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3-2005

## The Shaft: The Hadley v. Baxendale Song

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### Recommended Citation

Franklin G. Snyder, *The Shaft: The Hadley v. Baxendale Song*, 11 Tex. Wesleyan L. Rev. 239 (2005).

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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*<sup>1</sup>]

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

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† 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 Common Law*

National Portrait Gallery, London.

