

DO NOT DELIVER

Monthly Bulletin

of the

American Association of Title Men

Vol. 2

JULY, 1923

No. 8

Convention Program Nearing Completion

Indications Point to Large Attendance—Program and Entertainment Attractive

It is only a matter of a few weeks now until the titlemen will gather in Omaha for the biggest, most alluring and interesting convention yet held.

The program is practically completed and will be announced in next month's bulletin. A few of the settled features are set forth below and elsewhere in this issue.

Never before has it been so important that the titlemen gather together and discuss the problems confronting them. These are unsettled times and there is a daily change in the situation of business. It is not important, it is necessary, that we understand them and prepare to meet them.

Every minute of the program will be worth while for everyone. It will be well balanced and practical.

Put the business aside for a few days. Walk, ride or drive to Omaha. There you will meet titlemen from all over the country. New acquaintances will be made, ideas exchanged and you can return to the office with a bigger idea and more zeal for your work.

No one ever attended one of these meetings but he got more good from it and realized more actual profit than could be expressed in monetary terms.

Walter W. Head, Vice President of the American Bankers Association, will deliver an address on, "The Future as Judged from the Past."

This will be one of the feature addresses of the meeting and is on matters of which we are all greatly concerned.

T. W. Blackburn, General Counsel and Secretary of the American Life Association, an association of the life insurance companies and an authority on titles, will talk on a subject of interest to titlemen.

The Association's fifteen Proposals for Uniform Laws will be presented and discussed by one well-known to the title fraternity.

The Torrens Law will be presented,

and a complete report on conditions today given.

A complete report will be given on decisions and new laws passed during the year.

A survey has been made of the title laws regulating abstracters and title insurance companies now on the statute books of the several states. A complete report of this will be given.

The program of the Association for the coming year will be presented for approval.

There will be a session devoted to a free-for-all discussion of whatever one has to present.

Something we are all interested in is more ways of making money out of our business. There will be a discussion on this, led by one who has built up a large and varied business.

President John E. Potter, of the Title Insurance Section, announces addresses will be given on the following subjects during the session of that section:

"Should Title Insurance Companies Make Extra Charges for Extra Risks?"

"Should Lawyers be Paid a Commission?"

"Importance and Best Methods of Speeding up Examinations and Closings."

JUST MAKE A RESOLUTION TO BE IN OMAHA, SEPTEMBER 4, 5, 6.

SPECIAL RAILROAD FARES FROM EASTERN POINTS.

Attention is called to the fact that those east of Omaha desiring to attend the convention can secure round trip tickets to Colorado points for less than the round trip cost to Omaha and return.

This makes it possible for a trip to the Colorado Rockies in addition to attendance at the convention, and will appeal to those who would like to take a longer vacation by visiting the many wonderful places in Colorado.

ARGUMENTS FOR TORRENS SYSTEM TO BE ADVANCED AT CONVENTION.

It is rumored that some advocates of the Torrens System will be present at the convention to advance arguments in favor of this system of title registration.

This would certainly be interesting as we are generally only concerned with arguments opposing it, and it would undoubtedly do us good to hear what those favoring it have to say.

Possibly a debate on the subject could be arranged. Nothing could be imagined that would attract more interest.

FARM MORTGAGE BANKERS' MEETING, WEST BADEN, SEPTEMBER 18-19,

As many of our Association also are members of the Farm Mortgage Bankers, they will be interested to learn of the dates of the latter which have been set as stated above.

ABSTRACTS SENT EXPRESS COLLECT.

A safe way to send abstracts and securing payment of the bill is by express collect.

Where orders are received from unknown customers, high pressure promoters, etc., especially in places where there are booms, etc., this scheme is gaining in favor and custom.

It is a safeguard in cases of doubt.

YEAR'S LEGISLATIVE HISTORY SHOWS MUCH TITLE LEGIS- LATION INTRODUCED.

An examination of the records of the legislative sessions held in the several states this year show that many bills were introduced that would in some way affect the title business. Some were aimed directly; others would only have had an indirect bearing.

There were none introduced in any state tending to regulate fees, but the Torrens System law made its annual appearance in several. It was not passed in any, although it took strenuous work in some instances to kill it before being passed or recommended for passage.

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Published monthly by Kable Brothers Company
as the official organ of the American
Association of Title Men.

Publication Office.....Mount Morris, Ill.
EDITOR.
Richard B. Hall.....Hutchinson, Kan.
Hall Abstract Co.

Entered as second-class matter December 25,
1921, at the post office at Mount Morris, Illinois,
under the Act of March 3, 1879.

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POOR CONVEYANCING—WHAT IT MEANS.

One of the biggest causes of complaint against our present title system is because of the many little irregularities—in politer language called technicalities—which cause delay, inconvenience and expense in perfecting a title.

Differences of opinions of examiners are rare among the more important points but are as varied as the number of examiners who look at the title when it comes to the little things.

It is on these points that you will get as many opinions as there are examiners and which cause an attorney not to examine the abstract and give an opinion as to the condition of the title, but to make an examination and ask that everything be satisfied that anybody who looks at it in the future might mention.

Our present title system, especially the recording scheme, makes it possible for the land owners of this country to enjoy a freedom in dealing with their real property holdings as in no other. The only trouble with it is that there is nothing compulsory, any dog-catcher, notary public, or individual can be the author of any kind of an important document juggling the title to land.

A recent issue of the official magazine

of the real estate association contained an article on "Poor Conveyancing," which brought out the point that most of the things causing title troubles could be laid to the incompetency and carelessness of those drawing instruments.

Regulation by legislation has been proposed by requiring the licensing and passing of an examination by conveyancers. This is theoretical as a solution.

The mere licensing would not make competent conveyancers, especially as most of the bills for this introduced in the legislatures provide that attorneys admitted to the bar be issued a license without taking the examination.

There are just as many attorneys incompetent to figure descriptions, draw deeds, mortgages, etc., as there are bankers, real estate men, public stenographers, abstractors, etc. Proper diligence and care together with competency is required.

The real situation is that title law and title matters are things for specialists; that the title business has been reduced to a fine science and that when title matters are placed in the hands of title men, then and only then will they be done satisfactorily.

While it may be hoping for the millennium, yet we cannot but entertain the hope that some day before long the public will realize the importance of the title profession and use it for its work the same as they do with the doctor, dentist and lawyer.

A REAL ESTATE BROKER'S RESPONSIBILITY.

A few months back the article of W. H. Winfree on, "Closing The Deal," appeared in The Bulletin. This clearly defines the responsibility of a broker in recommending the title to a purchaser and also shows the responsibility he assumes when acting as a closing agent.

One of the things occurring most frequently which causes dissatisfaction with our present title system is the practice of unscrupulous or rather, unthinking, brokers who will recommend a faulty title in an effort to close a deal. Sooner or later the purchaser pays and, not understanding the situation, picks fault with the title system.

It is a common experience to learn of another one who has bought a property, taken the seller's and real estate man's word for the title, when both knew at the time that there was some defect, either real or technical, that would sooner or later cause trouble, saying nothing about it, however, and insisting on the validity of the title in order to get the deal closed.

This is a poor practice and one that will reflect upon the broker sooner or later.

There is only one way in everything, especially in a real estate deal, and that is the right way. The average layman is astoundingly ignorant in the procedure of a deal and the real estate broker will add another satisfied and future customer to his list every time he makes an effort to look out for the purchaser's as well as the seller's interests, particularly in title matters.

TELLS REALTORS WHAT AN ABSTRACT IS.

"The Cincinnati Realtor," official publication of the real estate board of that city, contained an article in a recent issue explaining just what is an abstract.

It called attention to the fact that an abstract is a history of a title, and the mistaken idea many people have in thinking the getting of an abstract means getting a good title.

It also emphasizes the fact that abstracting has been reduced to a science; that only competent abstractors can make reliable abstracts and that the realtor has a responsibility in seeing that purchasers are furnished with reliable abstracts and that an examination of same showing the condition of the title should be recommended.

These are points well brought out and realized very much by those in the title business.

WANT ADS

POSITIONS WANTED—MALE

Information and details about the following can be secured by writing to Executive Secretary.

SEVERAL YEARS EXPERIENCE IN IDAHO, and other western states, part of which as manager and in building new plants. Wants position in some state west of the Rocky Mountains.

35 YEARS OF AGE, 17 YEARS EXPERIENCE with Texas titles. Recently sold interest in plant and desires to secure position. No preference to location expressed. Able to manage plant.

33 YEARS OF AGE, ADMITTED TO BAR OF Missouri. Now engaged in work in Illinois. Excellent qualifications for examiner-searcher or general abstract work.

MAN WITH GREAT DEAL OF EXPERIENCE in Oklahoma, both as abstractor and manager of large title plant. Now managing office but presents excellent reason for wanting to change. Any Western state preferred.

MAN WITH 15 YEARS EXPERIENCE in Iowa and Wyoming wants position and expresses no preference to locality. Excellent recommendations.

30 YEARS OF AGE, COLLEGE GRADUATE and last 9 years in abstract office. Thoroughly competent and able to do general work of office and also take charge.

MAN WITH GREAT DEAL OF EXPERIENCE and excellent recommendations now located in Northern state desires to go to warmer climate on account of wife's health.

SEVERAL YEARS EXPERIENCE IN BUILDING plants, abstracting and examination of titles in Arkansas and Louisiana. Desires to locate anywhere.

PLANTS FOR SALE

ABSTRACT PLANT AT CARLSBAD, ALSO one at Artesia owned by same company, for sale; New Mexico.

ABSTRACT PLANT, MODERN AND COMPLETE, in a border town of Arizona—one of the best and most interesting cities of the country. America on one side of the street, Mexico on the other. Climate unexcelled, country picturesque and delightful.

INTEREST IN MODERN PLANT IN GOOD Arizona town for sale. Has attractive real estate, loan and insurance department.

PLANT IN GOOD TOWN IN ALABAMA, Muscle Shoals District, for sale, either whole business or part. Owns building. Sell for fair payment down, balance on terms.

WANTED TO BUY.

HAVE LISTMENT OF PURCHASER WHO desires to buy good plant in Kansas or Nebraska.

GOLFERS—TENSUN!

Announcement is made of an attraction of interest scheduled for this year's meeting with the anticipation that it can be made an annual affair.

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giving the entrants an exceptional opportunity to secure good appetites for the banquet. All who play in the tournament are promised an extra sandwich and seconds on ice cream.

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Evening—8 o'clock (For the men.) Special Ak-Sar-Ben Show at the Den.
(For the Ladies.) Special Theatre Party.

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Evening—6:30. Annual Convention Banquet, Hotel Fontenelle.

Make Hotel Reservations in Advance

Those planning to attend the Convention should make reservations well in advance.

F. B. LEONARD,
902 City National Bank Building,
Omaha, Neb.

is the good natured gentleman who has agreed to see that everyone is provided with hotel accommodations.

Write or wire him as soon as possible

TITLE TALK BROADCAST BY RADIO.

The following address by Herbert J. Feehan, President of the New York State Title Association, was broadcast from the Schenectady station of the General Electric Company on Thursday evening, June 28, 1923:

"I hope that there are many home owners listening in tonight. I don't care much whether it be a three-room cottage or a forty-room palace, so long as it belongs to you. It is my belief that home ownership is the keystone of the arch of America. Those of you who are still paying rent will, I hope, soon get into the home owners' class.

"But whether you are a present home owner or only a potential home owner, I want to impress upon you all the supreme importance of a sound, clear title to the property you own or buy. You may think that when you have paid down your good money your rights are secure.

"This may not be true.

"When you buy a piece of real estate your right to it depends upon the soundness of the title you acquire from the person who sells you the property. His title in turn depends upon the title of the person from whom he bought—and so on back to the extinguishment of the Indian title and the grant from the state, the English crown or Dutch government to the original settler.

"Complicated questions of law, with possible dangers to your title, may have been involved in any one of these transfers—errors in description. There may have been encroaching buildings; mortgages incorrectly foreclosed; unpaid taxes; wrong legal construction of wills; the dower rights of widows, vested or otherwise; forged deeds; unsatisfied judgments.

"Only an expert in title and real estate law is competent to pass on such ques-

tions. Yet any one of these and many other defects may endanger your title—your right to the home for which you have worked and saved for years to win. Think what it would mean to discover some day that the title to your home is not perfect.

"There is only one safe and sure way to protect yourself and your family from this danger. If you live in a community where your title can be insured, go to a Title Insurance Company of recognized standing and financial strength and protect yourself and your heirs from any loss arising at any time in the future from defects in your title. You pay but one premium and the policy is good for all time. The cost is little.

"If title insurance is not available in your community employ a recognized abstract company or individual abstracter—who guarantees their work. With a complete abstract of title at hand any good lawyer can advise as to whether your title is secure. Our business is to cure the defects in the titles to the homes of the people of the State of New York.

"Your only legal right to your home is your title. Whether your title is good depends upon complicated questions of law extending far into the past and upon which the future of the title depends.

"For your family's sake, as well as your own, you should have this protection. A defective title to your home is a foundation of sand; the Bible tells you what happens to the house built on sand. Build your home on the solid rock of a title guaranteed against loss.

"The New York State Title Association is made up of all of the title insurance and abstract companies in the State of New York and practically all of the individual abstracters, and in its membership are lawyers who devote themselves primarily to real estate law. If any of you who do me the honor of

listening tonight wish any information about the title and abstract business in the State of New York, you need only to write to the New York State Title Association, office of the secretary, 149 Broadway, New York City.

"There is also an American Association of Title Men. In that great organization are title examiners, title insurance men and abstract companies. The American Association of Title Men is founded on the idea that success in business is embodied in service. The members of that Association realizing that accuracy is absolutely essential in the examination of titles are constantly working to so arrange their records as to eliminate the possibility of mistakes. They are ever striving to elevate the title business to a plane of the highest standing in the business and professional world. Each one of them stands sponsor involved by his error without invoking legal technicalities as a defense."

NEW OFFICERS OF THE ILLINOIS ASSOCIATION.

At the annual convention of the Illinois Abstracters' Association, held in Vandalia, Joseph Burtschi, of that city, was elected President, and Malcom McFadyen, of Rockford, Secretary.

These men will carry on the activities of this association for the coming year and add to the enviable record made by the Illinois organization.

CUP CONTEST TO FEATURE KANSAS MEETING.

A silver cup will be awarded the winner of the Best Abstract Contest, to be conducted as part of this meeting, held in October.

A set of uniform instruments will be sent out from which the abstract must be made and the cup will become the permanent property of the winner.

NEW YORK CONVENTION VERY INTERESTING.

The third annual convention of the New York State Title Association was held at the new Hotel Statler, Buffalo, New York, on June 22 and 23. The American Association of Title Men was represented by its president, Mark B. Brewer, who spoke at the convention dinner on Friday evening.

The delegates were welcomed to Buffalo by William G. Doorty, of the Buffalo Abstract & Title Company. Response was by Harry A. Kahler of the New York Title and Mortgage Company.

Features of the program were:

An address, "The Preservation of State Records," by Hon. James Sullivan, state historian, immediately followed by a report based on a six months' survey by a special committee of the association on the present condition, manner of keeping and provisions made for the care of records in county clerks', surrogates' and registers' offices, with recommendations for assisting these officials to improve the making and safeguarding of such records. It is hoped that practical results will follow at the next session of the Legislature.

An argument in favor of the equality bills offered by the National Women's Party, in so far as they affect real property and the Surrogate Court act, by Mrs. L. E. Whippie, of Syracuse, Vice Chairman of the National Women's Party for New York State.

An address, "The Requirements of Land Banks Generally with Respect to Abstract of Title," by O. D. Roats, attorney for the Federal Land bank of Springfield.

A report on the uniform land laws favored by the American Association of Title Men. All of these suggested laws were referred to the law committee with power.

The resolutions adopted may be summarized as follows:

The appointment of a committee of three to confer with a committee of county clerks for the purpose of suggesting amendments to the recording act.

A resolution that indices be made a part of the official record and that some scientific and uniform method of indexing be adopted in all counties.

A resolution that no action be taken at the present time on the change in name of the association, such action being reserved until the national organization has acted and "after due deliberation, it is the sense of this convention that the name, American Title Association, in brief and concise form better expresses the object of the association than any other name."

A resolution adopted at the suggestion of the American Association of Title Men that the fiscal year be made to conform with that of the national body.

Herbert J. Feehan was reelected president of the association. Vice presidents elected were Louis V. Bright, New York, Vice President for the southern section, Arthur E. Bishop, Schenectady, reelected Vice President for the

central section, William G. Doorty, Buffalo, Vice President for the western section.

The convention dinner was addressed by President Brewer, Senator Swift of the New York State Legislature, Almon W. Lytle President of the Erie County Bar Association and by Albert L. Kinsey, Vice President of the New York State Association of Real Estate Boards. Mr. Feehan, President of the New York State Title Association, presided.

NORTH DAKOTA MEETING.

The annual meeting of this Association was held at Grand Forks, on the 16th and 17th. The abstract contest for the St. Paul Land bank cup and the address of John F. Scott, president of that bank, were the features of the meeting.

The American Association was represented by E. J. Carroll, of Davenport, Iowa, former president, who generously gave of his time to attend and carry his usual good message.

COLORADO MEETING AT BOULDER.

The annual convention of this Association will be held in Boulder on August 9 and 10.

It will commence with a luncheon at noon on the 9th; business session in the afternoon and an out-door-in-the-mountains dinner in the evening.

Another business session will be held on the morning of the second day, the convention adjourning at noon.

NEBRASKA ASSOCIATION CONCENTRATING ACTIVITIES ON NATIONAL CONVENTION.

There will be no convention of the Nebraska Association this year. They have considerably decided to devote all of their energy to work of the National Convention at Omaha in September. Meetings have already been called and more will be necessary to work out convention details. No effort is being spared to make this convention meeting a success and certainly no group could show a finer spirit in making plans for the entertainment of the visitors and success of the meeting.

President Hanson has just sent out a letter telling of some of the preliminary plans and warning everyone who has not as yet been called upon not to be discouraged and feel slighted—that every one will have a job and will be called upon to take some part.

Election of officers and other business of the Nebraska Association will be done at a meeting to be held during the convention.

IS THERE MORE LIABILITY BACK OF A CERTIFICATE OF TITLE THAN A GUARANTEE POLICY?

In some communities an impression has arisen of late that there is more responsibility and liability back of a certificate or statement of title than in a policy of insurance.

The opinion is sometimes advanced that the certificate is broader and not

limited; that a policy is only for a certain amount. This has caused many to ask for a certificate because they think they are getting even more protection and for less cost in a certificate than a policy.

Such is not the case and the real facts are explained in an article in the last issue of the "Title Insurance Bulletin," the house organ of the Security Title Insurance & Guarantee Company, which serves six of the principal counties of California.

What Is the Difference Between a Certificate of Title and a Policy of Insurance?

The highest court of the State of California has answered this question.

The following definitions are from an opinion written by Justice Nathaniel P. Conrey and approved by all of the justices of the Supreme Court of California, on April 30, 1923.

Referring to a certificate of title in the ordinary form—not a guaranteed certificate—Justice Conrey says it—

"is only a statement of fact covering the contents of the record and the opinion of the parties issuing the certificate regarding the effect thereof. There was not a contract guaranteeing that the record and its legal effect were as stated in the certificate. There was merely the contract implied in the acceptance of the employment, that the records would be carefully examined, and that the defendants (the title company) would in good faith state their opinion concerning the effect of the records. They would be liable for negligence or other failure to perform that contract."

Referring to a guarantee of title which can only be issued by an authorized title insurance company, Justice Conrey says:

"Title insurance has become a recognized form of insurance in California and elsewhere prior to the year 1910, although it is more modern in its origin than many other branches of insurance business. It has been defined as an agreement whereby the insurer, for a valuable consideration, agrees to indemnify the insured in a specific amount against loss through defects of title to real estate, where the latter has an interest, either as purchaser or otherwise."

The effect of the above decisions may be thus illustrated:

You call a carpenter by telephone and employ him to build you a garage. The carpenter gives you a poor job. All you can do is to sue him on the "implied contract" to do good work.

You call a title company and order an abstract or certificate of title. You obtain an incorrect certificate or abstract. You cannot sue the company on the certificate or abstract for it is not a contract at all. All you can do is to sue the company on the "implied contract" to examine the records carefully.

The liability under a certificate of title is therefore no more definite than the message by telephone ordering it.

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Features of the program were:

An address, "The Preservation of State Records," by Hon. James Sullivan, state historian, immediately followed by a report based on a six months' survey by a special committee of the association on the present condition, manner of keeping and provisions made for the care of records in county clerks', surrogates' and registers' offices, with recommendations for assisting these officials to improve the making and safeguarding of such records. It is hoped that practical results will follow at the next session of the Legislature.

An argument in favor of the equality bills offered by the National Women's Party, in so far as they affect real property and the Surrogate Court act, by Mrs. L. E. Whippie, of Syracuse, Vice Chairman of the National Women's Party for New York State.

An address, "The Requirements of Land Banks Generally with Respect to Abstract of Title," by O. D. Roats, attorney for the Federal Land bank of Springfield.

A report on the uniform land laws favored by the American Association of Title Men. All of these suggested laws were referred to the law committee with power.

The resolutions adopted may be summarized as follows:

The appointment of a committee of three to confer with a committee of county clerks for the purpose of suggesting amendments to the recording act.

A resolution that indices be made a part of the official record and that some scientific and uniform method of indexing be adopted in all counties.

A resolution that no action be taken at the present time on the change in name of the association, such action being reserved until the national organization has acted and "after due deliberation, it is the sense of this convention that the name, American Title Association, in brief and concise form better expresses the object of the association than any other name."

A resolution adopted at the suggestion of the American Association of Title Men that the fiscal year be made to conform with that of the national body.

Herbert J. Feehan was reelected president of the association. Vice presidents elected were Louis V. Bright, New York, Vice President for the southern section, Arthur E. Bishop, Schenectady, reelected Vice President for the

central section, William G. Doorty, Buffalo, Vice President for the western section.

The convention dinner was addressed by President Brewer, Senator Swift of the New York State Legislature, Almon W. Lytle President of the Erie County Bar Association and by Albert L. Kinsey, Vice President of the New York State Association of Real Estate Boards. Mr. Feehan, President of the New York State Title Association, presided.

NORTH DAKOTA MEETING.

The annual meeting of this Association was held at Grand Forks, on the 16th and 17th. The abstract contest for the St. Paul Land bank cup and the address of John F. Scott, president of that bank, were the features of the meeting.

The American Association was represented by E. J. Carroll, of Davenport, Iowa, former president, who generously gave of his time to attend and carry his usual good message.

COLORADO MEETING AT BOULDER.

The annual convention of this Association will be held in Boulder on August 9 and 10.

It will commence with a luncheon at noon on the 9th; business session in the afternoon and an out-door-in-the-mountains dinner in the evening.

Another business session will be held on the morning of the second day, the convention adjourning at noon.

NEBRASKA ASSOCIATION CONCENTRATING ACTIVITIES ON NATIONAL CONVENTION.

There will be no convention of the Nebraska Association this year. They have considerably decided to devote all of their energy to work of the National Convention at Omaha in September. Meetings have already been called and more will be necessary to work out convention details. No effort is being spared to make this convention meeting a success and certainly no group could show a finer spirit in making plans for the entertainment of the visitors and success of the meeting.

President Hanson has just sent out a letter telling of some of the preliminary plans and warning everyone who has not as yet been called upon not to be discouraged and feel slighted—that every one will have a job and will be called upon to take some part.

Election of officers and other business of the Nebraska Association will be done at a meeting to be held during the convention.

IS THERE MORE LIABILITY BACK OF A CERTIFICATE OF TITLE THAN A GUARANTEE POLICY?

In some communities an impression has arisen of late that there is more responsibility and liability back of a certificate or statement of title than in a policy of insurance.

The opinion is sometimes advanced that the certificate is broader and not

limited; that a policy is only for a certain amount. This has caused many to ask for a certificate because they think they are getting even more protection and for less cost in a certificate than a policy.

Such is not the case and the real facts are explained in an article in the last issue of the "Title Insurance Bulletin," the house organ of the Security Title Insurance & Guarantee Company, which serves six of the principal counties of California.

What Is the Difference Between a Certificate of Title and a Policy of Insurance?

The highest court of the State of California has answered this question.

The following definitions are from an opinion written by Justice Nathaniel P. Conrey and approved by all of the justices of the Supreme Court of California, on April 30, 1923.

Referring to a certificate of title in the ordinary form—not a guaranteed certificate—Justice Conrey says it—

"is only a statement of fact covering the contents of the record and the opinion of the parties issuing the certificate regarding the effect thereof. There was not a contract guaranteeing that the record and its legal effect were as stated in the certificate. There was merely the contract implied in the acceptance of the employment, that the records would be carefully examined, and that the defendants (the title company) would in good faith state their opinion concerning the effect of the records. They would be liable for negligence or other failure to perform that contract."

Referring to a guarantee of title which can only be issued by an authorized title insurance company, Justice Conrey says:

"Title insurance has become a recognized form of insurance in California and elsewhere prior to the year 1910, although it is more modern in its origin than many other branches of insurance business. It has been defined as an agreement whereby the insurer, for a valuable consideration, agrees to indemnify the insured in a specific amount against loss through defects of title to real estate, where the latter has an interest, either as purchaser or otherwise."

The effect of the above decisions may be thus illustrated:

You call a carpenter by telephone and employ him to build you a garage. The carpenter gives you a poor job. All you can do is to sue him on the "implied contract" to do good work.

You call a title company and order an abstract or certificate of title. You obtain an incorrect certificate or abstract. You cannot sue the company on the certificate or abstract for it is not a contract at all. All you can do is to sue the company on the "implied contract" to examine the records carefully.

The liability under a certificate of title is therefore no more definite than the message by telephone ordering it.