

GOMES AND GOMES
Solicitors.

CARLOS GOMES
Commissioner for Oaths

ANDREW JOSEPH GOMES.

2, Croal Street,
Georgetown,
British Guiana.

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1015

15th September, 1958.

The Drainage and Irrigation Board,
Water Street,
Kingston,
Georgetown.

Sirs,

With reference to your notice published in the Daily Argosy summoning a meeting to be held at St. Swithin's School, Vreed-en-Hoop, West Coast, Demerara, on Wednesday the 20th August, 1958, at 9.30 a.m. in connection with the area at North Klien Pouderoven on the West Bank of the Demerara River, in the County of Demerara, we are instructed by our client Captain J.B. Coghlan of Shamrock Manor West Demerara who was in hospital at the time of the meeting and was unable to attend the meeting, to object to the areas comprising Chamrock Manor (12 acres more or less) and the area comprising Phoenix Park being included in the declared area. He is still ill in hospital.

With respect to Bella St. Bridge our client is to retain Bella Street Bridge with a reserve of 14 feet as shewn on the Consulting Engineers' Plan on the Southern side of Bella Street dam to where the drainage trench crosses the dam opposite N.E. of lot 1 Killarney and thence the continuation of the dam to the end of Killarney section. The Government to erect a wire fence marking off our client's boundary between Bella Street Bridge and where the drainage trench cuts through the dam opposite N.E. of Lot 1 Killarney.

Our client is desirous of retaining title for that portion of the main drainage trench from about 1 rod north of Bella Street Bridge to the koker (a distance of about 50 rods) as this trench is within the enclosure on which our client's house is built and over which is our client's bridge giving our client ingress and egress. Our client relinquishing possession and control of this trench would not only seriously depreciate the value of our client's property by defacing our client's boundaries and destroying our client's Privacy but would lay our client's house and grounds open to trespass. Our client would be willing of course to give full drainage rights that should prove quite satisfactory, for after all, it is only drainage that matters, and disseizin of his property could not make any difference in that respect.

As our client contemplates disposing of his property and one of the chief attractions pertaining to the house is the fact that a fast launch can be used for speedy access to Georgetown, it is apparent therefore that our client should not relinquish his right to the free and absolute use of his koker channel as vested in him by Transport. A satisfactory arrangement could be made giving full drainage rights.

The above areas not being included in the declared area will not be subject to taxation.

As you are well aware the question of Captain Coghlan's agreement with Government in connection with the acquisition of his land by the Drainage and Irrigation Board is now the subject matter of litigation before the Court and in the circumstances there should be no attempt by the Board to circumvent a possible decision in his favour.

Yours faithfully,

(Sgd.) Gomes and Gomes.

DRAINAGE AND IRRIGATION DEPARTMENT,
P.O. Box 26, Georgetown,
Demerara.

No. 271/55.

26th September, 1958.

Gentlemen,

I am in receipt of your letter of 15th instant addressed to the Drainage and Irrigation Board with respect to the proposed declaration of North Klien Pouderoyen (Extension) Drainage and Irrigation Area.

2. The objection conveyed by you on behalf of your client will be conveyed to the Drainage and Irrigation Board in due course.

3. The question of your client retaining Bella Street Bridge is hardly relevant to the proposal to declare the new area unless it is your client's intention to agree to the proposed boundaries of the areas - excepting where these include Shamrock Manor and Phoenix Park - on the condition that he retains Bella Street Bridge. I would be grateful if you will clarify this point so that the matter can be fully explained to the Board.

4. Similar remarks apply with respect to the reserve of 14 ft. which you mention "as shewn on the Consulting Engineers' plan on the southern side of Bella Street dam etc."

5. I am not aware of the Consulting Engineers' Plan on which it is claimed that this reserve is shewn and again I shall be grateful if this plan can be indicated by number so that it can be traced in the records of the Drainage and Irrigation Department. Failing this, perhaps you can submit the plan in question. There can of course be no question of your client retaining land which already vests in the Board under Section 19 of the Drainage and Irrigation Ordinance (Chapter 192) or which has already been purchased from your client. It seems that your definition of a reserve of 14 ft. on the southern side of Bella Street dam includes such land, but if the plan you referred to can be more definitely specified, this point may be clarified.

6. The proposal to declare the area does not contain any proposal with regard to the portion of the main drainage trench described in the 3rd para. of your letter and it seems that your client is anticipating future action by the Board to take over this portion of what you term the main drainage trench if the area is declared with the boundaries as proposed by the Board. Similar remarks apply to the koker channel mentioned in para. 4 of your letter.

I have the honour to be,
Gentlemen,
Your obedient servant,

(Sgd.) R. F. Camacho,
Chairman,
Drainage and Irrigation Board.

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Solicitors,
2, Croal Street,
Georgetown.