

LEADING
CASES
IN

SONG

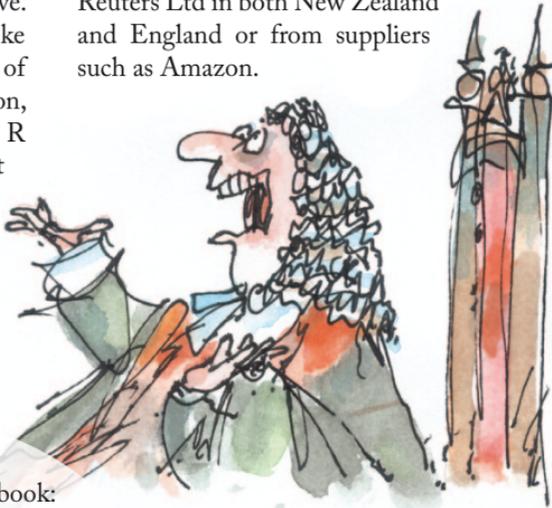
The CD

By Stephen Todd

Leading Cases in Song

The 19 songs in this CD take the facts of a number of famous law cases and celebrate them by presenting them in songs and music, with every one set to a different tune taken from the Gilbert and Sullivan operas. They are all based on decisions which are comical, or bizarre, or diverting, or which in one way or another raise interesting questions for the law to resolve. Judges, lawyers and law students alike will discover entirely new ways of appreciating *Donoghue v Stevenson*, *Carlill v Carbolic Smoke Ball Co*, *R v Brown* and many others; Gilbert and Sullivan fans will discover familiar favourites in new settings; and anyone who likes listening to amusing songs will undoubtedly enjoy this unique contribution to legal learning.

The words of all of the songs, together with illustrations and music, may be found in *Leading Cases in Song*, written by Stephen Todd and published in New Zealand in late 2013. The book also includes another 10 songs which have not yet been recorded (but may be in the future). It can be ordered from Thomson Reuters Ltd in both New Zealand and England or from suppliers such as Amazon.



For information on purchasing the book:

www.leadingcasesinsong.com

Operas and Songs

OPERA

1-5: MRS CARLILL AND THE AMAZING CARBOLIC SMOKEBALL

(BASED ON *CARLILL V CARBOLIC SMOKE BALL CO* [1893] 1 QB 256)

Mrs Carlill read an advertisement published by the Carbolic Smokeball Co which promised to pay a £100 “reward” to anyone who used one of its smokeballs and then caught the

flu. Mrs Carlill used a smokeball, caught the flu and claimed the £100. The much-disputed question was whether the Smokeball Co had to pay.

1: BEHOLD THE SMOKEBALL FLU PREVENTIONER

(MUSIC: **THE MIKADO: “BEHOLD THE LORD HIGH EXECUTIONER”**)

The smokeball vendor seeks to persuade Mrs Carlill to buy his smokeball.

2: POOR SUFFERING ME

(MUSIC: **THE PIRATES OF PENZANCE: “POOR WANDERING ONE”**)

Sadly, Mrs Carlill, having bought and used the smokeball, has succumbed to the flu.



3: SILENCE IN COURT

(MUSIC: TRIAL BY JURY: "ALL HAIL GREAT JUDGE")

4: MY LORDS, WE MAKE A CLAIM TODAY

(MUSIC: TRIAL BY JURY: "WHEN I GOOD FRIENDS WAS CALLED TO THE BAR")

Counsel for Mrs Carlill and for the Carbolic Smokeball Co each present their case.

5: THE GAZETTE OF PALL MALL

(MUSIC: THE MIKADO: "THE CRIMINAL CRIED")

Their Lordships deliver judgment.



SONGS

6: AN ARTFUL SCHEME

(BASED ON *CHAPLIN V HICKS* [1911] 2 KB 786)

(MUSIC: THE SORCERER: "TIME WAS WHEN LOVE AND I WERE WELL ACQUAINTED")

Mr Hicks organised a beauty competition where contestants sent their photograph to a newspaper and readers then voted for the most beautiful. Miss Chaplin won her heat, but due to Mr Hicks' breach of contract she was not able to compete in the final. So what was

it that Miss Chaplin had lost? We do not know how she would have fared in the final.



7: IS GOD A PERSON?

(BASED ON *R V DAVIE* (1979)
48 CCC (2d) 571)

(MUSIC: IOLANTHE:
"THE LAW IS THE TRUE EMBODIMENT")

The accused was arrested on suspicion of arson and put in a cell with a concealed camera and microphone. He was then recorded getting on his knees and praying, with the words "Oh God, please let me get away with it just this once".

The prosecution wished to introduce this as a confession, but a statute required the consent of the speaker before any recorded communication could be admissible in evidence. But was this a "communication" covered by the statute?

OPERA

8-11: DONOGHUE V STEVENSON: THE OPERA

(BASED ON *DONOGHUE V STEVENSON* [1932] AC 562)

Mrs Donoghue went to Wellmeadow Café in Glasgow with a friend. The friend ordered some ginger beer, which was provided in an opaque bottle. After drinking some of it Mrs Donoghue then discovered that the rest of the ginger beer contained the

decomposed remains of a snail. She sued Stevenson, the manufacturer of the ginger beer, alleging that she had been made ill due to Stevenson's negligence in manufacturing the ginger beer.

8: LET'S GO TO WELLMEADOW CAFÉ

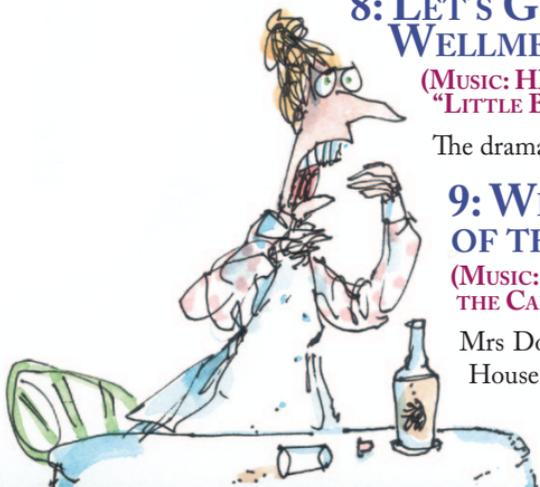
(MUSIC: *HMS PINAFORE*: "LITTLE BUTTERCUP")

The drama unfolds at Wellmeadow Café.

9: WE ARE THE JUDGES OF THE COURT OF LAW

(MUSIC: *HMS PINAFORE*: "I AM THE CAPTAIN OF THE PINAFORE")

Mrs Donoghue's claim has reached the House of Lords. Counsel and their Lordships greet each other.



10: LORD ATKIN

(MUSIC: *THE MIKADO*: "WILLOW, TIT-WILLOW")

Mrs Donoghue recounts her unfortunate story to Lord Atkin, after which counsel each present their arguments.

11: A RULE OF LIABILITEE

(MUSIC: *HMS PINAFORE*: "I AM THE RULER OF THE QUEEN'S NAVEE")

Their Lordships give their judgment.

SONGS

12: A LIFE OF WOE

(BASED ON *ZEPEDA V ZEPEDA* 190 NE 2D 849 (1963))

(MUSIC: *THE PRIRATES OF PENZANCE*: "OH IS THERE NOT ONE MAIDEN BREAST")

The plaintiff sued his father for seducing his mother, resulting in him coming into the world with all the disadvantages of illegitimacy.

A problem facing the plaintiff was that had his father not done this the plaintiff would not be here to complain about it.

13: THOSE SUPERSIZED BIG MACS

(BASED ON *PELMAN V MCDONALD'S CORPORATION* 237 F SUPP 2D 512 (SDNY 2003))

(MUSIC: *THE GONDOLIERS*: "RISING EARLY IN THE MORNING")

Two overweight teenagers sued McDonalds for supplying them with junk food and making them unhealthy.



14: PORN SHOCKER

(BASED ON *CHARLESTON V NEWS GROUP NEWSPAPERS LTD* [1995] 2 WLR 450)
(MUSIC: IOLANTHE: WHEN YOU'RE LYING AWAKE)

Two actors from the television soap opera "Neighbours" (Madge and Harold Bishop) sued the News of the World for publishing a large number of photographs showing them engaged in pornographic activity. They alleged that this was defamatory, on the basis that the photos suggested that they acted in pornographic films, which was not true. The newspaper argued that the accompanying article explained that the plaintiffs' heads had been pasted into the film by

the makers of a pornographic video game, so readers would know the photos were fakes. So should the law take account of the accompanying article, or should it recognise that some people would not read it and would look only at the photos?



OPERA

15-17: VERY PRIVATE LIVES

(BASED ON *CAMPBELL V MGN LTD* [2004] 2 AC 457 AND *MOSLEY V NEWS GROUP NEWSPAPERS LTD* [2008] EWHC 1777)

The first song concerns a claim by Ms Naomi Campbell, who sued the Daily Mirror for exposing the fact that she belonged to Narcotics Anonymous after she had denied that she took drugs. The newspaper's story was true, but the plaintiff alleged not that it was defamatory but that it was an

invasion of her privacy.

A similar claim was made by Mr Max Mosley, President of Formula One Racing. He sued the News of the World for publishing information about him visiting prostitutes and the administration of disciplinary methods during these visits.

15: PRIVACY GETTING SAFEGUARDING

(MUSIC: THE YEOMEN OF THE GUARD: "OH! A PRIVATE BUFFOON IS A LIGHT-HEARTED LOON")

Ms Campbell takes proceedings to protect her privacy.

16. THE RACING CAR SUPREMO AND THE TART

(MUSIC: HMS PINAFORE: "KIND CAPTAIN I'VE IMPORTANT INFORMATION")

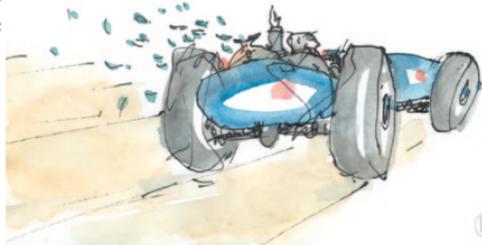
A prostitute (called "Woman E" in the judgment in the case) negotiates with a member of the paparazzi about the sale of her story.



17: THEY CAN'T THINK WHY

(MUSIC: PRINCESS IDA: "IF YOU GIVE ME YOUR ATTENTION")

Mr Mosley's claim for invasion of privacy has been heard, and the judge gives his decision and reasoning.



SONGS

18: A BRANDING TOOL

(BASED ON *R V BROWN* [1994] 1 AC 212)

(MUSIC: PRINCESS IDA: "WHENE'ER I SPOKE")

The accused persons were charged with offences involving the causing of actual bodily harm to others. This they had certainly done, but their

defence was that the victims had consented to the harm, it having been inflicted in the course of sado-masochistic sexual activities.

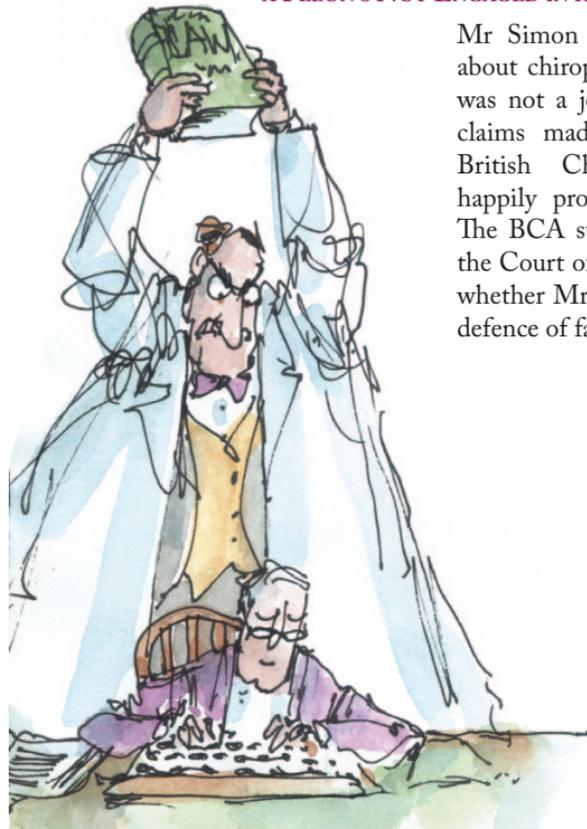


19: A WRITER'S LOT

(BASED ON *BRITISH CHIROPRACTIC ASSOCIATION V SINGH* [2011] 1 WLR 133)

(MUSIC: THE PIRATES OF PENZANCE "WHEN A FELON'S NOT ENGAGED IN HIS EMPLOYMENT")

Mr Simon Singh wrote an article about chiropractic, saying that there was not a jot of reason behind the claims made for it and that the British Chiropractic Association happily promoted bogus remedies. The BCA sued for defamation, and the Court of Appeal had to consider whether Mr Singh could rely on the defence of fair comment.



The Lyrics

Stephen Todd wrote the lyrics. Stephen is a Professor of Law at the University of Canterbury in New Zealand and Professor of Common Law at the University

of Nottingham in England. He is particularly interested in the law of torts and the law of contract and has published widely in these fields.

The Musical Director

John Pattinson is the musical director and also the pianist. John is a retired Senior Lecturer from the University of Canterbury and continues to be actively engaged as

a conductor, pianist, broadcaster and lecturer. His main field of interest is opera, both as conductor and lecturer.

The Singers

Sopranos

Jamie Ling

Sarah-Jane Rennie

Mezzo-sopranos

Tara Martin

Sally Blake

Tenors

Nigel Withington

Angus Simmons

Basses

Michael Shanahan

Nigel Salsbury

The singers are classically trained musicians with a passion for opera. They perform regularly in the South Island of New Zealand with the Opera Club and are members of the New Zealand Opera Chorus.

