

# TORTS REMEDIES

		HARM / TAKING OF PROPERTY			HARM TO PERSONAL INTERESTS		
GENERALLY		MONEY	CHATELS	REALTY	PERSONAL	DIGNITARY	ECONOMIC
		Conversion Unjust Enrichment	Trespass to Chattels Conversion	Trespass Nuisance Waste Encroachment Interference or Destruction	False Imprisonment Assault Battery Sexual Negligence	Celebration & Invasion of Privacy	Fraud Business Torts Misuse of Legal Process
LEGAL	<b>Money Damages</b> <b>Compensatory</b> General & Special 1. Causal 2. Foreseeable 3. Certain 4. Calculable <b>Punitive</b> Willful, wanton, malicious <b>Nominal</b> : no actual injury	<b>Damages</b> To recover for damages in a suit for conversion, it must show that <b>identifiable</b> money was taken.	<b>Damages</b> <b>Interference</b> Lost value or repair cost + loss of use <b>Destruction</b> Value at time, less salvage, plus interest <b>Dispossession</b> Conversion damages Forced sale; Market price	<b>Damages</b> <b>Several measures: lost value</b> <b>Trespass</b> Simple: Nominal; No injury Trespass + severance: lost value or conversion measure Trespass + damage: cost of repair or removal, or lost value Outlier: Home damages <b>Encroachment</b> : Continuing rental value; Forcible sale value	<b>Damages</b> <b>Compensatory</b> <b>General</b> : Non-economic: Pain & suffering, loss of enjoyment of life, anguish. <b>Special</b> : Economic: Med. expenses, lost earnings. Future loss still lump sum. <b>Dead W</b> : Survival statutes for heirs, or wrongful death.	<b>Damages</b> <b>Public figure</b> : Must prove malice, then presumed. (Hurt OK) <b>Private person</b> : Must prove neglig. Actual neg'd. <b>Privacy</b> : No fault neces. Presumed damages. Pains avail. <b>Invasion</b> : Emotional anguish. No spec. neg.	<b>Damages</b> <b>Fraud</b> : Actual damages recovered. Conseq. OK & point of malice. May get benefit of bargain miss. <b>Business Torts</b> : Inducing breach: damage proportionate caused. Interference w/ advan. Probably too speculative. Trade libel: Spec. neg'd <b>Misuse</b> : Actual neg'd.
	<b>Replevin &amp; Ejectment</b> Legal remedies for actual dispossession <b>Quasi-Contract</b> If lost gave a benefit Restitution money	<b>Quasi-K</b> If A unjustly enriched by misappropriation of B's money	<b>Self-Help</b> Reasonable force to recapture chattel <b>Replevin</b> <b>Quasi-K</b>	<b>Ejectment</b> Legal remedy for ouster; Coupled w/ income damages <b>Quasi-Contract</b> Severance: value as severed, or if A willful, improved value	Not available. No benefit to defendant.	Not available. No benefit to defendant.	<b>Fraud</b> : Rescission & Restitution (less contract) <b>Inducing breach</b> : Restitution is rarely used. <b>Interference w/ advan</b> : Benefit not obtained.
	<b>Constructive Trust</b> A must recover title <b>Equitable Lien</b> Lien on B's Property	<b>Constructive Trust</b> If specific & traceable <b>Equitable Lien</b> If funds commingled or if not source of title	<b>Constructive Trust</b> If thief obtains title & sells property <b>Equitable Lien</b> If thief uses proceeds to improve her prop.	Generally not applicable because A does not have title	Not available. No benefit to defendant.	Not available. No benefit to defendant.	<b>Fraud</b> : Constructive trust may be imposed on property gained by fraud.
EQUITABLE	<b>Injunctive Relief</b> Permanent, Temp., TRO Legal remedy inadequate 1. Speculative damages 2. Multiple suits danger 3. Irreparable injury 4. Prospective tort 5. Replevin or Ejectment difficult to enforce <b>Balance the hardships</b> Equitable defenses apply	Generally not applicable Equitable restitutionary remedies cover it.	<b>Mandatory Injunction</b> If chattel unique or damages & replevin are inadequate	<b>Injunctive Relief</b> <b>Trespass</b> Simple: To avoid multip. suits. Severance: OK: Land unique. Damage: A must repair Outlier: NO: Ejectment adeq. <b>Encroachment</b> : Land unique, damages inadeq., ejectment impract. Willful = no balance <b>Nuisance</b> : A inadeq. May not balance hardships if intentional <b>Waste</b> : OK to stop voluntary.	Rarely sought. Injury has already occurred.	<b>Defamation</b> Rare, as it would be prior restraint of free speech. However, declaratory relief may be the best protection of the interest involved. <b>Invasion of Privacy</b> Effective for continuing wrong. Damages modest; speculative & reparation.	Rare

RESTITUTIONARY

# Remedies For Torts

**Francis Hilliard**



## Remedies For Torts:

The Law of Remedies for Torts Francis Hilliard, 1873      The Law of Remedies for Torts Francis Hilliard, 2023-07-23  
Reprint of the original first published in 1873 The publishing house Anatiposi publishes historical books as reprints Due to their age these books may have missing pages or inferior quality Our aim is to preserve these books and make them available to the public so that they do not get lost      **Remedies in Tort** Lewis Klar, Linda D. Rainaldi, 2000      The Anatomy of Tort Law Peter Cane, 1997-06-19 Accessible yet theoretically stimulating analysis which depicts tort law as a system of ethical rules and principles of personal responsibility      **Handbook On the Law of Torts** Hale William Benjamin,      **The Law of Torts** Sir John William Salmond, 1907      *Remedies for Torts* Francis Hillard, 2000-02      **Business Torts Litigation** Ann E. Georgehead, David A. Soley, Robert Y. Gwin, 2005 A litigator's guide to current business torts law this book provides a concise review of or introduction to the important issues general rules and major exceptions to the rules in each of the major business torts subjects areas along with practical guidance through the situations you are likely to encounter in assessing preparing and presenting a case BOOK JACKET      The Law of Remedies for Torts Francis Hilliard, 2017-08-21      **The Principles of the Law of Contracts and Torts** Alured Nathaniel Myddelton Wilshire, Alured Myddelton Wilshire, 1922  
Remedies for Torts, Breach of Contract, and Equitable Wrongs Andrew Burrows QC FBA, Andrew S. Burrows, 2019  
Remedies for Torts Breach of Contract and Equitable Wrongs fourth edition is a major text for students legal practitioners and academics Celebrated as a leading work on judicial remedies for civil wrongs in English law this accessible and enduring work is extensively revised for its fourth edition 2019      **Remedies in Contract and Tort** Donald Harris, David Campbell, Roger Halson, 2002-03 Remedies is one of the key organizing concepts of the obligations approach to the common law This second edition modernizes the former 1995 edition quite considerably It determines the place of remedies in contract and tort within the debate about the reform of the common law obligation      **A Treatise on the Law of Torts in Obligations Arising from Civil Wrongs in the Common Law** Frederick Pollock, 1894      **The Protection of Property Rights Through Tort Law** Victoria Evans, 2025-08-07 This book analyses the problems caused by relying on tort law mechanisms to protect tangible property interests in the common law and suggests a new way of thinking to rectify these issues As English common law relies primarily on tort law for the protection of tangible property interests property rights are protected by a group of claims that as a whole are informed by a set of concerns that have little to do with the vindication of property rights The book demonstrates how tort law tends to focus on loss within the case law and argues that this fundamental mismatch wholly undermines the category of property rights since the protection of property through tort is simultaneously too broad and too narrow Discussing trespass to goods trespass to land private nuisance conversion and negligent property damage the book advances a novel way of re thinking about the property protecting torts far better suited to their unique role within the law Using cases throughout the book will be of interest to students scholars and practitioners

within the fields of property law tort law and private law in general      Remedies for Torts, Breach of Contract, and Equitable Wrongs Andrew Burrows,2019 The fourth edition of Andrew Burrows seminal work Remedies for Torts Breach of Contract and Equitable Wrongs previously Remedies for Torts and Breach of Contract updates and extends coverage of judicial remedies for civil wrongs in English law Since the release of the previous edition in 2004 the scope of discussion in the book has developed to include many contemporary case studies Examples of these include Morris Garner v One Step Ltd on negotiating damages Milner v Carnival on quantum of mental distress damages Forsyth Grant v Allen on restitution for torts to name but a few as well as crucial Supreme Court decisions on penalty clauses Cavendish v Makdessi and injunctions LauritzenCool Araci v Fallon and Coventry v Lawrence In addition to comprehensive updating to take account of new developments in the law this book includes two new chapters Unique to the fourth edition the first explores damages under the Human Rights Act of 1998 the second examines negotiating damages Remedies for Torts Breach of Contract and Equitable Wrongs by leading scholar Andrew Burrows is a popular work amongst students and practitioners due to its broad coverage factual detail insightful application of academic context and enduring subject matter      *The Law of Torts* Frederick Pollock,1887      **A Treatise on Torts** Sydney Hastings,1885      *LAW OF REMEDIES FOR TORTS INCL* Francis 1808?-1879 Hilliard,2016-08-27 This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it This work was reproduced from the original artifact and remains as true to the original work as possible Therefore you will see the original copyright references library stamps as most of these works have been housed in our most important libraries around the world and other notations in the work This work is in the public domain in the United States of America and possibly other nations Within the United States you may freely copy and distribute this work as no entity individual or corporate has a copyright on the body of the work As a reproduction of a historical artifact this work may contain missing or blurred pages poor pictures errant marks etc Scholars believe and we concur that this work is important enough to be preserved reproduced and made generally available to the public We appreciate your support of the preservation process and thank you for being an important part of keeping this knowledge alive and relevant      The Law of Torts Sir Frederick Pollock,1892      Remedies for Torts and Breach of Contract Andrew S. Burrows,1987-01-01

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