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**Assignment Title: Trespass to Chartel Assignment**

First of all, a Chattel can be defined as  any personal movable property capable of being owned or possessed, other than a human being, land and immovable property.  
Chattel intrusion is overt, deliberate and unlawful interference with the personal property of another person. Interference may be deliberate or negligent, and without legal reason, such interference has to occur. Thus, removing a chattel, damaging or any act of damage, throwing something at the chattel, using chattel without permission will lead to chattel Trespass. The object of the chattel tort of trespass is to protect without legal reason all the chattel, goods and personal property, of an individual who has possession, from all wrongful intrusion, damage, destruction etc. The harm done to the chattel must be done while it is in the hands of the claimant. Unlike in Conversion and Detinue, it need not leave the claimant's possession.  
In order to assert chattel trespass, the complainant must establish that the defendant performed the act deliberately or negligently, even if this trespass is not a strict liability torture.The complainant can also show that, without his knowledge, the act was committed. Unauthorized, illegal intervention has to take place. Interference may have happened with the chattel.  
CONVERSION  
 The term conversion is any intrusion or dealing that denies the title or possession or use of the chattel to a person. It is playing with a person's chattel in a way that is inconsistent with the person's rights. It is deliberate interference with another person's chattel that refuses him, his title, ownership, and use of it. Many believe it to be the legal side of larceny, including cases of conversion, using the chattel of the claimant as though it were his own, Changing the form of the chattel, withdrawing the chattel from the hands of the plaintiff without fair reason, wrongful selling, imprisonment, wrongful delivery of the chattel, etc.  
Conversion differs from Trespass, since the defendant's conduct would deprive the owner of his possession. In criminal law, it is known as robbery or cheating .

A plaintiff must prove that to make a conversion claim;;  
It had the property's possessory interest  
The defendant interfered knowingly with the possession of the complainant

The actions of the defendant are the legitimate cause of the loss of prop prop by the plaintiff

DETINUE

Detinue includes the unjust detention of another person's chattel, the immediate possession of which the individual is entitled.It is the unlawful arrest or holding of a chattel by which the possession or use of it is denied to the person entitled to it. As a general rule, prior to arrest, a plaintiff must have possession, or have the right to immediate possession, of the chattel.However, by the Torts (Interference with Goods) Act 1977 in the United Kingdom, the tort of Detinue was abolished; it was combined with the tort of Conversion. Both torts in Nigeria still operate separately, but in a single action, a party can claim both torts.For example, detention or retention of goods is included, such as when A loans his chair to B for a one-day group, and B refuses to return the chair as agreed, or after a fair period of time has elapsed.  
A plaintiff must meet two choices in order to retain a suit for Detinue's tort,

He must own or have the right to immediate possession of the chattel.

After the plaintiff must have made a proper request for the return of his chattel, the defendant must have failed or declined to give the chattel to the claimant. There must have been a request made by the complainant and a refusal to return them by the defendant, in the case of **Kosile v Folarin, West Africa Examinations Council v Koroye, Steyr Nig Ltd v Gadazam**

    THE DIFFERENCES BETWEEN CONVERSION AND DETINUE.  
There must have been an order for the return of the chattel in Detinue.  
Where the aggrieved party requests that the particular items be returned, Detinue is the right remedy. If the precise return of the chattel or its replacement is not practicable, the plaintiff is typically awarded the existing market value of the chattel.

INNOCENT RECEIPT OR DELIVERY  
As a general rule, it is not possible to interpret either innocent reception or innocent transmission as tort or criminal offenses. Where a person receives goods from the first party in the body of a carrier or warehouseman, whom he believes to have legal possession of them, and transfers them in good faith to the proper party, he cannot be liable for conversion.In the same way, if a party receives these goods instead of the original owner, he cannot be responsible for conversion if, unless they constitute a nuisance, he does not voluntarily harm the goods.

LOST PROPERTY RULE  
In the case of PARKER v BRITISH AIRWAYS , the ruling of the English Court of Appeal laid down the case law on the laws relevant to the discovery of lost property, including;

1. Any servant who, in the cause of his work, discovers a lost property, does so on behalf of his employer who acquires the rights of a finder by statute.  
2.An occupier of land or a building has superior rights over property or goods in, or attached to, the land or building to those of a finder.

3.However, in relation to goods found on or in the premises, the owner of the premises may not have superior rights to those of the finder, even before the discovery, where the occupant has stated and plans to exercise power over the premises and stuff on them.

4.A chattel finder does not gain right over it until it has given up or lost, and he takes it into his care and control. He acquires the right to retain it against any entity except the true owner, or a person who may claim a prior right to retain the chattel, which existed at a time when the finder took possession of the chattel in his care.

**WHO CAN BE IN A POSITION TO SUE FOR TRESSPASS TO CHATTEL**  
Protecting possession and the right to immediate possession is the main aim of the tort of trespass, which suggests that someone who has possession or the right to immediate possession will sue. Persons that are presumed by statute to have ownership are therefore entitled to sue in order to secure chattels left in their possession.

DEFENSES FOR CHATTEL TRESPASS  
The following defenses could be presented by a defendant;  
1. Unavoidable accident

2.Jus tertii; stronger third-party right

Subsis

DEFENSES FOR CHATTEL TRESPASS  
The following defenses could be presented by a defendant;  
Unavoidable accident

• Truthful conversion

Jus tertii; stronger third-party right

Subsisting lien; continuous payment of interest in protection over a property

• Limit time.

REMEDIES   
Remedies that are open to an aggrieved party include  
• The award of damages

• Chattel replacement

Market price payment

Reparation of losses

ting lien; continuous payment of interest in protection over a property

• Limit time.

DEFENSATIONS OF CONVERSION  
Jus tertii; stronger third-party right  
• Lien subsisting

Subsistant bailout

Temporary retention; to allow measures to be taken to check the claimant's title.A defendant can temporarily refuse to give up his goods, while measures are taken to check the title of the applicant who claims title before the chattel is handed over to the applicant if it is found to be the owner of the chattel.  
• Limitation of time

The right of a third party to the contested chattel, products and property is Jus tertii. The general rule notes that, since a third party is the true owner of the chattel, the defendant can not plead that the complainant is not entitled to ownership as against him. A defendant may only argue with Jus tertii if he acts under the true owner's authority.

FOR CONVERSION REMEDIES  
The court may order any or a combination of the following remedies in a claim for chattel conversion.  
Order for the delivery, return or particular return of the goods

Alternative order for market price payment

An request for consequential damages to be compensated

Unique and general damage recovery

• General losses

DEFENSATIONS ON DETINUE  
The defendant can plead that in an action against Detinue;  
He has control of the products.

Compared to himself, the claimant had inadequate title

• The defendant can plead jus tertii; that is, if the defendant is the agent or has the authority of a third party or argues under a third party, a third party has a better title. It is a protection by a third party dependent on possession.

• Innocent distribution

Subsistant bailout

Subsistence of a chattel lien

Unavoidable accident

Fair defense of an individual or property, such as when a dog who assaults him or another person is beaten or injured

REMEDIES FOR DETINUE  
Claim for the return of the chattel; if the chattel has not been damaged in any way, the applicant can request the return of the particular chattel.  
Chattel replacement; by providing an equivalent chattel, the defendant can be forced to replace the chattel. By replacing the chattel or providing a fresh one, manufacturers of goods may easily do this.

Recapture or self-help; a person who has rightful possession of a chattel can, by using fair force, lead to self-help in order to retrieve his chattel. However, but with permission, he must not enter the land of an innocent group.Typically, the court frowns at the alternative, as it could lead to breaches of peace and other crimes. Therefore, to avoid this alternative, complainants are advised.  
Replevin or Release on bond; if the chattel is transferred to the authorities, ownership is decided. It is the re-delivery of goods wrongfully confiscated to an owner, the action for such re-delivery, and particular and general damages sustained by him as a result of his detention.  
Damages; if the defendant has been found responsible for Detinue, he is unable to deprive the plaintiff of his right to damages for the chattel's detention merely because he has not used it or received something from its use.If the wrongdoer has used the products for his intent, he must pay the complainant a fair hire for chattel. The required recruiting typically entails the wear and tear of products. An order for the specific return or default of the chattel, an order for the payment of the value and also damages incurred as a result of the defendant's loss of usage up to the date of the judgment or re-delivery of the chattel to the plaintiff can be made. General damages can be awarded as assessed by the judge, in particular in the case of chattel loss.

Ese Malemi, Law of Tort; 2nd edition, Pg 209

Ese Malemi, Law of Tort; 2nd edition Pg 211

Petre v Heneage (1701) 88 ER 149, Penfolds Wine ltd v Elliot (1946) 74 CLR 204 at 214-4

Fouldes v Willoughby(1841) 151 ER 1153, Davies V Lagos City Council(1973) 10 CCHCJ 151

Hollins v Fouler, Adamson v Jarvis, Youl v Harbottle

Ese Malemi, Law of Tort; 2nd edition Pg 210

Unipetrol v Prima Tankers ltd (1986) 5 NWLR pt 42 p. 532 CA.

(1982) 1 All ER 834 CA

Elwes v Briggs Gas Co (1886) 33 Ch D 562

Ese Malemi, Law of Tort; 2nd edition, Pg 224-5.