

*S. P. Savage*

# CONSIDERATIONS

O N

Lowering the Value

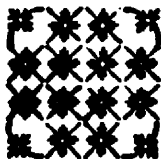
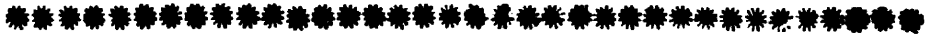
O F

# Gold Coins,

Within the Province

O F T H E

*Massachusetts-Bay.*



[Boston]



## *To the* PRINTERS.

**W**HAT gave Rise to these Considerations, was a Projection of his Honour the Lieutenant Governor, published in the *Boston Evening-Post* of *December* 14th, 1761. As these Papers may fall into the Hands of some Persons, who have not read the Piece of His Honor's, I desire you will insert it before my Remarks.



---

**T**H E state of the currency of the Province being a matter of general speculation and discourse and a very interesting subject, I hope the publishing a few thoughts upon it will not be unserviceable nor liable to censure. It is certain that Gold passes at too high a rate compared with silver, and it is expected that in a little time silver will be extremely scarce and gold become the only currency; and, it is said, that gold not being established by law cannot be tendered in discharge of debts, and therefore great oppression of debtors and other mischiefs must ensue. Ever since the settlement of the money in 1749 there has been a sufficient plenty of silver and no preference given to it beyond gold until the exchange with England turned against the province, and the debtor to the merchants in England found himself obliged to ship money for the discharge of his debts: Upon comparing the prices of the two metals here with their prices in England, it appeared that silver might be shipped to much greater advantage than gold: This occasioned a general enquiry after silver and gave the first alarm; for until then, by means of a variety of favourable circumstances, exchange with England for twelve years together had not been above par, and there had been but little money shipped thither; the disproportion in the two metals was inconsiderable, between this and other places to which they have been exported; a much greater proportion of silver than of gold had been imported by means of the grants made by Parliament; and although the unequal rates have not been wholly unobserved yet there has not been any real mischiefs accrued therefrom. I was in hopes upon my first thought that there was not sufficient grounds for this alarm, and that we might go on as well for twelve years to come as we have done in those which are past, but upon further consideration I am convinced this cannot be; exchange is above par;

10

so many people have unfortunately contracted such large debts in England that, for sometime at least, it must continue so, and there will inevitably be further and very great exportation of money, and it is absolutely necessary something should be done to prevent this exportation being made altogether in silver. In order to judge what is proper it will not be amiss to look back to the time of the exchange of our late depreciating and detestable paper currency. It was then the determination of the government to have a perpetual invariable standard for the future : Silver alone agreeable to the practice of all other countries was pitched upon for this purpose, not that the currency of gold was excluded but it was supposed it would pass in that proportion to silver as it bore in other parts of the world with which we had commerce : It was thought best to conform to Queen *Ann's* proclamation and to establish a currency at the rate of *six shillings* a milled dollar, for although silver by the act of the province is made the standard at 6*s.* 8*d.* the ounce, yet at the same time a milled dollar was allowed to pass in discharge of contracts at 6*s.* and every body expected by this means to exclude hammered pieces of eight from our currency. and this has been the effect, and in fact silver is our standard by law at 6*s.* 10*d.* the ounce, supposing a dollar to weigh 17 dwt. 9 grains ; Soon after this, several species of gold coins obtained a currency, and to prevent any ill influence upon the standard it was thought necessary to fix by law rates for each species which they should not exceed, although they were not made a legal tender at those rates. In doing this the government unhappily fell into two mistakes ; they supposed a dollar to be worth 4*s.* 6*d.* sterling, whereas Spanish silver being then in London from 5*s.* 3*d.*  $\frac{1}{2}$  to 5*s.* 4*d.* the ounce, a dollar was worth from 4*s.* 7*d.* to 4*s.* 7*d.*  $\frac{1}{2}$  : they likewise supposed the rates at which foreign gold coins passed in England to be in a just proportion to silver, whereas they were at least 3 per cent. too high, and from these mistakes we set a half *Joannes* at 48*s.* which ought to have been but about

bout 46s. and had exchange then have been against us our silver coin would have gone from us and the gold only remained. It may be proper to observe that whatever is the proportion between gold and silver bullion, not gold and silver coins as they are commonly current by tale, in England, the same must be always kept in the colonies, for all we have of both metals except what is absolutely necessary in trade will always go to England, and if you set gold too high in the colonies, it will drain you of your silver, if you set it too low you in effect exclude gold.

Spanish silver in London by the last advices was at 5s. 9d Portugal gold £. 4. os. 8d. the ounce : Gold is said to be rising. How gold and silver bullion both can rise in any considerable degree in England without affecting all the debt and credit of the nation and the course of exchange with all other countries is difficult to conceive. If this be the case the evil is so great that certainly the wisdom of the Parliament will soon provide a remedy ; the difficulty of which we in this province know by experience will increase in proportion to the length of time the mischief is suffered to continue. But this is going beyond my line. All the observation to be made from it which concerns us is that by means of this rise exchange when at par is no more now than about 120, whereas before it has been accounted 133½.

It appears that gold bullion is now lower in England compared with silver than it was in 1749, so that in proportion to a dollar at 6s. or silver at 6s. 10d. a half Joannes of full weight is worth no more than 43s. 3d. but if according to some advices gold is worth in England £. 4 11. 8d. this will bring an half Joannes to 44s. If we suppose a central or accidental demand for silver bullion for the East-Indies to have raised the price 2d. an ounce extraordinary, then the half Joannes may be set at 45s. At all events we can never expect a more favourable proportion for gold than there was at the time of exchanging our paper money, and then as has been observed the half Joannes was worth no more than 46s. I think every  
body

body must see that this is an unfortunate circumstance attending our currency. The question is what is to be done to prevent any mischievous effects ? It is said we must make gold a legal tender as well as silver. I think this proposal is contrary to the principle the government professed in 1749, and will be a violation of the public faith. Two metals as gold and silver cannot be the measure both together, and be both a fixed measure, because they are frequently changing their proportion one to the other, and we therefore see that in all countries they have one measure only, and this generally is silver, and gold in such case is a commodity as much as copper or other metals. Now if we make gold a tender at the rate it passes at present, we take the most effectual method that can be to drive away all our silver, and there will be no possible way to prevent it but by raising the rate of silver to at least 7*s.* 4*d.* instead of 6*s.* 10*d.* the ounce ; but this is what I have not yet heard any body own they are willing should be done. If we do not raise silver by law, but suffer it to go from us and leave gold alone to be our measure, it will be a measure in proportion to silver at 7*s.* 4*d.* the ounce, and will have the same ill effects & be the same violation of the publick faith as if we had raised the silver. I am surprized at the distinction some persons make between publick and private debts. The government owes a large sum for which notes are given payable in silver at a certain rate. This we are told is an express promise of which there must be a specifick performance. The promise would have been altogether as express if it had been for lawful money : There is no more difference than between a promise for a crown and a promise for five shillings. Now all private contracts are understood to be in lawful money, the government is the guarantee for the true performance of such contracts ; but if we alter the measure we shall prevent such performance, and it must be a whimsical conscience that will be scrupulous in the one case and not in the other. What pretence can a man have to whom a sum of money is due from the government,

government, which his neighbour will not have, to whom the like sum is due from a private person? Besides, if by making gold a tender we drive away the silver, does it not effectually disable us from paying the public debt in silver? Shall we then sit still and let things take their course? This would be as mischievous as the other proposal: Gold will pass at the present rates until we are near drained of our silver, and then it will become the measure of our commerce, which it has not yet been: When this is sensibly perceived it's probable that creditors will refuse to receive it, unless at such rates as shall be equal in value to lawful money, and from thence inequality and confusion in all trade and dealing must necessarily arise.

There is one way more in which we may be relieved; and although it will be attended with inconveniences, yet they will be less than in any other way. We have the example of the Parliament, in the like case, at home; and I know of no example which we may more safely follow. Let the Gold coins be reduced to a just proportion to Silver, as stated by law so as to make it indifferent to the merchant which he exports: Perhaps reducing the half Johannes from 48*s.* to 46*s.* and other coins in the same degree, may be sufficient. It is objected that this will oblige every debtor to pay more than his just debt; he received gold at 48*s.* and must pay it at 46*s.*

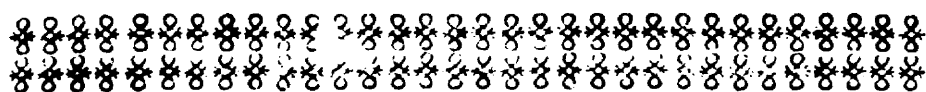
In order to judge of the force of this objection, we must consider what has been the measure of all contracts, whether silver at 6*s.* the dollar, and 6*s.* 10*d.* the ounce, or gold at 48*s.* the half Joannes; if the latter the objection is unanswerable; if the former, it has no force. Now I take it silver alone has been the measure, and the gold hitherto has had no more influence upon it than piltreens have had, which although of a base metal, yet have been received and paid without any discount between them and the purer silver. And it is certain that the course of exchange with all places with which we have commerce, has been governed by our silver

ver lawful money, and not by our gold ; and when we shall have reduced the half Joannes to 46s. it will take no more of a debtor's estate to obtain an hundred pounds in gold at 46s. then it does now at 48s. the piece, and no debtor can be hurt, except such only as at the time of the reduction are possessed of the gold, and we know it is not very common for persons in debt to keep a great deal of money by them. As for the possessors of the gold, reducing the value has the appearance of so far lessening their property. But if this is not done now, it infallibly will be done, sooner or later ; for the two shillings, or whatever sum it is which we affix to the half Joannes above its just value, is a meet imaginary wealth in the province, as much so as the paper money was when it was current among us, and the possessor will suffer no more in this way than he will do if we permit all our silver to go away, and gold to become our measure, for then the half Joannes will in effect be reduced, and what now passes equal to silver at 6s. 10d. will then lose all the adventitious value and pass equal to silver at 7s. 4d. It is certain that by this reduction there can be no real loss to the whole province ; the same quantity of gold remains, and an ounce of gold or silver with a lesser price affixed to it is of just the same real value as it is with a greater, and the sole objection of any weight to this proposal is, that we subject the present possessors to some inconvenience and perhaps loss, to which some future possessors must be subjected, if the present are not. I expect some persons will say this proposal does not go far enough, and we must have a scheme which will keep both silver and gold among us, and then there will be no more need of reducing gold than there has been in times past. If any person can propose a method of effecting this, I will give up my proposal. This can be done in no other way than by lessening our imports : We shall not do this sufficiently until the scarcity of money obliges us to it. The plenty of money has produced luxury, luxury naturally tends to poverty, poverty will produce industry and frugality, and industry and frugality will lessen the proportion of imports to exports and will bring money among us ; but before this revolution is finished, the mischiefs we fear from the disproportionate rates of gold and silver must arrive to us.

*Boston, Decemb. 9.*

*Thomas Hutchinson.*





## CONSIDERATIONS, &c.



**W**HATEVER respect is due to the honorable gentleman, whose writing I am considering, when he is actually in the execution of any one of those many high offices he with so much dignity sustains : When he condescendeth to write in a news-paper, to propose a project and offer reasons for it ; his projections and his reasonings may be considered with the same freedom as those of any other subject. I freely declare, that I look on the project he hath proposed to be pernicious, and his reasoning inconclusive. Such being my sentiments, I deem it my duty, and the part of a good citizen, to oppose myself to his projection, and to show that the arguments with which he supports it, do not conclude. This I shall do with an honest freedom : preserving at the same time that decent respect for the honorable gentleman himself, which his high stations, and great character demand, from a person so much his inferior, as the present marker.

It is a vulgar error, which hath strangely prevailed long time, that no tender can be made in gold. This error now seems consecrated by the authority of a gentleman, whose high office denominates him the greatest lawyer in the province. His honor's words I refer to are these, “ It is said that gold not being established by law cannot be tendered in discharge of debts ”—and afterwards, “ It was thought necessary to fix by law rates for each specie [of gold coins] which they should not exceed, although they were not made a legal tender

at those rates." Afterwards, " It is said we must make gold a *legal* tender, as well as silver. I think this proposal is contrary to the principles the government professed in 1749 and will be a violation of the public faith." And afterwards, " We therefore see, that in all countries, they have one measure only, and this generally is silver. And gold in such case is a commodity as much as copper. or other metals." And afterwards, " I take it silver alone has been the measure, and that gold hitherto has **had** no more influence upon it than pistareens have had, &c."

I conceive the amount of these, and several other expressions, in the writing I am considering to be this; that we have here, or even in England, no other lawful money, but of silver only, that gold is only a commodity, that a debtor therefore never might in this province discharge himself, or prevent the forfeiture of his obligation, by tendering gold coins at the rates set in the law. And that now to make them such a legal tender would be a violation of the public faith. Taking these to be the honorable gentleman's positions, I do humbly but strenuously dissent from him in all. And I hold, that ever since the act of this province, fixing the rates of gold coins; the gold coins therein specified, at the rates mentioned in said act, have been as much the lawful money of this province, and at those rates would discharge a execution or save a forfeiture, as well as milled Dollars at *six shillings* a piece, or other coined silver at *six shillings and eight pence* an ounce. And I do hold clearly that if those species of gold coins were not now a legal tender, at those rates, that public justice and conscience evidently require, they should in the most explicit manner be made so.

Doubtless, when I contradict so great authority, it is incumbent on me to produce the authorities and reasons on which I rely. Let us therefore consider this matter a little more at large.

I take it, that money is that metal of gold or silver, ~~which~~ is coined by the authority of the prince, or is  
made

made current, and it's rate stated, by his proclamation. I further apprehend it clear, that gold has been nearly in as ancient use in England for this purpose as silver.

To prove this I cite these authorities. Mirror cited by Ld. Coke, 2d. Inst. 576. It was ordained that no King of this realm may change his money or impair it, or make other money than of gold or silver, without the assent of all his counties.

Stat. 25. Edw. 3d. Cited by Ld. Coke, 2d Inst. 577. Item. It is accorded that the money of gold and silver, which now is current, shall not be impaired: in weight or alloy; but as soon as good way be found, that the same be put in the ancient state as in the sterling.

Ld. Coke 1 Instit. 207. " Lawful money of England, either of gold or silver, is of two sorts, viz. the English money coined by the King's authority, or foreign coin by proclamation made current within the realm."

Stat. 9 Henry 5 cap. 10. From Christmas even next coming, none of the King's liege people shall receive any money of English gold in payment, but by the King's weight thereupon ordained.

Stat. 19. Henry 7. cap. 5. *It is established & enacted that all manner of gold of the coins of a foreign part, &c. —being gold whole and weight, shall go and be current in payment through all this his realm for the sum that they were coined for, — then follows in the same statute an enumeration of several species of foreign coin, and then, And if any person hereafter refuse any coin afore rehearsed to take it in payment — he that so refuseth it, shall be compelled by the mayor, sheriff, &c. to accept and take the same in payment and be further punished by the discretion of the same justice. Stat. 3 C. 2d. cap. 5. Whereas it is obvious that the plenty of current coins of gold and silver is of great advantage to trade and commerce, &c. This statute enacts that any person who in such a time should bring any gold or silver to the King's mint to be coined should receive an equal quantity in coin without any defalcation for the current*

Many more might be produced to the same purpose : but it must be needless. Nor do I desire to make any comment on those produced. Let every one, after reading them judge for himself, whether it can be justly said that silver is the only measure in England : and that gold is as much a commodity as copper or other metals. If any one however desires to see this matter more fully handled, and the various rates of gold and silver stated, **he** may consult Lord Hale's history of the pleas of the crown, *part* 1. ch. 17.

Let us now return to our own country, and consider the case as it stands with ourselves, respecting this matter.

His Honor goes back no further in this research, than to the times of the exchange of our late depreciating, and (as he doth not spare to call it) *detestable* paper currency. I chuse to go a little further back. For whatever wisdom and integrity I ascribe to the court that was concerned in that memorable exchange, the year of jubilee, as it hath been often founded : I can hardly suppose a matter of that important and interesting nature, as his Honor justly represents this, to have wholly escaped the observation of our legislators before this time.

If therefore his Honor will be pleased to look into the province law 15 Georg. 2d. cap. 2. A. D. 1741. **he** shall there find a law entitled an act to ascertain the value of money, &c. the first clause whereof enacts, that from and after the first day of February [then] next, all coined silver of sterling alloy shall be accounted paid and taken as lawful money of this province at the rate of *six shillings and eight pence* per ounce, and OTHER MONEY in the same proportion, and no otherwise.

Here I should be glad to enquire what more explicit words could well be found out to determine gold to be lawful money of this province. What *other*  
money

money can there be besides silver, unless it be gold. \*

True it is the legislature do not there fix the proportion between gold and silver. They however suppose a proportion and a fixed proportion between them.

If his Honor's detestation of a paper currency, will permit him to look into the acts for establishing what are called the middle and new tenor bills of credit; he shall find these mentioning gold, and determining the value of their bills, by gold at a fixed rate, as well as silver. Which I take to be so many testimonies, and most authentic ones too, that they looked on gold indifferently with silver to be the **LAWFUL MONEY** of this province. And this holds true, whatever reproach his Honor may cast on our paper currency: And however fictitious the value, which the bills purported, was.

For

\* Since the above was wrote, I find a very strange suggestion relating to this clause of the act, which I did then, and do now look upon so explicit to the purpose I alledge it. This suggestion is in the *Boston Evening Post*, *January 11th, 1762* by a writer signed Y. Z. He suggests, and he says it will be manifest to any one that will give himself the trouble to read the act, that the meaning of the *other money* there mentioned, is bills of credit emitted that year. In a matter so evident as this, it is very difficult to mind *not* to illustrate it. Yet let it be observed (1) That the legislature of this Province have never called their *bills of credit, money*, not even in the most detestable times of our paper currency. Wherever they are mentioned together, they are expressly distinguished. (2) In the very title of the act under consideration, they thus expressly distinguish. The title is. **An Act to ascertain the value of money, and of the bills of credit of this province granted this present year for the supply of the treasury, and for securing the credit of said bills.** (3) In the body of the act itself, they make the like distinction; for after the clause we are considering, follows this, *And whereas the bills of credit on this province have been fluctuating, and uncertain in their value, &c.* And then they go on and say, the value of the bills emitted this year, as Y. Z. cites, yet they immediately make provision in case of these bills depreciating as others had done before. — (4) If Mr. Y. Z. will please to look into the law for emitting the bills of credit that year, referred to in the act we are considering, he shall find this form enacted: This bill of twenty shillings due to the possessor thereof — shall be equal to three ounces of coined silver, troy weight, of sterling alloy, or gold coin, at the rate of four pounds eighteen shillings per ounce, &c.

For all these show plainly that they professed to make gold as well as silver a *standard*.

We will now come with his Honor to the act for redeeming the bills of credit : which it is true mentioneth only coined silver, and does not that I can find make any mention of gold. This I take to be a meer oversight at that time, owing to the great perturbation, which the redeeming our paper currency occasioned, both within doors and without : Or perhaps it was supposed that fixing the rate of silver, the proportion between it and gold being settled, fixed the rate of other money : just as settling the value of one dollar was settling the rule for any other number whatsoever. Or whatever other cause it was owing to : certain it is (as his Honor says, and we need not desire a better witness) it was not intended to exclude the currency of gold. In truth, if it had been their most declared intention so to do : I incline to think it cannot be in the power of the legislature of this province, by an act of theirs, to exclude the currency of the gold coin, stamped by the authority of the King, or current by his proclamation.

We need not however spend time in the discussion of this last point ; because before the change of our bills took place, the other act for ascertaining the rates of gold coins was made.

The report his Honor makes of this law is this, “ To prevent any ill influence on the standard, it was thought necessary to fix by law rates for each species, which they should not exceed, altho’ they were not made a tender at those rates.”

I on the contrary suppose that the rates of those gold coins were settled as much by that law ; made as really lawful money at those rates ; as ever dollars were made so at the rate of six shillings a piece by the former law. Thus we differ, our appeal must therefore be to the law itself for a decision. But before I present that to the reader, I desire him only to observe, what a strange representation is here made by his Honor,

Honor, respecting our currency, our money, that which (in a commercial state at least) is the measure of all things.

These gold coins, his Honor saith, obtained a currency among us ; rates were fixed which they should not exceed, yet they were not money at those rates. So according to his opinion, an execution against a debtor could not and cannot now be discharged (unless the creditor voluntarily accept it, as he may do old shoes or any thing else) in any of those gold coins. And a debtor taken in execution must be committed to goal for a debt of ten pounds, tho' he hath and tenders to the officer, gold with the image and superscription of the King of Great-Britain on it, to the amount of five hundred pounds. † I imagine this consequence is too glaring to be seriously adopted ; and the gentleman will say that these gold coins were a tender at some rate ; but not at the rates the law fixed. It was supposed (the gentleman saith) it would pass in that proportion to silver, as it bore in other parts of the world with which we had commerce." Let us see if as shocking consequences do not follow from this explication as the former. Let us suppose, a debtor in the hands of a sheriff, on an execution for ten pounds. He hath no silver to offer ; but he hath gold enough. On our present supposition the sheriff must not commit him, if he will pay in gold in proportion to silver as it bears in other parts of the world with which we have commerce. Who is to judge and determine this, which is needful to be instantly determined, in order to the debtors liberation ? Why, to compleat our representation ; let us suppose this matter to happen precisely at the instant his Honor's projections and proposals are made public. The sheriff hearing of the publication, hastily runs carrying his prisoner with him to Mr Fleet's, and buys the paper, putting his prisoner under guard, he retires himself to read it. There he finds four different prices set on a Joannes, on divers suppositions, and nothing fixed. He can only collect,

† The sheriff perhaps may take it in execution and ~~sell~~ vendue as he may any other commodity.

collect, with certainty from it, that he must not accept a Joannes for forty eight shillings. Mean time his prisoner grows impatient, tenders him all his gold coins, amounting to one hundred pounds sterling, and bids him take at his peril. What now shall the sheriff do? shall he adventure himself to decide what his Honor hath left doubtful? shall he determine what proportion gold bears to silver in other parts of the world with which we have commerce? And does he determine at his own risque, so that if he determine gold at a lower or higher rate than it really bears to silver in other parts of the world with which we have commerce, the creditor or debtor respectively have their action against him? And shall this question which hath so much puzzled the sheriff, puzzle a jury on the action against the sheriff, and be finally determined at the risque and expence of the sheriff? Note here that I do not suppose the sheriff or debtor in this case to apply to any lawyer for advice. That body are supposed to be acquainted with the laws of their country, but this matter by the supposition the law hath not settled, it hath left it to be decided by the commerce of other countries; which the lawyers by their books and study, have no direction to find.

All this absurdity and innumerable others clearly follow from this opinion, that any coins are by the law money, and yet their rates not fixed by the law.

Dr. Wood placeth it as the motto of his work, and it is a sentence worthy to be written in letters of gold. *Miseræ servitus est, ubi jus est vagum aut incognitum.* It is a miserable servitude where the law is either vague or unknown. Where all law depends, on the meer will and discretion of a judge, what security has the subject for his property? Yet on our last supposition, what besides meer will and discretion can it be to determine a controversy of the sort we have supposed? Suppose this will and discretion to be in a person of the most eminent justice: his decisions in an hundred cases, are no sure rule to go by. And the law touching this matter is as vague after his hundredth decision as before he began to judge.



Upon this view I think the justice of the second position I advanced, must appear clear to every one, *to wit.* that if those species of gold coin were not now a legal tender at those rates; public justice and conscience evidently require they should in the most explicit manner be made so. For nothing is more evident than that such uncertainty and fluctuation in so interesting an affair, must produce endless confusion and disorder. And I think, it is also very evident, in fact and experience, that those gold coins have ever since the making of that law passed at the values therein set, and been the measure of all contracts, to the full as much as dollars, have been at six shillings. No man for instance, at this day, is honestly possessed of a Joannes, whom it hath not cost forty eight shillings. The government itself, in all its transactions with its creditors, and with its debtors, hath received and payed it always at that rate, and by its own example taught the subjects to receive and pay it at the same. In all the debts that have been contracted by private persons, since the year 1750, a Joannes has been hitherto considered by the creditor, and by the debtor as forty eight shillings. Now if the debtor be compellable to pay, the individual Joannes he borrowed at two shillings less, than he received it for, and it was reckoned to make up his debt. Alas what have we gained by the year of jubilee? What avails the destruction of our depreciating and detestable paper currency? Where is our perpetual invariable standard? If gold, hard gold, with the image and superscription of the British Cæsar on it can depreciate as well as old Tenor. Nay, on this supposition, are we not in a far worse situation, with respect to the public justice, than with the most detestable of our paper bills? For we had a measure by which to know their depreciation. The courts compared the bills with the price of silver at the time they made up judgment and added as depreciation whatever that was more than the price at the time of the contracting the debt. This was easily known, it was only to send to the goldsmiths in Bolton; from them

C

the courts actually had tables of the rise of silver, by which they estimated this depreciation. But in our case, where shall they find a table, which shall show them “ the proportion gold bears to silver in other parts of the world with which we have commerce ?”

Moreover, No injustice can be done to creditors, by making these gold coins, a tender at the rates the government has set on them. *They* will receive their own, with usury, whereas infinite injustice may be done to *debtors*, if either gold coins may be wholly refused ; or may be accepted only at the creditors price. Wherefore, if public conscience requires, that justice be done to all, without injustice to any; it requires that these gold coins should be made money, and a tender at the rates the government have set them by their own law, and universal practice hath also confirmed.— In case his Honor is right and they are not already so. Let us now consider that law, and see if the operation thereof be not evidently so to make them.

The act is 23d Geor. 2d. chap. 5. and is entitled an act for ascertaining the rates at which coined silver and gold, and English half pence and farthings may pass within this government.

The preamble, reciting the clause, in the former law, relating to bargains and contracts payable in silver, adds, And whereas there is great reason to apprehend, that many and great inconveniences may arise in case any coined silver or gold, or English half pence, and farthings should pass at any higher rate than in a just proportion to Spanish pieces of eight, or coined silver, at the rates aforesaid.

Then follows the enacting clause, that it shall not be lawful to receive or take any of the following coin at any greater or higher rate than allowed by that act.

To wit, A Guinea at twenty eight shillings,  
 An English crown at six shillings and 8d.  
 Half crown, three shillings and four pence.  
 English shilling, 2s. 4d.  
 English six-pence, 8d.  
 Double Johannes, 4l. 16s.

Single

Single Johannes, said there to be of the value of thirty six shillings sterling, 2*l.* 8*s.*

A Moidore, 1*l.* 16*s.*

A Pistole full weight, 1*l.* 2*s.* &c.

Then follows the clause, making a forfeiture of fifty pounds to be incurred by any who should receive or pay those coins at any greater rate than *at which the same is hereby regulated, settled, and allowed to be accounted.* Note, this is the same penalty, and to be recovered in like manner, as that for accounting dollars above six shillings a piece.

Here his Honor saith, they (the gold coins) were not made a tender at those rates. He has not been so good as to declare his opinion touching the species of silver coins, mentioned and regulated by the same act. Whether, for instance, an English crown be lawful money at six shillings and eight pence, and so of the other silver coins.—If, he says, they are lawful money at those rates, and the others not, he ought to show the diversity, and why the same precisely enacting words should have such different effects as these.—If he saith, that those species of silver coins are not money at those rates. I would ask him, if it were not too bold whether those also are to pass, in the same proportion with silver, they bear in other parts of the world with which we have commerce.

Now I apprehend that this law, especially if taken in connection with the former law, 15 Geor. 2*d.* chap. 2*d.* makes these species both of gold & silver coins money, at the rates there specified. my reasons are these.

(1.) This law expressly determines those rates to be *in a just proportion* to Spanish milled pieces of eight, and to coined silver at six shillings and eight pence an ounce. Now the former law enacting that other money should be in proportion to silver, *this law* determining the proportion, taken together they certainly establish them.

(2.) Settling by an act the value of coin, and declaring the rates at which it may pass, is in my apprehension making it money at those rates.

(3.) The legislature themselves appear so to account it in this same law, for they say, *shall receive. &c. at any greater and higher rate than at which the same are hereby regulated, settled and allowed to be accounted.*

(4.) The legislature in other laws referring to this appear so to look upon it. Particularly temporary laws 29 Georg. 2d chap 22d. The treasurer of the province is directed to borrow from his excellency governor Shirley, the sum of £. 40,000 *lawful money*, in Spanish milled dollars at six shillings each, or in coined silver at six shillings and eight pence per ounce, or *in coined gold at the rate at which such gold is set, or restrained from exceeding by the act we are now considering.* For that he is to give two receipts for £. 20,000 lawful money each.

(5.) In the act of Parliament 6 Ann cap 2d. made for ascertaining the rates of foreign coins in her majesty's plantations in America. Where the rates of pieces of eight and other coined silver is stated, and nearly the same words prohibitory of any persons accounting at an higher rate as in the law we are now considering; there comes a provision in these words. *Provided that nothing in this act contained shall extend or be construed to compel any person to receive any of the said species of foreign silver coins at the respective rates in the said proclamation mentioned.* Hereupon this is my argument. This proviso was needful to be put in, otherwise the proclamation and the other part of the act would have been taken to be thus compulsory. The operation of law on the former part of the statute would have made the coins there mentioned money, and a legal tender at those rates. Now in our law there is no such proviso, wherefore the operation of the words are as aforesaid. This argument is of the more force, as many expressions in the province law seem to be borrow'd from that statute; the language whercof they adopt in the prohibition, but do not adopt the proviso.

(6.) The province law we are considering hath obtained the royal assent. And therefore may be looked upon as equivalent to a proclamation of his Majesty. Now

Now as his Majesty hath right to settle the rates at which foreign coins may be current in his dominions. Had he by one proclamation declared that Spanish milled pieces of eight should be lawful money at six shillings each, and by a succeeding one, that such species of coin were in a just proportion to that, and should not exceed such a rate. I believe none could have doubted but that they became lawful money at those rates. I add,

(7.) The proportion set in this law between gold and silver is the exact proportion they bear in the English mint at this day, and according to the last regulation made thereof by our Sovereign.

Her late Majesty Queen Ann by her proclamation dated the eighteenth of June 1704, (printed in the last edition of the provincial perpetual laws page 155) declares that she had caused assays to be made by the principal officers of her mint to determine the sterling value of several species of foreign coins that passed in payment in her dominions in America. Among others her Majesty mentions these peices of eight, and the sterling value of them, set by her Majes<sup>t</sup>, in this proclamation is four shillings and six pence each. His Honor himself saith, that it was thought best to conform to this proclamation in the act for exchanging our paper bills. And in truth it is wholly by this that all the other species of money both gold and silver are regulated. Let any one compare them, and he shall find them exactly calculated. It is not even suggested that the sterling value of any of these coins is overrated. A Johannes is worth at least 36s. sterling, and so of the rest. This then is the regulation of our money; four shillings and six pence sterling is equal to four shillings lawful money of this province. The sterling value of a dollar as settled by her Majesty is four shillings and six pence. This is the rule the government professes to go by. Not the accidental price of bullion in the market. And by this rule most of the regulation

with which I will not detain the reader will show that the rated values are just.

Upon these reasons and others that might be mentioned I apprehend these gold coins to be money at the rates fixed in the law; and therefore I suppose it would be at the peril of the Sheriff to refuse them at those rates, and that he would subject himself thereby to the action of the party, whose gold he refused. And I have too much confidence in the justice of the honourable gentleman himself, to suppose the extrajudicial opinion, he hath given in the news paper, would influence even his own judgment; when the matter came before him in tryal. At the same time I must say it is great pity that the honourable gentleman should publicly in such peremptory and strong terms, declare his opinion on a question, which in all probability unless some new law be made will one day or other come judicially before him.

Wherefore I apprehend it highly imports the legislature of this province, to put this matter out of all possible doubt, and in words that cannot be winked out of sight, to make these coins money at their present rates. I will even add that in my opinion all the disputes that have ever been, between the several branches of the legislature of this province, are meer trifles compared with this.

I cannot conclude, without adding that his Honor's proposal, which I take to be, to let silver remain at the present rate, and to lower the rates of gold, to me appears highly unjust on the principles he himself lays down——He says "that whatever is the proportion between gold and silver bullion in England the same must be always kept in the colonies." He saith also that at the exchange of our paper bills silver was from 3d  $\frac{1}{4}$  to 5s 4d sterling the ounce; and he saith that silver by the last advices was at 5s 9d. And that gold was at four pounds and eight pence and rising.

From these facts it plainly appears, that both gold and silver bullion in England, are of higher value than at the time

time of the exchange of our paper bills. Now his Honor's proposal is to let silver remain with us at this extreme low rate and to make gold lower still, that is to say, the value of a Joannes, is really greater than it was, at the time of the exchange aforesaid, by the measure he himself proposes to try it by : yet his Honor's project and proposal is to force the debtor to pay it at a lesser rate.

In truth, if the mischiefs his Honor points out are real (about which I pretend not to judge being no merchant) and if these mischiefs require any interposition at all from the legislature, I conceive that interposition ought rather to be in raising the price of dollars than in lowering that of gold coins. I have (as I conceive) great authority with me in this. No less than the honorable superior court. Every one knows, that as during our paper currency, when silver was continually rising; they in making up judgment, on debts, contracted to be paid in bills of credit, added as depreciation whatever silver had risen from the time of contracting the debts : So in the year 1750 and ever since, in making up judgments on debts contracted to be paid in bills of credit in the years 1748 & 1749, in which years silver was at £. 1 an ounce, they made & still make an allowance rebate or † appreciation of ten per cent, and deduct that thereabouts from the principal sum expressed in the bond and then cast the interest on the remaining principal. And their Honors, make up judgments to this day by this rule, making the price of silver their guide to determine the value of the debt. Now if our present currency needeth correction, let it be corrected according to the truth, just as their Honors estimated our paper currency. Nor in truth can I see, independent of any authority, what injury is done to any one, if gold and silver bear the like price in money, as they will fetch.

100

† As the writer has not the vanity to think these remarks will cross the water, it is hardly necessary to make an apology for using this word which hath universally obtained and is well understood in this province.

the market. Really it appears to me that all the facts his Honor points out show plainly that dollars are much under-rated, and that it is from this under-rate of them, not the over-rate of the gold coins, that the disproportion he speaks of arises. His Honor saith they were estimated too low at the first, they were worth at that time from four shillings and seven pence to four shillings and seven pence half penny sterling, and they are worth now five shillings sterling. It is their greater worth in England at this day that makes it more profitable to ship them there than gold. If it be said that by raising them every trader loses 3 or 4 per cent of his debt, I deny it, he loses nothing, any more than the creditor to whom bills of credit were payable by contract in the years 1748 & 1749. Both have the real value of their debts made good to them; and neither ought to desire to have more than *their own* with usury. I desire however it may be observed that I do not propose such a rise of silver. I only say if one must be done, either to raise silver, or lower gold, the former is most equitable and most agreeable to truth, and therefore to be preferred.

In one thing I do agree with his Honor, that there is no difference between the public debts and private ones, respecting this matter. Money the wise man saith answers all things. However particular the obligation may be, the court makes up judgment for lawful money, ~~not~~ for the particular species of it that a whimsical creditor may pitch upon. And whatsoever is money will discharge a debt.—Let us suppose for instance an obligation to be made for a thousand English shillings; no ~~man~~ can think a debtor bound by such obligation, would be held to a specifick payment, but that the value of the ~~sum~~ paid in any other money would discharge him.—The like observation holds with respect to the metals of which money may be made, whether gold or silver be specially mentioned. Money answereth all things.—Nor will it be any injustice, to the creditors of the government for them so to consider it, for it is very certain that the money lent the government hath been in-  
different.



differently paid into the treasury, in gold and silver,  
 whatever the words of the acts for the loan might ex-  
 press.

His Honor proposes an objection to himself that is of great weight. — It is that his proposal doth not go far enough, that we must have a scheme to keep both gold and silver among us, and then there will be no more need of reducing gold, than there has been in times past. He is so good as to say, if any person can propose a method of effecting this he will give up his proposal.

I am so whimsical as to think, that without this scheme be effected, it is very immaterial to provide for any thing else. And that if we had money of one metal or even of one denomination only, a balance in other countries, which necessarily called for the exportation of it, would produce all the mischiefs that his Honor points out. It would in reality if not in name raise the price of that one denomination.

I am also whimsical enough to suppose, that it is not absolutely necessary for us, by our luxury to be reduced to such extreme poverty as his Honor mentions in order to bring our exports and imports to more equality, and prevent such an heavy balance against us.

**TRADE** hath made this province what it is,—hath raised it from a wild forest, to a fair and beautiful colony,—hath enabled it to bear the heaviest wars, without sinking.—Let this therefore be still cherished.—Let what remains of it to us be courted to stay.—Let it be assured of the protection of power, and no power armed to its destruction. Let them who would feast on it's spoils be made to lick the dust, and they who love it's prosperity prosper.

If once this public spirit could prevail, and universal attention be given to the real interest of the public, we might reasonably hope, soon to see our trade on such a foot, as that none of the mischiefs his Honor points out would affect us.

# Postscript.

**T**HIS subject may receive an additional light if placed in one other view.

Let us suppose that when the exchange of our paper was made, our legislature had adopted a sterling currency instead of our present. As we could not expect to have our currency from the coins of the kingdom, it would have been necessary to have stated the rate of such foreign coins as we might suppose would be current here. Her Majesty's regulation afore-mentioned would have fixed the rate of a dollar at four shillings and six pence, a Johannes would have been 36s. &c.

Now on this supposition all the mischief his Honor points out must have happened. There would have been a gain on dollars of six pence or seven pence a piece sterling, which would have tempted to the exportation of them rather than gold. If now the mischief his Honor mentions, required any interposition to correct it and alter the rates of money. Whether would have been more just ——— to lower a Joannes to thirty four shillings and six pence, when it every day fetches in England thirty seven shillings, and upwards, or to raise dollars to five shillings, which is rather below than above their market price in England. *Cæcus hoc videbit.*

A blind man may determine this, and yet this once determined, no question can remain.

It was my intention to handle this subject, so interesting to my countrymen, with entire freedom: And at the same time to preserve the greatest respect to a gentleman so much my superior. I have not willingly failed

failed in either. It would be a great affront to his Honor to suppose that he demanded implicit belief from his readers, and that when he proposed his projection to the public consideration he should be offended at, the freest discussion of it. Not doubting of his excuse, I humbly take my leave of him and the public, with the words of Euripides, as translated by Milton,

*This is true liberty, when free born men  
Having to advise the public, may speak free ;  
Which he, who can and will, deserves high praise.  
Who neither can, nor will, may hold his peace,  
What can be juster in a state than this ?*

