MAXIMS OF EQUITY

FOUNDATIONAL PRINCIPLES OF EQUITY

1. **Equity will not allow a wrong to be without a remedy** : Equity will not allow a person to be denied a remedy for a wrong that has been committed, even if legal statutes fall short or don't provide for it.

2. **Equity acts in personam** : Equitable remedies target the person rather than the property involved, focusing on directing the actions or conduct of individuals to achieve justice.

DOCTRINES OF FAIRNESS AND JUSTICE

3. **One who seeks equity must do equity and come with clean hands** : To ask for fairness, one must act (have acted) fairly, honestly, and ethically; a claimant seeking relief must have behaved justly in relation to the matter at hand; a person guilty of wrongdoing cannot benefit from equity; One who comes to seek equity must come with clean hands.

4. **Equity looks to intent, conduct, and substance, rather than mere form or technicality** : Equity prioritizes the intention and substance behind an agreement or act, rather than rigid adherence to its formal structures.

5. **Equity remedies errors** : Equity seeks to correct mistakes and imperfections, where law alone would fail to deliver justice.

6. **Equity regards as done that which ought to be done, and as undone what ought not to be done** : Equity treats obligations as fulfilled if they are due, even if not physically completed, especially in cases like specific performance; Similarly, equity may treat an action that should not have been taken as if it never occurred, ensuring fairness and preventing unjust outcomes from faulty or fraudulent actions.

7. **Equity will not assist a volunteer** : Those who give something without expecting anything in return (i.e. a volunteer) cannot seek help from equity, as they have no legal obligation or right to claim.

8. **Notice is equivalent to knowledge** : As equity operates under the law of notice, when a person has received notice — whether direct or constructive — they are deemed to have knowledge of the matter and cannot claim ignorance.

9. **Equity aids the vigilant, not those who slumber on their rights** : Equity supports those who are proactive in asserting their rights in a timely manner, not those who delay or neglect their claims for equitable relief.

10. **Equity imputes an intention to fulfill an obligation** : If someone has the ability and opportunity to fulfill a legal obligation, equity assumes they intend to do so.

11. **Equity delights in equality** : Equity strives for fairness, often distributing benefits or obligations equally among parties in cases where such fairness is required.

12. **Equity abhors unjust enrichment** : Equity intervenes to restore fairness and balance in preventing one party from gaining an unfair benefit by the expense of, detriment to, or harm upon another.

13. **Equity abhors a forfeiture** : Equity disfavors depriving someone of their rights or property without a just cause; It seeks to prevent unnecessary or unjust forfeitures, ensuring that no one is penalized unduly.

14. **Equity delights to do justice, and not by halves** : Equity resolves and ensures all aspects of justice and truth are addressed in one proceeding, rendering a full and complete collection of remedies fitting to the matter(s) at hand.

15. **Where the equities are equal, the first in time shall prevail** : If both parties have equally compelling claims in equity, the court will defer to the rights established first.

PROCEDURAL AND REMEDIAL PRINCIPLES

16. **The law is nothing without Equity, Equity is everything even without the law** : Underscores that while laws create boundaries and order, equity represents a higher principle that prioritizes fairness and justice, which can sometimes exist independently of strict legal codes.

17. **In fictions of law, Equity is always present** : Equity remains present within legal fictions — such as corporate entities or statutory frameworks — to prevent injustice and ensure fairness, even when strict legal rules might lead to unjust outcomes

18. **Equity will not perfect an imperfect gift** : If a gift has not been legally completed or transferred, equity will not intervene to enforce or perfect it.

19. **Equity regards the beneficiary as the true owner** : In trusts, equity sees the beneficiary as the rightful owner of the trust property, even though legal title rests with the trustee.

20. **Equity will not allow a statute to be used as an instrument of fraud** : Equity prevents the misuse of statutes to perpetuate fraud or unjust enrichment.

21. **Equity will not require an idle gesture** : Equity does not require actions that serve no real purpose, so if an act achieves no substantive result, equity will not order it.

22. **Equity will not allow a trust to fail for want of a trustee** : A trust will not fail simply because there is no trustee available.

23. **Where the equities are equal, the law prevails** : If both parties have equally compelling claims in equity, the court will defer to established legal rights rather than create a new equitable remedy.

24. **The law delights in equity** : At its best, the law recognizes the inherent value of equity, understanding that true justice requires its balance and conscience;

PHILOSOPHICAL PRINCIPLES

25. **Equity will not suffer a wrongdoer to benefit from their own wrongdoing** : Equity ensures that those who engage in wrongful conduct cannot gain an advantage from their misdeeds; A person who seeks to profit from their own injustice will be denied equitable relief, as fairness cannot allow injustice to be rewarded.

26. **Equity follows the law but does not slavishly adhere to it** : Equity operates in harmony with the law but allows flexibility in its application; While legal rules are respected, equity focuses on achieving justice and fairness, even when the strict application of the law would lead to an unjust result.

27. **Equity will not allow hardship to be inflicted by rigid adherence to law** : Equity prevents unnecessary hardship that could result from an inflexible application of legal statutes; It provides relief when the law's application would lead to injustice or excessive hardship, ensuring that fairness prevails.

28. **Equity will not allow a party to take advantage of their own delay** : Equity favors those who act promptly and diligently to assert their rights; Delays without valid reasons may forfeit one's ability to claim equitable relief.

29. **Equity will not allow a party to take an unfair advantage of another** : Equity ensures that no party benefits from deceptive tactics or exploitation, especially when one party is in a vulnerable position; Equity seeks to prevent unjust enrichment or undue advantage gained by one party over another.

30. **Equity will provide a remedy when there is no adequate remedy at law** : When legal remedies are insufficient or unavailable to provide justice, equity steps in to offer relief; This principle emphasizes equity's role in addressing gaps left by the law, ensuring fairness is maintained even when legal solutions fall short.

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