

charged in the bill. And in the case of *Gibson vs. McCormick*, 10 *Gill & Johns.*, 108, the same tribunal affirms the rule to be unquestionable, that if a complainant cannot obtain the specific relief for which he prays, he may obtain any relief consistent therewith, warranted by the allegations of his bill, provided it contains a prayer for general relief.

If then the court may upon a bill containing a specific prayer for relief refuse that specific relief, and under the general prayer, grant such relief as may be warranted by the case made by the bill, and as may not be inconsistent with the special prayer, no reason can be perceived, why in the absence of any special prayer, the court shall not be at liberty to give the complainant such redress as the case made by his bill may entitle him to.

In *Story's Equity Pleadings*, sec. 41, it is stated, that as a general rule, the general prayer alone is sufficient, though there are exceptions; such for example as the remedy by injunction, which, for special reasons, will never be granted, unless expressly asked for, not only in the prayer for relief, but in the prayer of process. And in the case of *Cook vs. Martyn*, 2 *Atk.*, 3, Lord Hardwicke said, the general prayer, standing by itself, was quite sufficient. In *Grimes vs. French*, *ibid.*, 141, it was decided by the same Chancellor, "that though you pray general relief by your bill, you may at the bar pray particular relief, that is agreeable to the case made by the bill; but you cannot pray a particular relief which is entirely different from the case."

The same question was brought before the Vice-Chancellor, Sir John Leach, in the case of *Wilkinson vs. Beall et al.*, 4 *Madd. Resp.*, 408, who observed, "that if a party prays a particular relief, to which he is not entitled, he may nevertheless under the prayer for general relief, have such relief as he is entitled to upon the case alleged and proved; and that he could not be in a worse situation, because he had not prayed a particular relief, to which he was not entitled."

I am, therefore, of opinion, that the omission in this bill of the particular prayer, is no reason why, under the general prayer, the complainants may not have such relief, as the case alleged, and proved may entitle them to.