

Chapter XVIII— The Litigation following John Bell's Death.

That John Bell died intestate is extraordinary in view of his legal training and of his supposed intention to leave his collection to Glasgow Corporation. In fact the Judicial Factor found a sketch for a will in pencil in a notebook belonging to the deceased and dated 1876 but parts of the will were amended and other parts crossed out and the whole was inoperative. We are not told who the beneficiaries were but we are told that they are making no claim. (111) This is one of the few points in the clearing up of John Bell's estate where litigation did not occur.

Because there was no will, there was no executor to run the estate, nor were the proposed heirs able to find enough surety to administer the estate, so one of the creditors, James Findlay, Manufacturer and Merchant in Glasgow, the Sole Partner of the Firm of Carslaw & Henderson, dealers in muslin, petitioned the Court of Session on the 2 April 1880 to have the estates of John Bell sequestrated and suggested Alexander Moore, Chartered Accountant in Glasgow as Judicial Factor, a move Findlay must have rued in the time to come. (112) The Court agreed to his request and the estates were sequestrated on the 1 October 1880; Alexander Moore was elected Trustee at a meeting held in the Faculty of Procurators' Hall, Glasgow on 8 October 1880. The Commissioners elected were John Affleck, assistant manager of the Union Bank of Scotland, Thomas Lawrie of Thomas Lawrie & Sons, dealers in works of art, and Patrick Murdoch, sole partner of G.H.Geddes & Murdoch. (113)

It should be emphasised at this point that the sequestration of John Bell's estate was a technical procedure. There was never any doubt but that the estate could pay off all his debts and leave a great deal of money for any heirs, which is what happened. It was simply a question of getting the estates realised in the absence of a will appointing an executor and of the dispute as to the identity of the heir at law among the large number of claimants.

According to James Findlay the only known relative of John Bell was Andrew Perston of Ladbrooke Gardens, Notting Hill, London who was a son of Matthew Perston, John's uncle, and who was consequently John's first cousin, but under Scots law of the period, relatives on the distaff side had no share in either heritable or movable property of one who died intestate, so the only inheritance of Andrew Perston was a share in the proceeds from the sale of Dunnidaw in Rangoon which came under Burmese law, presumably based on English.

The heir at law who emerged after a great deal of ill-documented legal squabbling was one James Bell of Dublin, a letterpress printer, This was possibly the same James Bell, letterpress printer, who had worked from premises in St. Enoch Square as a partner in Bell & Bain and had lived at various addresses such as 153 Hill St., Garnethill and 11, Mains St., Blythswood Square in Glasgow until c.1878. He died in 1883 before he had benefited from his inheritance which passed to his son, William. (114) This left about 25 "cousins" who were declared joint next—of-kin. These were all people in much humbler walks of life than John Bell, or even the heir at law.

A review of the heritable properties showed that, as well as the Pottery, John Bell owned North Park House, ground at Port Dundas, tenements in Kyle Street next to the Pottery and in Dale Street, Carleton House at Millport and Dunnidaw, Rangoon which last was a considerable property including a sawmill and a tannery as well as Bell & Co.'s premises. These latter themselves must have been large since they include several coolie houses and elephant houses for the workers and animals used by the businesses. The Rangoon premises were run by a resident called John Binning who was now given power of attorney to sell off since the business was one of agency and finance and could not be continued. (115)

At the same time it was decided to take Sheriff Court action against Mr. Duncan Munro who is

factoring the properties in Kyle St. and Dale St., for his factoring since John Bell's death.

John Bell was already engaged in litigation with the City of Glasgow Bank's Trustee in a case involving Glen Walker of Glen Walker & Co. in London: this firm owed money in Dunnidaw in Rangoon which was considered a bad debt in Rangoon. It was decided to continue this case, as well as the case in the Court of Session involving the Rangoon agency of Bell & Co. and the firm of J. Bell & Co. The latter case was eventually decided in John Bell's favour when it was decided that he owed the City of Glasgow Bank nothing.

A review of the movable property on the estate shows a considerable number of shares in various companies, mostly in the mining of tin, copper or lead but also in gas and coal. The Trustee continually exhibits these in his accounts as valueless but several of the companies can be found in profitable business years after the estate is settled. John Bell had also advanced £400 to Donaldson Brothers as a partner in the Glasgow Asbestos Company.

John Bell's lawyers were Bannatyne, Kirkwood & McJannet and MacLay, Murray & Spens. The former carried out a search of North Park House and the Pottery premises and various documents and sums of money were taken away by Mr. McJannet. These included marriage contracts for John Bell and Emma Milner, as well as for John Bell Senior and Jane Perston. They cannot now be traced. Also among the documents found were two proprietor's tickets for the Botanical Institution: it should be borne in mind that John Bell's grounds bordered on the Botanic Gardens.

It was decided to sell off all of the heritable property that could be disposed of. At the same time steps were taken to value the movable property. The stock on hand at the Pottery was valued at £15,000 and it was decided that it would be sold with the Pottery. The Pottery itself was valued at £42,500.

The valuations of the paintings and other works of art that were carried out at various times were themselves equally various and in the event bore no relation to what was obtained for the collection at auction in the following year and it must be said that the handling of the art collection was the least successful part of the trusteeship of the estates altogether.

Alexander Moore proved, however, to be a very vigorous trustee. He next took action against James Findlay (116) as sole partner of Carslaw & Henderson, claiming that Findlay's estimates of what he was owed by John Bell's various firms was wholly fictional and that, in fact, Carslaw & Henderson owed Bell & Co. money. The case was eventually brought to a compromise but it was a compromise very much in favour of John Bell's estate, since Mr. Moore's contention was upheld that Carslaw & Henderson actually owed John Bell's estate money. They had to pay the estate £4,309. although they actually owed more. In the ways of business Alexander Moore was on firm ground and understood matters much more than he did the art dealing world. At the same time it must be said that Moore was a very tenacious trustee and, although it was certain that a large surplus would be left from the heritable estate for the heir-at-law, he was reluctant to hand anything over to the heirs. William Bell and Others as Trustees for James Bell raised an action against him in November 1881 and in December 1882 Moore was instructed by the Court to hand over £30,000 to the heir-at-law. This was by no means the whole estate, it being certain even at this time that the surplus would be in excess of £50,000. The disputes over the inheritance of the movable property made the heirs also take the Trustee to law and again he had to pay out interim amounts of money.

Meanwhile A. & J. Stewart, a firm of tube manufacturers in Glasgow and Robert Briggs of Philadelphia took the estate to court claiming £3000 over an alleged breach of copyright by the Govan Tube Works in the way the tubes were formed. In 1883 the case was decided against them with costs. (117)

The lists of firms paying money into the estate at this time is very long and very cosmopolitan.

Tyndrum, Edinburgh, San Francisco, Bolivia, Rangoon, Singapore. Batavia, Monte Video, Rio Grande, Mauritius, Manila, Valparaiso, Aberdeen, Pollockshields and St Paul de Loanda are amongst the places mentioned and John Bell owed money in places like Nuremberg, Macclesfield, London and Strathaven. Amongst the debtors it is interesting to find Bulloch Brothers of Rangoon who are well known from the spongeware plates with their name on the backstamp that the Glasgow Pottery made for them.

The valuation of the sawmill and tannery at Dunnidaw was completed at this period and came to £68,415. Between November 1883 and July 1884. Andrew Perston got £3,000 from this. He must have died at this time since the next payment made in December 1885 is to Mrs. Mary Cartwright Perston and to William Sloan as executors of Andrew Perston; it is for £3,500. In the next month the Heir at law gets a further £20,000 and the next of kin get £400 each.

Alexander Moore makes a list of the money he has saved for the estate, which actually seems to be a list of all the monies he has handled; this is a bid to get an extra fee. His fee was £1575 but he wanted £6552. 8. 1. This, too, goes to court, but Moore gets no extra. The list however is very interesting since it actually sums up all the monies recovered from the estate. Dunnidaw seems to have yielded a clear profit of £92,920; the Pottery of £62,500; the Govan Tube Works of £21,163 and other sources of £68,286, giving a grand total of £357,323. An interesting sidelight is thrown on the Pottery at this time since the accounts show that it was making a clear profit of £1,000 per month which in 1881 was an enormous amount of money.

The following properties were transferred to the Trustees of James Bell in November 1882. Moore's estimates of their value is also given:

1. vacant ground at Stafford Street	£3360
2. four tenements in Kyle Street	£5140
3. ground annual to Messrs. Norman & Copeland	£6974
4. Northpark House and grounds	£18000
5. property in Dale Street	£3500
6. Carleton House, Millport	£2000
	<u>£38974</u>

Carleton House was considered unsaleable by the Trustee and was bit of a millstone round the owners neck. How John Bell came to own it is something of a mystery. The ground leased to Norman & Copeland also gave trouble since that firm, by then J. Copeland & Co., had its estates sequestrated on 27 June 1895. (118)

A sale of pictures in Edinburgh for which there is no known surviving catalogue made a profit of £1114.14.4.

In 1887 Alexander Moore had again to be taken to court to force him to pay over to the heir and the next of kin the residue of the estate. This he did and after a final meeting on 15 May 1888 the Trustee was discharged. (119)

