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**From:** Jeremy Akerman <[REDACTED]>  
**Sent:** Saturday, October 12, 2019 1:42 PM  
**To:** Office of the Legislative Counsel  
**Subject:** Written submission re Bill 187 (Nicole: Please let me know when you have received this. Thanks).

To: Hon Mark Furey and Members of the Law Amendments Committee  
From: Jeremy Akerman, former MLA C.B. East and Member Law Amendments Committee 1970-1980.  
Re. Bill 187

Mr. Chairman and Committee Members:

I had hoped to make this submission in person, but a family wedding intervened to prevent me. However, I do hope my written submission will be given consideration.

Before proceeding, I must make it clear that I offer this submission as a private citizen, NOT in my capacity as president of the Association of Former Members of the Nova Scotia Legislature. In no way or manner are my comments here to be construed as representing the views of XMLAS or of any other member thereof.

First, let us dispense with any argument that the Nova Scotia Court of Appeals "ordered" the province to enact this bill. That is not the case: They ruled that the manner in which Justice Minister Landry acted was improper and ultra vires the Charter. The two are not the same thing. It may indeed be consonant with the Court's decision that legislation be introduced pursuant to a Boundaries Commission report, but not necessarily that it be enacted unamended or in any particular form. Or, as I understand it, that it may be not be hoisted.

Therefore, my plea to you is that the Bill not be enacted in its present form or in any fashion that discriminates either in favour of, or against any citizen of Nova Scotia on the basis of race or ethnicity. No matter how we may dress it up, no matter what euphemisms we may devise, any measure which does so is, by definition, discriminatory and racist.

To assign constituencies on those bases does, and must, necessarily proceed from the proposition that electors can only be properly represented by an MLA who looks like them and/or shares the same racial origins.

That principle and central notion of Bill 187 falsely tells me that for many years I was improperly or inadequately represented on Halifax City Council by my friend the late Graham Downey, a black man. I know that is false because his representation was of the best and highest order.

What is also false is the inescapable conclusion from the central tenet of this bill that Gordon Wilson has been unable to adequately and properly represent the people of Clare, and that Keith Colwell has been unable to adequately and properly represent the people of Preston. I put it to you Mr. Chairman, Ms. Lohnes Croft, Ms. Miller, Mr. Irving and Mr. Maguire that if you really believe in Bill 187 as written that is precisely what you are saying about your colleagues.

The idea that citizens can only be properly represented by a person who looks like them and/or shares the same racial origins is an iniquitous notion,. It is an egregiously noxious one, and legislation which is founded on noxious ideas will inevitably have noxious consequences. Not least of those may be, in time, similar demands for special seats from other racial, ethnic and linguistic communities throughout the province and, if granted, consequent resentment from those who have not been similarly privileged.

Also, the legitimizing of such a notion could hardly be more corrosive and divisive at a time when identity politics is increasingly tearing at the heart of western civilization . How much further will we travel, and to what other lengths shall we reach in order to endlessly divide and subdivide ourselves?

Surely, our goal should be to treat ALL our citizens as Nova Scotians and Canadians-- without hyphens but with equal rights and responsibilities--regardless of our origins and/or the colour of our skins.

That in 2019, we should be enacting measures which reverse progress towards equality, and continue to emphasize our divisions is as lamentable as it is unnecessary.

Respectfully submitted,  
October 12 2019

**Submission to the Law Amendments Committee:**  
**Reference: Bill/Act 187 ..."Geographic Boundaries of Electoral Districts"...**

For the October 15, 2019 Meeting

THE CONCERN:

My message, presentation and legitimate request to the 2019 Nova Scotia Electoral Boundary Commission (Cole Harbour Place, March, 2019) was to have the Community of Cole Harbour be included, in its entirety, in one Electoral district. This same request was voiced by me and submitted by me in every meeting of this committee since 2004. The following two maps once again strip the now-prime development perimeter areas of the Community of Cole Harbour, and add these to other Communities by adjusting boundaries of the voting districts:

- Dartmouth-Cole Harbour Electoral District map 13, 2019 Electoral District
- Cole Harbour Electoral District map 14, 2019 Electoral District

Nova Scotia Electoral Boundary Commission History in the areas of concern:

Since 2004, the Community of Eastern Passage has influenced this committee (a committee supposedly independent) to move voting boundaries in the contested areas above, essentially removing voting rights, tax base, community potential development areas, influence over school and education decisions, and proportional community services out of perimeter areas of Cole Harbour to other communities. This constitutes direct theft of the above attributes, and development influence by the community that legally owns the land.

The contested areas listed above in these current maps from the Final Report are very sparsely populated, and have no impact on the 2019 Nova Scotia Electoral Boundary Commission's proportional voting mandate, as outlined in their web site as "Balancing Effective Representation with Voter Parity". The areas presented in the Final Report maps essentially steal development-land potential and development influence away from the residents of the Community of Cole Harbour, and provide said assets to the Communities of Eastern Passage and Cow Bay.

This under-handed practice should stop now. Not only did the 2019 Committee not follow past protocols and allow public input to the Final Report findings and maps, but it folded up its web-site tent and disappeared as soon as the Final Report was released. Furthermore, presenting such data and drawings under such conditions is not the best ethical posturing for any Bill enacted in Nova Scotia.

These very same contested areas are currently under revised discussion associated with **HRM Item 15.1.2 ..."Incorporated Community Boundaries"...** Since the final maps presented in both the municipal and provincial proceedings are identical, there is suspected collaboration between Municipal and Provincial government employees associated with both endeavours.

To counter this suspicious municipal activity related to HRM Item 15.1.2, which strips the perimeter development areas of the Community of Cole Harbour, (again under the suspected influence of political elements from Eastern Passage), HRM Councillor of District #4, Lorelei Nicholl, has endorsed extensive land and historical research to be conducted over the past 5 months, by several Cole Harbour residents including the undersigned.

Councillor Nichol's office has been contacted by the undersigned, as recommended by the Nova Scotia Legislative Council Office, to reserve space and provide personnel to join your meeting of October 15, 2019. I will be out of the Province until October 21, 2019. After that time I would be available to meet with Act Amendments Committee to detail the following research:

Cole Harbour Legitimate Boundary Borders Defined.

The attached **map photo** "Historical CH and maps 08, 2019 010.JPG", **Attachment #1** to this submission, indicates the legally and historically accurate summation of the complete land area of the current Cole Harbour Community. The historic data and verified deed, land grant, and historic records of the 2019 Cole Harbour Land Research, was conducted using records from the NS Archives, Intercolonial Railway right of way historical records /plans, Shearwater Air Base historical/chronological development maps, and extensive land-grant information from the Cole Harbour Heritage Farm Museum, and NS Crown Land archives.

In addition, the records at the NS Historical Parks and Crown Lands archives do identify the **Rainbow Haven and the Coastal Estuary area of Cole Harbour** in a grant by two prominent Cole Harbour families to the Province, to be used as part of the Lawrencetown-Cole Harbour Coastal Heritage Park. Eastern Passage and Cow Bay communities have never legally owned any portion of these lands, by purchase or land grant.

Early land records from 1754 to 1801 were researched as roughly shown in the undersigned's hand-drawn **Research Coordination Study Map**, noted as **Attachment #2** to this Submission. Historical records in several places record the details of the 1754 Cole Harbour boundary established at Smelt Brook, as recognized by the current Federal Riding of Dartmouth-Cole Harbour. This specific boundary reference was included in my presentation to the 2019 Nova Scotia Electoral Boundary Commissions meeting at Cole Harbour Place in March, 2019. This can be confirmed by the video archives of this meeting.

In the sensitive Morris Lake/De Said lake runoff area adjacent to the Community of Shearwater, a specific land research activity was conducted indicating this area has been part of Cole Harbour prior to 1786. **Attachment #3** to this Submission indicates the first page of the **1786 Surveyor's Certificate**, and **Attachment #4** indicates the actual **land grant map**, derived by the undersigned using the legal data from the surveyor's description.

Details of all research activities and findings cannot be addressed by this Submission; however, this sampling should be sufficient to provide some validity to the extent of this Body of 2019 Cole Harbour Land Research work. If further evaluation of the data submitted is required by the Law Amendments Committee prior to Act 187 final enactment, a delay of said enactment is requested.

It has been suggested that several community organizations and politically-oriented personnel have been pushing for a quick enactment of this Bill. If a favourable decision, basis this Submission and the 2019 Cole Harbour Land Research Study details warrant a decision upholding this Submission's recommendations, it would be looked on very favourably by the majority of the voting residents of Cole Harbour.

**Specific Request:**

Please alter current FINAL REPORT Electoral Maps #13 and #14 above to add the legitimate and legally-documented peripheral boundaries of the Community of Cole Harbour to each of these maps as outlined in the green area and the red-bordered area of **Attachment #1**.

*The legal western end of this boundary begins at the railway "Cole Harbour Summit Siding" near the current main entrance of CFB Shearwater, extends along the rail/trail right-of-way across Caldwell Road to Smelt Brook, then follows Smelt Brook to the north side of Cow Bay road. The Cole Harbour Boundary then continues east along the undeveloped lands on the North side of both the Cow Bay Road and then the Dyke Road, before joining up with the Rainbow Haven lands and islands, and the Cole Harbour Coastal Estuary, which have always been situated in Cole Harbour. The current Cole Harbour boundary then joins the shore-line boundary of the Community of Lawrencetown as shown in Attachment #1.*

**Additional Request:**

Although the majority of the early settlers of the Community of Cole Harbour were of mixed Mid-European persuasion, and not of African, Black or Acadian persuasion, their hardships and personal sacrifices in the development of their community should be Fairly and Ethically afforded the same courteous considerations extended by the Province of Nova Scotia to these other groups, when setting these Electoral Boundaries.

On this basis, the requested modification of the Cole Harbour areas in the current Final Report maps #13 and #14 above, will encompass areas originally designated as Cole Harbour prior to annexation by the City of Dartmouth and the military in past years ... Why not rename the two hopefully modified 2019 Cole Harbour-Dartmouth, and Cole Harbour Electoral Districts ...

- "Cole Harbour West", and
- "Cole Harbour East"

This would be a significant gesture to the past efforts of Cole Harbour residents in their endeavour to develop and hold strong their community, its identity, and their subsequent future political control of the community's development.

One final note to this Submission is that the "Cole Harbour-One Community" Association has, in the past, utilized activities involving the UARB to overturn decisions affecting their community. In the HRM 15.1.2 case, this is a distinct possibility of the use of the UARB or the NS Courts of Appeal, to overturn any HRM decision not leaving the current Community of Cole Harbour, as shown in Attachment #1, whole.

This Provincial decision on the two maps above should not lead to similar UARB or legal solutions. It seems such a wasteful use of resident's time, and NS taxpayer expense. The 2019 research performed by Cole Harbour residents defining the current legal-ownership and historical boundaries of the community of Cole Harbour would legally far outweigh any contrived influence from any other source.

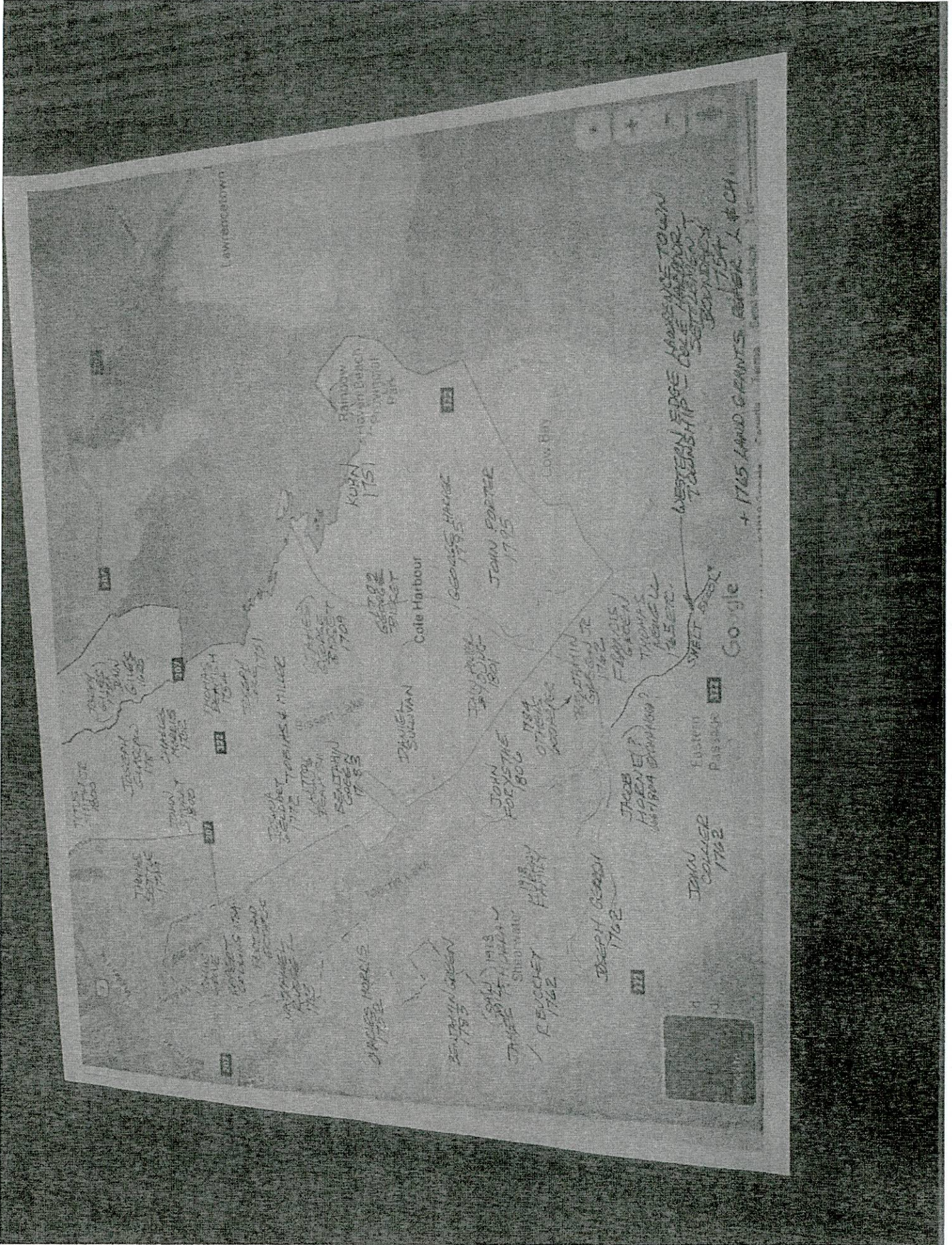
Hopefully the Law Amendments Committee will see clearly that these two maps require adjustment to identify the current Community of Cole Harbour. It is requested that these adjustments be performed before the Nova Scotia Act 187 ..." Geographic Boundaries of Electoral Districts"... is enacted.

Respectively submitted,

C. Barry Alexander, P.Eng. CQMC, MOD  
Past UARB Spokesperson for the "Cole Harbour-One Community" Association

Attachments:

1. "Historical CH and maps 08, 2019 010.JPG", Research Derived Map of Cole Harbour
2. "Historical CH and maps 098, 2019 001" Research Coordination Study Map
3. "2019, 07, 19 De Said Lake Update from Barry 005" First Page 1786 Surveyor's Certificate, Morris Lake, De Said Lake, and Smelt Brook outfall ... designated as in Cole Harbour
4. "2019, 07, 19 De Said Lake Update from Barry 003" ... Derived Map Overlay developed from Attachment #3 full survey document



(AW) 1750-1760

Rainbow Mountain Bay  
KURN 1751

JOHN FORESTER 1795

LOW BAY

COTE HARBOUR

SHARPE

SULTAN

JOHN FORESTER 1800

OTHER

JACOB FORESTER 1762

JACOB FORESTER 1762

DEEPLY 1762

JOHN FORESTER 1762

SWIFT

GOOGLE

WESTERN EDGE  
1715 LAND GRANTS  
OTHER L & CH

JAMES FORESTER 1709

JOHN FORESTER 1795

JOHN FORESTER 1800

JAMES FORESTER 1709

JOHN FORESTER 1795

JOHN FORESTER 1800

JACOB FORESTER 1762

DEEPLY 1762

JOHN FORESTER 1762

JOHN FORESTER 1795

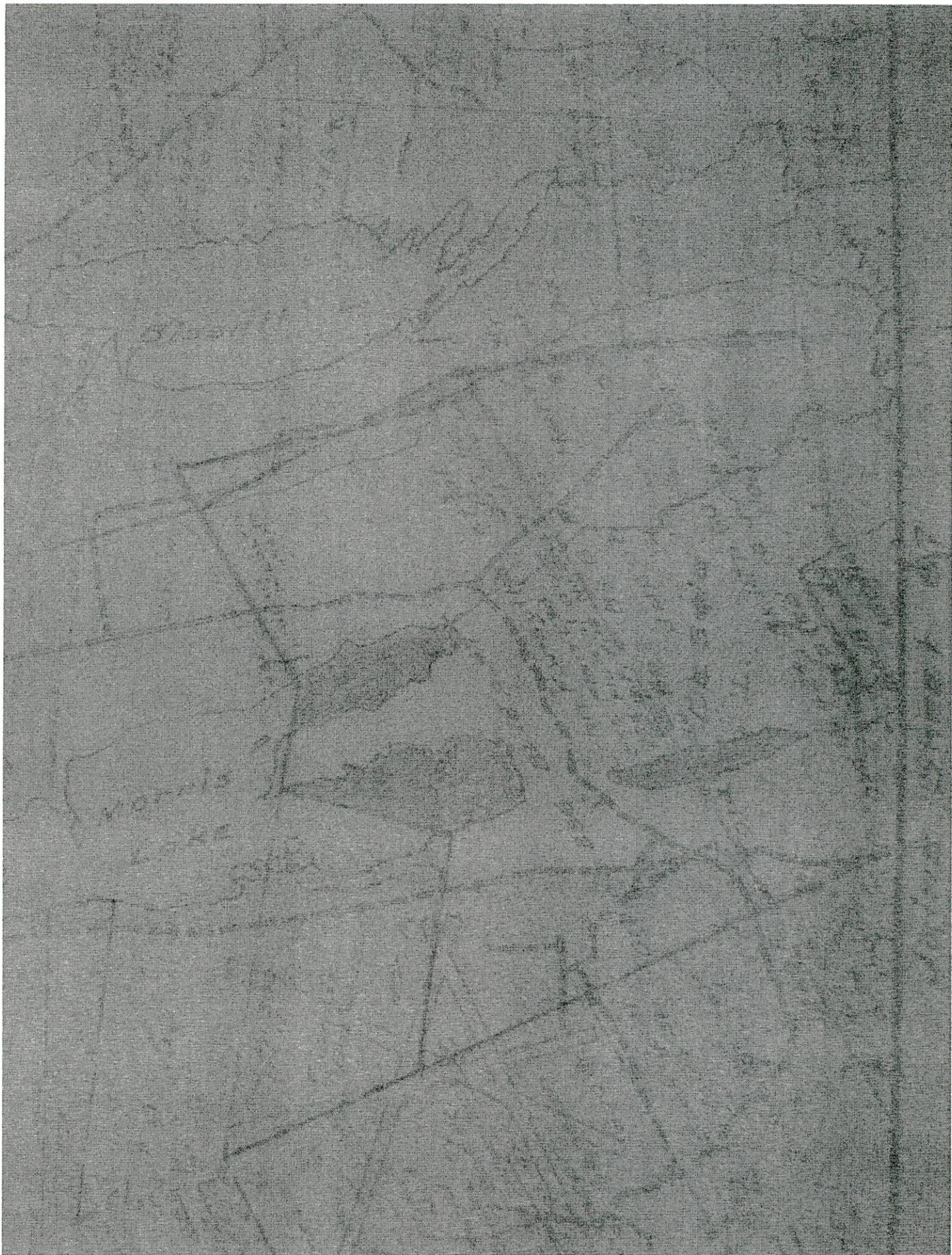
JACOB FORESTER 1762

JOHN FORESTER 1800

SWIFT

GOOGLE

WESTERN EDGE  
1715 LAND GRANTS  
OTHER L & CH







Cole Harbour

East of Bournemouth

East of Poole

COLE HARBOUR SUMMIT

SHILT COAST

East of Poole

Google

Map data ©2014 Google

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being within the County of Halifax, and is situated

between which said tract of land a street impinges

Numbered here is not included within the Green Road

which said tract of land containing the

There is a description of the land in the

Map of the County of Halifax in the

shown above and other

General of Roads in the County of

John Brinkley Esq. Mayor



1847