THE MAXIMS OF EQUITY

Unlike statutes, the maxims of equity lack the precision and clarity necessary to resolve specific issues, do not specify any sanctions, and are not invalid for vagueness. Some are merely pretext or justifications for the decisions; some are inconsistent or contradictory; some are consumed by their exceptions. But they do offer an insight into equitable discretion and provide the opportunity for creative lawyering.

By the end of the semester, you should be able to explain, in general terms, each of the following maxims and to indicate its substantive significance. See 1993 Ark. L. Notes 29.

l) Equity will not suffer a wrong to be without a remedy.

2) Equity acts in personam, not in rem.

3) Equity delights in doing justice and not just by halves.

4) Equity follows the law.

5) Equality is equity.

6) Equity regards that as done which ought to be done.

7) Equity looks to the substance and not merely the form.

8) He who comes into equity must come with clean hands.

9) Equity favors the vigilant, not those who slumber on their rights.

10) He who seeks equity must do equity.

11) Where equities are equal, the first in time will prevail.

12) Equity abhors forfeitures.

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