

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.