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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

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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

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developed by the
English Court of
Chancery and other
courts that
administer equity
jurisdiction,
including the law of
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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. ”

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The so-called
“ maxims of equity ”
are general
principles which the
Chancery Courts,

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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

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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

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Equity Defendant, 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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Their ...

Courts will firstly

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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

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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.

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This maxim

overlaps with the

previously

mentioned “ equity

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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.

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The three maxims
that I will refer to:

“ he who seeks

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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.

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Equity regards as
done that which
ought to be done 45
Equity acts in
personam 46 Equity

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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

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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

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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

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of general principles or rules which are said to govern the way in which equity operates.

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