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**AN OVERVIEW**

In accordance with Common Law, property holders are entitled to exclusive ownership of their personal goods. If these rights are infringed, they have the right to take legal action against any individual or enterprise attempting to deny them of their rightful ownership of property.

**TRESPASS TO CHATTELS**

The trespass to goods is the act of intentional and direct interference with another’s personal property and/or exclusive possession of goods. Deliberate destruction, use, removal, or touching of another’s goods without lawful justification all constitute actions, that when committed, hold one accountable for the act of Trespass to Goods. These goods and/or personal property may include, but are not limited to, furniture, automobiles, equipment, and a variety of chattels. If the property is damaged, no proof is necessary. However, it is necessary that the owner is in current possession of the goods in order to claim the title to sue for trespass to goods.

**CONVERSION**

Conversion is the act of the intentional handling of goods that is against or inconsistent with the will of the owner, whether through withholding, misusing, misdelivering, or changing the nature of the goods, or ultimately any action that is so significantly inconsistent with the owner’s right to possession of the goods that it actually attempts to wrongfully deprive the owner of that right to possession.

**DETINUE**

Detinue is defined as the wrongful detention of goods, committed when one unreasonably refuses to surrender or return personal property to its rightful owner, only if and when the owner claims the immediate right to possession of these goods. Detinue is only applicable, however, when the owner holds proprietary interest and/or actual possession of the property. In many cases, detinue is classified within Conversion, as the two only differ in the sense that an act is considered Detinue and not Conversion when the owner specifically asks for property back, and is still refused.

**DEFENSES FOR TRESPASS TO CHATTEL**

What Defenses May I Have if I am Sued for Trespass to Chattel?

If you are sued for trespass to chattel, you may be able to use the following defenses:

1. **Consent:** This is the most common defense to trespass. If the owner of the property gave you permission to use their personal property, you can claim consent. Keep in mind that consent can be given through both words and actions. However, this defense will not work if the consent was induced by fraud or was given by someone who is incompetent, intoxicated or a minor.

2. **Public Necessity:** This defense can be used if you intentionally interfere with another person’s chattel to protect the public. However, if you acted unreasonably when taking another person’s chattel, this defense will not be available to you. An example of when this defense would be available is if you took another person’s gun in order to prevent someone else from shooting up an entire building.

3. **Private Necessity:** This defense can be used when the purpose of using another person’s chattel is to protect your own interests. Private necessity can only be claimed if you were attempting to protect yourself from death or serious bodily harm. As such, this defense is not as commonly used.

Privileged Invasion to Reclaim Personal.

4. **Property:** Lastly, if you take someone’s personal property because it is actually your own property, you can argue privilege as a defense. In order for this defense to be successful, the defendant must have taken your property or it must be in the defendant’s possession because of an act of god, such as a storm or flood

**Remedies for detinue are:**

1 Delivery Up of Goods. An order for delivery up of goods is available in an action for detinue.

2 Compensatory Damages. Compensatory Damages may be awarded if there has been a loss.

3 Restitution.

4 Abatement (also known as Self-Help).