

Statement of the Case.

The case is therefore

Remanded to the District Court, with directions to take an account on the principles here established, and to render a decree accordingly.

INLAND AND SEABOARD COASTING COMPANY v.
HALL.

ERROR TO THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Submitted December 22, 1887. — Decided January 9, 1888.

An appeal lies to the general term of the Supreme Court of the District of Columbia from a denial by that court in special term of a motion for a new trial, made on the ground that the verdict was against the weight of evidence.

Metropolitan Railroad Co. v. Moore, 121 U. S. 558, affirmed to this point.

CASE to recover damages for injuries caused to plaintiff by defendant's negligence. Verdict for plaintiff for \$4000. Defendant thereupon moved for a new trial on exceptions taken at the trial, and also on the following grounds: (1) Because the verdict was against the weight of evidence. (2) Because the verdict was against the instructions of the court. (3) Because the damages awarded by the jury were excessive.

This motion was heard by the justice before whom the case was tried and was overruled, and from the order overruling and denying the motion an appeal was taken to the court in general term. The order and appeal are as follows:

"The motion for a new trial coming on to be heard upon the pleadings, testimony, and rulings of the court, as set forth in the pleadings, and the stenographic report containing the whole of the evidence in said case, and being a case stated, said report being filed herewith and made Exhibit A, the same is overruled, and from the order of the court overruling said motion the defendant hereby appeals to the court in general term.

"By the court.

"MACARTHUR, *Justice.*"

Opinion of the Court.

The court in general term dismissed the appeal, and entered the following judgment :

“ Now again come here as well the plaintiff as the defendant, by their respective attorneys ; whereupon it appearing to the court the order of the court below overruling the motion for a new trial on a case stated upon the ground that the verdict of the jury was against the weight of evidence is not an order from which an appeal lies to this court ; and it also appearing to the court that the plaintiff's exceptions to the admissibility of evidence and to the rulings of the court were not well taken, the said appeal is hereby dismissed, and the motion for a new trial on exceptions is now overruled, and the judgment of the court is affirmed, with costs.”

The defendant then sued out this writ of error.

Mr. Nathaniel Wilson for plaintiff in error.

Mr. L. G. Hine and *Mr. Sidney T. Thomas* for defendant in error.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

This judgment is reversed on the authority of *Metropolitan Railroad Co. v. Moore*, 121 U. S. 558, and the cause remanded with directions to take further proceedings therein in accordance with the opinion in that case, that is to say, to consider the appeal from the order at special term denying the motion of the Inland and Seaboard Coasting Company for a new trial, made on the ground that the verdict was against the weight of the evidence.

Reversed.