

1025.5 BAILMENT: DEFINED

A bailment is the delivery of personal property (such as _____) by one person to another for a specific purpose under an express or implied contract with the understanding that the property delivered will be returned or accounted for when the purpose of the bailment has been fulfilled.

A bailment arises when the possession of personal property is temporarily transferred by one person to another but the title to the personal property remains in the hands of the original owner.

One who temporarily transfers possession of personal property to another is known as a bailor. The person who takes possession of the property is known as a bailee.

To be a bailee of property, a person must have such full and complete possession of it as to exclude, for the time of the bailment, the possession of the owner, and the person must have assumed the charge and control of the property as the sole custodian.

COMMENT

The instruction and comment were approved in 1974 and revised in 2009.

Fletcher v. Ingram and others, 46 Wis. 191, 202, 50 N.W. 424 (1879); Bradley v. Harper, 173 Wis. 103, 108, 180 N.W. 130 (1920); American Nat'l Red Cross v. Banks, 265 Wis. 66, 69, 60 N.W.2d 738 (1953); Moore v. Relish, 53 Wis.2d 634, 639, 193 N.W.2d 691 (1972); Bushweiler v. Polk County Bank, 129 Wis.2d 357, 384 N.W.2d 717 (Ct. App. 1986); 8 Am. Jur. 2d. 906, Bailments § 2.

A bailment is created by the delivery of personal property from one person to another to be held temporarily for the benefit of the bailee, the bailor, or both under an express or implied contract Bushweiler.