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INTRODUCTION

THE SHAFT: THE *HADLEY* v. *BAXENDALE* SONG

Franklin G. Snyder†

[to the tune of Bob Dylan's *Like a Rolling Stone*¹]

Once upon a time, well, things were fine
The mill wheels whine, you'd make a dime
 Didn't you?
Grain would come and you'd grind some
And really, chum, you'd soon become
 Wealthy, too.
Then one day, the mill shaft broke,
The big smoke stacks stopped belching smoke.
Now the grain, it isn't ground
Now the workers, they just stand around
And you know, you've got to
Get it fixed.

CHORUS:

How does it feel?
Ah, how does it feel?
Does it drive you daft?
Or make you want to laugh?
To see the lawyers' craft
Give you the shaft?

So you're up a creek, the shaft's unique
Things are looking bleak, you've got to seek
 The Pickfords man.
Because you know, shaft's got to go
To Greenwich, oh, but not go slow
 And Pickfords can
Get it there the next day *if*
It's there by eleven, the young clerk sniffs.
So you get it there by ten.
You sign the contract with your pen,
And he says, "Two pounds, four—
And we've got a deal!"

CHORUS

† Professor of Law, Texas Wesleyan University School of Law.

1. BOB DYLAN, *Like a Rolling Stone*, HIGHWAY 61 REVISITED (1965).

So you sit around, stare at the ground
 Pet your hound, wait for the sound
 Of Pickfords van.
 But it don't show, and home you go,
 And then, you know, you're full of woe
 'Cause Pickfords' man
 Says the shaft has gone astray,
 "Don't worry, it will turn up any day!"
 But the flour mill is closed,
 And you know that you are hosed—
 You're losing money—
 Every day

CHORUS

So you're losing loot, you figure, shoot,
 On this dispute you should bring suit
 For profits lost
 The problem, though, with getting dough
 You'll have to show, did Pickfords know
 What would be the cost
 Of what would happen if the ball were dropped?
 Could it foresee that the mill was stopped?
 If not, you're out of luck.
 With your own losses you'll be stuck.
 And next time you better—
 Have a spare

CHORUS



PAINTED BY JOSHUA REYNOLDS, 1780, U.S. ENGRAVED BY THOMAS GIBSON
THE HONORABLE SIR EDWARD HALL ADERBON, KNT.
One of the Judges of the Supreme Court of Commerce, &c.

National Portrait Gallery, London.