

Case No. 15,470.

[Pet C. C. 450.]<sup>1</sup>

UNITED STATES V. THE JASON.

Circuit Court, D. Pennsylvania.

April Term, 1817.

PAROL EVIDENCE—DOCUMENTS.

Written documents certified by foreign notaries, offered as evidence, may be contradicted by parol testimony.

This was an information for entering the Jason as an American bottom, after she had been sold by the American owner to a foreigner. To prove the transfer, the United States offered in evidence, a letter to the master authorising him to dispose of her, and a bill of sale to a Spaniard, certified under the seal of the notary public before whom it was acknowledged; also the order of the captain general, and president of the royal customs, for registering this vessel as a Spanish vessel, certified by three notaries, and a copy registered in his office under the royal seal of the college of notaries. Also, a certificate of the officer of the Spanish custom house at Havanna of the entry there of this vessel as a Spanish vessel, with a certificate of the college of notaries that the person giving that certificate is such an officer. The above papers were read with the consent of the defendant's counsel, they reserving the right to object to their admissibility in the argument of the principal question.

THE COURT admitted the captain and mate as witnesses in behalf of the claimant, to disprove the whole of the above evidence. The captain swore, that he never received any letter from his owner which authorised him to sell this vessel; that he never did sell her; that he commanded her out and home, as the property of the American owner, and that she never was entered otherwise than as an American vessel belonging to the owner.

THE COURT gave no opinion as to the admissibility of the evidence offered by the United States, but, taking it as unexceptionable, they decided that it was open to contradiction, and was satisfactorily disproved by the evidence offered by the defendant.

THE COURT was satisfied that either the papers offered in evidence were fabrications, or that the Spanish officers who gave the certificates had been imposed upon by false papers.

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