



Looking Beyond the Law's Letter

The Court of Chancery and
Equitable Justice in Chicago

No. 1

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326 pages sur vélin. rel. origin. et antique

From the . .

Collection of

Nancy Buenger

No.



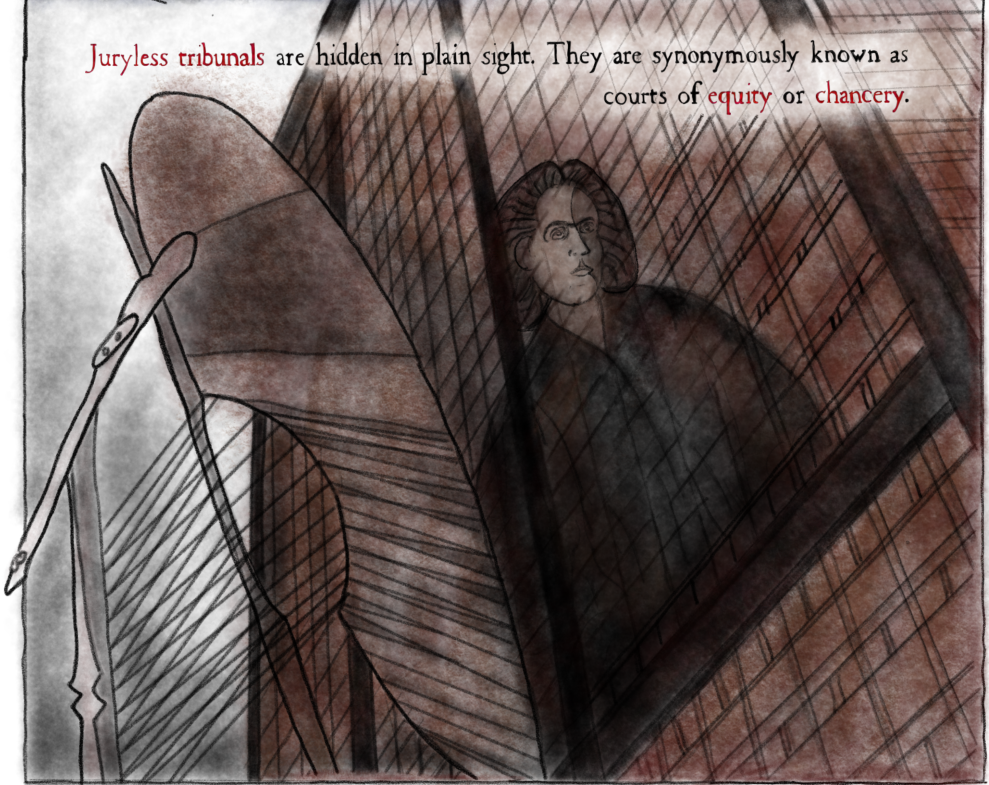
1. Remembering Equity

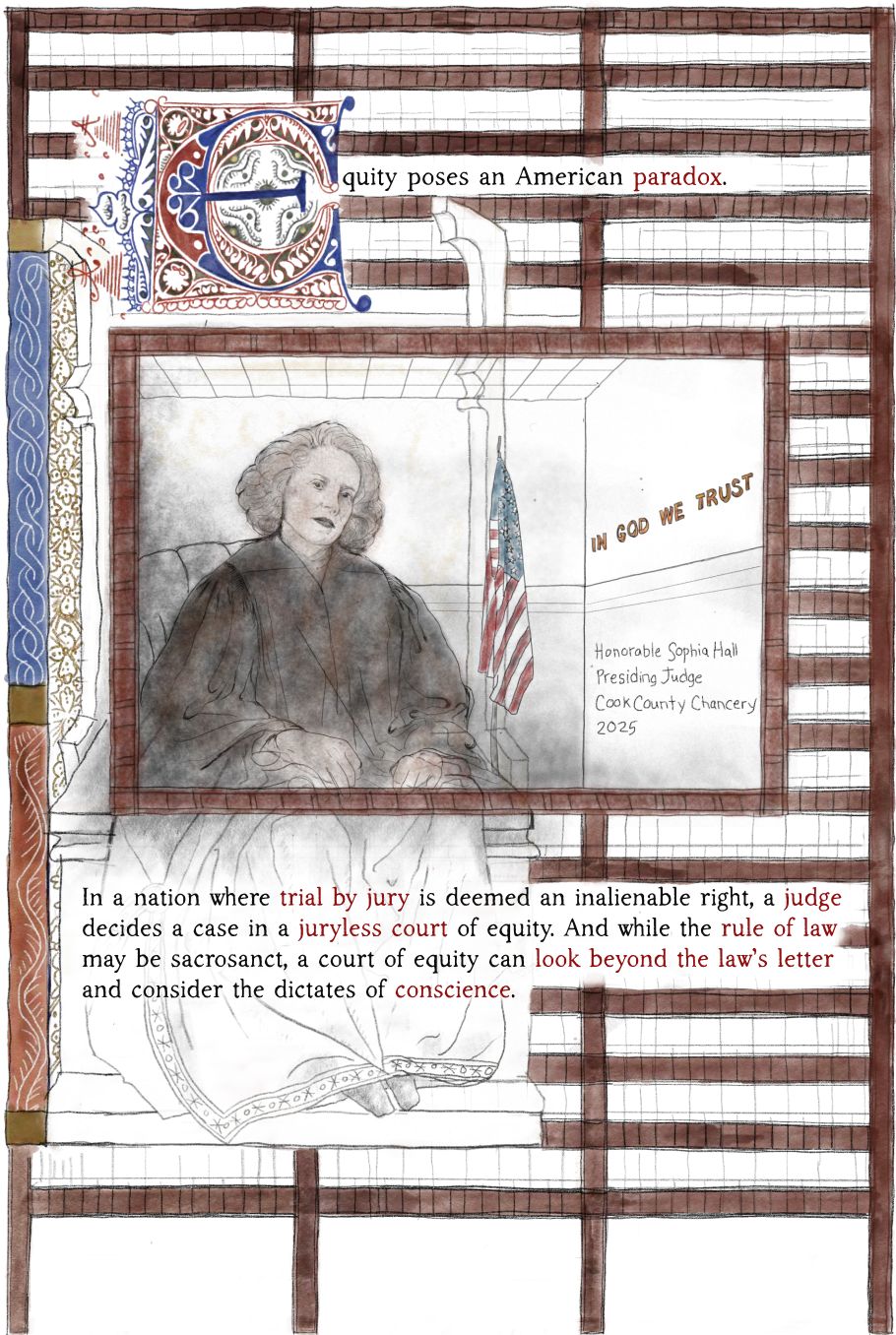


In a stack of Cook County courtrooms towering over the Richard J. Daley Center,
fronted by a famously enigmatic Picasso...



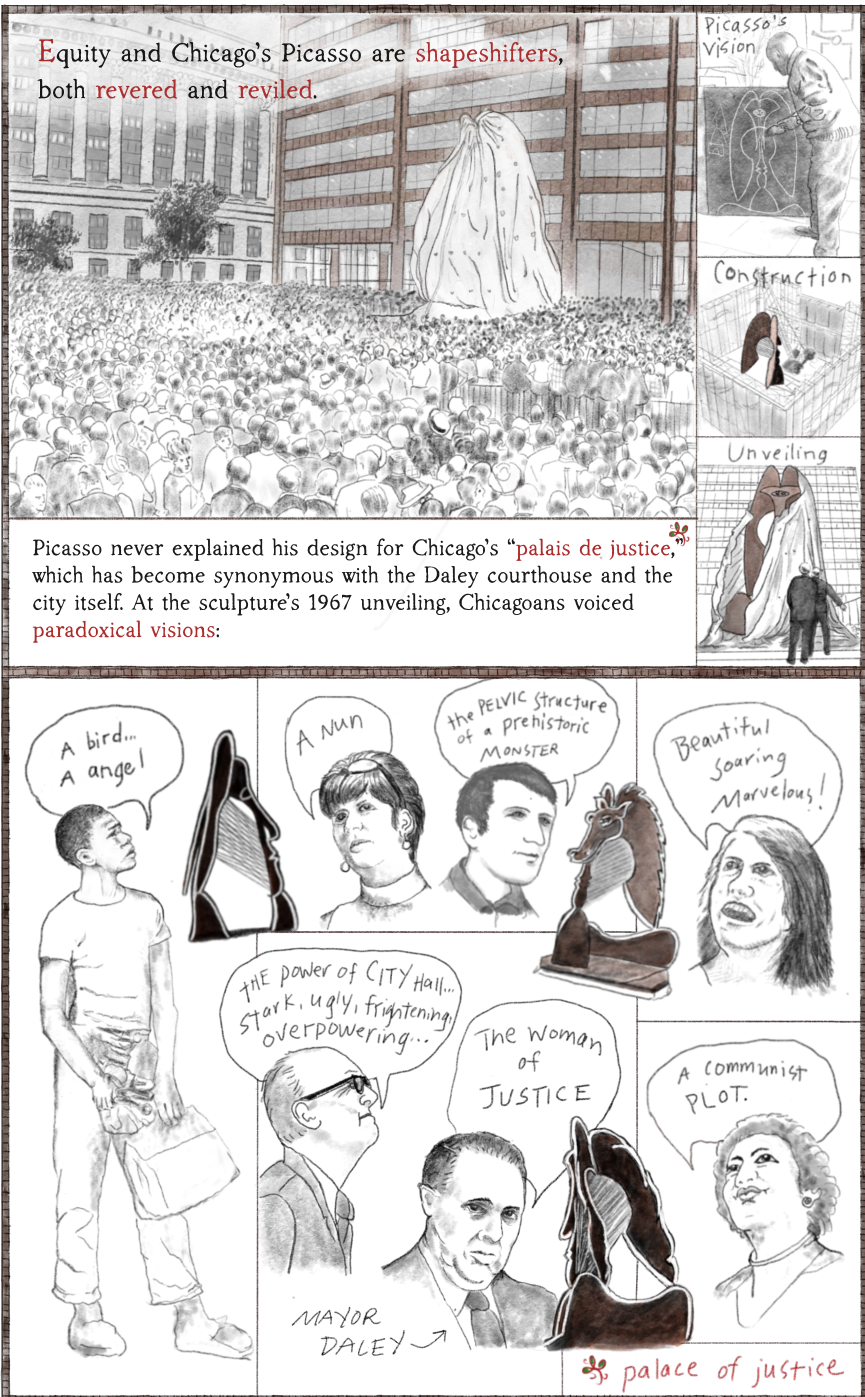
Juryless tribunals are hidden in plain sight. They are synonymously known as
courts of **equity** or **chancery**.





quity poses an American paradox.

In a nation where trial by jury is deemed an inalienable right, a judge decides a case in a juryless court of equity. And while the rule of law may be sacrosanct, a court of equity can look beyond the law's letter and consider the dictates of conscience.



Many have attempted to explain equity. . .

What is equity?

equality?

balance?

a piece of the pie?

a financial wazzit?

a moribund British court?

illegal and immoral discrimination?

Article III
Section 2. The judicial Power shall extend to all Cases, in Law and Equity

it's in the U.S. constitution?

an inquisitorial tribunal that tortures Protestant maidens?



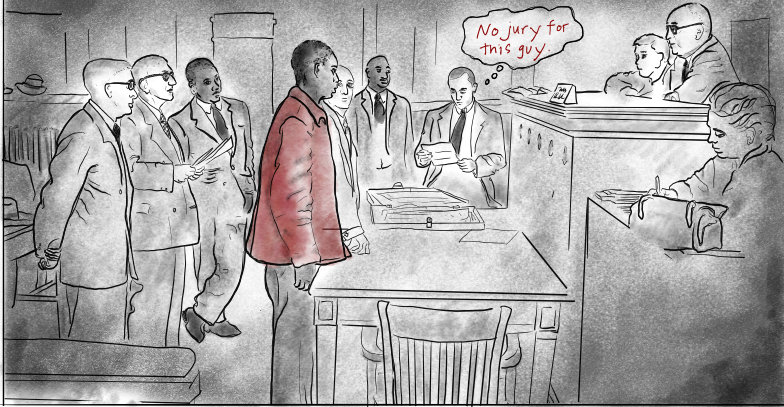
nothing else but God?

a contested concept with NO definable core meaning??



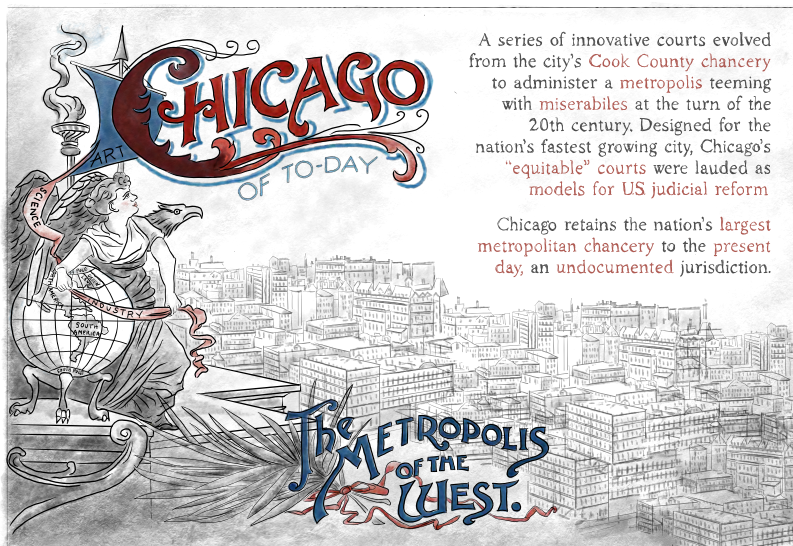
Few remember equity as an ancient legal concept, a juryless court and a jurisprudence that pervades today's U.S. justice system, where less than 3 percent of all civil and criminal cases proceed to jury trial.

A Roman Catholic heritage, equity has historically been invoked for *miserabiles personae* (pittable or wretched persons): widows, orphans, the incapacitated, slaves and others with a "peculiar" legal status, including corporations.



Deemed contrary to the US rule of law, equity was allegedly enchained by early state legal codes that emasculated the jurisdiction. Yet beginning in the 1930s, equity was the default jurisdiction in federal and most state courts.

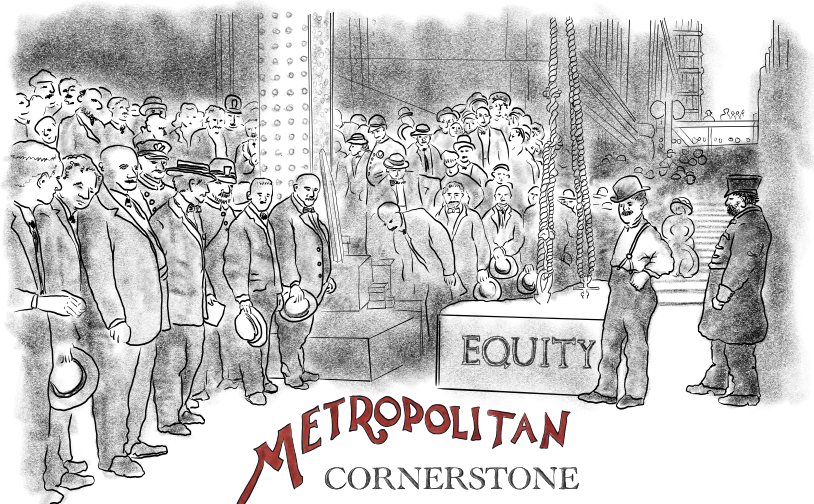
Even fewer remember Chicago's expansive experimentation with equity.



To help us remember complex concepts like equity, **medieval metropolitans** (bishops and archbishops) commissioned **illuminated images** in collections of **Roman canon law** (the law of the Roman Catholic Church) and other documents **scribed in chancery**, their governmental seat.

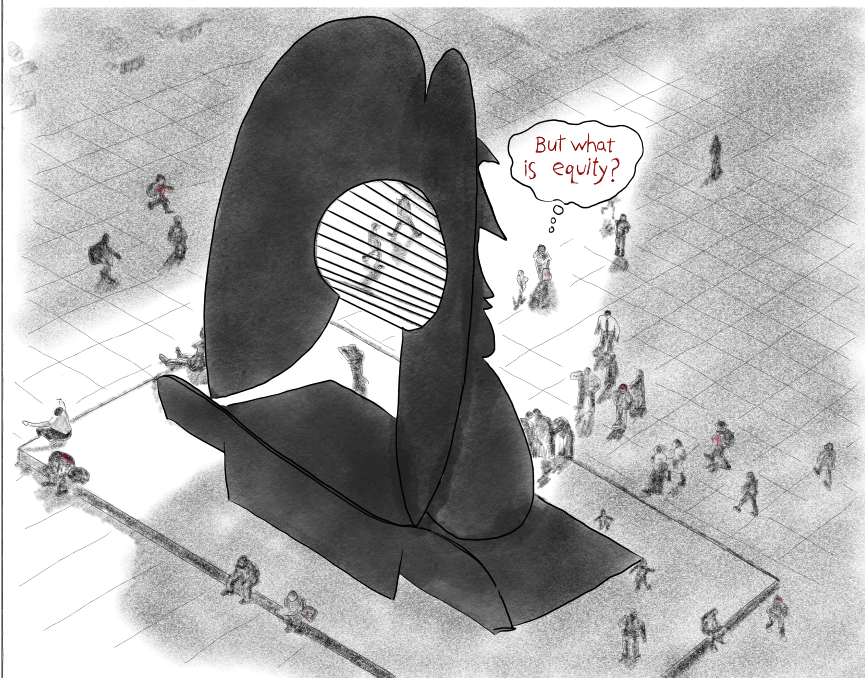


Picturing equity in Chicago reveals a



METROPOLITAN CORNERSTONE

- religious, colonial and urban -
of U.S. statecraft





I have shamelessly borrowed, expanded and altered images from a variety of sources for my own illustrations, unless not listed below.

Abbreviations:

Bodleian Library, Oxford (BL)
British Museum (BM)
Chicago History Museum (CHM)
Chicago Tribune (CT)
Library of Congress, Washington D.C. (LOC)
National Archives and Records Administration, Washington, D.C. (NARA)
Newberry Library, Chicago (NL)
Skidmore, Owings & Merrill archive, Art Institute of Chicago (SOM)

Pages:

Cover

BL [MS. Douce 266, fol. 006v](#). Book of hours, Use of Tournai, 1480-1500.

BL [MS. Broxb. 89.10 fol. 193r](#). Book of hours, Dutch, c. 1460-1470.

Picasso under construction at U.S. Steel's American Bridge Company plant in Gary, Indiana, 1965. Williams & Meyer Archives, SOM

1. Remembering Equity

NL MS 61. Book of hours, Gerard Groote, Dutch, 1471-1500.

2. High Above

Map: James T. Palmatary, Lithograph of Chicago, 1857. CHM ICHi-005656

NL MS 61. Book of hours, Gerard Groote, Netherlands, 1471-1500.

4. Equity poses an American paradox

History Makers Digital Archive (Chicago), "[The Honorable Sophia H. Hall](#)," video capture from interview, 2003.

5. Equity and Chicago's Picasso are shapeshifters

Picasso veiled: Chicago Sun Times, 15 August 1967

Picasso's: SOM Picasso in Mougins, France, 1967.

Construction and unveiling: Hedrich Blessing collection, CHM

Sheila Wolfe, "What's it has Town Talking," CT, 19 August 1967.

John R. Schmidt, "Daley the First," WBEZ Chicago, [5 April 2013](#)

6. Many have attempted to explain equity

Judge: William Cowper, High Chancellor of Great Britain. Thomas Johnson, c. 1670. Harvard Law School Library, cc 00.776.

Illegal and immoral: Donald Trump, Getty Images, 2025

Inquisitorial tribunal: Collection Abecasis, Science Photo Library

God: BL MS. Rawl. Liturg. E. 27. Book of hours, France, 1400-1500.

Nothing else but God: Justinian, *Exordian institutionum*, cited in Hermann Kantorowicz, *Studies in the Glossators of the Roman Law* (Cambridge: University Press, 1938) 53 and 332, n. 74.

Mark Fortier, *The Culture of Equity in Early Modern Europe* (London: Routledge, 2005), 20-22.

7. Stop

LOC [PAGA 7, no. 263](#), Columbia with flag, American Brew Co., 1890.

BL [MS. Canon. Ital. 108, fol. 2v](#). Dante, *Divine Comedy*, Italian, 14th century.

8. Few remember equity

Getty Images [134135924](#). Robert Natkin, Narcotics Court, Chicago, 1952.

Revolutionary war chain, CHM ST-19031902-0003, Sun-Times Collection

John H. Langbein, "The Disappearance of Civil Trial in the United States," 122 Yale Law Journal 522 (2012).

For an extended reference to equity's Roman canonical roots, see Nancy Buenger, "Home Rule: Equitable Justice in Progressive Chicago and the Philippines," *At Home and Abroad: The Politics of American Religion*, Elizabeth Shakman Hurd and Winnifred Fallers Sullivan, eds. (New York: Columbia University Press, 2021), p. 78, n.9.

9. Even fewer remember

CHM, ICHi-028485. Acme Publishing and Engraving, Cover to Chicago of Today, The Metropolis of the West, 1891.

BL [MS. Canon. Misc. 493, fol. 129v](#). Justinian, *Digestum vetus*, Italian, 1300s

10. Picturing equity in Chicago

CHM DN-0054745, City Hall Cornerstone, Chicago Daily News, 1909.

Picasso: Neil Steinberg, "50 years ago, Chicago squirmed at Picasso's 'big, homely metal thing,'" [Chicago Sun Times](#), 10 August 2017.