

Damages of Animal *Haveir* (Av category of *Shen-Grazing*)

Ref: *Sefer Nezikin, Hilchot Nezikey Mamon, Chapter 3*



Laws of damage caused by the grazing of animals.²

Eating for an animal is taken for granted and this falls in category of *muad*.

In assessing penalties one has to see who has been negligent.

- i.e. In whose property did the damage take place.
- What rights did that party have in that property.
- Who should have taken precautions.
- What is status of damager, *muad* or *tam*.

	Penalty is full amount (<i>mamon</i>) - exacted from person	Penalty is ½ amount (<i>knas</i>) – exacted from animal	Not liable	Penalty is just benefit animal gained.
Animal enters private domain of litigant	✓			
Animal ate produce of litigant in public domain. E.g. harmful to animal			✓	
Animal benefits from eating produce of litigant in public domain			✓	✓ If it benefitted, it pays wholesale price of equivalent amount of animal fodder
Animal ate utensil or garment in public domain and private domain (would now come into category of goring)		✓		
Beast enters private domain and seizes animal	✓ because for beast it is <i>muad</i>			
A dog eats a small sheep		✓ Because deviation and therefore <i>tam</i>		
Animal ate food on another animal's back in public domain				✓

Animal jumped onto the other animals back and ate in public domain	✓ Considered to have entered private domain			
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