimed \$637.6 in real property damage and received \$125.

“illegibility” of Black communities. Remes draws upon historian James Scott’s ideas about legibility, the mechanism through which modern states try and impose order and control over ordinary peoples’ lives and networks.³⁷ To Remes, African Nova Scotian communities, especially Africville, were particularly illegible, due to a dearth in state infrastructure, formal property holdings, and regular employment. Remes relies upon Scott’s theory of legibility to denote the ways that “states have ‘arrange[d] the population in ways that simplified the classic state functions of taxation, conscription, and prevention of rebellion.’”³⁸ Legibility is essential for modern states to operate and provide services. Marginalized populations whose lives are less regulated by government, for instance, because they do not have proper land title and civic address, are less ‘legible’ to the state.³⁹ For this reason, Remes asserts, a disproportionate number of the claims of African Nova Scotian went under-researched by relief workers and ultimately received little aid.⁴⁰

Our study builds upon Remes’ basic insight that distinctions in relief distribution were made upon the basis of race. However, it focuses upon the explosion experiences of African Nova Scotians in a more systematic fashion. It also departs from Remes’ conclusions. “Simple racism,” not the “illegibility” of African Nova Scotian claimants, must be foregrounded in accounts of the explosion. African Nova Scotian claimants were not under-serviced by Relief Commission workers just because they interacted less frequently with the state’s infrastructure. The Commission records display a clear disparity in the efforts workers invested in tracking African Nova Scotian claimants, as opposed to white residents. The indifference displayed toward African Nova Scotian claimants was clearly informed by racial prejudice. The “legibility” thesis obscures how blatant racism informed reconstruction efforts. Race was an important determinant of the quality and quantity of relief received. This should be foregrounded in any study of the Explosion.

II. METHODOLOGY

Rather than adopt Jacob Remes’ random sampling technique, we endeavoured to study the pension files of all African Nova Scotian relief claimants. We read the 1911 census to identify potential African Nova Scotian Explosion victims. This was the last census performed in Nova Scotia prior to the Explosion. All of the census data for Ward 5 was read. The names, addresses, occupations, religion, and estimated earnings of all African Nova Scotian families and individuals were recorded.

The HRC’s Pension Commission files have an index. It is organized alphabetically. For each pension claim filed, a card exists with the claimant’s name, address, and file number. Based upon the names and addresses recorded in the 1911 census, we located the file numbers of Ward 5 African Nova Scotian pension claimants. While sifting through the index cards, we found several claimants from Africville, Beechville, and Cherry Brook, which are historic African Nova Scotian communities. These files were added to the sample set for African Nova Scotians.

Once all the file numbers which appeared to correspond to African Nova Scotians were recorded, the pension records corresponding with those numbers were examined. Unfortunately, several were missing. Ultimately, fifty files of African Nova Scotians households were located. While some tracked aid disbursed to single individuals, most files record aid given to families. On approximately half the African Nova Scotian files, the relief investigator confirmed the claimant’s

³⁷ *Ibid* at 52.

³⁸ *Ibid* at 15.

³⁹ *Ibid* at 30.

⁴⁰ *Ibid* at 331.

race. Eight files with addresses in Beechville and Africville were included in the African Nova Scotian sample, although we are not absolutely certain these individuals were African Nova Scotian.⁴¹

Fifty control sample files were studied. The file immediately before or after every African Nova Scotian file was selected. The files were not organized by street address, so the control sample contains claimants from Halifax's South and North Ends. A diversity in economic circumstance was therefore captured by this technique. The names and religious affiliations suggest the control claimants were primarily of Irish, Scottish, and British descent. Aside from names and race, thirteen variables were recorded for claimants in spreadsheets:

- the number of adults living at the address
- the number of minors at the address (defined as children under 18)
- the address of claimants before the Explosion
- the address of claimants after the Explosion
- the kind of property tenure (rental or ownership). If any particular damage to the home was noted on the file, it is entered in this column
- physical injuries sustained by household members that were recorded on the file
- whether the claim investigators displayed marked skepticism about the claim's honesty
- whether there was a failure to contact the claimant
- whether a claim for personal effects was filed, and the amount, if indicated
- personal effects amounts granted
- the amount of real property claimed
- the value of immediate relief granted, aside from clothing
- whether temporary money allowances were granted, and the amount.

Eight categories of results were analyzed:

1. The first category of analysis examines racialized designations or language used by relief workers.
2. The second category compares the percentage of relief seekers whose claims were treated with skepticism. Three categories of claimants were created: all African Nova Scotian claimants; African Nova Scotian claimants living in Ward 5 (with statistics from Africville, Beechville, and Cherry Brook excluded); and non-African Nova Scotian Claimants. Claimants from Ward 5 were isolated from other African Nova Scotians out of concern that claimants from Africville, Beechville, and Cherry Brook were skewing the data set

⁴¹ One weakness of this approach is its treatment of interracial children. Adults were the primary focus of the relief investigator's attention. When an investigator recorded a racial designation on a file, they were likely referring to one or both parents. However, the 1911 census revealed a number of interracial families. In particular, Irish and African Nova Scotian families appeared to intermarry with some frequency. Since the relief investigators themselves did not write nuanced racial descriptors, biracial children likely enter this study as African Nova Scotian, whether or not that accords with their self-perception.

3. The third category examines the rates at which HRC officials failed to contact claimants. The same three categories of claimants were examined. A failure to contact was noted when a claim was filed but the claimant was never found. Or, when only a blatantly half-hearted attempt to contact a claimant was made, such as one quick, unsuccessful visit to the community to locate the claimant resulting in the dismissal of the claim. Files that were dismissed based upon an uninvestigated neighbourhood rumour or a conversation with a third-party aside from the claimant are also included in this category.
4. The fourth data grouping compares amounts of personal effects claimed and received. Personal effects are furniture and household goods. Compensation rates for African Nova Scotians and non-African Nova Scotians were calculated. Average and median rates were determined. Claimants from Ward 5 alone were then isolated from African Nova Scotians as a whole and a new median and average were calculated.
5. The fifth data set compares real property compensation claimed and received. This category includes real estate, or "traders," goods possessed by small business owners. Only a handful of pension files sampled had real property claims.
6. The sixth results group displays the per capita amounts of immediate relief received. The records do not display values for clothing. Other forms of immediate relief granted were food, coal, and blankets. Averages were calculated with the total number of immediate relief recipients within the claimant category, not the number of claimants within the category as a whole. Medians were calculated. Results for all African Nova Scotians, African Nova Scotians within Ward 5 alone, and non-African Nova Scotians were determined.
7. The seventh data set compares temporary income allowances granted to African Nova Scotians and Non-African Nova Scotians.
8. The eighth data category isolates the results of African Nova Scotians and Non-African Nova Scotians living on Creighton and Maynard streets alone. This was done because some of the control claimants were of mid to high socio-economic status. This table attempts to isolate control data for claimants of lower socio-economic status. Both personal effects compensation and immediate relief granted are compared.

III. ANALYSIS OF RESULTS

A. GENERAL TRENDS (Appendix A and B)

The HRC pension files vary widely in the quantity and quality of detail. While some social workers took meticulous notes, others recorded only scant basics. The lower file numbers, which were investigated earlier in the relief efforts, tend to be far richer in detail. It is unclear why files became less detailed over time. Perhaps the relief workers had less time per file as the number of claimants increased.

The social workers performing the investigations were deeply concerned with the morality of working-class claimants. Assessments were as much about the claimant's character as they were the claim's contents. Employment, drinking habits, and personal relationships were as closely scrutinized as need. All working-class claimants endured the moralistic scrutiny of the HRC social workers. However, as is explored below under the heading "skepticism," African Nova Scotian claimants were judged more harshly than the white working-class claimants who deviated from the social workers' ideals of bourgeois respectability.

1. RACIALIZED LANGUAGE (Appendix A and B)

Twenty-three of the fifty African Nova Scotians whose files were examined were marked with a racial designation, either "Black," "Coloured," or "Negro." This in and of itself is interesting since the race of non-African Nova Scotian claimants was rarely recorded by social workers. Every relief file form had an entry for "race or ethnic origin." However, it was only filled for one non-African Nova Scotian claimant's form out of a sample size of fifty. While the races of non-African Nova Scotian claimants were apparently considered unremarkable, the race of African Nova Scotian claimants was worth noting. Racialized language was sometimes used by investigators. For example, Mrs. Sarah Ford was described by investigators as a "nice honest old coloured woman."⁴² Augustus and Iris Beresford were referred to as "rather respectable coloured people."⁴³ By noting and commenting upon the race of African Nova Scotian claimants, the Relief Commission social workers differentiate their claims from those of other Haligonians.

2. SKEPTICISM (Appendix A and B)

African Nova Scotians' claims were treated with skepticism at a far higher rate than those of white claimants. We recorded every comment which indicated the relief investigator doubted the claimant's honesty. In thirty-four per cent of African Nova Scotian files, HRC workers expressed doubt about the claim's veracity. Only sixteen per cent of non-African Nova Scotian files contained a comment indicating skepticism. However, when claimants from Africville, Beechville, and Cherry Brook were analyzed separately, the picture shifts slightly. Twenty-two per cent of African Nova Scotian Ward 5 residents' claims were treated with open distrust.

Many of the files flagged as displaying skepticism on the part of the relief worker contained statements that the African Nova Scotian claimant lied about the harm they experienced from the Explosion, and was dishonest and lazy. In this way, skepticism about claims is tied to overtly racist attitudes of some relief workers. Examples below demonstrate some African Nova Scotian claims which were initially treated with disbelief by HRC workers were later vindicated by courts.

Relief investigators frequently doubted whether African Nova Scotians' injuries were truly caused by the Explosion. Levi and Mary Lucas filed for various forms of relief in the Explosion's aftermath: medical relief, temporary cash allowances, personal effects, and real property damages. Mary lost an eye in the Explosion, Levi sustained a head injury. Their file is over a hundred pages long due to the complexity of the medical claim. Doctors' notes suggest their injuries would have been obvious to observers. Nonetheless, on 25 January 1918, a relief worker cut them off food relief, stating, "this Family was receiving food relief, but it has been stopped. Claim that both

⁴² MG 20, MG 36, Accession 2004-040 File 1575, Series P Halifax, Nova Scotia Archives [Halifax Relief Commission Records].

⁴³ Halifax Relief Commission Records, *supra* note 34 at File 4655, Series P.

himself and wife were injured in the Explosion, his wife requiring operation on eye. Mentions cataract. Doubtful if it is an Explosion case. Suggest investigation.” The small claims court disagreed with this recommendation. The Lucas’ were eventually awarded \$232 for personal effects, \$105 for real property, \$157 in immediate relief. They were also one of only five African Nova Scotian files awarded temporary wage compensation.⁴⁴ Despite medical proof of their injuries, Mary and Levi Lucas were nonetheless treated with skepticism by the social worker who assessed their claim.

Similarly, Charles Currey of Beechville’s claim for relief due to an injury was met with distrust. On 16 February 1918, an investigator wrote, “He has not worked since the explosion. He claims that injuries to his back prevents his doing so. It was learned from his wife that it is not his custom to work during the winter months. His wife was advised to send a Doctor's certificate as to her husband's unfitness for work ... looking to the fact that they have been able to get along during the last two months I do not think that this should be recognized.” A doctor’s note later confirmed his injury, but the family received no compensation for Mr. Currey’s inability to work. The Curreys’ personal effects claim was denied, but \$56 for real property damages was granted.⁴⁵

The HRC also treated John Lambert’s injury with skepticism. A memo on his file states, “He sprained his arm since the Explosion, and Mrs. Lambert claims that he is still laid up. This does not look like an Explosion case. Suggest investigation before any requisition is made.” On 7 January 1918, the relief worker recommended John should register at the employment bureau. The only relief ordered was clothing for a daughter. This recommendation was rejected by the small claims court, which awarded \$70 in personal effects, and \$35.24 worth of coal, blankets, and food.⁴⁶

Relief investigators were also doubtful that the disaster had altered African Nova Scotians’ earning capacities. Isiah and Annie Mantley were homeowners in Africville. They claimed \$397.75, which was completely denied. Scrawled across their registration form is “Forget him quite able to work but wants a holiday on the strength of the explosion.” Another note on the file states, “Claimant adds in his claim that he is a poor man, but he does not say anything about his honesty.” Finally, on 22 May 1918, an investigator wrote to the Mantleys, “In consequence of the inflated claim that you have rendered, the commission has decided to defer the payment of the same to you indefinitely.”⁴⁷

The severity of the Explosion’s impact upon Bessie Bowen’s household income was doubted. On 25 January 1918, a food department official wrote, “(Coloured). Mrs. Bowen claims to be a widow, husband having died five years ago. Her family, boy 20, was injured, and was unable to work, girl 19, works occasionally, boy 15 was working in a shoeshine parlor, claims that this work has stopped; girl 15, adopted, girl 9, girl 8. Mrs. Bowen claims to have been a charwoman, but that her work is very scarce on account of the disaster. Suggest investigation.” While no food, coal, or other immediate relief was granted to this family, they received \$75 on a \$89 personal effects claim.⁴⁸ The fact that a number of African Nova Scotian claimants were awarded higher amounts of relief by the small claims adjudicators than was recommended by the social worker assigned to the file suggests that the social workers’ assessments of claims filed by African Nova Scotians were unduly harsh. Perhaps the skepticism social workers displayed

⁴⁴ Halifax Relief Commission Records, *supra* note 34 at File 874, Series P.

⁴⁵ Halifax Relief Commission Records, *supra* note 34 at File 718, Series P.

⁴⁶ Halifax Relief Commission Records, *supra* note 34 at File 2347, Series P.

⁴⁷ Halifax Relief Commission Records, *supra* note 34 at File 1874, Series P.

⁴⁸ Halifax Relief Commission Records, *supra* note 34 at File 1164, Series P.

towards African Nova Scotian claimants interfered with their assessment of the merits of their claims.

Finally, HRC workers often expressed skepticism that the housing conditions of African Nova Scotians had been altered by the blast. An excerpt from Henry Munroe's file is representative: "When visiting in Beechville this and other Munroe families seen. It could not be discovered that their circumstances had been much affected by the disaster. For window glass, referred them to the Reconstruction Committee."⁴⁹ William Medley lived in Africville. Notes on his file indicate general disbelief about the blast's impact on this community: "A survey was made of this district and it is thought that the family sustained little loss. Asked advice of Mr. Hagel of Bedford Church about this family and he agreed that many of the people were making the most of disaster."⁵⁰ Jane Brown's file confirms the stigmatization of Africville by HRC workers: "Value (claimed) seems extravagant for Africville... A survey was made by this district and it is thought that they suffered very little loss."⁵¹ Such comments raise concerns about relying on relief officials' impressions of damage sustained by Africville, as Jacob Remes did. While reports about the Explosion's impact on this community conflict, relief workers were clearly suspicious of claimants from Africville and Beechville. The skepticism with which African Nova Scotians were treated appears even more discriminatory when contrasted with the sympathy and leniency shown white claimants. Respectable white claimants were often gifted lavish praise by relief workers: W M Pirie's family were deemed "very independent worthy sort of people." They received a very large settlement. A real property claim of \$1,390 was granted after \$1,977. 95 was sought.⁵²

Even white claimants who deviated from the norms of bourgeois respectability were treated with more sympathy than African Nova Scotian claimants. Emma Ryan was a widow, accused by relief workers of being a sex worker. The file states neighbours had been trying for years to have her removed from the building. Ultimately, she was cut-off relief because she received undeclared income from a boarder. However, she first received \$25 in personal effects out of a claim worth \$31.65, and \$31.50 worth of immediate relief.⁵³

Leniency was also displayed in the treatment of Charley and Julia Williams, who were white. Charley was injured with a hernia and unable to perform heavy work. He was advised to visit the employment bureau. The HRC worker wrote, "I would give them another chance for the sake of the wife. The man is not trying very hard to get work, he was warned before."⁵⁴ A second chance was also given to Mrs. O'Rourke, who was caught in a lie about her marital status. She was also described as "constantly drunk." Nonetheless, the settlements she received were large: \$288 in personal effects out of a claim for \$327, a \$500 real estate settlement, and \$50.90 in immediate relief.⁵⁵

It is evident from the review of the files that African Nova Scotian claims were often met with skepticism, resulting in their exclusion from the full benefits of reconstruction efforts. This skepticism amounted to discriminatory treatment as African Nova Scotian claimants were awarded much lower amounts than they claimed. This differential treatment is clear in comparison to the leniency and lack of skepticism afforded to white claimants.

⁴⁹ Halifax Relief Commission Records, *supra* note 34 at File 719, Series P.

⁵⁰ Halifax Relief Commission Records, *supra* note 34 at File 1721, Series P.

⁵¹ Halifax Relief Commission Records, *supra* note 34 at File 3058, Series P.

⁵² Halifax Relief Commission Records, *supra* note 34 at File 722, Series P.

⁵³ Halifax Relief Commission Records, *supra* note 34 at File 1982, Series P.

⁵⁴ Halifax Relief Commission Records, *supra* note 34 at File 1983, Series P.

⁵⁵ Halifax Relief Commission Records, *supra* note 34 at File 4309, Series P.

3. FAILURE TO CONTACT (Appendix A and B)

Appendices A and B capture the names, demographic information, and relief claim file data for African Nova Scotian and non-African Nova Scotian claimants studied. Relief investigators devoted little energy to finding and contacting African Nova Scotian claimants. In contrast, nearly all white claimants were located. Some relief workers displayed strenuous efforts to find particular white claimants. Eighteen per cent of all African Nova Scotian claims received little or no investigation by HRC staff. Twelve per cent of African Nova Scotian claims from Ward 5 (data from Africville, Beechville, and Cherry Brook removed) went largely unexamined. Only four per cent of white claimants went uncontacted by the HRC. These statistics demonstrate the HRC's discriminatory indifference to the well-being of African Nova Scotian claimants.

Several examples of the negligible efforts put into tracing African Nova Scotians are illustrative. A relief worker recommended James Daniels be denied relief based upon a mere rumour heard from a "coloured man in shop." This man apparently told the relief worker that the "(Daniels) family all were well." A barrister sitting in small claims court later awarded the Daniels \$100 for personal effects compensation.⁵⁶ Incredibly, a relief worker declared Jim and Annie Hamilton's case closed based upon a quick conversation with someone who didn't know them very well: "James Hamilton said to have been harboured by Mrs. Jones, 9 Cornwallis Street. Saw Mrs. Jones who says that she knows Mr. Hamilton to see him but that he has never been in her house, neither he nor any of his family. Do not think necessary to follow up family. Closed." The Hamiltons were later granted \$5.50 in personal effects relief, and \$50 to repair their barn in Africville.⁵⁷ Negligible investigation efforts are also apparent in the Relief Commission's efforts to help Mary Allison. Allison received three coal deliveries at her home address between December and January. Despite the fact that her address was known, a note on her file from February 1918 stated she "cannot be found." In an undated letter Allison complained that she had not been visited by HRC workers for over two months.⁵⁸

The careless manner in which relief workers treated African Nova Scotians is even more apparent when the strenuous efforts invested in white claimants are appreciated. The Mitchells family requested a clothing order. When it arrived, the family could not be located by HRC workers. The HRC workers examined the clothing and worried whether it was of high quality, a concern that never once appeared on Black claimants' files. The HRC then contacted an official with the Mitchells' church. They arranged for the official to pick up the clothing. It appears the clothing was given, without an interview ever performed with the Mitchells.⁵⁹ It is difficult to imagine the same degree of trust and concern being invested by the same Commission in African Nova Scotian claimants.

Vigorous efforts were also made to find the Lampert family; an HRC official wrote to the North Sydney YMCA to locate them.⁶⁰ A relief investigator also went to great lengths to find Mr. Richard Mosher. First, they visited his last known address. Then, they visited his former landlord at home to get information on his whereabouts. Next, they visited his rumoured workplace and

⁵⁶ Halifax Relief Commission Records, *supra* note 34 at File 495, Series P.

⁵⁷ Halifax Relief Commission Records, *supra* note 34 at File 256, Series P.

⁵⁸ Halifax Relief Commission Records, *supra* note 34 at File 4789, Series P.

⁵⁹ Halifax Relief Commission Records, *supra* note 34 at File 721, Series P.

⁶⁰ Halifax Relief Commission Records, *supra* note 34 at File 3059, Series P.

spoke to his supervisor. Finally, an unknown person confirmed (possibly Mr. Mosher himself?) that his claim “was settled satisfactorily.”⁶¹

African Nova Scotians were traced by investigators with markedly less energy than their white counterparts. Remes suggests that the differential relief outcomes of African Nova Scotian and white claimants was because African Nova Scotians were less “legible” to the state due to differences in their networks, lifestyles, and property tenure.⁶² However, the same investigators displayed creativity and resourcefulness in tracking white claimants who were difficult to find. That African Nova Scotians’ claims were frequently neglected is a testament to discriminatory indifference, not to a lack of capacity or ability. Racism, not just “legibility” to state administrative actors, impacted relief distribution outcomes.

4. PERSONAL EFFECTS CLAIMED AND RECEIVED (Appendix C)

Appendix C displays personal effects relief claimed and received by African Nova Scotian and non-African Nova Scotians. The data displays several points of interest. First, significantly fewer African Nova Scotians entered claims for personal effects. Second, three African Nova Scotian claims were entirely denied. Of these three rejected files, one family lived in Africville, another in Beechville. Not a single non-African Nova Scotian claim was completely rejected. Only three non-African Nova Scotians received less than half their claims. Third, the median and average amounts received were significantly lower for African Nova Scotian claimants, whether expressed as raw data or as a percentage. Medians for both sets of claimants are more informative, averages tend to be skewed by the wide spread of the data set.

For non-African Nova Scotian claimants, the average amount claimed was \$267.93. The average amount received was \$211.28. This is a 79 per cent average claim compensation rate. The median claim was \$157 and the median amount granted was \$111. This is a success rate of 70 per cent.

For all African Nova Scotian claimants, the average figure claimed was \$217.26. The average amount received was \$114.75. This is a 53 per cent average claim compensation rate. The median claim made was \$153. The median award granted was \$67.90. This is a success rate of 44 per cent. Clearly, the compensation received by African Nova Scotians for their personal effects was significantly lower than that received by non-African Nova Scotian claimants.

5. REAL PROPERTY CLAIMED AND RECEIVED (Appendix D)

Appendix D only includes real property claims for which a specific amount was requested. Files for which no specific figure was requested, but an award was given, were eliminated. This is due to the impossibility created in calculating these awards’ success rate.

Few real property claims were recorded in any of the pension records. It is unclear if this is because some of these claims were managed by the Appraisals Board, or if the majority of claimants simply lacked real property to claim. Files which indicated the type of property tenure suggest the majority of all Haligonians surveyed were renters, not homeowners.

The data sets of both African Nova Scotian and white claimants are too small to provide insights into potential discriminatory behaviour. Indeed, if the median and average success rates for the claims are examined, African Nova Scotians appear to fare better than their white

⁶¹ Halifax Relief Commission Records, *supra* note 34 at File 3706, Series P.

⁶² Remes, *supra* note 3 at 331.

counterparts. However, this conceals as much as it reveals. When the raw data of claim values are averaged, white claimants received \$1,621.20 to African Nova Scotians' average real estate compensation value of \$118.70. This is because white claimants claimed far larger amounts. No African Nova Scotian real estate claim even approached \$1,000 whereas three white claimants in a sample of six claimed property worth over \$1,000. One white claimant, Mary Stephens, claimed real estate valued at \$11,500 and received \$6,846.92.⁶³ If nothing else, this data set is a vivid illustration of the HRC's mission: to restore Haligonians to their pre-Explosion state. By prioritizing the restoration of the pre-Explosion social order over needs-based relief distribution, the Relief Commission perpetuated and entrenched African Nova Scotians' economic disadvantage.

6. IMMEDIATE RELIEF PER CAPITA (Appendix E)

Appendix E displays per capita calculations of immediate relief in the form of blankets, coal, and food distributed to African Nova Scotians and non-African Nova Scotians. The amounts distributed were fairly low, so there is little variation amongst and between racial groups. The figures were found by dividing the total value of immediate relief received by a household by the number of household members. The median and average per capita relief for African Nova Scotians and non-African Nova Scotians was calculated. For all African Nova Scotians, the average per capita relief received was \$6.28. For white claimants, the same figure was \$8.89. The medians were much closer, at \$3.75 and \$3.66, respectively. When African Nova Scotian claimants from Ward 5 alone were examined, the average rose to \$7.05 and the median to \$4.53. One potential explanation for these close figures could be that most African Nova Scotians lived closer to the blast site, whereas white claimants were more geographically dispersed throughout the peninsula. The greater the destruction suffered to their homes and possessions, the greater the need for basic needs may have been. Of course, their need would have been greater for repaired personal effects and real estate as well. However, since they tended to own less personal and real property their payments for these forms of relief were lower.

7. TEMPORARY INCOME REPLACEMENT (Appendix F)

Appendix F examines relief provided in the form of temporary income replacement funds to the African Nova Scotian and non-African Nova-Scotian claimants studied. The Explosion created an employment crisis for many working-class Haligonians, hundreds of wage earners were injured or killed by the disaster. Kitz claims that if a killed or injured worker had been on the job at the time of the Explosion, the worker's compensation board paid the family fifty-five per cent of the person's salary. It is unclear how long this payment endured. Widows of wage earners were paid by the Pension Commission on a scale dependent on the previous income and the value of property owned.⁶⁴ This system of wage compensation inherently disadvantaged several categories of workers. Many African Nova Scotian women kept boarders in their rented home to make ends meet. This form of income was not compensated by the Relief Commission. Nor were the wages of many African Nova Scotian men who worked as casual or seasonal labourers captured by this system. African Nova Scotian workers were largely segregated into precarious, informal

⁶³ Halifax Relief Commission Records, *supra* note 34 at File 1256, Series P.

⁶⁴ Kitz, *supra* note 15 at 180.

industries. The Relief Commission's refusal to compensate workers in these precarious or informal industries had a disproportionate impact on African Nova Scotian workers.

Appendix F demonstrates that few claimants examined received temporary income replacement. The choice to prioritize property over wage compensation inherently privileged wealthy over working-class Haligonians. Only five African Nova Scotians sampled tried to access this form of relief, and two were somewhat successful. Henriette Lee claimed \$55 in lost wages for work in a destroyed ice-cream shop, but was denied.⁶⁵ Two other African Nova Scotian women were denied compensation for lost income from boarders.⁶⁶ Levi Lucas received \$15 in compensation per month for a year. However, his case seemed exceptional. Both he and his wife were injured in the Explosion, and Mr. Lucas owned his own small business as a shoe-shiner. Most African Nova Scotian men surveyed were not self-employed.⁶⁷ Mrs. Sarah Henry received board for a month. She too was exceptional, as the only African Nova Scotian whose file indicated she lived in a shelter instead of a private residence.⁶⁸

Four non-African Nova Scotians sought temporary income replacement. All were successful. Three of these claimants appear to have sustained fairly serious injuries.⁶⁹ One lost her husband in the Explosion and received several months' compensation in addition to her standard widow's pension.⁷⁰ The contrast between a 40 per cent African Nova Scotian success rate and a 100 per cent non-African Nova Scotian success rate appears dramatic. A total sample size of nine files is too small to support firm conclusions. However, this limited data pool suggests that the Relief Commission's failure to compensate workers concentrated in the precarious and informal sectors of the economy for their lost work opportunities had a disproportionate impact on African Nova Scotian workers.

8. CREIGHTON AND MAYNARD STREETS ISOLATED (Appendix G)

The need to control for socio-economic status emerged as the study progressed. Non-African Nova Scotians sampled came from a mix of social classes, a fact reflected in disparate personal effect and real estate claims. It was also apparent early on that African Nova Scotians from Beechville or Africville were subjected to harsher scrutiny than African Nova Scotians from Ward Five. Creighton and Maynard Streets were selected because they were home to a significant African Nova Scotian population. An important assumption guiding this analysis is that neighbours on the same street with the same kind of property tenure possessed similar socio-economic status.

Per capita immediate relief rates received by the two groups were very similar. White claimants received an average of \$4.41; African Nova Scotians received an average of \$6.68. The median amount granted was \$3.83 to white claimants and \$3.73 for African Nova Scotians. The ratios of personal effects claimed and approved of these residents were compared. The average compensation requested-to-received ratio was 70 per cent for both African Nova Scotians and non-African Nova Scotians. The median success rate was 80 per cent for non-African Nova Scotians and 70 per cent for African Nova Scotians. While these figures are very close, the average value

⁶⁵ Halifax Relief Commission Records, *supra* note 34 at File 1273, Series P.

⁶⁶ Halifax Relief Commission Records, *supra* note 34 at Files 1573 and 1576, Series P.

⁶⁷ Halifax Relief Commission Records, *supra* note 34 at File 874, Series P.

⁶⁸ Halifax Relief Commission Records, *supra* note 34 at File 3337, Series P.

⁶⁹ Halifax Relief Commission Records, *supra* note 34 at Files 1637, 1948, 3705, Series P.

⁷⁰ Halifax Relief Commission Records, *supra* note 34 at File 1256, Series P.

received for personal effects was \$154.80 for white claimants, and \$127.87 for African Nova Scotians, a significant difference.

These findings suggest several potential conclusions. First, that low-income whites were also under-rewarded by a relief system that prioritized compensation for lost property and the restoration of the social order over universal relief. Second, the inclusion of both wealthier whites and African Nova Scotians from Africville and Beechville emphasizes racial differentiations in relief outcomes. Third, while class mattered for all claimants, African Nova Scotian claimants were still undercompensated for their Explosion losses compared to white working-class claimants.

IV. AVENUES TO A REMEDY?

Under human rights law, a *prima facie* case of discrimination is established when a complainant demonstrates that they have a characteristic protected by human rights legislation, that they have suffered a disadvantage with respect to a service, and that their protected characteristic was a factor in that treatment. The complainant does not need to establish that the discrimination was intentional, or that stereotypes or personally-held prejudices played a role in the treatment. Discrimination can be systemic when seemingly neutral laws impose a disproportionate disadvantage on a group protected by human rights legislation.⁷¹

Putting aside for a moment the issues raised by the retroactive application of equality legislation and jurisprudence, the HRC's treatment of African Nova Scotian relief claimants likely meets the legal test for discrimination. Today, race is a protected characteristic under human rights legislation. A review of the HRC's records demonstrates that African Nova Scotians were disadvantaged with respect to relief distribution, and that their race was a factor in this adverse treatment.

This disadvantage was partly the result of discriminatory attitudes amongst relief efforts. The HRC's relief workers displayed bias against African Nova Scotians by subjecting their claims to enhanced skepticism. Relief workers' frequent failures to locate or contact African Nova Scotians indicate discriminatory levels of indifference.

The HRC's relief policies also adversely impacted African Nova Scotian claimants. The majority of African Nova Scotians in 1917 were low-waged workers, not property owners. The HRC prioritized the compensation of lost property, not lost wages. When it did compensate wage earners, it tended to compensate regularly employed, skilled workers, not precarious, casual, or domestic workers. The decision to prioritize restoration of the social order instead of a more equitable, universal form of relief ensured African Nova Scotians received little of the total relief granted.

The features of the compensatory scheme perpetuated the racial disparities that already existed prior to the Explosion and resulted in a discriminatory application of the relief mechanism. The disaster did not burden all equally and redress should be paid for the discrimination and disproportionate impoverishment African Nova Scotians experienced.

⁷¹ *Stewart v Elk Valley*, 2017 SCC 30, paras 24, 45. The test for a *prima facie* breach of section 15 of the *Charter*, the equality-guaranteeing provision is similar: "Does the impugned law, on its face or in its impact, create a distinction based on enumerated or analogous grounds? If so, does the law impose 'burdens or den[y] a benefit in a manner that has the effect of reinforcing, perpetuating, or exacerbating...disadvantage.'" *Quebec (Attorney General) v Alliance du personnel professionnel et technique de la santé et des services sociaux*, 2018 SCC 17 at para 25.

Four legal avenues for these discriminatory actions are evaluated briefly below: a section 15 *Charter* claim, a human rights claim, a suit for unjust enrichment, and an action for breach of fiduciary duty. Unfortunately, our conclusion is that each of these avenues to a legal remedy for this instance of discrimination is unlikely to succeed. This study illustrates how the development of Canadian law has effectively served to bar many claims for redress for historic claims of discrimination.

A. SECTION 15 *CHARTER* CLAIM

The *Charter* only applies to state actors.⁷² The HRC was created through an Order-in-Council of the federal government and distributed millions of federal dollars through administrative decision makers. Section 15 of the *Charter*, which came into force in 1985, guarantees equality before and under the law on the basis of race, among other grounds.⁷³ It could be claimed that depriving African Nova Scotians equitable levels of post-Explosion relief constitutes a discriminatory “distinction” under section 15(1) of the *Charter*. However, section 15 has been interpreted so as to prevent many claims regarding pre-*Charter* discrimination from being heard on their merits.

In *Mack v Attorney General of Canada*, representative plaintiffs brought an action on the behalf of all Chinese head tax payers. They alleged a right of redress that arose out of section 15 of the *Charter*’s equality guarantee, among other causes of action.⁷⁴ Both the Ontario Superior Court and the Court of Appeal dismissed the case for want of a reasonable cause of action.⁷⁵ The Supreme Court of Canada refused to grant leave to appeal.⁷⁶ Justice Cumming of the Ontario Superior Court acknowledged that effects of past discrimination may last a lifetime. However, continuing effects alone cannot ground a *Charter* claim. If they were, every past discriminatory state action could give rise to a *Charter* remedy.⁷⁷ Rather, plaintiffs must demonstrate that there is a contemporary application of the relevant law. The Ontario Court of Appeal agreed with the trial judge’s *Charter* reasoning.⁷⁸

The *Mack* plaintiffs were prepared to counter the charge of retroactivity. They strove to give their claim a contemporary dimension. The plaintiffs asserted that since Canada continues to retain the benefits of the discriminatory head tax, the claim is not retroactive. The plaintiffs relied upon *R v Gamble*,⁷⁹ and *Benner v Canada*.⁸⁰ In both of these cases, the Supreme Court recognized that ongoing discrimination begun pre-1985 will not necessarily be immune from *Charter* review.⁸¹ They argued they could not consider themselves fully equal under the law until the racism perpetrated by the Canadian government was redressed. They claimed the government violated section 15 by paying a settlement to Japanese Canadians for wartime internment but refusing

⁷² *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11, s 32.

⁷³ *Ibid*, s 15.

⁷⁴ *Mack v Canada (Attorney General)* (2001), 55 OR (3d) 113 (ONSC) [*Mack* 2001].

⁷⁵ *Ibid* at para 56; *Mack v Canada (Attorney General)*, [2002] OJ No 3488 (QL) at paras 4-5 [*Mack* 2002].

⁷⁶ *Mack v Canada (Attorney General)*, [2003] 1 SCR xiii.

⁷⁷ David Dyzenhaus & Mayo Moran, “Mack v Attorney General of Canada: Equality, History, and Reparation,” in David Dyzenhaus & Mayo Moran, eds, *Calling Power to Account: Law, Reparations, and the Chinese Head Tax Case* (Toronto: University of Toronto Press: 2005) 3 at 8.

⁷⁸ *Ibid* at 8–11.

⁷⁹ [1988] 2 SCR 595.

⁸⁰ [1997] 1 SCR 358.

⁸¹ *Mack* 2002, *supra* note 75 (Factum of the Plaintiff at para 115).

redress to Chinese Canadians. They claimed section 15 gives an independent right of redress for past wrongs. The plaintiffs also argued that the tax violated customary international law at the time it was passed. All of these claims were rejected by both courts.⁸²

The Ontario Superior Court characterized the relevant query regarding retroactivity as follows:

Section 15 cannot be used to attack a discrete act which took place before the Charter came into effect ... If it continues to impose its effects on new applicants today, then it is susceptible to Charter scrutiny today...

The question, then, is one of characterization: is the situation really one of going back to redress an old event which took place before the Charter created the right sought to be vindicated, or is it simply one of assessing the contemporary application of a law which happened to pass before the Charter came into effect...⁸³

The Court goes on to note that “this claim seeks redress for events that took place over 50 years ago,” and concludes that the *Charter* claim “accepting all the facts as pleaded by the plaintiffs ... is retrospective” and therefore cannot succeed.⁸⁴

Mack constrained the scope of the *Charter*’s retroactive application. *Mack* has been followed, barring claims rooted in pre-1985 discriminatory actions.⁸⁵ Arguments could certainly be made about the distinction in law caused by inequality in relief distribution’s ongoing application. The average difference in aid received by white and African Nova Scotian claimants could be indexed to inflation. As per *Mack*, arguments could be made that the descendants of white relief recipients continue to benefit from this accumulated wealth. A figure could be placed on the quantum of restitution owed due to the discriminatory actions of HRC workers. However, unless a court could be persuaded to characterize the deprivation of post-Explosion aid as an ongoing application of a law, the *Charter* equality claim will likely fail post-*Mack*.

Mack involved a *Charter* challenge to an overtly racist piece of legislation. A section 15 challenge regarding relief distribution would face additional barriers not present in the *Mack* case. The HRC’s governing legislation did not mandate that relief be distributed in a racially discriminatory way.⁸⁶ The discrimination against African Nova Scotians was the result of the racism of relief workers, and a system which prioritized compensation for lost property. A Court could also conclude that the province’s decision to compensate property owners for the value of their losses was a justifiable decision that does not violate section 15. A *Charter* challenge regarding racism in relief distribution could therefore falter on its merits, even if it survived motions to strike regarding its retroactivity. A section 15 claim does not present a viable pathway to legal redress regarding racism and relief distribution.

B. A HUMAN RIGHTS CLAIM

⁸² Mary Eberts, “The Limits of Constitutionalism: Requiring Moral Behaviour From Government,” in David Dyzenhaus & Mayo Moran, eds, *Calling Power to Account: Law, Reparations, and the Chinese Head Tax Case* (Toronto: University of Toronto Press: 2005) 115 at 133–138.

⁸³ *Mack* 2001, *supra* note 74 at para 15, citing Iacobucci J in *Benner v Canada*, [1997] 1 SCR 358.

⁸⁴ *Ibid* at para 18.

⁸⁵ *Vail & McIver v Prince Edward Island (Workers' Compensation Board)*, 2011 PESC 6 at 56.

⁸⁶ *An Act to Incorporate the Halifax Relief Commission*, SNS 1918, c 61.

Human rights legislation also effectively bars claims regarding historic discrimination. In a paper for the Ontario Human Rights Commission's Race Dialogue Series, human rights scholar Gerald Gall addressed the question of whether human rights legislation can redress historic racist injustice. His answer was a "qualified no," due to the limitations periods in human rights legislation, federally and in provinces across Canada.⁸⁷

Nova Scotia's *Human Rights Act* has a twelve-month limitation period from the "last instance ... of the conduct complained of."⁸⁸ The *Act* does allow decision-makers to extend the time limitation in "exceptional circumstances" when it would be equitable to do so. The Commission must consider prejudice to the defendant, and the "public interest" in allowing the extension.⁸⁹ Extensions under this section are granted in less than a third of cases where they are sought.⁹⁰

The Nova Scotia Human Rights Commission has interpreted "exceptional circumstances" to mean the threshold for an extension is "very high."⁹¹ This interpretation was critiqued by the Supreme Court of Nova Scotia, which found that "exceptional" means that extensions will be rarely granted. Clear, compelling reasons for a delay in bringing a claim must be offered.⁹² A defendant to a potential claim regarding relief distribution would likely argue they were prejudiced due to a deterioration of the evidence necessary to respond. Overcoming arguments regarding prejudice to the defendant would be a serious hurdle to a human rights claim proceeding under the *Act*.

A British Columbia Human Rights Commission decision, *Swetlishoff v British Columbia*, demonstrates the likely fate of a human rights claim regarding relief distribution.⁹³ That case was brought on behalf of Doukhobor children confined by the British Columbia government in a residential school in the 1950s. The complaint addressed the provincial government's actions in the early 2000s, including a failure to implement an ombudsperson's redress recommendations. The plaintiffs attempted to enter evidence regarding the government's discriminatory actions in the 1950s. The Tribunal acknowledged that the plaintiffs sincerely believed they were discriminated against in the 1950s. However, the Tribunal defined its jurisdiction as limited to a period in the 2000s which preceded the filing of the complaint, and refused to hear the evidence regarding historic discrimination.⁹⁴

The time limitations in Human Rights legislation therefore effectively bar claims regarding historic discriminatory actions. The Nova Scotia Human Rights Commission would likely find it lacked jurisdiction to hear a claim that the Halifax Relief Commission discriminated against African Nova Scotians.

C. UNJUST ENRICHMENT

⁸⁷ Gerald Gall, "Human Rights Legislation and Redress for Past Wrongs," (December 2004) Race Policy Dialogue Papers (Toronto: Ontario Human Rights Commission), online: <www.ohrc.on.ca/en/race-policy-dialogue-papers/human-rights-legislation-and-redress-past-wrongs> [perma.cc/4W5K-3VFA].

⁸⁸ *Human Rights Act*, RSNS 1989, c 214 s 29(2).

⁸⁹ *Ibid* at s 29(3).

⁹⁰ *ExxonMobil Canada Ltd v Carpenter*, 2011 NSSC 445 at para 50.

⁹¹ *Ibid* at para 82.

⁹² *Ibid*.

⁹³ 2013 BCHRT 106.

⁹⁴ *Ibid* at para 337.

The *Mack* plaintiffs' claim in unjust enrichment failed over timing issues, much like their *Charter* claim. Plaintiffs in a suit in unjust enrichment must establish a) an enrichment of the defendant, b) a corresponding deprivation of the plaintiff, and c) an absence of juristic reason for the deprivation. Restitution under this form of claim does not require proof of wrongdoing on the part of the defendant.⁹⁵

For practical reasons, a claim in unjust enrichment would have to be advanced against the government. Bringing a claim against the descendants of individual white relief recipients would be incredibly complex. A claim could be made that the city's reconstruction efforts were enriched by the deprivation of aid to African Nova Scotians. The aid money did not benefit only private property holders. It was also used to reconstruct publicly-owned spaces, such as Fort Needham Park and public housing in Richmond.⁹⁶

The total amounts which could be recuperated by the descendants of individual relief recipients are likely too small to be worth individual litigation. A class action could make the suit worthwhile to pursue. A third practical consideration is the desired amount and form of reparations. The amount could be the average difference in relief paid to white and Black claimants multiplied by the number of African Nova Scotian relief recipients, with interest. The money need not be paid to individual descendants. In 2005, a bill was introduced to the Nova Scotian provincial legislature entitled *An Act to Address the Historic Injustices Committed Against the People of Africville*. One of the Act's goals was to establish a trust fund for historic commemoration and social or infrastructure development.⁹⁷ A similar remedy could be sought by the potential plaintiffs in this suit.

Since a transfer authorized by a statute, like the head tax, is assumed to be supported by a "juristic reason," the plaintiffs in *Mack* had first to establish that the statute was either unconstitutional or *ultra vires* the power of the federal government. At the Ontario Supreme Court, the court considered the existence of the statute sufficient judicial reason for the transfer, despite the plaintiffs' arguments the statute violated customary international law when it was passed.⁹⁸ This finding in *Mack* has been followed. The existence of a statute authorizing a transfer constitutes sufficient juristic reason and bars recovery in unjust enrichment.⁹⁹

Lionel Smith and Dennis Klimchuck's articles on the *Mack* decisions postulated arguments to overcome this judicial reasoning. Smith suggests that the head tax was always tainted with a "seed of injustice." Post-*Charter*, the seed "germinated," the state's retention of the ongoing profits from the tax are now without valid juristic reason. The retention of the tax is now unconstitutional. He claims judges need not be worried that such a finding will open the floodgates to "fiscal chaos," since an illegitimate transfer of wealth is needed to prove the action.¹⁰⁰ Klimchuk argues that it does not matter if the tax was valid at the time of its enforcement. What matters now is whether it

⁹⁵ *Pettkus v Becker*, [1980] 2 SCR 834 at 848.

⁹⁶ Weaver, *supra* note 2 at 44.

⁹⁷ Bradford Morse, "Reconciliation Possible? Reparations Essential," in Marlene Brant Castellano, Linda Archibald & Mike DeGagné, eds, *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (Ottawa: Aboriginal Healing Foundation, 2008) 231 at 238, 239.

⁹⁸ Dennis Klimchuk, "*Mack v Attorney General of Canada* and the Structure of an Action in Unjust Enrichment," in David Dyzenhaus & Mayo Moran, eds, *Calling Power to Account: Law, Reparations, and the Chinese Head Tax Case* (Toronto: University of Toronto Press: 2005) 307 at 309.

⁹⁹ *Garland v Consumers' Gas Co*, 2004 SCC 25 at para 49; *Sentinel Hill Ltd Partnerships v Canada (Attorney General)* (2007), 156 A.C.W.S. (3d) 951 (ONSC) at para 15.

¹⁰⁰ Lionel Smith, "The Timing of Injustice," in David Dyzenhaus & Mayo Moran, eds, *Calling Power to Account: Law, Reparations, and the Chinese Head Tax Case* (Toronto: University of Toronto Press: 2005) 287 at 298.

provides a juristic reason for the retention of the taxes. It cannot. Post-*Charter*, the government is no longer entitled to the money collected under the tax.¹⁰¹

However, after *Mack*, plaintiffs will struggle to assert discriminatory actions taken under a statute to be without valid juristic reason. The HRC's governing statute differed from the statute mandating the head tax payment. The HRC's governing statute did not mandate directly that African Nova Scotians be deprived an equitable proportion of relief funding. There was also not a direct transfer of wealth from African Nova Scotians to the rest of the public through the relief process. The success of a claim about unjust enrichment through inequitable relief distribution post-*Mack* may depend on whether a discretionary decision under legislation is considered to be a juristic reason for the deprivation.

D. BREACH OF FIDUCIARY DUTY

Another potential remedy that could be advanced regarding discrimination in relief distribution is breach of fiduciary duty. However, such a suit would also face serious barriers to success.

A claim that the federal government breached its fiduciary duty towards veterans in administering pension benefits succeeded in *Authorson v Canada (Attorney General)*.¹⁰² The plaintiffs in that case argued the government breached a private law fiduciary duty in administering statutorily-granted benefits. The Ontario Court of Appeal rejected the defendant's argument that the administration of the pension benefits engaged only a public trust, immune from private law remedies. Once a veteran is awarded a pension, the pension is their property. The Crown is required to administer the pension fund for the benefit of the veteran. The statutory language which created the Crown's duty to administer the funds also created a fiduciary relationship between the parties.¹⁰³ *Authorson* was appealed to the Supreme Court of Canada, where the Crown no longer disputed it owed a fiduciary duty to the veterans.¹⁰⁴

Following *Authorson*, claims for breach of fiduciary duty have been brought against the Crown administering other benefit schemes. However, they have failed when the legislation governing the benefit is not found to create a specific entitlement for a specific group of people. In *Krasnick Estate v Canada*, the plaintiff was the estate of a veteran who was denied retroactive coverage of a benefit provided by the Department of Veteran's Affairs. The Court concluded that the legislative scheme did not create a fiduciary relationship between the parties. The case was distinguishable from *Authorson*. While the legislation in *Authorson* created a specific fund for a specific group of entitled veterans, the Department of Veterans' Affairs was only under a statutory duty to provide care to veterans depending on their needs and circumstances. The regulatory "duty to provide and administer benefits under the circumstances set out in the Regulations" did not create a fiduciary duty.¹⁰⁵

Similar reasoning was deployed by the Supreme Court of Canada in *Manitoba Métis Federation v Canada*. The plaintiffs argued that the Crown breached the fiduciary duty it owed to the Métis. The *Manitoba Act* of 1870 created a constitutional obligation to provide Métis children with allotments of land. While this obligation engaged the honour of the Crown, it did not create

¹⁰¹ Klimchuk, *supra* note 98 at 318.

¹⁰² *Authorson v Canada (Attorney General)*, [2003] 2003 SCC 39 [*Authorson* 2003]; *Authorson v Canada (Attorney General)*, [2002] OJ No 962 (QL) [*Authorson* 2002].

¹⁰³ *Authorson* 2002, *supra* note 102 at para 77.

¹⁰⁴ *Authorson* 2003, *supra* note 102 para 62.

¹⁰⁵ *Krasnick Estate v Canada (Minister of Veterans Affairs)*, 2007 FC 1322 at para 28.

a fiduciary or trust relationship between the Métis and the federal government.¹⁰⁶ A declaration that the Government failed in its duty to honourably discharge its duties under the statute was not barred by limitations.¹⁰⁷

The Court stated the law on fiduciary duties owed by the Crown as a three-part test:

- (1) an undertaking by the alleged fiduciary to act in the best interests of the alleged beneficiary or beneficiaries;
- (2) a defined person or class of persons vulnerable to a fiduciary's control (the beneficiary or beneficiaries); and
- (3) a legal or substantial practical interest of the beneficiary or beneficiaries that stands to be adversely affected by the alleged fiduciary's exercise of discretion or control.¹⁰⁸

The Court did not accept that the nature of the undertaking amounted to a fiduciary duty to act in the best interests of the Métis. On the nature of a fiduciary undertaking the Court found:

In order to elevate the Crown's obligations to a fiduciary level, the power retained by the Crown must be coupled with an undertaking of loyalty to act in the beneficiaries' best interests in the nature of a private law duty: *Guerin*, at pp. 383–84. In addition, "[t]he party asserting the duty must be able to point to a forsaking by the alleged fiduciary of the interests of all others in favour of those of the beneficiary, in relation to the specific legal interest at stake": *Elder Advocates*, at para. 31.

While s. 31 (of the *Manitoba Act*) shows an intention to benefit the Métis children, it does not demonstrate an undertaking to act in their best interests, in priority to other legitimate concerns, such as ensuring land was available for the construction of the railway and opening Manitoba for broader settlement. Indeed, the discretion conferred by s. 31 to determine "such mode and on such conditions as to settlement and otherwise" belies a duty of loyalty and an intention to act in the best interests of the beneficiary, forsaking all other interests.¹⁰⁹

Krasnick and *Manitoba Métis Federation* therefore limit the availability of a fiduciary duty claim for plaintiffs alleging a statutory benefit was improperly administered. The relevant statutory regimes in *Krasnick* and *Manitoba Métis Federation* required the government to provide benefits to different groups of recipients. The legislation did not oblige the government to benefit and protect one particular group of beneficiaries' best interests.

The impugned legislation in these cases is similar to the scheme created to administer relief after the Halifax Explosion. The Relief Commission's governing legislation created an obligation to distribute aid to Haligonians who suffered personal injury or property damage. It did not create an obligation on the part of the government to protect African Nova Scotians' best interests over all other aid recipients. A claim that the government breached its fiduciary duty towards African Nova Scotians by discriminating in relief distribution would therefore likely fail.

¹⁰⁶ *Manitoba Métis Federation Inc v Canada (Attorney General)*, 2013 SCC 14 at para 9.

¹⁰⁷ *Ibid* at para 135.

¹⁰⁸ *Ibid* at para 60.

¹⁰⁹ *Ibid* at paras 61, 62.

E. REDRESS CAMPAIGN

As *Mack* and other cases discussed above demonstrate, serious disadvantages may arise from litigating for reparations. Litigation is expensive. Canadian law is unreceptive to claims for redress for instances of historic discrimination. In light of these shortcomings, pursuing redress through political mobilization may be more productive. The campaign of Japanese-Canadians is perhaps the best-known redress movement in Canadian history. The movement attained a settlement through political mobilization, not litigation. Historian Ian Radforth chronicled the redress campaigns of three groups who experienced wartime internment: Japanese-Canadians, Italian-Canadians, and Ukrainian-Canadians. This comparative approach distilled elements of a successful redress political campaign: internal agreement about the desired solution and appropriate strategy; well-organized political lobbying; the creation of a stirring historic narrative of injustice tailored to a contemporary Canadian audience; and a government eager to curry favor with a potential voting base.¹¹⁰

December 6, 2017 marked the hundredth anniversary of the Explosion. Public interest in the Explosion, and African Nova Scotian experiences of the Explosion in particular, was piqued. An African Nova Scotian Baptist Congregation held a service to commemorate African Nova Scotian victims of the Explosion. The Congregation's Pastor, Dr. Rhonda Britton, spoke to the media about how discrimination has led to the erasure of African Nova Scotians from histories of the Explosion.¹¹¹ An exhibit on the Explosion at the Maritime Museum of the Atlantic was corrected after it erroneously stated that only one Africville resident was killed by the blast.¹¹² The exhibit was also criticized for the paltry information it contained about African Nova Scotians.¹¹³ A play on the Explosion had three characters, one of them African Nova Scotia.¹¹⁴ Multidisciplinary artist and performer David Woods created and performed a play about African Nova Scotian experiences of the Explosion. As was noted above, the Canadian Encyclopedia published an article about the Explosion's impact upon marginalized groups, including African Nova Scotians.¹¹⁵ A redress campaign could capitalize on increased public interest in the Explosion to press the need for a settlement.

V. CONCLUSION

Following the hundredth anniversary of the disaster, the romanticization of the Explosion's unifying effects must be contested. The disaster did not burden all equally. This paper presented an evidentiary basis for a claim that African Nova Scotians experienced discrimination in the

¹¹⁰ Ian Radforth, "Ethnic Minorities and Wartime Injustices: Redress Campaigns and Historical Narratives in Late Twentieth-Century Canadian," in Nicole Neatby & Peter Hodgins, eds, *Settling and Unsettling Memories: Essays in Canadian Public History* (Toronto: University of Toronto Press, 2012) 369 at 403–406.

¹¹¹ "Church Honours African Nova Scotians that Died in Halifax Explosion," *CTV News* (10 December 2017), online: <<https://atlantic.ctvnews.ca/video?clipId=1281668>> [perma.cc/7X82-GYN3].

¹¹² Sherri Borden Colley, "Museum Fixes Wrong Africville Information in Halifax Explosion Exhibit," *CBC News* (13 December 2017), online: <www.cbc.ca/news/canada/nova-scotia/blacks-africville-museum-halifax-explosion-exhibit-damage-1.4445147> [perma.cc/6SVU-HWUQ].

¹¹³ Sherri Borden Colley, "Halifax Explosion Exhibit Lacks Stories about African Nova-Scotians," *CBC News* (5 December 2017), online: <www.cbc.ca/news/canada/nova-scotia/halifax-explosion-exhibit-deaths-african-nova-scotians-africville-1.4431637> [perma.cc/72EG-Q8TT].

¹¹⁴ *Ibid.*

¹¹⁵ Sutherland, *supra* note 27.

aftermath of the Halifax Explosion. Relief workers displayed bias against African Nova Scotians by subjecting their claims to enhanced skepticism. Relief workers' frequent failures to locate or contact African Nova Scotians indicates discriminatory levels of indifference.

The HRC's relief policies systemically discriminated African Nova Scotian claimants. The majority of African Nova Scotians in 1917 did not own real estate and were precariously employed low-waged workers concentrated in informal sectors of the economy. The HRC prioritized the compensation of lost property, not lost wages. When it did compensate wage earners, it tended to compensate regularly employed, skilled workers, and not workers in the sectors of the economy where African Nova Scotians were predominantly employed. This study therefore illustrates that disaster relief efforts that prioritize reinforcing the pre-disaster social order over meeting the needs of victims can perpetuate the inequalities suffered by oppressed groups.

This study evaluated the potential legal avenues to a remedy for this historic injustice. However, it concluded that all of these avenues would likely fail. This paper therefore also serves as a case study of how Canadian law effectively bars equity and reparations claims rooted in historic discrimination, and illustrates the barriers to using litigation to hold the Canadian state accountable for injustices in our national history.

Appendix A: African Nova Scotian File Numbers and Information

File #	Name of Claimant	Racial Desig	# of Adu	# of H	Address Ante	Address Post	Income Sourc	Property Tenure	Injuries?	Skepticism?	Failure to Contact?
256	Hamilton, Jim and Annie	Africville	3	6	Africville	9 Cornwallis	?	Renter; Furntiure S	No	No	Yes
495	Daniels, Jas [James?] and Grace	1911	4	4	25 James Street	230 1/2 Brunswi	Sleeping Car Po	Owner	No	No	Yes
513	Jones, Frank and Dorothea	1911	2	2	182 Creighton	185 Creighton	Sea cook, Keep	Renter	slight cuts t	No	No
718	Currey, Chas and Martha	Beechville	2	2	Beechville	Beechville	?	?	No	Yes	No
719	Munroe, Henry	Beechville	1	2	Beechville or Afr	Beechville	?	?	eldest Daug	Yes	No
720	Henry, Zacarias and Emma	Beechville	2	4	Beechville	Beechville	?	?	No	No	Yes
874	Lucas, Levi and Mary	Coloured	3	7	11 Cornwallis	11 Cornwallis	Self-Employed,	Renter	Mary lost ar	Yes	No
1089	Jackson, John	1911	1	6	154 Creighton [A	Campbell Road	No work	Renter	No	No	No
1090	Horne, William and Alice	Coloured	2	0	Campbell Road	Campbell Road	?	House Wrecked	?	?	Yes
1112	Carver, Alexandar and Beatrice	Colored	3	4	Africville	Africville	Farm Worker	Owner	Alexander i	No	No
1164	Bowen, Bessie [Widow]	Colored	3	4	186 Maynard	186 Maynard	No work	Renter	Johnnie, ag	Yes	No
1165	Munroe, John and Caroline	Negro	3	0	176 Maynard	176 Maynard	Ungar's	Boarder	Husband Cl	Yes	Caroline [wife] move
1227	Adams, Augustus and Florence	Coloured	2	6	129 Creighton	129 Creighton	No work	Renter	Mrs. Adams	Yes	No
1273	Lee, Walter and Rebecca	1911	2	4	21 N. Park	39 1/2 Agricola	soldier	Renter	Henrietta, a	No	No
1456	Phillips, Rebecca	1911	3	2	102 Maitland	102 Maitland	Carrier	Renter	No	No	No
1459	Tolliver, Charles	Coloured	2	1	8 Prince William	8 Prince William	Grocer	? Shop Wrecked	No	Yes	No
1468	Thomas, Daniel and Mary	Black	2	4	188 Maynard	102 Maynard	Sea cook	Renter	Not Serious	No	No
1575	Ford, Sarah	Coloured	1	0	188 Maynard	188 Maynard	Keeps Boarders	Renter	No	No	No
1576	Cooaley, Walter and Ada	Coloured	2	2	110 maitland	110 maitland	Railway Porter	Renter	Ada's face c	Yes	No
1577	Thompson, David and Stella	Coloured	2	1	50 Creighton	112 Maitland	Prison Inmate;	Renter	No	No	No
1721	Medley, William	Negro	1	6	Africville	Africville	Working on hon	Retner	Unknown	Yes	Yes
1818	Medley, Rebecca	1911	1	0	188 Maynard	188 Maynard	Washerwoman	?	Unknown	No	No
1874	Mantley, Isiah and Annie	Negro	2	2	Africville	Africville	Self-Employed	Owner	No	Yes	No
1947	Adams, William and Gertrude	1911	2	4	126 Creighton	126 Creighton	Nothing	Renter	Mrs William	No	No
2035	Russel, Laura	Negro	1	2	170 Maynard	98 Maynard	Charwoman	renter	No	No	No
2334	Barry, Patrick and Myra	Black	2	2	29 James?	29 James?	Not Working	Renter	Unknown	Yes	No
2347	Lambert, John and Mary	1911	3	3	106 Maitland	106 Maitland	Not Working	Renter	John sprain	Yes	No
2799	Jackson, John	1911	1	1	162 Creighton	162 Creighton	Construction, C	Renter	No	No	Yes
2801	Johnson, Bertha	Coloured	2	0	118 Creighton	118 Creighton	?	?	No	No	No
2971	Brown, William	1911	2	3	172 Maynard	172 Maynard	House Work	Renter	No	No	Yes
3058	Brown, Jane	Africville	1	0	Africville	Africville	Store Owner	Owner	No	Yes	No
3337	Henry, Mrs.	Colored	1	0	182 Creighton	St. Mary's Shelte	?	Shelter	No	No	No
3705	Ford, Eric and Sarah	1911	3	1	170 Creighton	170 Creighton	?	Renter	No	Yes	No
3897	Hamilton, Gilbert	Beechville	1	0	Beechville	Beechville	?	?	No	Yes	No
4305	Harewood, Daniel and Angelina	Colored	3	0	121 Gerrish	121 Gerrish	No work	Renter	No	No	No
4649	Richardson, John and Elizabeth	Colored	5	0	153 Creighton	153 Creighton	Labourer	Renter	Maria, 38, h	No	No
4655	Beresford, Augustus and Iris	Coloured	3	6	4 Charles Street	4 Charles Street	Agent?	Renter	Yes - husbar	Yes	No
4809	Bliss, William and Maria	1911	2	1	60 Maitland	60 Maitland	?	?	No	No	No
4850	Adams, William H. and Annie	1911	2	3	238 1/2 Gottigen	238 1/2 Gottiger	soldier	Renter	No	No	No
4871	Johnson, George and Hannah	Negro	3	3	4 James Street	4 James Street	Out of Work	Renter	No	Yes	No
4879	Allison, Mary	1911	4	0	157 Creighton	157 Creighton	?	?	No	No	Yes
4985	Hines, William and Martha	Colored	2	7	198 Creighton	198 Creighton	Work is irregula	Renter; house badl	No	No	No
5267	Ford, William and Nancy	Colored	2	3	?	?	?	?	No	No	No
6504	Lewis, Mrs. William [Elizabeth?]	1911	1	0	69 Agricola	69 Agricola	?	?	No	No	No
7097	Roache, George	None	1	0	98 Maynard	168 Gottigen	?	?	No	No	No
7381	Bacchus, George	None	2	0	183 Creighton	108 Maitland	?	?	No	No	No
9049	Peter, Mrs. H. E. [Ida]	1911	1	0	200 Creighton	200 Creighton	?	?	No	No	No
9115	Fraser, George A.	1911	1	0	149 Creighton	149 Creighton	?	?	No	No	No
9313	Gross, James and Mary	Cherry Brook	3	7	?	Cherry Brook	?	?	No	No	No
10162	Dixon, Edward	Africville	1	0	?	Africville	?	?	No	No	No

Appendix B: Non-African Nova
Scotian File Numbers and Information

File #	Name of Claimant	Race	# of Adults	# of Minor	Address Ante	Address Post	Income Source	Property Tenur	Injuries?	Skepticism?	Failure to Contact?
257	Silvers, Mrs. Joseph	None	1	2	312 South St.	?	?	?	No	No	No
496	McGill, Thomas and Florence	None	4	1	1552 Barrington	40 Creighton	Husband Working	Owner of 2 House	No	No	No
514	Murphy, Oliver and Rose	None	3	0	27 1/2 Spring Gar	27 1/2 Spring Ga	Clerk, Sailor	Rent	Yes- Son "in	No	No
721	Mitchell, Gordon and Lottie	None	5	1	27 Bilby St.	"At the Termina	"Stokes"?	?	Glass to Mrs	No	No-Strenuous Effort
722	Pirie, W.M.	None	4	6	50 North Albert	22 Bloomfield St	?	Owner: House Bur	Two Childre	No	No
723	Redmond, John	None	1	2	77 Russel St	193 Jubilee	Blacksmith	?	Wife killed,	No	No
875	Conolly, William and Pauline	None	2	6	99 Maitland	8 School Street	Freight shed	Owner: House De	Pauline Inju	No	No
1111	Clarke, Alexandar and Minnie	Irish	2	3	225 Maynard	228 Maynard	Tannery	Renter	No	No	No
1228	Geddes, Hilda	None	1	2	253 1/2 Maynard	253 1/2 Maynard	Conductor	Renter	Katherine c	No	No
1256	Stephens, Mary	None	6	0	4 Different Addr	311 Morris	Husband Carpenter	Landlords-4 house	Husband Kill	Yes	No
1457	White, Annie	None	1	0	28 St. Kline?	178 Gottigen	Store Keeper	?	?	Yes	No
1460	Forrestall, Edmund and Mary	None	2	6	3 Gerrish	44 Gerrish	Baker	?	?	No	No
1578	Nearing, John and Jane	None	3	3	177 Creighton	177 Creighton	Seaman, Mother a	Rented: Damaged	None	No	No
1637	Myers, Philip and Rebecca	None	2	0	496 Gottingen	8 Black Street	Carpenter	Owner: House and	Rebecca bac	No	No
1653	Lamphier, Eliza	None	4	0	52 Creighton	52 Creighton	dockyard, Martin	and Moore	No	No	No
1722	Kehoe, Leo and Katie	None	2	3	Bedford	Bedford	Labourer	Renters	None	No	Yes
1819	Sclater, Thomas and Matilda	None	2	6	72 North Park Str	50 Maitland St.	Returned Soldier	Renters: House Badly Damaged	No	No	No
1875	Coffin, George and Anne	None	2	4	133 Creighton	133 Creighton	Soldier (Overseas)	Renters	No	No	No
1948	Earle, Katherine and William	None	3	4	130 Creighton	130 Creighton	Labourer	Renters	Husband's a	No	No
1982	Ryan, Emma	None	2	4	18 Agricola	30 Agricola	Charwoman	Renter	Fell on lame	Yes	No
1983	Williams, Charley and Julia	None	2	0	2 Fern Lane	2 Fern Lane	Shoemaker	Renters: Badly Dam	No	Yes	No
2036	Ryan, Hannah	None	3	0	6 Cunard Court	22 Cornwallis	Mother Charwoma	Renters	Mother hur	No	No
2335	Cosgrove, Frank and Elise	None	2	4	845 Barrington	845 Barrington	Relief work, Driver	Renters	Frank, Injur	No	No
2348	Hope, Walter and Mildred	None	2	2	55 Maynard (Rea	55 Maynard (Rea	Soldier	Renters: Damaged, Chimney B	No	No	No
2972	Conrad, William	None	2	5	55 South Kline	26 Agricola	Gravedigger	Renters	Wife cut on	No	No
3059	Rose, Lampert and Minnie	None	2	0	24 Starr Street	North Sydney (F	Labourer	Renters	No	No	No
3338	Kidston, Richard	None	1	4	306 Windsor	306 Windsor	Rhodes and Curry	Owner: Walls bulg	No	No	No
3705	Mosher, Richard	None	1	0	35 Longard?	77 Maine Ave.	Foundry Labourer	Boarding	Arms and Le	No	No
3898	Stapleton, Francis and Ellen	None	4	0	44 and 46 Stairs	173 Grafton	Carpenter	Owners	Wife killed	Yes	No
4309	O'Rourke, James	Irish	3	0	128 Upper Water	69 Market Stree	Father Watchman,	Owners: House De	Father kille	Yes	No
4651	Nagle, Chas and Ellen	None	5	2	84 Gottigen	84 Gottigen	Soldier, Steward	Renters: house Da	No	No	No
4656	Hartlen, Bernard and Pauline	None	3	3	95 North Albert	20 Starr St	Teamster	?	Woman clai	No	No
4790	Laidlaw, Ralph and Florence	None	2	2	20 Belle Air Terra	19 Belle Air Terr	Railway car superv	Renters: Badly da	No	No	No
4810	Flint, Jacob and Priscilla	None	2	0	170 Creighton	170 Creighton	Teamster	Owner: Badly Dam	Mr. Flint tw	No	No
4851	Daine, richard and Emelia	None	2	2	14 Maynard Stree	97 Charles St	?	Owned Home and	No	No	Yes
4872	Scott, Mrs. J Newton	None	1	0	26 Coburg	26 Coburg	?	?	No	No	No
4934	Bower, James and Sarah	None	2	2	85 Brunswick	3 Falkland Stree	Husband and son a	Renters	No	No	No
4963	Adams, John S.	None	2	3	126 Creighton	126 Creighton	Invalid	Renters: House W	Invalided?	Yes	No
5268	Martin, Theodore and Lizzie	None	2	1	Fairview, Duke o	Fairview, Duke d	Labourer (Construc	Owner: Badly Dam	No	Yes	No
6505	Beazley, Mrs. Richard	None	1	0	19 Duncan Street	19 Duncan Stree	?	?	No	No	No
7098	Jenkins, Mrs. Arthur	None	1	0	91 Grafton	26 Starr st.	?	?	No	No	No
7382	Baily, W.T.	None	1	0	105 Gerrish St?	105 Gerrish St?	?	?	No	No	No
8700	Johnson, John	None	1	0	172 Maynard	172 Maynard	?	?	No	No	No
8701	Kelly, Joseph	None	1	0	49 Kaye St	49 Kaye St	?	?	No	No	No
8780	Puryear, M. B.	None	1	0	49 Cornwallis	49 Cornwallis	?	?	No	No	No
8781	Dwyer, P.J.	None	1	0	3 LouisBurg St?	3 Louis Burg St?	?	?	No	No	No
9051	Hacking, Corp W	None	1	0	22 Veith Street	Pine Hill Hospita	?	?	No	No	No
9114	Fraser, J.M.L.	None	1	0	129 Spring Garde	129 Spring Garde	?	?	No	No	No
9314	Greene, W.H.	None	5	4	12 Vernon Street	12 Vernon Stree	Shipper (Sugar Ref	owner	No	No	No
10156	Rafuse, Aubrey	None	1	0	12 Vernon Street	12 Vernon Stree	Boarder	?	No	No	No

Appendix C: Personal Effects Claims

ANS Claims				Non-ANS Claims			
File #	Claim	Settlement	Ratio	File #	Claim	Settlement	Ratio
718*	\$ 40.00	\$ -	0%	496	\$ 480.00	\$ 407.50	85%
874	\$ 300.00	\$ 232.00	77%	514	\$ 10.00	\$ 10.00	100%
1112*	\$ 28.10	\$ 15.00	53%	721	\$ 315.30	\$ 241.65	77%
1164	\$ 89.00	\$ 75.00	84%	875	\$ 1,068.68	\$ 744.15	70%
1227	\$ 72.40	\$ 67.90	94%	1111	\$ 397.60	\$ 312.60	79%
1273	\$ 153.00	\$ 151.50	99%	1228	\$ 385.40	\$ 345.40	90%
1456	\$ 50.00	\$ 31.50	63%	1256	\$ 2,139.50	\$ 1,828.40	85%
1459	\$ 215.32	\$ 107.91	50%	1460	\$ 202.61	\$ 96.00	47%
1576	\$ 137.00	\$ 62.00	45%	1578	\$ 314.78	\$ 50.00	16%
1577	\$ 822.86	\$ 2.86	0%	1637	\$ 737.70	\$ 560.00	76%
1818	\$ 80.70	\$ 68.27	85%	1653	\$ 213.50	\$ 205.00	96%
1874*	\$ 397.75	\$ -	0%	1819	\$ 141.75	\$ 99.00	70%
1947	\$ 108.52	\$ 100.52	93%	1875	\$ 131.30	\$ 66.30	50%
2347	\$ 90.00	\$ 70.00	78%	1948	\$ 37.00	\$ 37.00	100%
2801	\$ 169.00	\$ 100.00	59%	1982	\$ 31.65	\$ 25.00	79%
3705	\$ 108.25	\$ 40.00	37%	1983	\$ 198.72	\$ 163.72	82%
4655	\$ 626.10	\$ 476.80	76%	2335	\$ 17.25	\$ 17.25	100%
4809	\$ 223.70	\$ 150.75	67%	2348	\$ 17.80	\$ 17.80	100%
4850	\$ 403.50	\$ 175.00	43%	3898	\$ 322.20	\$ 300.00	93%
4879	\$ 212.00	\$ 160.00	75%	4309	\$ 327.00	\$ 288.00	88%
4985	\$ 72.00	\$ 45.60	63%	4651	\$ 134.40	\$ 134.40	100%
7381	\$ 47.20	\$ 45.20	96%	4656	\$ 216.70	\$ 216.70	100%
9049	\$ 54.00	\$ 40.00	74%	4790	\$ 110.61	\$ 92.61	84%
9115	\$ 635.20	\$ 487.00	77%	4810	\$ 116.50	\$ 35.00	30%
9313*	\$ 156.25	\$ 64.00	41%	4851	\$ 347.95	\$ 282.95	81%
10162*	\$ 179.75	\$ 100.00	56%	4872	\$ 118.25	\$ 118.25	100%
				4934	\$ 104.10	\$ 100.00	96%
				5268	\$ 114.66	\$ 98.91	86%
				6505	\$ 60.00	\$ 40.00	67%
				7098	\$ 90.00	\$ 70.00	78%
				8700	\$ 202.50	\$ 111.00	55%
				8780	\$ 87.80	\$ 71.00	81%
				8781	\$ 50.00	\$ 50.00	100%
				9051	\$ 157.00	\$ 125.00	80%
				9114	\$ 253.46	\$ 228.46	90%
				9314	\$ 231.50	\$ 200.00	86%
				10156	\$ 28.40	\$ 28.40	100%
Total	\$ 5,431.60	\$ 2,868.81		Total	\$ 9,913.57	\$ 7,817.45	
Average	\$ 217.26	\$ 114.75	53%	Average	\$ 267.93	\$ 211.28	79%
Median	\$ 153.00	\$ 70.00	46%	Median	\$ 157.00	\$ 111.00	70%
Only Ward 5 Claims				Total			
Average	\$ 226.40	\$ 112.44	50%	Average	\$ 267.93	\$ 211.28	79%
Median	\$ 153.00	\$ 67.90	44%	Median	\$ 157.00	\$ 111.00	70%

Appendix D: Real Property Claimed and Received

ANS	File #	Real Property Claimed	Real Property Approved	Median-78	Non-ANS	File #	Real Property Claimed (Trad	Real Propert Approved	Median-65%	Too Few Real Property Claims to be indicative
	256	0	0	Avg-67.75%		257	0	0	Avg-61%	Data is too corrupted
	495	0	0	0		496	1000	1000	100%	8
	513?		50	20		514	0	0		50
	718?		56	53		721	0	0		60
	719?		35	66		722	1977.95	1390	70%	70
	720	0	0	90		723	0	0		82
	874	200	105	53%	97	875	0	400		100
	1089	0	0		100	1111	0	0		
	1090	0	0		100	1228	0	0		
	1112	125	0	0%		1256	11,500	6846.92	60%	
	1164	0	0			1457	300	25	8%	
	1165	0	0			1460?		33.3		
	1227	0	0			1578	0	0		
	1273	0	0			1637?		3585		
	1456	0	0			1653	584	290	50%	
	1459	23.9	23.9	100%		1722	0	0		
	1468	0	0			1819	0	0		
	1575	0	0			1875	0	0		
	1576	0	0			1948	0	0		
	1577	0	0			1982	0	0		
	1721	0	0			1983	0	0		
	1818	0	0			2036	0	0		
	1874	0	0			2335	0	0		
	1947	0	0			2348	0	0		
	2035	0	0			2972	0	0		
	2334	0	0			3059	0	0		
	2347	0	0			3338	0	0		
	2799	0	0			3705	0	0		
	2801	0	0			3898	2300?			
	2971	0	0			4309?		500		
	3058	637.6	125	20%		4651	0	0		
	3337	0	0			4656	0	0		
	3705	0	0			4790	0	0		
	3897	155	150	97%		4810	0	0		
	4305	0	0			4851	214.47	175	82%	
	4649	0	0			4872	0	0		
	4655	0	0			4934	0	0		
	4809	164.54	148	90%		4963	0	0		
	4850	0	0			5268	0	0		
	4871	0	0			6505	0	0		
	4879	50	50	100%		7098	0	0		
	4985	0	0			7382	0	0		
	5267	0	0			8700	0	0		
	6504	0	0			8701	0	0		
	7097	525.97	347.5	66%		8780	0	0		
	7381	0	0			8781	0	0		
	9049	0	0			9051	0	0		
	9115	0	0			9114	0	0		
	9313	0	0			9314	0	0		
	10162	0	0			10156	0	0		
	Total	1882.01	1090.4			total	17876.42	14245.22		

Appendix E: Per Capita Value of Relief

ANS Claims						Non-ANS Claims					
File #	Value of Relief	# of Adults	# of Minors	# in Household	Per Capita Relief	File #	Value of Relief	# of Adults	# of Minors	# in Household	Per Capita Relief
719*	\$ 5.50	1	2	3	\$ 1.83	257	\$ 10.48	1	2	3	\$ 3.49
874	\$ 157.00	3	7	10	\$ 15.70	496	\$ 11.25	4	1	5	\$ 2.25
1112*	\$ 5.50	3	4	7	\$ 0.79	721	\$ 42.50	5	1	6	\$ 7.08
1227	\$ 1.10	2	6	8	\$ 0.14	722	\$ 11.00	4	6	10	\$ 1.10
1273	\$ 90.95	2	4	6	\$ 15.16	723	\$ 5.00	1	2	3	\$ 1.67
1456	\$ 7.75	3	2	5	\$ 1.55	875	\$ 257.98	2	6	8	\$ 32.25
1459	\$ 42.00	2	1	3	\$ 14.00	1111	\$ 11.00	2	3	5	\$ 2.20
1575	\$ 27.18	1	0	1	\$ 27.18	1228	\$ 5.50	1	2	3	\$ 1.83
1576	\$ 35.49	2	2	4	\$ 8.87	1457	\$ 64.98	1	0	1	\$ 64.98
1577	\$ 5.50	2	1	3	\$ 1.83	1460	\$ 11.50	2	6	8	\$ 1.44
1818	\$ 7.49	1	0	1	\$ 7.49	1578	\$ 33.02	3	3	6	\$ 5.50
1874*	\$ 11.48	2	2	4	\$ 2.87	1637	\$ 20.00	2	0	2	\$ 10.00
1947	\$ 22.25	2	4	6	\$ 3.71	1819	\$ 75.40	2	6	8	\$ 9.43
2334	\$ 15.00	2	2	4	\$ 3.75	1875	\$ 23.00	2	4	6	\$ 3.83
2347	\$ 35.24	3	3	6	\$ 5.87	1948	\$ 63.98	3	4	7	\$ 9.14
2801	\$ 24.99	2	0	2	\$ 12.50	1982	\$ 31.50	2	4	6	\$ 5.25
3058*	\$ 7.75	1	0	1	\$ 7.75	1983	\$ 56.93	2	0	2	\$ 28.47
3705	\$ 3.90	3	1	4	\$ 0.98	2036	\$ 69.99	3	0	3	\$ 23.33
4305	\$ 15.92	3	0	3	\$ 5.31	2335	\$ 7.25	2	4	6	\$ 1.21
4649	\$ 9.55	5	0	5	\$ 1.91	2348	\$ 7.75	2	2	4	\$ 1.94
4655	\$ 26.00	3	6	9	\$ 2.89	2972	\$ 16.50	2	5	7	\$ 2.36
4850	\$ 2.75	2	3	5	\$ 0.55	3898	\$ 5.00	4	0	4	\$ 1.25
4871	\$ 7.95	3	3	6	\$ 1.33	4309	\$ 50.90	3	0	3	\$ 16.97
4879	\$ 15.00	4	0	4	\$ 3.75	4651	\$ 70.15	5	2	7	\$ 10.02
4985	\$ 66.21	2	7	9	\$ 7.36	4790	\$ 13.75	2	2	4	\$ 3.44
5267	\$ 66.98	2	3	5	\$ 13.40	4934	\$ 10.00	2	2	4	\$ 2.50
9313*	\$ 10.00	3	7	10	\$ 1.00	4963	\$ 32.20	2	3	5	\$ 6.44
						5268	\$ 5.50	2	1	3	\$ 1.83
Total	\$ 726.43					8781	\$ 5.00	1	0	1	\$ 5.00
Average					\$ 6.28	9314	\$ 4.50	5	4	9	\$ 0.50
Median					\$ 3.75						
						Total	\$ 1,033.51				
Only Ward 5 Claims						Average					\$ 8.89
Average					\$ 7.05	Median					\$ 3.66
Median					\$ 4.53						

Appendix F: Temporary Income replacement						
ANS						
874	Lucas, Levi	Coloured	11 Cornwall	11 Cornwallis	Mary lost an eye. Levi cut about the head.	Mr levi gets temp cash allowance for a year of 15 per month, 180
1273	Lee, Walter	1911	21 N. Park	39 1/2 Agricola	Henrietta, aged 17, "cut about the knee"	Henrietta Claimed 55 for lost wages at the Sweet's Ice Cream Shop. No compensation despite claim.
1575	Ford, Sara	Coloured	188 Maynard	188 Maynard	No	Income stopped because boarders are not working. No compensation.
1576	Cooley, W	Coloured	110 maitland	110 maitland	Ada's face cut	Income stopped because boarders are not working. No compensation.
3337	Henry, Mr	Colored	182 Creight	St. Mary's Shelter	No	Four dollars a week for board for one month, total of 17.2
Non ANS						
1256	Stephens,	None	4 Differen	311 Morris	Husband Killed inExploison	20 Dollars per month for 3 months (on top of widowns pension of 20)
1637	Myers, Ph	None	496 Gottin	8 Black Street	Rebecca badly hurt, blood poisoning	60 per month March until june?
1948	Earle, Kat	None	130 Creigh	130 Creighton	Husband's arm injured in blast	50 in total to Husband
3705	Mosher, R	None	35 Longar	77 Maine Ave.	Arms and Legs Cut	Yes: 9.25 per week from 13 dec to 6 january for a total of 40.46

Appendix G; Creighton and Maynard										
Non-ANS Claimants on Creighton and Maynard										
File #	# of Adults	# of Minors	Address	Personal Effects Claimed	Personal Effects Approved	Ratio	Value of Relief	# in Household	Per Capita Relief	
1578	3	3	177 Creighton	\$ 314.78	\$ 50.00	16%	33.02	6	\$ 5.50	
1653	4	0	52 Creighton	\$ 213.50	\$ 205.00	96%	0	4		
1875	2	4	133 Creighton	\$ 131.30	\$ 66.30	50%	23	6	\$ 3.83	
1948	3	4	130 Creighton	\$ 37.00	\$ 37.00	100%	63.98	7	\$ 9.14	
4810	2	0	170 Creighton	\$ 116.50	\$ 35.00	30%	0	2		
4936	2	3	126 Creighton	?	\$ 85.00		32.2	5	\$ 6.44	
1111	2	3	225 Maynard	\$ 397.60	\$ 312.60	79%	11	5	\$ 2.20	
1228	1	2	253 1/2 Maynard	\$ 385.40	\$ 345.40	90%	5.5	3	\$ 1.83	
2348	2	2	55 Maynard	\$ 17.80	\$ 17.80	100%	7.75	4	\$ 1.94	
4851	2	2	14 Maynard	\$ 347.95	\$ 282.95	81%	0	4		
8700	1	0	172 Maynard	\$ 202.50	\$ 111.00	55%	0	1		
Total				\$ 2,164.33	\$ 1,548.05					
Avg						70%			\$ 4.41	
Median						80%			\$ 3.83	
ANS Claimants on Creighton and Maynard										
File #	# of Adults	# of Minors	Address	Personal Effects Claimed	Personal Effects Approved	Ratio	Value of Relief	# in Household	Per Capita Relief	
513	2	2	182 Creighton	\$ -	\$ -		0	4		
1089	1	6	154 Creighton	?	\$ 27.00		0	7		
1227	2	6	129 Creighton	\$ 72.40	\$ 67.90	94%	1.1	8	\$ 0.14	
1577	2	1	50 Creighton	\$ 822.86	\$ 2.86	0%	5.5	3	\$ 1.83	
1947	2	4	126 Creighton	\$ 108.52	\$ 100.52	93%	22.25	6	\$ 3.71	
2799	1	1	162 Creighton	\$ -	\$ -		0	2		
2801	2	0	118 Creighton	\$ 169.00	\$ 100.00	59%	24.99	2	\$ 12.50	
3337	1	0	182 Creighton	?	\$ 97.50		0	1		
3705	3	1	170 Creighton	\$ 108.25	\$ 40.00	37%	3.9	4	\$ 0.98	
4649	5	0	153 Creighton	?	\$ 71.90		9.55	5	\$ 1.91	
4879	4	0	157 Creighton	\$ 212.00	\$ 160.00	75%	15	4	\$ 3.75	
4985	2	7	198 Creighton	\$ 72.00	\$ 45.60	63%	66.21	9	\$ 7.36	
7381	2	0	183 Creighton	\$ 47.20	\$ 45.20	96%	0	2		
9049	1	0	200 Creighton	\$ 54.00	\$ 40.00	74%	0	1		
9115	1	0	149 Creighton	\$ 635.20	\$ 487.00	77%	0	1		
1164	3	4	186 Maynard	\$ 89.00	\$ 75.00	84%	0	7		
1165	3	0	176 Maynard	\$ -	\$ -		0	3		
1468	2	4	188 Maynard	\$ -	\$ -		0	6		
1575	1	0	188 Maynard	?	\$ 14.00		27.18	1	\$ 27.18	
1818	1	0	188 Maynard	\$ 80.70	\$ 68.27	85%	7.49	1	\$ 7.49	
2035	1	2	170 Maynard	?	\$ 68.75		0	3		
2971	2	3	172 Maynard	\$ -	\$ -		0	5		
4809	2	1	60 Maitland	\$ 223.70	\$ 150.75	67%	0	3		
Total				\$ 2,694.83	\$ 1,662.25					
Average						70%			\$ 6.68	
Median						75%			\$ 3.73	