

## PREFACE

### TO THE FIRST EDITION.

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THE following pages contain an attempt to inquire into the principles which govern Courts of Equity in the Specific Performance of Contracts. I offer this little book to the members of my profession, with somewhat of hope, because I know the indulgence with which they are wont to accept the results of honest labour spent on professional subjects: but with much more of diffidence, because I am not ignorant of the difficulties of the subject on which I have written, or the shortcomings of my own performance.

The scope and object of my essay will be sufficiently learned from the Table of Contents. It will at once be seen that they are essentially different from those of the admirable works of Lord St. Leonards and Mr. Dart on the Law of Vendors and Purchasers. Those treatises discuss the contract of sale of real estate and all the relations thence arising, so that the doctrine of specific performance is treated of only as one mode in which that contract is enforced: whilst the present work is designed to elucidate the principles of specific performance in general, and the contract of sale only so far as it requires attention as one of the contracts which the Court enforces. If the object of those learned treatises had not been thus distinct from that of the following pages, I should never have thought of committing them to press.

The connection of the different branches of Law is, like the connection of the sciences, so close as often to embarrass the writer who attempts to treat of one subject by itself. I have found this difficulty continually recurring, as I have been engaged in composing this book, because it is by no means easy to decide how much of the Law on many questions ought to find place in a treatise on the principles and practice of the Courts