efficients. Reverting to the before-mentioned particular equation $x^4+x^3+x^2+x+1=0$, it is very interesting to compare the process of solution with that for the solution of the general quartic the roots whereof are a, b, c, d.

Take ω, a root of the equation $\omega^4-1=0$ (whence ω is $=1$, 1, i, or $-i$, at pleasure), and consider the expression

$$(a+\omega b+\omega^2c+\omega^3d)^4,$$

the developed value of this is

$$\begin{aligned}= \quad & a^4+b^4+c^4+d^4+6(a^2c^2+b^2d^2)+12(a^2bd+b^2ca+c^2db+d^2ac)\\ &+\omega\{4(a^3b+b^3c+c^3+d^3a)+12(a^2cd+b^2da+c^2ab+d^2bc)\}\\ &+\omega^2\{6(a^2b^2+b^2c^2+c^2d^2+d^2a^2)+4(a^3c+b^3d+c^3a+d^3b)+24abcd\}\\ &+\omega^3\{4(a^3d+b^3a+c^3b+d^3c)+12(a^2bc+b^2cd+c^2da+d^2ab)\}\end{aligned}$$

that is, this is a 6-valued function of a, b, c, d, the root of a sextic (which is, in fact, solvable by radicals; but this is not here material).

If, however, a, b, c, d denote the roots r, r^2, r^4, r^3 of the special equation, then the expression becomes

$$\begin{aligned}&r^4+r^3+r+r^2+6(1+1)+12(r^2+r^4+r^3+r)\\ &+\omega\{4(1+1+1+1)+12(r^4+r^3+r+r^2)\}\\ &+\omega^2\{6(r+r^2+r^4+r^3)+4(r^2+r^4+r^3+r)\}\\ &+\omega^3\{4(r+r^2+r^4+r^3)+12(r^3+r+r^2+r^4)\}\end{aligned}$$

viz., this is

$$=-1+4\omega+14\omega^2-16\omega^3,$$

a completely determined value. That is, we have

$$(r+\omega r^2+\omega^2r^4+\omega^3r^3)^4=-1+4\omega+14\omega^2-16\omega^3,$$

which result contains the solution of the equation. If $\omega=1$, we have $(r+r^2+r^4+r^3)^4=1$, which is right; if $\omega=-1$, then $(r+r^4-r^2-r^3)^4=25$; if $\omega=i$, then we have $\{r-r^4+i\ (r^2-r^3)\}^4=-15+20i$; and if $\omega=-i$, then $\{r-r^4-i\ (r^2-r^3)\}^4=-15-20i$; the solution may be completed without difficulty.

The result is perfectly general, thus:—n being a prime number, r a root of the equation $x^{n-1}+x^{n-2}\ldots+x+1=0$, ω a root of $\omega^{n-1}-1=0$, and g a prime root of $g^{n-1}\equiv 1$ (mod. n), then

$$(r+\omega r^g\ldots+\omega^{n-2}r^{g^{n-2}})^{n-1}$$

is a given function $M_0+M_1\omega\ldots+M_{n-2}\omega^{n-2}$ with integer coefficients, and by the extraction of $(n-1)$th roots of this and similar expressions we ultimately obtain r in terms of ω, which is taken to be known; the equation $x^n-1=0$, n a prime number, is thus solvable by radicals. In particular, if $n-1$ be a power of 2, the solution (by either process) requires the extraction of square roots only; and it was thus that Gauss discovered that it was possible to construct geometrically the regular polygons of 17 sides and 257 sides respectively. Some interesting developments in regard to the theory were obtained by Jacobi (1837); see the memoir "Ueber die Kreistheilung, u.s.w.," *Crelle*, t. xxx. (1846).

The equation $x^{n-1}+\ldots+x+1=0$ has been considered for its own sake, but it also serves as a specimen of a class of equations solvable by radicals, considered by Abel (1828), and since called Abelian equations, viz., for the Abelian equation of the order n, if x be any root, the roots are $x, \theta x, \theta^2x, \ldots \theta^{n-1}x$ (θx being a rational function of x, and $\theta^nx=x$); the theory is, in fact, very analogous to that of the above particular case. A more general theorem obtained by Abel is as follows:—If the roots of an equation of any order are connected together in such wise that *all* the roots can be expressed rationally in terms of any one of them, say x; if, moreover, $\theta x, \theta_1x$ being any two of the roots, we have $\theta\theta_1x=\theta_1\theta x$, the equation will be solvable algebraically. It is proper to refer also to Abel's definition of an *irreducible* equation:—an equation $\phi x=0$, the coefficients of which are rational functions of a certain number of known quantities $a, b, c\ldots$, is called irreducible when it is impossible to express its roots by an equation of an inferior degree, the coefficients of which are also rational functions of $a, b, c\ldots$ (or, what is the same thing, when ϕx does not break up into factors which are rational functions of $a, b, c\ldots$). Abel applied his theory to the equations which present themselves in the division of the elliptic functions, but not to the modular equations.

32. But the theory of the algebraical solution of equations in its most complete form was established by Galois (born October 1811, killed in a duel May 1832; see his collected works, *Liouville*, t. xi., 1846). The definition of an irreducible equation resembles Abel's,—an equation is reducible when it admits of a rational divisor, irreducible in the contrary case; only the word *rational* is used in this extended sense that, in connexion with the coefficients of the given equation, or with the irrational quantities (if any) whereof these are composed, he considers any number of other irrational quantities called "adjoint radicals," and he terms rational any rational function of the coefficients (or the irrationals whereof they are composed) and of these adjoint radicals; the epithet irreducible is thus taken either absolutely or in a relative sense, according to the system of adjoint radicals which are taken into account. For instance, the equation $x^4+x^3+x^2+x+1=0$; the left hand side has here no rational divisor, and the equation is irreducible; but this function is $=(x^2+\frac{1}{2}x+1)^2-\frac{5}{4}x^2$, and it has thus the irrational divisors $x^2+\frac{1}{2}(1+\sqrt{5})x+1$, $x^2+\frac{1}{2}(1-\sqrt{5})x+1$; and these, if we *adjoin* the radical $\sqrt{5}$, are rational, and the equation is no longer irreducible. In the case of a given equation, assumed to be irreducible, the problem to solve the equation is, in fact, that of finding radicals by the adjunction of which the equation becomes reducible; for instance, the general quadric equation $x^2+px+q=0$ is irreducible, but it becomes reducible, breaking up into rational linear factors, when we adjoin the radical $\sqrt{\frac{1}{4}p^2-q}$.

The fundamental theorem is the Proposition I. of the "Mémoire sur les conditions de résolubilite des équations par radicaux;" viz., given an equation of which $a, b, c\ldots$ are the m roots, there is always a group of permutations of the letters $a, b, c\ldots$ possessed of the following properties:—

1. Every function of the roots invariable by the substitutions of the group is rationally known.

2. Reciprocally every rationally determinable function of the roots is invariable by the substitutions of the group.

Here by an invariable function is meant not only a function of which the form is invariable by the substitutions of the group, but further, one of which the value is invariable by these substitutions; for instance, if the equation be $\phi x=0$, then ϕx is a function of the roots invariable by any substitution whatever. And in saying that a function is rationally known, it is meant that its value is expressible rationally in terms of the coefficients and of the adjoint quantities.

For instance, in the case of a general equation, the group is simply the system of the $1.2.3\ldots n$ permutations of all the roots, since, in this case, the only rationally determinable functions are the symmetric functions of the roots.

In the case of the equation $x^{n-1}\ldots+x+1=0$, n a prime number, $a, b, c\ldots k=r, r^g, r^{g^2}\ldots r^{g^{n-2}}$, where g is a prime root of n, then the group is the cyclical group $abc\ldots k, bc\ldots ka, \ldots, kab\ldots j$, that is, in this particular case the number of the permutations of the group is equal to the order of the equation.

This notion of the group of the original equation, or of the group of the equation as varied by the adjunction of a series of radicals, seems to be the fundamental one in Galois's theory. But the problem of solution by radicals, instead of being the sole object of the theory, appears as the first link of a long chain of questions relating to the transformation and classification of irrationals.

Returning to the question of solution by radicals, it will be readily understood that by the adjunction of a radical the group may be diminished; for instance, in the case of the general cubic, where the group is that of the six permutations, by the adjunction of the square root which enters into the solution, the group is reduced to abc, bca, cab; that is, it becomes possible to express rationally, in terms of the coefficients and of the adjoint square root, any function such as $a^2b+b^2c+c^2a$ which is not altered by the cyclical substitution a into b, b into c, c into a. And hence, to determine whether an equation of a given form is solvable by radicals, the course of investigation is to inquire whether, by the successive adjunction of radicals, it is possible to reduce the original group of the equation so as to make it ultimately consist of a single permutation.

The condition in order that an equation of a given prime order n may be solvable by radicals was in this way obtained—in the first instance in the form (scarcely intelligible without further explanation) that every function of the roots $x_1, x_2\ldots x_n$, invariable by the substitutions x_{ak+b} for x_k, must be rationally known; and then in the equivalent form that the resolvent equation of the order $1.2\ldots n-2$ must have a rational root. In particular, the condition in order that a quintic equation may be solvable is that Lagrange's resolvent of the order 6 may have a rational factor, a result obtained from a direct investigation in a valuable memoir by E. Luther, *Crelle*, t. xxxiv. (1847).

Among other results demonstrated or announced by Galois may be mentioned those relating to the modular equations in the theory of elliptic functions; for the transformations of the orders 5, 7, 11, the modular equations of the orders 6, 8, 12 are depressible to the orders 5, 7, 11 respectively; but for the transformation, n a prime number greater than 11, the depression is impossible.

The general theory of Galois in regard to the solution of equations was completed, and some of the demonstrations supplied by Betti (1852). See also Serret's *Cours d'Algèbre supérieure*, 2d ed., 1854; 4th ed. 1877–78, in course of publication.

33. Returning to quintic equations, Jerrard (1835) established the theorem that the general quintic equation is by the extraction of only square and cubic roots reducible to the form $x^5+ax+b=0$, or what is the same thing, to $x^5+x+b=0$. The actual reduction by means of Tschirnhausen's theorem was effected by Hermite in connexion with his elliptic-function solution of the quintic equation (1858) in a very elegant manner. It was shown by Cockle and Harley (1858–59) in connexion with the Jerrardian form, and by Cayley (1861), that Lagrange's resolvent equation of the sixth order can be replaced by a more simple sextic equation occupying a like place in the theory.

The theory of the modular equations, more particularly for the case $n=5$, has been studied by Hermite, Kronecker, and Brioschi. In the case $n=5$, the modular equation of the order 6 depends, as already mentioned, on an equation of the order 5; and conversely the general quintic equation may be made to depend upon this modular equation of the order 6; that is, assuming the solution of this modular equation, we can solve (not by radicals) the general quintic equation; this is Hermite's solution of the general quintic equation by elliptic functions (1858); it is analogous to the before-mentioned trigonometrical solution of the cubic equation. The theory is reproduced and developed in Brioschi's memoir, "Ueber die Auflösung der Gleichungen vom fünften Grade," *Math. Annalen*, t. xiii. (1877–78).

34. The great modern work, reproducing the theories of Galois, and exhibiting the theory of algebraic equations as a whole, is Jordan's *Traité des Substitutions et des Equations Algébriques*, Paris, 1870. The work is divided into four books—book i., preliminary, relating to the theory of congruences; book ii. is in two chapters, the first relating to substitutions in general, the second to substitutions defined analytically, and chiefly to linear substitutions; book iii. has four chapters, the first discussing the principles of the general theory, the other three containing applications to algebra, geometry, and the theory of transcendents; lastly, book iv., divided into seven chapters, contains a determination of the general types of equations solvable by radicals, and a complete system of classification of these types. A glance through the index will show the vast extent which the theory has assumed, and the form of general conclusions arrived at; thus, in book iii., the algebraical applications comprise Abelian equations, equations of Galois; the geometrical ones comprise Hesse's equation, Clebsch's equations, lines on a quartic surface having a nodal line, singular points of Kummer's surface, lines on a cubic surface, problems of contact; the applications to the theory of transcendents comprise circular functions, elliptic functions (including division and the modular equation), hyperelliptic functions, solution of equations by transcendents. And on this last subject, solution of equations by transcendents, we may quote the result,—"the solution of the general equation of an order superior to five cannot be made to depend upon that of the equations for the division of the circular or elliptic functions;" and again (but with a reference to a possible case of exception), "the general equation cannot be solved by aid of the equations which give the division of the hyperelliptic functions into an odd number of parts."

(A. CA.)

EQUITES, an order of men in the commonwealth of Rome to which there is no exact parallel in modern times. Their origin goes back to the earliest period of Roman history. During the reign of the kings they appear to have been of noble birth, the younger branches of patrician families. This we may infer from the statement of Polybius (vi. 20), that the knights *now* are chosen according to fortune,—evidently intimating that their selection had previously depended on a different principle. Romulus is said to have divided them into three centuries or "hundreds," each century being chosen from one of the three old Roman tribes, the Ramnes, Tities, and Luceres. Both Tullus Hostilius and Tarquinius added to their number; but, according to Livy, it was Servius Tullius (576 B.C.) who first organized them into a distinct body, and compelled the state to contribute annually to their maintenance. It is difficult to perceive in what way we are to explain the statement of Livy (i. 43), that ten thousand pounds of brass were given to each for the purchase of a horse,—an enormous sum when compared with that at which oxen and sheep were rated in the table of penalties. Every eques, of course, was bound to be provided with a good horse, and he may have been obliged to replace it if lost through any casualty in war. Its accoutrements, too, and a slave to take charge of it, were possibly all included in the sum. But whether, when the censor ordered the knight to sell his horse, it was the intention that the outfit money should be refunded to the state, we have no means of determining. Livy tells us also that the *æs hordearium* or barley-money supplied to each knight for the maintenance of his horse was obtained by a tax on widows and orphans. This certainly sounds strange, for it seems inconceivable that there should have been such a large number of rich widows; and even though the word *vidua* is explained to mean every single woman, maiden as well as widow, the difficulty still remains. Beyond the *hordearium* the knights received no pay.

In 400 B.C., during the siege of Veii, on account of the want of sufficient cavalry, those who possessed the requisite fortune offered to provide horses at their own expense. These new equites, distinguished as *equites equo privato*, in opposition to the *equites equo publico*, received regular pay, but, as by the very circumstances of their origin they had neither horse-money (*æs equestre*) nor barley-money (*æs hordearium*), they formed a distinct body from the old equites, and had no share in any of their peculiar privileges. In 303 B.C. the censors Q. Fabius and P. Decius established a law by which it was ordained that every fifth year a procession of the equites should take place, and that those who had misconducted themselves should be degraded from their rank. The procession (*equitum transvectio*) took place every year on the 15th of July (*idibus Quintilibus*), the anniversary of the battle of Lake Regillus. The knights in full equipment rode from the Temple of Honour in the south of the city through the Porta Capena and onwards past the temple of Castor and Pollux through the Forum to the Capitol. Their ranks were purged by the censors, before whom they filed past on foot. If the censor had no fault to find, he said to the eques, *traduc equum*, lead on your horse; but if he was dissatisfied he said, *vende equum*, sell your horse, and the eques ceased to belong to the order. This review bore the name of *equitum recognitio*, or, as the Greek writers translate it, ἱππέων ἐπίσκεψις. The equites evidently soon became a very powerful body in the state; yet in 186 B.C. we find it allowed as a reward to P. Æbutius that the censor should not assign him a public horse, and thereby compel him to serve as an eques against his will, proving that the duties must have been burdensome and regarded by many with distaste. In the later period of the republic the equites increased in power and consequence, and at the same time gradually ceased altogether to be what their name implied, the military service which they had formerly rendered being now obtained from allies and auxiliaries. To be an eques came to mean simply that a man was possessed of a certain amount of wealth without belonging to the senatorial order. The judicial functions were transferred from the senate to the body of equites by the Sempronian law, passed by C. Gracchus about 123 B.C.; and a short time afterwards they became the farmers of the public revenues, by which they were enabled to amass immense riches. They were deprived of their judicial powers by Sulla; but they now possessed too much influence in the state to be excluded from the higher and more dignified offices. After his death they were admitted to their former power, which, however, they shared with the senate. Towards the end of the republic, and under the emperors, the fortune requisite for an eques seems to have been four hundred sestertia, equal to about £3230 of our money; and even at this time knights' horses were furnished by the state, as we find by ancient inscriptions of that period.

The equites, who still in the reign of Augustus adhered for the most part to the use of the simple iron ring, had before the time of Pliny obtained the right of wearing the golden ring formerly distinctive of the senatorial order. Their dress was a tunic with a narrow purple stripe (*tunica angusticlavia*), in contrast to the senatorial tunic with a broad stripe (*tunica laticlavia*). In 67 B.C. a peculiar privilege was granted them by the Roscian law (*lex Roscia theatralis*), which reserved fourteen rows in the theatre behind the senatorial benches for their exclusive use.

Under the empire appears a class of equites distinguished as *singulares Augusti imperatoris*, which has been the subject of much debate. The epithet *singularis* is by some supposed to refer to their possession of a single horse, and by others it is regarded as indicative of their singular rank; but Henzen explains it as equivalent to *particularis*, because they were attached to the service of an individual. They formed a sort of body-guard to the emperor, were stationed in Rome, and only under peculiar circumstances were called to serve outside of the city. They appear to have consisted largely of foreigners, more especially from the north of Europe: the names of Germans, Batavians, Frisians, Frisævonians, Britons, Helvetians, Dalmatians, Bessians, Thracians, Rhætians, Pannonians, frequently occur. A considerable number are evidently freedmen who have adopted the name of the reigning emperor on their entrance into his service; but the advantages of the position also attracted not a few of the Roman citizens. At what time the corps was established is unknown: Henzen thinks it was by one of the Flavian emperors, as there is no mention of them under the Julian and Claudian families, but they were certainly in existence under Trajan. They disappear in the reign of Constantine. Their relation to the auxiliaries was similar to that of the prætorians to the Roman army proper. They were under the command of the prefects of the prætorium, and occupied two camps in the city,—one of which was at Torre Pignattara, where their monuments are frequently found.

See Madvig, "De loco Ciceronis in Libro IV. de Republica," in *Opuscula Academica*, vol. i., 1830; Muhlert, *De equitibus Romanis*, Hild. 1830; Marquardt, *Historia equitum Romanorum*, Berlin, 1840; Zumpt, *Ueber den römischen Ritterstand*, Berlin, 1840; Henzen, "Sugli equiti singolari degl' imperatori Romani," in *Annali dell' Instit. di Corr. Arch. di Roma*, 1850; Gomont, *Les chevaliers romains depuis Romulus jusqu'à Galba*, 1854; Belot, *Hist. des chevaliers romains depuis le temps des rois jusqu' au temps des Gracques*, 1867, and *Hist. des chev. rom. depuis le temps des Gracques jusqu'à la division de l'empire romain*, 1873; Ramsay, *Manual of Roman Antiquities*, 10th edition, 1876.

EQUITY, in its most general sense means justice; in its most technical sense it means a system of law, or a body of connected legal principles, which have superseded or supplemented the common law on the ground of their intrinsic superiority. Aristotle (*Ethics*, bk. v. c. 10) defines equity as a better sort of justice, which corrects legal justice where the latter errs through being expressed in a universal form and not taking account of particular cases. When the law speaks universally, and something happens which is not according to the common course of events, it is right that the law should be modified in its application to that particular case, as the lawgiver himself would have done, if the case had been present to his mind. Accordingly the equitable man (ἐπιεικης) is he who does not push the law to its extreme, but, having legal justice on his side, is disposed to make allowances. Equity as thus described would correspond rather to the judicial discretion which modifies the administration of the law than to the antagonistic system which claims to supersede the law.

The part played by equity in the development of law is admirably illustrated in the well-known work of Sir Henry Maine on *Ancient Law*. Positive law, at least in progressive societies, is constantly tending to fall behind public opinion, and the expedients adopted for bringing it into harmony therewith are three, viz., legal fictions, equity, and statutory legislation. Equity here is defined to mean "any body of rules existing by the side of the original civil law, founded on distinct principles, and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles." It is thus different from legal fiction, by which a new rule is introduced surreptitiously, and under the pretence that no change has been made in the law, and from statutory legislation, in which the obligatory force of the rule is not supposed to depend upon its intrinsic fitness. The source of Roman equity was the fertile theory of natural law, or the law common to all nations. Even in the Institutes of Justinian the distinction is carefully drawn in the laws of a country between those which are peculiar to itself and those which natural reason appoints for all mankind. The connexion in Roman law between the ideas of equity, nature, natural law, and the law common to all nations, and the influence of the Stoical philosophy on their development, are fully discussed in the third chapter of the work we have referred to. The agency by which these principles were introduced was the edicts of the prætor, an annual proclamation setting forth the manner in which the magistrate intended to administer the law during his year of office. Each successive prætor adopted the edict of his predecessor, and added new equitable rules of his own, until the further growth of the irregular code was stopped by the Prætor Salvius Julianus in the reign of Hadrian.

The place of the prætor was occupied in English jurisprudence by the lord high chancellor. The real beginning of English equity is to be found in the custom of handing over to that officer, for adjudication, the complaints which were addressed to the king, praying for remedies beyond the reach of the common law. Over and above the authority delegated to the ordinary councils or courts, a reserve of judicial power was believed to reside in the king, which was invoked as of grace by the suitors who could not obtain relief from any inferior tribunal. To the chancellor, as already the head of the judicial system, these petitions were referred, although he was not at first the only officer through whom the prerogative of grace was administered. In the reign of Edward III. the equitable jurisdiction of the court appears to have been established. For some account of this tribunal see CHANCERY and CHANCELLOR. Its constitutional origin was analogous to that of the Star Chamber and the Court of Requests. The latter, in fact, was a minor court of equity attached to the lord privy seal as the Court of Chancery was to the chancellor. The successful assumption of extraordinary or equitable jurisdiction by the chancellor caused similar pretensions to be made by other officers and courts. "Not only the Court of Exchequer, whose functions were in a peculiar manner connected with royal authority, but the counties palatine of Chester, Lancaster, and Durham, the Court of Great Session in Wales, the universities, the city of London, the Cinque Ports, and other places silently assumed extraordinary jurisdiction similar to that exercised in the Court of Chancery." Even private persons, lords and ladies, affected to establish in their honours courts of equity.

English equity has one marked historical peculiarity, viz., that it established itself in a set of independent tribunals which remained in standing contrast to the ordinary courts for many hundred years. In Roman law the judge gave the preference to the equitable rule; in English law the equitable rule was enforced by a distinct set of judges. One cause of this separation was the rigid adherence to precedent on the part of the common law courts. Another was the jealousy prevailing in England against the principles of the Roman law on which English equity to a large extent was founded.

When a case of prerogative was referred to the chancellor in the reign of Edward III., he was required to grant such remedy as should be consonant to honesty (*honestas*). And honesty, conscience, and equity were said to be the fundamental principles of the court. The early chancellors were ecclesiastics, and under their influence not only moral principles, where these were not regarded by the common law, but also the equitable principles of the Roman law were introduced into English jurisprudence. Between this point and the time when equity became settled as a portion of the legal system, having fixed principles of its own, various views of its nature seem to have prevailed. For a long time it was thought that precedents could have no place in equity, inasmuch as it professed in each case to do that which was just; and we find this view maintained by common lawyers after it had been abandoned by the professors of equity themselves. Mr Spence, in his book on the *Equitable Jurisdiction of the Court of Chancery*, quotes a case in the reign of Charles II., in which Chief-Justice Vaughan said:—

> "I wonder to hear of citing of precedents in matter of equity, for if there be equity in a case, that equity is an universal truth, and there can be no precedent in it; so that in any precedent that can be produced, if it be the same with this case, the reason and equity is the same in itself; and if the precedent be not the same case with this, it is not to be cited."

But the Lord Keeper Bridgman answered:—

> "Certainly precedents are very necessary and useful to us, for in them we may find the reasons of the equity to guide us, and besides the authority of those who made them is much to be regarded. We shall suppose they did it upon great consideration and weighing of the matter, and it would be very strange and very ill if we should disturb and set aside what has been the course for a long series of times and ages."

Selden's description is well-known:—"Equity is a roguish thing. 'Tis all one as if they should make the standard for measure the chancellor's foot." Lord Nottingham in 1676 reconciled the ancient theory and the established practice by saying that the conscience which guided the court was not the natural conscience of the man, but the civil and political conscience of the judge. The same tendency of equity to settle into a system of law is seen in the recognition of its limits—in the fact that it did not attempt in all cases to give a remedy when the rule of the common law was contrary to justice. Cases of hardship, which the early chancellors would certainly have relieved, were passed over by later judges, simply because no precedent could be found for their interference. The point at which the introduction of new principles of equity finally stopped is fixed by Sir Henry Maine in the chancellorship of Lord Eldon, who held that the doctrines of the court ought to be as well settled and made as uniform almost as those of the common law. From that time certainly equity, like common law, has professed to take its principles wholly from recorded decisions and statute law. The view (traceable no doubt to the Aristotelian definition) that equity mitigates the hardships of the law where the law errs through being framed in universals, is to be found in some of the earlier writings. Thus in the *Doctor and Student* it is said—

> "Law makers take heed to such things as may often come, and not to every particular case, for they could not though they would; therefore, in some cases it is necessary to leave the words of the law and follow that reason and justice requireth, and to that intent equity is ordained, that is to say, to temper and mitigate the rigour of the law.

And Lord Ellesmere said—

> "The cause why there is a Chancery is for that men's actions are so .. vers and infinite that it is impossible to make any general law which shall aptly meet with every particular act and not fail in some circumstances."

Modern equity, it need hardly be said, does not profess to soften the rigour of the law, or to correct the errors into which it falls by reason of its generality.

To give any account, even in outline, of the subject matter of equity within the necessary limits of this paper would be impossible. It will be sufficient to say here that the classification generally adopted by text-writers is based upon the relation of equity to the common law, of which some explanation in given above. Thus equitable jurisdiction is said to be exclusive, concurrent, or auxiliary. Equity has *exclusive* jurisdiction where it recognizes rights which are unknown to the common law. The most important example is trusts. Equity has *concurrent* jurisdiction in cases where the law recognized the right but did not give adequate relief or did not give relief without circuity of action or some similar inconvenience. And equity has