



TITLE NEWS

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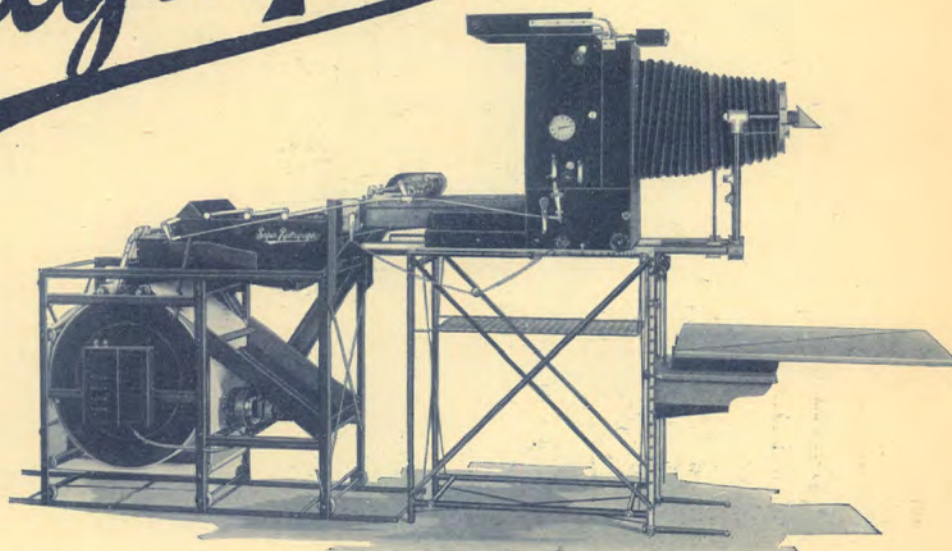
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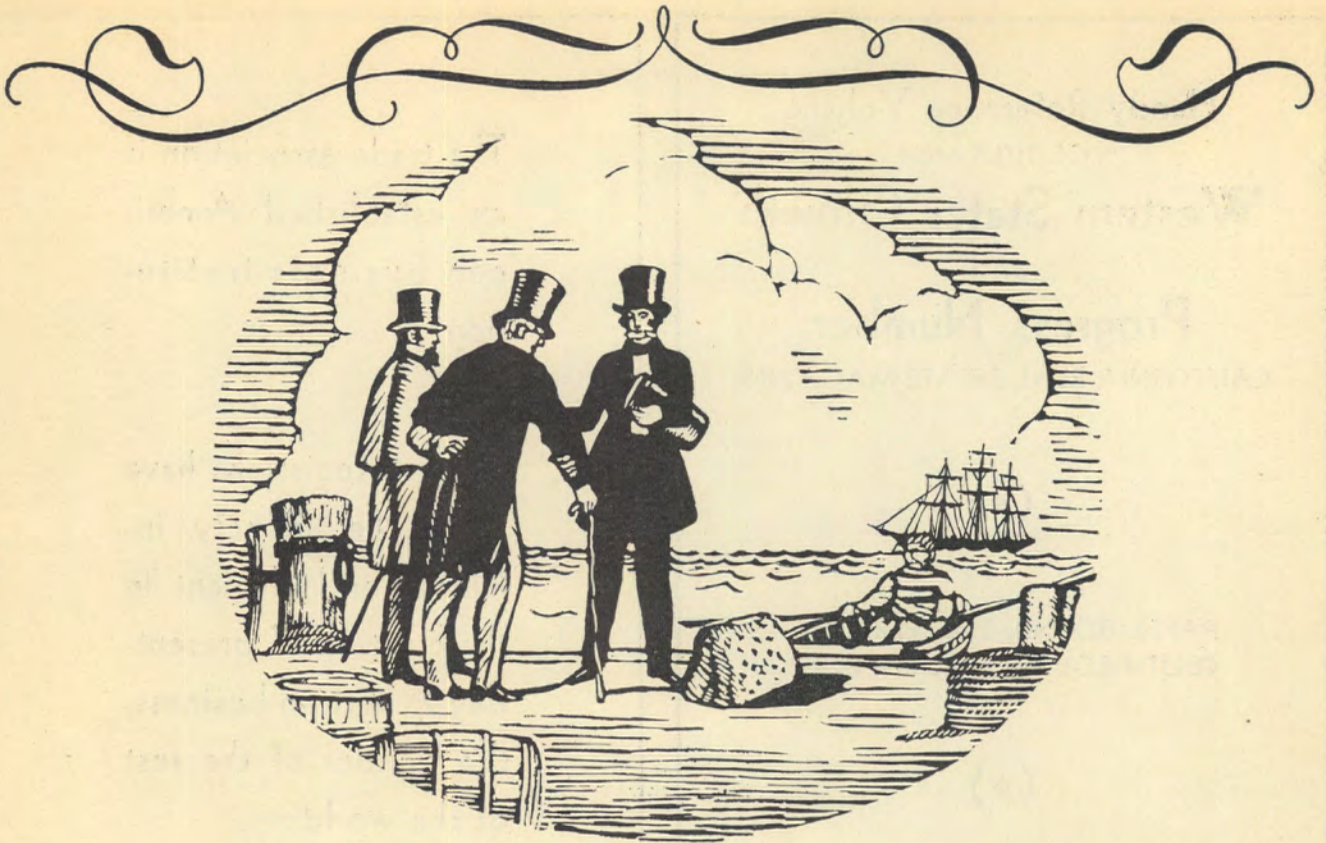
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TITLE NEWS

Volume 9

AUGUST, 1930

Number 8

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Editor's Page

What a Program!

Just Read the Subjects and Note the Speakers

Retrospection, Instrospection, Prediction—President Donzel Stoney, in the President's Annual Address.

What We Don't Know Does Hurt Us—Chester Leasure, Washington, D. C., manager, Department of Resolutions and Referenda, Chamber of Commerce of the U. S.

Mutuality in the New Decade—Walter B. Kester, Chicago, Ill., executive secretary, Mortgage Bankers Association of America.

Since a Year Ago—Vice President Edwin H. Lindow, in the Annual Report of the chairman of the Executive Committee.

What's Ahead for the Title Business—Richard B. Hall, executive secretary, in his Annual Report.

What of the Abstract Business—Donald B. Graham, in the Annual Address of the chairman of the Abstracters Section.

Cost Accounting for the Title Business—J. E. Morrison, Joliet, Ill., president of the Peoples Abstract Co.

Uniform Abstracts—Hugh C. Ricketts, Newkirk, Okla., Secretary, Albright Title & Trust Co.

Title Troubles of a Lending Institution—Waldo C. Hodgdon, Boston, Mass., Assistant Counsel and Manager of Abstract Division, John Hancock Mutual Life Insurance Co.

Looking Down Our Own Back Alley—Milton E. Gage, Sterling, Colo., president, LaPlatte Valley Abstract Co., and president, Colorado Title Association.

The Dreamer Had the Corn—H. Laurie Smith, Richmond, Va., president, Lawyers Title Insurance Corporation.

Every Present Opportunity—Wm. H. McNeal, New York City, vice president New York Title & Mortgage Co.

The Title Examiners—Elwood C. Smith, Newburgh, N. Y., chairman of the Title Examiners Section.

Who Owns the Streets—Guy M. Woods, Associate City Counsellor, City of St. Louis, Mo.

What Became of Your Deeds—McCune Gill, St. Louis, Mo., vice president, Title Insurance Corporation of St. Louis.

The Advertising Exhibit—Porter Bruck's big convention feature.

Title Plant Efficiency—Harry M. Paschal, Atlanta, Ga., vice president, Atlanta Title & Trust Co.

Title Insurance for Builders and Construction Loans—James P. Pinkerton, Philadelphia, Pa., vice president, Industrial Trust Co.

The Re-incarnation of a Title Insurance Co.—James E. Sheridan's noon luncheon playette—an extraordinary affair.

The Title Insurance Section—Stuart O'Melveny, in the Annual Address of the chairman of the Title Insurance Section.

Open Forum and Discussion—Plenty of time for both, and the subjects include: Legislative Regulation of the Abstract Business; What Value—Regional Meetings; Problems of Abstracter, Introducing Title Insurance; Insurance of Leaseholds; Full Coverage Policies—rates for, insuring surveys, mechanics liens, conditional sales contracts for fixtures; Title Insurance for Subdivisions; Title Underwriters Boards, and many others.

Standardization for Title Insurance Policies—John R. Umsted, Philadelphia, Pennsylvania, Vice President, Continental-Equitable Title & Trust Co.

Present and Future Trends in Real Estate Development, Herbert U. Nelson, Chicago, Illinois, Executive Secretary, National Association of Real Estate Boards.

The Twenty-fourth Annual Convention



Above—Richmond, Va., the convention city

October
7-8-9-10



Right—Jefferson Hotel, Headquarters



How About Your Hotel Reservation?

Rush it Immediately to the Executive Secretary



Country Club of Virginia, where many entertainment features will be held

Richmond—"Where the South Begins"

It is a joy to take a trip to a section of the country replete in early American history, and noted for its scenery and wealth of historical spots. It is a privilege to be able to attend the national convention of your fellow title men, meet the leaders in your profession from all parts of the country, and go home with constructive methods of bettering your service and augmenting your income.

But when you can make these two trips in one—it's an opportunity you can't pass up. So start laying your plans now to attend the convention of the American Title Association, to be held in Richmond, Virginia, October 7, 8, 9, 10 and 11.

You may say, "business is terrible and I can't afford it." If you could talk to scores of the members who have increased their annual incomes many thousands of dollars through inauguration of ideas presented at conventions, you would realize such a trip is a necessity—not a luxury. It is during dull seasons that every effort should be exerted to cut down unnecessary overhead, increase your efficiency, and add to your income. At the coming convention you will be told in a graphic, concrete way just how this can be done.

To the lover and student of history, Richmond is one of the most interesting cities in the new world. In a few hours time spent in and around Richmond some of the most interesting and beautiful spots in America can be visited. A few miles away is Williamsburg, ancient capital of Virginia and the second oldest city in the United States. Here the millions of John D. Rockefeller, Jr., are being used to restore the buildings and charm of the seventeenth century. Many historically famous homes and buildings have been rebuilt and rapidly there is growing up a replica of one of the oldest and most famous colonial cities.

But a short distance from Richmond is Jamestown Island, site of the first permanent English settlement in America, and Yorktown, where Cornwallis surrendered, now a beautiful resort with a splendid golf course overlooking the blue waters of the Chesapeake Bay. On this trip may also be seen many of the finest old homes in America, the James River estates of the Cavaliers who came over from England.

Another popular drive is down the south side of the James, through Petersburg and past many other colonial homes to the sea, and Virginia Beach, which is noted for its surf bathing. Another interesting trip will take you through the battlefields of two wars, to Monticello the beautiful home of Jefferson; Charlottesville, seat of the University of Virginia, and the famed Blue Ridge mountains of Virginia.

A three-hour trip, which has become very popular since the opening of the new bridge across the Rappahannock River, takes in the counties of the Northern Neck, the birthplace of more of America's great than any similar area in the United States. Here is "Wakefield," where Washington was born; seven miles away is "Stratford Hall," birthplace of Richard Henry Lee, "Light Horse" Harry Lee, Francis Lightfoot Lee, and General Robert E. Lee. Three miles from "Wakefield" is the old house where President James Monroe first saw the light of day; and twenty miles away, James Madison, fourth President of the United States, was born.

Richmond was founded in 1737 by William Byrd, progenitor of two famous Virginians of the present day, Governor Harry Flood Byrd and Commander Richard E. Byrd. It was incorporated as a town in 1742, and became the capital of Virginia in 1779. Situated at the falls of the James River, it immediately assumed importance as a center of colonial culture and commerce. At Richmond the first coal was mined; the first American iron and brick were made; here the great tobacco industry had its inception. In Richmond are many vivid reminders of stirring colonial days, of the American Revolution, and of the great War Between the States.

Today Richmond is a thriving city of 203,400 population, the financial and industrial capital of that section of the country and the Mecca each year of hundreds of thousands of tourists who are attracted by its physical beauty, its ideal climate and its many historical monuments and landmarks.

Situated midway between the North and South, Richmond is served by six trunk-line railroads, in addition to a steamship line direct to New York. New York is eight hours distant and Washington, D. C., but three.



Statue of Washington, Richmond, Va. Designed by Houdon and approved by the First President

Building and Loan League Moves to Chicago

THE U. S. Building and Loan League which was organized thirty-eight years ago in Chicago opened a new national headquarters here yesterday as the initial step in an expansion program which will take at least five years to complete.

This organization which had a handful of members in 1893 and which now has 1,200 member associations, with assets of more than eight billion dollars, has had headquarters in Cincinnati for more than three decades. The Secretary-Treasurer will remain in that city, but a national office will be located at 59 E. Van Buren Street here under the direction of H. Morton Bodfish, lately of the National Association of Real Estate Boards staff, who becomes the first Executive Manager the building and loan group have ever had.

In announcing the League's new office, President Ernest A. Hale, head of the Suffolk Co-operative Bank of Boston, said that details of the new program will be revealed later but that it includes "many new steps to make home ownership easier in this country."

Only For Home Building

The building and loan associations are organized in nearly all states under state supervision, for the express purpose of lending funds for home building purposes. "Members" of the associations consist of two classes: The borrowers who want to finance home ownership and pay in, weekly or monthly, certain stipulated sums and then secure loans from the association for the balance required to complete the home project; and the investors who purchase building association shares. Called co-operative banks in Massachusetts, homesteads or homestead building and loan associations in New Orleans, and building, savings and loan associations in other places, city organizations and state groups of the local bodies all have one purpose, the lending of funds for home building, the objects are uniform, and practically

all belong to the national organization, the U. S. League.

In announcing the League's new national headquarters, Mr. Hale reminisced over the colorful history of the building and loan movement.

"On the evening of the third of January, 1831, several men assembled in an inn in Frankford, Pa., a suburb of Philadelphia," said Mr. Hale. "There, in a little parlor, by the light of an oil lamp, was organized a business that today has assets of more than eight billion dollars and which pays dividends and earnings of more than five hundred million dollars annually.

Needed Help Even Then

"These honest citizens of Frankford had found it difficult to finance home ownership, even back in those days. So they got together and established a fund which they converted into shares of stock on which loans were made each to the other for home building purposes. This first building and loan association was called the Oxford Provident Building Association of Philadelphia County.

"The effort was entirely personal and had to do with the individual home building problems of the original members. For this reason the papers of the organization provided that it be 'terminated' in ten years' time, the period worked out then as necessary for completing the payments on home building loans.

"But the well meaning citizens of Frankford did not realize that many changes can occur in a dozen years and that it would be necessary to take in new members from time to time to replace those who died, moved away or wished to sell their interests. The new blood, brought in towards the end of the ten year period, of course wanted more time with which to repay their loans, and so the idea continued and, reorganized now under the name, the Decatur Building Association of Frank-

ford, this original association is really still operating.

All Had Same Purpose

"From Pennsylvania the building and loan movement spread into other states rapidly, and the national organization set up in Chicago in 1893 fused together these local and state bodies that all had one common interest, the encouragement of home ownership."

The American Savings Building and Loan Institute organized in 1922 with headquarters in Kansas City, to supplement the work of the League, has also moved to the League Headquarters in Chicago. This organization, set up for the collection and dissemination of educational material on the many subjects having to do with home financing and the building and loan method, operates in local communities along the same lines as the American Institute of Banking. One feature of the Institute work is the development of correspondence courses for building and loan men who are unable to obtain classroom instruction in the intricacies of this business.

The activities of the Institute as well as the National League will be under the direction of Mr. Bodfish, former Professor of economics at Northwestern University, Chicago. Mr. Bodfish who is from Columbus, Ohio, is an authority on real estate finance and has had varied experience in the organization and building fields. He assisted in organizing the Building and Loan Association of Evanston, in Evanston, Ill., of which he is a director, and he is vice-president and appraiser of the Lake City Discount Corporation of Chicago. For the past three years he has been director of a consultation bureau for the National Association of Real Estate Boards, this bureau having handled problems of appraisal, subdividing and co-operative apartment ownership for the Association members.



What's In A Name, Anyway?

By S. O. Rhea

AS individuals we are quite particular as to the exact spelling of our names, though we allow ourselves some latitude in pronouncing them. As a people, state or nation, we do not care much about the spelling of proper names, but are concerned with pronouncing them.

Mr. Henri Moor informs you very positively that he uses an "i," not a "y," two "o's," and no final "e," but he will answer to Henry or Henree, Moor or More. But if Mr. Moor were for any reason required to submit himself to the scrutiny of Justice he would be surprised to learn that he is just plain Henry Moore, in spite of his most meticulous care in the use of particular letters to spell his name. Mr. Moor's pride in name would probably be punctured by the rule of "*Idem Sonans*."

By the rule of "*Idem Sonans*," if two names, although spelled differently, sound alike, they are to be regarded as the same. The law is not so much concerned with the particular spelling of names as with the pronunciation. Even though considerable latitude is permitted in pronunciation of names, even greater variance is allowed in spelling. If two names as commonly pronounced in the English language are distinguished with difficulty by the attentive ear, they are *Idem Sonans*. Ordinary rules of English pronunciation control unless it can be proven that the names are foreign names and are pronounced differently in another language, or unless general usage in a community has distorted the true or proper sounding of the names in question. Ordinarily double and single letters, final "e," or "t" preceding the ending "son" are immaterial and the two names are considered *Idem Sonans*.

The rule of *Idem Sonans* has been considered by all of our courts of appeal. It would be difficult to ascertain to what extent the question has puzzled our courts of primary jurisdiction. But it would be a safe guess that most of them have been confronted with it. A consideration of the various decisions as to names being *Idem Sonans* and names

not *Idem Sonans* does not show absolute consistency. Many names sounding much alike have been declared not *Idem Sonans*. More often have the courts held similar sounding names *Idem Sonans* than not *Idem Sonans*. By similar sounding names is meant names sounding similarly when the general rules of English are used in pronouncing them. In many cases courts have held names to be *Idem Sonans*, which names when pronounced according to regular rules of English would not sound the same to the alert or attentive listener. Into such cases there has usually entered the factor of local custom or usage.

Let me call your attention to some familiar proper names that have been held to be *Idem Sonans*, the State Supreme Courts making the decisions. Allen, Allain and Allaine (*Ill.*); Anne and Anna (*Ill.*); Anne and Anny (*N. C.*); Armstead and Almstead and Olmstead (*Kan.*); Arnall and Arnold (*Tex.*); Battels and Battles (*Ala.*); Benhart, Banhart, Beanhart and Bernhart (*Kan.*); Berry and Barry (*Ga.*); Blackenship and Blankenship (*Mo.*); Bobb and Bubb (*Pa.*); Boge and Bogue (*Vt.*); Bolen and Bolden (*Va.*); Booth and Boothe (*Ala.*); Canada and Kennedy (*S. C.*); Charleston and Charlestown (*Ind.*); Clark and Clarke (*Ore.*); Colburn and Colburn (*Mass.*); Collin and Colin (*Colo.*); Conolly and Conly (*Iowa*); Cox and Cocks (*Tex.*); Crushes and Crusius (*Cal.*); Dickson and Dixon (*Mich.*); Domick and Domeck (*Ky.*); Elbertson and Elbersson (*N. J.*); Ellet and Elliott (*Tenn.*); Gardiner and Gardner (*Ark.*); Giddings and Gidings (*Wis.*); Gottlieb and Gottlieb (*N. Y.*); Harriman and Herriman (*Vt.*); Hudson and Hutson (*Mo.*); Johnson and Johnsen (*Pa.*); Johnson and Johnston (*Kan.*); (*Minn.*); (*Tenn.*); Kealiher, Keoliher, Kelliher, Kellier, Keolhier and Kelhier (*Me.*); Keen and Keene (*Mass.*); Kimberling and Kamberling (*Iowa*); Kinney and Kenney (*Mich.*); Kuhns and Coons (*Nebr.*); Langford and Lankford (*Tex.*); Larson and Larsen (*Wyo.*);

Lincoln and Lington (*Vt.*); Louis and Lewis (*Colo.*); Moss and Morse (*Conn.*); O'Meara, O'Mara and O'Mera (*Nev.*); Pillsby and Pillsbury (*Ohio*); Symonds and Simons (*Tex.*); Wanser and Wanzer (*Miss.*); Whitman and Whiteman (*Tex.*); Wray and Ray (*Kan.*). In the State of Washington Peder Pederson and Peter Peterson have been held to be *Idem Sonans* in a case concerning an execution sale; S. D. Henning and S. W. Herring in a tax sale case and Shutter and Shuter in a criminal case.

Now the confusion is not caused by courts or juries. Nor can it be attributed to spelling, for we have 26 clear-cut letters with which to spell. The fault lies in the great variation between our written and our spoken language. Why this difference exists may be explained in many ways, among which are the size of our nation, the rapidity with which it has grown, the diversity of living conditions and customs throughout the land, and most of all perhaps the fact that our people have so recently come from other and widely scattered nations with different languages, customs and ideas.

Janet Rankin Aiken, writing for the Bookman, gives us some interesting statistics on our written and spoken language. She tells us "that there are over 20 ways to spell a sound which has no alphabetic symbol of its own in English, but which we call the sh-sound. . . . she (*sb*), sugar (*s*), chandelier (*cb*), nation (*ti*), schist (*sch*), barouche (*che*), tension (*si*), fuchsia (*chs*), session (*ssi*), fashion (*sbi*), ocean (*ce*), omniscience (*sci*), vitiate (*t*), officiate (*c*), social (*ci*), and nausea (*se*). Now add to these righteous (*teo*), latch (*tcb*), anxious (*xio*), inflexion (*xi*), and nature (*tu*), where the sounds in parentheses each represent two sounds, one of which is 'sh,' and we have a total of 21 orthographic representations for this single sound. Could inconsistency farther go?

"The answer is yes. For one vowel, the medial sound in 'cake,' is found

spelled in over 25 different ways. . . . pale (*a-e*), paler (*a*), pail (*ai*), play (*ay*), gauge (*au-e*), campaign (*aig*), champagne (*ag-e*), straight (*aigh*), freight (*eigh*), vein (*ei*), they (*ey*), reign (*eig*), steak (*ea*), fete (*e*), coupé (*é*), ballet (*et*), demesne (*es-e*), prayer (*aye*), praise (*ai-e*), parfait (*ait*), melee (*ee*), metier (*er*), and add to the list the British pronunciations of gaol (*ao*), eh (*eh*), dahlia (*ab*), and half-penny (*alf*).

"English has some 44 sounds, 24 consonantal and 20 vocalic. To represent these 44 sounds in spelling, English has well over 400 separate orthographic combinations, making an average of 10 possible spellings per sound! What can you do with a language like that?"

Needless to say the rule of Idem Sonans has been of no slight concern to the title man. The abstracter in compiling abstracts meets this question repeatedly. But when the title company begins to issue title insurance this rule of Idem Sonans becomes a constant and dangerous problem. A great deal of time and a great deal of money has been expended by title companies to safeguard itself from the treachery of this rule. The title company meets this rule most often in its department called the general index. The general index is a set of books wherein the title company indexes by names of parties divorce suits, bankruptcies, receiverships, probates, guardianships, insanity cases, judgments and numerous other matters.

Various methods have been and are being tried to reduce dangers that exist.

These methods fall into two general classes—one in arrangement of general index so as to group names of similar sound and liable to application of the rule of Idem Sonans, and the other in training the searcher to use the index, however arranged, and apply the rule of Idem Sonans himself. A perfect alphabetic index is easy to build, but a perfect index, one eliminating the rule of Idem Sonans, has not yet been built and may never be.

The best method of eliminating the rule of Idem Sonans that has yet been found is one which disregards all vowels, except perhaps initial vowels, eliminates double letters, eliminates "w" or "y" except where the first letter in a syllable, and which groups if possible consonantal groups having a single sound with the individual letter most nearly having the same sound, as the grouping of "ck" with "c," or "ph" with "f." Under this system we would, for indexing purposes, call "Allen" ALN—"Allain" ALN—and "Allaine" ALN, and by this system all the "Allen" names would be grouped and the rule of Idem Sonans as laid down by the State of Illinois would be complied with. This system, with, of course, considerable elaboration, is being employed by my company in rebuilding its general Index. Here are some of the groupings therein employed: (ALN), Allain, Allan, Allen, Allin, Allyn, and Alen; (ANDRSN), Andersen, Anderson, Andersson, Andreasen, Andreassen, Andresen, Andreson, Androson, and Andreason; (BCM N), Bachman, Bachmann, Backman, Backmann, Beckman,

Beckmann, Bockman, Buchaman, Buchman, Buchmann, Buckman, and Buckmann; (BDN), Baden, Badin, Bawden, Bawdon, Beaudin, Beaudoin, Beden, Boden, Boden, Bodin, Bodine, Bowden, Boyden, and Budden; (CN), Canny, Coan, Coen, Cohan, Cohen, Cohn, Coine, Cone, Coney, Conn, Coon, Cooney, Coons, Cowan, Cowen, Coyne, and Cuneo; (ERCSN), Erichsen, Erichson, Ericksan, Ericksen, Erickson, Ericson, Ericsson, Erikeson, Eriksen, Erikson, and Eriksson. Of course, in many groups there are names which could not be considered Idem Sonans with all the other names in the group, but it is easier for the title examiner to eliminate names not Idem Sonans than to search promiscuously through a strictly alphabet index.

Arthur Guiterman gives us a bit of humor in his comment "Concerning X":

"Fickle as air or your favorite sex,
What a remarkable letter is 'X'!

X in the Roman notation is ten;
X is the mark of illiterate men;
X means a crossing as drivers should note;
X in a circle may count as a vote;
X is a quantity wholly unknown;
X is a ruler removed from his throne;
X may be Xenon, a curious gas;
X is a ray of a similar class;
X-mas is Christmas, a season of bliss;
X in a letter is good for a kiss;
X is for Xerxes, that monarch renowned;
X is the place where the body was found."



Waverly P. Waggoner Elected President of Security Title

At the annual meeting of the Security Title Insurance and Guarantee Company, of Los Angeles, Waverly P. Waggoner was elected president of the company. He had been executive vice-president of the California Title Insurance Company for a number of years but when in 1929 the control of that

company was acquired by the Consolidated Title Securities Company, holding unit for Security Title Insurance and Guarantee Company, he joined the executive forces of the latter company.

Mr. Waggoner is president of the California Land Title Association and has been active in the affairs of the American Title Association for many years.

In 1908 his father, O. J. Waggoner,

organized the California Title Guaranty Company and in 1923 joined forces with Allin L. Rhodes, who in 1900 had founded the Title Abstract & Trust Company. These two companies, together with the Fidelity Abstract Company, the Los Angeles Title & Trust Company, organized in 1900 and the Los Angeles Title Insurance Company, were the predecessors of the present California Title Insurance Company.

State Associations

Arkansas Title Association

President, Fred F. Harrelson, Forrest City.
St. Francis County Abstract Co.
Vice-Pres., M. D. Kinkead, Hot Springs.
Sec.-Treas., M. K. Boutwell, Stuttgart.
Home Abstract & Insurance Agency.

California Land Title Association

President, C. J. Struble, Oakland.
Oakland Title Insurance & Guaranty Co.
1st Vice-President, Porter Bruck, Los Angeles.
Title Insurance & Trust Co.
2nd Vice-President, R. F. Chilcott, San Francisco.
Title Insurance & Guaranty Co.
Executive Secretary, Frank P. Doherty, Los Angeles.
Suite 519, 433 South Spring St.
Assistant Secretary-Treasurer, Harvey Humphrey, Los Angeles.
Security Title Insurance & Guarantee Co.

Colorado Title Association

President, Milton Gage, Sterling.
Platte Valley Title & Mortgage Co.
Vice President, R. A. Edmondson, Akron.
Washington County Abstract Office.
Secretary-Treasurer, John Morgan, Boulder.
Boulder County Abstract of Title Co.

Connecticut Title Association

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Bridgeport Land & Title Company.
Vice President, Carleton H. Stevens, New Haven.
Real Estate Title Company.
Secretary-Treasurer, James E. Brinckerhoff, Stamford.
Fidelity Title & Trust Company.

Florida Title Association

President, Lore Alford, West Palm Beach.
Atlantic Title Company.
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Vice President, Mrs. N. Lee Talbott, Green Cove Springs.
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Vice President, J. B. Nickell, Tavares.
Third District.
Vice President, Albert P. Smith, Jr., Sarasota.
Fourth District.
Vice President, J. H. Early, Miami.
Fifth District.
Secretary-Treasurer, Richard H. DeMott, Winter Haven.
Florida Southern Abstract-Title Company.

Idaho Title Association

President, Tom Wokersien, Fairfield.
Camas Abstract Co.
Vice-President, (North Div.) O. W. Edmonds.
Coeur d'Alene, Panhandle Abst. Co.
Vice-President, (S. E. Div.) A. W. Clark, Driggs.
Teton Abstract Co.
Vice-President, (S. W. Div.) M. L. Hart, Boise.
Security Abstract and Title Co.
Secretary-Treasurer, J. H. Wickersham, Boise.
Boise Trust Co.

Illinois Abstracters Association

President, Judge Will M. Cannady, Paxton.
Ford County Abstract Co.
Vice President, J. E. Morrison, Joliet.
The Peoples Abstract Co.
Secretary, Harry C. Marsh, Tuscola.
Douglas County Abstract & Loan Co.
Treasurer, D. L. Bennett, Petersburg.

Indiana Title Association

President, J. E. Morrison, Indianapolis.
Union Title Co.
Vice Pres., M. Elmer Dinwiddie, Crown Point.
Allman-Gary Title Co.
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