

PECK v. NEIL.

[3 McLean, 26.]¹

Circuit Court, D. Ohio.

July, 1842.

CARRIERS OF PASSENGERS—CHARACTER OF
INJURIES—DAMAGES.

This action was brought by the plaintiff [William L. Peck] for an injury done him by the upsetting of the stage, at the time described in the above action of *Peck v. Neil* [Case No. 10,892]. The evidence was substantially the same, as to the conduct of the driver, and the upsetting of the stage. The case was submitted to the same jury, and the extent of the injury was the only difference between this and the other case. There was much difference of opinion among the witnesses as to the extent of the injury; some of them stating that the injury received by the plaintiff, on the head, had materially affected his mind. Others did not agree with this, and considered the injury as not so serious.

THE COURT instructed the jury, as in the other case. They found for the plaintiff, and assessed his damages at twenty-five hundred dollars. Judgment was entered on the verdict.

¹ [Reported by Hon. John McLean, Circuit Justice.]