

to the purchaser of this private Prime of oil fill from a
and burning a part of his house, was Received as a Writing
30 July 1677 Alexander Cunningham

Foot 2.

Of fire receipts Negligently.

By the Statutes of a fire receipt there one's Defect
or Negligence, their best an action for Damages or Lays
Aquilia against the Author of it, or he may be punisht
According to the Degree of his fault, e.g. l. ii. It is punisht
Quin. Manfr. l. 28 § 12. For punisht. l. 2. C. de Lays Aquila
In which case he may according to the most reasonable
opinion of Jurisperitors, for fire receipts by his gross
or gross and Supine Negligence be Arbitrarily punisht
and also made to pay Damages to the person injured,
for fire occasions by his light fault or Negligence may
be made or Decreed to pay the parties loss; or if he be
solvent or hath not wherewith to satisfy or make up the
Damages, may be Corporally punisht. But for several
and Culpa Levissima, the faulty person may be fined
Damages to the party injured, but is liable to No Corporal
punishment, tho he want Money to pay his fines. Tho
yet some make such a one liable only for Damages hap
pening thro his fault of Omission, and Not for that hap
pened by his omission of due care. Prosp. Garin. de
ac Divor. Crim. qu. 110 n. 17. C. de Regg. n. 20. C. de Regg. Berol.
part 4. Concl. 25. Capros. Crim. part 1. qu. 39 n. 36. C. de Regg.

By the law of Scotland when a fire happens within
burghly thro Misgovernance (i.e. Negligence) of a servant
and not of set purpose, the servant is to be punisht
in his goods, at the sight of the Magistrate, who is
to give the same to the person who hath sustained the
loss, and the offender is also to be banisht the freedom
for three Years. If he hath no goods, he is to be
banisht for seven Years. Act 15. Parl. 4. 1. 1. 1. 1.
The law of England a servant causing any house or

house to be fired thro Negligence, forfeits 100 pound Sterling
to be paid to the Church Wardens of the parish, who are
to Distribute it according to their Discretion among the
sufferers by the fire, and the servant upon Non payment is to
be Committed to some work house or Correction house to be
kept there 12 Months at hard labour 6 s. cap. 31.

By the law of Scotland if a man own house be Racked
by (i.e. Negligently) burnt by himself or his wife or Child
or any he or they the Neighbours suffer prejudice thereby,
ought to be banisht the town for three Years. Act 15. Parl. 4.
§ 1. But if the house be burnt at which they are punishable
by law, the father is Not answerable for them. Prosp. Crim.
part 1. qu. 9 § 10. In fine. Because auctoritatem Jo. Aquino
his principalis.

A person to whom a house is let or hired for Rent,
burnt or Negligently, must Repair the Rents and be banisht
thro three Years. Act 15. Parl. 4. § 1. A stranger happening
to burn a house is to be arrested till he satisfy the Damage
and if unable to do it, must by imprisonment be way pur
d. act 75. But fire happening casus fortis it is no way pur
nished. d. act 75. Prosp. Garin de Var. ac Divor. Crim. qu. 110
n. 33.

It is a Matter much and Variously Controversed, how far a Mas
ter is accountable for fire receipts in his house by the Negli
gence of his servants, daylord of the best note is of the
that if a servant while Employed in the proper business of
mitted to him doth Raise fire, as a groom by care less keep
ing of fire or Candle in a stable, a Dutch maid in the
kitchen or a Landress in the washing house, the Master
is answerable for not choosing better servants, unless he
servant or him or her who did the burning to the sufferer
of less thereby. But that the Master is not chargeable
with fire occasions by a servant acting Casually be
yond the limits of his office, as when a Lacquey coming
into the Kitchen after the fire had been care fully ordered
by the Cook, heedlessly scatters it, whereby his masters
house and that of a Neighbour is burnt; unless the person