Hale Hist. placit. Cor. bell. pag. 430.

ff. ad L. Aquil. l. 5. §. 4. 7. ff. si Quad. paup. fec. But we are not to impute
easily to the Master of a Horse or of any other Beast, the Accidents which may
have been occasioned by the Imprudence of those to whom they happen. Thus
Example if one who is ignorant whether a Horse kicks or not, goes too near
him without Necessity and lays his Hand upon his Crupper, standing wi
Reach of a Kick, it is an Act of Imprudence because he ought to mistru
And such an Imprudence may occasion the Horse's striking, where no Bla
could be imputed to the Master of the Horse Les Loix Civiles &c. Tom 1.
Part. 1. Liv. 2. Tit. 8. Sect. 2. Art. 7. If a Dog who has a Trick of bite
is not kept up or if he gets loose for Want of being well looked after, and wo
any one; the Master of the Dog will be liable to make good the Damage
§. 5. l. 2. §. 1. ff. si Quadrup. paup. fec. Those who have wild Beasts s
as Lyons Tygers Bears or others of the like Kind ought to train them up and
keep them in such a Manner, that it be not in their Power to do any Harm
Hope might come near them: and they shall answer for all the Damage that
received by their not being strictly kept up or getting loose thro' the Master's
Fault. For seeing he profits by the Use he can make of such a Beast and
Master of it and may claim it as his Property, he ought to answer for it.
But if it was without the Master's Fault that the said Beast got loose, as if
any one had maliciously set him at Liberty, when the Master could not
be blamed for it, the Master is no Way answerable for the Damage he does l.
§. 5. ff. si Quadrup. paup. fec. Les Loix Civiles &c. Ord. Art. 9. And if a
Dog or other Creature bites or does any other Damage only because he has
been provoked or egged on; he who gave Occasion to the Evil that has hap-
pened is accountable for it. And if it be the same Person who hath suffered
the Evil he ought to blame himself for it l. 55. §. 5. ff. ad L. Aquil. l. 5
§. 6. l. si Quadrup. paup. fec.

If a Building is in Danger of falling the Proprietor of the adjoining
House or Tenement, seeing his own Building in Hazard of being damaged by
the Fall of the other may summon the Owner of the ruinous Building,
either to pull it down, or to repair it so as that there may be no more Danger from it
l. 2. l. 7. pr. & §. 5. ff. de Damn. infect. And seeing it is an evil to come
which may happen every Moment, and which it is necessary to prevent, if
he does not give speedy Satisfaction the Magistrate will give Order about it.
If the Proprietor of the Building whose Fall may do hurt to his Neighbour
after having been legally summoned to prevent the Evil, neglects to take
Care of it; he whose Tenement is in Danger by the Fall of the other, may
demand provisionally, that he himself may be permitted to do whatever skil-
ful Persons shal judge necessary to prevent the Fall of the said Building
whether by propping it or demolishing it if there be Occasion, and he shall
recover from the Proprietor of the decayed Building, the Expences which he
shall have laid out on this Account l. 7. pr. l. 20. ff. de damn. infect. If
during the Delay of the Proprietor who is condemned or summoned to demo-
lish or prop up his Building, it chances to fall, he will be liable to Damages
according to the Circumstances d. l. 7. pr. l. 20. l. 29. ff. eod. If the
Building

Building whose Fall has caused some Damage belong to several Owners,
they will not be answerable each for the whole Damage; but every one in Propor-
tion to the Share which he has in the House that is fallen l. 49. §. 3. l. 5.
§. 1. ff. de damn. infect. If Tiles fall from the Roof of a House which was in
good Case by the bare Effect of a Storm, the Damage which may happen by such
Fall, is an Accident for which the Proprietor or Tenant of the House can
not be made accountable. But if the Roof was in a bad Condition, he who
was bound to keep it in Repair may be liable to make good the Damage
that has happened according to the Circumstances l. 24. §. 4. l. 43. ff.
damn. infect. By the Civil Law of a Building falls before any Warning
has been given to the Proprietor he will not be obliged to make good the
Damage, if he is willing to abandon both the ground and the Materials of the Building: for
which Case he will not be obliged to more so to carry off the Rubbish. For
he who has suffered the Damage may blame himself, for not having kindly
enough provided against the Danger which he might have easily foreseen.
But if the Proprietor would have had the Materials of his Building or keep
the Ground on which it stood, he shall be bound to make good all the Damage
caused by the Fall of his Building upon no Warning had been given him to
repair it before it fell. And he will also be obliged in this Case to remove
from his Neighbour's Ground not only the Materials of the Building which
may serve again but indemnify all the Owners which will be of no Use l. 5.
§. 5. ff. de neg. gest. l. 6. l. 7. §. 1. & 2. ff. de damn. infect. By the Law
of Scotland Reparation of Damage is due to any Heretor whose House suf-
fers Prejudice thro' the Fall of another's ruinous House, whether that other
was required to find Caution de Damno infecto or not, if the ruinous Condition of
the House that fell was known to him: Which obliges him either to demolish
such House or quit his Possession thereof, if it was not repairable for preven-
ting Damage to the Neighbours. This Damage in such a Case was due even by
one who possessed the fallen House by an Apprising of a Liferent thereof. Albeit
it was pleaded for him: 1. That Liferenters may be only urged to find Caution to
keep their Liferent Lands sarta tecta in the same Condition they found them
at their Entry Act 20. Par. 3. J. 4. Act 8. Par. 4. J. 5. Act 22. 6. Par. 14.
§. 6. And as a Liferenter is not obliged to repair a Tenement manifestly ru-
inous, far less an Apprifer of the Liferent for a small Sum. 2. By the Civil
Law the Owner of a ruinous House can only be put to find Surety de Damno
infecto. Both which Defences were repelled: In Respect those legal Remedies
are not privative or exclusive of others in Case of Prejudice done before they
be taken; and the Person who sustained the Damage is not bound to know or
enquire whether the Defender was Heretor or not, seeing he behaved as such
and was in Possession by uplifting the Mails and Duties 16 Feb. & 14. Decem.
1666 Hay contra Littlejohn.

If a Ship, that in a Storm is driven against another, happens to damage it;
that Action doth not lay the Master of the Vessel that hath damaged the other,
under