

A special warrant with a location is, however, proper ; and he that obtains it, for the purpose of obtaining a particular tract, may easily secure it against a prior survey under a younger warrant, although he cannot do so by a description equally applicable to a different tract.—He may easily give such a location as will announce and explain his intention. The vacancy aimed at by a special warrant generally lies between two tracts, or is bounded by several tracts.—If it be contiguous to one tract only, the warrant may express the particular line, or the corner or extremity of the tract to which the vacancy is contiguous ; the description may be enlarged, by inserting trees, hills, branches, fences &c.—In short it is the opinion of the chancellor that no other rule can obtain but this,—that the description of the warrant shall suit none but the land contended for, and it shall be so full and certain as plainly to point out the intention—

In the present case it has been contended that the party may be admitted to prove his intent by parol evidence ;—But this appears inadmissible. Whenever parol evidence is admitted to explain the intent of a deed, or writing, it is the meaning of both parties which is to be enquired into.—Now, the state, which is one of the parties, can intend nothing but what appears on the warrant itself.—If the warrant does not describe, with certainty, the land to be affected, the state can be considered as meaning only to give him a right to survey so many acres, wherever the party can find them.—

But wherefore should parol evidence be admitted to ascertain that which from the nature of the transaction, and on account of the state, and of its other citizens, ought to be apparent on the warrant itself ? for, until that parol evidence be actually produced, none but the party himself, or his witnesses, can know the intent. The establishment of such doctrine would tend to encourage fraud, and another consequence might be, that a warrant for fifty acres, contiguous to a tract of two thousand, would, from the uncertainty of the intent, prevent any of the land contiguous to that extensive tract from being taken up, so long as the warrant is unexecuted and in force.

It is thereupon, ordered, that the caveat be dismissed.

THOMAS SMITH	}	and	{	JOSEPH CHAPLINE
<i>agst</i>				<i>agst</i>
JOSEPH CHAPLINE				THOMAS SMITH

The chancellor, upon hearing these caveats, is of opinion that the location of Thomas Smith of the patented tract of land called 'True Establishment, on the plat returned in this