

MADRAS RECORD OFFICE.

Government of Madras.

Inspection DEPARTMENT.

G.O. No.	<i>1660</i>	Press
		~~Mis.~~
-53-		
Dated	<i>16-10-</i>	<i>1918</i>

Not to be folded or roughly handled

18

Fort St. George, Judicial Consultation, 19th October 1858.

Read the following Despatch from the Honorable the Court of Directors in the Public Department.

Forward papers regarding certain claims to the Estate of the late Assistant Surgeon James Anderson, of the Madras Establishment; and desire that they be forwarded to the Administrator General, with an intimation that if these claims can be legally admitted, the residue of the Estate payable to the Company as bona vacantia, will be again placed to the credit of the Official Agent. (Here enter 18th August, No. 41 of 1858.)

No. 53. ORDER THEREON, No. 1460; dated 16th October 1858.

Resolved that, as desired by the Honorable the Court of Directors, copy of the above Despatch with its accompaniments, be furnished to the Administrator General, with an intimation that if the claims, therein referred to, to the Estate of the late Assistant Surgeon J. Anderson, can be legally admitted, the Court will again place to the credit of the Official Agent, the residue of that Estate paid over to the Company as bona vacantia.

(Signed) T. PYCROFT,
Chief Secretary.

No. 1460.

Extract from the Minutes of Consultation under date the 16th October 1858.

Read the following Despatch from the Hon'ble the Court of Directors in the Public Department.

PUBLIC DEPARTMENT.

No. 41 of 1858.

OUR GOVERNOR IN COUNCIL AT FORT SAINT GEORGE.

Para. 1. We transmit in the packet, copy of a letter, and its enclosures, which has been addressed to us by Messrs. Johnson, Farquhar, and Leech, submitting claims to the Estate of the late Assistant Surgeon James Anderson of the Madras Establishment.

2. The residue of this Estate, viz., £ 306-5-5, was remitted by the Administrator General at your Presidency, to the Official Agent for payment to the father of the deceased; but in consequence of his being illegitimate and dying unmarried and intestate, the amount has been paid over to the Company as bonâ vacantia.

3. The papers now transmitted, relate to the claims of Mr. Alexander Davidson, and Mr. James Davidson on this Estate, and we desire that you will hand them over to the Administrator General with an intimation, that, if in his opinion, the claim now submitted can be legally admitted, the amount in question will be again placed to the credit of the Official Agent.

We are,

Your loving friends,

(Signed) F. CURRIE,

(„) W. J. EASTWICK,

and other Directors.

London,
18th August 1858.

TO THE SECRETARY OF THE HONORABLE THE COURT OF DIRECTORS OF THE EAST INDIA COMPANY.

65 Moorgate Street, May 1858.

IN RE THE ESTATE OF JAMES ANDERSON (OF INDIA) DECEASED.

SIR,

We beg to submit the following statement for your consideration.

James Anderson formerly of Aberdeen, North Britain, Doctor of Medicine, but at the time of his death and for several years previously an Assistant Surgeon in the service of the Honorable the East India Company, in the Artillery of the Nagpore Subsidiary Force, died at Tongo Burmah, in the Presidency of Madras on the 8th of January 1854 intestate and unmarried, and as he was illegitimate of course without leaving any next of kin.

The Administrator General of Madras realised his Effects and the clear balance thereof, after payment of his debts in India, amounts to £306-5-5, which sum we are informed the Administrator General has remitted to England.

These are two creditors of the deceased in this country, viz., Mr. Alexander Davidson of Balnagash, Aberdeen, but who resides chiefly in London, and Mr. James Davidson (no relation of the said Alexander Davidson) who acts as Agent for the North of Scotland Banking Company at Inverury in the county of Aberdeen.

The claims of these two gentlemen exceed the £306-5-5 remitted to London and are made out as follows,

1st. As to the claim of Mr. Alexander Davidson this claim arises out of certain pecuniary advances made by the Claimant, Mr. Alexander Davidson, to Dr. Alexander Anderson, now deceased but late of Inverury, and for many years Professor of Mathematics at Addiscombe, an uncle of the deceased, (i. e.) the lawful brother of his father. These advances were made for the benefit of the deceased in the way of his education, and to secure his out-fit; the said Dr. Alexander Anderson having been the main promoter of the deceased's education and having provided his out-fit to India at a time when he had no other pecuniary resource whatever. Dr. Alexander

Anderson having in that way become indebted to Mr. Alexander Davidson the deceased undertook to be personally responsible to Mr. Alexander Davidson for the monies advanced by him to his uncle, as will appear by extracts of two letters from the deceased to the Claimant, of which copies are respectfully submitted for your consideration. By the first of these letters dated in India, 12th July 1846, the deceased, after expressing his thankfulness to the Claimant for his assistance states that he writes for the purpose of acquainting him that he (deceased) considers himself the Claimant's debtor for any sums of money that his uncle (meaning Dr. Alexander Anderson) may owe the Claimant and promises to repay the amount with interest.

By the same letter deceased also requested the Claimant, either to write to or to call on his uncle and say that he, Claimant, was satisfied with his (deceased's) security, assigning as a reason for so doing, that he feared his uncle was distressing himself about his debt to the Claimant.

Dr. Alexander Anderson died, we believe, in the year 1846, and the second letter above alluded to from the deceased to the Claimant, is dated 25th January 1847 and therein he thanks him for accepting his security for the debt left by his uncle; and again promises that it shall be liquidated, with interest as soon as he can command the means; and adds that in the event of his death he should take care to secure him against loss.

In order to shew the state of the account between the late Dr. Alexander Anderson and the Claimant, a copy of such account is herewith left. It is in two portions, the first portion up to the 12th April 1845 having been made out by Dr. Alexander Anderson himself, and transmitted by him to the Claimant accompanied by a letter (a copy of which also accompanies) dated 12th April 1845 in which he, Dr. Alexander Anderson, requests a further advance of £100, which was duly made by the Claimant on the 16th day of April 1845 from which date up to the 27th June 1846 the account between the Claimant and the deceased's uncle was as stated by the Claimant in the second portion of the account.

In accordance with the terms of the deceased's letter of 12th July 1846 interest has been added to the balance due to the Claimant, which balance of principal and interest up to 1st January 1854 was as stated in the second portion of the account £315-7-10.

2nd. As to the claim of Mr. James Davidson as Agent for the North of Scotland Banking Company at Inverury.

This claim is in respect of monies advanced by Mr. James Davidson, as Agent for the Bank, to James Anderson, the father of the deceased, now also deceased, and a copy of whose last Will and Testament dated the 21st of March 1850 is left herewith, merely for the purpose of giving further identification of the parties, for the correspondence herewith forwarded will shew that the father was mainly supported by the charity of his son.

This claim is also founded upon the personal written guarantee of the deceased as contained in three letters from him to Mr. James Davidson dated respectively from Kamptee, Nagpoor the 25th September 1848, the 29th March 1849 and the 30th July 1850. In the first of which letters after referring to certain sums which had previously been advanced by Mr. James Davidson to deceased's father, for which he promises to remit £100, he informs Mr. James Davidson, that, although his means are not large, they are adequate, with economy on his part to maintain his poor father in respectability and comfort, and to see all his debts paid whatever they may be if within his power.

By the letter of 29th March 1847 after referring to the then state of the account, and a further remittance which he proposed to make, he requests the Claimant to advance his father on their joint security, (father and son) £160 as he might require it, and promises that he will repay the same by two instalments. By the letter of 30th July 1850 after stating that he remits £140 as promised by that Mail he states that he told his father, that so long as he remained an Assistant Surgeon, assistance from him must be limited to £70 per annum, which he thereby promises to send about the same time next year, and intimates that Claimant could retain any part of it that might be due to him for advances made, and the deceased thereby gave Claimant his full authority to assist his father to the extent of the £70 per annum on his deceased's security, but that he could not increase the allowance under any circumstances, and that he, Claimant, was not to go beyond it, and that any further advances Claimant might make, which the £70 yearly would not cover, must be an arrangement between Claimant and deceased's father, for which he, deceased, was not in any way responsible.

The deceased's father died on 1st January 1854 only a week before his son.

It will be seen by the copy herewith left of the account from the Books of the Bank, for which the Claimant was Agent, that the advances made by him have never exceeded the authority contained in the foregoing letters, indeed they are considerably below the amount to which the authority would extend, which would have justified advances to the extent of £70 per annum from July 1850 in addition to what had been authorized by the previous letters.

The balance shown to be due to Mr. James Davidson as per account is £135-6-6 but of this amount £67-12-6 has been realized by a dividend from the Bankrupt Estate of James Anderson senior, (the father) so that there is only £67-14 now remaining due to Mr. James Davidson in respect of this claim.

It thus appears that the united amount of the two claims viz. £315-7-10 and £67-14 total £383-1-10 exceeds by the sum of £67-16-5 the available assets of the deceased, which as we understand only amount as before mentioned to £306-5-5.

The object of the two creditors of the deceased Dr. James Anderson is, that one or both of them should make up a title to him in the Court of Probate, and receive the £306-5-5 which there will be no difficulty in apportioning between them.

We shall feel obliged by a communication from you on the subject, and shall be happy to furnish any further evidence or particulars which you may still think requisite in order to establish the validity of both these claims.

We have the honor to be,

Sir,

Your very obedient Servants,

(Signed) JOHNSTON, FARQUHAR AND LEECH.

Excerpt Letter Dr. JAMES ANDERSON; to ALEXANDER DAVIDSON, Esq.

1st.—Dated 12th July 1846.

Although I have not written to you I have felt very thankful for all your assistance and friendly feeling, and I now write for the purpose of acquainting you that I consider myself your debtor for any sums of money that my uncle may owe you and that on your making me acquainted with the amount with interest I will unless the sum is large when more time will be necessary repay you before the end of next year.

If you will have the goodness to write to my uncle, or if you are in the neighbourhood of Aberdeen visit him and say that you are satisfied with my security, I shall feel greatly indebted to you as I fear my uncle is distressing himself about this debt to you.

2nd.—Dated 25th January 1847.

I have also to thank you not only for former kindness but also for the consideration and generosity you have displayed in accepting of my security for the debt left by my uncle. It shall be liquidated with interest as soon as I can command the means and in the event of my death I shall take care to secure you against loss. You have not limited me as to time, and therefore I shall in the first instance pay off a debt of £200 due by my father to the Aberdeen Bank and for which my uncle was security. To accomplish this and enable my father to live will absorb the whole of my savings for some time to come, as I have at present something less than 1000 Rupees at my command. You shall not be forgotten however.

Statements of Account between Dr. Alexander Anderson and Alexander Davidson, Esq.
(Copy.)

STATES BY DR. A. ANDERSON.

Alexander Davidson, Esq., Langbourn Chambers in Account Current with Dr. Anderson, late of Addiscombe, Inverury, Keith Hall.

1844.	Dr.	1844.	Cr.		
March.....28	To Cash from India house on my account....	68 15 5	January... 1 By Balance due to Mr. Davidson. ...	122 1 10	
June.....27	To do. do. ...	68 15 5	March....28 By Cash remitted Dr. A. ...	93 15 5	
September..13	To do. Dr. Jas. Anderson's Bill of Exchange at 3 months from June 10 last on my account.....	115 0 0	By do. paid by my order on my brother's account with Mr Strong, Uppr. Thames St...	75 0 0	
October.....1	To Cash from India House on my account.....	68 15 5	June.....10 By Cash remitted Dr. A. ...	115 0 0	
December....27	To do. do. ...	68 15 5	10 By discount on Dr. Jas. Anderson's Bill of Exchange...	1 9 1	
1845.			June.....27 By Cash remitted Dr. A. ...	68 15 5	
January.....1	To Balance due to Mr. Davidson. ...	233 9 7	October... 1 By Cash remitted Dr. A. ...	68 15 5	
		£ 623 11 3	December. 27 By Cash remitted Dr. A. ...	68 15 5	
			1845.		
			January... 1 By Interest during last year....	9 17 10	
				£ 623 11 3	
1845.—January 1st.	By Balance as above carried forward to the credit of Alexander Davidson, Esq., on new account....				233 9 7
	By Cash paid for Dr. Anderson the carriage of a parcel per Mail to Madras omitted in last year's account (seeds.) ...				0 5 0

1845.—January 1st. By Balance as above carried forward to the credit of Alexander Davidson, Esq., on new account..... 233 9 7
By Cash paid for Dr. Anderson the carriage of a parcel per Mail to Madras omitted in last year's account (seeds.) ... 0 5 0

(Signed) ALEXR. ANDERSON,

Inverury, Keith Hall, 7th April 1845.

MY DEAR SIR,

I forward the above according to promise, I copied it in haste, and have therefore to apologise—but it is correct according to my accounts and I trust you will find it so.

Believe me to be,

My dear Sir,

Yours truly,

(Signed) ALEXR. ANDERSON.

N. B.—I go to town this day and shall conclude in Aberdeen after seeing all friends.

Inverury, Keith Hall, 12th April 1845.

MY DEAR SIR,

I forward you my promised statement of our Account Current (dated the 7th Instant) during last year, by which I find myself indebted to you on the first of January last two hundred and thirty-three pounds fourteen shillings and seven pence sterling, and our account I imagine may this day be stated as follows

Alexander Davidson, Esq.,	Dr.	Contra.	Cr.
1845 April 12th. To Cash from the payment of Dr. Jas. Anderson's Bill of Exchange to A. Davidson on Dr. Anderson's account.	£ 150 0 0	1845 Jan. 1st. By Balance due this day to A.D.	£233 14 7
April 12th. To Balance due this day to A.D.	83 14 7*		
	£233 14 7		£233 14 7

*Exclusive of Interest from 1st January last.

Now it would have been extremely gratifying to me if I could allow the balance against me to stand so low, but about the first of next month I wish you to aid me for a short time I trust with the sum of one hundred pounds, you will therefore oblige me by transmitting me the above sum (£100) so that it may be available in Aberdeen on the 2nd May next.

Copy—State by Alexander Davidson, Esq.

Dr.		The late Dr. Alexander Anderson in account with Alexander Davidson.				Cr.	
1845.		£		1845.		£	
January.....	1 To Balance as agreed	233	14	7 January.....	6 By Bill 6th April...	150	0
March.....	28 To Cash.....	68	15	5 March.....	29 „ Cash.....	68	15
April.....	16 To do.....	100	0	0 June.....	25 „ do.....	68	15
June.....	25 „ do.....	68	15	5 October....	4 „ do.....	68	15
October....	4 „ do.....	68	15	5 December...27	„ do.....	68	15
December...27	„ do.....	69	0	5 „ 31	„ Balance.....	193	17
31	„ Interest.....	9	17				
		£	618 19 0			£	618 19 0
1846.				1846.			
January.....	1 To Balance.....	193	17	4 March.....	28 By Cash.....	68	15
21	„ Cash paid Barclay and Co.	30	0	0 June.....	27 „ do.....	68	15
March.....	28 „ do.....	68	15	5 December...31	„ Balance.....	233	12
June.....	27 „ do.....	68	15				
December...31	„ Interest.....	9	15				
		£	371 3 7			£	371 3 7
1847.							
January.....	1 To Balance.....	233	12				
1854.							
January.....	1 „ Interest 7 years..	81	15				
	The Balance due by Dr. A. A. to A. D.....	£	315 7 10				

payment whereof was guaranteed by Dr. James Anderson per letters dated from Kamptee and Bandana, 12th July 1846 and 25th January 1847.

(Signed) ALEXR. DAVIDSON.

(Copy.)

Kamptee, Nagpoor,

25th September 1848.

MY DEAR MR. DAVIDSON,

As you will readily suppose my chief inducement for now addressing you is to thank you for the great kindness you have shown to my father since his brother's death and to assure you that I shall remit to you directly in January next the sum of £100 which I am informed by my father will not only repay you for the sums you have advanced but leave a small balance that you will be good enough to hand over to him.

My means are not large but they are adequate with economy on my part to maintain my poor father in respectability and comfort and to see all his debts paid whatever they may be if within my power.

Yours &c.,

(Signed) JAMES ANDERSON.

Kamptee, 29th March 1849.

MY DEAR MR. DAVIDSON,

I return you my best thanks for your most friendly letter of date 16th December last. Till I saw my way clearly through the liabilities I have come under to repay any sums advanced by you to my father, I have delayed to answer it. Whatever I may promise regarding money you may rely on. It is not that there is any backwardness on my part to assist my parent, but I must undertake nothing that I am not justified in believing I can perform. After the receipt of the £100 forwarded to you by my Agents Messrs. Binny and Company in December last, by the first of a set of their Bills on the Commercial Bank of Scotland, Edinburgh, payable to your order at 30 days' sight, there was at the date of your letter, a balance of £47-16-6 due by us to you, what I propose is to send a further remittance of £50 and after receiving this amount which I expect you will do in the end of May, through the same channel as the former remittance. I hereby request you will do me the favor to advance my father on his security and mine the sum of £160 one hundred and sixty pounds sterling as he may require it. This you will say is rather a cool request, but as you have already on his own security advanced him about the same sum I hope you will have the goodness to do him a similar good turn by letting him have £160 should he require it. In June 1850, I shall be able to repay you the whole, that is supposing that his necessities will oblige him to apply to you for assistance to that extent. I think £160 independent of the £50 I shall send you in May, ought to be more than enough to supply all his reasonable wants. I hope a considerably less sum will be sufficient, but I desire to keep him from contracting other debts.

Any sum not exceeding £160 that you may advance before the 1st June 1850 I will make good by two instalments, one in that month of £100 and the remainder with the interest that may be due in December of the same year. As I am placed now I do not know what I can do more for him without incurring debts in this country that would from exorbitant rate of interest involve me in difficulty for the next two or three years. Even assisting him in the way I have stated, that is with your assistance, I shall be obliged to limit my expenditure to the lowest possible amount.

I remain, &c.,
(Signed) J. ANDERSON.

Kamptee, 30th July 1850.

MY DEAR MR. DAVIDSON,

I stated that I would send in August of the current year £140, and by the present Mail I redeem my promise. I further told him (my father) that so long as I remained an Assistant Surgeon assistance from me must be limited to £70 per annum, which I will send through you about this time next year.

With the property at Inverury over which he has entire control, and to which I prefer no claim, he ought with £70 to be able to live in comfort and respectability.

As the £70 next year will be sent to you so that you can retain any part of it that may be due to you for advances made, I give you my full authority to assist him that extent on my security, but I cannot increase the allowance under any circumstances, nor do I wish you to go beyond it, in short any further advances you may make to him that the £70 yearly will not cover, must be an arrangement between you and himself, for which I am not in any way answerable.

Sincerely Yours,
(Signed) J. ANDERSON.

Mr. JAMES ANDERSON, Senior Merchant, Inverury.

In Account with the North of Scotland Banking Company and Mr. James Davidson their Agent at Inverury.

				Dr.					Cr.
1848					1849				
September...	30	To Balance	£ 108 16	6 January...	31	By Cash.....	£ 5 0 0		
November...	4	To Cash	20 0 0	April...	7	By „ paid Dr. An-			
	22	„ „	8 0 0			derson.....	100 0 0		
December...	8	„ „	11 0 0	July...	4	By „	11 0 0		
	22	„ „	35 0 0	September...	7	By „ pd. Dr. An-			
					29	derson...	50 0 0		
1849						By Balance.....	137 19 5		
January.....	11	„ „	8 0 0						
	16	„ „	14 0 0						
	22	„ „	2 0 0						£ 303 19 5
	29	„ „	11 0 0						
February.....	6	„ „	3 0 0						
	13	„ „	10 0 0						
April.....	13	„ „	3 0 0						
May.....	18	„ „	20 0 0						
June.....	20	„ „	10 0 0						
	23	„ „	3 0 0						
July.....	10	„ „	10 0 0						
	28	„ „	2 0 0						
August.....	10	„ „	3 0 0						
September...	4	„ „	3 0 0						
	7	„ „	3 0 0						
	11	„ „	2 0 0						
	29	„ Commission	1 0 0						
		„ Interest	9 2 11						
				£ 303 19 5					
1849					1849				
September...	29	To Balance...	137 19 5	23 November...	23	By Cash.....	48 0 0		
October.....	5	To Cash	6 0 0						
November...	2	„ „	2 0 0	1850					
	8	„ „	10 0 0	January.....	29	By „	8 0 0		
	20	„ „	10 0 0	September...	30	By Balance...	187 2 1		
	29	„ „	12 0 0						
December...	20	„ „	12 0 0						
	24	„ „	5 0 0						
						£ 243 2 1			
1850					1850				
January.....	12	„ „	6 0 0						
	30	„ „	4 0 0						
February.....	6	„ „	7 0 0						
	12	„ „	2 0 0						
	26	„ „	7 0 0						
April.....	1	„ „	13 0 0						
September...	30	„ Interest...	8 2 8						
		„ Commission	1 0 0						
				£ 243 2 1					
1850					1851				
September...	30	To Balance.....	187 2 1	November...	2	By Cash pd. Dr. A.	153 7 1		
November...	29	To Cash...	50 0 0	1851					
December...	30	„ „	3 0 0	September...	30	By Balance...	97 19 10		
1851						£ 251 6 11			
February...	3	„ „	3 0 0						
August...	11	„ „	3 0 0						
September...	30	„ Commission	1 0 0						
		„ Interest	4 4 10						
				£ 251 6 11					
1851					1852				
September...	30	To Balance...	97 19 10	September...	30	By Balance...	108 18 5		
1852									
September...	10	To Cash	5 0 0						
	30	To Interest	4 18 7						
		To Commission	1 0 0						
				£ 108 18 5					

1852			1853		
September...	30	To Balance...	108	18	5
December...	2	To Cash...	18	0	3
1853			September... 30		
September...	30	To Commission...	1	0	0
		To Interest...	5	12	11
			By Balance...		
			133		
			11		
			4		
			£ 133		
			11		
			4		
			£ 135		
			6		
			6		

Inverury, 21st January 1857.

(Signed) ALEX. DAVIDSON & SON,
Agents.

I James Anderson formerly Merchant in Inverury now residing there, do hereby make my last Will and Testament as follows: viz., I name and appoint William Simpson, Advocate in Aberdeen, James Davidson, Bank Agent Inverury and Alexander Simpson junior, Advocate in Aberdeen or any one or more of them accepting and acting to be my Executors or Executor with all usual powers competent to Executors by law; and after payment of my just and lawful debts and death-bed and funeral expenses I hereby leave and bequeath the whole moveable goods, gear, debts, furniture and sums of money and effects of every description which may belong to and be due and resting owing to me at the time of my death to my son James Anderson, Physician at present in India, and now or lately attached to the Artillery of the Nagpore Subsidiary Force as his own exclusive property. And this I declare to be my last Will and Testament. And I consent to the Registration hereof in the Books of Council and Session, and others competent for preservation and execution as effairs and thereto constitute.

My procurators &c. In witness whereof I have subscribed these presents (written upon this page) by John Milne, Writer in Aberdeen at Inverury the twenty-first day of March eighteen hundred and fifty before these witnesses John Keith, Writer in the Sheriff Clerk's Office, Aberdeen, and John Scott, Rural Police Constable residing in Inverury.

(Signed) JOHN KEITH, witness.

(") JOHN SCOTT, witness.

(Signed) JAS. ANDERSON.

Order.—Resolved, that as desired by the Honorable the Court of Directors, copy of the above Despatch with its accompaniments be furnished to the Administrator General, with an intimation that if the claims, therein referred to, to the Estate of the late Assistant Surgeon J. Anderson, can be legally admitted, the Court will again place to the credit of the Official Agent, the residue of that Estate paid over to the Company as bona vacantia.

(True Extract and Copies.)

Chief Secretary.

To the Administrator General.

Exd. F. Cartledge.

Judicial Department

no 1460

Extract from the Minutes of Consultation
dated 16 October 1858.

Read the following Despatch
from the Honble the Court of Directors
in the Public Dept.

Forward papers regarding certain claims
to the Estate of the late Asst. Surgeon
James Anderson of the Madras Es-
tablishment; & desire that they
be forwarded to the Administrator
General, with an intimation that
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admitted, the residue of the Estate
paid over to the Company as bona
vacantia, will be again placed to
the credit of the official Agent.

Despatch 18th Aug. 1858.

Handwritten initials: JWA

Resolved that, as desired by
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Surgeon J. Anderson, can be le-
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the Official Agent, the residue
of that estate paid over to the
Company as bona vacantia.

[Signature]

copy to Mr General. Dispt 19th

clp
1250

Re. de. St. Com. 29. Oct. 1877
Friedrich 1868 & 1877

No 46a

Exact Print of Board

29/10 October 1958-

L. N. 1916.