

Two Types of Necessity Defenses

1. *Public necessity* involves actions taken to avert public disaster (such as a fire). One is not liable for damage to property as a result of averting such a disaster.

2. *Private necessity* involves actions taken to protect a person from death or serious harm, or to protect specific land or chattels from injury. One is liable for any resulting damage to the plaintiff's property. The harm prevented by the conduct must outweigh the harm caused. The privilege only lasts until the danger has passed. Any 'excess lingering' is a trespass.