

P R I N C I P L E S
O F
E Q U I T Y.

T H E T H I R D E D I T I O N .

I N T W O V O L U M E S .

V O L . I I .

E D I N B U R G H :

Printed for J. BELL, and W. CREECH, *Edinburgh*;
and T. CADELL, *London*.

MDCCLXXVIII.



C O N T E N T S,

V O L U M E II.

B O O K I. P A R T. I.

	Pag.
CHAP. VIII. Powers of a court of equity to remedy what is imperfect in common law with respect to legal execution, -	1
SECT.	
1. Where the common law is defective, -	2
Art.	
1. Subjects that cannot be attached by the exe- cutions of common law, -	3
2. Circumstances where even common subjects are withdrawn from these executions, -	5
3. These executions are in some cases imperfect, -	11
4. They serve only to make debts effectual, and give no aid to other claims, -	12
SECT.	
2. Where the common law with respect to execution is oppressive or unjust, - -	15
Appendix to chapter VIII.	26
CHAP. IX. Powers of a court of equity to in- flict punishment, and to mitigate it, -	35
PART	

vi C O N T E N T S.

B O O K I. continued.

	Pag.
PART. II. Powers of a court of equity to remedy the imperfection of common law with respect to matters of justice that are not pecuniary, - - -	55
CHAP. I. How far a covenant or promise in favour of an absent person, is effectual,	58
CHAP. II. Powers of a court of equity to repress immoral acts that are not pecuniary,	81

B O O K II.

Powers of a court of equity founded on the principle of utility,	84
CHAP. I. Acts in themselves lawful reprobated in equity as having a tendency to corrupt morals, - - -	86
CHAP. II. Acts and covenants in themselves innocent prohibited in equity, because of their tendency to disturb society, and to distress its members, - - -	89
CHAP. III. Regulations of commerce, and of other public concerns, rectified where wrong,	96
CHAP. IV. Forms of the common law dispensed with in order to abridge law-suits,	100
CHAP. V. <i>Bona fides</i> as far as regulated by utility, - - -	105
CHAP. VI. Interposition of a court of equity in favour even of a single person to prevent mischief, - - -	114
CHAP.	

C O N T E N T S.

vii

B O O K II. continued.

	Pag.
CHAP. VII. Statutes preventive of wrong or mischief extended by a court of equity,	116
CONCLUSION of Book II. Justice and Utility compared, - - -	127

B O O K III.

Application of the principles of equity and utility to several important subjects, - - -	136
--	-----

CHAP. I. What equity rules with respect to rents levied upon an erroneous title of property, - - -	137
CHAP. II. Powers of a court of equity with respect to a conventional penalty, -	153
CHAP. III. What obligations and legacies transmit to heirs, - - -	162
CHAP. IV. Arrestment and process of forthcoming, - - -	171
CHAP. V. Powers of a court of equity with relation to bankrupts, - - -	195
CHAP. VI. Powers and faculties, -	265
CHAP. VII. Of the power which officers of the law have to act <i>extra territorium</i> , -	299
CHAP. VIII. Jurisdiction of the court of session with respect to foreign matters, -	310

I. Personal

viii C O N T E N T S.

BOOK III. CHAP. VIII. continued.

SECT.	Pag.
1. Personal actions founded on foreign covenants, deeds, or facts, - -	320
2. Foreign covenants and deeds respecting land,	328
3. Moveables domestic and foreign, and their legal effects, - - -	332
4. Debts whether regulated by the law of the creditor's country, or that of the debtor,	341
5. Foreign evidence, - - -	348
6. Effect of a statute, of a decree, of a judicial conveyance, or legal execution, <i>extra territorium</i> ,	352

PRIN-