

The Chancellor does not think that upon a mere suggestion of error like this he would be justified in suspending the decision of a question affecting the rights of other parties, who, having complied with the regulations of the land office, ask to have their titles perfected.

The right of Mr. Wilson to have his certificate corrected, so as to throw out the land to which he is not entitled, and take that to which he is, and which at the time of his survey, or of his warrant, (in case the title commences with the warrant,) had not been located by the warrant of another party is one thing. But his right to have this done, and also to keep open the question whether a correction is necessary, is another and a very different thing.

If Mr. Wilson, conceding he has concluded in his survey, land which was not subject to his warrant, asks to have it corrected, this may be done, and he will be entitled to a patent for the land which his warrant did reach, provided some other person had not acquired a previous title thereto, according to the laws of the land office. But when a party asks for a correction he must be understood as admitting that there is something to correct. He cannot be allowed when making such an application to say, if you will give me an opportunity I will show that there is no necessity for a correction at all. The right rests upon a conceded error and can only be claimed upon that concession.

My opinion, therefore, is, that the *caveats* to "Conway," must be ruled good, and if the defendant thinks proper, he may have an order correcting his certificate to the effect and for the purpose before mentioned.

These views are believed to be in accordance with the case of *Hoffman vs. Walker*, already referred to, and that of *Issacher & Schofield vs. Beall, Landholders' Assistant*, pp. 420, 421.

I do not find any thing urged by the caveator, or in fact, among the proceedings, any objection to the certificate for "Sacramento," and, therefore, that *caveat* must be overruled.

With regard to the certificate for "Summit Point," the objection rests upon the allegation that it includes Lot No. 1168,