Fault if they are ignorant of what they profess l. 132. ff. de reg. jur. l. 9. §. 5. l. 13. l. 25. §. 7. l. 55. §. 5. ff. locat. If the Undertaker is obliged to furnish any Materials for the Work, as an Architect who has undertaken to furnish the Materials for a Building, he ought to give them good and well conditioned; and likewise to answer for the Defects which he is ignorant of: For he is bound to give that good in it's Kind which he ought to give; as he who lets a Thing for Hire is obliged to give it such as it ought to be for the Use for which it is designed Les Loix Civiles &c. Prel. Lib. 1. Tit. 2. Art. 2. The Workman or Artificer who takes a Thing into his Custody to work on it, and he who undertakes barely to keep a Thing for a certain Price, as to keep Cattle, ought to preserve that which is intrusted to them, with the Care that is possible to be taken by Persons that are the most watchful and diligent. And if for want of such a Care the Thing perishes, tho' even by an Accident, they would be made accountable for it: As, if the Thing is stolen or burnt or damaged, for want of having been laid up in a secure Place, or for not being carefully look'd after. And it would be the same Thing if a Workman having in his Custody Things belonging to several Persons had given to one that which belonged to another either by Mistake. l. 13. §. 6. ff. locati l. 34. in fin. de damn. infect. l. 40. §. 2. ff. locati l. 5. §. 5. ff. naut. caup. &c. Carriers and Watermen and all those who undertake to carry Merchant Goods or other Thing are responsible for the Custody, Carriage and Transportation of the Things, which they take under their Charge, and to use all the Application and take all the Care of them that's possible, and if any Thing perishes or is damaged thro' their Fault, or the Fault of the Persons whom they employ, they ought to answer for it l. 13. §. 2. l. 25. §. 7. ff. locati. But if that which is given to a Workman to be wrought perishes in his Hands without his Fault and merely thro' a Defect in the Thing itself; as if an Ivory which is given to be ingraven happens to break in the Hands of the Engraver, thro' some Defect of the Matter, and not thro' his Unskilfulness, he is not accountable for it, unless he has undertaken the Work at his own Peril l. 13. §. 5. ff. locati.

If it is agreed that a Work shall be done to the Owner's Satisfaction or according to the Arbitration of a Person who is named; the Workman is bound only to deliver the Work good, such as will be approved of by skilful Men l. 24. ff. locat. For these Kind of Agreements imply the Condition, that what shall be regulated shall be reasonable; and the Design of those who make such References to other Persons is not to oblige themselves to what may be arbitrated beyond the Bounds of Reason l. 76. & Segg. ff. pro socio. Although the Workman ought to answer for the Defects of the Work; yet if the Owner himself has ordered and directed the Work, he

he cannot complain of it l. 55. in fin. ff. locati.

If one has given Materials to a Workman to make a Work at a certain Rate for the whole, the Undertaker has not performed his Engagement, nor is to be discharged of it, untill the whole Work has been examined, and it appears to be such as it ought to be. But if it is a Work consisting of several Pieces, and a certain Price to be paid for each Piece or each Measure; the Undertaker falls to be discharged in Proportion to what is counted, or measured and approved of. On the contrary the Undertaker bears the Loss of his Work and makes good the Damages of the Master, if he suffers any for so much of the Work, as is found not to be of the Quality which it ought to have. If in the Case of either of these two Bargains the Thing perishes by an Accident before the Work is proved; the Master bears the Loss and is accountable for the Price of the Work, especially if it was his Fault that the Work was not proved unless it appears that the Work was not such as ought to be received l. 3. l. 37. ff. locati. He who has undertaken a Work a Labour the arranging of Timepieces or the like, is not only bound to perform what is properly contained in the Bargain: but likewise to do every Thing accessory to the Work or Thing which he has undertaken. Thus Masters of Ships and Waggoners Some Carriers pay the Toll and Ferriages which are Charges incumbent upon the goods which are carried or wafted of the Carriers; because these Duties have Relation to the Carriage Les Loix Civiles &c. Part. 1. Liv. 1. Tit. 4. Sect. 5. Art. 8.

He who gives out a Work to be done is obliged to furnish to the Undertaker that which he is bound to by the Bargain whether it be a Matter that to give the Workman his Diet, or that he is obliged to furnish any other Things. He ought likewise to pay the Price whether after the whole Work is finished and delivered or in Proportion to the Quantity of the Work that is done, or even before Hand, according as it has been regulated by the Agreement. If it was agreed that the Price of the Work or a Part of it should be paid before Hand, and afterward there appears to be Danger in advancing the Money; he who gave out the Work cannot be compelled to advance the Money, unless the Undertaker give Security l. 58. §. 2. ff. locati. If a Thing given out to a Workman to have something done to it happen to perish, because of some Defect in the Thing itself, or by some Deed which he who gave it out ought to answer for; he will be liable to pay the Workman what he hath done & furnished for the Work, Les Loix Civiles &c. Prel. Sect. 9. Art. 4.

If an Architect having undertaken to build a House or other Edifice, and having finished it or only a Part of it, happens to be destroyed by