



Liability for Wrongful Interferences with Chattels

Simon Douglas

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This book examines the protection of property rights in chattels through the law of torts, focusing on the four actions of conversion, detinue, trespass, and negligence. Traditionally, these actions have been governed by arcane divisions which have led to unnecessary complexity and arbitrariness. Revitalizing the subject in this area of law, the principal argument made in the book is that significant developments in the modern law point towards abolition of these arcane divisions and permit the chattel torts to be understood by reference to a coherent and justifiable structure. It is argued that the only division which should be drawn in the modern chattel torts is between intentional interferences with chattels, where liability is strict, and unintentional interferences with chattels, where liability is fault based. In order to demonstrate this structure, it is first argued that the actions of conversion, detinue, and trespass amount, in substance, to a single cause of action which imposes strict liability for the intentional interference with another's chattel. It is then argued that the tort of negligence recognizes a fault-based cause of action for the unintentional interference with another's chattel. It is further argued that this basic structure, unlike the arcane divisions which have traditionally governed this area of law, can be justified and can be exported to other areas of tort law.

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