

Case No. 7,151.

JACKSON v. WHITE.

{1 Pet. Adm. 179.}<sup>1</sup>

District Court, D. Pennsylvania.

1806.

SEAMEN'S WAGES—EVIDENCE.

A receipt in full given by a mariner not admitted as conclusive evidence against him.

A receipt from the seamen, purporting to be “in full of all debts, dues and demands,” was produced to repel a claim for wages. It had been made use of, to shew an adjustment of a charge for a violent and unjustifiable assault and battery, wantonly and cruelly committed.

BY THE COURT. From my own observation, I can truly state that, I have too often seen advantages attempted under colour of such receipts. I am warranted both by

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common law authorities, and chancery decisions, relative to instruments of much greater solemnity, to say, that although such receipts are in general respectable evidence, yet they are by no means conclusive. Fraud, duress, misconception, mistake, in either party, are open to enquiry. If in the settlement of the account any such ingredients appear, or any improper practices, in obtaining the receipt are discovered, the whole matter is enquirable into, and justice must be done, notwithstanding any prima facie evidence, arising on the face of such receipts, tending to foreclose investigation.

<sup>1</sup> [Reported by Richard Peters, Jr., Esq.]