

Case No. 8,964.                    MAGRUDER V. BOWIE ET AL.  
[2 Cranch. C. C. 577.]<sup>1</sup>

Circuit Court, District of Columbia.

May Term, 1825.

SHIPPING—PART OWNERS—PARTNERS—SHIP'S HUSBAND—ACTION FOR FREIGHT.

Part owners of a ship are not joint partners. Each may maintain a separate action against the ship's husband for his proportion of the freight, and it is no objection that the ship's husband is one of the part owners.

Assumpsit for one-fourth part of the freight earned by the ship Alleghany, of which Magruder owned one-fourth, Thomas Peter one-eighth, George Peter one-eighth, and the defendants [Bowie and Kurtz] one-half.

Mr. Marbury, for defendants, contends that his is a partnership, and that one partner cannot sue another at law. The reasons applicable to general partnerships apply to this case as between these parties.

THE COURT (THRUSTON, Circuit Judge, absent), stopped Mr. Key and Mr. Dunlop, in reply, and said that part owners of a ship are not joint partners, each may maintain a separate action against the ship's husband for his proportion of the freight, and that it was no objection that the ship's husband was one of the part owners, as their interests were separate, and not joint.

Verdict for the plaintiff, \$929.58, with interest from 1821.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]