

joint, or several, as may be required to meet the justice of the controversy, as disclosed by the evidence.

Upon this objection, then, I am clearly of opinion, that even if it could have been successfully urged, it is too late now, when the case is ready for decision upon the merits.

The next objection of the defendants to the passing of a decree upon this bill, is, that the relief brought by it, is improperly prayed, there being no special prayer. The prayer is, that the plaintiffs may have such relief as equity may require, and this, it is said, is insufficient, standing by itself, unaccompanied by any special prayer.

The object of all pleading is, to give to parties notice of the ground of claim, and defence, or upon which demands are asserted or resisted, and when this is done, the object of the rules of pleading is attained. Now, there can be no doubt that the defendants in this case had notice by the bill, of the relief which was sought against them. They know that the object of the complainants was to make them pay this legacy; and they defend themselves against the demand, by stating, in their answer, that it had been wholly or partially paid.

They cannot, therefore, complain that they have been taken by surprise, when the relief, sought under the general prayer of this bill in the identical relief against which the answer sets up the defence.

Upon principle, therefore, it would seem very obvious, that after having presented this issue, and gone to trial upon it, upon the evidence, the defendants should not now be permitted to say that the bill is defective in this respect.

But, independently of principle, it seems very clear upon authority, that the objection cannot be sustained. The only limitation upon the power of the court to grant relief under the general prayer is, that it must be agreeable to the case made by the bill, and not different from, or inconsistent with it. *Chambers vs. Chalmers*, 6 *H. & J.*, 29.

In *Bentley vs. Cowman*, 6 *G. & J.*, 152, the Court of Appeals say, that the extent and character of the relief which may be granted under the general prayer, depends upon the facts