

Bailment



Bailment

- Elements necessary to create a bailment:
 - 1. Bailment of personal property:**
 - Only personal property can be bailed**
 - 2. Delivery of possession:**
 - bailee has exclusive control over the personal property
 - bailee must knowingly accept the personal property
 - 3. Bailment agreement:**
 - express or implied**

Ordinary Bailments

- Three types:
 - 1. Bailments for the sole benefit of the bailor:**
Gratuitous bailment that benefits only the bailor
 - **Duty of slight care:** Duty owed by a bailee not to be grossly negligent in caring for the bailed goods

Ordinary Bailments

2. Bailments for the sole benefit of the bailee:

Benefits only the bailee

- **Duty of great care:** Duty owed by a bailee not to be slightly negligent in caring for the bailed goods

3. Mutual benefit bailment:

for mutual benefit of the bailor and bailee

- **Duty of reasonable care:** Duty owed by a bailee not to be ordinarily negligent in caring for the bailed goods

Special Bailments

– **Common Carrier:**

under common law, anyone who transports persons or property

Duty of strict liability:

if the bailed goods are lost, damaged, destroyed, or stolen, the common carrier is liable even if the loss or damage was not its fault

Special Bailments

– **Innkeeper:**

Under common law, the owner of a facility that provides lodging to the public for compensation

Duty of strict liability:

innkeepers are strictly liable to guests for personal property that is lost or stolen from the innkeeper's premises even if the loss was not the innkeeper's fault

Special Bailments

– Warehouse:

Under common law, the owner of a facility that provides storage of property for compensation

Duty of ordinary care:

liable for breach of the duty of ordinary care
(i.e., negligence)