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Maxims of equity are legal maxims that serve as a set of general principles or rules which are said to govern the way in which equity operates. They tend to illustrate the qualities of equity, in contrast to the common law, as a more flexible, responsive approach to the needs of the individual, inclined to take into account the parties' conduct and worthiness. They were developed by the English Court of Chancery and other courts that administer equity jurisdiction, including the law of ...

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• La Forest: " the maxims of equity can be flexibly adapted to serve the ends of justice as perceived in our days. They are not rules that must be rigorously applied but malleable principles intended to serve the ends of fairness and justice. "

MAXIMS OF EQUITY

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The so-called " maxims of equity " are general principles which the Chancery Courts, and the modern courts apply, in granting and withholding equitable remedies. The maxims are broad principles, applied in the exercise of the Court ' s discretion. Equity will not suffer wrong without a remedy

Maxims of Equity – McMahon Legal Guide

List of Maxims. 1 Equity sees that as done what ought to be done; 2 Equity will not suffer a wrong to be without a remedy; 3 Equity delights in equality; 4 One who seeks equity must do equity; 5 Equity aids the vigilant, not those who slumber on their rights; 6 Equity imputes an intent to fulfill an obligation; 7 Equity acts in personam or persons

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Courts will firstly apply common law and if this is not fair then an equitable remedy will be provided. This maxim sets out that equity is not in place to overrule judgements in common law but rather to make sure that parties don' t suffer an injustice. He who seeks equity must do equity: A remedy will only be provided where you have acted equitable in the transaction. This maxim is discretionary in nature and is concerned with the future conduct of the plaintiff.

The Law of Equity - LawTeacher.net

Chapter 1 Growth of equity and the evolution of the trust. Chapter 2 The maxims of equity. Chapter 3 Trusts today. Chapter 4 The requirements of an express trust. Chapter 5 Powers and discretionary trusts. Chapter 6 Setting trusts aside. Chapter 7 Unlawful trusts. Chapter 8 Variation of trusts. Chapter 9 Purpose trusts

Trusts and Equity - Pearson

This maxim overlaps with the previously mentioned " equity follows the law. " Between equal equities the first in order of time shall prevail This maxim operates where there are two or more competing equitable interests; when two equities are equal the original interest (i.e., the first in time) will succeed.

Maxims of Equity | Petitions

The maxims of equity Aims and objectives

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The three maxims that I will refer to: " he who seeks equity must come with clean hands " , " equity looks to the intent rather than the form " and at last but not least " equity looks on that as done which ought to be done " . 2.

Equity Maxims Essay - 438 Words

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Equity regards as done that which ought to be done 45 Equity acts in personam 46 Equity will not suffer a wrong to be without a remedy 47 He who seeks equity must do equity 47 He who comes to equity must come with clean hands 48 Delay defeats equity 49 Equity will not allow a trust to fail for want of a trustee 50 Equality is equity 51

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The 3 main maxims are: first, " He who comes to equity must come with clean hands " , meaning that where the claimant has acted in a manner that is inequitable towards himself, the court will decline to award an equitable remedy, such as an injunction, in situations where the defendant ' s conduct would otherwise justify it.

Equity as a Modern Source of Law

Maxims of equity are legal maxims that serve as a set of general principles or rules which are said to govern the way in which equity operates.