

No. 15 of
Record.

The freight was in fact tendered by Messrs. Paint and Lemessurier, (the Consignees) to the Respondents at Newfoundland, but they refused to receive it, whereupon a protest was duly made which is upon the files of this cause.

2. The second relates to the persons who were entitled to recover the freight earned by the Three Sisters from the Consignees.

Abbott on
shipping p. 87
Ed 1804.
2. Sir. 820
2. T. R. 292
1. B. & P. 73

It is in evidence that the owners of the Three Sisters were Philip Dean, John Dean and Charles Smith. And the Appellants respectfully contend that by Law all the owners ought to have joined in this action and that the appellants may avail themselves of the objection of the non-joinder of one of them under the general issue.

The Court below however pronounced the following Judgment :

The Court of our Lord the King now here doth adjudge and condemn the Defendants Peter B. chant and William G. ut Sheppard to pay to the Plaintiff Philip Dean and John Dean, for the cause stated and set forth in the Declaration in this cause filed, the sum of Two hundred and thirty two Pounds, sixteen Shillings and five pence, currency, with interest thereon from the twenty eighth day of March, one thousand eight hundred and twelve, until perfect payment, and costs of suit.

It is from this Judgment that the present Appeal is brought.