

In the Supreme Court
of the County of Victoria

Bill

In vs. Eschevassence
Jurisdiction

In the Courts of James
Stogueland of Kinloch
Stebur Sheford in the
County of Victoria
Overseen deceased
estate

Attorney of Mr
Arthur

J. M. Smith

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Goods of James Hogie
late of Kinloch Albert Shelford in
the Colony of Victoria Overseer
deceased intestate

I Robert Atken of Melbourne in the
Colony of Victoria Miller make oath
and say

1 That I am a Miller residing at
Melbourne aforesaid where I have resided for the last
years six months

2 That I am worth property to the amount of
two thousand pounds over and above what will
pay my debts and liabilities

3 That my property to the amount of two
thousand pounds as aforesaid consists of my ~~land~~
of certain premises situate in Elizabeth Street in the
said City of Melbourne together with Flour Mill and apparatus

Sworn at Melbourne in
the Colony of Victoria this
twenty eighth day of April in the
Year of our Lord one thousand
eight hundred and fifty nine
Before me

Robert Atken

James Sward
Commissioner of the Supreme Court of
the Colony of Victoria for taking affidavits

In the Supreme Court
of the Colony of Victoria

1874.

In its Ecclesiastical
Jurisdiction

In the Goods of
James Stephen

Attendant of
John Bell

J. W. Smith

In the Supreme Court
of the Colony of Victoria

Ecclesiastical Jurisdiction

In the Goods and Chattels of
James Hogue late of Simlocke Albert in
the Colony of Victoria Overseer deceased

I. John Bell of Murrumbidgee in
the County of Henty in the Colony of
Victoria Boulder make oath and say

- 1 That on the twenty first day of July in the
year of our Lord One thousand eight hundred
and fifty eight in company with the above
named James Hogue I went on Board the
Citizen Steamer bound to Geelong from the City
of Melbourne in the Colony aforesaid
- 2 That during the passage and when the
Steamer was about midway between the two
places aforesaid the said James Hogue
who was at the time in the after Cabin
proposed to go upon deck and asked me
to accompany him That I assented and
he immediately went up the companion
Ladder. That prior to following him I
handed to the Steward of the said Steamer
a one pound note to pay for some refreshment
which detained me a few minutes That
on getting upon deck I could not see the
deceased. That this was about the hour
of eight o'clock in the Evening of the said
twenty first day of July. That I gave
an alarm to the Master of the Steamer
and in company with him and others
made diligent search in and about the

- said Steamer but without finding the said James Stogue. That on arriving at Geelong aforesaid every Passenger on board the vessel was inspected as they went ashore by the Master and myself - That we afterwards again searched the said Steamer minutely and carefully without finding the said James Stogue and I verily believe that the said James Stogue jumped overboard into the sea on the passage and was drowned
- 3 That the said James Stogue at the time of the occurrence and for some time previously had been in a desponding state of mind and according to his own statement had tried to destroy himself by taking phosgene and had also pawned his Watch and with the money thus acquired bought a Pistol together with powder and Ball
- 4 That up to the present time nothing further has been heard of the said James Stogue and I feel confident that he died on the said twenty first day of July One thousand eight hundred and fifty eight

Sworn at Warrnambool
in the Colony of Victoria
this Eighteenth day of
March in the year of
our Lord One thousand
eight hundred and fifty eight
Before me

John Bell

Jm Orde

Commissioner for taking affidavits
in the Supreme Court

804
Power of Attorney

by
Robert Hoque

to
Walter Bell

1858

Apr 1859

This is the Deed Poll or power of
attorney produced and shown forth
to one Walter Bell of the City of
Melbourne Builder at the time of his
swearing an Affidavit before me this
fourth day of April 1859

Geo. A. Sayer
a Commissioner

To all to whom these presents shall come, I Robert Hoque, Dentist in Edinburgh North Britain, Whereas James Hoque formerly Overseer at Kinloch Abbet, Shelford in the District or Colony of Victoria, South Australia my eldest son died while domiciled in or near the said Colony on or about the twenty first of July last unmarried and intestate and that I his Father as his heir and representative am legally entitled to succeed to his estate and effects; and whereas it is necessary that I should appoint a proper person resident in the said Colony to act for me in regard to the Succession of my said sons estate falling to me as aforesaid; and having confidence in Walter Bell, Builder and Architect in the City of Melbourne in the said Colony, Therefore I do hereby make constitute and appoint the said Walter Bell to be my true and lawful attorney giving granting and Committing to him full power and authority for me as heir and representative of the said James Hoque to apply in the proper Court or Courts of the said District or Colony for Letters of Administration of all and singular the goods chattels rights monies and Credits of the said deceased James Hoque or any other Instrument which may be deemed necessary for the proper execution of the powers hereby given; and having obtained such Letters of Administration or other Instrument to settle and adjust all accounts debts claims demands and differences whatsoever now subsisting or that may arise between me as representing my said son and any person or persons concerning his affairs and estate; and for me and in my name to sue for levy recover and receive all debts and sums of money goods chattels and effects which now are or shall or may hereafter become due owing or belonging to the estate of the said deceased James Hoque by or from any person or persons, Company or Companies or by or on any Bond, Bill, account or otherwise, or are or shall be in his or their hands or possession, and upon receipt of all or any part of the said debts sum or sums of money sufficient acquittances and discharges for the same in my name to make sign seal and deliver, and without prejudice to the powers above written I hereby authorise and empower the said Walter Bell, to sell and convert into Cash all estate of the said deceased James Hoque which may come to his knowledge and custody; and with power to him to withdraw and uplift from any Bank or Banks in Australia or elsewhere any sum or sums standing in the name of the said James Hoque and to call for and uplift any sum or sums lent on mortgage in the said Colony either in name of the said deceased or of any person or persons as Trustees for his behoof and upon payment of the said sums to grant all proper discharges and acquittances; and if necessary with power to the said Attorney to take all legal measures that to him may seem proper for effectuating the above purposes; and generally to do execute and perform all and every such further acts and deeds needful and requisite for the several purposes herein mentioned as fully and effectually to all intents and purposes as if I myself was personally present and did the same; and for the better enabling the said Attorney so to do I hereby authorise and empower him to nominate constitute deputy and appoint an Attorney under him ratifying and Confirming and hereby promising and agreeing to ratify and Confirm all and whatsoever the said Attorney and his substitute shall lawfully do or cause to be done in the premises by virtue hereof; Provided always that the said Walter Bell his heirs executors and substitutes from time to time and at all times hereafter shall remit to me, or my heirs and successors, the proceeds of all such means and estate as may be recovered in virtue hereof; and also providing that my said Attorney shall be entitled to allowance of all necessary charges and expenses; In witness whereof these presents written on Stamped paper by James Irvine of Number five Thistle Street Edinburgh, Writer, clerk to Gibson Craig Dalziel and Brodie Writers to the Signet Edinburgh and subscribed by me, and I have hereunto set my Seal at Edinburgh the eighth day of November in the year one thousand eight hundred and fifty eight, and of the Reign of our Sovereign Lady Victoria the twenty second year before these Witnesses George Dalziel of Number ten Regent Terrace Edinburgh, Writer to the Signet, and the said James Irvine.

Signed Sealed and Delivered
by me the said Robert Hoque
before and in presence of

George Dalziel of No 10 Regent Terrace Edinburgh
Writer to the Signet Witness

James Irvine of No 5 Thistle Street
Edinburgh, Writer, Witness.

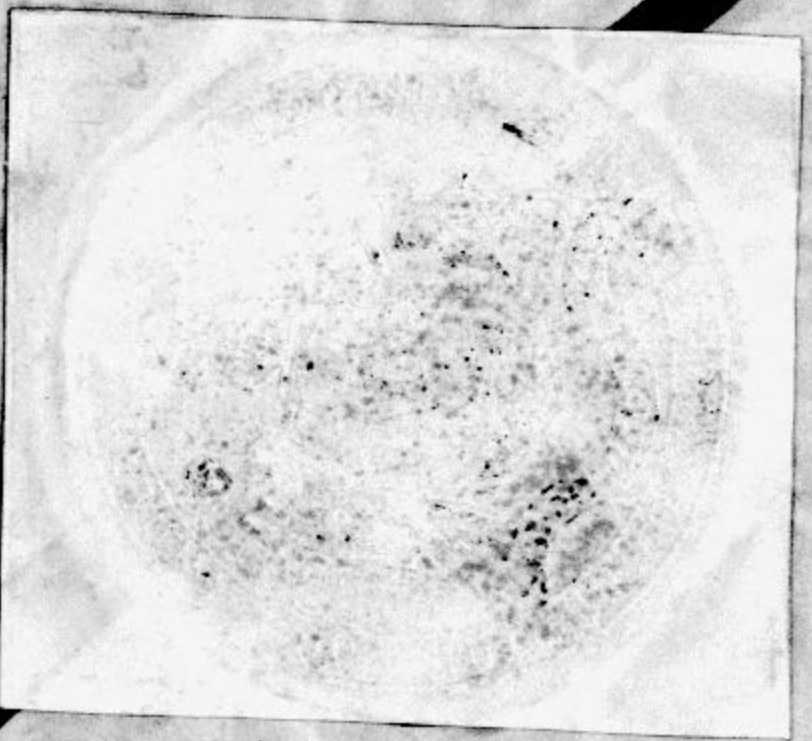
Robert Hoque

James Irvine of Number five, Thistle Street, Edinburgh, Writer, solemnly and sincerely declareth that he this Declarant and George Dalziel of Number ten, Regent Terrace, Edinburgh, Writer to the Signet, and James Dalziel of Number ten, Regent Terrace, in Edinburgh, North Britain, duly sign, and seal and as his own act and deed, execute and deliver the original Deed hereunto annexed and purporting to be a Power of Attorney doth, the eighth day of November one thousand eight hundred and fifty eight, by the said Robert Hogge, Advocate, and in favor of Walter Dees, Builder, and Architect, in the City of Glasgow, South Ayrshire, and that for the intents and purposes therein expressed, and that the name "Robert Hogge" at or subscribed to the said Power of Attorney is the proper hand writing of the said Robert Hogge, as Witness to the execution thereof, and James Irvine, set and subscribed with respect to this Declarant, respectively; and he make th this other Declaration conscientiously believing the same to be true and in virtue of the provisions of an act made and passed in the fifth and sixth years of the Reign of His late Majesty William the Fourth Chapter sixth two entitled an act to repeal an act of the present Session of Parliament intuled an act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State and to substitute de-clarations in lieu thereof and for the more entire suppression of oaths for the abolition of unnecessary oaths

Declared at Edinburgh before me the Right Honorable John Melville Lord Provost and Chief Magistrate of the City of Edinburgh the fifth day of November in the year one thousand eight hundred and fifty eight.

James Irvine
The Honorable Lord Provost and Chief Magistrate of the City of Edinburgh

To all to whom these presents shall come I the Right Honorable John Melville Lord Provost and Chief Magistrate of the City of Edinburgh do hereby Certify and attest that on the day and date hereof personally seen and appeared before me James Irvine of Number five Thistle Street Edinburgh, Writer the Declarant, named in the above Declaration being a person well known and worthy of good credit and by said Declaration which the said Declarant then made before me and did solemnly and sincerely declare to be true the several matters and things therein mentioned and contained.
In faith and testimony whereof I have caused the Common Seal of the said City of Edinburgh to be hereunto put and affixed and by the Deed or Power of Attorney mentioned and referred to in and of Number one thousand eight hundred and fifty eight.



The Honorable
John Melville
Lord Provost

In the Supreme Court
of the Colony of Victoria

804

In the Ecclesiastical
Jurisdiction

In the Goods of James
Hogue.

Applicant Mr. Walker
Boll.

J. M. Smith

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Goods of James Hogue late of ^{Kinloch}
Albert Shelford in the Colony of Victoria
Overseer deceased intestate

I Walter Bell of the city of Melbourne in the
Colony of Victoria Builder make oath and say.
1. That James Hogue late of Kinloch Albert Shelford
in the Colony of Victoria Overseer departed
this life as I have been informed and
believe on or about the twenty first day of
July in the year of Our Lord one thousand
eight hundred and fifty eight Intestate

That the said James Hogue left Robert
Hogue of Edinburgh North Britain dentist his
father and next of kin him surviving who is as
I believe entitled to the administration of the
property of the said deceased

That the said Robert Hogue did by a
certain Deed poll or Power of Attorney (which
said Deed poll or power of Attorney is produced
and shown to me at the time of swearing this my
Affidavit) empower and authorize me to apply
for and take out letters of administration of the
estate and effects of the said deceased

That I will well and truly collect and administer the property of the said deceased as far as the same will extend and the law bind me so to do

That I will exhibit a full and true inventory of all his property of together with a true account of the administration thereof as I may be required by the Rules of this Honorable Court

That I believe the personal property of the said deceased does not exceed the value of One thousand pounds. — — — pounds.

Sworn at Melbourne in the Colony of Victoria this fourth day of April — in the year of Our Lord one thousand eight hundred and fifty nine
Before me

Walter Bell

W. H. St. John

Commissioner of the Supreme Court of the Colony of Victoria for taking affidavits

In the Supreme Court
of the Colony of Victoria

ml

In Ecclesiastical Jurisdiction

In the Goods of James Stogue
late of Kynlock Albert Helford
in the Colony of Victoria Overseer
deceased intestate

I William Atkin of Melbourne in the
Colony of Victoria Miller make oath
and say

1 That I am a Miller residing at
Melbourne aforesaid where I have resided for the last
six months past.

2 That I am worth property to the amount of
two thousand pounds over and above what will pay
my debts and liabilities

3 That my property to the amount of two
thousand pounds as aforesaid consists of certain
premises situate in Elizabeth Street in the said City of Melbourne
together with flour mill and apparatus

Given at Melbourne in
the Colony of Victoria this
twenty eighth day of April in
the year of our Lord one
thousand eight hundred
and fifty nine

ml
William Atkin

Before me

James Seward

A Commissioner of the Supreme Court of
the Colony of Victoria for taking affidavits

8114
In the ~~Supreme~~ Court
of the Colony of Victoria

Exchequerial Jurisdiction

In the Goods of James
Moguel late of Newcastle upon
Tyne and in the County of
Victoria deceased, inter alia

Pluribus Affidavit of
Mr. Walter Bell.

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Goods of James Hogue late
of Kinloch Albert Sheepfold in the Colony
of Victoria Overseer deceased, Intestate.

- I, Walter Bell of the City of Melbourne in
the Colony of Victoria, Builder make oath and say
- 1 That I was intimately acquainted with
James Hogue the said deceased when he resided
at Mount Holly Roxburghshire in Scotland and
have been also intimately acquainted with his
father, mother and family for the last ten years.
 - 2 That Robert Hogue the father of the said deceased
is a Dentist and resides at number Thirty
Queen Street in Edinburgh Scotland aforesaid
 - 3 That the said James Hogue was a fellow
passenger of mine in the Ship called the "Three
Bells" which arrived in the said Colony of Victoria
from Glasgow Scotland on or about the twenty
ninth day of June One thousand eight hundred
and fifty two.

Sworn at Melbourne in the Colony
of Victoria the eleventh day of April
in the year of our Lord One thousand
eight hundred and fifty nine

Walter Bell

Before me



A Commissioner of the Supreme Court
for taking affidavits.

In the Supreme Court
of the County of Victoria

Exchequer Jurisdiction

In the goods of James
Hogue late of Kinloch
about Sheppard in the
County of Victoria

Applicant of whom
in Deeds.

J. W. Smith

In the Supreme Court
of the Colony of Victoria } 3

In its Ecclesiastical Jurisdiction

In the Goods of James Hogue late
of Kinloch Albert Shelford in the
Colony of Victoria Overseas, deceased

I, John McLearn of the City of Melbourne
in the Colony of Victoria Master Mariner make
oath and say

1. That I am and was during the month
of July one thousand eight hundred and
fifty eight ^{MMR} master of the ^{"Glasgow"} "Citizen" Steamer
trading between the said City of Melbourne
and Geelong in said Colony.
2. That on or about the twenty first day
of July one thousand eight hundred and
fifty eight James Hogue late of Kinloch
Albert Shelford in said Colony was a
passenger on board said "Citizen" Steamer
going to Geelong.
3. That when the said Steamer was
about midway between Melbourne and
Geelong aforesaid an alarm was given
that the said James Hogue had
suddenly disappeared. That at this time
the said Steamer was going at the rate of about
twelve - knots per hour -

4. That in consequence of such information I together with one John Bell (who was previously in company with the said James Hogue) made diligent search in and about the said Steamer but without finding him.

5. That on the said Steamer arriving at Geelong every passenger on board the vessel was inspected as they went ashore by the said John Bell and myself but the said James Hogue was not among them and we afterwards made a minute and careful search all over the said Steamer but did not succeed in finding him.

6. That it is my belief that the said James Hogue, ^{fell or} jumped overboard into the sea and was drowned during the said trip to Geelong aforesaid.

Sworn at the City of Melbourne
in the Colony of Victoria
aforesaid this Tenth
day of April in the year
of our Lord one thousand
eight hundred and fifty
and. Before me.

Myself

A Commissioner of the Supreme Court for
taking Affidavits

Steamer

In the Supreme Court
of the Colony of Victoria

804.

In its Ecclesiastical
Jurisdiction

vs the Executors of James
Hoque late of the said
Colony of Victoria deceased
— deceased —

Applicant of no name

at m. Smith

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Goods of James Hogue late of
Killock Albert Stelford in the Colony
of Victoria Overseer deceased

MS I Charles Chapman Green of number
thirty three Bouverie Street West in the City
of Melbourne in the Colony of Victoria
Articles Clerk to Mr John Matthew Smith
of the same place Solicitor make oath and
say,

MS That on the twenty fourth day of January
in the year of Our Lord one thousand
eight hundred and fifty nine a notice
was inserted in the "Age" newspaper printed
and published in the said City of Melbourne,
and of which notice the following is a true
copy

"Notice is hereby given that after the expiration
of fourteen days from the day of publication
of this advertisement an application will be
made to the Supreme Court of the Colony of
Victoria in its Ecclesiastical Jurisdiction
that Letters of Administration of the Goods

and chattels credits and effects of James
Hoque late of Kewlock abbey. Stelford in
the Colony of Victoria overseer deceased be
granted to Walter Bell of the City of Melbourne
in the Colony aforesaid builder as agent
and attorney of Robert Hoque of Edinburgh
North Britain dentist the father and next
of kin of the said deceased

Dated the 22nd day of January A. D. 1859
John Matthew Smith, Proctor
for the said Walter Bell

2 That I have this day searched in the
proper office and found that no caveat
has been filed herein

Sworn at the City of Melbourne
in the Colony of Victoria this
Seventh day of April
in the year of Our Lord one thousand
eight hundred and fifty nine
Before me

C. Chapman, Greener

James Seward

As Commissioner of the Supreme Court of the
Colony of Victoria for taking affidavits