

Descendants of Joseph Fogarty in court to settle claim to the folk-famed cove

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The land around Fogartys Cove has been expropriated by the Municipality of the District of Guysborough. Officials are now looking for 89 descendants of Joseph Fogarty to pay out \$140,000, the assessed value of the property. (CONTRIBUTED)

Joseph Fogarty has at least 53 grandchildren, 89 great-grandchildren and eight great-great-grandchildren.

That's not bad for a Guysborough County fisherman who in 1907 died intestate at 42.

It is bad for those tasked with sorting out the rightful heirs to his 40-hectare property expropriated by the Municipality of the District of Guysborough for a 354-hectare quarry and 200-metre marine terminal proposed by Morien Resources Corp.

"That's up to the courts," Barry Carroll, the municipality's chief administrative officer, said Friday.

"The expropriation went through and we have clear title now to the land."

If you're one of the heirs, you'd better contact the Stewart McKelvey law firm or appear with proof of your ancestry at the Law Courts building on Upper Water Street in Halifax for the Nova Scotia Supreme Court hearing on Jan. 15 at 10 a.m.

Up for grabs is about \$140,000, the assessed value of the Fogartys Cove property, that will be paid out by the municipality based upon the judge's orders.

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But this little story isn't about money.

Because, as Joseph's great-grandson Frank Fogarty pointed out Friday, "\$140,000 split between all those heirs and then legal costs doesn't amount to much anyway."

This story is about the relationship between place, memory and jobs.

According to the federal environmental assessment documents filed by Morien, 50 to 100 people will work producing up to 7.5 million tonnes of granite annually over the site's lifespan of 50 or more years.

It will leave the landscape drastically changed and provide badly needed jobs to one of the poorest areas of the province.

"I'm against it," Frank Fogarty said.

"And that's selfish of me. If I lived down in Canso (near the quarry), I would want it as something that might bring my children home from Fort McMurray and give them a decent livelihood too."

A telephone survey commissioned by the municipality and performed in November by MQO Research of Halifax found only six per cent of the 350 residents questioned in the municipality were opposed to the project. Seventy-six per cent supported it and 18 per cent were neutral.

"I don't think our area has ever recovered from the cod moratorium," said Carroll.

"It's tough here. You can't attract manufacturing jobs to a remote municipality such as ours and in particular deep in the county around Canso. Our economy has to be around natural resources and the survey shows that the people who actually live here overwhelmingly support the quarry."

Frank Fogarty isn't from Fogartys Cove. He's a 61-year-old accountant based in Halifax.

And he accepts that the land expropriation is a closed case and although he filed his concerns with the project as part of the federal environmental assessment, that probably won't stop it either.

"Whatever the people down there decide, then that's the way it will go," he said. "I completely understand their position."

But he is connected to the land made famous by folksinger Stan Rogers in his song Fogarty's Cove.

Because his great-grandfather was more than a death without a will.

With a large family to feed and only a small fishing boat and a few gardens, Joseph Fogarty let Portuguese and Spanish fishing crews build huts on his patch of the shore.

Like him, they'd spend the summers along the beach splitting and salting the cod they hauled from the sea. What didn't sail back to Europe in their holds, they'd leave with Joseph Fogarty.

In the fall, he would walk to Halifax.

"It would have taken him weeks," said Frank.

There he'd barter with merchants, get aboard one of their boats and sail back to his cove. The merchant vessel would carry the supplies the European crews would need when they returned the next spring.

It would leave with the fish and Joseph would take a cut for his troubles.

"He was a hard-working fellow," said Frank.

Then in 1907, he died of a heart attack.

Most of the community's young men, including his descendants, went off to fight in the horrible wars that soon followed.

"When they came back, they'd seen the world and you know how it would have been, they weren't going to stay in the cove," said Frank.

In 1930, the church at Fogartys Cove burned, the houses and the school built there fell into disuse and the forest took back the land.

“If they’d wanted to turn it into a nature preserve, then yes, sure, we’d be happy with that and they could have had the land for free he said.

“Or if some lodge wanted to build there and attract tourists, it would be the same thing because when it closed in 50 years, the land would still be there. But with the quarry, the land will be gone.”

As part of its environmental assessment, Morien plans to “rehabilitate” the land after the quarry eventually shuts down.

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