

Monthly Bulletin

of

The American Title Association

(Formerly The American Association of Title Men)

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Announcing a Course in Making of Abstracts and Series of Articles on Advertising for Title Companies

Association Will Give Two Most Valuable and Practical Things Ever Presented to Members

The Association knows that the members will eagerly receive the announcement in regard to the two things mentioned above—a complete course in the preparation of abstracts and a suggested program of advertising.

The first is one of the best things ever offered and something never before attempted.

There were two things that prompted the production of this course. The first is a need for a practical course of instruction or suggested method in the preparation of abstracts and the second the idea of uniformity in the making of them.

Abstracters are frequently heard to remark that it would be a fine thing if the attorneys could get together and make some scheme of uniform requirements. That can never be probably, but certainly not until there is some attempt made at uniformity in the making of abstracts. No two attorneys could ever be made to see a land title the same; at the present no two abstracters make an abstract anything like each other.

However, it has often been suggested that a movement be started within the different states to make the abstracts the same in each. This is a logical and practical suggestion. In one state already great steps have been taken in uniformity of abstracts. The move started under the suggestion and guidance of one of the Federal Farm Loan Banks and has made a worthy improvement.

There is also a demand for some such a textbook for use in offices in helping new employes to learn the business.

So, as a step in the direction of uniformity of practice in the profession

as well as to be of use and assistance in the office, this course is announced. It will appear by chapters in the bulletin, a part each month until the whole is presented.

The course is not theoretical nor impractical. It was prepared by men who have had a great deal of experience in the making of abstracts and discusses all phases of the business.

It not only takes up the actual work and preparation of them but devotes space to a short talk on ethics, conduct of an office, suggested equipment, ideas to reduce overhead to a minimum, discussion on giving of discounts, and other matters of every day practice.

The course on advertising will be exhaustive. It will begin with an article discussing advertising in a general way, its place in business and growth in the commercial life of the day.

The articles that follow will suggest various mediums, such as newspaper, novelty and the many special things that particularly present themselves as mediums especial to the title business.

This series has been prepared after a great deal of thought and study not only of advertising as a general business proposition but also as to the best ways for title and abstract company advertising.

It is the expression of ideas of some of the men in the business who have studied and experimented with many things in an endeavor to find those most adapted to our line of business.

The first part of the suggested way for making abstracts will appear in the January Bulletin.

The advertising series is as yet in preparation, but the first of them will appear not later than February.

This is the most opportune time ever presented for such a move and action by all of the state associations at once will bring some real results.

It is the desire of the American Title Association to help and co-operate with the state associations in every way possible.

Chairman Roy S. Johnson is giving a great deal of time to the work and is greatly encouraged by the support being given by the majority of the state associations. Some of the states already have secured a large number of new members and are getting more all the time.

There are enough extra copies of the proceedings of the last national convention at Omaha to give one to every new member. Thus another inducement can be presented by offering a copy of this book to prospects.

The national association has also issued an attractive little pamphlet telling of the purposes and value of the associations and why one should join.

In addition to this the state associations will be furnished with as many copies of the bulletin each month as wanted to send out to all prospective members.

Thus the national organization is offering to assist the state organizations in an energetic campaign with the following special things: Give a copy of the last proceedings to each new member; furnish extra copies of the bulletins; furnish pamphlets on the value of joining the association; help in the preparation of letters to prospective members.

These things together with the opportunity to be listed in the new directory make this the time of all times to conduct such a campaign.

The state associations should be quick to grasp the significance of this and conduct an enthusiastic drive for members. All who do will realize a goodly number of new members.

BRIEF ON MORTGAGE FORECLOSURES NOW AVAILABLE.

The pamphlet on "Mortgage Foreclosures" by Thomas B. Dysart, announcement of which was made at the Omaha Convention is now in the hands of the Executive Secretary and copies may be had by writing for them.

This was prepared for use in the law school of the University of Omaha and anyone interested in the subject will find this a most valuable reference.

Membership Campaign Proceeding in Earnest

State Associations Entering into Spirit of Contest

Most of the state officials have made a good start on the campaign to increase the membership of the state and the na-

tional associations. There are a few of the state organizations that did not get into the thing right away but will.

SOME IDEAS OF TITLE CONVEYANCING AND THE ADVISIBILITY OF ADOPTING SHORTER FORMS.

By Hugh S. Gordon, Manager, Santa Cruz Land Title Company, Santa Cruz, Calif.

(Note: This article was recently published in "California Real Estate" and reprinted in the Bulletin through the kind permission of the editor of that publication, Glenn D. Williman.)

Conveyancing has been defined as a "term including both the science and the act of transferring titles." "Science" in turn, means exact knowledge. A qualified conveyancer, then, is one who has exact knowledge of the method of transferring titles. Nevertheless, title companies are constantly confronted with conveyancing which is assuredly the result, not of exact knowledge, but rather of a little superficial information, mixed with a great deal of good luck. Most persons can fill in a blank and produce an instrument regular in form, yet their work may be unavailing. It is the hidden dangers which are the most treacherous. Common instances are: the sole deed of the husband of property acquired under the present community property law; a grant of the homestead under power of attorney, or by separate deeds from husband and wife; a conveyance by a defunct corporation; and a conveyance by reference only to an unrecorded map. The fact that under the escrow system the title company will detect the errors and see that they are corrected before closing, is no excuse for this kind of work.

In addition to the dangers arising from ignorance and carelessness, we have an increasing number of new and peculiar methods of conveyancing apparently sanctioned by law. Under certain conditions a mere redemption of property deeded to the state for delinquent taxes operates as a reconveyance. Through failure to pay certain taxes, a corporation's title under certain circumstances may become vested in its individual directors as trustees while subsequent payment operates as a reconveyance. Under the Torrens or Prussianized method, property is taken outside the recording system, a conveyance by the owner is "verboten," except as instructions to the registrar, and that potentate alone passes the title. And now, unless rejected on referendum, the most recent amendment to our community property law will permit the wife to devise to whom she will, property which is not of record in her name at all. It would seem that the old theory that a title must be deducible of record, may yet go into the discard.

It is our business to give our clients, not necessarily what they ask for, but what they must have in order to reach the result aimed at. The excuse for drawing an instrument which failed of its purpose, that "they wanted it that way," while it might pass in a mer-

cantile business, has no place in the title profession. At the inquest, over a patient who died of some improper treatment administered by the attending physician, should the excuse of the latter be accepted that "they wanted it that way"? An aged couple once requested us to draw an abandonment of homestead. They were so secretive that we refrained from inquiring fully into their motives. After recording the instrument, they returned with a sigh of relief, saying "Now we can sell our place." They were amazed on being told that their joint deed would have abandoned the homestead, and that in the meanwhile they might as well have enjoyed its protections.

Popular misconceptions as to conveyancing are numerous and often extraordinary. Many of these seem to originate with some kindly misinformed neighbor. The title man is frequently called upon to listen to tales which in my own office we have come to designate as "fairy stories." The resulting tangle sometimes combines comedy and tragedy. One client, desiring to recognize some trifling service, offered to allow us to record several unrecorded instruments which he had at home. Inquiry brought out the fact that he understood that we received a commission from the recorder on all papers offered. One of the most persistent beliefs seems to be that a deed made in view of death must be recorded the moment the death occurs. I remember a case in which the widow in her distress ran from her husband's deathbed to the recorder's office and placed on record deeds of the home from him to her, and from herself to him. Cases of this kind could be materially reduced if in our advertising we would offer to freely advise on title matters, impressing on the public that in such matters they should see their title company FIRST. On another occasion, in my experience, two sets of claimants under a decedent indulged in a battle royal as to ownership of a small property. After expending half its value in litigation, upon final judgment the victors promptly got out an execution for their costs against the interest of the vanquished, which the same judgment had just determined did not exist. Later, the title was looked up for the first time, and it was discovered that the decedent had a life estate only.

I believe that the declaration of homestead is more misunderstood than any other one instrument, and it is here that our friend, the next-door neighbor, gets in some of his best work. Like Cato of old, whose answer to every question in the Roman senate was "delenda est Carthago." Carthage must be destroyed, his modern counterpart, the neighborhood adviser of the type of which I am speaking, has but one remedy for every title disease: "File a homestead." To him, the fact that it may be that is the last thing that ought to be done, matters not at all. The result, in extreme cases, may be that the property is rendered prac-

tically unmarketable. Before permitting any client to homestead, we should explain the effect, stressing the fact that the property will be taken entirely out of the usual course of conveyance, devise and descent.

The easiest error to make in a deed, and the worst, because it is the hardest to correct, is to make a mistake in the name of the grantee. Unlike other errors, it cannot be cured by a correction deed. Title is now vested in the incorrect name and only a person by that name can convey out. Even a suit to reform the deed, directed against the grantor, is unavailing, for the grantor has no longer any interest.

If possible, our escrow instructions should carry the grantee's personal signature, if not, they should at least carry the signature of the agent furnishing the name, so that we may know who is responsible for an error in the conveyance.

In handling transactions which are not to be closed at once, we should learn to anticipate conditions which may arise, and strive to preserve the integrity of the title. Then, when our client comes to us in trouble, asking what is to be done to meet the situation, we can point out that the difficulty has been foreseen and provided for. An installment contract of purchase should be accompanied by the deed, when left for collection. On final payment, the deed can then be delivered, regardless of the death, absence or disqualification of the grantor. In case of his death, his estate is then concerned only with the money, and the title is not involved. In drawing deeds of gift between husband and wife, for delivery on death, if the property is a homestead, we should take an abandonment, to be recorded, preferably, only when the survivor desires to divest title. This will save court procedure to terminate the homestead interest, yet allow the grantee the protection of the homestead as long as he owns the property. If the deeds reserve a life estate, we should take a relinquishment thereof, dated some time after the deed. When recorded, at the proper time, this will obviate a proceeding to terminate the life estate.

In creating a joint tenancy, if we are using the grant deed, which has no *tenendum* nor *habendum*, and does not employ the words "heirs and assigns," we should simply add the words "in joint tenancy," or "as joint tenants," after the names of the grantees. Any further verbiage adds nothing, except perhaps danger.

No conveyance should be drawn without referring to the deed under which title is held, and ascertaining whether the property is a homestead. This will enable the conveyancer to name the grantor under the exact name by which he acquired title, and to see the homestead properly abandoned.

I believe it would often be good practice to show not merely the place of residence of the parties, but their actual street number or post office ad-

dress. Of course, these are liable to change, but they are nevertheless of assistance in following the parties, when that becomes necessary. The notary's post office address should be added to or incorporated in his certificate of acknowledgment.

In calling for escrow instructions by mail, where the transaction is out of the usual, it is advisable to write a letter expressing our understanding of the transaction, enclosing a carbon copy to be signed by the party and returned to us by way of instructions. This avoids misunderstanding and gives us something more definite upon which to act.

Passing to the second division of my subject, I am to discuss the advisability of shorter forms. As to their advisability I have little to say. The maxim: "Say what you mean, then stop," is as applicable to conveyancing as to ordinary speech, and its benefits are even more marked. In a concisely drawn instrument, the essential points stand out clearly, instead of being hurled under a mountain of verbiage. The conveyancer is less likely to err; the purport is more easily ascertained; the subsequent work of the examiner is reduced, and the time of both is conserved. The danger of overlooking some obscure clause is minimized. The saving in recording fees, space in recorder's office, and even in stationery, is not to be overlooked. The prestige of the conveyancer is increased. The measure of our work is not its bulk, but its effectiveness. The usual argument against the short form is the danger of omitting something essential; but if proper care is used this is less than the danger of doing the same thing in preparing a longer form. I will therefore take for granted the advisability of shorter forms, and consider rather their practicability. The technical terms and resounding sentences of the old time conveyancer have long been rendered useless in California, either by statute or by the courts. Yet some conveyancers are still using obsolete terms which they cannot themselves explain. As friend Cowdery says: "The coat of old California conveyancers sticks close to their backs, and forms are still used, seemingly only because they were indispensable in the time of Noah."

With apologies to those title companies which have long been using the grant deed, and speaking only to those who are still using the older form, let us analyze the latter. We call it a deed, and so endorse it, yet it opens with the words "This Indenture." Documents actually indented were obsolete generations ago, and are seen only in museums.

We speak of the parties as grantor and grantee; yet our form, in each of half-a-dozen places, employs six words instead of one in calling them "the party of the first (or second) part." We recite a money consideration, almost invariably nominal, with the added information that it has been "in hand paid, by the party of the second

part, the receipt of which is hereby acknowledged." The words, "For value received," comprise all this; but even they are surplusage, as the law imports a consideration, and the grantor would scarcely execute the deed without one. The recital that the consideration was paid "in gold coin of the United States of America" is a farce in these days of paper currency. The half-dozen words of conveyance, often twice repeated, are better expressed by the single word "grant." The verbiage preceding the description can be condensed to "the following described real property, situate in.....County, California." In the description, the custom of repeating words in figures is useless, and in case of erroneous repetition, actually dangerous. Figures are preferable to words. In a grant of a lot in a recorded subdivision, description by lot and block is sufficient, and an attempt to add a description by metes and bounds is always unnecessary and often dangerous. The *tenendum* and *habendum* clauses can be omitted, the *tesimonium* clause either omitted or materially shortened. In the certificate of acknowledgement, the last clause "In witness whereof," etc., is meaningless, does not appear in the code, and can be omitted with advantage.

When a conveyancer decides to shorten his forms, the first thing is to take time to do it right. Time thus expended will be returned many fold in time saved later in using the shortened forms. By all means secure the forms used by your brother conveyancer, but scan them not to see what you can add to your own, but how much you can safely omit.

Perhaps the experience of my own office in shortening a form of bank mortgage, which we have since adopted as our standard for all mortgages, may be worth giving. Our first reading disclosed a vast amount of evident surplusage, and the blue pencil was used liberally. We next found that a number of successive after thoughts had been added to the form from time to time. By recasting the form, and inserting these in their logical places, we were able to replace paragraphs by clauses. We next adopted the form of grant deed as far as applicable, using the words mortgagor and mortgagee instead of grantor and grantee. We had the mortgage speak throughout in the masculine and singular, inserting at the inception the statement that the masculine was used to include the feminine, and the singular the plural; thereby eliminating a number of petty vances" clause to one line, and arranged the pages for most convenient use on the typewriter. The result was a form containing just over 400 printed words, being considerably less than half the old blank. In practice it has proved most satisfactory.

The ordinary contract of purchase can be greatly shortened by recasting, arranging the phrases in their logical

sequence, and using the words "venditor" and "vendee." The closing expression "executed in duplicate" will save a much longer phrasing. Sometimes these contracts devote an entire paragraph to permitting payments in excess of those which are obligatory.

In some conveyances, notably quitclaim deeds, we often see a long explanation of the facts in the case, in an effort to explain the reason for the conveyance. These often act as a limitation, sometimes result in a suit to quiet title, and should be omitted.

Some forms of trust deed prepare to meet the amendment of 1917, and incorporate much of the actual wording of the law. The better practice would be merely to provide for a sale "as provided by law." This is all-inclusive, and minimizes the chance for error.

In corporation conveyancing, it is not necessary to insert the resolution with its attendant procedure. Due execution by the proper officers under the corporate seal imparts authority. If desired the grantee or mortgagee may take a certified copy of the resolution for his private files, but in the conveyance proper it is surplusage.

If, in some special conveyance, a long explanation seems inevitable, take time to recast your draft, and you will find that you can reduce its length materially.

Many forms of building restrictions are especially verbose, and can be condensed from half a page to three or four lines, without loss of anything essential.

In providing for payment upon a promissory note in advance of maturity, it is good practice to avoid allowing payments in odd amounts at odd times. This can be accomplished by use of such a clause as: "I reserve the right to pay the sum of \$100 or multiple on any interest day before maturity."

The use of short forms saves time, expense and complications; and to that extent tends to make real property more fluid, and thereby to defeat the imposition of such monstrosities as the Torrens law.

In conclusion, I should like to draw a lesson from a recent experience. A few weeks ago, a brother title man was showing me his home city. Among the modern business houses were two decrepit structures whose sites were evidently needed for more adequate buildings. Inquiry brought out the information that substantial improvements planned for those sites had been erected elsewhere, **because the title had failed.** No community can prosper whose titles are insecure. The safety of the titles of our respective communities is largely in our keeping, and even though our work may not appear on the surface, yet if we see that it is done well, we are none the less helping to lay the foundation for the Empire State of the Pacific that is yet to be.

The Membership and Extention Committee of the Association for 1923

(Same being composed of a General Chairman and the Presidents and Secretaries of the State Associations. The success of the Membership Campaign is in the hands of these gentlemen. They will not fail.)

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The American Title Association

The American Title Association is the national organization of the abstracters, title companies and title examiners of the United States. It is the only title organization in existence or that has ever been founded.

It is the trade organization of the title profession and the membership is composed of those individuals and companies engaged in land title work.

It was organized in 1907 and though one integral body, yet has three sections in order that the particular problems of the different branches of the title business may be discussed and worked out by those giving special attention to certain of them and then amalgamating for general benefit.

These three are the Abstracters: The Title Insurance Section (composed of the title insurance and guaranty companies); and The Title Examiners Section (the membership of which consists of attorneys specializing in or paying particular attention to title work and the examination of titles).

Its existence is based upon the same ideas and principles as those of any national trade, professional or commercial organization, and anyone engaged in the title business will find it profitable and pleasant to belong. Some of the aims and purposes of it briefly, are:

To promote the general welfare, raise the ethics and increase the prestige of the title business so that the working conditions of those engaged therein will be more profitable and satisfactory.

To improve the methods and standards of work, thereby giving better service to clients.

To establish a greater feeling of confidence from the public.

To become closely allied with kindred organizations and work with them in all measures for the development of communities and to take our rightful active part in general civic affairs.

To initiate and foster measures advancing the general welfare of real estate as an investment or desirable medium of speculation.

To work for the simplification and improvement of our land title system.

To firmly establish a sentiment to let title matters be handled by title specialists.

To become further established in its rightful place as one of the foremost commercial organizations of the country—ever alert and ready to perform its duty, whether that be to protect those it represents, initiate measures for its own particular business that will be of benefit to the commercial life and civilization of the country, or to work in co-operation with others in matters of welfare and general advancement.

The American Title Association is represented by membership in every state in the country with the exception of four.

Members of the state associations constitute the great bulk of its membership as affiliation with one of them automatically makes one a member of the national body.

In states where there is no state association, membership is available by applying directly to the national association.

It is the duty of every one to belong to the organization of his trade, business or profession. Progress, development and expansion can only be made by group action.

The public has learned to think of a business, trade or profession by the character and reputation of its established organization. Likewise, different businesses have learned that the public only thinks as much of them as they think of themselves.

Therefore, the profit, working conditions and general surroundings of those engaged in a particular business are contingent upon the strength of name and scope of activities of its organization.

Membership in the title association brings actual, practical and visible benefits, as well as many things of an indirect force that are influential and profitable.

The National Association issues a regular monthly bulletin, a printed book of the annual convention proceedings as well as special pamphlets, bulletins, etc., all of which contain valuable and authentic articles and reports of title matters.

It conducts activities and campaigns nationally advertising the title business, the members thereof; advances and protects the business of its members; assists them in their problems; fights adverse legislation; conducts research work and generally carries on to further fit itself to be of every use and service possible and to fill all demands made upon it.

It is the clearing house for exchange of ideas, solution of problems and is the established working head for the general interests and advancements of the title business.

It is a matter of good business sense and judgment for every titleman, titlewoman or title company to be a member of this Association.

The state organizations are the bulwark of the national association, and as stated before, membership in one of them carries membership in the national.

Every titleman and title company eligible for membership should belong to his state association.

The title business has gone through a period of rapid evolution and improvement in the past few years. The titlemen themselves should direct and initiate the conditions influencing their business.

This can be done by membership and work in their state associations.

The work of the state organizations cannot be minimized. They have and will continue to do great work. Titlemen are working under more satisfactory conditions and making more money in those states where there are live, functioning state associations.

IF YOU ARE NOT A MEMBER, JOIN NOW!

IF YOU ARE A MEMBER, GIVE IT YOUR BEST INTEREST AND SUPPORT.

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Richard B. Hall, Hutchinson, Kansas.
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DECEMBER, 1923.

WILL WE DO OUR DUTY?

Several times of late the titlemen have received forceful suggestions that it was their duty to take a keen interest in land laws and the initiating and enactment of measures for the simplification of the procedure in real estate deals. Title matters are becoming more complicated each year until it is no wonder there is some dissatisfaction at times with certain things now a part of our present title system.

It is the best on earth and the only one that will work under our form of government and in harmony with our established ideals of freedom of property rights. The only trouble is that there is need of a little revision—it must be made more practical to the demands of present day requirements.

There should be a holiday on the enactment of more laws tending to complicate, regulate and entangle the procedure of a real estate transaction. We have enough such laws now—what is needed is an energetic legislative campaign to repeal some of them and substitute measures that will simplify the transfer of real estate.

The necessity for this was brought several times at the Omaha meeting, not only by titlemen but by others with

the further challenge that we get busy.

What business, trade or profession can sit idle and do nothing on its initiative to make that trade, business or profession function as it should and fulfill its duty in advancing to fill the demands of ever progressing commercial requirements?

It is time we were directing the move to improve the present title system. The demand for improvement has been so great of recent years that other organizations have taken it upon themselves to secure the enactment of curative statutes, uniform mortgage and conveyancing laws, statutes of limitations on realty matters, simplification of quiet title proceedings, and many others.

This state of affairs has been suggested many time in the past, but emphasized this year in the report of the Judiciary Committee by Mr. Condit, and the address of Mr. Ennis, president of the National Association of Real Estate Boards.

At present the titleman is not working with many things of his own making or in an atmosphere of his own influence.

Surely title matters should be handled by those in the title business.

Work along this line is the biggest thing the association could do. President Wedthoff is especially interested in such a program. He is giving it much time and attention and wants the association to make a real start on such work. The foundation and means at hand is represented in the Fifteen Proposals for Uniform Land Laws as outlined and formulated by the association.

The work of the association in this program is under the able direction of Charles C. White, of Cleveland, Ohio, chairman of the Judiciary Committee. Mr. White will accomplish much in this as he does in everything, but must have and deserves the support of every member of the association.

His committee is composed of the regular committee of five, plus a special committee consisting of a representative from each state.

The title profession has been challenged by the commercial life of the nation—to take it in hand and accomplish the things needed.

WILL REAL ESTATE BECOME THE BASIS OF ALL TAXES?

There is an old adage about real estate being the basis of all wealth. It seems there is a possibility this will be changed to read "real estate is the basis of all taxation" unless a careful watch is made of things.

Real estate represents thirty-five per cent of the wealth of Michigan and yet real estate pays eighty-five per cent of the taxes of that state; real estate produces eighty-nine per cent of the taxes of the city of Boston and eighty-five per cent for New York.

Taxation is now a little over three and a half times what it was in 1913.

This is blamed upon three things—the war, the increased cost of administering government due to the many bureaus, army of office holders, etc., and tax exempt securities, one-fifth of the national wealth being represented by this form which now totals in excess of fifty-four million dollars.

ANNUAL MEETING OF INDIANA ASSOCIATION.

The annual convention of the Indiana Title Association was held in Fort Wayne, October 13 and 14, with President Lawrill as host.

An exceptionally interesting program was had and it was deserving of a much larger crowd of listeners.

President Wedthoff attended as the representative of the National Association.

The three principal talks were made by Charles C. White, of The Land Title Abstract & Trust Co., Cleveland, Ohio; W. L. Rogers, general counsel, Federal Land Bank, Louisville, Ky.; and President Wedthoff.

Mr. White's talk on title insurance will appear in the next bulletin and everyone will find that it is complete story of title insurance told in language easily understood.

Officials elected for the coming year are Walter Coppage, Crawfordsville, president; Samuel A. Morrison, Frankfort, vice president; Chas. E. Lambert, Rockville, vice president.

They evidently know Charley Lambert is a mighty good secretary, for they have elected him over and over for so long that he is evidently a permanent fixture.

DO YOU WISH THE BULLETIN SENT TO ANYONE?

The Association will be glad to send the Bulletin to the different members of a firm or the several employes thereof. Copies can be sent to them individually upon the furnishing of the various names and addresses of the individuals or else a number of extra copies can be sent in bulk to the company office.

If several of your company want them or if you would like to have copies to distribute to the employes, advise the secretary of your wishes.

If the purchaser will not look to the character of title by virtue of which he enters and improves land, but will close his eye and recklessly act on the presumption that anyone who will sign a deed has valid title, he has no one to blame but himself.—[Miller vs. Brownson, 50 Texas, 507.]

THERE ARE SOME EXTRA COPIES OF THE PRINTED PROCEEDINGS OF THE 1923 CONVENTION HELD AT OMAHA. ANYONE DESIRING EXTRA BOOKS CAN SECURE THEM BY WRITING TO THE SECRETARY.

THE MISCELLANEOUS INDEX

Being a review of interesting matters presented to the Secretary's office

This will introduce you to a new part of the Bulletin. Many letters come to the Executive Secretary's office every day—all manner of points are raised, questions asked, ideas given, etc.

Everyone of them has an idea in it—something worthy of discussion. So the idea of this column will be to present them the membership as they bring up many things of interest and value.

This column will bring out ideas, little incidents of humor, personal references. Every member of the association is invited to write the secretary of such things as might come to mind or be experienced. You are also invited to correspond with him in regard to your ideas of the things that will appear here from time to time.

One of the best things to raise the opinion of an abstractor's work is attractive stationery, forms, captions and covers. Color schemes are mighty fine, both for appearance and to give distinction.

Gray paper with blue printing; green paper and blue printing; cream paper with brown printing, are some ideas suggested. The typewriter ribbon should be of the same color as the printing. Make your captions, abstract sheets, certificates, monthly statements, charge statements, envelopes, in fact, every sheet of printed paper going out of your office the same.

Likewise, a nice appearing lithographed cover and caption will be found to be profitable. They will cost more than a cheap printed caption or cover, but will be worth many times the difference.

When you hand a customer an abstract neatly bound in a handsome cover, with a nice caption sheet and all gotten out in some unique and tasty color scheme, he will think it worth much more than a shoddy affair. One will be surprised at the many complimentary expressions customers will make over them.

It will actually be found to reduce kicks on charges, too.

From many places comes stories of the loan companies removing the abstractors' covers and putting on something of their own. One place in particular reports that the attorney who examines them does it immediately upon receiving an abstract and puts on something with places for their records; also their name printed thereon in large type.

This is a rather unreasonable thing to do and any red-blooded abstractor would take offense at such practice. It constitutes a mutilation of the abstract

and there is no necessity for it. A cover is part of the abstract and a valuable part to the maker.

A good way to stop it would be to print the certificate right on the inside of the cover.

Many loan companies have some special cover for their own use which they merely attach over the abstracters and that can easily be taken off when out of the loan companies' hands.

A lady recently wrote to an abstract company saying she wanted an abstract to her property in that town. This being rather vague, the company wrote, asking that she send them a description of her property.

She sent the following: "It is one of the oldest places in the northwest part of town. I built the house in the early eighties. It is a story and a half, with a lean-to kitchen covered with a tin roof. It probably needs some repairs but was well built at the start. There is a lilac bush in the front yard and a chicken pen in the back. There is a bed of the prettiest hollyhocks in town running along the back fence. When I lived there we had the best garden on Sixteenth Street.

So the place was located from this description and the abstract made with the owner never knowing the difference.

It is encouraging to notice the large number of letters arriving that have "Members of the (State) Association of Title Men" and "The American Title Association" printed on them.

It would be fine if every member would have this on his stationery.

The following is found in Broom's Legal Maxims: "If the buyer buys land whereunto another has title, ignorance will not excuse him."

It might be well to have a large sign made of this and displayed in the office.

Down at Ardmore, Oklahoma, the County Commissioners are endeavoring to charge one of the abstractors rental for using the county index; also for taking up space when checking the records. He has his own indexes, merely uses the county ones to check by, but the commissioners think they should charge him rent.

The Oklahoma Association is backing him in his fight and expects to make it a test case.

The Kansas Association tried a new scheme in the election of officers this year. Before it has always been done by a Nominating Committee, which se-

lected the officials, made a report and the officers were elected thereby.

President Davidson thought it would arouse more interest to try the following scheme: A ballot was prepared, listing the names of every one in attendance and also providing a blank line for the name of anyone who was not there and whom someone might wish to vote for. The first high ten constituted those nominated and were then voted upon and the five high on this second ballot were elected as the board of directors. The directors then met and elected a president, vice president and secretary treasurer, the secretary being either one of them or some one else.

It did arouse interest all right as it took several ballots on the second vote to select the five from the first ten.

The idea was not only to arouse interest but to give everyone a part in the election of officers. The constitution was amended to permit this so it will be done each year hereafter.

It was at first thought that only names of those in attendance should be considered, but this was changed for the better by providing the blank line for nomination of some good person who might have been unavoidably detained from the meeting.

Edgar Jenkins of the Arapahoe County Abstract and Title Company, Littleton, Colo., offers the suggestion that the association work out some design or insignia to designate member, such as those of various clubs, trades, etc., or the caduces of the army medical corps.

This is a suggestion worthy of consideration and expression of ideas and designs. It could be used on stationery, etc., and decalcomanias or paper transfer signs made to put on windows.

Dirty price cutting and unethical competition prevails in many places but only the same in our line as in others. However it is not as bad now as a few years ago and the state and national organizations have been largely responsible for it.

From one place comes a story as follows: It is not a large town—there is just about enough business for one company. However there are two. The writer explains his was first, with thirty years' start on the other. His competition was organized by one of the best banks, the owners being the bank directors and some of the stockholders.

They will make an abstract for any price, endeavor to get all of the business to their own company and work along most deplorable lines.

This presents a very hard proposition and one not easy to solve or understand. It is certain they would not like to have the other banks offer six per cent on savings, interest on checking accounts no matter how large or small, etc., and would very probably be quick to call a loan on one of their bank customers should he enter into a price-cutting war with his competitors and thereby face a large loss or ruin.

Judiciary Committee Has Big Job Chairman White Working Hard to Advance Simplified Land Laws

The Judiciary Committee has a big undertaking on hand. It was because of the importance of it that Charles C. White was appointed chairman of this committee and an able body of representatives, one selected from each state, chosen to assist him.

The work of formulating a program for the adoption and advancement of simplified land laws was delegated to this committee. These proposed laws were drafted some years ago but no well defined plan to put them into favor ever planned, until this one.

Mr. White and his committee must first know the situation in the various states, what modification of present or introduction of new laws is needed, best plan to proceed in working out the same and some way to present them for action. Information regarding these things is now being secured.

It is a big job—one in which the committee will need some assistance and information from every state.

Three letters have been sent out by Mr. White, and he has spent a great deal of time in the preliminaries necessary to such an undertaking. He deserves the co-operation of every one and those to

whom he has written for information and assistance will render a great aid to him by a prompt reply. The work cannot proceed until he has been furnished with the material asked for. Such prompt consideration will also lessen his work and help him in his endeavors. It is only due to one who is so eager and willing to give of time and attention to such things.

The whole cause of agitation and complaint against our present title system (which means agitation for something other than the services of the present day titleman and his work) is not because of the system, but because it needs to be simplified and revised to meet present day conditions.

It is the titleman's job to see that it is done and to initiate and accomplish the revision.

The presentation of the Association's proposals for uniform and simplified laws is the biggest thing we could do. The thing is at hand—all it needs is the "putting over."

Most any kind of a person or organization can think out something—accomplishing it is another matter. Will we be thinkers or doers?

THE FARM LAND SURVEY BY REALTORS.

The National Association of Real Estate Boards is doing a wonderful and much needed work in the conduct of its farmland survey.

It feels that there is a lack of basic principles and procedure in appraising farm land and otherwise establishing facts, such as earning power, fair basis of computing values, etc.

A questionnaire has been sent to every member and the information obtained will form an economic as well as practical survey.

The realtors are to be complimented and commended upon this fine piece of research work. By reason of it a complete understanding of the farmland situation of the country can be had.

Agriculture conditions have suffered greatly during the past few years. This has not been so much because of the true condition of the farmer, but because of the adverse and pessimistic advertising he has had. The press and every other form of general publicity has been quick to present an exaggerated picture of his condition when, in fact, the farmer has only been in the same place as the business man—one where he must liquidate, get down to real business and work his way out.

People in the agriculture regions feel that the farmer has suffered greatly by the publicity given the condition of the agriculturist which has been advanced and played up by politicians hoping to thus secure the support of the farmers. The farmers, too, were led into thinking that they could be legislated out of their adverse economic situation.

luck, and there is only one thing for them to do—that is, to quit."

This seems to express a competent picture of conditions as they exist in the great farming districts of the west and middle west. Judging from these outlines, there would seem to be no cogent reason for governmental intervention. Nothing of this sort was attempted in the deflation period three years ago, when cotton broke from forty-three cents per pound to twelve cents and below. Nothing of the sort is attempted for the relief of other industries when economic mistakes are made. Most producers have to bear the consequences of their errors, and time, with its elements of readjustment, works out the solution.

There is no doubt but that this farmland survey will do much to show the really strong situation of the ruralist and his property and be a stabilizing influence for farm land conditions in the years to come.

THE COMMISSION TO REVISE IOWA LAND LAWS.

The last session of the Iowa legislature passed an act authorizing the governor to appoint a commission of five members whose duty it was to do the following:

1. Make investigations and inquiries relative to the laws of the state of Iowa relating to the titles to and property rights in real estate.

2. Investigate the laws of other states and countries relating to such matters.

3. To report in detail to the general assembly the results of such inquiries accompanied by such recommendations with reference to legislation and other matters as to the commission may see, right and proper.

4. To report at the special session to be called this winter.

The report of this committee will be awaited with much interest. The powers granted it were almost boundless and they have no doubt done a great deal of investigating. They have studied the laws of the various states, especially the Torrens centers.

The personnel of the commission is very representative and it is thought that they will give cautious and conservative recommendations.

They certainly cannot recommend the Torrens System, especially if they have been given the real facts as they exist in those places where it is in operation.

At present title insurance companies are not authorized to do business in the state. How much better it would likewise be to permit the operation of title insurance, thereby wiping out any necessity at an attempt by the state to go into the title business.

It would also be a fine thing for them to study the association's Fifteen Proposals for Uniform Land Laws and recommend the adoption of such measures as a means of simplifying and improving the present system instead of inaugurating something new and radical.

So far, these political promises have failed to materialize or bring any relief and the sturdy and dependable farmer has begun to work his way out and with surprising results, too.

Titlemen should be interested in the condition and welfare of real estate, both farm and city property. The title business suffers when they are experiencing adverses and the property market is sluggish.

Babson said the following in one of the bulletins of his statistical bureau:

"With the exception of— all of the states I have visited have turned the corner and are now financially on their feet. In the large farming sections of the middle west, three-fourths of the farmers, those who bought their farms twenty years ago for forty dollars an acre, are making money. It is the unfortunate man who has either bought land for from \$200 to \$250 an acre in the last five years, or who are renters, that are in trouble. * * * When I left the east, I was bearish on the whole country, but the wonderful recovery the farmers are making has changed my view. I am still bearish on the east, but I am decidedly optimistic as to the outlook regarding the country contiguous to Chicago. However, there must be a readjustment between the wages the skilled mechanics are getting, and the wages or money a farmer receives for his labor. Labor is entirely too high.

"Outside of the renters on farms, the farmer is doing considerably better than ninety per cent of the white-collar employes in Chicago. It is the farm renters who are really out of