

Equity Clarendon Law Series

Jan Paulsson

Equity Sarah Worthington, 2006-08-17 This second edition of Sarah Worthington's *Equity* maintains the clear ambitions of the first. It sets out the basic principles of equity, and illustrates them by reference to commercial and domestic examples of their operation. The book comprehensively and succinctly describes the role of equity in creating and developing rights and obligations, remedies and procedures that differ in important ways from those provided by the common law itself. Worthington delivers a complete reworking of the material traditionally described as equity. In doing this, she provides a thorough examination of the fundamental principles underpinning equity's most significant incursions into the modern law of property, contract, tort, and unjust enrichment. In addition, she exposes the possibilities, and the need, for coherent substantive integration of common law and equity. Such integration she perceives as crucial to the continuing success of the modern common law legal system. This book provides an accessible and elementary exploration of equity's place in our modern legal system, whilst also tackling the most taxing and controversial questions which our dual system of law and equity raises.

An Introduction to the Law of Trusts Simon Gardner, 2011-05-05 This text provides a concise and analytical overview of the English law of trusts, drawing out especially this area's underlying concerns and suggesting ways in which the rules can be explained and evaluated.

Resulting Trusts Robert Chambers, 1997 Robert Chambers has written a much-needed, detailed examination of the resulting trust which will be invaluable to all barristers and academics working in the areas of equity and trusts, restitution and the law of property.

The Concept of Law HLA Hart, 2012-10-25 Fifty years on from its original publication, HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

Precedent in English Law Rupert Cross, J. W. Harris, 1991-06-13 This fourth edition of *Precedent in English Law* presents a basic guide to the current doctrine of precedent in England, set in the wider context of the jurisprudential problems which

any treatment of this topic involves. Such problems include the nature of *ratio decidendi* of a precedent and of its binding force, the significance of precedents alongside other sources of law, their role in legal reasoning, and the account which must be taken of them by any general theory of law. Considerable re-writing has been undertaken to update case-law and take account of the possible implications for the doctrine of precedent of the impact of European Community law, making it an indispensable work of reference for readers interested in the past history, present state, and future developments of English rules of precedent.

Equity F. W. Maitland, Frederic William Maitland, A. H. Chaytor, W. J. Whittaker, 2011-03-03 The lectures given in Cambridge between 1888 and 1906 by the Downing Professor of the Laws of England, F. W. Maitland.

Contract Theory Stephen A. Smith, 2004-03-25 This book is both an examination of, and a contribution to, our understanding of the theoretical foundations of the common law of contract. Focusing on contemporary debates in contract theory, *Contract Theory* aims to help readers better understand the nature and justification of the general idea of contractual obligation, as well as the nature and justification of the particular rules that make up the law of contract. The book is in three parts. Part I introduces the idea of 'contract theory', and presents a framework for identifying, classifying, and evaluating contract theories. Part II describes and evaluates the most important general theories of contract; examples include promissory theories, reliance-based theories, and economic theories. In Part III, the theoretical issues raised by the various specific doctrines that make up the law of contract (e.g., offer and acceptance, consideration, mistake, remedies, etc.) are examined in separate chapters. The legal focus of the book is the common law of the United Kingdom, but the theoretical literature discussed is international in origin; the arguments discussed are thus relevant to understanding the law of other common law jurisdictions and, in many instances, to understanding the law of civil law jurisdictions as well.

The History of Contract in Early English Equity Willard Titus Barbour, 1914

Atiyah's Introduction to the Law of Contract Stephen A. Smith, P. S. Atiyah, 2006-02-09 *Atiyah's Introduction to the Law of Contract* is a well-known text through which thousands of university students have first encountered the law of contract, and the new edition has long been eagerly awaited by university teachers and students. This sixth edition, updated by Stephen Smith, continues to provide readers with an introduction to the theories, policies, and ideas that underlie the law, placing an equal emphasis on the law and critical analysis. In particular, the discussion of recent cases and legislation is centred on why contract law is the way it is, whether it can be justified, and, if not, what should be done to improve it. The sixth edition has been revised to place the law of contract in a modern context and to account for recent developments in the law, as well as those in academic thinking and writing. Addressing European influences and including perspectives from comparative law, this remains a stimulating and authoritative exposition of the modern law of contract.

Change and Continuity W. M. C. Gummow, 1999 This volume is based closely on the lectures delivered by The Hon.

Justice W. M. C. Gummow at Oxford University in 1999 as part of the Clarendon law lectures series, sponsored by Oxford University Press. These lectures take up themes of continuity and change in the law, particularly as they appear in the great common law jurisdictions. The tension between continuity and change appears from a consideration of the interaction between statute and the case law which interprets it, of the interaction between equity and statute, and finally of the operation of that constitutional arrangement known as federalism. Statute speaks to the state of affairs at the time of enactment. That state of affairs is dynamic; the statute, at least in form, is static. Conversely, in its development the common law may be informed by changes effected by statute. The extent to which the common law may or should respond in this way is a matter of controversy. Further, the accommodation of an apparently rigid statutory structure to individual circumstances has, for centuries, been assisted by the leavening effect of equitable doctrines and remedies. Finally, in federal systems with a division of governmental power and authority by a written supreme law, tensions between continuity, perceived in terms of original intent, and changed circumstances which were unforeseen, may become acute. Is Britain in the process of becoming a federal state or, indeed, a component of a European federal state? In all these situations, the doctrines developed by the courts assist the passage of society from the past, through the present and into the future. This invites an inquiry, considered in these lectures, as to the requirements of legal scholarship in a court of ultimate appeal in a common law system.

Essays in Equity Harold Greville Hanbury, 1934

Unjust Enrichment Peter Birks, 2005-01-13 This new edition of *Unjust Enrichment* by the editor of the Clarendon Law Series, is a fully updated, clear and concise account of the law of unjust enrichment. It attempts to move away from the use of obscure terminology inherited from the past. This text is the first book to insist on the switch from restitution to unjust enrichment, from response to event. It organises modern law around five simple questions: Was the defendant enriched? If so, was it at the claimant's expense? If so, was it unjust? The fourth question is then what kind of right the claimant has, and the fifth is whether the defendant has any defences. This second edition was revised and updated by Peter Birks before his death from cancer on 6 July 2004 at the age of 62. It represents the final thinking of the world's leading authority on the subject.

The Idea of Arbitration Jan Paulsson, 2013-11 Providing a theoretical examination of the concept of arbitration, this book explores the place of arbitration in the legal process and examines the ethical challenges to arbitral authority and its moral hazards.

Proprietary Interests in Commercial Transactions Sarah Worthington, 1996 Worthington provides a broad overview of personal property law in a commercial context, examining the various devices used by contracting parties and attempting to distil a theoretically rigorous framework to describe the relevant laws.

Trends in Contemporary Trust Law A. J. Oakley, 1996 Rev. versions of papers originally presented at a conference held

on Jan. 6-7, 1996 in Cambridge, U.K.

Cases and Materials in Company Law L. S. Sealy, L. Sealy, Sarah Worthington, 2007-10-04 *Cases and Materials in Company Law* is well-established as the best casebook on company law available. It covers all vital cases and combines sophisticated commentary with well-chosen notes and questions. This edition retains the original successful structure and style, whilst being fully updated to reflect changes following the Companies Act 2006.

An Introduction to the Law of Restitution Peter Birks, 1985 This new edition of a landmark study of the law of restitution has been substantially revised and updated. Concentrating on structural principles rather than detailed rules, the book is an invaluable guide to this difficult area of law.

A Treatise on Equity Jurisprudence John Norton Pomeroy, 1907

Essays in Law and History Sir William Searle Holdsworth, 1995 xv, 302 pp. Originally published: Oxford: At the Clarendon Press, 1946. Compiled and edited by A.L. Goodhart and H.G. Hanbury, editors of the last four volumes of Holdsworth's *History of English Law*, this volume presents a selection of seventeen essays by the great legal scholar. Highlights from his long and prolific career, they address such topics as martial law, the English constitution, case law, equity, trusts, libel, law reporting, contracts and land law. These essays tend to enlarge the mind and to stir the imagination. They are the work of one of the most distinguished of the great line of English legal historians. --Bernard L. Shientag, *Columbia Law Review* 47 (1947) 1255 WILLIAM S. HOLDSWORTH [1871-1944] was a professor of constitutional law at Cambridge from 1903-1908 and the Vinerian Professor of English Law at Oxford from 1922-1944. He is well-known for his monumental *History of English Law* (1st ed. 1908) and other works, such as *Charles Dickens as a Legal Historian* (1929) and *Some Makers of English Law* (1938). ARTHUR LEHMAN GOODHART [1891-1978] was an American-born British academic jurist and lawyer. He was editor of the *Cambridge Law Journal* from 1921 to 1925, editor the *Law Quarterly Review* in 1926, a professor of jurisprudence at Oxford University from 1931-1951 and the first American to be the master of an Oxford College. HAROLD GREVILLE HANBURY [1898-1993] was a Fellow at Lincoln College, Oxford, from 1921-1949 and All Souls College, Oxford, from 1949-1964. His works include *Modern Equity: Being the Principles of Equity* (1935), *The Principles of Agency* (1952) and *The Vinerian Chair and Legal Education* (1958).

Trusts and Equity Gary Watt, 2014 Gary Watt provides detailed and conceptual analysis of the complex area of trusts and equity. Emphasis on the modern commercial context and abundant cultural references, ensure students find Watt's approach a stimulating and inspiring read.

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