

8  
**ORIGINAL**

IN THE HIGH COURT OF AUSTRALIA

---

HARRIS

---

V.

SMITH

---

**ORIGINAL**

---

**REASONS FOR JUDGMENT**

---

*Judgment delivered at* SYDNEY

*on* MONDAY 11th NOVEMBER 1963

---

MR. SMITH (continuing): In my submission that cannot be said your Honours and for those reasons I submit with respect that the appeal should be dismissed.

KITTO, J: Thank you Mr. Smith. Yes Mr. Evatt?

MR. EVATT: There is just one passage in the evidence of Dr. Bloch following immediately after the passage my friend read at p.26, your Honours, at line 8:

"Do you think that would account for the pain here, or for some of it?---I think only a small part of it because it is actually a joint surface that is irregular and removing the pin might cause some relief, perhaps to the extent of ten or fifteen per cent of her pain..."

KITTO, J: We have considered this matter. We think that the verdict awarded was low but that it was not so low that a reasonable jury, acting reasonably, might not have awarded it. We are content to adopt the reasons given in the majority judgments in the Supreme Court for holding that the verdict should stand.

The appeal will be dismissed with costs.

The court will adjourn until half past ten tomorrow morning.

AT 4.24 P.M. THE COURT ADJOURNED UNTIL THE  
FOLLOWING DAY, TUESDAY 12TH NOVEMBER 1963,  
AT 10.30 A.M.