

All the questions that have been raised, in the discussion of the merits of this *caveat*, are therefore resolvable into this one: What is that degree of accuracy of the description of the land aimed at, which is deemed necessary in a *special warrant* to give it a binding effect? Upon this subject there seem to exist some difficulties which have not yet been removed, although the question has been often under the consideration of the Chancellor.

The distinction between a special and a common warrant, as now understood, and so well established, it is said, was not expressly and generally recognised until about the year 1750, when warrants having a location, by the specification of the particular place where the quantity of land therein called for was to be laid out, were called special warrants, in contradistinction from common warrants describing no place; and which, therefore, might be applied any where. (w) It has been laid down, that the description contained in a special warrant should suit none but the land contended for; and should be so full and certain as plainly to point out the intention. But it is said, that, although the exact lines, limits, or boundaries, cannot be expected to be set down before the survey is made, the description may, at least, point out to every inquirer the *general situation* of the land. It may at least enable a person to say of some spot or point that it is comprehended within the tract affected by the warrant. (x) And further, that there is some reason to doubt whether the rule was not less strict before the revolution; since it appears, that the special warrants, in the years 1773 and 1774, seldom went further than to state the vacancy to be adjoining to some particular tract or tracts, either naming them, or the person or persons in possession of them. (y) In a case where the special

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(w) Land Ho. Ass. 84.—(x) Land Ho. Ass. 401.

(y) FOWLER v. GOODWIN.—8th April, 1809.—KILTY, Chancellor.—The proceedings and the grounds of the *caveats*, as stated in the argument, have been fully considered, and notwithstanding the several objections made to these certificates, the Chancellor considers it as a point clear of any doubt, that the *caveats* cannot be sustained.

It appears that a special warrant was obtained by Goodwin, and others, on the 23d of May, 1774, to take up 400 acres of vacant land, stated to be adjoining to the following tracts of land, or some of them, viz. Nicholas and John, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th discoveries, &c. Several certificates, including those now in dispute, were returned in May, 1776; and patents thereon not having been issued, the present *caveats* were entered in September, 1807.

One of the objections stated by the caveator is, that patents were not taken out within two years, according to the 11th section of the orders and instructions in 1733. The Chancellor is not satisfied of the validity of this objection; nor is he informed