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2447

York Spring Assizes - 1812
Case of Richard Jones

Mr Park. This the first indictment
in this County on Lord North's act -
necessary to support North's notes - wicked
rep of those who buy guineas - cruelty &
avarice of Landlords - States the pre-
sent case: -

John Jackson called. - I am a
hawker in Chestnut - was at Sheff-
ield on 30 November last - prisoner
came to my stall in the forenoon -
saw a guinea in my hand, asked what
I would take for it - I asked what he
would give; - he said 23/6 - I said
it was too little; - I had had more bid,
he said a man a two had made up
their bundle & gone up to London &
guineas were not worth so much as
they had been. - he staid a little while
& went away. - I went to Smith the
Comptroller, showed him what had passed
- 2 guineas were marked by Smith; -
I received his directions & went back to
my stall - Prisoner came again about
1 o'clock - said he would give 23/6 -
he saw only one guinea at first, but
I told him I had two, I would ask no
more than 23/6 for each - I spake
with them accordingly & received 4/7 -
4 three shilling tokens - 25 shillings -
3 half crowns - 3 pences - I saw
Sheffield token - I put the money
in a pocket in my shirt - I gave it to
Smith in a few minutes - Smith

by the Bank - The only statute authorizing these Tokens and notices that the Bank is about to issue them - We have no proof that they were issued by the authority of the Governor or of the Bank - Some evidence ought to have been given of this - If silver have not come from the Mint, it cannot be the current Coin of the Realm - So of the sixpences - The token is more rubbish - No evidence has been given of the weight or fineness of the guineas - it is no offence to purchase or sell guineas if short of the legal weight - They are then a marketable article - They may be bought - sold - melted &c

Park replied on the immorality of the tender - cy of Millen's arguments.

Le Blanc. Question whether Prisoner has broken the Law - We can have no other wish or feeling except that a person offending against the Law should suffer accordingly - The Law is that no person shall receive or pay for

The true lawful value of a guinea is that for which it is current - of a guinea this is 21 - It can be of no other value by the Law - dismiss from your consideration that the 2 guineas are not proved to have been of full weight - They appear to be the current Coin & if not proved to the contrary must be taken to be of full weight - The shillings were paid & received as of their full nominal value - then how can a Court of law say that they are of less value - particularly as the Solicitor of the Mint swears that they appear to have come from the Mint, & no evidence has been given of the contrary -

Solicitor also says, that the Tokens appear to be genuine bank tokens, & they must be taken to be of the value stated by the two parties - There is no necessity to prove that the thing given in lieu was in fact issued by the Bank of England - it is to be taken to be of the value of which it was considered to be by the contracting parties - So of the shillings - sixpences &c.

Guilty - but recommended to mercy
The indictment of six Counts

TO THE EDITOR OF THE MORNING CHRONICLE.

Sir,
It is by no means my intention to enter into the controversy on the general state of our Currency, which has been feebly renewed by some of your correspondents, in consequence of Mr. Monck's having published the letter I addressed to all the Gentlemen concerned in issuing Local Tokens, whose directions I could procure.

After all that has passed I really cannot now descend to argue with those who have still the folly to conceive that the Paper Currency of this country is not depreciated.

Neither do I think it necessary to assign further reasons for maintaining that our lawful currency may be restored even in time of war, and that this measure would be attended with almost immediate beneficial effects on the state of the exchange. These are propositions on which I believe no man can seriously entertain a doubt, who knows what took place during war in the year 1696. For it is impossible to suppose that even the Chancellor of the Exchequer must not renounce all reliance upon his misquotations from Davenant, and acknowledge that at that time the exchange became favourable long before the restoration of peace, when he reads the following extract from the Proclamation printed in the Gazette of the 28th of September, 1696:

"The Lords Commissioners of the Treasury having likewise moved their Excellencies (at the desire of several Merchants who have considerable quantities of Gold Bullion, which they cannot export by reason of the present course of exchange, without great loss), that liberty might be given to coin the said gold, they offering to do it at their own charge. Their Excellencies are pleased to approve thereof, and to order that the said Lords Commissioners do direct the Officers of the Mint to receive and coin any Gold Bullion that is brought to the Mint after the first day of October next, the Proprietors paying the charge of coinage. And their Excellencies were also pleased to direct that this order should be published in the Gazette."

(Signed) RICH. COLINER.

Without at all going into the discussion in which your Correspondents have been recently engaged, I must observe, that neither they nor any of the numerous advocates for the measures Government has pursued in relation to our currency, have hitherto attempted to explain the benefits to be derived from the Legislature's interposing to raise the current value of the bank-note to twenty shillings, when its real value is so much degraded. But, indeed, had the effort been made, it would have been fruitless. No country can derive benefit from such a project; for to use the language of the Parliament of Scotland centuries ago, the "pennyworths must always rise with the penny."

The system which the Legislature has adopted most certainly deprives the stock-holder of a portion of what the Government had contracted to pay to him; it enriches the tenant at the expence of the landlord; and gives to the debtor an opportunity of defrauding his creditors. But this is not more repugnant to justice and policy than it is to the ancient practice of our Legislature. For when in the time of James III. of Scotland the denominative value of the money was raised, it was immediately by law provided, that debtors who owe any debts or contracts made before, should pay to their creditors the same sums in substance as it was intended betwixt them before the measure took place, and that all contracts in future should be paid according to the agreements betwixt the parties. †

* See Preamble to Ch. 2^d of the 4th James III.
† See Ch. 19th, 31st of James III.—See also Ch. 69th, 8th of James III.

The subject of our Paper Money is in itself complicated, and whilst many have an interest in deceiving, a still greater number have an interest in being deceived, it is not therefore surprizing, that the present departure from what seems to have been the ancient wise policy of our Legislature, should meet with applause.

But the question concerning the propriety of prohibiting the circulation of those Local Tokens, to which this paper system has given rise, is in itself more simple. And the object of my now addressing you is, to return my thanks to the numerous Issuers of Tokens who have honoured me with replies to the queries I thought it my duty to circulate, for they have put me in possession of a case which makes it so clear that every description of the community are deeply interested in the repeal of the Act of last Session of Parliament, that it is impossible to suppose any delusion can prevail on this branch of the subject.

From the information I have thus obtained, I can now with confidence assert—

1st.—That if this Act is not repealed, more than six times the value in Tokens that His Majesty has coined of silver money during his reign, must in March next be withdrawn from circulation.

2dly.—That the real value of those Tokens is greater in proportion to their nominal value than that of the shillings and sixpences which are now current; and that of course the coin that is to be withdrawn affords a better security to the holder than the coin that it is intended should circulate.

3dly.—That the Bank's Tokens can afford comparatively no resource—few of them remain in any part of the country where they have been issued; and what is called the rise in the value of silver, must soon banish the whole from circulation. Besides, it was from the first impossible to obtain from the Bank the necessary quantity, and recently so many counterfeits have appeared, that people at a distance have been unwilling to accept them.

4thly.—That notwithstanding the quantity of Local Tokens in circulation, there is such a deficiency of silver money, that 5, and even 10, per cent. is given to get silver for a note; and that in many places change cannot be obtained without five or ten shillings of copper money is accepted. Nay, such is the difficulty of getting small money, even with the aid of Local Tokens, that there are instances of Tax-gatherers, who have illegally circulated silver notes to facilitate the collection of the revenue.

5thly.—That before the Local Tokens began to be circulated, paper notes, though in violation of the law, were becoming common, and that master manufacturers in many instances commenced the practice of paying their workmen with paper tickets, and establishing a shop in the neighbourhood, to give commodities in exchange for them. A practice, still unfortunately prevalent, which has the mischievous consequences of subjecting the poor workmen to pay a monopoly price for every article they consume.

6thly.—That if measures are not adopted to enable us to revert to the use of the ancient lawful currency of these realms, and if the law continues to prohibit silver notes, as well as to inflict penalties on the circulation of Local Tokens, there can, after the month of March next, be no adequate means of making small payments, which must involve the country in difficulties hitherto unexperienced.

With the knowledge of these facts, it would be natural to conclude, that the law must be altered, and that the Act of last Session must be repealed. For it cannot be supposed that there exists a man, who, after having foolishly carried away the masts of his vessel, would

Parke

Richd. Jones - York Spring
Apr 1812

This the 1st indictment on the act in the county - necessary to support banknotes - wickedness of those who buy guineas - cruel landlords &c &c - States the case &c

John Jackson called - then a hawker at Chappin was at Sheffield on Nov 30th pm came to my stall in the forenoon - saw a guinea in my hand & asked what I would take for it - I asked what he would give - He s^d 23"6 - I s^d it was too little - I had had more bid - He said a man or two had made up their bundle & gone up to London & guineas were not worth so much as they had been - He staid a little while & went away - I went to Smith the constable - told him what had passed - two guineas were marked by Smith - I received his directions - went back to my stall - pm came again about one o'clock - said he would give 23"6 - he saw only one at first & told him I had two - I asked for no more than 23"6 for each - I agreed for that & parted with them accordingly - he received 47 4 8 shilling taken - 25 shillings 3 half crowns - 3 sixpences - 1 Sheffield token - I put the money in a pocket by itself - gave it to Smith in a few minutes - Smith came up directly & took him into custody - am sure the money I gave to Smith is the money I received from him

Thos Smith - is a constable at Sheffield - marked two guineas for last witness (produces them) after marking them gave them to Jackson - the mark is a cut in the King's postail - had some information from Jackson about 2 o'clock went & saw him with Jackson -

Jackson had a stall & the pris^r was near him with a basket they went into the archway in the market place & had an exchange of money - could not see what went up & took the pris^r to the lock up house & searched him & found the guineas - Jackson gave me the money - I have kept it ever since (it was produced & counted) I know Sheffield well - the tokens hopes for a shilling 6000 have been issued - pris^r was examined before magistrates & made confession -

Confession proved & read - It states that pris^r gave 27 in silver for the purchase of 2 guas in gold - it is not his practice to deal in them but he wanted two for his wife -

Mr Powell - An assistant solicitor to the mint, has experience in the silver coinage of the country (examines the silver) - there are 4 genuine tokens 3 good half crowns - 3 good sixpences - 25 good shillings -

+ The shillings appear to have been originally current coin but I cannot speak positively now the impresson is gone - I conjecture them to have come originally from the mint - they are such as are current - I am uncertain about all but one or two which have the impresson - I have no doubt but I cannot speak positively -

Mr Williams
has a right to observe on the policy of the act of parliament Blackstone has called one act a disgrace to the Statute book I would not say so of any act but would call upon you to watch with peculiar attention a prosecution on such an act - the prisoner stands charged with no moral guilt this act is independent of morality - No decision had taken place in the act of Edward 6 - It was reserved

for the 19th century to pull this act from among the moths & to attempt to enforce it - The attempt failed & a new act was made - I do not call for your verdict because the act is a bad one - but I ask for your favourable hearing because it is an act solely of political not moral consideration - The ground of the act was that a body of men was allowed to issue notes without being obliged to pay for them - (interrupted by the court) In point of fact the man is s^d to have given more in value than the guineas are worth - (reads the act & indistinctly) Has he given more in value than the guineas are worth - had the payment been all in good half crowns I could have s^d nothing or even shillings with an impresson - But what is the present state of the silver currency - The shillings look like current silver but the witness cannot swear they are - It is not proved that more than 3 or 4 of them came from the mint - Had the pris^r been dealing in bad shilling for guineas he could not have been tricked on this act - There is no evidence that the tokens are issued by the bank - The only statute authorising these tokens only notices that the bank is about to issue them - We have no proof that these were issued by the authority of the governor of the bank of England - some evidence ought to have been given of this - If silver have not come from the mint it cannot be the current coin of the realm - so of the sixpences - The token is mere metal - No evidence has been given of the weight or goodness of the guineas - it is no offence to purchase or sell guineas if short of the legal weight - they are then a marketable article they may be bought sold melted - &c &c &c

Mr Parke replied on the immoral tendency of Williams' suggestion

L. Blane J.

Question whether *provs* has broken the law. We can have no other wish or feeling except that a person offending agt the law sh^d suffer accordingly. The law is that no person shall receive or pay *l^oc*.

The true lawful value of a guinea is that for which it is current of a guinea this is 21- It can be of no other value by the laws dism^{is}s from your consideration that the two guineas are not proved to have been of full weight. They appear to be the current coin & if not ~~found~~ to be the contrary must be taken to be of full weight. The shillings were paid & rec^d as of their ~~full~~ ^{nominal} value. then how can a court & jury say that they are of less value.

Particularly as the solicitor of the mint swears that they appear to have come from the mint & no evidence has been given of the contrary. Solicitor also says that the tokens appear to be genuine bank tokens & they must be taken to be of the value stated by the two parties. There is no necessity to prove that the thing given in lieu was in fact issued by the Bank of England it is to be taken to be of the value of which it was considered to be by the contracting parties - so of the shillings sixpences &c.

Guilty - but recommended to mercy

The indictment of six counts -

persevere in prohibiting the crew from erecting jury-masts; and allow the ship to remain an unmanageable hulk on the water. Yet his folly would be trifling in comparison of that of a Government, who having rendered the circulation of lawful coin impossible, should prohibit the subject from resorting to any other means of conducting the necessary exchanges of commodities.

Indeed, under any other circumstances than those in which we are placed, I should think the inference that the law must be altered, certain. But when I recollect that the American War, under which our Commerce is now suffering, is to be ascribed to the obstinate perseverance of Ministers in the Orders of Council - and that their too tardy conviction of the mischiefs attending that unfortunate measure, was at last only extorted by the overwhelming multiplicity of the witnesses who appeared before Parliament, I feel it a further duty thus openly to solicit additional information from those who are anxious to avert the evil with which the law threatens us, and who have as yet delayed honouring me with a reply.

Dunbar-house,
Dunbar, Nov. 3, 1812.

LAUDERDALE.