

Although the pleadings in this court are much more informal and loose than in courts of common law, yet they must be substantially sufficient in this as well as in all other courts; for otherwise the tribunal would have no means of ascertaining what was the real nature of the matter in controversy, nor of applying to it the rules of law by which it was to be decided. It is not necessary, that a plaintiff or a defendant should here, as in a court of common law, strictly adhere to any prescribed form of stating his cause of complaint, or ground of defence. (q) But it is in all cases as indispensably necessary here, as in a court of common law, that the plaintiff should set forth fully and substantially a cause of action or ground of complaint as then existing at the time of the institution of his suit; with this addition here, that it is in some essential particular such a case as comes properly within the cognizance of a court of equity; for if, on the final hearing, the case should not appear to be one of that description, the plaintiff can have no relief, and the bill must be dismissed. (r) If it appears upon the face of the bill, that the case is not one of that description, the defendant should demur; yet if he fails to do so, the court can grant no relief, but must order the bill to be dismissed. (s) Although the case presented may be such an one as, if true, and the bill had set forth the whole truth and nothing but the truth, would entitle the plaintiff to relief, yet if the defendant shews, by way of plea or answer, that there are other facts making a necessary component part of it, which have not been set forth, and which give to it an entirely different complexion, the plaintiff cannot be relieved; because it is thus shown, that he has no cause of action, nor any just grounds for asking relief in the case he specifies. So on the other hand, if the defendant shews, that some facts have been stated which in truth compose no part of the case, so as to give to it an equitable character which does not belong to it, the plaintiff can have no relief, because his case is not substantially that upon which he has asked it.

Hence, as it is the cause of action, as substantially stated in the bill, upon which alone the court can grant relief; and as, if, upon its face, it appears to be one of which the court cannot take cognizance; and as, if the facts, thus stated, be not substantially the whole truth, without any material suppression or addition, the

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(q) *Kemp v. Pryor*, 7 Ves. 245.—(r) *Mitf. Pl.* 44, 154.—(s) *Barker v. Dacie*, 6 Ves. 686. *The King of Spain v. Machado*, 4 Russ. 225.