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 **Assignment**

**Chattel**

Chattel is basically any mobile or moveable property. It is moveable and it can either be animate or inanimate. A chattel is any moveable thing which is capable of being owned, possessed or controlled other than a human being, land and immoveable property.

**Trespass To Chattel**

Trespass to chattel is the direct and unlawful interference with a chattel in the possession of another person. It also occurs when one party intentionally intermeddles with someone’s personal property in rightful possession of another without authorization. In the case of **Slatter v Swann**, the defendant beat the plaintiff’s animal. The plaintiff sued the defendant. The court held that it was a trespass to chattel. Also in the case of **Leame v Bray**, the defendant drove his carriage and collided with the plaintiff’s carriage. The court held that the accident was a trespass to chattel and the defendant was liable in damages.

**Elements of Trespass to Chattel**

1. Lack of the plaintiff’s consent to the trespass being committed.
2. The defendant must interfere with the plaintiff’s property.
3. The defendant’s act or conduct must be intentional.

**Examples of Trespass to Chattel**

1. Using someone’s property without permission
2. Throwing something at the chattel
3. Scratching the body of the chattel

**Persons qualified to sue for Trespass to Chattel**

1. Owners
2. Lenders
3. Custodians
4. Caretakers
5. Administers of estates

**Remedies for Trespass to Chattel**

1. Payment of damages
2. Replacement of the chattel
3. Payment of the market price of the chattel
4. Repair of the damage

**Defenses for Trespass to Chattel**

1. Subsisting bailment
2. Honest conversion
3. Inevitable accident
4. Jus tertii

**Conversion**

Conversion is an act of willful interference, without lawful justification with any chattel in a manner inconsistent with the right of another, where that the other is deprived of it.

It also consists of taking with the intent of exercising over the chattel an ownership inconsistent with the real owner’s right of possession.

In the case of **Fouldes v Willoughby**, the owner of two horses brought them aboard a ferry. In an argument, the ferryman told the horse owner to remove the horses from the ferry but the horse owner refuse. The ferryman removed the horses and led them to the shore. The horse owner sued for conversion. The Trial Court held that the act of leading the horses away from the ferry by the ferryman could not amount to conversion since the ferryman did not intend to have exercise dominion over the horses.

**Elements of conversion**

1. The plaintiff has the right to possess the property in question at the time of the intermeddling.
2. The defendant must interfere and sometimes exercise dominion and control over the plaintiff’s property
3. The defendant’s act must deprive the plaintiff of the use of the property
4. The defendant’s act must cause the plaintiff damages

**Examples of conversion**

1. Wrongfully taking the goods
2. Wrongful detention of the goods
3. Wrongfully destroying of the goods by the defendant

**Persons qualified to sue for conversion**

1. Owners
2. Bailee
3. Holders of lien and pledge
4. Finders

**Remedies for conversion**

The standard remedy for conversion is a judgement for damages in an amount equal to the fair market value of the property.

**Defenses for Conversion of a Chattel**

1. Subsisting lien
2. Limitation of time
3. Subsisting bailment
4. Temporary retention

**Detinue**

Detinue is basically the wrongful detention of the chattel where the person who has entitlement to the property is denied his rights. It is also the crime of wrongful detention of goods or personal possessions. In the case of **Ogiugo & Sons Ltd v C.O.P**, the plaintiff’s lorry was carrying a customer’s goods. The police intercepted and seized the vehicles on suspicion that the goods were contraband. The police failed to return the vehicle and the appellant sued for detinue. The Court of Appeal held that: the appellant was entitled to the release of the vehicles and damages for its unlawful detention.

**Elements of Detinue**

1. The plaintiff must make a demand for the chattel to be returned and be entitled to the chattel at the time of the request.
2. The defendant must strongly refuse to return the chattel to the plaintiff
3. The defendant’s reason to return the chattel must be unreasonable
4. The plaintiff must suffer loss due to the defendant’s action or conduct.

**Defenses for detinue**

1. Innocent delivery
2. Reasonable defense of a person or property
3. Inevitable accident
4. Subsisting bailment

**Remedies for detinue**

1. Damages
2. Replacement of the chattel
3. Claim for the market value of the chattel

**Differences between Conversion and Detinue**

Conversion is when one deals with a chattel in a manner repugnant to the immediate right of possession of the true owner while detinue is the wrongful detention of goods, when owner refuses to deliver up goods to a person having the immediate right to possession. Often, there is a demand for return, and a refusal, where the defense shows the defendant would have refused to comply, then a formal demand would have been futile.

**Concept of Innocent Delivery or Receipts**

Innocent delivery or receipts are not torts or criminal offences. Innocent deliver is not conversion. Where an innocent holder of goods, such as, a carrier, warehouseman, receives goods in faith from a person he believes to have lawful possession of them, he delivers them, on the person’s instructions to a third party in good faith.

**Concept of Lost Property**

Lost property is personal property that was unintentionally left by its true owner. In the case of **Parker v British Airways**, the plaintiff was waiting in the defendant airways lounge, when he found a bracelet on the floor. He handed it over to the employees of the defendant, together with his name and his address and that it should be returned to him if it was unclaimed. The bracelet was not claimed and the defendant did not return it to the plaintiff but however, he sold it. The English Court of Appeal held that: the money from the sale belonged to the plaintiff. The following are rules of lost property.

1. A finder of a chattel has no right unless it has been lost or abandoned and he takes care and control of the property.
2. Any servant or agent who finds a lost property while he is being employed does so on behalf of his employer.
3. An inhabitant of a land or building has superior rights to those of a finder, over property.
4. An inhabitant of premises does not have superior rights to those of a finder in respect of goods found in the premises except before the finding, the inhabitant manifest dominion over the premises