

# TITLE NEWS

Vol. 5

JULY, 1926

No. 6

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A PUBLICATION ISSUED MONTHLY BY  
*The American Title Association*

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EX-OFFICIO

July 15th- 1926.

Fellow Titlemen:

There have been many changes in the title business within the past few years. There will be even more in the ones to come. Varying conditions and the force of progress constantly bring new demands and problems. Those who survive must meet them.

The standards and magnitude of American business and commercial life are the wonders of the rest of the World to-day, and the greatest elements responsible for this development have been the various trade, commercial and professional associations representing their respective vocations. The businesses and professions that have achieved the most and been developed to the highest degree are those that have made the most use of their organizations.

The title business will only develop and reach that desired goal as the association representing it prospers and advances. That association can only function and be of benefit as it is supported and used by those constituting its organization. Every titleman should concern himself with his state and the national title associations and take an active interest and part in their existence and activities.

Sincerely yours,

*Richard B. Hall*

Executive Secretary.

# TITLE NEWS

A publication issued monthly by

The American Title Association

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## *Announcements*

This issue of "TITLE NEWS" is presented with a feeling of a little bit of extra pride. The Association is constantly endeavoring to improve and enlarge its monthly publication. The July number contains a great variety of matter and particular attention is called to the three principal articles appearing herein. There is a hope that everyone who receives "TITLE NEWS" reads it from cover to cover every month. It is strongly desired that those who receive the magazine benefit from the effort and talent used in its production.

President Fehrman's article on "Organization, Cooperation and Progress" is something a bit more forceful and interesting than usually found in a treatment of the topics indicated by the subject. The reading of it will be found interesting and profitable.

Any written record of the thoughts of John E. Potter is an opportunity that should be anticipated. Mr. Potter is one of the Deans of the Title Industry and this is one of the outstanding articles written about it.

W. H. Winfree needs no introduction to the readers. He is one of the leading title authorities of the country, a man of versatility, and a citizen in every meaning of the word. His story is very entertaining.

There is probably nothing the Association could present or make available to its members that would be of more value or anticipated than McCune Gill's page of legal questions and answers. Mr. Gill is giving you the benefit of his time, energy and talent in the preparation of these, and announces that this department will be enlarged and improved upon as is evidenced by the showing in this issue.

The showing of distinctive title advertisements under the heading, "Meritorious Title Ads" has aroused more interest and attention than anticipated. Advertising is a subject of attention and concern to those in the title business and this showing each month will spread ideas and show what the other fellow is doing. Send in samples of your ads.

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THE AUGUST "TITLE NEWS" WILL HAVE ANNOUNCEMENTS AND THE COMPLETE PROGRAM OF THE ATLANTIC CITY CONVENTION. WATCH FOR AND ANTICIPATE IT.

# Organization, Cooperation and Progress

By Henry J. Fehrman, Omaha, Neb.  
President, American Title Association

In tracing the history of all worth while movements it is found that a few serious minded men with vision formulated plans which culminated in the final triumph of those movements with a resulting advancement in civilization. Centuries ago the Saviour, with a mission to perform, gathered about him twelve apostles, and from this little following there sprang up other groups and, through organization, Christianity has spread throughout the world and today wields its beneficent influence everywhere. Martin Luther, at first alone and later with his followers, started what finally brought about the great Reformation. Christopher Columbus with a vision of the discovery of a new world set about to interest a few in his plan and, through the organized efforts of his small band, he found America, a country destined from the beginning to lead the world in its humanizing influence. George Washington and his revolutionary followers struck the yoke of tyranny from the colonies and established a republic in this hemisphere. Later Abraham Lincoln and his northern followers drafted the Emancipation Proclamation and thus gave freedom to four million who had hitherto been held in bondage. There are many other instances where order and advancement have resulted from organized effort, which effort was directed by some man, or group of men, thoroughly imbued with the spirit of progress.

America's unparalleled industrial development rests upon the fact of effective organization, combination and cooperation. Every business, trade, profession or calling must be thoroughly organized today. Only a few years ago there was scarcely any organization and, as a result, conditions were chaotic and the greatest accomplishment in any undertaking could not be realized. To assure the success desired in any work there must be thorough organization and complete cooperation between all engaged in the undertaking.

In tracing the history of the American Title Association, I found that a small group of men engaged in the title business, abstracters and examiners, met in Chicago, in 1907, to consider the expediency and advisability of forming a national organization of title men. These men were all of high ideals and standing and thoroughly familiar with the work and the needs of the abstractor. From this meeting, there was formed the American Association of Title Men, now known as the American Title Association. In some states there existed at that time, State Title Associations and others were later formed until now there is a

State Title Association in practically every state in the union.

Part of the time some of these state organizations have been dormant and not functioned as they should. During the past four or five years however, these state associations have been revived and taken on new life and become a power in their respective



**HENRY J. FEHRMAN,**  
President, The American Title Association who gives some forceful expressions in this article, "Organization, Cooperation and Progress."

states. Along with this has come new power and revitalized energy in the American Title Association, and it has in turn helped the state associations in many ways. Every abstractor, examiner and title insurance man now feels pride in his calling, or profession. He wants to improve in his work and wants to better his condition. His condition at the present time is traceable directly to the work of these associations, for without organization such cooperation and progress would not have been possible. Encouragement should be in the heart of every member over the remarkable changes and the continued improvement in title matters. Methods and details of operation of abstract plants have been standardized and modernized. The abstractor today can and does keep as accurate a record of his business as does the merchant.

These associations have made the abstractor and title man alert, progressive and systematic. The title examiner who sits and reads abstracts from various abstracters all day long understands best of all what improvement has been wrought during the past ten years. He can tell whether the abstractor is progressive and painstaking in his work or whether he is careless and does not keep up with the times in which he lives. The finest description of the "Title Examiner" and his work which I have ever read is found in the following words written by Ray K. Hart, title attorney for the Prairie Oil and Gas Company of Kansas.

"I know that the abstractor thinks that the examiner is a crank, but the examiner is helpless. In the interval between the time when Jehovah spoke through his servant, Moses, saying, 'The land shall not be sold forever; for the land is mine; for ye are strangers and sojourners with me,' and there later days when men contend no less unequivocally that the property of them, their heirs and assigns is theirs forever, society has produced many means, instrumentalities and agencies for the maintenance of the rights of those who have, against those who have not.

"Of these, none is more helplessly and abjectly a cog in the machine than the title examiner. The emotions and passions that direct the course of majorities and enrage minorities, pass him by. Whatever considerations may sway legislatures and courts, he proceeds and reverses with them. Where others lead, he follows. He is a gloriifier of regularity, the slave of precedent, the humble defender of rights that are vested. He is in many respects a pitiable figure. Obscurity is his portion, and oblivion his reward. He is neither an inconclast nor a constructionist; neither a comforter, nor a despoiler. Under the law of economic determinism, his services, his independence, his very soul, have been foreclosed upon and sold to the highest bidder, for cash. Routine has destroyed his vision, withered his sensibilities and paralyzed his grasp. From his little niche he looks dispassionately out upon a world conveniently subdivided into sections, townships and ranges. In and upon these, individuals may carry on their unavailing struggles against an implacable fate. Tragedies may be enacted, careers blasted, hearts may bubble over in joy or broken in grief; but no such matters come within the purview of the title examiner. From the fateful day when he first thumbs the leaves of an abstract to the last of his days of usability, he maintains the even tenor of his ways, unaffected by ought but the state of the records. Nature, as such, evokes no transports from him. Rivers, lakes and mountains are but interruptions of platted and surveyed areas entailing confusion and overlapping of descriptions. Shores are either meandered or not meandered.

The maple sapling and the iron post are interesting in so far as they mark the boundry or corner of some owner's domain. The surge of the currents in the rivers and the lapping waves upon shallow beaches suggest either accretion or reliction. He sees no grandeur, hears no mighty cadences, feels no lyric thrills. For him the world is a place of conflicting and interchanging property interests in which he has neither part nor parcel. And, it is well for his master that his mind is not distracted by the outside world. The interests of clients must be guarded. Accordingly, partitioned off from his co-employees, visiting investors and borrowers, ensconced behind statutes, decisions, briefs and plats sits this censor of securities and renders his decisions, as to the sufficiency or insufficiency of titles. No Cerebus of the infernal regions ever guarded portals with greater assiduity and severity than he guards trust funds against insecure titles. In endless succession the abstracts pass through his hands, while he, clothed by his master with limited authority for that purpose, calls for deeds of warranty and quit claim, releases, waivers, affidavits, certified copies, originals and what not. He scents the weaknesses and feels the infirmities in title, impartially calling attention to them all. He diagnoses, but does not heal. He wields the scalpel but applies no balm. His functions are strictly limited but within his sphere he is indispensable."

A titleman must use skill and accuracy in his work and must have the confidence and respect of his client and the public. In the case of Vallette vs. Tedens, 122 Illinois Reports, page 607, the court said: "Persons engaged in the business of making abstracts of title occupy a relation of confidence toward those employing them, which is second only, in the sacredness of its nature, to the relation which a lawyer sustains to his client. Such persons consult the evidences of ownership and become familiar with the chains and histories of title. They handle private title papers and become aware of whatever weaknesses or defects may exist in the legal proceedings, through which the ownership of real property is secured. They should be held to a strict responsibility in the exercise of the trust and confidence, which are necessarily reposed in them."

Relative to the abstracters position in the community and his relationship to the public, Frank P. Doherty, of California, in my opinion one of the most brilliant title men in the country today, on one occasion made the following pertinent remarks, which I fully approve:

"What effort are you making to gain the confidence of your customers and the public? How much time each week do you devote to educating the public in one form or another, of the indispensable need that you are to the community?"

Human beings are not like merchan-

dise. Dealing with the man in the street is a problem in personality and it is through the point of contact wherever it may be, at the counter, over the telephone, through correspondence, or when or where your services may be rendered, that the favorable impressions are created which ultimately affect the prosperity of your business. Your physical assets may be of very great value and may make a handsome showing in your annual

*"Every abstracter, examiner and title insurance man now feels pride in his calling, or profession. He wants to improve in his work and wants to better his condition. His condition at the present time is traceable directly to the work of these associations for without organization such cooperation and progress would not have been possible. Encouragement should be in the heart of every member over the remarkable changes and the continued improvement in title matters. Methods and details of operation of abstract plants have been standardized and modernized. The abstracter today can and does keep as accurate a record of his business as does the merchant. These associations have made the abstracter and the title men alert, progressive and systematic. The title examiner who sits and reads abstracts all day long from various abstracters understands best of all what improvement has been wrought during the past ten years. He can tell whether the abstracter is progressive and painstaking in his work or whether he is careless and does not keep up with the times in which he lives."*

report, but the value of that intangible asset, the confidence and good will of the man in the street may be, and frequently is, the one great element which produces earning power and gives stability to your business.

Many persons engaged in the title and abstract business have reason to regret that there does not always exist a proper sympathy between the title man and the public. Customers sometimes think they are being overcharged and otherwise imposed upon. We are too ready at times to think that the public "kicks" too easily and too frequently. It might be well for us to sometimes put ourselves in the cus-

tomers' place and realize that it is not an unreasonable thing for a man to ask questions and seek explanation about what he does not comprehend, particularly when he is paying out his money. No title or abstract company can afford to be independent of the public. It is the public it must please and look to for its continued existence. No matter how big or powerful your company may be, it is vulnerable. Its very greatness sometimes makes it a bigger and better target, and as far as independence is concerned, the man who runs a peanut stand or a pushcart and only has a five dollar capital investment in his business is much more independent than the title company with millions back of it. If business leaves his corner the peanut man can push his cart along to another location, but the title man and abstracter puts his money into his plant and business and cannot take it with him, no matter what conditions may arise.

There are few businesses which give so many opportunities for a display of courtesy as that of the abstracter and title man. The public is made up of human beings and they all appreciate and enjoy courteous treatment. There is absolutely no excuse for inconsiderate treatment of your patrons, or an attitude toward them of indifference or brusqueness. Every man connected with your business can, by considerate and courteous treatment, do something each day to help to raise you in the esteem of your customers. By lack of courtesy, he may likewise do many things that will daily cause you a great injury. The public does not measure and judge your company by the acts of its president, officers or directors. All of them may be excellent men of high standing in the community, but very often they are known to only to a few of the company's customers. The men and women who act as clerks, telephone operators, examiners, and those who are charged with the duty of receiving the public and giving information are the ones who actually represent your company in its intercourse with the public, and it is through the words and actions of these men and women that the public commends or condemns you.

It goes without saying that in the manner of treatment there should be no distinctions or discriminations in the courteous handling of your clients.

The two dominant, practical words for us to dwell upon today are, "organization" and "cooperation." The title business is thoroughly organized at this time and all officers and committees, in both the State and National Associations, are functioning. With the spirit of cooperation in the heart and mind of every member of the association the perpetuity and the continued growth of the title associations should be assured. The individual members, by working together and aiding each other in every possible way can accomplish much and can not only advance their own interest but can make the associa-

tion a greater power and influence in the title field. Each abstractor and title man should speak of the merits and activities of the association and its various sections on every possible occasion so that the public will be informed as to the merits of the Title Association. With this perfected organization and with the cooperation which I speak of, there is bound to be progress and development, not only in the associations, but in the business of each individual member. You can do much to make this progress and development permanent by making use of the material furnished during the year by these associations. The great development made in Title Insurance since 1876, when it was first established in Philadelphia, has been due to the fact that the Title Insurance companies have made known to the public the advantages of title insurance protection in connection with its real estate holdings. Title Insurance is not usurping the functions of the abstractor and title examiner. Before a Title Policy can be issued there must be a search of the records, or an abstract furnished by an abstractor and this abstract must be examined by a Title Attorney before the policy is issued. It is in fact simply a working together of all three and it really results to the advantage of all.

*"I have faith in the abstractor and the title man, and I know of no period in the history of the title business in which his condition has been more auspicious or promising. We are living in an age when changes are being made in title matters and there will be other changes, possibly radical changes in the future, but with the organization of the various title associations, these changes will be made under the supervision of the members of the association. It will result in better laws and better titles and more desirable conditions for the abstractor and title man. We are, in my opinion, in a new era in title matters, an era, which means much to the title business and those in it."*

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There are men and women of fine thought and of heroic action in the title associations of today and I am sure that they are "progressive" in every sense of the word and they will blaze the way in title matters so that greater development will result. The profession, or calling of the title man, will be placed on a higher plane than it ever has been before. The State and National associations and the members of same will go forward accomplishing greater things and the future growth and expansion of these associations will be assured, and the business of the abstractor and title man will continue to find new avenues for expansion.



A Beach Scene at Atlantic City, "America's Playground," where the 1926 Convention of the Association will be held Sept. 7-8-9-10.

# Title Insurance—A Form of Service

By John E. Potter, Pittsburgh, Pa.

One of the strongest arguments proving that the world is becoming better is the fact that achievement and progress in the business life of today is measured and expressed in terms of SERVICE. The world has been a long time reaching this stage of progress. Ancient history consists of an endless chain of accounts of conquest and conquerors. The names of Cyrus, Alexander, Caesar, Charlemagne, Frederick the Great, and Napoleon, overshadow all other characters in recorded history, yet those men were scourges and pests of mankind who scorned the thought of service. The further advanced the world becomes, the lower these leaders in the ages past will fall in the estimation of the thinkers of the future, except as they have been used as instruments by the Overruling Providence in His plans for the development of the human race; and the higher will be held the truly great who, throughout the long centuries of darkness, oppression and misery, gradually lifted their fellow men out of slavery into freedom, by keeping uppermost the thought of service.

The controlling motive in the life of the Master who founded the religion, which is the chief factor in the world's progress, is contained in the one word SERVICE.

It has taken our modern business world a long time to fully comprehend that the essential feature in the measure of success attained is the character of the service rendered. Any business that is operated solely for the purpose of making money, with nothing else in view, is a failure. The making of money is, of course, a very essential feature, no business will last long which does not make money. But money is not everything. The important distinction as to money is as to whether it is used as a means or as an end. Any honest business enterprise which adds to the comfort or usefulness of man is a service to mankind. But the benefit to the producer depends upon the character and quality of the work performed and the spirit in which it is done. In the quaint phrasing of Jeremy Bentham, "Who sweeps a room as by thy laws doth make the action fine."

This is not a sermon; what I am trying to say is merely good business common sense—the application of the principles of service to business.

But you are asking what connection has this with Title Insurance; well, in my mind, SERVICE is the only reason for the existence of Title Insurance.

If Title Insurance is not rendering an important service to those using it, there is either something wrong with Title Insurance or with the methods used in handling it.

The test is the answer to these questions:

Is Title Insurance needed?

Is it essential in modern business?

Is Title Insurance fulfilling its mission?

What can be done to improve the service rendered?

Title Insurance is still in its infancy, a system which has come into use through complexities and complications of modern life where the changes in the ownership of real estate have



**JOHN E. POTTER,**  
President, Potter Title & Trust Co.,  
Pittsburgh, Pa., and one of the title  
industry's recognized authorities.

become so frequent. In earlier years as a rule, everyone in a community knew everyone else, not only the property owner but also his or her family history and relations. Changes of the ownership of land were rare. The recording system for instruments of title came into use very early in this country and rendered the transfer of the title to real estate a simple proposition. Occasionally there were cases of failure of title through fraud or mistaken understanding or construction of the law, but these cases seldom occurred. Probably the most common causes of land controversies were cases of confusion in the original land grants, but in many cases the land itself had little value in the very early days.

The remarkable growth in population in this country, the heterogeneous character and racial differences in our people, the tremendous increase in property values, the overpowering propensity of the American people, through their Legislative bodies, to en-

act new and untried laws affecting real estate and the rights of ownership, the dangerous practice of creating secret liens, the continued over-ruling of private rights by the Municipality, the rapid rise of corporations and the attempt to restrict and control the ownership of real estate by corporations, all of these and many other new conditions in the life of today have changed the situation altogether. The old system of taking title on faith or, at best, upon the opinion of the family lawyer, is no longer considered as sufficient security and protection for the title to the home or to the party who is loaning the savings of many years upon the security of the title to that home. When one finds it necessary to undergo a serious operation, he goes to the best surgeon obtainable, who has made a life study of his particular trouble, not to the family physician who has always devoted his time to general practice. The average citizen today is applying the same principle in the purchase of land or the investment in real estate securities.

The custom of loaning money upon real estate mortgages has grown almost beyond belief. It has made possible the acquisition, development and improvement of real estate, the building of homes and the development of the individual home spirit which has meant almost everything to our country.

On the other hand, it has given the opportunity for the investment and employment of savings, surplus and reserve funds not only by the individual but also by the savings banks and insurance and trust companies throughout the land.

The growth and development of the vast industrial corporations with the consequent undreamed of increase in land values and the financing of these corporations by bond issues, secured by mortgages upon their real estate, emphasized the importance of the validity of the titles to the real estate acquired by the corporations.

The changed conditions of society and standards of living, the competition in modern life as well as pressure of modern business methods, our complex legal system which, as the years go by, seems to grow more and more complex, made it absolutely necessary that a system be devised and adopted which should absolutely guarantee the validity of the titles to real estate on which so much depends in the life of today. It means that not only must titles be examined by those making a life study of real estate law, but the certificate of title must have behind it ample security to guarantee the title and indemnify the owner or mortgagee against loss. Does not this statement answer the questions "Is title insurance needed and is it a necessity in the business life of today?"

Now, granted that these questions have been answered and that title insurance is not only needed, but essential, as a leading factor in modern business, economic and financial life, and

*"Service is the only reason for the existence of title insurance.*

*If title insurance is not rendering an important service to those using it, there is either something wrong with title insurance, or with the methods in handling it.*

*The test is the answer to these questions:*

- 1. Is title insurance needed?*
- 2. Is it essential in modern business?*
- 3. Is title insurance fulfilling its mission?*
- 4. What can be done to improve the service rendered?"*

*Read Mr. Potter's answers to these questions.*

also even more important in securing the titles to the homes of our country, the practical question for us as title insurance people to consider is—"Is title insurance fulfilling its mission, is it rendering the greatest possible service, which is the only standard by which it can be judged. What can be done to raise the standard and still further improve the service?"

When a title insurance man is asked the question "Is Title Insurance fulfilling its Mission", his natural impulse is to point to the achievements already accomplished, the strides which this new form of business activity has made in the short half century of its existence. It was born in the city of brotherly love in 1876. Now few transfers of real estate take place in a number of the largest cities in the country, unless the title is insured by a reliable Title Insurance Company, and title insurance is fast coming into general use in many sections of our Country. Yet it must be confessed by those familiar with conditions throughout the Country at large that title insurance has a long way to go before it becomes universal, and it will never properly fulfill its mission until its use does become practically universal.

Whenever title insurance has really come into practical use, it has rapidly grown in favor and popularity. The real estate men are the best qualified to testify in this matter and the close relations which exist between the Real Estate Organizations and the Title Insurance Companies in the sections where title insurance is generally used, is the best possible proof as to its practical value.

The largest customers for title insurance are the corporations which are in a position to use it extensively and thus show their practical appreciation of its benefits. There is no question but that title insurance has dem-

onstrated its usefulness and, therefore, that it has a real mission to perform. But I am deeply impressed with the idea that the one reason why title insurance is not growing faster and is not better fulfilling its mission is the fact that many title men do not fully realize that title insurance is primarily a form of service. The more that title men become thoroughly saturated with the thought and spirit of real service and the value of the work which they are doing, the more general will the use of title insurance become and the greater its real value as an essential part of the business life of our country.

This brings us to the real question involved in this talk—What can title men do to further improve the service which title insurance is rendering?

The following are a few suggestions made along this line:

The cornerstone in the foundation of every successful Title Insurance Company must be absolute honesty and square dealings.

The word of a Title Company should be as good as its bond.

Any promise made should be kept at whatever cost.

If a loss should occur, stand by it like men. Do not attempt to evade responsibility by taking advantage of technicalities.

Beware of misleading statements in your advertising matter.

Be sure that the insured understands the meaning and legal effect of all exceptions inserted in a policy.

If your insurance policy does not cover unfiled mechanics liens and the property is subject to such encumbrances, carefully explain to the insured that he must secure an indemnifying policy from a surety company to protect him from such liens.

Be equally careful as to unrecorded taxes, if they are not covered by your policy.

Impress upon the insured the importance of securing accurate and reliable surveys, as Title Companies, as a rule, do not survey property and their policy, therefore, cannot protect as to this point.

All customers should be treated fairly and equally and all charged the same rate for the same service rendered. There is nothing that makes the average American feel more disgruntled than to find that he has been charged more than his neighbor for the same service and he has a right to feel aggrieved in such cases.

Keep ambiguous clauses out of the contract in your policy. Explain to your customer that the clauses in fine print contained in the policy are placed there primarily for his benefit and protection to more clearly define his rights. If you cannot conscientiously make this statement, then adopt a new form of policy contracts.

The preliminary reports on titles should be made as simple, clear and concise as it is possible to make them.

The purpose of a title insurance report is to dispel the clouds, not to be fog the mind. If it is necessary to report serious defects or complications, the statement should, if in any way possible, suggest a method of disposing of the trouble which will be satisfactory to the insuring company.

The important event in the process of the examination and insurance of a title is the settlement of the transaction. Here is the opportunity for real service for here the Title Company, in the person of its settlement officer, comes into personal contact with all parties, the seller and the buyer or the mortgagor and mortgagee. A conscientious, successful settlement officer needs a special endowment of the gift of patience, for often his powers of endurance and long suffering are sorely strained. The settlement officer has the opportunity, by exercising tact, patience and courtesy, to make permanent friends for the Title Company of all parties connected with the transaction. He will be doing much for the cause of title insurance. The title officer will also be rendering real service to his fellow men.

I firmly believe that title insurance should be placed upon a strictly bona fide basis, the same as all other classes of insurance. The State Title Associations should cooperate with their state legislatures in establishing a recognized Legal Reserve against title insurance losses. I do not think that title insurance will ever have or be entitled to its proper standing in the business world until this is done. I believe that it is the part of wisdom for the Title Insurance Companies, through their State Associations to forestall adverse action favored by interests antagonistic to title insurance by meeting the demand for a Title Insurance Reserve in a proper spirit, and as a rule, the assistance of the title people in arriving at a fair and reasonable conclusion will be welcomed by the law makers. My own feeling is that

*"A legal reserve should be required of title insurance companies. Where this is not now required by the state, title companies would do well to meet this demand by initiation legislation of their own to provide for it and thereby forestall antagonistic action from other sources.*

*"Title insurance will not reach its proper standing and respect until this is done. Where not now required, title companies should build a "private" reserve fund by setting aside 10 per cent of premiums."*



a reserve fund, created by setting aside ten per cent of the premiums received, is a reasonable and safe requirement. This reserve fund should be segregated and protected so that it never can be used for any other purpose than that intended. I believe that in states where so far there is no legal authority for setting up a reserve it is an excellent plan for Title Insurance companies to accumulate a reserve against title insurance losses. It will do much in establishing confidence in title insurance in the minds of the general public if it is informed that a reserve for the payment of title insurance losses is being maintained and constantly increased by the addition of a percentage of all title insurance premiums collected.

I do not think that any Title Insurance Company should issue a single title policy upon any single property in excess of its Capital and Surplus. This practice lays the Company open to severe criticism, as it has contracted to do something which its own statement shows it is unable to perform. All Title Insurance Companies suffer in the minds of the general public when any one company fails to keep a contract or contracts to perform something which is, in its nature, an impossibility. The large companies in the large cities are willing to cooperate with the smaller companies in either re-insuring their risks or issuing joint policies with them. This is a form of practical cooperation between the larger and the smaller companies which will prove of great value to both and will do much in aiding to bring title insurance into general use.

It is essential to the growth of title insurance that there be the fullest cooperation between all Title Companies. It is probably not practical to attempt to adopt a uniform National Standard Title Insurance Policy, but it is possible and, to my mind, very important that a standard title policy be adopted by each State Association, which shall be used by the Title Companies in each state which has adopted such a policy. If every Title Company in the various states used a form of policy headed "New Jersey Standard Title Insurance Policy, approved by the New Jersey Title Association", it will mean much in rendering title insurance in any state a state wide institution.

Title Companies have everything to gain by the closest cooperation. Outside of the largest cities, the field in title insurance has been barely touched. It is foolish and childish for companies to compete for business already secured when there is so much virgin territory. I am opposed to the large companies in the large cities competing for business in the smaller places where the local Title Companies are struggling to gain a foothold. Price cutting is inexcusable and nothing is to be gained by those who practice it.

I think that here is a good place to refer to the State and National Asso-

ciations and the inestimable benefit to be gained from them. The State and National Associations have each a different work to do and are helpful and supplemental to each other and not in the slightest degree antagonistic.

I have occasionally heard the remark from title men who have never attended a National Title Convention, "Why should we spend any time or money helping the title men in other states? We do not owe them anything." I have always considered such remarks as merely thoughtless and short sighted, not intentionally selfish. It is only necessary to attend a National Title Convention to realize the fallacy of this statement. Nothing broadens one's views of life and interest in his work as much as meeting people from other sections in similar lines of work, to say nothing of the delightful friendships formed and the pleasure and profit from comparing experiences and problems. The more universal becomes the use of title insurance, the more people will learn of its

*"If a loss should occur, stand by it like men. Do not attempt to evade responsibility by taking advantage of technicalities.*

*"Keep ambiguous clauses out of the contract in your policy. Explain to the customer that the clauses in fine print contained in the policy are placed there primarily for his benefit and protection to more clearly define his rights. If you cannot conscientiously make this statement, then adopt a new form of policy contract."*

advantages and demand it. Every Title Insurance Company in the country would benefit from a nationwide advertising campaign, but such a movement could only be conducted by a National Association. The legislative committee of the American Title Association is doing a wonderfully effective work in connection with the American Bar Association, the National Real Estate Board and kindred organizations in its efforts to secure uniformity in laws affecting real estate in force in the various states. The value of such work is simply incalculable. It would be easy to spend far more than my allotted time in reciting the benefits which the local title people receive from the National Association.

There is little need of taking your time to enlarge upon the practical value of the State Associations. I know that I am fully justified in saying that our Pennsylvania Title Association has developed a strong feeling of comradeship, goodfellowship and cooperation between our members which was not only unknown, but impossible be-

fore the organization of our association; this has been true in all the states where state associations have been formed. Our state associations are the watch dogs and protectors against legislation injurious to the ownership of real estate. I do not mean to say that legislation is purposely introduced which is positively injurious to real estate, but the effect is the same, whether intended or not. The Title Associations are the only organizations which are, from the nature of their business, bound to guard the owners of real estate against the passage of laws which often seriously affect the validity of titles or render possible the creation of secret and unjust liens.

The real value of the service which the Title Associations are rendering in protecting the titles to the homes which are the very foundation of our American civilization, can never be fully estimated.

Title insurance is more than a form of service. It is a real service to our country.

But before closing, there is one other point to which I wish to refer under the heading of SERVICE. The service rendered by Title Insurance Companies so far in this paper has only referred to the external, the service rendered to the public. There is another side to SERVICE, the internal service, that is, the service rendered to the members of the corporation, both officers and employes, those upon whose faithful service the success of the company depends. What has their connection with the company meant to them? Are they sharing in its prosperity? What is being done by the company, so far as it is able to do so, to be of real service to them? Is their relation to the company that of mere machines, to be cast aside when worn out, or are they made to feel that they are part and parcel of the organization? Is a personal interest taken in their welfare? Do they share to some extent in the profits of the company, in addition to a mere livelihood? A thoroughly successful corporation of the present day takes all these matters into account. It is good business to do so, but above all, it is the right thing to do and thoroughly pays in many more ways than mere financial dividends. It is the application of the principle of real service to the members of our own corporate family, as well as to the general public.

I have endeavored in these few somewhat rambling remarks to develop the thought with which I have been greatly impressed ever since the beginning of my own connection with the business of title insurance, that is that the American system of title insurance is a real worth while service. No one should hesitate for a moment to put their very best into it.

It means that not only are the owners of real estate or of investments based upon real estate absolutely protected against loss of their property or of their investments through defec-

tive title, but are also free of all worry over the stability of the title to their home or their investments in real estate or real estate securities, and we all know that worry is one of the curses of the American people.

Real estate is the foundation of all wealth and, therefore, the security of the title to real estate is of the very first importance. The Title Insurance Companies have done much to stabilize real estate values through the system

of insurance against defective titles.

We all have a right to feel that we are performing a worthy work in our day and generation, but it is our duty to do everything in our power to make the service rendered the very best.

#### ANNUAL MEETING OF NEW YORK STATE TITLE ASSOCIATION IN BINGHAMTON.

New York held its usual interesting and instructive convention in the fine city of Binghamton, on June 11 and 12. There was a good attendance to listen to the mighty fine program and enjoy the atmosphere of the meeting.

A very valuable paper on "How Surveying Affects Real Estate Titles" was given by Prof. Earl B. Lovell, of the Engineering School of Columbia University, New York City. Prof. Lovell is an authority on this subject, and gave a most instructive discourse on the part of surveying in land titles.



**HENRY J. DAVENPORT,**  
President, Home Title Insurance Co.,  
Brooklyn, re-elected President of The  
New York State Title Association.

Something unusual was provided by an address by Mrs. Florence Knapp, New York's Secretary of State, who has played such an interesting part in the politics of this staunch old state. Her subject was on the "Inchoate Right of Dower." There is a movement on foot, or rather there is a strong desire to abolish inchoate dower in the state, and Mrs. Knapp was asked to express the opinion of the women of the state on the point.

A fine talk was given by Judge James P. Hill on "Problems of Real Estate Law." Judge Hill not only

told interesting things but presented them in a very entertaining way.

One of the features of the meeting was an address on "Escrows" by Kenneth E. Rice, vice president and escrow officer of the Chicago Title and Trust Co. The subject of "Escrows" was particularly interesting to the listeners, and Mr. Rice is most able to present it. He added to its effectiveness by distributing an envelope of specimen ads so successfully used by his company in advancing the escrow department.

The New York State Title Association has taken an active part in legislative affairs, initiating many laws for the improvement and betterment of laws affecting land titles and real estate matters in general and this work has been most ably directed and done by the legislative committee, with Henry R. Chittick, Solicitor of the Lawyers Title and Guaranty Co., as chairman. Mr. Chittick gave a report on the work of the year and brought much comment and discussion. The report of this committee is always one of the outstanding parts of the program.

Richard B. Hall, executive secretary of the American Title Association attended as the representative of the parent organization.

An enjoyable banquet was held on Friday evening with Ed Doyle of New York City as toastmaster. Mr. Doyle is a past master in that place and kept the evening's program entertaining. There was a general understanding that nothing of shop or a serious nature was to be indulged in and the evening was very pleasant with several good talks and other features of entertainment provided.

Henry J. Davenport, president of the Home Title Insurance Co., Brooklyn, was re-elected president, and this honor was likewise given to Fred P. Condit, vice president of the Title Guarantee and Trust Co., New York, in being chosen as treasurer for the coming year. Steve Evans was continued in his very able capacity as secretary. George B. Davenport, of Brooklyn, was elected vice president of the southern section, Clarence B. Kilmer, of Saratoga Springs, vice president of the central section and W. R. Campbell, of the western section.

#### NEW JERSEY TITLE ASSOCIATION SPONSORS SCHOOL FOR SEARCHERS.

Course of Training for Title Workers Provided.

The New Jersey Title Association has been fortunate in procuring the

co-operation of the New Jersey Law School in the institution of a preliminary searcher's course of ten weeks, beginning July 6, 1926; and an advanced searcher's course of ten weeks, beginning July 6, 1927.

Young men leaving high school may acquire sufficient technical information to enable them to become valuable to Title Insurance Companies in the vicinity of their homes, as searchers, with opportunity of promotion as they advance themselves in a more detailed study of the law.

Members of the New Jersey Title Association in the various parts of the state will undertake to employ the graduates of the two courses, when they have received their certificate from the New Jersey law school, at a minimum salary of twenty-five dollars per week.

Sessions will be daily, except Saturday, from 9 to 11 a. m., tuition being \$75.00 for each course, payable one-half upon acceptance of application and balance Aug. 1.

The preliminary course will deal primarily with forms of instruments and the proper execution thereof; and the advanced course will consist of elementary teaching of the law relative to instruments of title.

Title insurance is growing to such an extent that for some years to come it will not be difficult for students who have taken the courses above offered to find employment. These courses will only be established if forty enroll by June 15, 1926.

#### VICE PRESIDENT WOODFORD MOVES TO SEATTLE.

The many friends of Jim Woodford, vice president of the American Title Association, will be interested in knowing he has located in Seattle, Wash., and will be president of the newly organized Lawyers and Realtors Title Insurance Co., the organization of which is told in the Miscellaneous Index.

Jim began his active career in the title world with the organization of the Title Guarantee & Trust Co., of Tulsa, with which he has been associated ever since. He was not only known as a title authority but established himself in a place of high esteem for his practice in the federal courts of Oklahoma and particularly in his work as receiver for various corporations.

He may know that everyone wishes him great success in his new enterprise.

### IOWA ASSOCIATION MEETS IN CEDAR RAPIDS.

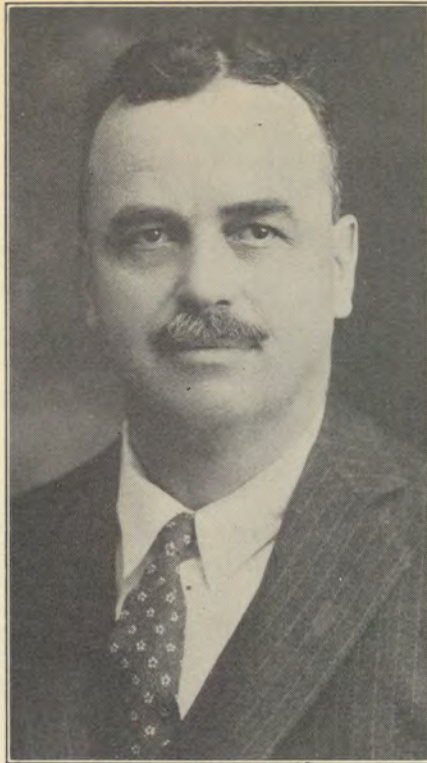
The Iowa Title Association held a very interesting convention in this progressive city on June 3 and 4. The program was one of the most instructive and valuable of any of its meetings. Considerable interest was manifested in title insurance as several of the abstracters in Iowa have recently formed a connection with the Southern Surety Company of Des Moines and had a surprisingly profitable and quantity of business even though it has been the introduction of something entirely new.

Jansen Haines and A. H. Rutgers, both of Des Moines, gave very interesting talks on title insurance.

Henry J. Fehrman, president of the American Title Association, was a visitor and gave an interesting talk on organization and the benefits and purposes of the state and national title associations.

Another interesting talk was given by John J. Wagner, attorney of Cedar Rapids, on "Unusual Real Estate Transactions."

There were several mighty fine addresses and papers on technical subjects that every title man in the state should have heard. They were "Bankruptcy" by Haven Y. Simmons, attorney of Cedar Rapids; "Land Contracts" by W. L. Crissman, also of Cedar Rapids; "Uniform Abstracts and Title Insurance" by Varick Crosley of Webster City; "Lis Pendens" by R. J. Smith of Montezuma and "Idem Sonams" by Ed. Malmberg of Newton, the last three mentioned speakers all being veteran members and workers of the Iowa Association. A fortunate thing is in the fact that the Iowa Association publishes complete reports of its annual meetings and all of this valuable information will thus be available in a permanent and printed record.



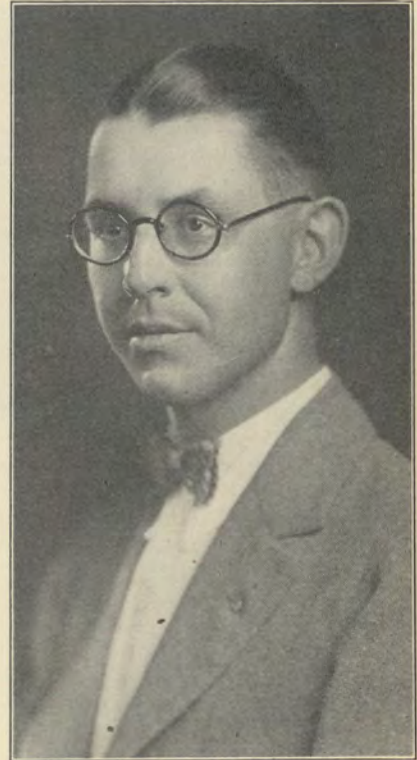
O. N. ROSS,  
of Sioux Abstract Co.,  
Orange City, Iowa.

Elected President of the Iowa Title Association.

One of the features of the Iowa meetings is the banquet and entertainment always provided by the local hosts. This year was no exception and it was especially entertaining and made the visit of those in attendance most pleasant. The realtors of the city took the crowd for an auto ride over the city during the first afternoon. The banquet was fine and much entertainment given. Theatre tickets were provided and all attended a theatre party afterwards. The Cedar

Rapids hosts, headed by F. J. Stepanek of the Lynn County Abstract Co., are deserving of special commendation for the fine time provided.

The following were elected officials for the coming year: O. N. Ross, Sioux Abstract Company, Orange City, Iowa, president; Ralph B. Smith, Keokuk, Iowa, vice-president; John R. Loomis, Loomis Abstract Company, Red Oak, Iowa, secretary; Mary A. Matt, Boone County Abstract Company, Boone, Iowa, treasurer.



JOHN R. LOOMIS,  
of Loomis Abstract Co.,  
Red Oak, Iowa,  
re-elected to give another year's good  
work as Secretary of the Iowa Title  
Association.

## THE MONTANA ABSTRACTERS ASSOCIATION

*will meet in Convention in*

**GREAT FALLS—JULY 26-27**

*Headquarters - Rainbow Hotel*

*Every member of this Association should be present. A fine program has been arranged and an enjoyable time will be had. There are some matters of concern to the welfare of the abstract business of this state that demand attention from those in the business.*

# LAW QUESTIONS AND THE COURTS' ANSWERS



Compiled from Recent  
Court Decisions by

## McCUNE GILL,

Vice-President and Attorney

Title Guaranty Trust Co., St. Louis, Mo.

*Does a description meandered along the side of an alley, convey the fee in half of the alley?*

Ordinarily it does, but held not to so convey if the grantee is also expressly given an easement over the alley. *Vanderbilt V. Williams*, 280 S. W. 689 (Tennessee).

*Is a liquidated damage clause in a real estate sales contract enforceable?*

Held to be merely a penalty and enforceable to the extent of actual damage only, in a provision for \$500.00 liquidated damages for failure to carry out an exchange of property worth \$8,500.00. *Knaus v. Lindsey*, 280 S. W. 713 (Missouri).

*Does a tax deed convey oil reserved in a farm deed?*

No. *Norman v. Lewis*, 130 S. E. 913 (West Virginia).

*Where property is leased to conduct a certain business only, is lease cancelled by failure to obtain license to conduct that business?*

Yes. *Raner v. Goldberg*, 213 N. Y. S. 345 (New York).

*Does a power of attorney from husband to daughter "to execute conveyances to property owned by husband," authorize joinder with wife in deed conveying wife's property?*

No. The deed is void both as to husband and wife (where wife's land can be conveyed only by joint deed). *Phillips v. Lowenstein*, 107 Southern 350 (Florida).

*Is a remainder after a life estate to "the rest of my children then living or their heirs" vested or contingent?*

Contingent and hence a deed from the life tenant and all his brothers and sisters does not convey an indefeasible title. *Vassar v. Vassar*, 131 S. E. 647 (North Carolina).

*Is a mortgage executed by a son of "all interest to which he is entitled" in land owned by his living father, good or not?*

Void. Even where son warranted that he was the owner in fee. *Avon v. Commercial*, 207 N. W. 655 (South Dakota).

*Does an enclosed sun parlor violate a building line restriction?*

Yes. But an open porch does not. *Burns v. Terzian*, 207 N. W. 913 (Michigan).

*Is a mechanic's lien under a contract signed by husband alone, good as to land held as tenants by entirety?*

No. Not good as to either husband or wife. *Zounes v.*

*Dassias*. 207 N. W. 868 (Michigan).

*Is a deed by one having no record title and not asserting any claim, a cloud on a title?*

No. *Daivs v. Stokes*, 107 Southern 76 (Alabama).

*Can there be a homestead right in an undivided interest?*

Yes. *Ariske v. Werner*, 207 N. W. 578 (Iowa).

*Is a mortgagee compelled to lend the abstract of title to the mortgagor?*

No. Not even where mortgagor wishes to use it to obtain new loan to prevent foreclosure. *Custer v. Kraeger*, 280 S. W. 1035 (Missouri).

*Can the privilege of hunting and fishing be conveyed separate from the fee?*

Yes. It is a profit a prendre. *St. Helen v. Mogle*, 207 N. W. 915 (Michigan).

*Is a duplex or two family house a violation of a restriction against any but a "private residence or dwelling house"?*

Yes. *Ward v. Prospect*, 206 N. W. 856 (Wisconsin).

*Does a reservation of "all mineral, coal, iron, etc.," reserve oil and gas?*

Yes. *Norman v. Lewis*, 130 S. E. 1913 (West Virginia).

*Is a judgment docketed against "A. N. Pearson" notice that it is a lien against Nels Pearson or Andrew Pearson?*

No. *Breyer v. Gale*, 207 N. W. 46 (North Dakota).

*Is an assignment of royalties from any future oil lease, a violation of the rule against perpetuities?*

Not in Kansas. *Miller v. Sooy*, 242 Pac. 140.

*If a mortgagee fraudulently releases the mortgage after he has sold the notes, does a subsequent purchaser of the land take free of the mortgage?*

Yes, and the assignee of the mortgage and notes, even though they are negotiable, must lose. *Federal v. Corinth*, 107 Southern 88 (Alabama).

*Is a trust to pay income to three beneficiaries or the survivors, good?*

Not in New York as to part beyond two lives. In re *Buttner's Will*, 213 N. Y. S. 268.

*Does a will describing "all personal property including household furniture with power to sell everything" and not mentioning real property, act as a devise of land in fee?*

It was so held in *West v. West*, 213 N. Y. S. 480.

*Is a description in a contract of sale giving house number only, good or not?*

It is good. *Franklin v. Welt*, 131 Atl. 585 (New Jersey).

*Can mortgage notes that have been taken up, be reissued and the lien of the mortgage continued?*

Not if the mortgage was to secure a definite debt, but can be reissued if mortgage was to be collateral to any future loan. *Mente v. Levy*, 107 So. 318 (Louisiana).

*Is restraint against marriage of testator's widow good? Of widow of testator's son?*

Good in both cases, and shift over is valid. *Wilmington v. Houlehan*, 131 Atl. 529 (Delaware). *Anderson v. Crawford*, 207 N. W. 571 (Iowa).

*Is maintaining bill board on vacant property adverse possession? Pasturing cattle?*

Neither is adverse possession. *Burton v. Holland*, 278 S. W. 252 (Texas). *Kern v. Nighbert*, 241 Pac. 915 (California).

*In a description where the course and the distance do not correspond, which is superior?*

The course. *Barker v. Houssiere*, 106 So. 672 (Louisiana).

*Is a title subject to possibility of debts against decedent, a marketable title?*

No; and purchaser cannot be compelled to accept it. *Dutton v. Buckley*, 242 Pac. 626 (Oregon).

*A devise is to testator's widow for life, to revert upon her death to testator's only son and heir "if he be alive or to his heirs if he be dead"; what estate did the son take?*

A contingent remainder; and not a vested remainder nor a (vested) reversion. *Brown v. Guthery*, 130 S. E. 836 (North Carolina).

*Where a testator specifically devises land to grandchild, but sells it in his lifetime, does the grandchild take any interest in that or other property?*

No, he cannot take as devise, because the sale was a revocation of the devise, and he cannot take as heir because he is not "omitted or unprovided for." *Fraucher v. Bouchard*, 131 Atl. 556 (Rhode Island).

*Do streets running to water's edge, extend to new water line after river is partly filled?*

Yes. *In re Lands*, 213 N. Y. S. 486 (New York).

*Where a devise is to a son, but*

*if he dies without issue, to his brother, does the son's wife have dower if there are no children?*

Yes; because his estate is a fee even though a defeasible one, and actually defeated by failure of issue. *Alexander v. Fleming*, 130 S. E. 867 (North Carolina).

*An owner of land, using it as a public garage, mortgages it, and his wife joins in the mortgage; is this good?*

Not in Texas; it is his "business homestead." *Wooten v. Bank*, 281 S. W. 196.

*Is a signature by mark good without witnesses?*

Good unless statute expressly requires witnesses. *Tyson v. Mayweather*, 281 S. W. 1 (Arkansas).

*Where life tenant has power to sell and use the proceeds, but does not, can his creditors have the property sold after his death?*

Ordinarily not, but they can in some states by statute. *In re Davies*, 151 N. E. 205 (New York).

*A deed conveying land reserves a life estate in the grantor; is this objectionable as testamentary in character?*

Not if the deed is to take effect at once, is delivered unconditionally, and the grantor retains no control over it. *Oard v. Dolan*, 151 N. E. 244 (Illinois).

*Is an oil lease on royalty, a lease, or a sale?*

A sale of the oil as real property. *State v. Hatcher*, 281 S. W. 192 (Texas).

*Can a state lease for 99 years, parts of the former bed of the Great Lakes, left dry by reliction?*

Yes; even to private persons as homes. *Nedtweg v. Wallace*, 208 N. W. 51 (Michigan).

*Property is devised to a nephew "for life with remainder to his children or issue but if none" to other relatives "for life with remainder to their children"; who are necessary parties to a suit praying decree of sale for re-investment?*

The nephew and all of his living descendants, and the other named relatives and all their living descendants. *In re Young*, 151 N. E. 218 (New York).

*Is a description good that omits the county?*

Yes; good if other parts of description, such as the township and range, show which county was intended. *Tyson v. Mayweather*, 281 S. W. 1 (Arkansas).

*Is a foreclosure of a mortgage under power of sale, during bankruptcy, good?*

If consent of referee is obtained, sale is good; if consent is not obtained it is doubtful, the U. S. Courts' decisions being in conflict on this point. *In re Smith* 3 Fed. 2nd, 40 (good); *Cohen v. Nixon*, 236 Fed. 407 (bad).

## Experiences of an Abstracter in the Legislature

By W. H. WINFREE, Spokane, Wash.

The legislator who is an abstracter is no different from the legislator who is a lawyer, or a doctor, or a lumberman, or a merchant. Every profession and every business makes its impress on the man or woman engaged therein and a person's calling is reflected in everything he does. The abstracter is by his training careful and cautious. He takes nothing for granted. I do not say that his caution leads him to become suspicious in the sense that he questions everyone's motives, but it does make him suspicious in the sense that he questions the correctness of everything. My wife says that I have become so careful and cautious that whenever anyone is saying anything to me, my facial expression represents a question mark.

Very few abstracters have been members of the legislature, that is members of the first and second houses; but most abstracters, yes, I believe practically all, have been members of the third house. Our business makes us interested in laws and law-making. Tract Index bills and Torrens laws have made it necessary at times for us to take an active part in the proceedings of the third house. The fear of these laws, and others laws affecting our business, has made us follow closely the proceedings of each legislature.

For many years I have kept track of each bill introduced in our legislature, and have spent many days in Olympia "lobbying," if you please, for or against a bill. I thought that that experience gave me a knowledge of the workings of the legislature, of some of the motives prompting the acts of each legislator, and of the groups into which the members formed. Each of you have had much the same experience as I in that regard, and I take it that each of you feels sure that you understand the motives and method of procedure of the legislators and the legislature.

Members composing each new legislature may have been different from all others, and its method of procedure may have been different, but I do not think so. From my experience in the last session, as a member of the lower house, my opinion of the individual members and of the legislature as a whole, is very different from what it was theretofore, and I want to say, and to say with emphasis, that my estimate of practically every member of the last legislature, and of the legislature as a whole, is of the very highest order. My sympathies today are with the legislators, and the great wonder to me now is that we get as good results from the legislature as we do.

Consider the task before the legislature. Every two years for sixty days

there are gathered together 97 members of the House of Representatives, and 42 members of the Senate. Subject to constitutional regulations and limitations, the legislature may repeal any existing law, and enact new laws. Most of the members are strangers to each other, and practically none of them, it might be safe to say not one of them, has ever studied law-making. I include lawyers in this list, for the study of the interpretation of a law



W. H. WINFREE,

President of the Northwestern Title Insurance Co., Spokane, Wash., one of the country's recognized title authorities, and one of his communities most active citizens. He tells some interesting observations and conclusions in this story.

and the understanding of existing laws does not mean that such a person is competent, or understands how, to frame a new law.

The lawyer's experience helps him in ascertaining whether there is a conflict between present laws and a proposed law, and helps him to determine whether a proposed law is constitutional. He has been trained in the legal meaning of words and phrases, but he has never studied law-making. I am firmly of the belief that one to be a competent law-maker, should study the subject with the same care he studies any business or profession. Law-making is an art. Blackstone said in substance that it was regarded as necessary by everyone to devote time

and study to the understanding of any business or profession which one proposed to enter, except that of law-making, and that every citizen not only thought, but knew, he was a competent law-maker. This lack of knowledge of the subject and full assurance by every citizen that he is a competent law-maker, stimulates every citizen to propose remedies by some law to cure every ill, real or imaginary.

Consider now these men coming together, unacquainted with each other, and unfamiliar, in a large measure, with law-making. They must be organized and dispose of the work in sixty days. How many of you would undertake the gathering together of a green crew from all parts of the state, and start and finish any kind of business or undertaking in that time? Would you expect satisfactory results?

Law-making is a serious business. No careful lawyer will undertake to give an opinion on practically any law until he has had days to investigate it, and yet every legislator is supposed to become intelligently advised in a few moments on every bill presented.

The 1921 session passed 191 bills. They embrace 750 printed pages. Besides the 191 bills enacted into laws there were something like 800 bills introduced which did not become laws. The legislator is expected to give the same consideration to the bill which is defeated as to the one which becomes a law. So that in addition to the 750 printed pages of laws, the bills introduced, but which did not become laws, would have required about 3,000 pages of printing. Think of considering and acting on 3,750 printed pages of proposed laws in sixty days! You will get some appreciation of the task before you when I tell you that one bill, the Anti-Alien Land Ownership Bill, is printed in four pages of our session laws, but I spent a day for each page thereof in the library studying various phases of this bill.

Can you not see that it is utterly impossible for any member of the legislature to get even a smattering of a small fraction of the bills introduced? I am firmly of the opinion that one of the first things that a legislator must learn is that which every member of any team or organization must learn, namely, that he must place some reliance on his co-workers. I believe it is harder for the abstracter, because of his training, to place reliance on others than it is for the man in any other business.

The next handicap on every member of the legislature, and on the legislature as a whole, is the impression that everyone has of one who runs for the legislature. That impression is that no one goes to the legislature except to gain a personal advantage. That impression is so general that it becomes imbedded in the mind of every legislator, and he has the feeling that at least every member except himself came there for personal gain. When

such a suggestion is so frequently made, you inquire into yourself, "What did I come here for," and if you had no thought other than that of serving the public, the thought may begin to take root that "Probably everyone is here for some personal gain, and perhaps it is proper that I should accomplish something of benefit to myself or my business."

I well recall that as soon as I filed for the legislature nearly everyone I met asked me what I was after, and I remember well that just after my election one of our prominent citizens stopped me on the street and said, "Winfree, now you are elected, tell me what it is that you want, what are you after." I told him that I had always had two ambitions, neither of which had ever been gratified, one was to serve on a jury, and the other was to be a member of the legislature. My answer silenced him but I could see he was not convinced. This thought makes every member of the legislature suspicious of every other member, and makes him question the act of every member. The belief that most legislators go to the legislature for a special purpose is not, I believe, true. Many go for that purpose. But this impression has more advantages than disadvantages. It is well that every member of the legislature should look with suspicion on every bill introduced. It is well that every member of the legislature inquire if every bill is not prompted by some special interest. And you cannot depend on the fact that the introducer of the bill is in no way connected with the special interest. He may be from a so-called "Cow" county, far removed from the influences back of the bill. Every legislator, therefore, has to be "shown." I believe all agree that it is better for many good measures to be defeated than for one poor measure to be passed. The result is that the committee of the body in which the bill is introduced, and to whom it is referred, must be convinced of its merits, then that body must be convinced, then the committee of the other body to which it is referred must be convinced, then that body, and the Governor must be convinced. If you cannot convince each of these committees and bodies and the Governor that a bill should become a law, then the measure is defeated, and it is well it is so. We are burdened with too much, rather than too little, law. One may be sick, may need medicine, but not every nostrum, nor the prescription of every quack, will give relief. It is better to take the burdens arising from known conditions than to seek relief in untested and untried laws.

Bear those ills we have than fly to others we know not of.

Witness the Utopia for the working man mapped out by Lenine and Trotsky. We are all hobbyists and theorists. Each of us is sure that all the ills of life may be removed by the enactment of our pet measure. I say each of us

advisedly, for in my experience in the legislature practically every citizen has some "cure-all" remedy in the form of a law. Many such laws were proposed to me; some of them I readily saw the weakness of, and not infrequently in calling the proponent's attention thereto, the expression was "Oh, I hadn't thought of that." It would be well if we could turn back to the days of our forefathers and study the reasons for their coming to this country, one of which was to get away from laws and law-making, to get away from regulations, to encourage individualism, to encourage freedom. I believe that history shows that the downfall of almost every nation and every country is because of too many laws and too much regulation. I many times think that our country is headed in that direction.

Another change of view that I have had is as to the lobbyists and lobbying. It may be that in earlier times the lobbyist was a bribe giver and that bribery influenced the passage of many laws and the defeat of bills, but my experience in the last legislature was that the lobbyists rendered to the legislature the same assistance that the lawyers do to the courts. Public hearings are had in committees, when arguments for and against bills are presented, and the consideration thereof is generally on the merits of the bill. The lobbyist who is opposed to a bill presents the weak points thereof; the lobbyist who is for the bill presents the advantages thereof; and nearly all bills have lobbyists for or against them. Not infrequently they talk with individual members of the legislature. This may be effective at times, but measuring my activities and recollections as a lobbyist, with my experiences as a legislator, I am firmly of the opinion that the most effective work is done by appearing before a committee. Mr. Booth and I went to the legislature with reference to a proposed amendment to the insurance code affecting title insurance companies. I know he will bear me out in my statement that we were given a most cordial reception and a careful hearing by the Insurance Committee of the Senate. There was argument for and against the proposed amendment and our presentation of the matter was received with the same consideration that a court considers the arguments of attorneys. The result was most satisfactory. I believe that lobbyists prevent a great deal of ill advised legislation, and the best bills are those proposed by those specially interested therein and opposed by those who consider they will be affected adversely thereby. The Trust Company Act, the Banking Act, the Insurance Code, the Irrigation Code, were all proposed and advocated by those specially interested. They were specialists in their line. It is not an easy matter to get a bill passed without the aid of those having a special interest in the measure. My experience is that most of the lob-

byists are high grade men, and men who appealed to the reason in urging the passage or defeat of a measure. These men were helpful to the legislators. Those who would be affected by a law are in a position to know and to point out its advantages and disadvantages. Occasionally ill advised measures become laws because the legislators are unable to see or discover the ill effects of the measure.

It is very, very much easier to defeat a bill than to get it passed. It is certain that less than twenty-five per cent of the bills introduced are going to be passed. It is impossible for any legislator to make a thorough study of every bill proposed. As I have said, every legislator is suspicious of every bill proposed. He questions the motives back of every bill and ordinarily, in case of doubt, votes against the bill. To get a bill through requires constant watching and pressure from the moment the bill is introduced until it is signed by the Governor. Not infrequently, strong opposition to a bill by special interests will help it on its way, as will strong support of a bill by special interests kill it. It is my belief that we may well study this situation with reference to all legislation proposed which affects our business and consider if, when such a measure is proposed, it is not unwise to send a large group of lobbyists to Olympia in opposition thereto. Let me illustrate. You all know that the late Senator Hutchinson was a strong advocate of the Torrens system and was constantly trying to find some way to lessen the cost of evidence of title. I believe it was one of his hobbies. At the last session he introduced a bill making the Torrenization of titles compulsory. He said that as soon as the bill was introduced the lobbies would be filled with abstracters. I cannot state his language in his reference to me and my company, but it was to the effect that he would put us out of business. A number of such statements came to me. Abstracters wired and wrote me in regard to the situation. I was satisfied that many of the people who came to see me in regard to the bill were messengers from Senator Hutchinson. I advised the abstracters to stay away from Olympia and I told all who came to me in person that, as president of one of the title companies, and a large stock holder therein, I would welcome the passage of the bill; that every title Torrenized would require two continuations of the evidence of title and the effect would be an increase in the business of the abstract companies and a volume of business which no real estate boom ever dreamed of would produce. Senator Hutchinson seemed to have lost his enthusiasm as to its passage and it was indefinitely postponed. If a strong lobby of abstracters had gone to Olympia the impression would have been very general that the bill would have hurt us or we would not have been fighting it.

Since Washington became a state,

thirty-two years ago, there have been seventeen sessions of the legislature. In that time only a handful of title men have been members of the legislature. During all that period the abstracters have not, either singly or in the aggregate, sought or backed any constructive legislation either substantive or remedial. They have always been on the defensive. I suggest for your consideration if we have not by our attitude and action—or rather inaction—encouraged the belief that profession imposes an unnecessary burden on the transfer of property; that we are parasites, an evil, which all agree should be removed, the only disagreement being the method of the removal and the substitute for our product.

I suggest that we consider whether we shall continue in this attitude. If so, I have already expressed my opinion as to the best way to meet the attacks made on our business.

For my part, I believe that the public should be better advised as to our business and our methods, that we should anticipate opposition and allay the antagonistic feeling which seems to lie dormant in the minds of most, and active in the minds of many people.

It is further my belief that one of the best ways of bringing to the attention the importance of our work, the benefits which the public get from our work, and the essential cog which our business constitutes in the present day business machine, is to initiate some reform in matters pertaining to real estate titles. Not reforms which will produce dollars for our business, not the so-called reforms which many of the unions and associations advocate, which are nothing more or less than the strengthening of the union or association and the businesses represented in such unions and associations at the expense of the public, but reforms which will benefit the public, and probably at some present pecuniary loss to ourselves.

Who knows better than the abstracter and title man the improvements which can be made in the recording system and the method of evidencing titles? I have said that which you know, namely, that practically every law enacted by our legislature is sponsored by the class interested therein; our irrigation codes, insurance codes, banking acts, saving and loan society act, uniform negotiable instrument act—these are all the result of the activities of those directly interested therein. But the public is benefited by each of these measures. I know of no other business or profession representing such a large class as ours that has never advocated any constructive legislation. Consider this matter and, if you think well of it, I suggest laws along the lines of the two bills introduced by me.

The first of these would enable husband and wife by a simple paper, no

longer than a banker's check, to save the necessity of a probate on the estate of the one who died first and on the community. It was not the intention to make the law compulsory but to leave it optional with husband and wife to adopt this method of allowing the successor to take the entire community property and the separate property of the deceased spouse.

The other bill would make the record title not only constructive notice but the whole evidence of title. It would do away with affidavits as to marriage status, suits to quiet title, many probate proceedings, and simplify real estate transactions. As the Bar Association of Spokane County truly said, if this bill became a law the transfer of titles to real estate would

be as simple as the transfer of titles to personal property. With such laws on the statute books I am fully persuaded that we would hear nothing more about Torrens laws or tract index bills. The delay and expense incident to defective titles would be a thing of the past, and those are the things which bring odium to the present system. I will go more into the details of these bills if you decide we want to take up some constructive legislation. There may be, and probably are, other and better measures, but the point I invite your attention to is whether we are going to continue on the defensive, or whether we are going to become a live, moving body bringing forward improvements which are essential to progress.

## Abstracts of Land Titles—Their Use and Preparation

*This is the twentieth of a series of articles or courses of instruction on the use and preparation of abstracts*

### Probate Court Proceedings.

There are many kinds of proceeding had in the probate courts. They are given different names than "probate courts" in some places but we now refer to those cases dealing with the estates of minors, deceased, and incompetent persons.

The lawmakers and courts of all countries throughout the ages have distinguished from real and personal property, and how it may be acquired, kept or disposed of. The law has always, does now and probably always will through entanglements around real property and especially the real property rights of deceased persons, minors, and those suffering from disabilities of one kind and another. In other words, their real estate cannot be disposed of, or they be deprived of their real property rights without certain procedure under proper restrictions and jurisdiction. This brings about the necessity for a place where such persons' estates may be handled under laws prescribing how it may be done. Some states provide certain courts where this is done, while others throw them into the work of the regularly established civil courts.

There are several classes of estates, with different ways and means of their being handled. Probably the most common is the administration, or the intestate estate where the deceased died without a will and his property is subject to the laws of descent and distribution. The laws define that the debts must first be paid, and the residue distributed to those entitled to it, and further prescribes that this shall be done within a certain length of time and by a party appointed by the court to administer the estate. In such a case, the real estate can only be sold within the period of administration through special proceedings

and for certain reasons as prescribed by statute, namely to raise money for the payment of debts, and if not sold within the statutory period of administration, then it goes to the heirs and they can tell it thereafter, by a deed signed by all the heirs, who can divide the spoils, among themselves, after the sale.

The other class of a deceased person's estate is where a will has been left, a testate estate, directing the disposition of property, designating a person to act as the agent of the deceased, and authorizing him to do certain things, usually giving him power to sell real estate. If the will does not name some one, or if the one named as executor cannot serve, then the court appoints one. This executor handles the affairs of the estate within the statutory time, divides and disposes of the property, settles the estate, is discharged when all is done, and the business closed. Certain pieces of property will be left to certain heirs in the will, and that person can then sell it direct and unhampered unless so provided differently, and no court proceeding is necessary—the will itself being the conveyance to the grantor, and his authority to dispose of it.

Other property belonging to the estate than that given in specific bequests, can be sold by the executor under power granted in the will, and if not granted this power, then by special authority of the court.

### Estate of Minors.

Minors' estates are given careful attention in order that their property rights may be protected. All states have special laws for them. Minors' estates come through either testate or intestate estates and whether children, grand-children or heirs by devise from someone's will, and also by reason of



inheriting by law of descent and distribution.

Property acquired by minors, whether by descent and distribution, or by will, may remain in their ownership and possession for only a short time, for a period of years, or until after their majority, but anytime the property of a minor is sold, it must be for a certain purpose as prescribed by statute and requires a special proceeding in court.

The court appoints a suitable and competent person to manage the affairs of a minor, called a guardian, who handles the property of the estate until the one or more minor heirs of a person become of age, when he is discharged.

#### Incompetents.

The estates of incompetents are also handled by a guardian appointed by and under the jurisdiction of the court, and who serves until relieved by the court for a successor or the disability removed from his ward. The laws are even more strict in protecting the rights of these unfortunates, such as imbeciles, insane and feeble persons, or any not competent to handle their own affairs.

#### The Procedure.

The nature of these estates and the steps in them are comparatively similar. In estates of deceased persons, their death is first established and a declaration of heirship set up. In intestate estates, the court appoints an administrator, who is someone usually asked for by those interested in the estate; he qualifies by oath, furnishes bond to secure his acts, a notice of his appointment and the establishment of the estate is published in some paper as required by law, he makes annual reports, collects the monies due, pays the debts and, at the end of the statutory period, files a final report, asks for his discharge, publishes a notice that the estate is going to be closed, and is relieved by the court from further duty after a hearing and things are found regular. The courts in most states, too, will make an order adjudicating and finding as to who are the heirs of the estate.

If the administrator of an intestate estate wants to sell real estate, he petitions the court for a hearing to sell, the hearing is had, the court makes an order of sale, notice of the sale is had in a newspaper, the property appraised by the appointed appraisers, the sale had and the real estate sold at either private or public sale, the report made to the court, the sale approved and an administrator's deed executed, conveying the land to the purchaser.

In a testate estate, death of the decedent is established, his will filed, a petition made that it be accepted for probate, and an executor appointed. The court will have a hearing, the will will be proven by its witnesses, the court will order it to probate and

the executor appointed. After taking oath, qualifying and making bond if required, notice of his appointment and the establishing of the estate will be published, and he will serve until the estate is administered in the statutory period required by law.

If the will gives him power to sell real estate as most wills do, all properly drawn ones will, he can dispose of the real estate not given in special bequests.

At the end of the time for administration, he will wind up the affairs of the estate, disburse the property among the heirs and be relieved by the court.

In the estate of minors, their status of heirship will be established, the guardian appointed, he will qualify by oath and bond, and then proceed much the same as the administrator of an intestate estate, disposing of real estate only for the payment of debts, education, support or betterment of condition of said minor or minors, and through a proceeding under the direction of the court as in an intestate estate. When the minor becomes of age, he makes a final report, is discharged by the court, and the minor comes into his own.

Estates of incompetents are handled much the same except that the adjudication of their disability must be established, which is by a hearing in court, and an appointment of a guardian after they have been declared suffering under some disability. Their affairs are handled under authority of the court, the guardian making reports and acting until discharged either by the removal of their charge's disability, or their death, in which case the estate becomes that of a deceased person and is handled accordingly.

The next installment will take up

in detail the preparation of abstracts of some of these kinds of estates.

#### NEW MORTGAGE LAW.

Provision of the Michigan act in regard to foreclosure of mortgages which required the service of process or notice upon the occupants of land included in the action has been repealed by action of the legislature at a special session recently closed. A substitute act has been passed which provides for notification through publication in a newspaper published in the county where the premises are situated, and the serving of a copy personally upon the individual in charge, or the posting of a copy conspicuously upon the premises themselves.

The Michigan Real Estate Association initiated the movement for the change.

#### OKLAHOMA TITLE ASSOCIATION DISTRIBUTES REPRODUCTION OF PRIZE ABSTRACT.

The Oklahoma Title Association has reproduced copies of the winning abstract in its abstract contest held at the 1926 convention.

This was conducted along the plan of a model abstract contest, formerly described in Title News, where a set of instruments is furnished each contestant by the state association, making for uniformity and equality in the contest.

The winner was the Cherokee Capital Abstract Co., of Tahalequah, and it can well be proud of its product.

Chorus Girl: "What would your father say if he knew you had me out in his car?"

Reggie: "You might ask him. He's in the back seat with a bathing beauty."



Reprinted through courtesy "Virginia Realtor."  
"FLAW IN THE TITLE."

# TITLE NEWS

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Richard B. Hall, Executive Secretary  
Title & Trust Bldg., Kansas City, Mo.

JULY, 1926.

## Editorial Entries

Much has been thought, said and written about the relation between the abstractor and the examiner. There is a relation—a very close one, and of such a nature that it behooves each to be considerate of the other. This means that they should have a mutual understanding of each other's part in the work the other does in the business of the evidencing and approving of land titles.

The examiners have been and are both the helper and friend of the abstractor and the "thorn in his side." The competent, conscientious abstractor experiences no trouble from the competent, conscientious examiner—each is a help to the other. But the real, recognized examiner contends with a whole lot from the narrow or incompetent abstractor, and vice versa it can be said that the patience and broad mindedness of the best abstractor in the world is sorely tried by the over-technical provincial examiner. In many cases it comes to near blows.

This much can be said for the examiners—that they have their side, and they too have done much to raise the standard of abstracting. In many times they have certain things to demand to fulfill requirements of those who will re-examine their work; (and who, by the way, may not be as well qualified to pass on titles as the local man) that they have any and all kinds of abstracts to examine; (for it seems that few loan companies care who makes their abstracts, competent and well-equipped abstractors or curbstoners) that the law is a mass of legal entanglements and ever-being-handed-down opinions and their minds cannot always run in a consistent line; that responsibility is placed upon their opinion—their interpretation of the law, and they have to stick by their requirements.

So much for their side, now for what they have done for the abstractor and his product. It can unhesitat-

ingly be said that much of the progress and development of the abstract and the abstract business has been brought about by the requirements of the examiners. The abstractors themselves have generally constantly tried to make better abstracts, but the improvements in them seen in the past few years have not been brought about by the initiative of the abstractors alone, but by the requirements of the large and often users—the lenders of money on real estate security, whose examiners have requested certain things. The examiners have been helpful and patient in this, and better abstractors and better abstracts are the result.

But there is a limit to where being helpful and working in cooperation ends and dictation and unreasonable-ness begins. Sometimes an abstractor can make suggestions or explain to the examiner some point about a certain requirement that the attorney has made that will enable him to pass it. This can sometimes be done with real, competent examiners, but there are likewise some examiners to whom no avenue of appeal or reason of suggestion is open. Likewise, the examiner at times wants things of an abstractor and most abstractors are glad to comply with things of reason, but there are likewise some abstractors to whom suggestions are the same as the waving of a red flag in front of a bull.

Abstractors should remember that their work, unless otherwise and additionally employed, is to evidence the title, and that the purchaser has evidenced his faith and trust in the examiner to give him an opinion on the title by engaging and paying him to do so, and that if said examiner makes a lot of requirements, his client wants them; his client does not care to have the abstractor try to talk either he, himself, or his attorney into passing them. It therefore behooves the abstractor to be a neutral party in most cases, comply with the requirements, and charge for them. Some abstractors do not seem to realize that there is a lot of revenue in completing attorneys' requirements. In many abstract offices one of the principal sources of revenue comes from fixing requirements. The more requirements, the more work for the abstractor. Do you gain anything in any way by belittling the attorneys' work, which he has been hired and confidence put into to do, and by talking yourself out of business, when the purchaser wants it done and the seller expects all the time something will be required and for which he will have to pay?

On the other hand it seems that the same position is being taken by the attorneys much more than the abstractors. When one hears the average or any group of abstractors talking, he would think he lived and worked under the dictation of the attorneys. There does not seem to be nearly as many different kinds and forms of abstracts as there are abstractors so

much as there seems to be as many different kinds of abstracts as there are attorneys.

Let any body of abstractors meet to discuss a uniform certificate or any development or part of making abstracts, and nothing is accomplished, because as soon as anything is proposed, three-fourths of those present will arise and say they could not do it because some certain attorney or all the attorneys of their town would object. Just the same as it is the abstractor's business to make abstracts, so is it the attorney's business to give an opinion of the title as shown by that abstract. Too many of them do not stop at that but call for any and everything, on or off the record, that they think any future examiner might ask for. They will also tell the abstractor in what form and style the information and showing should be made and the writer of this editorial has heard attorneys give word of mouth instructions, read their printed requests and heard them before groups of abstractors tell what kind of paper, what size and shape of sheet, what kind of type for the typewriter, how to fasten abstracts together, and has heard more than one say different colors of paper should be used for different instruments, white for deeds, pink for mortgages, etc. In fact they have covered about all the details except what size dots to use over the i's and the brand of gum the stenographer should chew.

Abstractors should make a sufficient and competent showing and furnish an abstract that fulfills the definitions and requirements of such an article and stand their ground accordingly. Reasonableness should be exercised in all things and there is no hard and fast line from which one must never swerve, and yet one is led to believe at times that too many abstractors let too many others tell them how and what kinds of abstracts to make. If an abstractor would, he could make just as many different kinds of abstracts as he has customers or there are attorneys of a certain class in the town.

It is very easy, too, for attorneys to dictate and make suggestions in a very authoritative tone of voice. They are used to advancing opinions and trying to get others to accept their statements as authority—that is part of being a good lawyer. But the abstractor does not need to be told how to make abstracts by too many people, and the sooner the abstractors get more confidence in their own qualifications and work, the better they will be—and the examiners, too.

But all attorneys are not good title examiners. Every community has its "stickler"—the attorney who is noted for the requirements he makes on abstracts. He is the man who many have examine for them when they are buying, but when selling, hope and pray that the prospective purchaser will not have to look over the abstract.

**MERITORIOUS TITLE ADVERTISEMENTS**

He is the fellow who will ask for everything from "How did the United States acquire title to the land" to "For safety's sake, bring a suit to quiet title against all the parties appearing in the title, their heirs, assigns, executors, trustees, administrators, relatives, and any and all unknown persons who might claim any right title, interest or estate in, or lien upon, said land for any reason whatsoever." Do all of those things, tear his opinion off, take it back for examination some time later, and he will make another bunch of requirements.

That kind of examiner is doomed, however, for people are beginning to realize it is unnecessary; real estate men sit up nights to figure ways of keeping him from examining abstracts for their deals, and his reputation brands him as foolish, rather than a competent examiner. The real common sense and competent examiner is becoming known in his community.

If you are an abstracter, competent, equipped to do good work and in business in good faith, then get a little confidence, stand on your own ground, and make abstracts like you think and know they should be made. Abstracters should be the judge of what an abstract should be—others judges of the various phases of their own particular work and vocation.

It is policy and a part of good business and service, rendered in the conduct of any line, to do reasonable things, and alter the usual procedure and practice, now and then, to accommodate or satisfy the whim or desire of a customer, but there is a limit to which such things can get to, and beyond which they cease to be matters of service, and become acts out of the ordinary, done under dictation.

If the so-called liberal professions are still, somehow, in public estimate of honor, preferred to the head of a commercial firm, the reason must lie deeper than in the fact that the merchant is presumed to act always selfishly. . . . This, the public will find, eventually, they must give up doing. They must not cease to condemn selfishness; they will have to discover a kind of commerce which is not exclusively selfish. Or rather they will have to discover that there never was, or can be, any other kind of commerce. . . . They will find that commerce is an occupation which gentlemen will every day see more need to engage in, rather than in the business of talking to men or slaying them. . . .

That in true commerce it is necessary to admit the idea of occasional voluntary loss; that sixpences have to be lost as well as lives under a sense of duty; that the market may have its martyrdom as well as the pulpit; and trade its heroism as well as war.—Ruskin's "The Roots of Honor."

*(Examples of advertisements for the title business. A series of these will be selected and reproduced in "Title News," to show the methods and ideas of publicity used by various members of the Association.)*

## 350 Lots Will Be Sold at PUBLIC AUCTION

Saturday, June 5

The properties are in East St. Johns and will be auctioned by Charles B. Austin Company.

On All of These Lots  
We Will Issue

## TITLE INSURANCE Policies

To Purchasers This Means

**No. 1.** The title is GOOD and hereafter can be transferred from one ownership to another without red tape or without bothering with intricate "abstracts of title."

**No. 2.** Furthermore, the holder of the Title is INSURED against any loss through a possible defect in the title FOREVER. One hundred thousand dollars is on deposit with the state to make the insurance good.

In the purchase or sale of property insist upon a Title Insurance Policy.

The COST IS NOMINAL

**Title and Trust**  
91 Fourth Street **COMPANY** Broadway 6565  
**TITLE AND TRUST BUILDING - PORTLAND**

Here is an example of combination advertising and building of good will. The title company has secured publicity for itself and helped its customer with the lot sale.

## THE MISCELLANEOUS INDEX

### *Items of Interest About Titlemen and the Title Business*

Announcement is made of the organization of the Lawyers & Realtors Title Insurance Co., in Seattle, Wash., to be headed by J. W. Woodford, vice president of the American Title Association, who is terminating a most successful business career in Tulsa, Okla., to take up this new enterprise.

The company has purchased the business and plant of the Fidelity Abstract Co., and incorporated for \$350,000.00. The stock was immediately subscribed by a very representative group and the company will begin operations immediately, with ample facilities for rendering every modern and metropolitan title service.

The location of the new company will be the same as that occupied by the Fidelity Abstract Co. for several years, 120 Marion Street.

C. E. Bragg, secretary of the Fidelity, will continue his association and capacity. Others interested and who will be members of the board are: Senator Richard W. Condon, general manager of the McCormick Lumber Co., W. W. Scruby, cashier of the Dexter Horton National Bank and Frederick K. Lane, manager of the Seattle Lighting Co.

A recent issue of "The Property Owners Magazine," issued by the Page Fence & Wire Products Co., Chicago, and which is a most attractive and readable little publication, contains an article by Edwin H. Lindow, of the Union Title & Guaranty Co., Detroit, and the chairman of the membership committee of the American Title Association. It is a concise, forceful discourse on title insurance, with interesting facts on the importance of proper care purchasers should exercise in securing correct and the best evidence of title.

Mr. Lindow was asked to reply to the statement, long and often heard, that you could not get title insurance if you needed it and what was the use of getting it if the title was "good." This he very effectively did.

Announcement is made of the organization of a new title company in Seattle. It is headed by W. H. Winfree, president of the Northwestern Title Insurance Co., Spokane, Wash., and A. T. Hastings, of the same organization, who will be vice president and associated with Mr. Winfree in the new enterprise.

A large force is being employed in the building of a complete and entirely new title plant.

The company has been fully financed and capitalized for \$750,000.00. It will be known as the King County Title Co., with offices in the

Central Building, 308 Columbia Street.

Mr. Winfree and Mr. Hastings are both well-known figures in the title world and firmly established themselves in the northwest by their operations and long record of successful business through their title companies in Spokane. Joe Hunt will remain in charge of the companies in Spokane.

A decision was recently rendered in the United States Court in favor of the Southern Surety Co., Des Moines, of which Jansen Haines is vice president, and against one of its co-insurers on a bond of \$1,100,000.00, written by the Southern and being a deposit bond protecting Allegheny County, Pennsylvania, on funds deposited with the Carnegie Trust Co. Immediately upon the failure of the Trust Company, the Southern paid the full amount of the loss, making quite a record for promptness and complete settlement.

The bond was underwritten by nineteen other companies, six of which promptly paid their share of the loss to the Southern but the other thirteen entered into an agreement that none was to settle unless all would. The suits followed and resulted in a verdict for the Southern.

The action of the Southern in the immediate handling of this large loss is characteristic of the policy of the company and methods of business that have built its present high reputation.

The California-Pacific Title Insurance Co., San Francisco, of which Benj. J. Henley is executive vice president, have branches and affiliated offices in the following cities and with the companies named: Redwood City, and San Jose, direct branch offices under name of California-Pacific Title Insurance Co.; Martinez, Richmond-Martinez Abstract & Title Co.; Stockton, Stockton Abstract & Title Co.; San Rafael, San Rafael Land Title Co.; Santa Cruz, Dake Title & Abstract Co.

A fine recommendation for escrow service, and a compliment to the Title Insurance & Trust Co., of Los Angeles, was recently made in an article in "California Real Estate" by James R. Goldsworthy, realtor of Van Nuys.

Mr. Goldsworthy told of the hardest deal, as he described it, "the hardest, toughest and most difficult deal I ever closed." The whole proposition was made possible by escrow and as he said, "This transaction was escrowed with the Title Insurance & Trust Co., and is one of the instances where I feel that the Title Insurance company earned their escrow charge."

One of the interesting happenings in title insurance circles in the early part of this year was the arrangement for the consolidation of the Security Title Insurance and Guarantee Company and the Consolidated Title Insurance Company of San Bernardino, through which the Security company takes over operation of the Consolidated company's offices in San Bernardino and El Centro.

This step gives the Security Company seventeen operating offices in California, covering the counties of Los Angeles, Imperial, Riverside, San Bernardino, Ventura, Santa Barbara, San Luis, Obispo, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, Tuolumne, San Joaquin, Calaveras and Amador.

The merger adds to the resources of the Security Company \$356,736.02 assets of the Consolidated Company, including the \$100,000 guarantee fund deposited with the state.

A. L. Sloan of San Bernardino, president of the Consolidated, becomes chairman of the board of directors of the Security, and J. R. Ford and M. E. Dimock, also of San Bernardino, become vice-presidents.

Other officers of the Security Title Insurance and Guarantee Company for the year ahead are: Glenn A. Schaefer, Los Angeles, president and general manager; A. E. Grow, Los Angeles, executive vice-president; T. W. Haymond, Los Angeles, vice-president, secretary and chief counsel; George H. Woodruff, Los Angeles, vice-president and director; R. S. Padgett, vice-president and treasurer; William S. Porter, Santa Barbara, vice-president; E. M. McCardle, Fresno, vice-president; Glen W. Chapman, Riverside, vice-president; W. W. Eden, Fresno, vice-president; L. R. Lackey, Los Angeles, vice-president; R. L. Dunham, Los Angeles, vice-president; Bessie L. Peters, Los Angeles, assistant treasurer; and William T. Dinsmore, Riverside, vice-president.

Stock of the Consolidated Title Insurance Company in Santa Barbara, Visalia, Fresno, Madera, Modesto and Stockton has been transferred to the newly organized Consolidated Title Guarantee Company, which will have its principal office in Fresno. The sale includes the following title concerns: Santa Barbara—The Consolidated Title Co.

Visalia—The Consolidated Title Insurance Co. and the Abstract and Title Guarantee Co.

Fresno—The Consolidated Title Insurance Co. and the Fresno Title Guaranty Co.

Madera—The Consolidated Title Insurance Co. and the Title Guaranty Co. of Madera.

Modesto—The Consolidated Title Insurance Co. and the Sunnyvalley Title and Land Co.

Stockton—The Consolidated Title Insurance Co.

The new company is capitalized at \$250,000. Its president is Truman G. Hart, manufacturer and former may-

or of Fresno. Other officers include W. H. Lavayea, vice-president and general manager, and Louis F. Ryan, director and office manager of the Fresno company. Prominent business men of Fresno are among the members of the board of directors.

Through this transaction, the Consolidated Title Insurance Company relinquishes all interest in Santa Barbara and the San Joaquin Valley, it having already sold its connections elsewhere in Southern California to the Security Title Insurance and Guarantee Company.

The Title Insurance & Trust Co., Los Angeles, is another institution that has added and is featuring living or life insurance trusts as a feature of its Trust Department.

Probably the world's longest deed was recently recorded in three different counties in California when a transfer of a corporation's properties were recorded. Forty-three sheets of single spaced typewriter paper were used.

The Union Trust Co., Detroit, announces its annual scholarship foundation essay for 1926. It is open to the seniors of public and parochial high schools.

Five one thousand dollar scholarships are to be awarded, and the subject of the essay is "The Advantages of Life Insurance."

The company features life insurance trusts in its Trust Department facilities.

This is the third consecutive year of the contest.

Security Title Insurance and Guarantee Company this month moved their printing plant and entire plant personnel from the Fresno office to Pasadena in order that it might be near the executive offices of the company. With this move the Security has added a new high speed automatic printing press and in various other ways improved their equipment. Edmund L. Styffe is manager of the Security Press and is assisted by Julius Greco and Don Robinson. All three have disposed of their homes in Fresno and moved to Pasadena.

The public does not generally associate the idea of a printing plant with a title insurance company, but the Security Press is one of the busiest plants in the state. It handles the publication of the Title Insurance Bulletin, the company's house organ, 12,000 copies of which are distributed. It prints the company's stationery, sixty-nine different policy, guarantee, escrow and bookkeeping forms, required by eighteen title offices; various pamphlets and booklets and fifty-one various legal forms such as deeds, mortgages, trust deeds and contracts in sufficient quantities for free distribution in the seventeen counties which the company serves.

## A Strong Endorsement of Escrow Service

(The following recently appeared in the Detroit newspapers. Sounding the warning it does, and coming from the Better Business Bureau which is now one of the nation's recognized business institutions it is a forceful recommendation and recognition of Escrow Service.)

# DANGER!

## DON'T SURRENDER YOUR TITLE! CAREFULLY ESCROW YOUR DEED!

Land contract sharpers, most of whom are recent arrivals in Detroit, are opening offices to fleece the unsuspecting land owner. The Prosecutor's office has already acted against one offender. Advertisements, of which the following is a sample, are used to lure prospective victims.

### ALL CONTRACTS AT SAVINGS of 5 to 15%

Contracts bought outright—lower than you can get elsewhere. Bring abstracts and contracts with you.

Open Evenings

### X LAND & FINANCE CO.

ADDRESS

TELEPHONE

### SPRINGER'S MISTAKE

Springer wanted to sell his land and called at the "Finance Company" office. As the advertising copy suggested, he brought his abstract and contract with him. \$5,000 was the price agreed upon.

### "WE'RE TEMPORARILY SHORT ON READY CASH"

"Please assign your contract to us," said the clever "finance" agent, "and we'll close the deal. We've bought so many contracts lately, we are a trifle short on cash, so we'll just give you our check for \$50 and a note for \$4,950 due in 20 days."

### ALMOST TOO LATE

Springer didn't know that if the X Company should part with title to an innocent purchaser before payment of the note, and the "finance" company default in paying it, the savings of a lifetime would be wiped out. Sent to the Bureau by his bank, he received timely warning and compelled redelivery of his contract and deed.

## BEWARE!

- 1.—Deal only with legitimate Finance Companies and ascertain their standing and reputation FIRST.
- 2.—Never surrender your title unless you are paid IN FULL.
- 3.—Escrow your deed with a disinterested party until you get paid in full.
- 4.—Regard a low discount rate and small cash payment with instant suspicion.
- 5.—Report contract fakirs to the Bureau or this newspaper immediately. Both are seeking to protect you.

## BETTER BUSINESS BUREAU OF DETROIT, Inc. 1903 First National Bank Building

The Florida Title Co. and the Dade County Title Insurance & Trust Co., Miami, Fla., insert the following clause and advertise it as one of their activities to combat the "wild-cat" invasion of Florida by chance-of-the-opportunity abstracters:

"IT DOTH FURTHER CERTIFY that it maintains and has a complete set of indexes by LAND descriptions and by names as to JUDGMENTS AND DECREES to the records in the office of the clerk of the Circuit Court in and for Dade County, Florida, compiled from the records of such office and not copied from the indexes of said office, and that the searches cov-

ered by this certificate are made from the records of said office and not confined to the indexes thereof."

"Whether you are buyer or seller, protect yourself with an abstract made by a thoroughly equipped abstract company."

C. M. Jones, manager of the Stockton Abstract & Title Co., Stockton, Calif., has been selected by the Real Estate Board of Stockton to handle the topic of "Escrows" in the educational classes of that board conducted in cooperation with the State Real Estate Association and the University of Southern California.

THE TWENTIETH  
ANNUAL CONVENTION  
*of*  
The American Title Association

*Will be Held in*

ATLANTIC CITY, N. J.

*September 7-8-9-10*

PAGEANT WEEK

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An abundance of entertainment will be provided by our hosts, the title folk of the Eastern states.

An exceptionally strong program will be presented. The formal sessions contain most interesting topics by able speakers. The noon conferences are exceptionally well balanced and will result in practical benefit and profit of inestimable value.

---

*Advance Hotel Reservations to date are double those of any former year indicating a new attendance record.*

---

YOU CANNOT AFFORD TO MISS IT!

---

SPECIAL LOW TOURIST RAILROAD FARES IN AFFECT FROM ALL POINTS OF THE COUNTRY.

VISIT NEW YORK, PHILADELPHIA, WASHINGTON, PITTSBURGH AND OTHER EASTERN POINTS AS WELL AS NIAGARA FALLS' AND VARIOUS PLACES EN ROUTE.

---

THE AMBASSADOR *is the Convention Hotel*

# The American Title Association

## Officers

**President**  
Henry J. Fehrman, Omaha, Neb.  
Attorney, Peters Trust Co.

**Vice-President**  
J. W. Woodford, Tulsa, Okla.  
Vice-Pres., Title Guarantee & Trust Co.

**Treasurer**  
Edward C. Wyckoff, Newark, N. J.  
Solicitor, Fid. Union T. & Mort. Guar. Co.

**Executive Secretary**  
Richard B. Hall, Kansas City, Mo.  
Title & Trust Bldg.

**Executive Committee**  
(The President, Vice-President, Treasurer and Chairmen of the Sections, ex-officio, and the following elected members compose the Executive Committee. The Vice-President of the Association

is the Chairman of the Committee.)

**Term Ending 1926**  
Fred P. Condit, New York City.  
Vice-Pres., Title Guar. & Trust Co.  
J. M. Whitsett, Nashville, Tenn.  
Vice-Pres., Mgr. Title Grty. Trust Co.  
M. P. Bouslog, Gulfport, Miss.  
Pres. Miss. Abst. T. & Grty. Co.

Walter M. Daly, Portland, Ore.  
Vice-Pres. Title & Trust Co.

### Term Ending 1927

J. L. Chapman, Cleveland, O.  
Secy., Land T. Abst. & Trust Co.  
Henry Baldwin, Corpus Christi, Tex.  
Pres., Guaranty Title Co.

## Sections and Committees

**Abstracters Section**  
Chairman, Ray McLain, Oklahoma City, Okla.  
Vice-Pres., American National Co.  
Vice-Chairman, Lewis D. Fox, Fort Worth, Tex.  
Pres., Home Abstract Co.  
Secretary, A. J. Arnot, Bismarck, N. D.  
Pres., Burleigh Co. Abstract Co.

**Title Insurance Section**  
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Manager, Title Insurance & Grty. Co.  
Vice-Chairman, Wellington J. Snyder, Philadelphia, Pa.  
Title Officer, North Philadelphia Trust Co.  
Secretary, James D. Forward, San Diego, Calif.  
Secy.-Treas., Union Title Insurance Co.

**Title Examiners Section**  
Chairman, Golding Fairfield, Denver, Colo.  
Title Officer & Attorney, Title Guar. Co.  
Vice-Chairman, W. L. Rogers, Louisville, Ky.  
Attorney Federal Land Bank.  
Secretary, Solomon Goldman, New Orleans, La.  
Attorney, Pan American Life Insurance Co.

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Solicitor, Lawyers Title & Trust Co.  
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Pres., Seattle Title Trust Co.  
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Pres., Johnson Abstract Co.

Ed. F. Dougherty, Omaha, Neb.  
General Attorney, Federal Land Bank.

**Program Committee—1926 Convention**  
The President, The Executive Secretary, and the Chairmen of the Sections compose this Committee, with the Chairman of the Noon Day Sectional Conferences, who is:  
A. T. Hastings, Spokane Title Co., Spokane, Wash.

**Committee on Membership**  
Edwin H. Lindow, Chairman, Detroit, Mich.  
Vice-Pres., Union Title & Grty. Co.  
The Presidents and Secretaries of the state Associations constitute the other members.

**Committee on Constitution and By-Laws**  
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Solicitor, Lawyers Title and Trust Co.  
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Attorney, Davenport Abstract Co.

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Title Officer, Republic Trust Co.  
McCune Gill, St. Louis, Mo.  
Title Officer & Vice-Pres. Title Guar. & Tr. Co.

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Pryor Abstract Co.  
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West Virginia, George E. Price, Charleston.  
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Missouri, Jas. M. Rohan, St. Louis.  
Illinois, H. C. Gerke, Edwardsville.  
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Wisconsin, W. E. Furlong, Milwaukee.  
Michigan, Lloyd L. Axford, Detroit.  
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Nebraska, David Swarr, Omaha.  
Iowa, Cyrus B. Hillis, Des Moines.  
South Dakota, R. G. Williams, Watertown.  
Wyoming, Osmer E. Smith, Denver, Colo.  
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Oklahoma, Walter Thompson, Durant.  
Colorado, J. G. Houston, Denver.  
New Mexico, J. M. Avery, Santa Fe.  
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Texas, H. B. Baldwin, Chairman, Corpus Christi.  
District No. 11.  
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Utah, Alex. E. Carr, Salt Lake City.  
Nevada, A. A. Hinman, Las Vegas.  
District No. 12.  
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Idaho, Orval M. Fox, Pocatello

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President, Elmer McClure, Little Rock.  
Pres. Little Rock Abst. & Grty. Co.  
Vice-Pres., Miss Ealy Redd, Little Rock.  
Beach Abst. & Grty. Co.  
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Mgr. Saline Co. Abst. & Grty. Co.  
Treasurer, J. A. Stallcup, Hot Springs.  
V.-Pres. Arkansas Trust Co.

**California Land Title Association**  
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Pres. Pioneer Title Ins. Co.  
1st V.-Pres., Benj. J. Henley, San Francisco.  
Exec. V.-Pres. Calif.-Pac. Title Ins. Co.  
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Sec.-Treas. Sacramento Abst. & Title Co.  
3rd V.-Pres., E. M. McCardle, Fresno.

Secy.-Treas., Frank P. Doherty, Los Angeles.  
Merchants Ntl. Bk. Bldg.  
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Mgr. Trinidad Abst. & Title Co.  
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Mgr. Record Abst. of Title Co.  
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Jefferson Co. Title Co.

**Florida Title Association**  
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Title & Trust Co. of Florida.  
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Florida Title Co.  
Vice-President, Allan I. Moseley, Fort Myers.  
Lee County Bank Title & Trust Co.

Secretary-Treasurer, Geo. S. Nash, Orlando.  
Nash Title Co.  
Assistant Secretary, Mia Beck, Orlando.  
Central Florida Abst. & Title Grty. Co.  
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Payette County Abst. Co.  
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 Vice-President, W. A. McPhail, Rockford.  
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 Secretary, Emma Stoeckert, Monroe.  
 Monroe Co. Abst. Co.  
 Treasurer, Herbert W. Goff, Adrian.  
 Lenewee Abst. Co.

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 Aitkin Co. Abst. Co.  
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 St. Louis Co. Land Title Co.  
 Secy.-Treas., T. S. Simrall, Boonville.  
 Cooper Co. Abst. Co.

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 Custer Abstract Co.

Vice-President, Mrs. M. C. Peters, Stanford.  
 Minette Abstract Co.  
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 Hubbard Abstract Co.

**Nebraska Title Association**

President, Ralph M. Barney, Kearney.  
 W. W. Barney & Son.  
 1st V.-Pres., Verne Hedge, Lincoln.  
 2nd V.-Pres., E. P. Mathews, Omaha.  
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 Secy.-Treas., Guy E. Johnson, Wahoo.  
 Hamilton & Johnson.

**New Jersey Title Association**

President, Cornelius Doremus, Ridgewood.  
 Pres. Fid. Title & Mort. Grty. Co.  
 1st V.-Pres., William S. Casselman, Camden.  
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 2nd V.-Pres., Frederick Conger, Hackensack.  
 Peoples Tr. & Grty. Co.  
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 Treasurer, Arthur Corbin, Passaic.  
 Grty. Mort. & Title Ins. Co.

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 Pres., Home Title Ins. Co.  
 Vice-Pres., R. P. Ray (Southern Section),  
 White Plains.  
 Westchester Title & Tr. Co.  
 Vice-Pres., E. Day Clark (Central Section),  
 Binghamton.  
 526 Security Mutual Bldg.  
 Vice-Pres., DeLancey Bentley (Western Sec-  
 tion), Rochester.  
 Title Grty. Corp. of Rochester.  
 Secretary, S. H. Evans, New York City.  
 149 Broadway.  
 Treasurer, Fred P. Condit, New York City.  
 V.-Pres. Title Guar. & Tr. Co.

**North Dakota Title Association**

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 Mandan Abst. Co.  
 Vice-Pres., Alfred Steele, Jamestown.  
 Stutsman Co. Abstract Co.  
 Secretary, A. J. Arnot, Bismarck.  
 Burleigh Co. Abst. Co.  
 Treasurer, R. L. Phelps, Steele.  
 Kidder Co. Abst. Co.

**Ohio Title Association**

President, O. L. Pealer, Warren.  
 Title Officer, Warren Gr. T. & Mort. Co.  
 Sec.-Treas., Theodore Kemp, Jr., Newark.

**Oklahoma Title Association**

President, Vera Wignall, Pauls Valley, Guar-  
 anty Abstract Co.  
 Vice-Pres., Howard Searcy, Wagoner, Wag-  
 oner Co. Abst. Co.  
 Vice-Pres., J. W. Banker, (N. E. Dist.) Tahle-  
 quah.

Vice-Pres., S. J. Bardsley, (S. E. Dist.),  
 Atoka.  
 Vice-Pres., Addie Lofton, (S. W. Dist.) Pur-  
 cell.  
 Vice-Pres., Mrs. A. D. Jones, (N. W. Dist.)  
 Sayre.  
 Sec.-Treas., Hugh Ricketts, Muskogee, Guar-  
 anty Trust Co.

**Oregon Title Association**

President, G. C. Pauling, Astoria.  
 Astoria Abstract Co.  
 1st V.-Pres., Roy D. Yeates, The Dalles.  
 Dalles & Wesco Co. Abst. Co.  
 2nd V.-Pres., James S. Johns, Pendleton.  
 Hartman Abst. Co.  
 Secy.-Treas., G. F. Peek, Portland.  
 Union Abst. Co.

**Pennsylvania Title Association**

President, John E. Potter, Pittsburgh.  
 Pres. Potter Title & Trust Co.  
 Vice-Pres., John R. Umsted, Philadelphia.  
 Con.-Equitable Title & Tr. Co.  
 Secretary, Harry C. Bare, Ardmore.  
 Merion Title & Tr. Co.  
 Treasurer, John H. Clark, Chester.  
 Delaware Co. Tr. Co.

**South Dakota Title Association**

President, R. G. Williams, Watertown.  
 Pres. Southwick Abst. Co.  
 Vice-Pres., D. B. Getty, Sioux Falls.  
 Sec.-Treas., John Claymore, Beadle Co. Abst.  
 & Title, Huron.

**Tennessee Title Association.**

President, Guy P. Long, Memphis, Union &  
 Planters Bank & Trust Co.  
 Vice-Pres., B. W. Beck, Chattanooga, Title  
 Guaranty & Trust Co.  
 Sec.-Treas., H. N. Camp, Jr., Knoxville, Com-  
 mercial Bank & Trust Co.

**Texas Abstracters Association**

President, A. S. Moody, Houston.  
 Texas Abstract Co.  
 Vice-Pres., J. Grover Wells, San Antonio  
 San Antonio Abst. & Title Co.  
 Sec.-Treas., E. E. Weaver, Houston.  
 Texas Abstract Co.

**Washington Title Association**

President, Joseph E. Hunt, Spokane.  
 Northwestern Title Ins. Co.  
 Vice-Pres., C. H. Groth, Bellingham.  
 Whatcom Co. Abst. Co.  
 Secy.-Treas., Robt. W. Elwell, Olympia.  
 Thurston Co. Abst. Co.

**Wisconsin Title Association**

President, Emil Lenicheck, Milwaukee.  
 Citizens Abst. & Title Co.  
 Vice-Pres., J. A. Michaelson, Ladysmith  
 Rusk Co. Abst. Co.  
 Secretary, John M. Kenney, Madison.  
 Dane Abst. of Title Co.  
 Treasurer, Agnes E. Benoe, Ashland.  
 Ashland Co. Abst. Co.

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OF THE CONVENTIONS OF THE YEARS

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*If any members who have copies of these and do not care to keep them, will send them to  
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