Salk: 522. . . . .
Owen 124 . . . . .

Deed c: never come by Process to claim the Debt; he c: have no Action of Debt; there is a special property in the Pawnee, defeasible upon Tender of the Money. He may say if you dont come & redeem the Pawn in such a Time, I will sell it; but he cant bring a Process agt the Pawner, because he has what is more valuable —

Mr Bever

The Watch comes under the Description of Bona et Catalla; the Question of the Property of a Pawnbroker dont apply, for however he may have a Property, the Pawning dont extinguish the Debt; It exists in the right he has to dispose of the Goods, when the time stipulated for Payment is elapsed

Judge D Hay . . .

Questions of this kind are not pleasant, but Jurisdictions must be ascertained for the Benefit of the Subject, that they may know where to apply properly. If the 92d Canon was universally attended to, some of these Questions wd not arise; I think the practice of the Canon sh: be enforced; when Probate is applyd for in an inferior Jurisdiction, the Party applying sh: take an Oath, that there is not Bona Notabilia where that Oath is not taken, the Probate sh: be reworked; I will see wh: the Rule is observed in this Peculiar, & set the Example to others: if they had come, & pleaded, that the Oath was not taken, I sh: rewrote the Probate pursuant to the Canon: I have no Difficulty in the present Case; a Probate was taken out in this Court the Day the Mandate; the same was done in the inferior C: on a Will of a Prior date to Mrs Turners — The Plea comes up to Bona Notabilia; no other Proof being offered, I must take the Answers to be true; but in general Answers are to be received, no farther, than the Party has a right to answer; for if a Plea had been offered stating the Account & Sett Off, I c: not have received the Allegation, if so, I cant enter into that Question on her Answers, as it wd give a larger Power on Answers, than she was entitled to on the Plea; this Court cant enquire how the Debt arose; it is sufficient if the Deed had Debts due to him, out of the Jurisdiction where in bedied; I apprehend Desperate as well as Sperate Debts, or those wch are barred by the Statute of Limitations wd found the Jurisdiction I take it, the Pawner has the Interest in the Pledge, the Pawnee has no absolute, but a Conditional Interest; if you dont redeem by a limited time, I will sell the Pledge; if a Case of Bona Notabilia came before me, I shd order Precedents to be searchd & not determine the Question hastily; Sir Rd Raynes

always pronounced for this Jurisdiction

I cant go into the Question of a Set off; & think there is sufficient Ground to pronounce for the Jurisdiction of the Prerogative Court & to dismiss Mrs Turner with 5l nomine Expensarum — The other Probate is not before me, & therefore I cannot take Notice of it . . . .

Deft dismiss with 5l nom: Expensarum.

N.B. The reason the Judge gave 5l. was, that the Expense of the Interlocutory Decree was £1.6.8. besides the Cost of the Allegation & Answers . . . . . .

E. T. 4 S. May 14 — Prerogative

Goodwin — No 155 — Ly Mary Herbert, Pritchard. v Ld Gage — Grene

Dr Harris, Wynne. — Dr Calvert, Burrell

Dr Calvert . . .

The Hon: Jos: Edw: Gage made his Will & Codicils of wch he appointed Ly My H. & P. Exors — A Caveat was entered for Ld Gage as Nephew & next of kin; his Interest was confessd by the Exors, who propounded the Will & gave an Allon wch was admitted on this Allon several Witnesses have been examined, & amongst the rest Albany Wallis Esq to whom Grene administered Interrog: for Ld Gage Mr Wallis had declined answering fully to the 2d. 5th. 6th. & 7th. Grene objects to his Answers, as not full, & prays a Monition agt Wallis, to appear at a certain time & Place to answer them fully & that this Cause may be continued, in the State it now is, till Wallis shall have undergone such further Examination; Goodwin dissenting & alledging, the Allon given by his Clients was admitted on ye Bye day after Trin. Term. 16 July 1767 & Ld Gage's Answers deemed, that such Dence was served on Grene & returnd 3 Sep. 1767 & continud to 3 Oct: when Grene was assigned to give them by 3 S. M. T. from wch time the Assignation has been continued to this Day without Effect; & Goodwin insists Grene has no right to be heard as to the sufficiency of Wallis' Answers to the Interrog: tho he has brought in his Clients Answers on Oath; but if the Ct shd think Grene has a Right, Goodwin insists, that it appears by Wallis' Answers to the 7th. Interr: that he is Solicitor to Ly M. H. & Mr P. therefore ought not to be compelled to reveal his Clients Secrets, & that the Answers are full so far, as relates to the Merits of this Cause, so prayd Grenes Petition to be rejected, Grene dissenting & alledging, that Goodwin has proceeded to the proof of his Allon & Will & Codicils therein pleaded, by examining Witnesses, praying Publication, & calling on the Cause for hearing, & therefore that his Clients wd not be benefitted by Ld Gage's Answers, & that his insisting on them will only create needless Delay.

Ld Gage's Answers to Interrog: wch with their Answers were as follow

Burrell . . .

2 Int: Do you . . . believe Ly My H. is possess'd of any & what Fortune Real or personal in Great Brittain, where situated. when, & how invested, how does she maintain & support herself?