

ORIGINAL

IN THE HIGH COURT OF AUSTRALIA

LEGGE

V.

BEDFORD

ORIGINAL

REASONS FOR JUDGMENT

Oral Judgment delivered at Sydney

on Friday, 16th August 1957

LEGGE

v.

BEDFORD

JUDGMENT

(ORAL)

DIXON C.J.
MCTIERNAN J.
WILLIAMS J.
WEBB J.
TAYLOR J.

LEGGE

v.

BEDFORD

A case of this kind places a responsibility upon the jury as well as upon the Courts which have to deal with it. The circumstances are unusual; the injuries are of the gravest character. The degree of prejudicial influence they may have on this girl's life is great and the prospects of any amelioration are uncertain, although they exist.

We think that we ought not to interfere with the decision of the Supreme Court upholding the verdict. We are alive to the fact that the verdict is a very large one. But the Supreme Court have regarded it as within the reasonable bounds of what the jury might do and in that view we agree.

Taking the most favourable view of the evidence for the plaintiffs as the jury were entitled to do, we think the verdict cannot be regarded as so excessive as to be outside the limits of what it is possible for the jury to assess.

Some criticisms have been made of the judgments of the Supreme Court but they amount to merely qualifications of epithets that have been used. We think, even assuming that those qualifications should be made, that the substance of the judgment of Mr. Justice Owen remains unaffected and that it is correct. The Supreme Court properly refused the application for a new trial on the grounds of excessive damages. We will therefore dismiss the appeal with costs.