

Memorandum by Newton: 'A Memoriall concerning the Trial of the monies in y^e Pix by a Iury before the King or Lords of y^e Council and Officers of the Mint'.

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A Memoriall concerning the Trial of the monies in the Pix by a Iury before the King or Lords of the Council and Officers of the Mint.

There are in the business of the Mint three trialls of Gold & Silver directed by the Indenture of the Mint to be made each of them in presence of the Warden Master & Comptroller by sworn Artificers & being made in their presence they are all conclusive and binding against the Master, otherwise not

The first of these trialls is of Bullion upon any disagreement between the Master and Importer about the price. in such cases the Kings Assaymaster tries the Bullion in the presence of the Warden Master and Comptroller and the Master is then bound to receive it according to such assay altho his own Assaymaster should tell him it is to his loss.

The other two trialls are of two pieces taken out of every Iourney of new coyned monies, the one triall of one piece before deliverance of the monies, the other triall of the other piece reserved in a Pix till the time of the triall.

These two Trialls are in all respects alike excepting that the one is made in the Mint by the Kings Assaymaster and weigher and Teller sworn at their Admission to their Office the other out of the Mint by a number of Assaymasters Weighers & Tellers Chosen out of the Company of Goldsmiths and sworn before the Lords of the Councill upon every new Occasion. for which reason the triall is removed from the Mint to the place where the Council sits Both these trialls (as well that without as that within the Mint) are to be made before the Warden Master and Comptroller and if the monies prove uncovinnable the Master is punished in them both, in the first by Recoyning them at his own charge in the latter by making satisfaction to the King so that the Officers of the Mint have the same station in both trialls tho the last trial be much more solemn then the other.

The last Triall is made not at the suite of the King in any of his usual Courts of Iustice but by vertue of and according to a Contract between the King and the Master set down in the said Indenture and therefore like all the rest of the Indenture is to be looked upon as a part of the business of the Mint. In this contract the Master

Consents on his part that the Pix shall be opened & Assays be made before his Majesty or such of his Councill as his Majesty shall appoint & his Majesty consents on his part that the Assays shall be made in presence of the Master and both parties agree that the Assays shall be made in presence of the Warden & Comptroller the King entrusting them against the Master as well with the inspection of the trial by reason of their skill as with the custody and Keys of the moneys untill the Trial be made

What Artificers and how many shall make the Assays is not said in the Indenture but the Custome has been (for the solemnity and credit of the Trial) not to make use of the Artificers of the Mint but of others chosen out of the Goldsmiths Company to the number of 24 and sworn in manner of a Jury This is a Jury of enquiry not of Iudgment Their business is not to hear witnesses & debate and Iudge but onely to survey the Workmanship of the Coyn and try or Examine it by Experiment according to art in the presence of both parties and report the bare matter of fact for makeing up an Accompt between them about the Coynage unto that day. If upon triall the monies prove worse in weight & fineness then standard and yet within the remedy the lack thereof is entered of record by the Warden and Comptroller and thereupon the Master becomes proportionally debter to the King if better then standard the King remitts of the debt to the Master if of just weight and Allay the reckoning is eaven and at the foot of this reckoning the Master has his Acquittance and Quietus under the broad seal whereby he is quit Excused and discharged to that day against his Majesty and people from further Examination of the matter or molestation about it but if the money prove without the remedy he makes fine and ransome at the Kings will

In this Trial therefore the King & the Master are the parties concerned who have referred themselves to this way of Tryall by consent and contract, so that the Master cannot be said to be under prosecution. There is no accusation charge or action against him no reflexion upon him before the trial be made

Much less do the Warden and Comptroller appear at the Barr of a Court of Iustice, neither are they present as idle and insignificant spectators, but as the Kings Officers necessarily upon duty in their severall stations in this Court under the Kings or Lords of the Councill then present it being their business in behalf of his Majesty and people to keep the Keys of the Pix till the day of the trial and then to see that the trial be rightly made and to enter it of record & make a true accompt thereof to the King that the same may be fully answered to his Majesty.

As for the Gentlemen of the Jury whatever be their Character in other respects they are in this Trial the Kings sworn Assaymasters Weighers and Tellers acting in the roome of the Kings ordinary sworn Assaymaster and Weigher and Teller of the Mint & accordingly are bound to act by the same rules set down in the above mentioned Indenture Whereby it is plain that the Jury are not to Exclude the said officers of the Mint from any part of the Trial nor to propose to them at any time to withdraw but that they continue together untill the veredict be given in, the Officers of the Mint being considered under the same Character as if the whole business were transacted in their Office in the Mint

For the business of this Jury being not a Iudgment made by hearing witnesses and debating thereupon but a bare report of precise matter of fact: tis not in the power of the Officers of the Mint to influence the Jury by their presence, unless in giveing them notice as they ought, where the Trials are not duely made. If the Jury be at liberty to repeat the Assays of weight and fineness till they themselves are satisfied they can have no reason to Complain; and if they are bound to do till the Officers of the Mint are also satisfied this makes the Tryall of greater force to Conclude both parties & satisfy the whole nation then if it depended upon the Oaths and Skill of the Jury alone on a trial made in private. such a private Trial would not bind the Master because not made according to his Contract with the King nor perhaps would it be advisable for the King to let the Mint by such private Trials come into the hands of the company of Goldsmiths and by being at their mercy be secretly swayd and Governed by their interest. And therefore a Publick solemn Tryall is appointed by the Indenture which is the sole ground of this Trial and rule by which they are sworn to proceed in making it
