

# Three holograph drafts of MINT00165 (/catalogue/record/MINT00165), (Mint 19/1/307-8).

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<259r>

A Memorial 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 & binding against the Master otherwise not

The first of these trialls is of Bullion upon any disagreement between the Master & Importer about the price. In such cases the Kings Assaymaster tries the Bullion in the presence of the Warden Master & Comptroller & 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 & Weigher & 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 & 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 & Comptroller & if the monies prove uncovenable the Master is punished in them both, in the first by recoinng 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 Triall be much more solemn then the other.

The last Triall is made not at the suit of the King in any of his usual Courts of Iustice but by vertue of & according to a contract between the King & the Master set down in the said Indenture & therefore like all the rest of that 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 Council as his Majesty shall appoint & his Majesty consents on his part that the Assays shall be made in presence of the Master & both parties agree that the Assays shall be made in presence of the Warden & Comptroller, the King entrusting them against the Master <259v> as well with the inspection of the triall by reason of their skill as with the custody & keys of the monies untill the Triall 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 Triall) not to make use of the Artificers of the Mint but of others chosen out of the Goldsmiths Company to the number of 24 & sworn in manner of a Iury. This is a Iury of enquiry not of judgment. Their business is not to hear witnesses & debate & judge but only to survey the workmanship of the coyn & try or examin it by experiment according to Art in the presence of both parties & report the bare matter of fact for making 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 entred of record by the Warden & Comptroller & 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 & allay the recconing is eaven and at the foot of this recconing the Master has his Acquittance & Quietus under the broad seal whereby he is quit excused & discharged to that day against his Majesty & people from further examination of the matter or molestation about it: but if the money prove without the remedy he makes fine & ransome at the Kings-will.

In this Triall therefore the King & the Master are the parties concerned who have referred themselves to this way of Tryall by consent & 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 triall be made.

Much less do the Warden & Comptroller appear at the barr of a Court of Iustice. Neither are they present as idle & insignificant spectators, but as the Kings Officers necessarily upon duty in their several stations in this Court under the Kings or Lords of the Council then present, it being their buisness in behalf of his Majesty & People to keep the Keys of the Pix till the day of the triall & then to see that the triall be rightly made & 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 Iury whatever be their Character in other respects they are in this Triall the Kings sworn Assaymasters Weighers & Tellers acting in the room of the Kings ordinary sworn Assaymaster & Weigher & Teller of the Mint, and <260r> accordingly are bound to act by the same rules set down in the above mentioned Indenture. Whereby it is plain that the Iury are not to exclude the said Officers of the Mint from any part of the Triall 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 Iury being not a judgment made by hearing Witnesses & 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 Iury by their presence, unless in giving them notice as they ought, where the trialls are not duly made. If the Iury be at liberty to repeat the Assays of weight & fineness till they themselves are satisfied, they can have no reason to complain: and if they are bound to do it till the Officers of the Mint are also satisfied this makes the Trial of greater force to conclude both parties & satisfy the whole Nation then if it depended upon the oaths & skill of the Iury alone on a triall made in private. Such a private Triall 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 Trialls come into the hands of the Company of Goldsmiths & by being at their mercy be secretly swayd & governed by their interest. And therefore a publick solemn triall is appointed by the Indenture which is the sole grownd of this triall & rule by which they are sworn to proceed in making it.

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A Memorial 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 and silver directed by the Indenture of the Mint to be made each of them in presence of the Warden Master & Worker & Comptroller by sworn Artificers, & being made in their presence they are all conclusive & binding against the Master & Worker, otherwise not. The first of these trialls is of Bullion upon any disagreement between the Master & Importer about the price. In such cases the Kings Assaymaster tries the Bullion in the presence of the Warden Master & Comptroller & the Master is then bound to receive it according to such assay although 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 & Weigher & 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 & 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 & Comptroller, & if the monies prove uncovenable the Master is punished in them both in the first by recoinning them at his own charge in the latter by making satisfaction to the King So that the Officers of the Mint are in the same station to both trialls tho the latter triall be the more solemn.

This last Triall is made not at the suit of the King in any of his usual Courts of Iustice but by vertue of and according to a contract between the King & the Master set down in the Indenture made between them usually called the Indenture of the Mint & therefore like all the rest of that 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 shall 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 & worker & 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 triall by reason of their skill as with the custody & keys of the monies untill the Triall 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 & credit of the triall) not to make use of the Artificers <261v> of the Mint but of others chosen out of the Goldsmiths company to the number of 24 & sworn in manner of a jury. This is a Iury of enquiry not of judgment. Their business is not to hear witnesses & debate & judge but only to survey the workmanship of the coyn & examin it experimentally according to Art in the presence of < insertion from f 262r > both parties & report the bare matter of fact for making up an accompt between them about the coynage unto that day. If upon triall the monies prove worse in weight or fineness then standard < insertion from f 262r > and yet within the remedy the lack thereof is entred of record by < text from f 261v resumes > the Warden & Comptroller & thereupon the Master becomes proportionally debtor to the King if better then standard the King remitts of the debt to the Master, if of just weight & allay the reckoning is eaven & at the foot of this reckoning the Master has his Acquittance & Quietus under the broad seal whereby he is quit excused & discharged to that day against his Majesty & people from further examination of the matter or molestation about it: but if the money prove without the remedy he makes fine & ransome at the Kings will.

<sup>+</sup> In this triall therefore † < insertion from f 262r > † the King & the Master are the parties concerned who have referred themselves to this way of triall by contract so that the Master cannot be supposed to be under prosecution, There is no accusation charge or action against him, no reflexion upon him before the triall be made. Much less can the Warden & Comtroller be supposed to stand at the bar of a court of Iustice. Neither are they present as idle & in significant spectators but as the Kings Orders necessarily upon duty in their severall stations — — — to the King that the same may be fully answered to his Majesty < text from f 261v resumes > † before the King or Lords of the Councill, it being their business in behalf of the King to keep the Keys of the Pix till the day of the malt & then to see that this triall be rightly made, & 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 Iury whatever be their Character in other respects, they are in this Triall the Kings sworn Assay masters Weighers & Tellers acting in the room of the Kings ordinary sworn Assaymaster & Weigher & 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 Iury are not to exclude the said Officers of the Mint from any part of the Triall, nor to propose to them at any time to withdraw, but that they continue together untill the Veredict < insertion from f 262r > + Report < text from f 261v resumes > by given in the Officers of the Mint taking their places in the same order according to their Officers as if the whole business were transacted in their Office in the Mint. ‡ of weighing telling & assaying which the Iury make with their own hands & eyes without needing any witnesses debates or judgment to turn the ballance, & their Veredict being only a report of matter of fact in a received standing form of words,] < insertion from f 262r > ‡ For the whole business of this Iury being not a judgment made by hearing witnesses & debating thereupon but a bar report of {prise} matter < text from f 261v resumes > tis not in the power of the Officers of the Mint to influence the Iury by their presence, unless by giving them notice as they ought where the trialls are not duly made. If the Iury be at liberty to repeat the Assays of weight & fineness <262r> till they themselves are satisfied they can have no

reason to complain And if they are & bound to do it till the King or Lords of the Councill & Officers of the Mint are also satisfied, this makes the Triall of greater force to conclude both parties & satisfy the whole Nation then if it depended upon the oaths & skill of the Iury alone or a triall made private. Such a private triall would not find the Master & Worker 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 trialls come into the hands of the company of Goldsmiths, & by being at their mercy be secretly swayd & governed by their interest. And therefore a publick solemn triall is appointed by the Indenture, which is the sole ground of this triall & rule by which they are to {proceed } in making it.

This triall therefore is not a process of law against the Master but only a survey of the moies according to contract for making up accompts between him & the King: so that the Master cannot be supposed under prosecution. There is no charge or accusation against him no reflexion upon him before the triall be made. Much less can the Warden & Comptroller be supposed to stand at the barr of a Court of Iustice Neither are they present as idle spectators

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The reason of trying the monies in the Pix by a Iury before his Majesty or Lords of the Councill & Officers of the Mint.

There are in the business of the Mint three trialls of Gold & Silver add directed by the Indenture of the Mint to be made before the Warden Master & Comptroller by sworn Artificers & being so made they are all conclusive & binding against the Master, otherwise not. The first is of Bullion as often as the Master & Importer disagree about the price. In such cases the Kings Assaymaster tries the Bullion before the Waster Master & Comptroller & the the Master is bound to receive it according to such assay er accident it should be to his loss. altho his own Assaymaster should tell him it is to the loss The other two trialls are of two pieces taken out of every journey of new coyned monies by the Warden, 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 by the Kings Assaymaster & Weigher & Teller sworn at their admission to their Office the other by a number of Assaymasters Weighers & Tellers chosen out of the company of Goldsmiths London & sworn before the Privy Council upon every new occasion for which reason the Triall is removed from the mint to the place where the Councill sits If the monies in either triall be faulty the Master is culpable & suffers in the first of these two trialls by the charge of even tho they be recoinng them with the remedy in the last day accounting with the King bearing defect if they be within a remedy or by fine & ransome at the Kings will if they be without

The triall of the monies in the Pix is therefore appointed to be made before the Warden Master & Comptroller of the Mint not as persons standing at the barr of a court of Iustice for it proceeds without any accusation or reflection upon them before it be made & the veredict given in nor is it made before then nor as idle & insignificant spectators but as Officers of his Majestys Mint in the execution of the their Officer whose business it is to see that the triall be duly made & to enter it of record & make a true accompt thereof to his Majesty & the Goldsmiths are a jury of Assaymasters Weighers & Tellers acting in the place of the Assaymaster & Weigher & Teller of the Mint. For which reason it has been the custome for the said Iury not to exclude the said Officers of the Mint nor to separate from them but to continue with them during the Triall untill the Veredict be delivered to the Lord Chancellour & for the said Officer to take their places at the trial & at dinner with the Iury as if the whole proceeding were in the Mint For this Triall is appointed in the Indenture of the Mint as a part of the business of the Mint & accordingly directed in the same Indenture to be made before the Warden Master & Comptroller like the other trialls of new monies & bullion for giving it force & credit against the Master & making the Veredict the more satisfactory to the nation by the consent & approbation of persons of variou interest, it being perhaps thought unadvisable to let the Mint be regulated by the interest of the company of Goldsmiths alone without a cheque <263v> For the trial depending not upon the oaths of witnesses & debates & judgment of the Iury but upon experiments of weighing telling & assaying which the Iury make with their own hands & eyes without needing any evidence debate or judgment to turn the Ballance tis not in the power of the Officers of the Mint to influence the Iury where the trialls are duly made. & therefore they are made before the said Officers according to the usual course of the Mint that by giving them satisfaction they may be of the greater force.

but if the monies be found good & covenable after the covenants in the said Indenture then the Master is quit excused & discharged against {his Majesty} & people, that is not quit of any crime or debt laid to his charge justified in this performance of his bargain & quit from all further examination of the matter or molestation about it.

This triall is made not at the suit of the King in any of his usuall court of Iustice but by vertue of a contract between the King & the Master & Worker set down in the Indenture of the Mint & therefore like all the rest of that Indenture is to be looked upon as a part of the business of the Mint. In this contract the Master on his part {then} consents that the Pix shall be opened & Assays shall be made before his Majesty or such of his Councill as his Majesty shall appoint & his Majesty consents in his part that the Assays (meaning both in weight & fineness) shall be made in presence of the Warden Master & Comptroller. Tis agreed For the common satisfaction of both parties that the Assay be made before them both. What & how many Artificers shall make them is not said in the Indenture but the custome has been for greater satisfaction to set aside the Artificers of the Mint & swear a number of others in the manner of a Iury. This is a Iury of enquiry not of judgment & their business is not to hear witnesses & debate & judge but only with their hands & eyes to {illeg} the monies & report the matter of fact for staking & making up an accompt between the King & the Master according to the contract between them. If the monies prove too feeble the Master becomes debtor to the King accordingly, if too strong the King remitts of the debt to the Master if of just weight & allay the reckoning is eaven & the Master has his quietus under the broad seal, & the whereby he is quit excused & discharged against his Majesty & people from any further examination of the matter or molestation about it; but if the money prove without the remedy the Master makes fine and ransome at the Kings will by vertue of the same contract

In this trial therefore the Warden Master & Comptroller are not to be looked upon as persons standing at the barr of a Court of Iustice, for there is no charge against them no reflexion upon them before the trial be made. Neither are they present as idle & insignificant spectators bit as the Kings Officers before the King of Lords of the Councell in their several stations upon duty it being their business to see & satisfy themselves that the trial be rightly made & so the Wardens & Comptrollers to enter it of record & make a true accompt thereof to his Majesty. And the Iury are the Kings Assaymasters Weighers & Tellers acting in the place of the Kings Assaymaster & Weigher & Teller of the Mint & accordingly sworn to act by the rules set down <264r> in the Indenture. Whence the Iury are not to exclude the Officers of the Mint from the trial nor to order them to withdraw but to suffer them to take their places (as been the custome) bot at the trial & at the dinner in the same order according to their Offices as if the whole buisiness were transacted in the Mint & to continue with them untill the veredict be given in. For the trial depending not upon the judgment of the Iury but upon experiments of weighting telling & assaying which the jury make with their own hands & eyes without needing any witnesses debates or judgment to turn the ballance, tis not in the power of the Officers of the Mint to influence the Iury where the trialls are duly made. If the Iury are at liberty to repeat the assays of weight & tale till they are satisfied & bound to do it till the King or Lords of the Council & Officers of the Mint are also satisfied this makes the trial of greater groce to bind all parties & satisfy the whole nation then if it depended upon the oaths & skill of the Iury alone. For Such private trialls would not bind the Master because {not} made according to his contracts with the King, nor perhaps would it be advisable for the King to let the Mint by such trialls come into the hands of the Company of Goldsmiths & by being at their mercy be humbly swayd & governed by their interest

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