

TITLE NEWS

Vol. 5

JANUARY, 1927

No. 12

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The American Title Association

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AND CHAIRMEN OF SECTIONS
EX-OFFICIO

January 20, 1927

Fellow titlemen:

This is the year when the legislatures of the various states meet and titlemen should awaken to the fact that their business will receive an ample share of consideration from the lawmakers meeting in session. In fact indications point that more than the usual number of bills, as well as some of a novel and drastic nature will be conceived.

This is due not only to the fact there is a tendency to regulate all businesses but also because legislatures are meeting immediately after election and a great number of bills will be introduced, including some which will be directed at the abstract and title insurance business. The title industry should encourage and support such things as will improve and simplify the title system, or stabilize and elevate the title business. It should likewise discourage such things as would prove impractical or detrimental.

There is no place, necessity or demand founded upon knowledge or logic for "official county abstracters" regulation of fees, making the abstract business a public venture, or expansion of the "hokus pokus" Torrens Law. Many bills providing for these things are already prepared and waiting to be introduced. The Torrens advocates are well organized and very busy. The title associations, this year, have a real job in looking after these things. The State Associations are the available agencies for overcoming them.

The American Association and the whole title fraternity stand ready to assist titlemen in every locality in fostering and encouraging good regulation and suppressing the undesirable.

Sincerely yours,
Richard B. Hall
Executive Secretary

TITLE NEWS

A publication issued monthly by

The American Title Association

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JANUARY, 1927

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Editor's Page

The coming Mid-Winter Meeting is going to be very interesting. The program is shown on page five of the January TITLE NEWS and an inspection of the topics listed will show some vital questions are going to be discussed. Those who will present them have been giving serious thought to their study, and the things that will be expressed together with the ensuing discussion will create more data and information on title subjects. Advance reservations indicate a large crowd will be in attendance. Everyone will find it worth while to attend.

Hon. Clyde E. Stone, Justice of the Supreme Court of the State of Illinois, has prepared an interesting and readable story on "History of Titles to Real Estate." He generously gave consent to print this in TITLE NEWS. Everyone should read it.

Much interest is being displayed in the photographic system of recording. In some places abstracters have a joint contract with the county whereby they do the county recording and by making two copies secure one for their take-off at the same time as fulfilling their recording contract. This system is being used by counties in many states and is finding particular favor in some of the larger cities. Its universal use is being advocated and so many inquiries have been made of the association for information and data on the subject that the editor asked an official of the Photostat Company to prepare an article.

Two interesting articles by men of standing and experience in the title world appear in this issue. The relation existing between the workers of the three branches of the title business is given a nice explanation by C. S. Hale of St. Louis. Oakley Cowdrick of the first and oldest title insurance company in the country tells some interesting bits of its origin and the growth in its home city.

The committee appointed to investigate the advisability of creating a board of title insurance underwriters received a hearty response to its preliminary work and Mr. H. N. Camp, Jr., the chairman, gives an explanation of the reasons for creating this board and a report of the work done so far. This matter will receive final consideration at the Mid-Winter Meeting.

The Annual Mid-Winter Business Meeting and Joint Conference

Of State and National Association Officials

Held by

The American Title Association

Will Convene in Kansas City, Mo.

February 4-5, 1927

Headquarters - - Kansas City Athletic Club

This meeting will be of direct benefit and influence to the title business.

Every member of the state and national associations is invited to attend.

Read the program of interesting and timely subjects that will be presented.

Come and benefit from listening to their presentation and discussion.

It will be pleasant and profitable to mingle with your fellow titlemen from the entire country.

Write the Executive Secretary for reservations

Much Interest Shown In Midwinter Meeting

Large Attendance Indicated; Program Shows Consideration Will Be Given to Timely Subjects. Everyone Invited

There is a great deal of interest in the Annual Midwinter Meeting and Joint Conference of State and National Officials. A large number have sent in reservations and there will probably be a record attendance.

Many state officials are coming. Some states will be represented by one, some by two or more, while one state will have its entire executive committee present.

The chairmen of the various national association committees and some of the members of each committee, in fact, all or some of them will be on hand to take part and study and consider their work.

Chairman Daly has given careful attention and consideration to the preparation of the program and selected the seemingly most important subjects. Capable leaders have been assigned to each and an interesting meeting will be the result. This session is an important one to the state associations, to the

national organization and to the title business in particular. It is intended that the problems of the state and national associations be "aired" and plans made for their solution; that things can be presented and planned that will make their existence of more use and benefit to the members; that problems and questions of the title business can be presented and methods decided upon that will advance its efficiency and welfare.

In short, the state and the national title associations are the mediums for the advancement and protection of the business, and when they are apprized of the things necessary to be done and plans formulated for their accomplishment, the title business will reap and receive the reward and benefit.

The first day's session is given over entirely to consideration of these things. The second is for the consideration of the past, present and future work of the American Association, and

transaction of such business as is necessary. Work of the past is reviewed and given further impetus; future plans are made among the important of which is the planning of the next convention.

Attendance at this meeting is not limited to state officials, national association officials or committee members or workers. Everyone is invited and anyone attending will get much benefit and pleasure from mingling with titlemen from over the entire country and hearing the discussions. It will be not only pleasant personally but prove of great value in his business.

The meetings will be held in the Kansas City Athletic Club. This will be headquarters and guests will find every accommodation and convenience within the building. It is believed these will add to the pleasure of the visit.

The program is shown below.

PROGRAM

Annual Midwinter Business Meeting and Joint Conference of State and National Officials, Kansas City, Mo., Feb. 4-5, 1927

FRIDAY

- "What the State Association Can Do for Its Members." (2)
By Benj. J. Henley, President of the California Land Title Association.
Executive Vice President, California-Pacific Title & Trust Co., San Francisco, Calif.
- "The Value of Regional Meetings Within a State." (1)
By James S. Johns, Chairman, Abstracters Section, President, Hartman Abstract Co., Pendleton, Ore.
- "State Regulation of Abstract Companies." (5)
By Hugh Ricketts, Secretary Oklahoma Title Association, Secretary, Guaranty Trust Co., Muskogee, Okla.
- "What the American Title Association Can Do for Its Members." (5)
By Henry J. Davenport, President, New York State Title Association, President, Home Title Insurance Co., Brooklyn, N. Y.
- "Building Attendance and Interest in State Associations and Their Meetings." (4)
By Fred T. Wilkin, Secretary, Kansas Title Association, Manager, Security Abstract Co., Independence, Kans.
- "What the Abstract Business Needs, and Suggested Remedies." (5)
By O. N. Ross, President, Iowa Title Association, President, Sioux Abstract Co., Orange City, Ia.
- "Can Title Insurance Policies and Abstracts be Standardized for All States?" (5)
By Harry C. Bare, Secretary, Pennsylvania Title Association, Vice President, Merion Title & Trust Co., Ardmore, Pa.

SATURDAY

- Breakfast Conference for State Officials, in charge of Richard B. Hall, Executive Secretary, American Title Association.
- Report of Chairman of Title Insurance Section, Wellington J. Snyder. 1
- Report of Chairman, Abstracters Section, James S. Johns. 3
- Report of Chairman, Title Examiners Section, John F. Scott. 2
- Report of Committee, Study of Title Insurance Losses and Creation of Board of Title Insurance Underwriters, H. N. Camp, Chairman. (5)
- Report of Committee on Title Insurance Rates, Benj. J. Henley, Chairman. (7)
- Report of Committee on Government's Attitude in Accepting Title Insurance Policies on Government Property, W. J. Snyder, Chairman. (9)
- Report of Committee on Advertising, Tom Dilworth, Chairman. (8)
- Report of Committee on Cooperation, Paul D. Jones, Chairman. (6)
- Report of Committee on Organization and Membership Extension, Forrest M. Rogers, Chairman. (4)
- Report of Committee on 1927 Convention, ~~J. W. Woodford,~~ Chairman. E. H. Lindow, Chairman. (10)
- Report of Committee on Noon Conferences, 1927 Convention, Harry C. Bare, Chairman. (11)

"History of Titles to Real Estate"

By Hon. Clyde E. Stone, Peoria, Ill., Justice Supreme Court of Illinois

The early history of man shows much of the ownership of real estate and the passing of the same from father to children by inheritance. It is so told in the Old Testament of the possessions of Abraham. Under the laws of Moses, lands were hereditary and could not be alienated for a period of more than fifty years except within the walled cities. The reason for this was that every fiftieth year was the year of jubilee in which the trumpet was sounded in proclamation of liberty to all inhabitants of the land; and it was by the Mosaic law ordained that every man should at that time "return unto his possession," and the custom arose of making transfers of real estate for a period of fifty years. Evidences of title such as deeds or instruments bearing witness of the transfer of real estate, are not referred to or described in the Bible history of that time, but it appears by that history to have been the custom for the man who transferred the land, to pluck off his shoe and give it as a testimony of the transfer. This ceremony appears to have been conducted in the presence of the elders and people generally who might be called upon to witness the transaction, that thereby notoriety of the transfer might be had. Later on under the English law, a very similar ceremony took place in the transfer of land, by what is known as livery of seizin, by which, when the land was transferred, the grantor gave a sprig of a bush or a tree or a clod of the earth in making actual delivery of the premises, and this was done in the presence of a large number of people in order that it might be handed on by the memory of man that this transfer had been made. While there appears to be no authentic tracing of this custom to the old Mosaic custom of giving a shoe in the presence of many persons as evidence of a transfer of property, it seems entirely probable that it so originated.

There is no definite date supplied us by legal historians on which it can be said that deeds were first made use of. It is shown by the Book of Jeremiah, that clay instruments of conveyance signed, sealed and delivered, were in use about 600 B. C., for he describes the ceremonies employed when he "bought the field of Hannameel" while he was in prison. He states that he subscribed the evidence of purchase and sealed it and took witness and transferred the money, which he says was "even seventeen shekels of silver." About this time it appears to have been the custom to make two copies of the instruments of transfer on clay tablets. The original was placed in a cylinder of clay and sealed and the copy was inscribed on the outside of the

cylinder. By this means, in case the copy became defaced, the cylinder might be opened and the original found there. About this time it became likewise the custom to mark the transfers of land by monuments placed on the land itself. These came to be known as landmarks and the laws of those times made very severe the penalties of the man who "removeth his neighbor's landmark," and out of this no doubt grew the very familiar proverb: "Remove not the ancient landmarks which thy fathers have set." These landmarks were in lieu of other evidences of transfer.

There is much of interest in the study of Egyptology as it relates to the history of the transfer of lands. In the days, centuries before the time of Abraham and Jeremiah, it is related by Herodotus that the soldiers of the kingdom were given certain small tracts of land which appears to have been in exchange for military service. The system used contained many of the features of what later came to be known as the feudal system of holding lands in England.

It is interesting to note, as told us by Prof. Maspero, that the early Chaldeans made plats of surveys of their lands, divided them into lots, which surveys and plats were registered on clay tablets giving the name of the proprietor of the lands, showing such characteristics as dikes, canals, rivers and buildings as the same might be used to show its boundaries. The evidences of title were inscribed on hard slabs of stone like flint, which were set up as landmarks, and these landmarks contained a warranty clause which, translated, is to the effect that if any one or his relatives were to intend to steal the field and remove the landmarks or send a fool or a blind or deaf person or a wicked wretch or an idiot or a stranger to do this for him, or if he shall take the landmarks and throw them in the water or cover them with ground or mutilate them by scratching them or burning, the Gods were called upon to cast upon him looks of wrath and destroy his strength and exterminate his race. Extended imprecations were thus made in the warranties of the deeds shown on the landmarks of the early Chaldeans, and it is remarkable to note that these evidences have been traced back to a period not less than 6,500 years B. C.

On down through the centuries has come the development of the evidences of the transfer of real estate. More than 500 years B. C. as is shown by Babylonian history, during the time of the reign of the son of Nebuchadnezzar, conveyances were used transferring land which had been previously mortgaged. The land was described by metes and bounds using cubits rather

than feet as we now know measurements. The price of the land was shown. The tablet upon which it was written appears to have been sealed in the presence of the royal scribes of the city and witnessed by divers persons.

Perhaps of the ancient peoples, less is preserved of the methods of transfer of real estate by the ancient Greeks than almost any other people. Rich as was this land in literature and art, little attention appears to have been given to the matter of the preservation of the law particularly as relates to the means of transferring real estate, although it does appear from the writings of Lycurgus and Solon, the lawgivers, that individuals were prohibited from possessing as much land as they pleased in certain states of early Greece, while in others the sale of property was forbidden. Fragments of laws preserved tend to show that the preservation of the original lots and tracts of land was required. It is shown that in Attica, one of the states of early Greece, stone pillars were placed on the lands in case of a mortgage, giving the name of the lender and the amount of the loan, and it is recorded that in many places the country resembled a large graveyard by reason of the erection of stone monuments as evidences of the mortgaging of the land.

Our system of evidences of transfer of land have grown out of the feudal system of England which became prevalent about the eleventh century and arose by reason of military necessity. It consisted of the granting of great tracts of land by the king to strong lords who could assist in battle. These under the feudal system were farmed out to serfs who became practically the property of the feudal lord. By and by the rights of the holders of these lands became more and more distinct as between the feudal lords and the king and later through the origin of copyhold estates the tenures of the tenants became more and more recognized. Throughout all this there was a growing tendency toward the recording of the rights of men in real estate and putting them in a permanent place. As the feudal system wore away and the rights of the tenants became more and more pronounced, leaseholds, copyholds and indentures became means of evidencing the rights of men and property. The copyhold or leasehold estate of the tenant came to be evidenced by an instrument in writing which usually consisted of two copies of the instrument written on the same paper and thereafter the paper was severed in an irregular line so that the indentation of one fitted into the indentation of the other and thereby established its identity as a copy. And thus arose the indenture, an expression common today in the instruments bearing evidence of titles to land. It was called an indenture because of the indentations that were made by the irregular cutting of the paper in two parts, although now of course it bears no such significance.

In this country, with the exception of the colony of the Carolinas, where an attempt was made during the reign of King James to establish a feudal system with a feudal lord and the characteristics of such tenure, no evidence of the feudal system was preserved here. The grant to William Penn and others were to grantee and his heirs although there was retained as consideration for the transfer a certain number of beaver skins each year, which were doubtless never paid, and in some of the grants in this country, the king retained a certain portion of the gold and silver that might be found on the lands, but the lands passed to the holders thereof and contrary to the fact with reference to many other legal customs and many other laws, the law pertaining to real estate was not brought into this country in toto as it existed in England.

The development of the law of real estate in this country is an interesting study but of course we are not dealing in technical real estate or legal history and it would perhaps tire you to even attempt to give a brief review of it.

There is likewise an interesting history of the business of abstracting. Abstracts, as they were originally made in England, and even to a large degree still show an origin of title usually not extending back over sixty years. The English abstract is prepared from original unrecorded instruments and from family histories or pedigrees. It shows only the interest of the one person in the property and not the general condition of the title, and for this reason it becomes impossible to show the general condition of the title for any considerable period of time. It is required however, that the abstract cover a period of at least sixty years and it ordinarily commences with a deed or a will or sometimes by a descent. The vendor's attorney makes the abstract and tenders it with the original papers to the vendee's attorney and he examines it. If he has objections to it, he must note them in a reasonable time or they are held to be waived. When the objection is sent within a reasonable time, it becomes a part of the abstract. While this method is in use in this country to some extent, the states generally now require the recording of deeds and mortgages.

In England, as we have seen, the livery of seisin was used until the introduction of what was known as Uses, by which one might take title to the property for the use of another. This practice became so general and so mischievous as to cause the enactment of what were known as the "Statutes of Uses and Enrollments" requiring that the transactions between parties shall be enrolled and prohibiting the passing of lands by bargain and sale unless the same was by deed indented and enrolled in one of the courts of Westminster or in the county before certain officers therein referred to.

The practice of taking acknowledgments arose in England out of the use of false indentures that were not traceable, and the statute on enrollments required that the officer whose duty it was to make the enrollment of the deed, must have evidence that it was in fact executed and this evidence was developed by the use of the acknowledgment of deeds which were required to be made either in court where enrolled or before officers directed to make enrollment. In the Massachusetts colony in 1640, after the formation of counties, an ordinance was passed making the clerk of the county court also recorder and directing him to enter all grants and sales of land with the names of grantors and grantees, the estate granted and the date. This applied to all sales and mortgages of land. It was held that a mortgage or deed was not in force unless acknowl-

edged before a magistrate or recorder and recorded. This practice gradually became established throughout the different colonies and later the states of this country. The practice of abstracting was originally loose and careless, because land values were not great, but as land values rose and the practice of schemers to get lands without paying for them began to show the weakness of the system of abstracting and recording, its importance began to be more and more appreciated. It is now recognized as one of the most important avocations in the establishment and safety of land titles.

This in a very brief and a very incomplete way is a sketch of the history of the origin of titles and of recording them. It is a very interesting thing to one who has a bit of the habits of the bookworm, to go into the subject more fully than could be done in a paper of this character.

MERITORIOUS TITLE ADVERTISEMENTS

(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.)

"HOME, Home, Sweet Sweet, Home
Tho far we may wander
There is no place like home."

Protect it with a **POTTER TITLE POLICY.**

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

OUR Title Experts stand ready to serve you
when purchasing your new Home. Ask for
Potter Title Booklet with specimen policy, in-
formation, and rates.

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

HOME Buyers Need Title Insurance. Protect
yourself with a Potter Policy against the possi-
bility of lawsuits, financial loss and worry.

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

**YOU carry fire insurance, accident, automo-
bile and burglary insurance. Why not title
insurance to protect your new home? The first
premium is the last.**

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

GROUND is the foundation of all wealth—But—a
Defective title makes ownership as bad as sinking
quick-sand. A **POTTER TITLE POLICY** is the surest
protection for real estate owners.

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

TITLE INSURANCE is the application of the principal
of insurance protection to transactions involving the
transfer of titles to land or the use of land as collateral
security. **POTTER TITLE POLICIES PROTECT AND
INSURE.**

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

OUR fathers and mothers drove to church in
a buggy—We use Automobiles.
The modern home buyer protects against possi-
bility of loss through a **POTTER TITLE POLICY.**

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

**TAXES, Judgments, Defective Conveances, Wills,
Forgeries, Liens, Missing Heirs, Ground Rents,
Unsatisfied Mortgages, Municipal Improvements and
Ordinances can all cloud your title. Do not take a
chance—Get a **POTTER TITLE POLICY.****

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

RENT Receipts are a poor estate to leave your widow
and children. A home protected by a **POTTER
TITLE POLICY** should be the cornerstone of your
estate.

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

THE largest bond issue and the smallest building
lot both need the protection title insurance has
to offer.

POTTER TITLE POLICIES insure both

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

POTTER TITLE Insurance Policies have back
of them a Capital and Surplus of \$1,000,000
and thirty-seven years of title experience.

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

PROTECT Your New Home with a TITLE
INSURANCE POLICY issued by the

Capital & Surplus
\$1,000,000

Potter Title & Trust Co.
Fourth & Grant Pittsburgh, Pa.

One of the many attractive ads used by The Potter Title & Trust Co., Pittsburgh, Pa.

The Photostat System of Recording

By I. E. Leininger, of The Photostat Corporation, N. Y. Recorther

A new method of recording land instruments, in which photography supercedes the pen and typewriter, is attracting wide-spread attention among title men. The reason lies in a fundamental principle. The sole object and purpose of a public record of land ownership is to safeguard title. It is well known that the element of possible human error enters into all records made by either handwritten or typewritten method. It is beginning to be realized that a copy so made does not go far enough. Even if the copy so made is correct as to wording, the individuality of the original instrument is lost. It does not protect against forgery or other attempts to attack the validity of a title. To that extent the public records as now made fail in their purpose.

The Photostat System has been developed for, and successfully accomplishes the maximum protection which a public record can render. It makes a perfect facsimile of the original instrument, a reproduction not only of the writing, but of the signature, seal, punctuation or other markings that may appear in the instrument. No error in the copy is possible. No interpretation of crude or illegible handwriting is required of the recording official. The Photostat Record is an identical photographic copy of the original instrument. Nothing is omitted, nothing is added or changed. No alteration of the record is possible without easy detection. In this way the Photostat System more truly realizes the intent and purpose of state laws controlling the recording of land instruments than any other method.

How It Affects the Title Man.

By its speed it facilitates the business of the title man through prompt return of papers filed for record. By its accuracy and protection against alteration it reduces his risk, especially in title insurance. By improving the present method of registration it strengthens his position with respect to the Torrens System.

It is also possible for one or more title companies to install the equipment for their own work and at the same time do the county work under contract. Such an arrangement proves a distinct benefit to property owners as a duplicate set of records is created in a separate building and at a cost much less than in making a single set of records by the manual system. So necessary is a duplicate set of records considered that some counties maintain them at public expense.

Permanency.

The permanency of the handwritten or typewritten record depends on the quality of the paper and ink or ribbon used. The custom is to use only the

highest grade of linen record paper and special carbon inks. The Photostat Record is made upon the same high grade linen record paper now in use, but both surfaces of this paper are coated with a pure, silver bromide sensitized emulsion. When the original instrument has been photographed upon this sensitized linen paper and the copy so made properly developed and finished, the record becomes a permanent one which will last as long as the paper itself and without fading. In fact this surface coating tends to protect the paper from moisture and gives added strength, which is an advantage in favor of the Photostat Record outlasting all others.

The photographic paper has high orthochromatic qualities which make it possible to photograph not only black and white objects, but also deeds and instrument printed in color or combinations of color. Red, purple or blue typewriting, colored inks, seals of other markings are all clearly reproduced on the record in whites and blacks.

The time saved by the Photostat System is an item of greatest importance in figuring cost as against any other method. The records are made rapidly and finished ready for binding in a very short time. The capacity of a single Photostat Recorder is in excess of 1,000 pages of record per day. The operations are all simple, such as the usual employees of a recording office can readily learn in a few hours of instruction, and the work itself is interesting.

Operation.

The Photostat Recorder makes photographic copies directly on both sides of the sensitized inert paper, so there are no blank pages, and less storage space is thus required for the finished records. As the photograph is made through a prism attached to the lens, the resultant picture reads correctly from left to right.

Legality of Photographic Recording.

The statutes concerning recording were nearly all written years ago before photographic recording had become known, and in many cases before even the typewriter was in common use. The obvious intention was to preserve and publish title to property, rather than to prescribe the exact method.

There are but seven states where the statute has been rewritten or changed to specifically permit photographic recording. These states are Nebraska, Kansas, Oklahoma, Missouri, Colorado, Utah and Michigan.

Illinois and Florida without repealing their old statutes, simply passed new laws to enable certain counties to use photographic recording. The

old statutes were probably sufficient, but the new acts relieved the officials from any doubt.

Perhaps half the remaining states have broad statutes which do not mention any particular method. In some instances, such as Wisconsin and Minnesota, legal opinion was at first rather against the photographic method, but nevertheless, Kenosha, Wis., and St. Paul, Minn., after careful investigation adopted the Photostatic System. Later after more thorough consideration, the Attorney General's Department of the State of Wisconsin, rendered an opinion that "the photographic method may be used for the recording of instruments."

Legal opinion and such court decisions as are available are all for broad and liberal interpretation of the statutes, as indicated by the following opinions of Mr. Sidney L. Samuels:

"There is a distinction to be observed between those statutes which are mandatory in their nature and those which are merely directory. The one must be implicitly followed, while the other must be construed and applied in the light of the conditions in which it was enacted."

"The statute which provides for the recording of instruments is one which is purely directory in its nature and, therefore, any means that may be applied to bring about the attainment of the purpose of the statute is sufficient. The plain intent of the statute is that a permanent record shall be kept or all instruments permitted by law to be filed with the clerk. If the statute had provided that the recording should take place in blue ink, it would have involved no departure from the law, if the recorder were to use black ink, or ink of any other color, so that the record would be perpetuated. If, for example, no other kind of ink had been manufactured than black ink, when the statute was enacted, could it be said that the statute intended to hold the clerk to the use of black ink forever, when ink of any other color would accomplish the same purpose? Manifestly, this statute is altogether 'directly' and by 'directory' is meant a statute that relates to something other than essentials."

"The law, unless there is a manifest intent to the contrary, must be made flexible so as to keep step with the evolution of progress and scientific discovery, otherwise it would be a set of principles, rigid and unbending, which could do no more than govern the immediate circumstances of the generation in which it originated."

"The law relating to exemptions, if strictly construed, would be ineffective under modern conditions because a family now no longer travels in the old-time vehicle, but in a machine in which the motor is operated through the use of gasoline. If it were held that the exemption could apply only to the old-time buggy or family surrey,

drawn by horses, then a new set of statutes would have to be enacted to cover the use of the automobile, and make it exempt from the payment of debts. Then again: If it is to be held that only those methods of recording could be employed in recording instruments that were used and utilized when the statute on that subject was passed, then the loose-leaf ledger would have to be abandoned, because in that day it was unknown to the bookbinder. Then, too, it would not be permissible to use the typewriting machine, because that is a method of printing and when the recording statutes were passed there was no other method known to the genius of man that of recording all instruments by the laborious and irksome, manual process of pen and ink. We might go a step further and say that since only the quill was known to the legislator when the registration statutes were adopted, that it would be inadmissible to use the steel pen or even the fountain pen, and to realize the absurdity of such a conclusion, it is only necessary to add that the law is not concerned with the methods so long as the record is accurately and properly kept."

The use of the Photostat System in a public record office involves no change in the general routine of the office outside of the transcribing department. The Photostat Recorder simply takes the place of typewriters and lightens the labor of copying. The papers as they are delivered to the Photostat Department are first inspected and those that are not suitable for photographing are separated and copied on the typewriter. Experience has shown that at first these instruments which have to be rewritten on the typewriter are less than ten per cent of the total number and that as the public realizes that the instruments filed for record are to be preserved in facsimile, more care is used in preparing them and the percentage suitable for photographing becomes almost 100 per cent. Whenever, it is necessary to make a typewritten copy, it is desirable to make a Photostat copy also so as to preserve a facsimile record as well.

After inspection the instruments are sorted into their various classes, such as deeds and mortgages. The record book and the page numbers are then stamped on each page of the instrument. The location of every instrument in the record book is thus established and errors in indexing avoided. The sorted pages are then arranged in proper order of book and page number and are copied on the Photostat Recorder. The completed Photostat Records are again sorted and inspected, then trimmed, pressed and prepared for binding. Check is now made to be sure there are no missing numbers or pages and that all are in correct order. The permanent binder is then put on.

The Photostat System requires no



County Record Books Made from the Original Instruments
by the Photostat System

comparing of the record with the original instrument. The Photostat copy is of necessity a facsimile reproduction. The identity of the original instrument is always preserved. The Register of Deeds is relieved of the responsibility of interpreting illegible handwriting. He is enabled to handle a large quantity of work with dispatch and at low cost.

The fact that this system is already in full operation in a number of the most important recording offices in several states in conclusive proof of the thoroughness with which every phase of the recording problem has been solved. It has had its most thorough trial in Cook County, Illinois, where "the increase in records photographed was from approximately 173,100 standard pages during the fiscal year of 1924 to 1,214,354 pages during 1925." The official report of J. L. Jacobs & Co., efficiency experts to the County Board, contains also the following statements:

"Increased services and convenience given to the public by the departments using photography, and at a net total saving of approximately \$326,990 as between the cost of manual and photographic recording."

"Analysis of the information obtained from these sources showed among other things that (1) an increasingly large number of organizations, both governmental and industrial, have been using photography for making permanent and other records for periods varying from one to almost forty-three years; (2) that photographic copies when properly fixed and washed are as permanent and durable as the paper on which the photograph is taken and are as clear and legible as the originals; (3) that the organizations adopting this method after investigations, have found the photographic process to be more speedy and more economical than any other method; (4) that in addition to the increased speed and money sav-

ings which are obtained through the use of photography, there is the assurance that the photographic copies are identical with the original documents both as to content and clarity, thus eliminating any possibility of error in the permanent or other records."

"With the advances made during the past two years in the development of photographic equipment and in the manufacture of 100 per cent rag ledger paper for photographic records, the strength and durability of the photographic records has been shown by physical and chemical tests to be greater than record paper formerly used by the Recorder's Office."

"Supplementing the experiences and opinions from some fifty governmental and industrial concerns who are using photography for making permanent and other records, outside expert opinions were obtained by the Committee on Help at a hearing of the committee on Dec. 18, 1924, from Professor E. J. Wall, formerly professor at the University of Syracuse and now Consulting Chemist of Boston, and from Dr. C. E. K. Mees, Director of Research of the Eastman Laboratories in Rochester. These experts testified that the photographic process furnishes a more permanent, durable and economical method of preparing records that the usual longhand or typewritten method and that with the quality of paper used and the methods established for the fixing and washing of photographic prints in the Cook County photographic plants, the records would last as long as the paper itself."

"The Photographic method would insure absolute accuracy and would reproduce the original instrument upon the records in such fashion as to minimize, if not altogether avoid errors that are common to all the other methods of recording. The spirit and intent of the law is to bring about a faithful reproduction of the instrument filed for record, and this being

the case, certainly, so far from invalidating the process, it would be absolutely favored in law by its freedom from error. To illustrate: It is sometimes difficult in transcribing an instrument which is altogether written in manuscript, to determine whether a given letter of the alphabet is an 'I' or a 'J' and, therefore, something must be left to the varying opinion of recorders, but in the photographic process the instrument would be reproduced as it is, and then the question

of what letter was intended would be left to the person who inspects the records."

"On the whole, it must be obvious that the law would not only allow this method of recording, but would positively encourage it, and, therefore, I unhesitatingly answer that the photographic method is altogether legal and may be used by the recorder without fear of untoward consequences."

WASHINGTON TITLE ASSOCIATION IN INTERESTING MEETING.

The Washington Title Association held its 1927 Convention in the City of Tacoma. This Association believes in making a real event of its conventions and has a good time as well as an interesting and valuable program. Business is mixed with pleasure and the occasion made more pleasant by the banquet, sight-seeing trips, etc.

Washington can now boast of having produced four Presidents of the American Title Association and they were all present at the banquet of the 1927 meeting. Worrall Wilson, a former President who served not so many years ago, was the Toastmaster. Near him sat L. S. Booth, also of Seattle, and President in 1916; A. T. Hastings of Spokane, President in 1909, and J. W. Woodford, the present President of the Association, also of Seattle.

There was a fine attendance when President Joe Hunt called the meeting to order. He called upon L. S. Booth who read a letter from a former President, J. E. Willis, now living in Washington, D. C., and who had presented the Association with a gavel made from a piece of the only tree growing on the premises of Barbara Frietchie in Fredericktown. More interest was added to the occasion when it was learned that Frank Hackman's father was in one of the calvary regiments of Jackson's army that passed through Fredericktown on the day Barbara Frietchie raised the flag and became a historical character.

E. L. Farnsworth, Secretary of the State League of Savings and Loan Associations of the state, was introduced and responded with a talk that had a strong appeal to his listeners. He viewed the relation between the titlemen and money lenders, particularly the savings and loan organizations, and stated he was strong in his opinion that only abstracts made by responsible abstracters should be accepted and allowed by the state commissioner inspecting the collateral of such companies.

Elizabeth Osborne of Yakima produced a picture of the convention of the American Title Association held in Seattle in 1909. Particular attention was attracted to Charleton Hall and his youthful appearance at that time.

T. W. Zimmerman, Secretary of the Pacific Northwest Real Estate Association, was present and generously offered to publish a list of the members

of the Washington Title Association in the publication of that body, "The Northwest Real Estate Journal."

President Joseph E. Hunt gave an interesting address that evidenced his enthusiasm for the state association and particularly the good work he had done during his term.

James W. Woodford, President of the American Title Association, was called upon and extended greetings from the national organization.

James S. Johns, Chairman of the Abstracters Section, was the representative of the American Association and gave a fine talk on cooperation and what could be done by the abstracters of a state working together, particularly the advantages to be gained by cooperation among those in the same county.

Walter M. Daly, Vice President of the American Title Association and President of the Oregon Title Association, was present and gave an interesting talk on "Escrows."

Other addresses were given by Judge Hugo E. Oswald of Seattle, Title Officer



C. H. GROTH
Elected President of the Washington Title Association.



ELIZABETH OSBORNE
Yakima
Chosen Secretary-Treasurer Washington Title Association for coming year.

of the Kings County Title Co., on "The Law in the State of Washington in Relation to Fixtures"; by A. H. Barnhisel of Tacoma, President of the Pacific Northwest Real Estate Association, on "The Present Washington Law Regulating the Real Estate Business"; by Sidney A. Cryor, Counsel for the Federal Land Bank of Spokane, and W. H. Winfree, of the Kings County Title Co., Seattle, who told of his company's novel scheme of building a title plant by photographing, using moving picture reels.

C. H. Groth, delegate of the Washington Title Association to the Atlantic City Convention of the American Title Association, told of attending that meeting.

The Round Table Discussion, an anticipated feature of this association's meeting, was held at 11:00 a. m. of the second day.

The Executive Committee was authorized to send, at its discretion, either the President or the Secretary to the Midwinter Meeting of the national association to be held in Kansas City, Mo., in February.

The following Officers were elected: President, C. H. Groth of the Whatcom County Abstract Co., Bellingham; Vice President, E. W. Fawley, of the Douglas County Title Abstract Co., Waterville; Secretary-Treasurer, Elizabeth Osborne of the Yakima Abstract and Title Co., Yakima.

The following resolution was passed:
RESOLUTION.

WHEREAS, the Washington Title Association at its twenty-third annual

convention has been favored with the presence at its session of three of the officers of the American Title Association, its President, James W. Woodford, its Vice-President, Walter M. Daly, and James S. Johns, Chairman of the Abstracters' Section; and,

WHEREAS, these three officers have each very ably addressed the convention and materially added to the interest of and the profit derived by those attending this meeting; and,

WHEREAS, their presence is another evidence of the program of co-operation being fostered between the National Association and the State Associations, Now, therefore, be it

RESOLVED,—That the Washington Title Association in convention assembled does hereby express its appreciation of the efforts of the American Title Association to assist in making this convention a success and of the spirit of cooperation manifested by sending its representatives to address the assembly; and be it further

RESOLVED, That a copy of this resolution be spread upon the records of the Association and a copy thereof be sent to the Secretary of the American Title Association.

Dated at Tacoma, Wash., this 20th day of November, 1926.

MEMBERSHIP CAMPAIGN GIVEN ENTHUSIASTIC START.

Awards to Be Given State Secretaries Making Best Showing.

Forrest M. Rogers, Chairman of the Membership Committee, announces the campaign is well under way and many new members will be added to the state associations as a result.

The state officials showed an unusual interest and desire to cooperate in the activity with the result that the prospect lists were compiled early and everything was enabled to move on schedule. All of the states but three have entered into the spirit of the thing and that means their local memberships will be increased and many added to the American Association. The national association offers exceptional facilities and help to the state organizations in their membership work and the joint efforts of the two bodies always bring results. There has been an apprehension each year that the saturation point might have been reached in membership, but each year has proven to the contrary. Many prospects have been found each time and some of them are always added to the membership lists.

Some of the states however have nearly reached the "peak" especially in those where there are rather well defined requirements for affiliation but even these manage to bring a few more into the fold each time until the one hundred per cent mark will soon be reached.

The campaign this year has been carefully planned. A fair system for the awards has also been figured. It will be based both on the largest net gain and also the largest in percentage.

President Woodford will give a handsome cup to the state association making the largest gain in number. Awards will also be given to the state secretaries making the largest percentage of increase. These will be in the nature of personal tokens. The first will be some fitting gold gift of personal use and will likewise be given by President Woodford. The second will be "Thompson on Real Property" and the third the choice of "Warvelle on Abstracts" or McCune Gill's "Fourth Edition of Tiedman on Real Property." These second and third awards will be given by Richard B. Hall, the Executive Secretary of the Association.

The Plan Being Followed.

The membership campaign incurs a lot of work and the Chairman has a big job. Forrest Rogers was given the undertaking this year and has entered into it most enthusiastically. The co-operation of the state secretaries was first necessary but, as said, this was given with enthusiasm. Prospective lists were secured in each state. Their

membership was solicited by the state organization and then a letter stressing it be given consideration and attention sent to each of the several hundred by Mr. Rogers. At the same time a letter was sent from the Executive Secretary's office and an enclosure included of sample copies of TITLE NEWS, the directory announcement and postal.

Follow-ups will be sent and many new members will be added. Last year created a new record when the membership was increased forty-nine and six-tenths per cent. This year should be as equally successful.

It is noted, too, that the number of members dropping out or allowing memberships to lapse is almost nil. They are almost without exception due to consolidations, termination of businesses, etc., and none because of lack of interest or inclination to believe that there is not value received.

All these things are very gratifying and evidence of the increasing realization of the value and use of the state and national title associations.



PRESIDENT'S CUP

Awarded by President J. W. Woodford to the state association making the largest increase in membership.

Personal awards will also be given the state secretaries making the largest percentage of gain.

HENRY N. CAMP, JR.
Attorney and Counsellor at Law
KNOXVILLE, TENNESSEE

Editor: "Title News":

The Chairman of the Committee upon the matter of the creation of a National Board of Title Underwriters, on behalf of the committee, desires to thank the various title insurance companies throughout the United States for the promptness with which they answered the Committee's letter of Dec. 31, 1926.

The replies received up to Jan. 8 are practically unanimous in favoring the establishment of such a Bureau as was proposed. Therefore, unless later replies should differ radically with those already received, it seems probable that the committee will recommend the creation of such a Bureau.

Although the replies received have not been carefully tabulated and analyzed, it is believed that the large majority favor the proposition of putting such a Bureau under the supervision, for the present at least, of the American Title Association.

Some of the replies received by the committee indicated a reluctance on the part of some of the companies to report their premium income, though such companies did not object to reporting their losses and the causes therefor.

It is the belief of the chairman of the committee that in order to get the most value out of the information which the Bureau will collect, that losses will have to be figured in relation to premium income, as the premiums charged vary all over the country. In this way if the reports from all sections of the country show that for every \$100.00 of premiums written there is an average loss of \$30.00, then the XYZ Title Company operating in Ohio can easily calculate that if the overhead and examining cost of writing a policy with a premium of \$25.00 amounts to \$20.00 and there is a general average loss amounting to 30 per cent of the premium or in this case \$7.50, the loss on this transaction can be estimated at \$2.50.

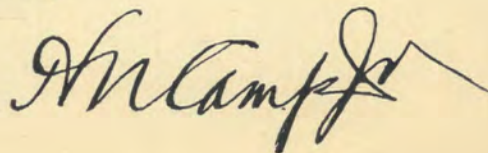
At the present time there is not available to the title insurance companies of the United States any reliable information in regard to the losses which they reasonably expect. What would any one of you title company managers think of a merchant who fixed the price of his merchandise by "guessing" that about \$4.00 was the right amount to charge for a bale of hay?

Title insurance is in its infancy and some time in the future it will rank alongside of fire insurance and life insurance. Therefore it seems highly important that those most interested stop working in the dark and find out if possible what the probable cost of the services they are selling.

For the benefit of those companies which have expressed some doubt as to the advisability of reporting premiums, the Chairman of the Committee desires to go on record as favoring a plan which will treat all information coming into the Bureau as confidential and that the only information which the Bureau will disseminate will be the average results which may be expected. For example when 282 companies report that for the month of January they received total gross premiums of \$650,000.00 and paid net losses of \$19,500.00, of which losses \$10,000.00 was caused by forgery of a deed, \$4,000.00 on account of mechanics liens and \$5,500.00 scattered between state and county taxes and federal income taxes, then the title companies will know that forgery is one of the main hazards to consider and that mechanics liens are a heavy hazard. The compiled statistics covering losses will give to all companies the results and experiences of all other companies but the XYZ company doing business in Cincinnati will not know the specific losses sustained by their competitor the ABC company doing business in the same city nor can the ABC company learn from the Bureau the amount of premiums which its competitor the XYZ company wrote. Such matters will be held confidentially in the files of the Bureau.

In conclusion the writer is reminded of a remark made by Mr. Guy P. Long of the Union and Planters Bank & Trust Company of Memphis, when it was proposed to organize a state title association in Tennessee. After a good deal of discussion on the matter, Mr. Long remarked: "Gentlemen, if I were a brick layer I would belong to the union," and that remark seems to say all there is to be said upon the matter.

Respectfully yours,



MUCH INTEREST SHOWN IN CREATION OF BOARD OF TITLE UNDERWRITERS.

Response Given to Committee's Activities Indicate Favorable Recommendation.

A great deal of interest has been shown in the idea of creating a Board of Title Underwriters. The Chairman of the Committee named to investigate its possibilities and desirabilities, H. N. Camp, Jr., reports a most encouraging response was given the committee's efforts and title insurance companies seemed to favor it.

Elsewhere in this issue of TITLE NEWS is a letter from Mr. Camp which explains the status of the matter. He reports 282 letters were sent to that number of companies and many replies have been received to date. Of those replying but three expressed opposition to it. Of the favorable replies, many were of real enthusiasm and gave expressions and ideas that showed their keen interest.

In view of the response, Chairman Camp states there is little doubt but that his Committee will bring in an unanimous report favoring the creation of the Board and recommending that the Chairman of the Title Insurance Section form it as provided in the resolution introduced at the Atlantic City Convention.

The following are the letter and questionnaire sent out:

Pursuant to the action taken by the American Title Association during its Twentieth Annual Convention, President J. W. Woodford has appointed a Committee to report to the Midwinter meeting of the Executive Committee upon the advisability of establishing a National Board of Title Insurance Underwriters, the duties of which Board shall be to collect and disseminate to all Title Insurance Companies which become members thereof information regarding the causes and amounts of title insurance losses, in a same or similar manner as such information is collected and disseminated by the National Board of Fire Insurance Underwriters.

At the present time there is not available to title insurance companies any reliable information regarding the percentage of losses paid to premiums collected, or any reliable information regarding the causes of title insurance losses.

Legislatures of several States have recently shown signs of passing legislation affecting title insurance companies themselves are in position to furnish authoritative statistics regarding their business, harmful legislation may result.

It is with these things in mind that this Committee is asking your immediate and careful attention to the questions it is sending on the enclosed page. Will you please answer each of these questions and add such remarks as occur to you and return at once as the time is very limited in which to prepare our report for the Executive Committee.

You will find a very instructive and interesting article on this matter on page eight of the December issue of TITLE NEWS.

Yours very truly,
H. N. CAMP, Jr.,
Chairman for the Committee.

1. Is a national agency needed to collect and disseminate information relative to title insurance premium income and title insurance losses and the causes of such losses?

2. Should such an agency or bureau be established, will your company be-

come a member and report your premium income, your losses and the causes of such losses?

3. Should the expenses of collecting and disseminating such information be apportioned to the reporting members on the basis of their premium income? If not, how?

4. Should such a bureau be under the control of The American Title Association or should it be operated independently by and under the direction of the Title Insurance Section of the Association?

Relationship of Abstracter, Examiner and Title Insurance

By C. S. Hale, General Counsel, Federal Land Bank, St. Louis, Mo.

The abstract is the foundation upon which the examiner must build his opinion and which may be decorated by title insurance, hence the abstracter must be a master workman, otherwise the foundation may crumble, the building fall and the decoration spoiled. The title is liken unto "The Old One-Horse Shay" no stronger than its weakest part. The master workman knows his material and should expose the defective substance in order that the builder may know the strength of the foundation. Any abstracter with average intelligence and by hard work, can become a master, though not over night. He will soon become so thoroughly conversant with the general rules relative to the conveyance of real property that he can as readily see that which is omitted as well as that which appears upon the record. Where by either omission or commission an irregularity appears, he will know whether or not the title is weakened thereby. If weakened or questionable, then such irregularity should be sufficiently exposed to enable the examiner to properly construct his opinion, without which the insurer is unwilling to decorate the structure by guaranteeing its durability.

The abstracter is more serviceable to his clients when he compiles the abstract in such a way that it can be most readily examined with the least danger of an oversight by the examiner, which would bring grief to the owner of the real estate or to the insurer of the title. The insurer will only come to grief by an error of the abstracter or by the incompetency of the examiner. As a rule the insurer will only accept liability where the abstracters as well as the examiners have the reputation of being experts in their respective lines. Otherwise the rate would be prohibitive or the business considered non-profitable. The abstract should be as brief as possible, yet showing enough to enable the examiner to determine the validity of the conveyance.

I recently had occasion to inspect an abstract prepared by a purported abstracter wherein every instrument was

copied in toto. This abstracter undoubtedly recognized his own incompetency or wilfully robbed his client as the abstract cost fully six times as much as it should have cost, in both preparation and examination. Passing from one extreme to another we find the abstracter who furnishes only a chain of title and in that case the examiner must accept the abstracter's judgment as a basis for his own opinion.

I have had occasion in the past three years to examine a number of abstracts prepared by an abstracter in South Central Missouri, who to my mind approaches the ideal. His abstracts are neat and brief, yet showing a sufficient substance to enable the examiner to fully picture the conveyance. He uses four different colored sheets, each representing a certain class of conveyances. All regular substance are printed in black type and irregular matter in red. Each conveyance being in its proper numerical order. It is a pleasure to examine his abstracts.

Frequently the examiner will have an abstract written out in long hand submitted to him. The abstracter may be as poor a penman as the examiner, hence the puzzle becomes more difficult to solve, and the chances for misinterpretation more probable.

There should exist the most friendly relation between the abstracter and the examiner as each can add much to the efficiency and convenience of the other, all of which will be to the advantage of the insurer of the title and the public as well.

As real estate becomes more valuable, greater is the demand for a perfect title, and in most cases the title can be kept in a perfect condition, if the contracting parties would insist upon the conveyances being prepared by either an abstracter or an attorney who is a competent examiner. Many titles are clouded by the carelessness or ignorance of the scrivener of the instrument or the individual taking the acknowledgment, when such errors would be so simple that an abstracter or examiner could not help but discover the mat-

ter in time to avoid the mistake.

Questions of descent and distribution being questions of law rather than matters of form should be carefully scrutinized by the examiner and unless he has a perfect record, he is in danger of jeopardizing his clients interest.

Recently I had two abstracts and a certified copy of the record, all purporting to show a certain conveyance, and no two of the instruments harmonized as to grantors' signatures or in the acknowl-

edgments. Such conditions cause the examiner to look with suspicion upon the entire abstract. Sometimes the examiner is too technical in that he is over critical of immaterial defects, however, such irregularities should be pointed out as minor defects where a perfect chain of title is demanded. The insurer must rely upon the correctness of the abstracter's work as well as the interpretation given by the examiner, hence it is important to him that both be experts in their respective lines.

Origin and Growth of Title Insurance in Philadelphia

Prepared by **OAKLEY COWDRICK, Vice-President and Manager of the Title Department of The Real Estate Title Insurance and Trust Company of Philadelphia.**

Most anything is liable to happen, but unless, in the final unwinding of old King Tut, there is found to be a guarantee to the quiet and peaceful possession of his section of the Valley of the Kings, the proud boast of The Real Estate Title Insurance and Trust Company of Philadelphia that it originated title insurance is indisputable.

There are now in the city of Philadelphia over fifty corporations which include in their operation the insurance of titles to real estate.

At the twentieth annual convention of the American Association of Title Men there were representatives present from over a hundred title companies doing business in thirty-seven states of the Union.

All of these companies follow closely the methods of The Real Estate Title Insurance and Trust Company and some have even adopted its name.

Almost the first matter to engage the attention of the founders of the Commonwealth of Pennsylvania was the establishment of a system of land transfers which was done by the formation of a Land Office where application was made for a survey of land purchased from William Penn, the proprietor, upon which survey a patent issued, and was duly recorded. From that time to the present day, a period of 242 years, the land thus granted passed through the successive holders of the title by deed, will or descent in accordance, first, with the English system of transferring real estate, upon which our method was founded, modified by the change of conditions after the Revolution and altered and amended by various enactments of the Legislature of Pennsylvania. The laws relating to the transfer of real estate were made to protect the holder of the title, but the ordinary purchaser could not be expected to be familiar with them, so there grew up in the community a body of men whose study of these laws and their experience made them experts in real estate law and methods of conveyance.

In Philadelphia the men practicing this profession were called "conveyancers" and they occupied a dignified and responsible position in society. The

earliest deeds were written on parchment skins imported from England and were supplied in various sizes according to the matter to be written thereon and handed to the "scrivener" (now, as such, as extinct as the dodo) who prepared the skin for the pen. Every word in the deed, from beginning to end was written by the scrivener who spread the skin on a large flat table, sharpened his quill, very often removed his shoes, and with tongue sticking out went at it; on dark days and nights by candle light.

The conveyancer made the necessary examination of the records making up the various steps in the title into an abstract or "brief" as it was, and is yet called.

Based upon the information thus obtained, the necessary searches were made to show encumbrances affecting the property and upon the result thereof the conveyancer made the transfer. The conveyancers were able, from their experience to detect flaws in the title, or obstructions to the conveyance, and the questions thus arising were submitted to lawyers, especially versed in real estate law, on whose opinion the title was finally passed or rejected.

It will by the preceding recital be readily seen that the method of conveyance was tedious and cumbersome; that the purchaser of a property or a mortgagee was at the mercy of human frailty, and might, through lack of skill or carelessness on the part of the persons engaged in examining his title lose his property or investment. And this happened.

Even if the loss resulted from negligence the conveyancer was not always of such responsibility that he could be compelled to make good; and if such loss resulted from an error of judgment he was not liable.

About fifty years ago this condition created such unrest among real estate owners and investors that an Act of Assembly was passed by the Legislature of Pennsylvania providing for the erection of corporations for the specific purpose of "insuring owners of real estate, mortgagees and others interested in real estate against loss by reason of defective titles, liens and encum-

brances." Following this on the 28th of March, 1876, a franchise was granted by the Governor of Pennsylvania to The Real Estate Title Insurance and Trust Company of Philadelphia, being the first ever granted by any governmental authority anywhere in the world.

Like every new and untried thing title insurance met with opposition and was slow in developing. The conveyancers and lawyers engaged in the business of transferring real estate resented the intrusion and interference with their established privileges, and it was ten years before title business began to assume substantial form. However the opposition died down and with the successive establishment of other companies for the same purpose the public saw the advantage of title insurance until today no one, in Philadelphia at least, would think of purchasing a piece of real estate or loaning on mortgage without its protection.

The growth of the business here is shown by the fact that The Real Estate Title Insurance and Trust Company of Philadelphia has issued to this time over 344,000 policies of title insurance aggregating many hundreds of millions of dollars.

In 1923 there was issued 21,388 policies covering transactions totalling \$112,965,573.

THE OKLAHOMA TITLE ASSOCIATION

will hold its

1927

CONVENTION

in

Oklahoma City

FEBRUARY 7-8

This promises to be an unusually worth while meeting.

A fine program has been arranged.

A visit to the State Capitol during legislative sessions is always interesting.

Any meeting of the Oklahoma Title Association is worth attending.

1927 Convention to Meet at Detroit

*Plans indicate big program of speakers
and entertainment*

Dynamic Detroit will be the background against which the scenes of the 1927 Convention of the American Title Association will be enacted Aug. 30 and 31, Sept. 1 and 2.

Plan to spend these early fall days in this wonder-city of the Great Lakes. Detroit welcomes you to its recreation facilities, its scenic beauties, its great industrial plants, its theaters and shops.

In spite of its phenomenal growth, Detroit remains a city of shady trees, broad avenues, and spacious homes. Signs of the amazing growth the city has experienced are shown in downtown Detroit where skyscrapers rear proud towers above the hurrying traffic.

Geographically, Detroit is ideally located as a convention city. More than seventy per cent of the population of the United States is within a one-night's train ride. For the devotee of motoring, fine roads lead into the city from all parts of the country. Cool, delightful transportation by water is available on the luxurious steamers which glide over the Great Lakes to Detroit from Chicago, Buffalo, Cleveland and other Great Lakes cities. Your plans for attendance at the American Title Association Convention can easily be combined with vacation travel plans, for many of the most beautiful water journeys in the United States have Detroit for a starting point.

Detroit's industrial plants are an education and a revelation to the visitor. At River Rouge, a suburb of Detroit, the Ford Motor Company has the largest industrial plant in the world, even larger than the famous Krupp works of Germany. In the five miles of buildings which house this Ford plant, thousands of men work under the most modern conditions for the world's largest individual employer of labor.

The American Title Association Convention's headquarters will be at the Hotel Statler, one of the best hotels of that fine chain. Comfortable rooms, each with its private bath, will be available for those who send in their reservations early in this centrally located hotel in the heart of the shopping and theater district.

The Entertainment and Program Committees' plans are materializing rapidly. Committee members tells us that every minute of the four convention days will be filled with professional and recreational events of great value.

Only one thing is required of you personally. Make your plans to attend the 1927 Convention of the American Title Association at Detroit, Aug. 30 and 31, Sept. 1 and 2. All signs point to the best convention in the history of the Association. You are urged to come for your share of the information and good times which are assured.



Detroit, 1927 Convention City.

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.

*When does intention to occupy,
make land a homestead?*

Only when there is some overt act of preparation for building or improvements. Trust Co. v. Weber, Sept. 20, 1926 (Oklahoma).

*To what extent are mortgages
within four months of bankruptcy
valid?*

Only to the extent of the money newly loaned and not as to that used to take up old obligations. Estate of Bloom, Sept. 18, 1926 (Pennsylvania).

*What are farm landlord's rights
in crop when tenant on shares be-
comes bankrupt?*

The landlord need not prove claim in bankruptcy court, because his share of crop belongs to him, and does not pass to the bankrupt's trustee. Underhill v. Allis, Sept. 10, 1926 (U. S. Court of Appeals).

*Is an oral drain easement agree-
ment valid?*

Held valid notwithstanding Statute of Frauds if drain used for some time and purchaser knew it. Schneider v. Cross, Sept. 27, 1926 (Colorado).

*Can widow be compelled to have
dower set out to her from lands
owned by husband at his death, and
not in lands sold by him?*

She can be so compelled if husband's deeds were warranties, but, not if quitclaims or sheriff's execution deeds. Harmon v. Perry, Sept. 23, 1926 (Virginia).

*Is a deed in fraud of creditors
good, if purchase is for value
without notice?*

Yes; deed is good. Artrip v. Kelly, Sept. 23, 1926 (Virginia).

*Which is superior, a confirma-
tion of a Spanish concession, or a
title under the Swamp land act?*

The confirmation. Safford v. Albritten, 109 So. 486 (Louisiana).

*Can service by publication be
had on a minor?*

Usually good by statute; but was void in Florida before 1909. Peacock v. Miami, 109 So. 458.

*Is a trust to maintain a certain
course of lectures void as indef-
inite?*

No; it is good as a charitable trust. Mercantile v. Showacre, Sept. 30, 1926 (West Virginia).

*Is an illegitimate grandchild in-
cluded in a remainder to testa-
tors next of kin?*

It is in Virginia if the child of testator's daughter. Snidow v. Day, Sept. 28, 1926.

*Is non-statutory verbal adop-
tion good?*

Yes, in Iowa; as where child is taken into adopter's

family, and introduced and reared as adopted child. Morris v. Trotter, Oct. 8, 1926.

*Is affidavit that defendant's
residence is "not known" suf-
ficient?*

Usually void; procedure statutes ordinarily provide that the affidavit must state that defendant "is a non-resident." Morton v. Davezac, 152 N. E. 679 (Ohio).

*Is purchaser charged with con-
structive notice of deed not in
chain of title?*

No; thus he takes good title where he buys in 1920 from one who acquired by deed in 1916, if he had no actual knowledge of a redemption agreement (under the 1916 deed) recorded in 1917. Capper v. Paulsen, 152 N. E. 587 (Illinois).

*Does a conveyance of a "mill
and appurtenances" include land?*

Yes; both the land under the mill and that used in connection therewith. Harvey v. Sandwich, 152 N. E. 625 (Massachusetts).

*Is an oil lease for one-eighth of
the oil, good on school lands?*

Not in Texas; the consideration must be in money. Ehlinger v. Clark, 284 S. W. 974.

*Does title to real estate pass to
heirs or administrator?*

To heirs immediately upon death of ancestor, subject only to lien of debts. State v. Court, 245 Pac. 529 (Montana).

*Is a judgment docketed against
"Bess Hedges," a lien on property
of Elizabeth or Mary Elizabeth
Hedges?*

Yes; Company v. Smith, 151 N. E. 448 (New York).

*Is a reversion to grantor after
death of grantee, good if grantor
dies first?*

Held void in Indiana, but would have been good if to grantor "or his heirs." McGahan v. McGahan, 151 N. E. 627 (Indiana).

*Can a broker buy the property
himself?*

Not if it was listed with him, or he took commission; and client who did not know of the transaction can recover profits on re-sale. Rushton v. Anderson, 133 Atl. 805 (Rhode Island).

*Does a covenant to use a lot
"solely for residence purposes," ex-
clude apartments?*

No; not even where the other owners have built one-family residences. Miller v. Ettinger, 209 N. W. 568 (Michigan).

*Is giving deed to third person, to
be recorded after grantor's death,
a good delivery?*

Doubtful, as shown by 4 to 3 decision in Wisconsin. Kolber v. Schneider, 209 N. W. 595.

Does destruction of unrecorded deed at direction of grantee destroy his title?

No; although sometimes held to work an estoppel. *Krach v. Carron*, 133 Atl. 306 (Maryland).

Is oral authority to fill in grantee's name, good?

Yes; *Engelking v. Bank*, 209 N. W. 307 (Minnesota).

Is foreclosure advertisement bad if recital of date of mortgage is wrong?

Yes; as March 9, 1919, instead of March 5, 1919; even though recital of recording date is correct. *Schmidt v. Gunsalus*. 209 N. W. 341 (South Dakota).

Is a general judgment in favor of a mechanic barred by bankruptcy?

No; even though the mechanic failed to perfect his mechanic's lien. In re *Interstate Refineries*, U. S. Dist. Ct., Oct. 13, 1926.

Can California creditors attach California property if they are parties to a U. S. receivership in New York?

Yes; they can attach. *Lucey v. Morlan*, U. S. Circ. Ct. of Appeals, Oct. 11, 1926.

Can a written contract of sale be set aside for verbal misrepresentations?

Yes, if the representations were material (such as rental and condition of apartments); but cannot be set aside if the contract states that "no representation has been made except as herein stated." *Sullivan v. Roche*, Massachusetts, Oct. 13, 1926.

Abstracts of Land Titles—Their Use and Preparation

This is the twenty-third of a series of articles or course of instruction on the use and preparation of abstracts

Minor's estates are similar in general principle to those of deceased persons, in that a petition is filed for the appointment of a guardian, much the same as that for an administrator, and the rest of the steps correspond in a similarity.

This petition will state that certain minors, heirs of a deceased person, which are children, grandchildren or otherwise heirs by descent, or as devised under a will, are possessed of certain real or personal property or both, and that it has a value of the amount stated, and a guardian should be appointed to care for the property and interests of said minors in order that their estate may be conserved and prospered.

The petition will usually contain a request as to who is to be appointed, or is desired be appointed.

This petition should usually be copied in full in order that all facts may be stated exactly, and further because it is the initial step in the estate. It could well be abstracted however if so desired.

The court will then hold a hearing and the appointment of a guardian made, but will be conditioned upon his furnishing a bond satisfactory to the court.

The abstract of the proceeding should therefore next contain the statement "Bond of Guardian in the sum of \$....., filed June 12, 1924, shows Henry Smith as Principal, and the Security Surety Co. as surety."

Following this will be approval of bond by the mere statement, "Approval of Bond, June 12, 1924, by the Court."

Letters of Guardianship are next in order and this showing should probably be copied in full to satisfy exacting and "full copy" examiners.

The guardian will then take an oath

to faithfully, impartially, etc., act, and a mere statement can be made as "Oath of Guardian, June 14, 1924, Before James Jones, Probate Judge."

Most states prescribe a notice of his appointment shall be published for a number of weeks. This will be shown in the usual way for notices (which has been described many times before in these articles) by abstracting the printer's affidavit describing the publication, the number of consecutive times it was published and the dates of the first and last publications with a copy of the notice.

Guardians are then required to look after the property matters of their wards and file an annual statement until such time as all of the minors shall have reached the age of majority when the guardian is discharged and his bondsmen released.

Probably every occasion for abstracting a guardian's estate is because of the sale of the minor's interest in real estate. Therefore a sale proceeding is a regular thing. This is usually very similar to the sale of real estate in a deceased person's estate. Courts are usually very careful in looking after the property rights of minors and the proceedings are drawn to a somewhat finer line in most instances.

There must of course be a real reason for wanting to sell the minor's real estate and these reasons are prescribed by the statutes of the various states. They are usually for the education, benefit or welfare of the minor and it must be shown that it is necessary to sell the real estate to get the money to care for and educate him, etc. Then, too, there may be vacant property where there is no income, only expense for taxes, etc., and there is a reason for selling it in order that there

may be a better investment of the funds arising therefrom for the best interests of the child. Sometimes there is a mortgage on the place, taxes and interest exceed income, so a sale of the equity is arranged. But as all of these things are regulated, the petition must clearly state the reasons for wanting to sell, where the proceeds are to go and be used for, therefore COPY THE PETITION TO SELL IN FULL.

This petition being presented to the court, a time will be set for hearing as signified by "Order of Court Setting Time for Hearing of Petition to Sell Real Estate." In some states, however, no such order is necessary, as the petition must state that the Guardian will on such and such a date, and time, apply to the court for an order to sell the real estate.

In either case it will be required that a copy of the petition in the first instance, or a formal notice to the minors as will be required in the second, must be served on said minors and each and every one of them within a certain number of days before the date of said hearing. If a formal notice is required by the laws of your state, a copy of it should be shown in full. The Guardian later and after serving a copy on said minors, files proof of service in the court by affidavit or endorsement or registered mail as prescribed and this showing as to service on minors should also BE COPIED IN FULL.

If the minors are non-residents, then the usual form of publication notice is prescribed by the various states. Such notice must be published in some newspaper for a prescribed number of consecutive weeks, and most states provide that if it is possible for the guardian to ascertain the minor's address, a copy of said printed notice must be mailed to that address. Copy in full any affidavit for service by publication, and abstract the proof in the usual manner.

From here on the proceedings in most cases are exactly as for the sale of real estate by an executor or administrator. An order of sale is issued directing the property be sold at either public or private sale, for cash in hand.

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

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or deferred payments over a period not to exceed two years (or whatever number are prescribed by statute) at the discretion of the court.

An additional bond is usually required to cover the proceeds arising from the sale and this can be shown in the usual form by stating bond in the sum filed on a certain date with the guardian as principal and naming the surety. The approval of the bond by the court should also be stated.

As it is universally required that the real estate shall not be sold for less than a percentage of its appraised value, an appraisal is necessary. Appraisers will be appointed and this should be shown, and their names given. A notation should also be made of their oath to fairly and honestly act and that they have no interest in the sale or are not directly or indirectly buying the premises.

Their return should be COPIED IN FULL because an error in the appraisal can ruin the transaction. They usually are required to appraise the whole property to have a value of some sum, say in the case of a thousand dollars, that for the whole, and the minors undivided two-fifths interest at four hundred.

If the order of sale directs it shall be at private sale, no published notice of sale is necessary, but if at public sale, then the usual and heretofore described notice of sale will be published in some newspaper for the prescribed number of consecutive weeks.

Proof of the publication of the notice will be shown in the usual way by abstracting the printer's affidavit and showing a full copy of the printed notice.

The sale will be had, the guardian will make a report of the sale telling how, when and where it was sold, the sale price and the purchaser. All of this can be abstracted by making a brief notice of the report.

The approval is the final act and can be noted as follows: "Approval of Sale, Sept. 15, 1924, wherein the court approves the sale and the proceedings had thereunder and orders a Guard-

ian's Deed issued to the purchaser, John Doe." The deed is usually approved by an endorsement directly thereon, and this is shown by the notation of this instrument in the chain of title.

Whenever a minor's estate is abstracted, the abstracter should immediately ascertain if the deceased person's estate, of whom the minor is an heir, has been probated and if so, then it must be abstracted too.

When a minor's property is situated in another county or state than that of the court of origin is sold, certified copies of the various proceedings are filed in the county where the land is situated in much the same way as in a "foreign" estate of a deceased person.

Some states require though that a guardian be appointed in the state where the property is situated in which case that constitutes a separate and the only proceeding to be abstracted and an abstracter in that "foreign" state will make the transcript.

Specific Performance.

One other kind of a probate court case in addition to those previously mentioned is that for the execution of a deed by an administrator in completion of a contract of sale for real estate.

This is usually incurred where the deceased in his lifetime has contracted to sell the property upon terms, deferred payments, etc., and no deed was put in escrow at the time. Strange as it may seem, this happens many times because of ignorance or otherwise on the part of one or both of the parties to the deal.

When the purchaser has finished his payments he wants a deed and has to get it from the administrator by an order of the court. The procedure is: The buyer will present a petition to the probate court asking for specific performance of the contract and delivery of deed. He will state the terms of his contract and produce such evidence as necessary to show his claim and its facts. This shall be in the form of affidavits, exhibits, etc., as prescribed by the local statutes. Such a petition should be COPIED IN FULL.

Notice of this petition must reach the administrator or executor and states vary in the method but there are only two—either delivering a copy of said petition to the administrator and making proof of same by affidavit to the probate court or an endorsement on the margin of a copy of the petition stating the time and manner served. Some states require this notice to be by publication and directed to all concerned, but more particularly to John Doe, Administrator or Executor, but either of these two methods must take place within a certain time before the date of hearing—usually from ten to twenty days. This service can be abstracted.

The court will then have the hearing and issue an order of sale directing the administrator or executor to issue a deed.

This procedure holds good both in an intestate estate, or a testate one where the will does not grant a power of sale to the executor. The best way to prevent this necessity is to always put a deed in escrow, at the time of making the contract.

THE MISCELLANEOUS INDEX

Items of Interest About Titlemen and the Title Business

Lewis Fox, President of the Home Abstract Co., Fort Worth, Texas, and well known in the title fraternity, was accorded another honor as well as given some hard work recently when he was elected President of the Bureau of Civic Coordination of his city.

This Bureau is composed of the various organizations of the city and directs a forceful influence in community affairs.

Lewis is likewise President of the Forward Fort Worth Club, Secretary of the Fort Worth Rotary Club, and holds more high positions of public and community trust than any other citizen of his community.

The compiling and distributing of legal blanks is gaining in popularity as a real advertising medium.

The Title Guarantee & Trust Co. of Toledo, Ohio, has prepared a series and distributes them liberally to real estate dealers and all others who can use them. They are gotten out in uniform and attractive style and instruc-

tions for their use given by proper notations.

The series consists of an Agreement of Sale, Warranty Deed, with forms for both individuals and corporations, Quit Claim Deed, Trust Deed, Note, Option to Purchase and Land Contract.

The Proceedings of the 1926 Convention of the Pennsylvania Title Association have been published in pamphlet form and copies can be secured by writing to John E. Potter, President, Potter Title & Trust Co., and President of the Pennsylvania Title Association, Pittsburgh, Pa.

The Union Title & Guaranty Co., Detroit, announce the opening of the new office for the Pontiac Branch.

This branch office is now quartered in a new modern building.

Ben Henley answered a call and filled a demand when he prepared a most exhaustive and authoritative
(Continued on page 20.)

The American Title Association

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Vice-President, Ralph B. Smith, Keokuk.
Secretary, John R. Loomis, Red Oak.
Loomis Abstract Co.
Treasurer, Mary A. Matt, Boone.
Boone County Abst. Co.

Kansas Title Association

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Vice-Pres., Forrest M. Rogers, Wellington.
Rogers Abst. & Title Co.
Secy.-Treas., Fred T. Wilkin, Independence.
Security Abst. Co.

Louisiana Title Association

President, R. B. Hill, Benton.
Bossier Abst. & Title Co.
Vice-Pres., Frank Suddoth, Crowley.
Secretary, R. A. Querbes, Shreveport.
Caddo Abst. Co.
Treasurer, N. K. Vance, Alexandria.
La. Title & Mort. Co.

Michigan Title Association

President, Ray Trucks, Baldwin.
Lake County Abst. Co.
Vice-Pres., W. J. Abbott, Lapeer.
Lapeer County Abst. Office.
Treasurer, Herbert W. Goff, Adrian.
Lenawee County Abst. Co.
Secretary, J. E. Sheridan, Detroit.
Union Title & Grty. Co.

Minnesota Title Association

President, V. E. Erickson, Aitkin.
Aitkin Co. Abst. Co.
Vice-Pres., C. E. Tuttle, Hastings.
Secy.-Treas., E. D. Boyce, Mankato.
Mgr., Blue Earth Co. Abst. Co.

Missouri Title Association

President, James M. Rohan, Clayton.
St. Louis County Land Title Co.
Vice-Pres., C. S. Hotaling, Linneus.
Linn County Abst. Co.
Secy.-Treas., T. S. Simrall, Boonville.
Cooper County Abst. Co.

Montana Title Association.

President, W. B. Clarke, Miles City.
Custer Abstract Co.
1st V. Pres., C. C. Johnson, Plentywood.
Sheridan County Abst. Co.
2nd V. Pres., James T. Robison, Choteau.
Teton County Abstract Co.
3rd V. Pres., Margaret M. Egan, Stanford.
Judith Basin County Abst. Co.
Secy.-Treas., C. E. Hubbard, Great Falls.
Hubbard Abstract Co.

Nebraska Title Association

President, Edward F. Dougherty, Omaha.
Federal Land Bank.
Vice-Pres., 1st Dist. S. Stewart, Tecumseh.
Vice-Pres., 2nd Dist. Alfred L. Hanson, Fremont.
Vice-Pres., 3rd Dist. John M. McAllister, Neligh.
Vice-Pres., 4th Dist., Joel Hansen, Osceola.
Vice-Pres., 5th Dist. F. L. Youngblood, Hastings.
Vice-Pres., 6th Dist. J. G. Leonard, Broken Bow.
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.
West Jersey Title Ins. Co.
2nd V.-Pres., Frederick Conger, Hackensack.
Peoples Tr. & Grty. Co.
Secretary, Stephen H. McDermott, Freehold.
Monmouth Title Co.
Treasurer, Arthur Corbin, Passaic.
Grty. Mort. & Title Ins. Co.

New York State Title Association

President, Henry J. Davenport, Brooklyn.
Home Title Insurance Co.
Vice-Pres., George B. Davenport, Brooklyn.
(Southern Section), 203 Montague St.
Vice-Pres., Clarence B. Kilmer, Saratoga Springs.
(Central Section.)
Vice Pres., W. R. Campbell, Bath.
(Western Section.)
Empire St. Abst. Corp.
Treasurer, Fred P. Condit, New York.
176 Broadway, Title Gr. & Tr. Co.
Secretary, S. H. Evans, New York.
149 Broadway.

North Dakota Title Association.

President, John L. Bowers, Mandan.
Mandan Abstract Co.
Vice President, Geo. B. Vermilya, Towner.
McHenry County Abst. Co.

Secy.-Treas., A. J. Arnot, Bismarck.
Burleigh County Abst. Co.

Ohio Title Association

President, Theodore Kemp, Jr., Newark.
Vice-Pres., Carl H. Beckman, Toledo.
Real Estate Abst. Co.
Secy.-Treas., Geo. N. Coffey, Wooster.
Wayne Co. Abst Co.

Oklahoma Title Association

President, Vera Wignall, Pauls Valley, Guaranty Abstract Co.
Vice-Pres., Howard Searcy, Wagoner, Wagoner Co. Abst. Co.
Vice-Pres., J. W. Banker, (N. E. Dist.) Tahlequah.
Vice-Pres., S. J. Bardsley, (S. E. Dist.), Atoka.
Vice-Pres., Addie Lofton, (S. W. Dist.) Purcell.
Vice-Pres., Mrs. A. D. Jones, (N. W. Dist.) Sayre.
Sec.-Treas., Hugh Ricketts, Muskogee, Guaranty Trust Co.

Oregon Title Association

President, Walter M. Daly, Portland.
Title & Trust Co.
1st Vice-Pres., R. T. Yates, The Dalles.
The Dalles & Wescos County Abst. Co.
2nd Vice-Pres., Geo. H. Crowell, Albany.
Linn County Abst. Co.
Secy.-Treas., F. E. Raymond, Portland.
Pacific Abstract & Title 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.
Deleware Co. Tr. Co.

South Dakota Title Association.

President, Fred Walz, Milbank.
Consolidated Abstract Co.
Vice President, John Claymore, Huron.
Beadle County Abst. & Title Co.
Secretary-Treas., Paul M. Rickert, Sisseton.
Roberts County Abst. Co.

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, Commercial Bank & Trust Co.

Texas Abstracters Association.

President, J. Grover Wells, San Antonio.
San Antonio Abst. & Title Co.
Vice President, L. L. Bristol, Dallas.
Dallas Title Guaranty Co.
Secretary, M. Tucker Wells, San Antonio.
San Antonio Abst. & Title Co.

Washington Title Association.

President, C. H. Groth, Bellingham.
Whatcom County Abstract Co.
Vice-Pres., E. W. Fawley, Waterville.
Douglas Co. Title Abstract Co.
Secy.-Treas., Elizabeth Osborne, Yakima.
Yakima Abstract & Title Co.

Wisconsin Title Association.

President, W. H. Hardy, Jr., Waukesha.
Hardy-Ryan Abstract Co.
1st V. Pres., Fred A. Foster, Fond du Lac.
Fond du Lac Abstract Co.
2nd V. Pres., Agnes Benoe, Ashland.
3rd V. Pres., H. M. Seaman, Milwaukee.
Security Title Co.
Treasurer, W. S. Rawlinson, Crandon.
Forrest County Abst. Co.
Secretary, John M. Kenney, Madison.
Dane Abstract of Title Co.

THE MISCELLANEOUS INDEX.

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treatise for the California Land Title Association on the subject of "The Present Status of Corporations in California as Affecting Title Questions."

This has been issued in pamphlet form for distribution and there have been many requests for copies.

The Dilworth Title Co. of Waco, Texas, announces modern title service for McLennan County whereby

title insurance will be issued under an arrangement with the Fidelity Union Casualty Co. of Dallas, as the underwriting agency.

Title insurance is being advanced very rapidly by local abstracters.

The Chicago Title and Trust Company announces the following promotions: Mr. Kenneth E. Rice, vice-president of the Escrow Department, transferred to the Abstract Department;

Mr. Raymond M. Wienke, from Title Officer to Chief Escrow Officer; Mr. Thomas A. Guinane, from Title Examiner to Title Officer.

The Texas Abstracters Association, through the office of the President, and the Minnesota Title Association, through the office of the Secretary, followed their usual custom of sending Christmas and Holiday Greeting Cards to their members.