

SIC UTERE TUO UT ALIENUM NON LAEDAS.

FIRTH *v.* BOWLING IRON COMPANY.

*L.R. 3 C.P.D. 254.*

Alack ! sweet Muse, not mine the high emprise  
To sing the cherished Ram of Polypheme,  
The Zebu all good Brahmins patronize,  
Nor yet the steeds of Phœbus's proud team,—  
I sing the passing of Dame Firth's milch cow.  
(A meet yoke-mate for Pegasus in plow !)

Defendants delved in mines of coal and iron  
Beneath the plaintiff's farm in York's old shire ;  
And, 'gainst the straying kine, they did environ  
Their gaping pits with fence of cabled wire—  
A sage device if well maintained, in sooth ;  
A snare withal if left to Time's sharp tooth !

Now iron oft is good for man and beast  
When taken in the form called iodide ;  
But in its common state, to say the least,  
Is no fit lodger for a cow's inside !  
So, when our heroine had grazed her fill  
From sward bespent with wire, she fell quite ill.

She died. A Vet. was called, skill'd in his art ;  
" I swear," quoth he, sans thought of irony,  
" This cow 'gainst living more did steel her heart !  
" Her pericardium's strung up to " C "  
" With wire that erstwhile fenced the Bowling Works.  
" Go sue the careless wights ; they're worse than Turks !"

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*Cave*, for the plaintiff : " Clear law 'tis to-day  
" That he who puts upon his low—or high—lands  
" A lethal thing, all damages must pay  
" That flow therefrom. (see *Fletcher versus Rylands.*)"  
*Swift*, contra : " Here no laches doth arise,  
" And *Wilson versus Newberry* applies !"

Per LINDLEY, J. : " We think defendants knew  
" The woe their fence would work when waxen old ;  
" Their duty was to keep it staunch and true,  
" Nor let it knock the plaintiff's cattle cold  
" Unseasonably. Wire fences have their use,  
" But not in wrestling with cows' gastric juice !"

" *Quoad* this case the law's plain to the Court " ;  
[Though rhyme forbids the very words employed,  
Yet have I not committed false report.]  
" 'Tis couched in a sound rule, of doubts devoid,  
" A maxim old, that he who runs may read as  
" *Sic utere tu' ut alienum non laedas !*"

CHARLES MORSE.