The fusion of law and equity in common law systems was a crucial moment in the development of modern law. Common law and equity were historically the two principal sources of rules and remedies in the judge-made law of England, and this bifurcated system travelled to other countries whose legal systems were derived from the English legal system. The division of law and equity – their fission – was a pivotal legal development and is a feature of most common law systems. The fusion of the common law and equity has brought about major structural, institutional and juridical changes within the common law tradition. In this volume, leading scholars undertake historical, comparative, doctrinal and theoretical analysis that aims to shed light on the ways in which law and equity have fused, and the ways in which they have remained distinct even in a ‘post-fusion’ world.

John C. P. Goldberg is the Carter Professor of General Jurisprudence at the Harvard Law School in Harvard University.

Henry E. Smith is the Fessenden Professor of Law and Director of the Project on the Foundations of Private Law at the Harvard Law School in Harvard University.

P. G. Turner is a University Senior Lecturer and a Fellow of St Catharine’s College in the University of Cambridge.
Equity and Law

FUSION AND FISSION

Edited by

JOHN C. P. GOLDBERG
Harvard Law School

HENRY E. SMITH
Harvard Law School

P. G. TURNER
University of Cambridge
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Daniel J. Carr is a Senior Lecturer in Private Law of the Edinburgh Law School in the University of Edinburgh.

Kellen Funk is an Associate Professor of the Columbia Law School of Columbia University in the city of New York.

Philip Girard is a Professor of the Osgoode Hall Law School in York University, Toronto.

John C. P. Goldberg is the Carter Professor of General Jurisprudence at Harvard Law School in Harvard University.

Matthew Harding is a Professor of the Law School of the University of Melbourne.

Dennis Klinck is a Professor Emeritus of the Faculty of Law of McGill University.

Ben Kremer is a Barrister of the State of New South Wales who practises in Sydney.

Mark Leeming is a Judge of Appeal of the Supreme Court of New South Wales and the Challis Lecturer in Equity in the University of Sydney.

Michael Lobban is a Professor of Legal History of the Department of Law of the London School of Economics.

James McComish is a Barrister of the State of Victoria who practises in Melbourne and is a Fellow of the Law School of the University of Melbourne.

Ben McFarlane is a Professor of Law of the Faculty of Laws of University College, London.
Patricia I. McMahon is a Lawyer of the Province of Ontario who practises in Toronto.

Emily Sherwin is the Frank B. Ingersoll Professor of Law at Cornell Law School in Cornell University.

Henry E. Smith is the Fessenden Professor of Law and the Director of the Project on the Foundations of Private Law at Harvard Law School in Harvard University.

P. G. Turner is a University Senior Lecturer and a Fellow of St Catharine’s College in the University of Cambridge.

Stephen Waddams is a University Professor and the Goodman/Schipper Professor of the Faculty of Law of the University of Toronto.
Acknowledgements

Ten of the seventeen chapters of this book began life as papers prepared for a seminar held in St Catharine’s College, Cambridge, in 2016; the other seven were specially commissioned afterwards. The seminar was hosted jointly by the Project on the Foundations of Private Law, which operates from the Harvard Law School, and the Centre for Private Law in the University of Cambridge. The editors are grateful for the financial support provided by the Project and the Centre, as well as the various forms of support provided by St Catharine’s College and by the University of Cambridge through the Faculty of Law and a grant from the Cambridge Humanities Research Grant Scheme.

Ms Kim Hughes commissioned the book, and was succeeded in that role by Mr Tom Randall as the manuscript advanced. They judiciously accommodated and guided the editors, who express their thanks. The assistance of Ms Trina Malone in the checking of references in many chapters, and applying the house style, was substantial and is gratefully acknowledged.
Abbreviations

Printed law reports and legal periodicals, other than those referred to in this list, are cited according to the usual legal conventions. The abbreviations will be found in D. Raistrick, *Index to Legal Citations and Abbreviations*, 4th edn (London: Sweet & Maxwell, 2013).

Ashburner, *Principles of Equity*, 2nd edn


Baker, ‘The Common Lawyers and the Chancery: 1616’


*Baker and Milson*


Bankton, *Institute*

Lord Bankton (A. McDouall), *An Institute of the Laws of Scotland* (Edinburgh: Kincaid and Donaldson, 1751)

B.L.

British Library

B.L. MS Add. 25199

Reports of Thomas Sterrell

B.L. MS Add. 32527

Abstracts of law cases by Roger North

Burrows, ‘We Do This at Common Law’ but ‘That in Equity’ (2002) 22 *O.J.L.S.* 1

C.6

P.R.O., Chancery, pleadings, Collins series
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C.9  P.R.O., Chancery, pleadings, Reynardson series
C.10  P.R.O., Chancery, pleadings, Whittington series
C.22  P.R.O., Chancery, country depositions
C.33  P.R.O., Chancery, decree and order books chapter

C.J.  Chief Justice
C.J.C.P.  Chief Justice of the Common Pleas
C.J.K.B.  Chief Justice of the King's Bench
C.O.201  P.R.O., Colonial Office, New South Wales original correspondence
col.  column
C.P.  Court of Common Pleas
(E. [year])  (Easter Term [year])
E.126  P.R.O., Exchequer, king's remembrancer, entry book of decrees
E.H.R.  English Historical Review

Equity and Administration  P. G. Turner (ed.), Equity and Administration (Cambridge University Press, 2016)
f.  folio

First Report Chancery Commissioners  United Kingdom, Chancery Commissioners, First Report of Her Majesty's Commissioners Appointed to Inquire into the Process, Practice, and System of Pleading in the Court of Chancery, &c. (London: H.M.S.O., 1852)

First Report Common Law Commissioners  United Kingdom, Common Law Commissioners, First Report from the Commissioners for Inquiring into the Process, Practice, and System of Pleading in the Superior Courts of Common Law (London: Eyre and Spottiswoode, 1851)
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First Report Judicature Commissioners
United Kingdom, Judicature Commission, First Report into the Operation and Constitutions of High Court of Chancery, Superior Courts of Common Law, Central Criminal Court, High Court of Admiralty, and Other Courts in England and into the Operation and Effect of Present Separation and Division of Jurisdiction between Courts (London: H.M.S.O., 1868–69)

Funk, ‘Equity without Chancery’

Getzler, ‘Patterns of Fusion’

Goff and Jones: Unjust Enrichment, 9th edn

(H. [year])
(Hilary Term [year])

H.C. Deb.
United Kingdom, House of Commons’ Debates

H.C. Jour.
United Kingdom, House of Commons Journal

H.C.P.P.
United Kingdom, House of Commons Parliamentary Papers

H.L. Deb.
United Kingdom, House of Lords’ Debates

H.L. Jour.
United Kingdom, House of Lords Journal

H.L.S.P.
United Kingdom, House of Lords Sessional Papers

Ibbetson, Historical Introduction

Ibbetson, ‘A House Built on Sand’

Ibbetson, ‘The Earl of Oxford’s Case’
D. Ibbetson, ‘The Earl of Oxford’s Case (1615)’, in Charles Mitchell and Paul Mitchell (eds),
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<tr>
<td><strong>K.B.27</strong> P.R.O., King's Bench, plea rolls</td>
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<tr>
<td><strong>L.H.R. Law and History Review</strong></td>
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<tr>
<td><strong>L.C. Lord Chancellor</strong></td>
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<tr>
<td><strong>L.I. Lincoln’s Inn library, London</strong></td>
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<td><strong>L.K. Lord Keeper</strong></td>
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www.cambridge.org
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Meagher, Gummow and Lehane, 1st edn

Meagher, Gummow and Lehane, 5th edn

(M. [year])
(Michaelmas Term [year])

Milsom, *Historical Foundations*, 2nd edn

M.R.
Master of the Rolls

MS
manuscript

M.T.
Middle Temple Library, London

M.T. MS 2C
Reports of Sir George Treby

n.
ote

O.D.N.B.

O.H.L.E., vol. VI

O.H.L.E., vol. XI

O.J.L.S.
*Oxford Journal of Legal Studies*

pl.
placitum (case-number within a term)

Polden, ‘Mingling the Waters’

Plucknett and Barton, *Doctor and Student*
T. F. T. Plucknett and J. L. Barton (eds), *St German’s Doctor and Student* (London: Selden Society, 1974), vol. 91

P.R.O.
Public Record Office, Kew, Surrey

R.S.C.
Rules of the Supreme Court of Judicature

Second Report Common Law Commissioners
List of Abbreviations


S.S.  Selden Society (annual volumes, 1887–)


(T. [year])  (Trinity Term [year])


V.P.R.S. 31  Public Record Office Victoria, equity case files

V.P.R.S. 282  Public Record Office Victoria, equity case files, ecclesiastical jurisdiction

V.P.R.S. 1697  Public Record Office Victoria, equity suit books

V.P.R.S. 5507  Public Record Office Victoria, judge’s note book series, Mr Justice Molesworth


Y.B.  Year Book
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