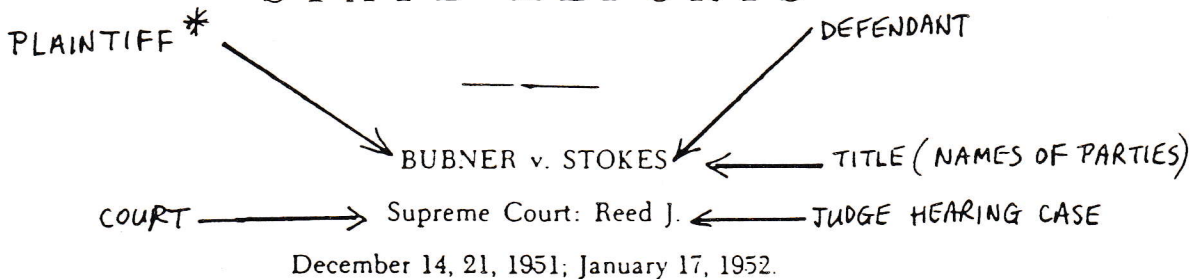


APPENDIX 1

THE SOUTH AUSTRALIAN
STATE REPORTS



CATCHWORDS → *Trespass—Trespass to person—Schoolboy injured by pen thrown by another schoolboy—Boy throwing pen aged nine years—Liability in tort—Action not brought for twelve years—Limitation of actions—Whether action barred—Damages—Whether depreciation in value of money to be taken into account.*

HEADNOTE (SHORT DETAILS) → During the temporary absence of the master from the schoolroom, A, a schoolboy aged nine years, threw a pen at B, a schoolboy aged eleven years. The pen struck B in the eye and caused him serious injury. A, when he threw the pen, intended it to hit B, though not in the eye. Twelve years after the date of the injury, B sued A for damages for assault.

FINDING(S) → *Held, (1) That A was liable in tort for the assault.*
(FINDING IS NOT TO BE CONFUSED WITH THE RATIO DECIDENDI) → (2) That the action was not barred by the *Limitation of Actions Act 1936-1948.*
 (3) That in assessing damages no allowance should be made for the depreciation in value of money between the date of the assault and the date of assessment.

Action.
 The facts are sufficiently stated in the judgment.
 V. Matison, for the plaintiff Bubner.
 C. C. Brebner, for the defendant Stokes.

CASES CITED → [The following cases were cited:—*Exchange Hotel Ltd. v. Murphy*(1); *Law v. Wright*(2); *Horton v. London Graving Dock Co. Ltd.*(3); *National Coal Board v. Evans & Co.*(4).]
(AUTHORITIES, PRECEDENTS ETC.)

Cur. adv. vult. → **CURIA ADVISARI VULT. (RESERVED JUDGMENT—TIME WAS TAKEN BEFORE REACHING A DECISION)**

DATE OF JUDGMENT. → January 17.
REED J.:—The incident out of which this action arises occurred in May 1938. The plaintiff and the defendant were pupils in the same class at the Alberton Primary School. The master had gone out of the room, after instructing the boys to read their books during his absence. As might be expected his direction did not receive the entire obedience

(1) [1947] S.A.S.R. 112. (3) (1950) 1 K.B. 421.
 (2) [1935] S.A.S.R. 20. (4) (1951) 2 All. E.R. 310.

S.A.S.R. 1.

* IN AN APPEAL CASE THE PERSON(S) APPEALING IS THE APPELLANT(S) AND THE OTHER PARTY IS THE RESPONDENT(S)