

errors in surveys to the courts. In reply to an inquiry as to the method to be pursued in correcting a patent the assistant commissioner sent the following reply:

*"In reply I have to advise you that it is impossible to give any general rule which would govern in all cases, where a correction of a patent is desired or for the issuance of a new and correct patent, to take the place of one which contains a misdescription of the premises intended to be conveyed. The character and extent of the error is a material factor and would have considerable influence on the question as to whether or not a republication and re-posting of notice of the application for patent would be required as one of the conditions. In any case, it would be necessary for the interested parties to reconvey to the United States the land described in the patent, to surrender the patent to this office with request for its cancellation and to file a duly certified abstract of title showing the title in the party who surrenders the patent, and the freedom of the land from incumbrances of any kind. There would need to be, also, a correct survey made of the premises, under the direction of and approved by the United States surveyor general, in order to furnish the description for incorporation in the new patent."*

Doubtless the intent of the land department is to inaugurate a system in its record-keeping that will be clearer and more satisfactory; and the old practice of going behind a patent to alter a record and map, making them conflict with the calls of the patent, cannot be considered a proper one so far as record-making is concerned. However, it must be admitted that the policy now being adhered to is likely to so unsettle and cloud the title to hundreds of mineral holdings as to seriously harass and injure claimants who have paid the price of that security which the government patent is presumed to stand for. It not only will do this, but by involving two tracts, where only one is applied for, it takes one of them out of the market for mineral location.

In the surveys of the public domain it is evident that many errors were made and other errors have been made by United States deputy mineral surveyors in surveying claims for patent and these complicated by mistakes in their field notes as reported to the surveyor general and upon which the records of the latter are made up. It seems to us that the whole matter requires legislation that would provide for a speedy adjudication of cases involving errors in records and patents without unjust sacrifice to the claimant. In the meantime it is to be hoped that the land department's innovation will be held in abeyance.