

by any loose, shifting, or indefinite description of them. And the allowing of lands to be bound by vague descriptions, would be no less grievous in its consequences to individuals. No purchaser could be sure of his purchase. He might be jostled out of his location by one who had given no previous distinct intimation of its being that place or tract which he had in view. The records would furnish no sure guide; and the chief distinction between a common and a special warrant would be frittered down to nothing, or continued only as a delusive name. *Report of D. Dulany, 1 H. & McH. 553; Land Ho. Ass. 401.*

**327** \* 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 recognized 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 anywhere. *Land Ho. Ass. 84.* 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. *Land Ho. Ass. 401.* 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.<sup>(i)</sup> In case where the special warrant

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(i) FOWLER v. GOODWIN.—KILTY, C., 8th April, 1809.—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