

be granted. Scholefield vs. Leblond, 1820, no. 1185.

An action *d'injures* lies for a malicious arrest of the person, and though the court may, in any case, grant a new trial for excessive damages they will not exercise the right unless the *quantum* awarded is such as indicated passion or partiality in the jury.

When conflicting evidence has been offered and the circumstances of the case have been fully and fairly laid before the jury by both parties, a new trial is not allowed. Wood vs. Deschêne and McCallum, 1821, no. 1175.

