

Name: _____ Block: _____ Date: _____

HANDOUT 12: Questions on the Paisley Snail

After reading Handout 11: The Paisley Snail, answer the following questions.

1. Why couldn't Mrs. Donoghue sue Mr. Minghella, the café owner, for breach of contract?

2. Why couldn't Mrs. Donoghue successfully sue the owner for negligence?

3. The case of *Donoghue vs. Stevenson* went through three levels of court. If she had the same experience here today what would be the corresponding levels of courts Donoghue would have to go through to obtain a final decision?

4. Did any court ever determine whether there was a snail in the ginger beer?

5. Was the defendant, David Stevenson, negligent in the way he brewed and bottled his ginger beer?

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6. If Mrs. Donoghue's friend (who brought the ginger beer) had sued the café owner for breach of contract, how much do you think she should have recovered? Why?

7. How did Lord Atkin's decision change the concept of who our neighbours are so far as the law is concerned?

8. What does the term 'in forma pauperis' mean? When was its legal significance in the *Donoghue vs. Stevenson* case? Do we have anything similar in Canadian law? What assistance is available to people who can't afford to take a case through the courts?

9. What were (and are) the different functions of barristers and solicitors in Great Britain? Compare these functions to those of Canadian lawyers.
