

Mary McCarthy 0

January 19, 2005

Steve Chapman,
Whites Point Quarry and Marine Terminal Project
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Halifax, NS B3J 2R7

It is our understanding that the "draft" guidelines for the EIS as presented for comment is a generic document meant to be revised after public hearings and written input. We trust the revised guidelines will incorporate the peoples' comments and concerns which stem from an intimate knowledge of and deep love for Digby Neck. The revised EIS guidelines must be comprehensive, clear, concise and free from semantic "wiggle-room".

I request the following amendments:

1. Re 5.1 or 6.1 The EIS should require the proponent to give a detailed description including professional draft models showing stages of the project over the next 30 years. This is necessary for the evaluation of the environmental and socio-economic impact in the long term. It is important to consider the fact that land (120 acres) on the St. Mary's Bay side at Eastern Head was the proposed site of a quarry 12 years ago. This project was successfully fought by the residents of Little River. The same individuals who leased the White's Point 380 acres on the Fundy side to Bilcon now own the 120 acres at Eastern Head. Any quarry activity here would overwhelm the village of Little River. See attachment #1.
2. Re 7.3.2 The EIS should require : that the proponent explain how site preparation and pre-construction activities may already have impacted environmental attributes and/or archeological and historical resources on site.
3. Re 5.5.2 That the EIS stipulate that all studies—socio-economic, cultural, scientific and engineering be carried out to the highest standards in their particular discipline. See attachment # 2.
4. That the methodology used, descriptions, analyses and conclusions in all studies be clearly documented and reproducible.
5. That all studies provide sufficient detail to enable local residents to understand and verify the significance of the Project's effects on the environment and the local population.

6. Where these studies may differ or conflict with traditional community knowledge, and if agreement cannot be reached, recourse to arbitration by independent intermediaries with expertise in the relevant disputed areas must be provided

7. Re 4.1 I have serious reservations and questions regarding an effective channel for "meaningful public involvement". I hereby request that the question of Proponent, Community rapport be reviewed and a milieu for positive dialogue be established. Attempts to date at dialogue between the Proponent and those who oppose the establishment of a quarry on Digby Neck have proved unsatisfactory. CLC meetings have proved to be a most unsatisfactory forum for anyone looking for information. Participants have at times been humiliated and given dismissive answers. See attachment 3.

Thank you for your consideration in the above matters,

Yours sincerely,



Mary McCarthy

References:

Attachments.

1. Map of quarry site and environs
2. Review of historical study of the area by Dr. B. Moody
3. Notes taken at a CLC meeting Aug. 24, 2003.
4. Sampling of public outpouring of community concern in media and Proponents' pronouncements from time to time. *To follow.*

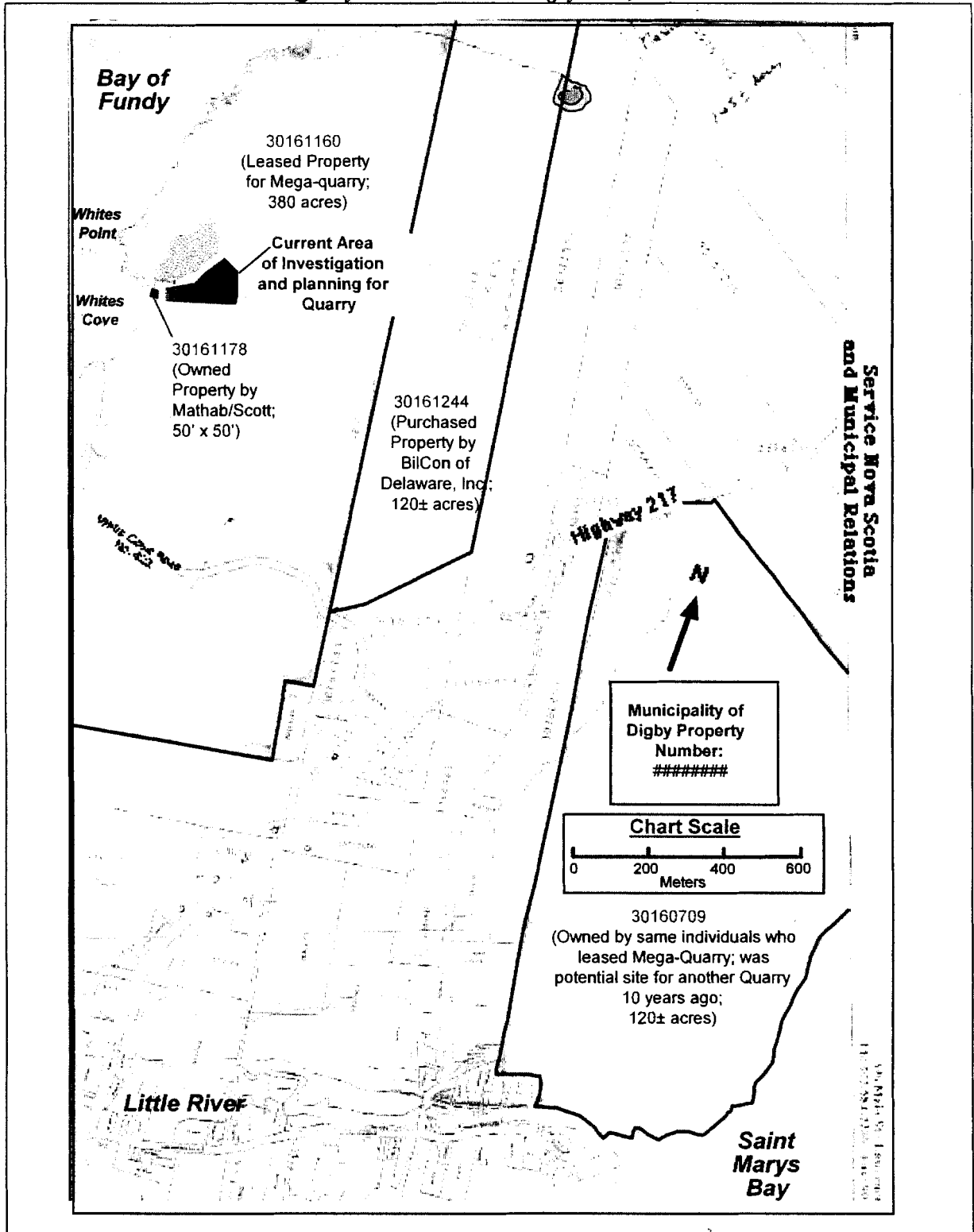


Figure 2. Property Lines of Proposed Quarry Site

1.3 Description of Proposed Quarry Site:

1.3.1 **Location:** Figure (2) portrays a small block of land where the quarry is permitted, and it is slightly less than 4 Hectares (HA). See the area marked in 'red'; this is a sub-tract of the 4 HA and is the area of current investigation and planning. There is no permit in place for a larger quarry, but this process is now being undertaken. QE notes that it cannot divulge information on what the terms and conditions will be of any future permits; therefore, all terms and conditions stated herein are for the existing permit.

Historical Background

By Barry Moody

The area now known as Little River was settled by Europeans relatively recently, compared with some other nearby regions such as Yarmouth and Annapolis Royal. There is no indication of settlement there during the first century of French occupation of Nova Scotia. The Acadians, as they expanded outward from the Annapolis area, sought the low tidal marshes on which to build their dykes and establish their farms. Present-day Digby County offered no such opportunities to the French settlers. The Little River area remained under the sway of the native population, as did much of the province.

The first waves of English-speaking settlers likewise bypassed the Digby Neck. The founding of Halifax in 1749 and the arrival of the New England Planters, beginning in 1760, brought no permanent residents to the Little River region, although what is now Digby County did receive its first European settlers at this time. All of Digby Neck was granted to a group of Halifax officials in 1765; however, non-fulfilment of the terms under which the grant was made led to the property being escheated.¹ It was not until the influx of the United Empire Loyalists in 1783-84 that a sudden shift took place in the history of Little River. Much of present-day Digby County* was granted to these refugees of the American Revolution. It was at this time that the communities of Digby and Weymouth were established, and became the main Loyalist centres in the region.

* What is now Digby County remained part of Annapolis County until well into the 19th century.

Much of Digby Neck, along with the rest of the county, was laid out in various sized lots for the refugees. In the initial distribution of land, most of the Digby Neck land fronting on the Bay of Fundy was left unsurveyed and ungranted. This included most of the property which is the subject of this study.

Among the more prominent of the Loyalists to settle in Digby at this time was Lieutenant-Colonel Joseph Barton, who had risen to prominence in the recent fighting as commander of the 5th and then the 1st battalion of the New Jersey Volunteers.² With the final defeat of the British in 1783, Barton left his native New Jersey along with other refugees, taking up land in Nova Scotia, which remained part of the British Empire. He chose to locate in the new town of Digby, where he was granted a town lot, along with 900 acres in the surrounding township.³ However, shortly after his settlement in Digby, he died as the result of injuries sustained in felling a tree, undertaken by Barton as a bet. He was buried 19 February 1788.⁴

A knowledge of Barton's prominence among the Loyalist refugees, and his early death, are necessary to understand the history of the piece of property under investigation. By 1800, the comings and goings of many Loyalists and the conflicting claims and counterclaims to much of the land made necessary a general escheat of property and a regranteeing of land to those actually in possession of it. Barton's heirs were confirmed in their possession of the lands granted to their father in 1784, and were now granted an additional 1250 acres in the township.⁵ Included in this 1250 acres was a 300 acre lot on

the Fundy shore, near Little River, designated Farm Lot 11 in Division N, and granted to the "Heirs of Joseph Barton."

The so-called "Hatfield Grant" or "Grant of Confirmation" of 1801 was meant to clarify land ownership in the township, and to provide further rewards to certain loyal citizens.⁶ It is therefore surprising to find Barton's children, as his heirs, included in those benefiting from the additional lands. Barton's services to the Crown during the Revolution would certainly warrant such treatment for his surviving children. However, it would appear that long before the new grant, Barton's children had moved back to New Jersey, perhaps as early as immediately after the premature death of their father in 1788. They may well have still been minors at the time of Joseph Barton's death, and their mother had died ten years before.⁷ Certainly by 1798, his three surviving children were living in New Jersey, and not within the British Empire.⁸ The recognition of their rights to additional lands in Digby Township is therefore rather surprising.

The grants to the heirs of Joseph Barton and the others in 1801 were made with certain stipulations, primarily concerning the clearing of the land, the building of a house and establishment of a farm. One of the terms of the grant was of special interest for the present (2002) situation: If the land was not suitable for farming, the grantee was to establish a stone quarry and employ at least one man to work it for every 50 acres granted.⁹

Although Barton's heirs clearly did not fulfil the terms of the grant, they managed to avoid having this part of their property escheated. In 1848 the two remaining heirs of Barton sold lot 11 in division N, 300 acres near Little River, along with several other pieces of property, to Robert Timpany.¹⁰ For the next century and a half, the property would be held by Digby Neck families. Timpany in turn retained the property for twenty years, selling it in 1866 for \$50 Nova Scotia currency. Such a price would indicate that few if any improvements had been made to the property.¹¹

Over the years the property would be divided into smaller pieces and then reunited finally under a single ownership in 2000.¹² For as long as the sale price continued to be included in the deed of sale (in this case, until 1944), the amount paid would indicate that no homes or other substantial buildings had been constructed on the property. For the first half of the 19th century at least, this would be born out by Church's map of Digby County (circa 1864), which shows all homes in the county (see attached).

The Barton property (with a few deletions) comprises the bulk of the property under consideration. The remaining portion was originally part of the William Addington grant, also part of the Hatfield Grant of 1801, lot 10 in division N.¹³ Addington was also a Loyalist, from the Carolinas, although his name does not seem to appear on any of the earlier grants or musters.¹⁴ Unlike the Barton heirs, Addington was not an absentee landlord, settling in the Little River area, where some of his descendants still reside. As with the Barton lot, the Addington grant has had a checkered history of ownership, being divided several times, and individual pieces passing in and out of possession of various

members of the Addington family.¹⁵ It would appear that the Addingtons resided on the western half of the original grant, which they retained. It was the eastern half of the original grant (lot 10) that was added to the Barton lot in the year 2000.

Conclusion

This brief examination of the history of the piece of land under consideration would indicate that it possesses no special historical significance. Its history, while interesting, is similar to that of many other such properties in the county. The Addington portion is part of an original Loyalist grant, as is most of Digby County. For the Barton piece, the Loyalist connection is tenuous, since it was owned only by the children of a Loyalist (Barton), not by a Loyalist himself. No other names of great significance appear to be connected with the property.

Notes

¹ Mary Kate Bull, Sandy Cove (Hantsport, NS: Lancelot Press, 1978), 13; Isaiah W. Wilson, A Geography and History of the County of Digby (Belleville, ON: Mika Press, 1975), 34-5.

² <http://www.royalprovincial.com/history/figures/skinner.shtml>; New Jersey Muster Rolls –American Revolution <http://www.rootsweb.com/~canmil/uel/njbart78.htm>

³ Loyalists and Land Settlement in Nova Scotia (compiled by Marion Gilroy), (Halifax: Public Archives of Nova Scotia, 1937), 7; Wilson, A History and Geography..., 53.

⁴ Wilson, A History and Geography..., 370.

⁵ A Memorial Regarding Land Grants in Digby County- dated April 15th 1800, a transcription in the Admiral Digby Museum, Digby NS. <http://www.rootsweb.com/~nsdigby/perm2/mem2.htm>; Loyalists and Land Settlement..., 7.

⁶ <http://www.rootsweb.com/~nsdigby/perm2/hatfield.htm>

⁷ Documents relating to the Revolutionary History of the State of New Jersey, vol.II 1778. p. 8, quoted in <http://archiver.rootsweb.com/th/read/BARTON/1999-05/0927661550>

⁸ Registry of Deeds for Digby County, NS, Weymouth, Book 4, 55-6, deed, James Barton, Barrent Barton, Solomon and Anna Broderick, "heirs of the late Colonel Joseph Barton," all of New Town New Jersey to Christian Tobias of Digby, 9 April 1798.

⁹ <http://www.rootsweb.com/~nsdigby/perm2/hatfield.htm>

¹⁰ Registry of Deeds, Book 18, 265-6, deed, James Barton of Pennsylvania. and Anna Brodrick of Illinois Heirs of Joseph Barton to Edward H. Timpany of Digby, 18 Aug. 1846.

¹¹ Registry of Deeds, Book 34, 255-6, deed, Edward and Jennet Timpany to George Cornwell, 20 Jan. 1866.

¹² See for examples, Registry of Deeds, Book 56, 22-3, deed, George and Rebekah Cornwell to Harris Carty, 1 April 1872; Book 165, 84-5, deed, Thomas and Edna Carty to Harvey Denton, 7 Jan. 1946.

¹³ Loyalists and Land Settlement..., 7; <http://www.rootsweb.com/~nsdigby/perm2/hatfield.htm>

¹⁴ Wilson, *A Geography and History...*, 346.

¹⁵ Registry of Deeds, Book 56. 54-55, deed, Reuben Addington to Isabelle Addington, 19 Dec. 1881; Book 59, 179, deed Isabelle Addington to Harris Carty, 28 April 1888; Book 161,621, deed, Thomas and Edna Carty to William Frost, 29 May 1944; Book 163, 548-50, deed, William and Sarah Frost to George Addington, 29 Aug. 1945; Book 167, 347, deed, George and Isabel Addington to Harvey L. Denton, 17 May 1947.

White's Cove, Digby Neck

Supplemental Report¹

The surveyor's report of the White's Cove property, provided to the writer subsequent to the preparation of the initial report, allows for a clearer picture of the rather complicated history of land acquisition and distribution in White's Cove.

When the heirs of Joseph Barton sold the property to Robert Timpany in 1848, they conveyed the entire grant (Farm Lot 11 in Division N).² However, when Timpany disposed of the property to George Cornwell 18 years later, an important proviso in that deed would indicate that the occupation of the property had become much more complicated. The 1866 deed from Timpany to Cornwell states that the entire lot is conveyed "excepting any part or Parts of said Farm Lot that may have been in possession and occupied by any person or persons a sufficient number of years to give or Establish by Law a legal claim."³ This would indicate that others had occupied part of the property at least 20 years prior to the 1866 sale, and had probably established dwellings there as well. In addition, at some time in the 19th century, either through common practice or legal but unrecorded conveyance, certain "Fishing Privileges" at the Cove came into

existence. It is not clear if these “privileges” included the right to erect houses or fish shacks, but probably did.⁴ An 1884 deed refers to “the Lands known as the fishing privileges” in the White’s Cove area.⁵

Various deeds mention houses and other buildings at White’s Cove. Determining their precise location is hampered by the fact that some of the deeds convey houses or parts of houses, but no land. In 1869 Hosea Lord “of White Cove,” yeoman [farmer], conveyed one half of “that tenement or dwelling house wherein I now reside” to Samuel Hersey for \$150.⁶ Other deeds make reference to further Hersey family members living in White’s Cove.⁷ The research of Miss Mary McCarty would indicate that in 1877 four families lived in White’s Cove,⁸ although as is clear from the Lord deed cited above, that would not necessarily mean 4 separate houses. Given this activity, it remains surprising and unexplained that the usually very reliable Church’s map does not show any houses in the vicinity of White’s Cove. Several Hersey families are shown as living in the village of Little River, but none on the Bay of Fundy Shore. The occupations of the White’s Cove residents listed include farmer, mariner, and fisherman. The last reference to White’s Cove as a place of residence discovered thus far is to be found in the report of a death at sea, when Benjamin Goddard, a native of White’s Cove, Digby County was swept overboard from the Gloucester schooner *Laura Goulart* in the spring of 1936. By this time, it is clear, Goddard had been a resident of Gloucester for many years.⁹

White’s Cove appears to have been occupied on a year round basis from approximately the 1860s to the end of the 19th century. By the mid 1880s, the extended Hersey family

appears to have run into financial difficulties. In 1884, Israel Hersey was forced to mortgage his property at White's Cove to Thomas Shreve of Digby, while Charles Hersey sold his property at the Cove six years later to the same individual.¹⁰ In 1884, Samuel Hersey lost a suit for debt to James H. Tebert (Tibert), and was forced to relinquish to the Sheriff of Digby Co. his lands at White's Cove, plus his household goods, farm implements, 6 tons of hay, 2 cows and 7 sheep.¹¹ McCarty in her article notes the burning of Isarel Hersey's home at White's Cove in December 1890, and the departure of the Morehouse family about a decade later.¹² It would appear that these events heralded the end of permanent human occupation of the White's Cove area.

Conclusion: While the ownership of the land and the small settlement at White's Cove is interesting, in and of itself they have little historical significance. Of course, any place occupied by humans over an extended period of time acquires its own "history;" however, nothing of particular historical significance associated with White's Cove has yet surfaced.

¹ Contrary to statements made at the Public Meeting at Wolfville 12 November 2002 (and probably elsewhere), the initial report did NOT confuse White's Cove and Gulliver's Cove. The early ownership of

White's Cove is as laid out in that report. A title search was done at the Registry of Deeds for Digby County, Weymouth, tracing the ownership back from the present owners to the first grant to the heirs of Colonel Joseph Barton. This is confirmed by the recent survey of the lands of Allen C. Denton and Cheryl A. Denton, which specifically refers to the land as "Lot No. 11 Lands Granted to [Heirs of] Joseph Barton."

² Registry of Deeds for Digby County, Weymouth, NS, Book 18, 265-6, deed, James Barton and Anna Brodrick to Edward H. Timpany, 18 August 1846.

³ Registry of Deeds, Book 34, 255-6, deed, Edward and Jennet Timpany to George Cornwell, 20 Jan. 1866.

⁴ Registry of Deeds, Book 151, 87-90, deed, Alonzo and Cynthia Morehouse to Thomas Carty, 20 June 1905.

⁵ Registry of Deeds, Book 53, 257-8, deed, Samuel and Martha Hersey to Albert Hersey, 9 April 1884.

⁶ Registry of Deeds, Book 35, 811, deed, Hosea Lord to Samuel Hersey, 21 June 1869.

⁷ Registry of Deeds, Book 45, 281-2, deed, Samuel Hersey to John R. Hersey, 24 Feb. 1874; Book 53, 266-7, Cynthia Lord to Charles Hersey, 11 Mar. 1884; Book 53, 327-8, Albert Hersey to Melvina Hersey, 14 April 1884; Book 151, 87-90, Alonzo and Cynthia Morehouse to Thomas Carty, 20 June 1905.

⁸ Mary McCarty, "Community had lengthy history," *Digby Courier*, 26 Feb. 2003.

⁹ www.downtosea.com/1926/1goulart.htm, <http://www.lostatsea.ca/digby.htm>

¹⁰ Registry of Deeds, Book 53, 37-40, Israel and Margaret Hersey to Thomas C. Shreve, 28 Jan. 1884; Book 61, 471-2, Charles and Mary Hersey to Thomas C. Shreve, 6 Mar. 1890.

¹¹ Registry of Deeds, Book 54, 71-2, Samuel Hersey to Sheriff of Digby County, under execution issued for \$213.60 at the suit of James H. Tebert, 7 Oct. 1884.

¹² Carty, "Community had lengthy history."

Shipwrecks at White's Cove

A careful search of the available lists of shipwrecks in Nova Scotian waters turned up only one wreck in the White's Cove area.¹

On a foggy Saturday, 22 September 1900, the Canadian government steamer *Newfield*, Captain John Campbell, struck the reef at the entrance to White's Cove. The ship had left Westport that morning, to provision the lighthouses along the Fundy coast. Despite efforts to refloat her, by the following day it was clear that the ship was breaking up. Due to the fairly calm seas, it was possible to remove a large part of the ship's cargo and some of her fittings. The *Newfield* was an iron vessel built in Sunderland in 1871, of 500 tons net and 785 tons gross and was 206 feet in length.² The total loss was approximately \$30,000.

The wreck was sold at public auction on 28 September 1900.³ The wreckage of the *Newfield* was purchased by Edward Lantalum of Saint John NB for \$250.00, and an additional \$490.00 for a quantity of coal, anchors, etc.⁴

Although a number of vessels foundered along the Fundy coast of Digby Neck, this would appear to be the only one wrecked at White's Cove itself.

¹ Northern Shipwrecks, a searchable CD ROM of 100,000 shipwrecks; Robert C. Parsons, In Peril on the Sea: Nova Scotia Shipwrecks (Lawrencetown, NS: Pottersfield Press, 2000); Jack Zinc, Shipwrecks of Nova Scotia 2 vols. (Windsor, NS: Lancelot Press, 1975-77).

² Digby Weekly Courier, 28 September 1900; October 5 1900.

³ Digby Weekly Courier, 28 September 1900.

⁴ Digby Weekly Courier, 5 October 1900.

Historical background study to the White cove property in Little River Digby Neck and a "Supplemental Report" both prepared by Dr. Barry Moody. Critique by Mary McCarthy

The absence of dates in the first paragraph of Dr. B. Moody's historical study of Digby Neck and the area to be impacted by the mega-quarry at White's Cove in Little River makes it extremely difficult if not impossible to take his ensuing contentions seriously. That having been said, perhaps his most serious blunder in this opening paragraph is his statement that "present day Digby County" did not offer the French opportunity for the establishment of their farms. With the granting of Clare township to the Acadiens in 1767 and the return of the exiled Acadiens in 1768 a vibrant French presence took hold in present day Digby County. How could a serious historical study disregard the settlement of the Acadians in Clare which is now home to the largest Acadian population in Nova Scotia and support approximately 45% of the population of Digby County?

Isaiah Wilson in his History and Geography of Digby County (a work used by Moody in his research) stated clearly that as early as 1775, "Clare supplied fifty of the company of Acadians dispatched for the defense of Halifax". Moreover, Wilson recorded the French presence on Digby Neck "fifteen or more years before the arrival of the Loyalists" and he goes on to state specifically "evident traces of ancient habitations illustrate in strong terms that these parts were peopled before the immigration of 1783. Actually, Digby's French connection dates to 1604-1605 when Sieur DeMons and Champlain explored the Bay of Fundy, St. Mary's Bay the Annapolis Basin before settling at Port Royal. All points missed by Moody. ^

Moody in his history paper ignored completely the Black community of African decent who were prominent in the early history of Digby. In the 1780's Brindley town (now Acaciaville) had a population of 211, the fifth largest in Nova Scotia. Today, of the forty-eight Black communities in Nova Scotia considered historically significant, eight are in Digby County. Complete disregard of the Black community of Digby can be considered a serious omission in his work.

In the first paragraph of Moody's study he makes passing reference to the Indian population in the Little River, Digby Neck area by acknowledging that, "the Little River area remained under the sway of the native population." Moody gave no dates or no evidence that he researched the activities of the Mi'kmaq on Digby Neck: a serious omission since the Mi'kmaq who believed in land use rather than it's ownership traveled the coast of Digby Neck in Spring and Summer and walked the land to hunt and trap in Fall and Winter. Porpoise, seal and whale hunting in the Bay of Fundy was a thriving industry for the Mi'kmaq in the summer months of the nineteenth and early twentieth centuries. The oil of these mammals was then a highly prized commodity. Moose hunting for meat and hides as well as hunting of game and water fowl took place in the

eighteenth and nineteenth century on the Fundy side of Digby Neck between Sandy Cove through White Cove, Whale Cove to Petit Passage. The rivers and streams flowing into the Bay of Fundy were a source of eel which were of great interest to the Micmaq. Community knowledge testifies that the Micmaq were in White Cove where they trapped and speared eel in the waterways and the gulch mentioned in the deeds. By the end of the 19th Century while most of the Mi'kmaq moved to the Bear River Reserve, six families lived at St. Bernard and a few other families in Little River. Hence we have the following Mi'kmaq place names on Digby Neck.

Oositoookun-English name, Digby Neck, meaning, an ear

Wagweik, English name, Digby Neck

Ogsetoageneg, Digby Neck

Tawitjeechk, English name, Petit Passage meaning, a small outflow

Tawitkech, English name, Petit Passage, meaning, the little outlet

Tawitk, English name, Grand Passage, Digby, meaning, the outlet narrows, flowing out

Oegoitg, St. Mary's Bay

Oegoaig, Head St. Mary's Bay

Wagwitk, English name, St. Mary's Bay

Gotoopoegatig, Gulliver Hole

Getjimosgoetaieg, Wale's [sic?] Cove

Gesgospeg, Little River (Rand - Anderson No. 192)

Moody's neglect to research the Mi'kmaq link to Little River and White's Cove was a serious omission since his history report formed the basis of the archaeological study performed subsequently.

When Moody wrote in the second paragraph of his study of the settlement of the Loyalists in Digby County in 1783-1784 he stated, "much of the present day Digby County was granted to these refugees of the American Revolution." He completely overlooked the fact that approximately one third of Digby County, namely Clare Township was already settled by a large Acadian population and not available for grants to the Loyalists. According to historical records the Acadian pioneers on Digby Neck had lived at Annapolis Royal prior to 1755. These settlers followed what was then known as the "Indian Path" traveling from Annapolis to the Joggins then to the marsh at the Head of St. Mary's Bay and on to Digby Neck. A route that is well documented. One of the first named Acadian settlers on Digby Neck in 1764 was Oliver Robicheau and his wife Rosalie. Other named Acadians were Amable Doucet and Augustin Theriault - who acquired land on the Neck in 1801 and 1833 respectively. They were later joined by the LeBlancs, Comeaus, Tibeaus and Bouteliers. The local newspaper in 1893 reported on what it referred to as "one of the largest industrial projects in Digby County" situated on Digby Neck about 6 miles from Little River. This was a fish factory owned and operated by Alfred Boutelier which produced 72 000 cans of finnan haddies and lobster as well as

dried fish and fish oil each year and employed 25 to 30 people.

It is difficult to understand why Moody neglected to record in his study the acquisition of 1000 + acres of land on Digby Neck in 1788 By James Boutineau Franklin , son of an Acadian mother and the Honorable Michael Franklin Lieutenant Governor of the Province of Nova Scotia. This grant was made to James B. Franklin “in consideration of his services to the country in establishing earlier settlements”. [Warrant dated 6th March 1788] Moody disregarded all this history relevant to the development of Digby Neck and Little River but went on to devote the greater part of his historical background study to a largely irrelevant discussion of one Lieutenant Colonel James Barton a native of New Jersey who never lived on Digby Neck. Moody was aware that the said Barton, “shortly after his settlement in Digby, died as a result of injuries sustained in felling a tree.” Moreover, Moody acknowledged that Barton’s heirs who were granted Farm Lot 11 on the Fundy Shore near Little River were not Loyalists nor did they ever live on that property. It is apparent that the lengthy discussion of Barton and his heirs in Moody’s study was included chiefly to justify his statement that “one of the terms of the grant was of special interest for the present (2002) situation.” The term of the grant to which Moody referred stated, “if the granted lands were stony or rocky and not fit for planting or pasture, [the grantee was] to operate a stone quarry and hire one able hand for every 50 acres.” It is obviously ludicrous to compare the extraction of stone with a pick and shovel in the nineteenth century with a modern day mega quarry for the export of rock. Moreover, this stipulation in the words of the 1801 grant applied to the total area “designated by the name of the Township of Digby which was still part of the county of Annapolis.”

After spending much time on the Barton episode, Moody goes on to state, “ In 1848 the two remaining heirs of Barton sold lot 11 in division N, 300 acres near Little River, along with several other pieces of property, to Robert Timpany”. He again repeats in this Supplementary Report, “when the heirs of Joseph Barton sold the property to Robert Timpany in 1848, they conveyed the entire grant (Farm Lot 11 in Division N.)” Here Moody mistook Robert Timpany for Edward Timpany. Both deeds (1848 and 1866) clearly show that Edward Timpany owned lot 11 in Division N, also lot 11 could not possibly have been deeded to Robert Timpany since Robert died on 16th February 1844. Since Moody confused Robert Timpany with Edward Timpany it was logical for the public to infer that he was referring to Gulliver’s Cove as Robert Timpany was a prominent resident at Rossway / Gulliver’s Cove but never owned land at White Cove. (See foot note 1 in Moody’s Supplemental Report).

Moody in his conclusion to his inaccurate and flawed report which was by his own admission brief, stated, “the history of the piece of land under consideration would indicate that it possesses no special historical significance.” After the lengthy investigation of Barton and passing mention of Addington, Moody concluded, “no other

names of great significance appear to be connected with the property.” Moody failed to recognize or give credit to the fact that the White Cove, Little River area has supported and been home to a long line of Loyalist descendants who still live on the original land grant to their forefathers. Here within a three kilometres radius we find the current residents proudly bearing the names of the original settlers: Denton, Gidney, Addington, Burns, Tidd, Hersey, Frost, Trask and Stanton. Here in Little River, 21 homes built before 1914 display architectural characteristics that qualify them for inclusion in the Municipality Historic Property database launched in 1999. This unique characteristic of the area certainly testifies to the beauty of the land, the richness of the sea and the industry and enterprise of a community that has flourished in harmony with the bounty that Nature has provided.

The “Historical Background” study just analyzed came to the attention of the local community in August 2002. Shocked by the inaccuracy of Moody’s study, Mary McCarthy at a CLC meeting on October 24th 2002 exposed some of the inaccuracies and omissions. Paul Buxton, the spokesperson for the Proponent of the Quarry said he would “advise Dr. Moody” of McCarthy’s statement.

A few weeks later, Moody telephoned McCarthy and asked her where the historic photo with a panoramic view of the Cove shown at meeting of October 24th could be located. McCarthy advised that details of the website could be obtained from the curator of Admiral Digby Museum, Digby. Two historic photos of White Cove appear on this website. Attachment (a) # 355 - White Cove Ramp with an overview of the cove and a number of buildings, attachment b. #258 lobster traps and buoys with a fish shack in the background. Historian Dr. Barry Moody and Archaeologist Dr. Charles Watrall both ignored photo # 355 and the valuable historical information that it provided. Watrall used #258 in his report when he spoke of “small wooden structures that may have occupied this area of the development property,” and goes on to say that, “interpretation of its location was difficult as the background or overview of the Cove is not shown in the photo.”

In May 2003 when Watrall’s study became available it had as an addendum a second paper by Moody titled, “Supplemental Report”. Moody based much of this report on information gathered from McCarthy’s letter to the local press in February 2003, which he acknowledged twice in the endnotes. Moody now admitted that at least 4 families lived at White Cove. This was a complete change from his first study where he had stated, “no homes or other substantial buildings had been constructed on the property”.

Moody again refers to McCarthy’s work when he reports that Israel Hersey’s house burned down at White Cove in 1890 but wrongfully implied that Mr. Hersey left the Cove at the time of the house burning. Watrall, who attached my letter to his report insinuated in his study that Israel’s house burned in connection with a litigation, this was a distortion

of what I had written.

Moody reports in this paper that, "various deeds mention houses and other buildings at White's Cove determining their precise location is hampered by the fact that some of the deeds convey houses or parts of houses but no land." On the contrary, I have found only one deed which conveyed part of a house without mention of land, but 20 + deeds exist which show conveyance of land with or without houses. The location of at least three homes at the Cove can be determined from landmarks given, such as, the brook, the gulch, the shoreline, the well path, the road leading to Little River and the fact that Hosea Lord's house was oriented in a N -S direction and that of Samuel and Israel Hersey in an E -W direction.

Even when Moody in his Supplemental Report acknowledges residency at the Cove, he is not consistent. In paragraph 2, he states, " others had occupied part of the property at least 20 years prior to the 1866 sale and probably established dwellings there as well". In paragraph 4, he says, " White's Cove appears to have been occupied on a year round basis from approximately the 1860's to the end of the 19th century".

The inaccuracy of Moody's work is seen once again in his assumption that the report of the death of Benjamin Goddard in 1936 was the last reference to White Cove as "a place of residence". Census reports, genealogies and family tradition fail to support Goddard's residency at White's Cove, Digby Neck. Local residents understand that the Goddard family were residents of Clare where they are shown on Church's map. One of the family, Benjamin, sailed from Anse des LeBlancs (White's Cove) on St. Mary's Bay and settled in the US port town of Gloucester. Moreover, the obituary notice of Wallace Hersey, ~~which~~ appeared in the Digby Courier in 1966, noted that Wallace was born in White Cove, Digby Neck.

Moody in his study maintained that property prices, "would indicate that no homes or other substantial buildings had been constructed on the property". Property prices recorded in deeds do not support this statement. To quote some examples:

1832, 120 acres, 100 pounds

1869, ½ dwelling house, 100 pounds

1876, ½ house + ½ 120 acres, \$580

1885, subdivided lot, \$750

1905, 100 acres, \$300

To use property prices and ignore market fluctuations over the course of a century is not a reliable method of establishing residency. The majority of the property transactions at White Cove took place among extended family a factor that again would have affected recorded prices. We find some transactions for tokens such as \$5 and \$10 and in one instance Charles Hersey conveyed 7 acres with all buildings to his mother, Margaret

Hersey, “in consideration of the love and affection which I owe to my mother.”

These are some examples which demonstrate the weakness of Moody’s effort to arrive at his conclusion that, “nothing of particular significance associated with White Cove has yet surfaced.” The study as presented does not do justice to the legacy of the White Cove residents. These families made a significant contribution to the history of Nova Scotia when the shipping trade was at the apex of its importance to the economy. Documentary evidence exists to show that at least two of the men living at the Cove, Israel and Charles Hersey were sea captains who traded with the American States and Europe. When the families moved from the Cove, Israel became Digby’s Harbour Master in 1897 and was a founding member of the Digby Yacht Club. Harry Hersey, his son was Digby’s Fire Chief for many years and another son, Wallace, a town councillor who shouldered many responsibilities. Other men from White Cove played a key role in the operation of the Bayview Life Saving Station. The women of White Cove are a striking example of female independence, traveling with their husbands on the high seas, home schooling the children of their extended family at White Cove, owning land in their own name, and being nurse and midwife when needed by local neighbors.

In the conclusion to his Supplemental Report, Moody refers to the “ownership of land” but neglects to explore the important aspect of land usage. A study of land use, which would not necessarily coincide with land ownership, is essential to a historical study used as the basis of an archaeological study. Moody’s study of the White Cove lot also fails to document the industry and achievements of the vibrant community that lived there in the nineteenth century.

The area of White Cove populated by the Hersey, Tibert, Lord, and Morehouse families is rich with history and is a very important heritage for their descendants. If we ignore the human endeavor and enterprise that was a part of White Cove then we erase a distinct and precious legacy and a substantial part of the history of Digby County.

Community Liason Committee Meeting August 27th 2003 / Archaeologists Report on White's Cove, Little River, Digby Neck

Notes made by Mary McCarthy

These notes agree with those made by *two other attendees* as well as the tape recording of the meeting. These notes are not minutes but every effort has been made to give a true and accurate report of the discussion.

Dr. C. Watrall spent a great deal of time (at least 15 minutes) expounding on his many degrees, (BA, MA, PhD in Anthropology & Archaeology and the many years (30) experience he had in the exploration, research and impact archaeology as well as just about every place he had ever been in the world.

Watrall then explained at length that companies needing an archaeologist usually go to the Provincial Government and ask for a list of archaeologists they feel qualified. He told how he was interviewed by the Nova Scotia Museum personnel. Then he explained his approach to his work - research of files how to do shovel test, sampling, how to process artifacts, cataloguing and use of a museum conservator to stabilize artifacts. Global Quarries pays for preservation, storage and his salary.

He went on to say that in 99.99% of all archaeological and historical sites nothing is found, he said sites are common as borsch and added only 9-14% warrant any investigation. Watrall complained that the White Cove site was difficult from the point of view of physical access and said, "it was not easy to walk over this land." He had to make a decision on which areas to cover, shoreline, property lines, road edges and streams. [We understand property lines are not included in the 320 acres to be disturbed - regulation says 30m from property lines is buffer zone.] Again he seemed concerned with difficulty of access. Mentioned checking the hillside for signs of pre-contact activity, fissures in rocks, shells and remains of mammals.

He must determine the condition of the land, how much it is going to be disturbed, how he is going to use museum facilities, and determine if there is already a historic site on that property. The pattern he studied (both sides of St. Mary's Bay and Bay of Fundy from Yarmouth up) indicated that the majority of prehistoric sites are on St. Mary's Bay side. Humans settling here tended to follow the same pattern. He must walk over the land and determine if it has been previously disturbed, how many shovel tests are going to be conducted and how anything found is going to be processed.

Watrall did not find any historic sites recorded for the White Cove property. He said all existing maps and records of shipwrecks were checked. He checked information available from N.S. museum personnel but stated he had difficulty interviewing local informants because almost all of their information was "hearsay" and they had a "political

agenda". He stressed he couldn't check 'hearsay' information because "sometimes what they believe to be true isn't true", and "hearsay" data is not recognized as "oral history." Dr. McCarthy spoke up and said that she had offered him names of knowledgeable locals and direction to archival materials such as photos, deeds and newspapers but he didn't take up her offer. He told her that he knew from that telephone conversation that she had a chip on her shoulder.

Watrall followed with a lengthy discussion about "hearsay" and would not accept Dr. Evenden's statements on the value of oral history even when it is substantiated with photos, maps and newspaper reports. He still maintained it was hearsay. Evenden pointed out that McCarthy had offered him photos and newspaper reports but he didn't respond. He said emphatically that the information "passed down orally is not correct." He said that, "I only check empirical information and cannot accept or check out hearsay from ancestors and friends." "If something was checkable I would have responded positively but saying there are graves or a cemetery is not checkable."

He told McCarthy that everything she said in her telephone conversation was hearsay, with no specifics which could be checked in situ by an archaeologist. Later she asked if he used remote sensing techniques, he seemed surprised and asked what kind of remote-sensing. McCarthy suggested sonar or infra red, then he went on to speak of possible salt and iron interference, without giving an explanation of how they could interfere.

When asked by a history professor (retired) and author why he rejected oral history, Watrall replied, "sorry historians are not scientists, I am." Watrall then made a bewildering claim by explaining to the meeting why he considered himself a scientist. In his words, "the reason I am is this, an empirical scientist works for not just assessing evidence considered empirical but I work for the generation of axiomatic principles. Historians have historically avoided generation of axiomatic principles." This statement is ludicrous in the context of the discussion taking place and totally irrelevant.

McCarthy pointed out that Watrall used her research in his Report which he submitted to the Nova Scotia Museum and for all intents and purposes misrepresented that information. She added she would have expected another academic to acknowledge his source. He made no response and did not even acknowledge his omission. [see endnotes] He went on to repeat there was no empirical way of finding out if there were burials at White Cove.

Kemp Stanton asked for a definition of empirical. Watrall tried to explain using a styrofoam coffee cup! Said he worked only on empirical information, "if you can't reproduce it, it's not empirical." Kemp asked if the change in sea levels over the centuries had any implication for archaeological sites at White's Cove. Watrall explained about the flooding of Manitoba after the ice age and that from the pattern they are not

really sites and one might find only one artifact there. Kemp then spoke of a building at the Cove in the 1960's and asked if you can't find that how could you find buildings that were there more than a hundred years ago. Watrall didn't answer but went on to talk about the "nature of archaeology." Kemp explained how he was familiar with structures at the Cove and asked Watrall why he didn't ask the help of the community. Kemp went on to say that he, "a stupid fisherman could have helped." He spoke of Harvey Denton's place at the Cove in the 60's where he had actually burned his hand on the stove and this is the type of empirical evidence he could have given if Watrall had only asked. Kemp repeated, "you didn't want our help." Watrall replied, "it would have been useful if you could have informed me or the company or written a letter.

McCarthy [referring to her telephone conversation with him the week he got his permit] spoke up and said, "it was done." Watrall's curt reply, "not in a letter." This contrasted sharply with Watrall's statement earlier in the meeting when he said he had received information verbally and through letters to him and to the company and many letters to the press which spoke of burials and a village at the Cove.

Watrall said he had been told by the Ethnographic Specialist at the Nova Scotia Museum that the Micmac people had set up a porpoise trapping station along the Bay of Fundy shoreline. Watrall said he found no charcoal, no evidence of any kind on the property. No prehistoric evidence was found. Basalt is not conducive to fossils, no shellfish remains were found, no large animal remains were found, etc., etc. Only one boat went down in the White Cove area. There is evidence of one fish shack and one house tentatively dated from 1880-1920. Pieces of the house were owned by three people. As Ogilvie suggested, the house has been roped off and the site isolated. If anything is found, a museum-trained conservator is on call at all times to stabilize any artifacts. Maps/land, grants/obituaries and a photo from the museum in Digby were useful because it showed a structure in White's Cove.

Watrall mentioned the shipwreck of 1900 at White Cove but said without citing proof that it was salvaged within 2 years. (We understand from newspaper reports, within 3 days). He then gave a lengthy explanation of land grants and Lieutenant Colonel Barton (whom he referred to as Captain Burton), then told the meeting the anecdote of Barton's bet and his losing his life chopping down a tree to fulfill it. Then he interjected that instead of applying for a grant in Digby he would have done better had he put in an application for farmland in Ontario.

Watrall was asked for his definition of "important person", and "historical significance", as used in his report, he said that these were not his words but they came from the people at the N.S. Museum. He said he had been told this verbally and that these were the terms in which he had to report. On further questioning he defined important person as wealthy or having a high function such as a political figure. He said they were not his words but a

term used by museum personnel. When asked how was 1865 chosen as a cut off date for recording history of the White Cove area he said it came from “the Provincial Regulators of legislation and those other characters (curators?) at N.S. Museum.” (When we checked this later, museum said, no). Watrall said he knew that using the expression, important person or person of historical significance would, “piss off a community because they are saying their ancestors aren’t important.” He used these terms extensively in his report and during the meeting. McCarthy asked what was important about recording (in the report) the death of Benjamin Goddard. Watrall replied, “it’s not that he was important but the information was available.” He went on to explain that a cemetery without markers can be bulldozed after 20 years and said to McCarthy even if you are right there is no way of finding out.

Another odd point. He went on to explain that the original English grant stated that if the land was not suitable for agriculture the owner **MUST START A QUARRY**. McCarthy pointed out that was the instruction for all Digby County grants, not just Digby Neck. His reply, “it may be standard but that’s the text.”

Kemp Stanton challenged Watrall’s statement that Indians only lived on flat land and gave examples of how they hunted, fished and moved on Digby Neck.

Watrall at times calling St. Mary’s Bay, St. Margaret’s Bay, explained that the native population would not have chosen to live at White Cove because, “the general rule of human beings whether its 4000 years ago or today, did not want to live in a swamp, walk miles to water or to be in a place where lots of mosquitos.” Then he concluded they would have preferred the flat land on the south side of St. Mary’s Bay.

Genie Wilkins: When, or during what period of time, did you do your evaluation?

Dr. Watrall: During September, October and a little bit this summer. Was actually on the property during November - January. Most shovel testing was done in the fall.

He didn’t seem to be clear on this. His reply was muffled. He said, “I covered as much of the property as I could get at.” [His archaeology permit was valid only from Nov 22nd to Dec 31st, 2002].

Genie: Had the land been disturbed at this point?

Dr. Watrall: There was clear cutting at the top and the paths were clear [here he dropped his voice]. Said there was no excavation done of any kind and no excavation done near the shoreline before the final report was completed. He admitted some minor work was done before the final report was submitted.

Genie: Stated that as she remembered, last winter had snow on the ground constantly, sometimes very deep snow, from just before winter officially began until just after it officially ended. Questioned how much exploration and digging on the land could be done in that kind of weather, especially when it had been a bitterly cold winter. Would have expected work to be done in the summer or at least warmer months.

Dr. Watrall: Work in cooler season better (no explanation of why!) He said there were days when he could get at the dirt. He could get in a day or ½ day once in a while.

Kemp said he noted Dr. Watrall's permit was from 22nd November, 2002 to Dec 31st, 2002, basically just over one month. Kemp asked if he covered the whole 380 acres in that time. Watrall's reply, "as much of the property as I could get at." Kemp said in the winter months he fished to about 100ft off the shore then said to Watrall, "you could have been there but I didn't see you."

During the course of the presentation, Debbie Hersey Smith from Bridgewater, a 2nd generation descendant from White Cove stood up and gave a quietly emotional protest at how the "hearsay" information was being viewed. She mentioned a stone wall in White's Cove that she had visited with her mother. Her mother had told her that the best place to look for artifacts was behind that wall. (This wall was referred to in deeds as the fence separating the meadow from the pasture. It was still very prominent January 01, 2003.) Debbie asked, "did you look there?" Debbie told the meeting that her family had found an Indian arrowhead at White Cove at one time. Watrall gave no indication that he was familiar with the wall, then he went on to say that he understood her concerns and personal ties to that land and that property but that's a little different to finding burial sites. He explained that as a research archaeologist, he would really enjoy going in there and through the garbage dumps and finding out about cultural history if you and your friends were willing to put up \$20,000 or so. Then he said something about university students. But that's not what the job is, my job is to say this is my assessment of what's on the land, tell the museum about that and they would then come back and say what they want to be done. Even though 1865 was the cut-off point, they said in this case to isolate the Hersey house. After giving many of her personal ties to and recollections of the Cove, she stressed the need to preserve history, need to preserve the beauty of the land and the hope that, " You don't sell it all for rocks." Debbie showed the meeting a photo of her grand aunt saying that her grandfather had told her that this was his sister who had been buried at the Cove. Watrall said, " I have no idea where that may be or how to find that spot. Let's say that it was absolutely true that there was a grave there of an ancestor, there were burial grounds. Unless your or someone else come with me and show that at least in this 5 acres, or 1 acre, it's virtually impossible to find."

McCarthy went through how, using the guidelines, Dr. Watrall followed the history of the area could be " wiped out". She stated census reports, 1861-1891 listed 15 families that

lived at White Cove. He said he certainly agreed but not up to him unless they met the criteria of importance and that is the legislation of the N.S. government.

Little Cove (part of the quarry designate) is very near White's Cove. Debbie Hersey explained that she heard from her grandfather that the micmac people would come there to fish.

Genie: Disturbed to hear that older people, (95 years, for example) could be considered, as informants, to have a "political agenda".

Dr. Watrall: Stated that the letters he had received proved they did.

Genie: Those are not people she was talking about.

Here he said. "I have only worked with one other project - Peabody Coal Co., in Montana where the level of informant difficulty existed that exists here".

Dr. Watrall accused Dr. Evenden (who had NOT made the statements) of "racial" statements. The innocuous statements he referred to were made by another woman earlier in the meeting. These statements were definitely not "racial" in nature. The statement referred to arose as follows: Paul Buxton, Global Quarries spokesperson brought up the subject of blasting at Tiverton, Long Island to make the point that no one was complaining.

Myrna: "What was the rock for?"

Buxton: "That doesn't make a difference."

Myrna: "IT MAY NOT MAKE A DIFFERENCE BUT IT WAS FOR OUR WHARVES, NOT GOING TO THE UNITED STATES FOR NO ROYALTIES."

Buxton: That's not the point of the argument, the fact of the matter is that the people of Tiverton are not complaining. [This was a totally irrelevant interjection by Buxton since the blasting in Tiverton a community 20 +kms away is only for a short term while a local wharf is being built.]

When Evenden denied she made any such statement and pointed out that he, Watrall, had mistaken her for the other woman, Myrna, Watrall practically yelled at her that he had just heard her say it. It took a while before anyone could get him to tell what statement he was referring to and then he refused to back down on the fact that they were "racial" in nature.

Then he said, “ the most common trait here and elsewhere in the Province is Racism - Racism against US citizens - it’s the most common public response from those who do not know any of the details/” He went on to say that responsible development was being done here and then we heard, “kill off your grandchildren if you are against development.”

Then a Global Quarries employee spoke, “ I worked at White Cove for a brief period of time, and time and time again we were told to watch for bones and report to Mr. Buxton and the RCMP.

“Shortly after we left the property the men from Little River come down - Did they find anything?” “ We never found any remains.”

“ I am wondering if any of the men from Little River found any remains?”

“ We have walked this ground a thousand times and so have the men from Little River.” Woman attendee replied: “It’s highly unlikely by walking that you would find something on the surface so there’s not much point in asking.”

Global employee: “ Shortly after we leave the property the men from Little River come down and they walk the property. Did they find any evidence?”

Woman: “ Did they say they found any evidence?”

Global employee: “ No not to me.”

Woman: “So what’s the point of your question?”

Global employee: “ I am wondering where those graves are?”

Woman: “Probably not where you’re digging right now (August).”

Global employee: “ Probably.”

Summarizing, Watrall said there was information on structures on the property, fish shacks, garbage dumps and house artifacts. His recommendation was that no further archaeological work be done on the property. But the curator, Special Places, N.S. Museum asked him to isolate the area of the Hersey house as shown in the survey map. He explained that a cemetery can be bulldozed after 20 years especially if it was without markers. Watrall then spoke of educating Global Quarries’ workers on procedure if they were to find anything significant during excavation and that the RCMP should be informed were human remains encountered. He said he had worked on over 100 projects

and that relative to these studies this one was adequate. He went on to say he didn't work for companies that, "cook the books." Then told us, "It's been FUN working with Global Quarries, they have done one of the most complete, extensive archaeological studies either here or in the US or Canada.

He then made another strange statement, "it's unfortunate that certain conclusions have been drawn that perhaps are not correct."

Charles Watrall had in the course of the meeting alleged that attendees who did not want a quarry at White Cove were, informants, difficult and had a political agenda and added that people remembered for their contributions to the area were not considered important since they were only from a small community. He gave no explanation for the apparent lack of agreement between the oral history, the historic research and the archaeological research in terms of buildings, burials and other land use.

From this point on you are receiving ^{an attendee's} general impression of the expert and his presentation.

From the very beginning he displayed a subtly hostile and condescending attitude toward those in attendance, especially those who questioned his report. He belittled the academic credential of others in attendance who possessed credentials as impressive as his own thought in slightly different areas. In fact, when one woman who stated her own credentials in order to help justify her research, he sneeringly stated that she was not a "scientist" and he was.

ENDNOTES:

The quotes referred to are from Watrall's Report submitted to the N.S. Museum.

"The research of Miss Mary McCarthy (see addendum) 1. would indicate that in 1877 four families lived at White's Cove, though this would not mean four houses or even year round residence on the property" 2.

again

"The house of Israel Hersey at White's Cove 3. was burned in 1890 after some legal litigation."4.

1. Addendum refers to Dr. B. Moody's historical study originally taken from McCarthy.

2. This was Watrall's deduction from McCarthy's work, he gave no indication of how he arrived at this conclusion.

3. "Burning of house of Israels Hersey" was also taken from McCarthy

4. "After some litigation" again no evidence given to corroborate this deduction.