

SELLERS v. PANAMA R. CO.

Circuit Court, S. D. New York. Sept. 23, 1857.

NEW TRIAL—COSTS—WEIGHT OF EVIDENCE.

This was an action to recover damages for breach of contract. Verdict for plaintiff. Heard on motion for new trial. Granted, on the ground that the verdict was against the weight of the evidence. NELSON, Circuit Justice, in disposing of the case, said: "It seems to me a proper case for the consideration of the jury; but the new trial must be on payment of the costs of the circuit at which the trial was had, and upon the case at the term."

Mr. Cutting, for plaintiff.

Mr. Parter and Mr. Lord, for defendant.

[NOTE. No opinion can be found in this case. The statement of the decision given is from N. Y. Times, Dec. 9, 1858.]

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