

among other things declared, that every one claiming title to any land in certain to be holden of his lordship, may demand his claim to be entered upon record, and such entry shall bar all ensuing grants of the same land till the claim be tried. (j) This legislative provision may probably have been the suggestion from which *special warrants* arose; and it is also not unlikely, that it gave rise to a practice, which was introduced not long after, of designating the land intended to be surveyed by a *caveat* in the office, and the marking of trees as a still more conclusive location and appropriation of the land until it could be actually surveyed. But this mode of designating lands by *caveat* endured but a short time, and is now entirely obsolete. (k) A *caveat* against the emanation of a patent, it will be recollected, has always been regarded as, in fact, the commencement of a judicial controversy; whereas this *caveat* in the office was nothing more than a warning to all persons not to take up the lands therein described; it was in truth no more than a *special entry* of the party's claim upon record, like that made in a special warrant, or in a surveyor's book; and had no analogy whatever to a *caveat* in chancery. It may also be well to recollect, that the proceeding by *caveat* in the Orphans Court, (l) as derived from the ecclesiastical courts of England, (m) is essentially different from the *caveat* in chancery against the emanation of a patent. And the term *caveat* has in our judicial proceedings been applied in other cases as an admonition to the court not to do certain acts, to which a party objected, until he could be heard; as not to record depositions taken under a commission to mark and bound lands, (n) or not to enter up a judgment or pass a decree upon an award, and the like. (o)

We may now pass on to the consideration of the case brought before the court by this *caveat* in the Land Office.

According to the known and long established principles upon which public lands may be acquired by an individual from the State, the title commences with the *designation* of the tract by the purchaser. After the date of the designation, and before a grant has been issued, the title is inchoative, and imperfect; but when a grant has been obtained, the title is then absolute and complete. A sufficient description of the land intended to be secured gives an

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(j) 1642, ch. 51; Land Ho. Ass. 248.—(k) Land Ho. Ass. 215.—(l) Dep. Com Gu. 160; 1798, ch. 101, Sub-ch. 2, s. 9.—(m) 1 Jac. Law Dict. 407.—(n) Roch v Giles, 1 H. & McH. 186.—(o) Dorsey v. Jeoffray, 3 H. & McH. 121; Shelf. Lun & Idiots, 104, 654, 624; *In matter of Fust*, 1 Cox. 418.