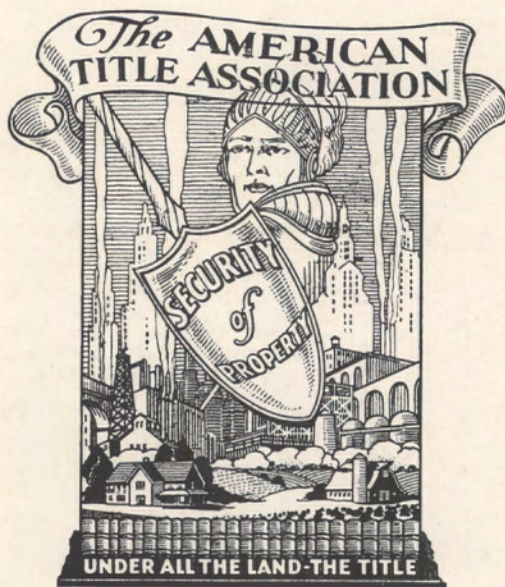


# TITLE NEWS

Official Publication

THE AMERICAN TITLE ASSOCIATION



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Proceedings of the 1944 War Conference

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CHICAGO, ILLINOIS



VOLUME 24

JANUARY, 1945

NUMBER 1

# TITLE NEWS

*Official Publication of*

## THE AMERICAN TITLE ASSOCIATION

VOLUME XXIV

JANUARY 1945

NUMBER 1

## Proceedings of 1944 Conference

Chicago, Illinois — October 13th-16th, 1944

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*Chief Title Officer*, Chicago Title & Trust Co.

# CODE OF ETHICS

FIRST:—We believe that the foundation of success in business is embodied in the idea of service, and that Title Men should consider first, the needs of their customers, and second the remuneration to be considered.

SECOND:—Accuracy being essential in the examination of titles, Title Men should so arrange their records as to eliminate the possibility of mistakes.

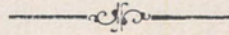
THIRD:—Ever striving to elevate the title business to a plane of the highest standing in the business and professional world, the Title Man will always stand sponsor for his work and make good any loss, occasioned by his error, without invoking legal technicalities as a defense.

FOURTH:—The examination of title being to a large extent a personal undertaking, Title Men should at all times remember that fact, and endeavor to obtain and hold a reputation for honesty, promptness and accuracy.

FIFTH:—The principal part of business coming from real estate dealers, lenders of money and lawyers, it is obvious that relations with these men should at all times be friendly. To further this friendship we declare ourselves willing to aid them in all ways possible in meeting and solving the problems that confront them.

SIXTH:—We believe that every Title Man should have a lively and loyal interest in all that relates to the civic welfare of his community, and that he should join and support the local civic commercial bodies.

# TABLE *of* CONTENTS



	<i>Page</i>
Board of Governors and Officers, The American Title Association - - -	1
Officers and Executive Committees of Sections - - - - -	1
Past Presidents, The American Title Association - - - - -	4
Address of Welcome, Holman D. Pettibone - - - - -	6
Financial - - - - -	8
"I Analyze My Industry," Roy C. Johnson - - - - -	9
"Soldiers' and Sailors' Civil Relief Act," C. H. Barsch - - - - -	13
"Arbitraries, John B. Bell - - - - -	14
"Roll of Title Man with Allied Industries," Malcom C. Myer - - - - -	20
Report of Committee on Advertising and Publicity, Paul P. Pullen - - -	23
Report of Special Legislative Committee, H. Laurie Smith - - - - -	25
Inaugural Address, H. Laurie Smith, National President - - - - -	27
Registration, Chicago, 1944 Conference - - - - -	31

# ROLL OF HONOR

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## *Past Presidents of the American Title Association*

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1.	1907-08	W. W. Skinner.....	Santa Ana, Calif.
2.	1908-09	A. T. Hastings.....	Spokane, Wash.
3.	1909-10	W. R. Taylor.....	Kalamazoo, Mich.
4.	1910-11	Lee C. Gates.....	Los Angeles, Calif.
5.	1911-12	George Vaughan.....	Fayetteville, Ark.
6.	1912-13	John T. Kenney.....	Elkhorn, Wis.
7.	1913-14	M. P. Bouslog.....	Jerseyville, Ill.
8.	1914-15	H. L. Burgoyne.....	Cincinnati, Ohio
9.	1915-16	L. S. Booth.....	Seattle, Wash.
10.	1916-17	R. W. Boddinghouse.....	Chicago, Ill.
11.	1917-18	T. M. Scott.....	Paris, Texas
12.	1918-19	James W. Mason.....	Atlanta, Ga.
13.	1919-20	E. J. Carroll.....	Davenport, Ia.
14.	1920-21	Worrall Wilson.....	Seattle, Wash.
15.	1921-22	Will H. Pryor.....	Duluth, Minn.
16.	1922-23	Mark B. Brewer.....	Oklahoma City, Okla.
17.	1923-24	George E. Wedthoff.....	Bay City, Mich.
18.	1924-25	Frederick P. Condit.....	New York, N. Y.
19.	1925-26	Henry J. Fehrman.....	New York, N. Y.
20.	1926-27	J. W. Woodford.....	Seattle, Wash.
21.	1927-28	Walter M. Daly.....	Portland, Ore.
22.	1928-29	Edward C. Wyckoff.....	Newark, N. J.
23.	1929-30	Donzel Stoney.....	San Francisco, Calif.
24.	1930-31	Edwin H. Lindow.....	Detroit, Mich.
25.	1931-32	James S. Johns.....	Pendleton, Ore.
26.	1932-33	Stuart O'Melveny.....	Los Angeles, Calif.
27.	1933-34	Arthur C. Marriott.....	Chicago, Ill.
28.	1934-35	Benjamin J. Henley.....	San Francisco, Calif.
29.	1935-36	Henry R. Robins.....	Philadelphia, Pa.
30.	1936-37	McCune Gill.....	St. Louis, Mo.
31.	1937-38	William Gill.....	Oklahoma City, Okla.
32.	1938-39	Porter Bruck.....	Los Angeles, Calif.
33.	1939-40	Jack Rattikin.....	Fort Worth, Texas
34.	1940-41	Charlton L. Hall.....	Seattle, Wash.
35.	1941-42	Charles H. Buck.....	Baltimore, Maryland
36.	1942-43	E. B. Southworth.....	Crown Point, Ind.
37.	1943-44	Thos. G. Morton.....	San Francisco, Calif.



H. LAURIE SMITH

*Richmond, Va.*

*National President, The American Title Association;  
President, Lawyers Title Insurance Corporation*

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# Proceedings of the Thirty-Eighth Annual Conference

—of the—

## AMERICAN TITLE ASSOCIATION

Chicago, Illinois — October 13th-16th, 1944

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### Address of Welcome

HOLMAN D. PETTIBONE

*President*

*Chicago Title & Trust Co.  
Chicago, Illinois*

MR. PETTIBONE (Chicago): President Morton, members of the American Title Association: your President in introducing me in a double capacity rather embarrasses me. As President of the Chicago Association of Commerce, we officially take the position, with some encouragement from the O.D.T., that no conventions are warranted in Chicago or elsewhere. Once you have arrived here, however, on your own, however you got here, then as President of the Association of Commerce I am fully authorized to extend you a hearty welcome. (Laughter.)

As President of the Chicago Title & Trust Co., you were welcome from the beginning. We are delighted to have you here.

I had a little note from Jim Sheridan, which I didn't get around to reading until last evening, making a few suggestions about the convention. The program which he sent me was full of places and hours, but otherwise didn't give any special clue to the theme of the convention. On my own, I assume that the theme might well be "What kind of drag did you have in order to get here by rail, and how did you get a hotel reservation?" You have to be pretty good these days to get accommodations in either place.

As a theme, I just assume that all of us are somewhat reviewing the war period, our part in it, and looking forward a little to what we are going to do when the war is over. As to the pre-war period, which includes the tail end of the depression and the preliminaries of our preparation for war, I think all of us came to have an experience with a somewhat new customer, at least in such volume. I am speaking of the Federal Government through its various agencies. We had all had over the years various contacts with government, state, federal, local governments, but such a concentrated lot we had not had before.

#### Standards

In that contact with the government we found ourselves with a number of new experiences, and possibly you did. Some of the gentlemen in authority in

ought to be transacted; and it was a little difficult for some of us to quickly adjust ourselves to the thought that we could all fit into some particular groove. Some of us maybe got a little independent and thought maybe we did not like the groove.

At any rate, the experience was educational and I think it pointed out to all of us that no one of us has really the best method. There are some good points in the other fellow's ideas and in his techniques, his methods of procedure.

#### Standard Charges

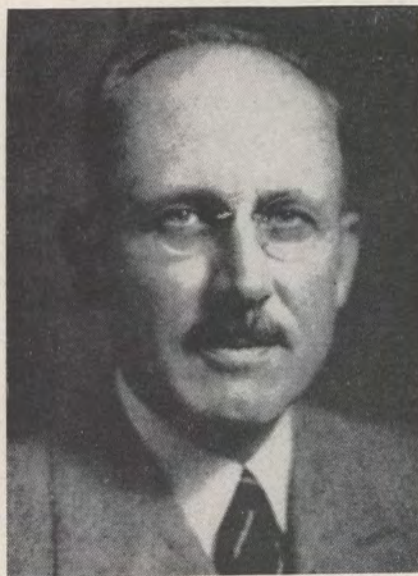
In the depression period, I think, in addition to the pressure of uniformity, we also had a good deal of attention paid to our prices. There seemed to be different ideas expressed by different government agencies as to what a standard charge should be. Again that ran into conflict with many local practices and gave us a good deal of difficulty.

When it came to the preparation for war, those earlier approaches of uniformity and price were rather laid aside in the interests of speed. In our own area, all emphasis was put on speed. It was necessary in connection with the war to assemble large tracts of land or to acquire quickly land adjacent to existing factories to build new ones. In our place we gave a high priority to any government order related to the war. Everything else was sacrificed to speed. I think you men did the same.

As we look back on it now, in spite of some minor public criticism by certain public officials, I think we can be proud of the job that the title industry has done in the preparation for war and in the war period. I don't think we really have to apologize to anybody. I think we can be very proud of it.

#### Post War Service

When we come to the post-war outlook, it seems to me that in this busi-



HOLMAN D. PETTIBONE

Washington very naturally wanted to find a pattern that could be followed. They wanted standards. I think they were a bit irritated at times with the circumstance that we have forty-eight states and that in each state there are communities which have different ideas about how the real estate business

ness we must again realize — at least in our area it is true, and I hesitate to speak beyond that experience — that our customers will quickly return to the things that they want in certain order.

Their first order in our area is speed. They want the job done quickly. The broker whose commission is only tentatively his until the deal is closed, wants the job done in a hurry. At the moment, we are amazed in our place by the patience that our customers show. Our work is not done speedily. We are slow; we are behind; and we can't catch up because we haven't the personnel with which to do it. But I have never known in the thirty-three years I have been with the company a time when we had so little criticism from our customers. Evidently that grows out of the fact that they themselves are having many problems in their own businesses and they are very patient with us.

#### Procedure

Looking ahead to the war end we must return to speed, accuracy always being assumed. It seems to me to be very important to all of us that we try in every way we can to simplify our procedures and to reduce our costs to the lowest point where we can still have a profitable business. But with us, we think that speed will again come first and the cost will be important, but secondary. However it is accomplished we must continue to supply adequate title evidence and title protection to all investors in real estate.

In our own company we have recently sent a letter to each of our men, we have upwards of 300, telling him that he would have his job back as soon as he has finished his present assignment. We have invited him to write to us. We have had many letters back. We expect to hire them without any formality, all of those who want to come back. Obviously, a number will not want to come back and some will not be able to come back.

#### Our New Home

We have bought an office building. That created quite a good deal of comment in Chicago because it isn't so often that buildings are sold for upward of four million dollars cash. I think it has been a good thing for the business in this area. Our post-war plan includes some additions to that building as soon as we can, and moving into it. When you return to us you will find us, at least by our hundredth anniversary, occupying new quarters which I hope you will use and take some pride in with us.

With the cessation of hostilities, we look for a very active business in our area, and that is when we have the most fun. I think you men enjoy it too.

We are delighted to have you in Chicago and hope you come often. Thank you very much. (Applause.)

# The Presiding Officer 1944 War Conference



THOMAS G. MORTON

*Immediate Past-President, American Title Association  
Vice-President, Title Insurance Guaranty Company  
San Francisco, California*



**AMERICAN TITLE  
ASSOCIATION**

Statement of Receipts  
and Disbursements

January 1 to October 10, 1944

PORTER BRUCK, Treasurer

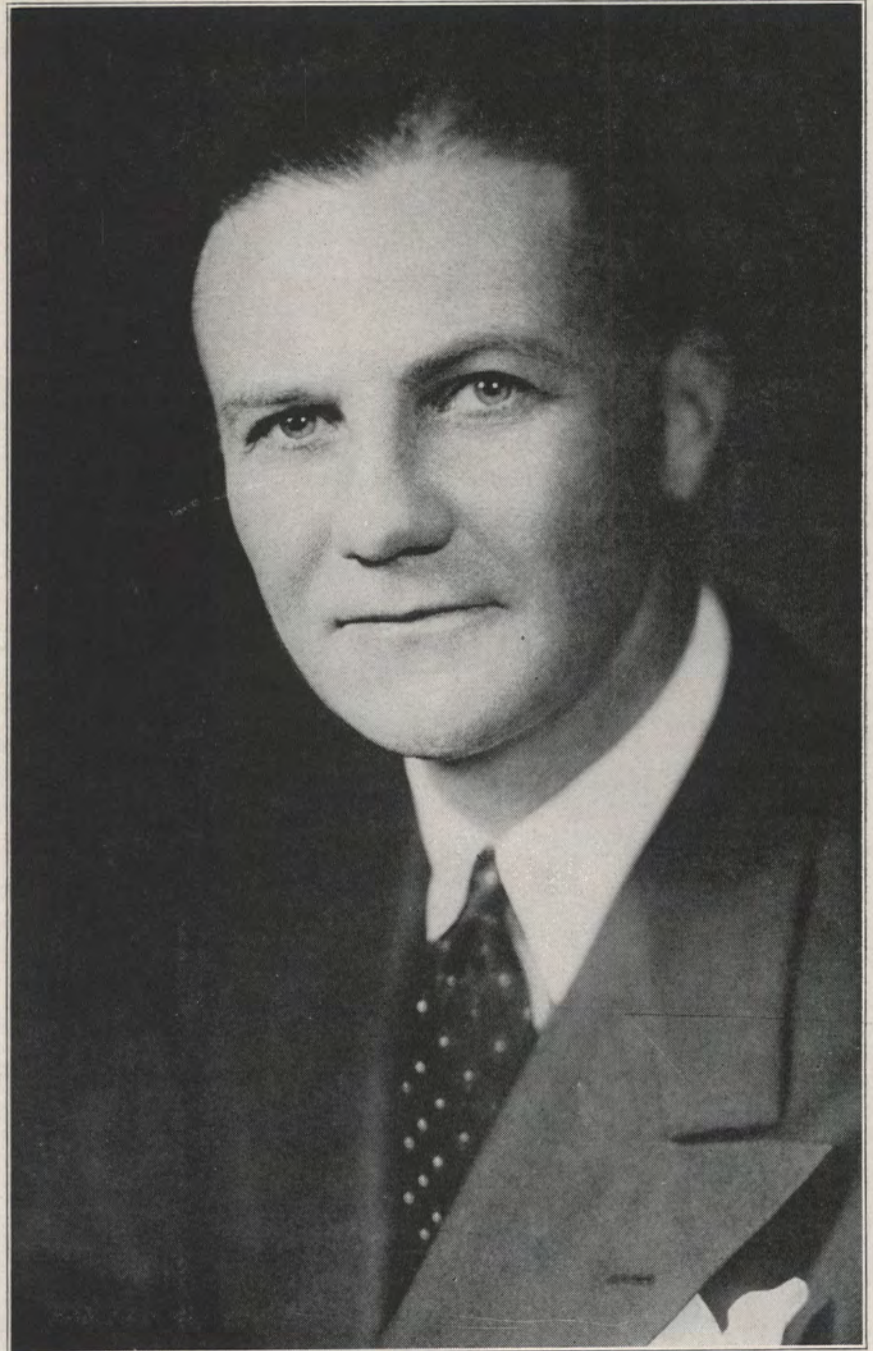
**RECEIPTS**

Blotter		
Advertising .. \$	247.65	
Convention (Midwinter and Annual) .....	635.00	
Direct Member Dues .....	988.50	
Directory '43-44.	564.83	
Miscellaneous ..	24.42	
Soc. Sec. Tax contr. by employees ...	51.19	
Soc. Sec. Tax contr. by Association ..	51.19	
State Dues ....	9,028.00	
Sustaining Fund	6,008.25	
Withholding Tax contributed by employees ...	1,690.07	
	<hr/>	\$19,289.10

**DISBURSEMENTS**

Blotter		
Advertising .. \$	339.93	
Convention (Midwinter and Annual) .....	666.15	
Directory '43-41	99.75	
Miscellaneous and Supplies (Inc. OAP) ..	757.54	
News Bulletin ..	546.85	
Office Rent ....	900.00	
Postage .....	1,120.00	
Reserve paid out for Soc. Sec. Tax .....	102.38	
Reserve paid out for With. Tax .....	1,690.07	
Salaries (Inc. OAP and With. Tax. ...)	11,511.64	
Telephone and Telegraph ...	323.82	
Travel .....	738.09	
	<hr/>	\$18,796.22

Excess of Receipts over Disbursements .....	\$ 492.88
Cash in Bank Jan. 1, 1944.	\$ 2,152.64
	<hr/>
	\$ 2,645.52
Plus Reserve to cover OAP .....	\$ 19.88
	<hr/>
	\$ 2,665.40
Fact Finding Fund deposited 9-26-44 .....	\$ 77.49
	<hr/>
Cash in Bank Oct. 10, 1944	\$ 2,742.89



**PORTER BRUCK**

Los Angeles, California

*Treasurer, American Title Association*

*First Vice-President, Title Insurance & Trust Company*

# I Analyze My Industry

ROY C. JOHNSON

*President, Albright Title & Trust Co.,  
Newkirk, Oklahoma*

A few weeks ago when Jim Sheridan asked me to appear here on the program, I think I must have had a weak moment when I accepted, for he assigned the subject, "I Analyze My Industry." My first thought was that it would be a subject that would be very easy to discuss.

Realizing that I am talking to Title people, the majority of whom know more about the business than I do, it seems that perhaps I have taken on too big an assignment. I, therefore, propose to talk to you upon the subject of "Your Business and Mine." Whether I know anything about the industry as a whole will not be reflected in this discussion.

One of the things that you and I must do, in our business today, is to keep up with the modern trend of things; we must take advantage of new ideas in our organizations that will permit us to give better service to our customers.

## The "Toughie"

For instance, in our office we have a very beautiful, highly polished, 11 foot bamboo pole. The purpose of this pole is to touch those customers whom we could not ordinarily touch with a 10 foot pole.

And then another little idea—undoubtedly you all have old typewriters that are worn out—one very fine use is to remove the typewriter carriage, remove the platen and insert in the ends of it, prongs in which you may insert a roasting ear and then, by rigging this up properly, you have a corn feeding device so that when you have eaten down to the end of the row, the bell rings, and you then hit the shift bar which starts you again on the next row.

## Trustees

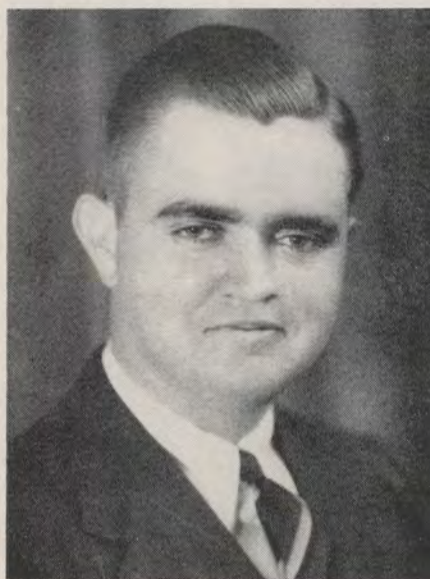
In our business, we are certainly trustees of knowledge. Hardly a day goes by but what we are given information by our clients with regard to a real estate project or an oil lease block upon which we are to do title work. I like to think of abstractors who belong to our Title Association as people who are dependable and reliable; that is, they do not mistreat confidential information that has been given them.

In my section of the country, where there are huge oil developments, there is hardly an abstractor who hasn't had an opportunity to cash in on the knowledge that he might have attained through those people with whom he does business.

As a class, Abstractors are not rich people. The answer is, we have a high

regard for the reputation of our own business. We seek to serve our customers in the very best possible manner, and therefore, do not attempt to make the last possible dime.

Many of you, no doubt, financially support Father Flanagan's Boys Town. It is one of the most outstanding institutions of its kind that I know of. To those of us who are contributors to the sustaining of this institution, are mailed regular issues of the "Boys



ROY C. JOHNSON

*Vice-Chairman, Abstracters Section,*

*The American Title Assn.*

Town Times." In a recent issue of this publication is the following; "Typical Boys Town Citizen":

1. Is a good citizen.
2. Is active in local civic affairs.
3. Is neat, clean, tidy in appearance.
4. Is always courteous.
5. Is anxious to secure an education.
6. Is grateful for being an American citizen.
7. Is helpful to others.
8. Is a willing worker.
9. Is interested and active in church affairs.
10. Is a "good soldier".
11. Is capable of assuming responsibility.
12. Is loyal to his community and his associates.

I can't help but get a lesson or a thought from a "Typical Boys Town Citizen". It is more or less like the Boy Scout's law.

## Reliable

I don't believe I ever knew of a single instance where an abstractor connived with a customer to add material in an abstract which was not in the public records or to refrain from showing material which reflected the exact condition of the records. Many third or innocent parties rely upon your and my product. I shall always like to think of my business as being upon a high plane. Or, like someone said, like Caesar's wife, the abstractor must be above reproach. In that connection, I saw something recently which might interest you. I quote—

## "WHAT ONE MAN DID"

- He was born of wealthy parents.
- He showed no exceptional scholastic aptitude.
- He early identified himself with the Democratic Party.
- He was almost a constant failure in business enterprise.
- He governed an important political subdivision, and was later elevated to the highest office in the land.
- He used this position to make vast experiments.
- He tampered with the calendar.
- He instituted purges against those who opposed him.
- He packed the law bodies with men who would do his bidding.
- The Senate deliberated, but he drew the most important powers into his own hands.
- He spent unprecedented sums of public money with the unreserved approval of the common people.
- His unbounded popularity established him as a permanent dictator, and with that came the end of the republic.
- His name was Julius Caesar.

## Authorities:

Brittanica and National Encyclopedia  
West's Ancient World

QUITE NATURALLY, the problem of public relations is an important one. Perhaps you and I, being in a smaller business, at least compared to many, think of that as a high sounding phrase; one that isn't meant for us but is meant for big corporations—corporations that have all kinds of money and can well afford to pay high salaries to extremely capable men who may devote their entire time to public relations. You and I had better not forget, that our existence and the future of

our business, depends not only upon the product and the service that we render, but also upon our friends and associates.

#### Are You?

In your home town, are you a member of a church? Do you attend church regularly? Are you a member of the Board of Trustees, a Deacon or an Elder? Are you an officer in the Church? Are you Treasurer of your church? Have you ever served as a Sunday School Teacher? Don't be just a member of the Church. Be a part of it.

Do you belong to a civic club; Rotary, Lions, Kiwanis or some other good civic club? I bet that you do. Have you been an officer of that club? Are you on the Board of Directors? Do you work hard at a job that has been assigned to you?

#### Do You?

Do you belong to the Chamber of Commerce? Have you ever served as an officer of that organization? Are you Chairman of one or more important committees and, if you are, do you really get the job done?

#### Have You?

Have you ever been Chairman of your Local Red Cross chapter or Drive Chairman? Don't think for a minute that because you are able to make a generous contribution that you have done your share. You have to work, too.

In your Community Chest—Were you one of the organizers of it? Have you ever served in an official capacity? Have you ever been the Drive Chairman? Are the people in your own institution receptive to such worthy projects?

Are you affiliated with the War Fund? And again, have you taken an active interest, or is your interest just a donation? Are you affiliated with the Boy Scouts? Have you ever served as Scout Master or an Assistant Scout Master, or a Cub Den Father or as a Scouter?

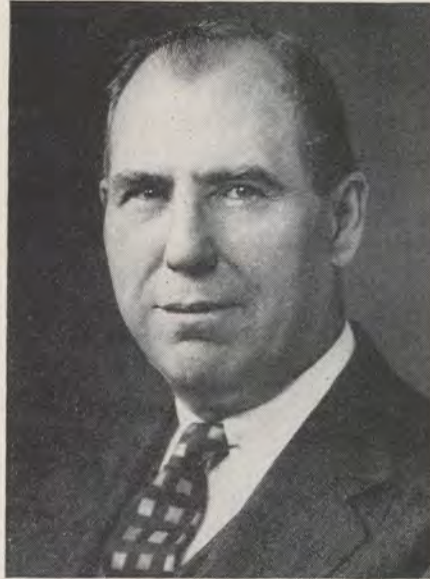
I shall always recall a thing that my Dad told me many years ago; it was on the occasion of the first important civic job that I ever had. I had been appointed Drive Chairman for the Red Cross. This was long before the war when all we asked was \$1 per membership and at that time there weren't very many people who were giving their \$1, because times were pretty tough.

Dad told me, "Any job that is worth doing, is worth doing well," and certainly in all of my civic affairs I have tried to follow that suggestion that Dad made to me. In fact, I find myself quoting him a good many times in trying to help others to do a good job.

Several months ago we received an offer to bid, from the National Housing Agency, a governmental agency, on preparing an abstract on a tract of

land in the largest town in our county. This tract consisted of a large number of lots lying in several additions.

The base title came from at least five different sources. A request was made for a bid for an abstract, beginning 15 years ago, and further back in the event that there was no transfer in the title during that period. I thought this might be a case where I



**BYRON CLAYTON**

New York, New York

*Member Executive Committee, Legal Section; Associate General Counsel, Metropolitan Life Insurance Co.*

could use some of my salesmanship. I called the agency but found that their hands were tied; they had received their orders from Washington—a 15 year abstract would be relied upon.

The land was being acquired for a Trailer House Camp. The Continental Oil Company was building a \$20,000,000 High Octane Addition to their plant. They had hundreds of new employees building this plant. The housing facilities were not adequate. It was therefore necessary that this trailer camp be provided. The Government took possession of this tract of land and used it for this purpose for many months before a request was made for this abstract.

#### Service

In due time we submitted our offer. It was approximately 90 days before we heard anything from them; at which time we received a long distance call from the Regional Office to the effect that they were bringing condemnation suit in Federal court in about 10 days . . . could we possibly prepare the abstract overnight and send it to their attorneys? The answer was "No," but that we would do the best we could, perhaps in four or five days. The order was completed.

Incidentally, before the condemnation suit was actually started, the addition to the refinery had been completed for several weeks and the property entirely vacated.

I tell you this story for two reasons. First, to point out to you that there are people, and apparently intelligent people, in the United States who will request and demand something less than a complete title. Second, I thought it was rather interesting that the Government would buy an abstract after they had no further use for the property.

#### Be Active

Much can be accomplished for the benefit of your business and mine through active membership in your own state association as well as our national association and I again go back to the point that I made a little while ago—if you are affiliated with such organizations, make the most of it. Take an active part in them. It will probably pay you dividends.

The principal thing that State Associations wish to accomplish perhaps is a uniform product in appearance, price and the manner in which it is compiled.

#### Uniformity

The men who find it necessary to examine titles in many localities over your state and over the nation have great admiration and respect for those states who have been successful in the matter of uniformity. In 1930 the Oklahoma Association adopted a uniform plan. A very nice booklet was printed for the benefit of all the association members in order to assist them in this uniformity program.

Approximately 10 years later an accurate survey was made and in view of all that had been done; there were still those who continued to use 8½x14 paper instead of 8½x11, and those who did not have a uniform certificate. We found, further, that abstracters have different ideas as to the quality of paper that should be used. Some believe that the cheapest kind of paper is satisfactory. Others believe that the best is not good enough.

#### Quality Products

In my own case, for many years we had used Blue Jay Bond, a 25 or 50% rag content paper, which is quite expensive. In quantities of 50,000 it cost \$4 to \$4.50 per thousand. In other cases companies as large or larger than ours, who were headed by capable men, used paper that didn't cost \$1 per thousand.

Our association agreed that we should use a 20 pound, 25% rag content paper, of medium grade with the O.T.A. watermark. We would buy this from one source in tremendous quantities and make it available to our membership, through our secretary, at cost. This cost is \$1.75 per thousand.

On account of the savings in price

and the O.T.A. watermark, it has been sufficiently attractive that a great number of our members are consistently using this paper. I believe we took a long step forward there in uniformity.

In our industry we have a number of very capable women abstracters. I am reminded that it is an obvious fact that many women who wear slacks are from our better homes because they are so well reared.

I know all of us are interested in time savers. I have a good friend down at Oklahoma City by the name of Bill

Gill who, by the way, is a past President of the American Title Association. Bill has lots of ideas on the subject of time saving. He and I have quite a little correspondence. This is the way he answers my letters. The only objection I have to it—of course it saves time and paper, but he doesn't have anything in his files to reflect the nature of his correspondence and if he changes his mind in business matters as often as he does about his social activities—well, that is another subject.

A few years ago, when I was President of the Oklahoma Title Association, I made a tour over the state, visiting in many of the abstract offices. Through Association meetings I had become personally acquainted with most of the heads of these companies.

You know how you will try to formulate an opinion of a business from the impression that you get from the man, or the woman. I think, to a certain extent, personal appearance reflects the impression that you would get in seeing the business, but in some cases it does not.

#### Basic Facts

I believe that it is good business to present a good appearance. I believe that your office and mine must be modern and up-to-date and neat. It should have a good looking front. Personally, we are thinking of remodeling the front of our business as soon as the war is over. I believe that people are less apt to hesitate to pay a reasonable fee to abstracters who maintain a neat, modern-looking plant.

I am somewhat of an old maid when I think about the dust on the bottom rungs of the chairs and around the baseboard and tarnish on the door plate and the dull finish on the floor. I know that when you go into a place of business and it is clean and neat, you can't help but be impressed.

#### Appearances

Too many people know nothing about our business. Something that might pay us will be to take steps to better inform Mr. and Mrs. Public about us. In this connection, the Executive Committee of the Oklahoma Title Association has recently appointed a committee, of which I am chairman, to prepare a booklet which will explain a few fundamental facts about our business which may be presented to the public in the way of an educational program.

As a committee, we have set up certain requisites; the booklet must be small, neat in appearance and attractive. It must be short. It must be easy to read. It must be interesting. Too many times you have received literature about this or that when you are busy and simply tossed it into the wastebasket. We don't want our literature to go into the wastebasket. If the idea is worthwhile, it is worth doing right.

We have selected perhaps the most capable man in the title business in Oklahoma to prepare this booklet for us. As a background for ideas he will use various pamphlets, such as those published by the Montana Association, Texas Title Association and others.

As soon as this has been drawn, the committee will go over it carefully and then will obtain a bid from a high type printer so that we can present the booklet to our membership at our next regular meeting which is to be held the latter part of November.

We hope to be able to buy it in such



**A. WILLIAM SUELZER**

Fort Wayne, Indiana

*Vice-President, The American Title Association*

*President, Kuhne & Company Inc.*

quantities that the unit cost will not be more than 4c to 6c. The local company, in all probability, will want to imprint their own name on the front of the booklet. We will also provide a blank sheet in the back for the company's advertisement, upon which they may list their services or history of their company, thus giving it the local color.

#### Co-operative Advertising

In a case where there are two or more abstracters, quite friendly and operating on a very ethical and co-operative basis, it might be advisable for the booklet to be prepared and printed by the State Association and distributed by the member companies, naming both or all of them.

We presume that the local abstracters will make these booklets available to customers as they come into their offices, perhaps distribute them through the school systems, obviously in the case of high schools, to the seniors only, to junior colleges and universities and perhaps through real estate offices.

Advertising is something that is essential to your business and mine. We all probably wonder which kind is the most effective. A certain amount of newspaper advertising should be done, just to keep your name before the public. Special advertising in local magazines, periodicals, printed matter on

the backs of fans to be placed in churches, school stage-curtain advertising, I think, are all more or less poor as far as actual results are concerned.

#### Novelties

I like something personal. At Christmas time each year we present to all our loan agents, real estate offices, lawyers, bankers and principal county officials, some type of gift, such as an Auto Point pencil with the individual's name on it, or pocket-size leather memo pad holders, again with the individual's name on them, with monthly fillers which you mail to them each month, thus giving us 11 additional contacts.

Due to the nature of our business, we had always confined our gifts to dignified items. Last year I found it almost impossible to find something similar to what we had been buying. I finally purchased two desk memo pads which appeared more like a book than a memo pad. These were purchased from Brown-Bigelow.

One was called "Daily Record Book," in which there were many very beautiful etchings of churches and old buildings that have historical significance. The other, "Some Things to Remember," a little risqué, which had many pictures of the most beautiful girls that I have ever seen.

We realized that many of our cus-

tomers might not appreciate "Some Things to Remember." We, therefore, carefully decided who to send these gifts to. Frankly, we had a better response from this gift than any we have ever given. We received all kinds of "Thank You's" by telephone, letters and, of course, many personal "Thank You's."

The only serious mistake was—quite a number of our clients who received the "Daily Record Books" found that their friends had received "Some Things to Remember" and a good many of them gave me a good cussing for not realizing that they would have appreciated "Some Things to Remember."

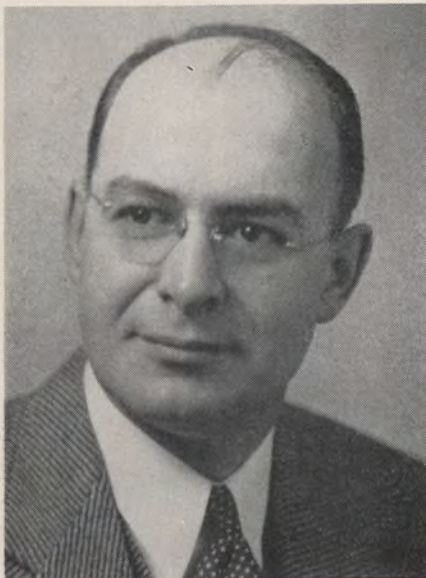
For the last three months I have received a blotter which to me has a great deal of appeal. Here it is. It has my name on it and a calendar for the present month. On the back, very neatly printed, is "Hotel Tulsa".

Why can't you and I use that idea in our business? That is, personal advertising that creates an impression. I don't suppose that Jim Sheridan will like that idea too much, because that doesn't sell his national advertising program.

I am sure that I haven't very intelligently "analyzed my industry" but I have enjoyed trying to discuss "Your Business and Mine."

You have been very patient and courteous. Thanks for listening.

## SERVING THE ORGANIZATION



**JOSEPH T. MEREDITH**  
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# Soldiers' and Sailors' Civil Relief Act

C. H. BARSCH

*Vice President and Title Officer, Title  
Guarantee & Trust Co., Toledo, Ohio*

The history, object and purpose of the Acts of Congress, making up the legislation protecting the civil rights of persons in our armed forces, have been presented in able fashion to our Association members upon several previous occasions. I refer you to articles appearing in *Title News* of April 1941, November 1941, and November 1942. I also refer you to the Act, its amendments and court decisions thereon appearing in a recent publication by National Service Bureau, Minneapolis, Minn.

This source material being available to our members and the subject having been very fully covered, I consider it profitless to endeavor to improve upon such presentations or to contradict the opinions expressed therein.

This article will confine itself to those parts of the legislation in question which most importantly affect real estate titles.

## 1918 Act

Similar legislation was in effect in 1918 during World War I. No special importance appears to have been then given to it by either title examiners or by the Bench and Bar of Ohio. While the provisions of the Act of 1918 were complied with in many cases by alert counsel, rules of Court requiring compliance were the exception. Reviewing at this time the effects of the Act of 1918 upon real estate titles, I



**JOHN A. AMERMAN**

Newark, New Jersey

*Vice-Chairman, Legal Section;  
Associate General Solicitor,  
Prudential Life Ins. Co. of America*

have found no case nor encountered any experience in Ohio among title companies in which the rights of former service men were later asserted to the prejudice of bona fide purchasers.

The present Act being patterned after the 1918 Act, it is fair to assume that such previous experience will be duplicated.

However, let us not forget that our armed forces in the present conflict greatly outnumber our forces of 1918 and that the present act extends greater protection than the previous Act.

It is the rights of persons who purchased real estate which came through legal proceedings involving interests of members of our armed forces in which title examiners are primarily interested. Section 200, Paragraph 4, deals with the effect of the vacation, setting aside or reversal of any judgment of a court.

It is provided in such paragraph that such vacation shall not impair any right or title acquired by any bona fide purchaser for value under such judgment. Without such provision a condition of title stagnation would be produced, the effects of which would be very harmful.

## Bona fide Purchaser

The legislature of Ohio and its courts have been long solicitous for the rights of bona fide purchasers. Many statutes and court decisions favor and protect such rights, the courts arguing that it is better to protect the public generally than to allow a condition of unstable titles and outstanding rights in the hands of the few.

It is my opinion that failure to file the military service affidavit does not deprive the court of jurisdiction to render the judgment. Its judgment may be voidable, but not void. If the judgment were void for want of jurisdiction, then of course a purchaser could obtain no title to the property which was the subject of the action and the judgment of the court could be attacked directly or collaterally at any time.

But if the judgment is only voidable, then collateral attack upon the judgment is not permissible insofar as a bona fide purchaser is concerned.

Direct attack upon a voidable judgment would not deprive the bona fide purchaser of his title if the words of Paragraph 4 of Section 200 of the Act mean what they say.

Having found no case in which a bona fide purchaser was deprived of his title, I consider it well to mention

cognate state statutes protecting the rights of bona fide purchasers.

In Ohio there are two sections of the Code as to the effect of setting aside or reversal of a judgment upon the rights of bona fide purchasers.

Section 11633 General Code provides that the title to property which is the subject of the judgment or order sought to be opened, and which in consequence of the judgment or order has passed to a purchaser in good faith, shall not be affected by proceedings to vacate or modify such judgment or order, after the term of court at which it was made. Also, Section 11702 General Code, which provides that if a judgment in satisfaction of which lands are sold, be thereafter reversed, such reversal shall not defeat or affect the title of the purchaser. No doubt many other states have similar legislation.

Our discussion has covered rights of purchasers of land which have vested. Where court proceedings are pending and the title examiner is then viewing the title, he should be more concerned with the possible rights of persons in the armed forces.

## Tolling of Statute of Limitations

Those provisions of the Act in Section 205 providing for the suspension of the statutes of limitation in favor of persons in the armed forces are fraught with some difficulty for the title examiner. This tolling of the statutes of limitation for bringing actions or proceedings simply makes it



**W. R. NETHERCUT**

Milwaukee, Wisconsin

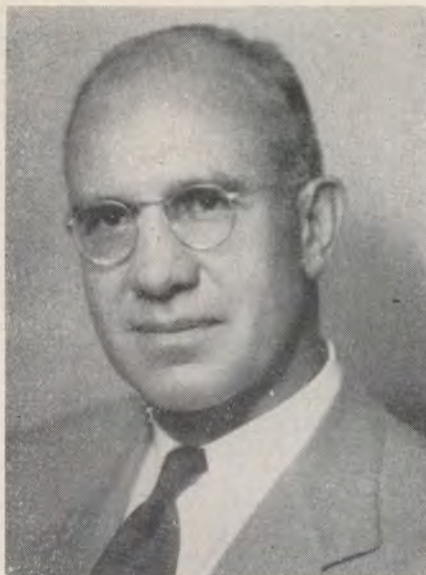
*Asst. Counsel  
Mutual Life Insurance Company*

more difficult to take full advantage of the time element, which in many cases will be very uncertain.

Let us say that the title examiner is endeavoring to pass the right to contest a will, which in Ohio extends for six months from date of probate. The record may give every opportunity to determine whether the persons entitled to contest the will are of age and whether they are competent, but the record will not show whether the persons interested in the will are in military service. This example can be extended to many other situations involving the statutes of limitation. All of such examples place the title man at somewhat of a disadvantage.

It has been held that the period of military service is to be excluded in determining the time within which suit can be filed on a mechanic's lien. The court said that Section 205 extends not only the "ordinary statute of limitation," but that it also extends "statutes of creation."

If we are examining the record title only, we would be under no obligation to consider the off record rights, but if we are rendering an opinion or guaranteeing or insuring title, the question whether persons in the armed services



**BURTON C. BOVARD**

Washington, D. C.

*General Counsel,*

Federal Housing Administration

have extended rights not barred by the running of the statutes of limitation, must be considered.

#### Unknown Heirs

I have been asked upon several occasions whether in an action involving unknown heirs, it is necessary to have such unknown heirs represented in court by an attorney, inasmuch as the plaintiff in the action necessarily is unable to state whether such unknown heirs are or are not in military service.

I have been unable to find any case covering the point. My experience has been that counsel do not appoint an attorney to represent unknown heirs who may be in the armed services, in most cases. If the action was one to quiet title against ancient defects in title, I would readily pass the title. On the other hand if the unknown heirs had a real live interest and the action were one to foreclose a mortgage, for example, where the decree of court must bar them, then I would certainly recommend that after service of summons was obtained upon such unknown heirs by publication, their rights under the Soldiers' and Sailors' Civil Relief Act be protected by the appointment of counsel.

## Arbitraries

**JOHN B. BELL**

*Manager*

*Lane County Abstract Co.*

*Eugene, Oregon*

Except for those plants built in the last few years, perhaps all have the usual method of posting deeds, etc. describing a portion of an unplatted tract to an account dividing the section into 40 acre tracts. As long as the tracts described stay in 40 acres or even 20 acres this system probably works well enough, but as the section, donation land claim, or other legal subdivision elected by the government in its original conveyance is further subdivided, the posting of instruments to that account in a title plant sooner or later becomes quite a problem. Even worse than the posting is the task of running a search. Any system, and there are many, used to break down the account is properly called an arbitrary, but this discussion has to do with only one form or system of arbitraries; that of Progressive Arbitraries as defined by William E. Abbett in his article published in the Proceedings of the Twenty-fifth Annual Convention of the California Land Title Association: "The purpose of an arbitrary system is to provide a number which shall identify every separate ownership indexed in a title plant in order that each document affecting the property covered by such ownership may be indexed directly to it, and to it alone, by that number." Under this system it takes no more

time to make a chain of title on a small unplatted tract in a thickly settled area, where metes and bounds descriptions exist in great numbers than it does to run down a title to a lot in a subdivision where every instrument posted will apply only to the particular lot being searched.

If the property has been subdivided by a duly recorded plat there is ordinarily no necessity for a further subdivision; the various lots being small enough so that many accounts within one lot are not possible. There are, however, in practically every town some once suburban tracts of rather large dimensions that become small urban homesites as the city grows and are no longer conveyed by a simple lot and block description. The system under discussion is as applicable to this situation as to a sectional or claim account.

#### Accurate Map

It must be borne in mind that the basis of the account is an accurate map of some sort. It may be the official map of the section, claim or subdivision or it may be an "office" subdivi-

vision, as is ordinarily the case. This is done to break down a large account and to remove the necessity of continuously running out complicated metes and bounds descriptions. While any colors will do for the outline of the tract to be arbitrated it is best to limit the colors to two, black and one other, using black to designate the outside lines of the large original tract and platted subdivisions and the other color for the subsequent ownerships. The use or attempted use of different colors to designate each tract as subdivided should be avoided as unnecessary, and it ultimately results in a line much too broad for accurate scaling. Solid lines are used throughout, except for overlaps, and to indicate interior  $\frac{3}{4}$  and  $\frac{1}{16}$ th lines. Either dotted lines or solid lines with a carat indicating the overlap may be used.

Abbett contended only those documents which vest the entire fee title to the parcel involved or which establish the boundaries should be used to create new arbitraries. Obviously quitclaim deeds or leases, easements or rights of way, mechanic liens, etc. should not be used. Our engineer contends that any instrument containing a new description should be used to create a new arbitrary number, be it an examination for title insurance, a

partial release or whatever. Suit yourself, but we have settled it on this basis: If it is an instrument that in the ordinary course of business will result in a new ownership give it a number, that is, create a new arbitrary tract.

### Procedural

The procedure in opening an arbitrary is simple. In an old plant there is some, but little, justification for re-copying the whole of the account. An arbitrary should be opened for all matter filed after the date of opening. This cuts down plant investment and while it is not as satisfactory it will be found workable. As time goes on the matters more than ten or fifteen years old are seldom if ever used. If all current and future matters are carried on the arbitrary system, your plant is no worse off on the old indices than it was before the change and in much better shape on the new matters. If you have lots of time and money or are a perfectionist and can find the draftsmen, then you will go back to the patent on all accounts, but we have found that unnecessary. Do only those that are most active in this manner. It is easy to pick them out. They will lie near the principal towns on the highways.

Our index sheet is ruled with columns numbered 0 to 9 and each of those divided into 3 columns, thus giving us 999 numbers on 1 page, but any other in multiples of 10 will do. If another is use, use the first sheet for 1 to 10 or whatever unit is preferred, the next for 11 to 20, etc. There are advantages and disadvantages to both systems. The map may be drawn on a small enough scale to be placed in the lot book at the end of the account, but we have found a map of one inch to two hundred feet to be the most satisfactory, and if a section or donation land claim is to be mapped, this is too large ordinarily to fit the lot book. For convenience, in posting, which from now on will take a great deal more time than searching, the maps should be in the lot books so as the subdivisions become smaller, instead of a large map on 1"=200', you should divide the account making an entry on the control map on, say 1"=400' at the beginning of the divided account and draw the new subdivisions on 1"=200' or 1"=100'. Never draw an account on a chain scale. All new surveys as well as roads, railroads, etc. are in feet and ultimately you'll have less reduction to do using feet rather than chains. By all means be accurate in your platting. If your draftsman can't pick up an error of 5 feet in 1"=400' get a new draftsman! Don't put the dimensions on the interior of an account. It only causes confusion and they can be found easily by reference to the instrument creating the account.

### Prior Checking

Before drawing the map get the best information available as to its size, irregularities, etc. This will generally be found in the field notes of the sec-

tion and meanders of streams from the records of the General Land Office, field notes on the alignments of State Highways or railroads, or less accurate, generally, county roads or county surveys or private surveys. This is done

This carefully prepared paper by Mr. Bell warrants your continuous study and the application of the ideas he advances.

for the reason that a section is practically never exactly 80 chains square and ultimate confusion will be avoided by drawing it as near correctly as possible the first time.

### Steps

As deeds or any other instruments are filed creating new accounts draw the description out on the map; refer to the lot book account for the next number, numbered consecutively; number the tract on the map; in pencil, never ink numbers except on a control map; place the old number in the balance of the tract left and draw a circle around the number to show it no longer represents a whole tract and post the instrument in the lot book to the new number. At the right hand side of the lot book account between the vertical numbered columns for lots and the space ordinarily left for remarks should be placed a vertical column in which is noted the number of the tract from which the smaller parcel was split off. It is extremely important always to remember to fill in this column when indicated because in no other manner will you be able to trace back your search. Searching is made easier by drawing a small square or box around every new number on the index sheet. This will indicate to the searcher that at this point the tract under search was carved out of a larger one, and reference must be had to the right hand column for the number of the larger tract.

Making a search now becomes extremely simple. The description of the

property to be searched is run out on the base map and the number of the tract noted on the chain sheet. Reference is then had to the lot book and all instruments posted against that number and the smaller numbers from which it came are examined. The search is made backwards chronologically, and is never made without first referring to the map.

### Flexibility

The foregoing is an explanation of a basic principal governing arbitraries. The system, however, is extremely flexible and there is no reason why your own ideas cannot be used. Our primary purpose is to urge you to adopt some system of progressive arbitraries immediately at least in the more active accounts. There is no reason for putting off opening arbitraries until the time when you have a lot of money to spend. It costs little more to post to an arbitrary than to any other method and this cost is more than made up in saving the searcher's time and customer's good will.

There are perhaps a few other experiences of which I should tell you. First: there is our trick scale upon which the divisions are 66/100ths of the divisions on the regular engineer's scale, the use of which permits one to read chains and plat feet without the necessity of conversion, the scale doing it automatically. We ordered a dozen of these in hopes that samples would be available to you here, but our priority was too low to get them finished in time. They used to cost \$5.00, ordered one at a time, now they are \$7.50 ordered a dozen at a time, but they save hundreds of dollars in draftsman's time. If you have nothing like it, one or two are a must. You will also find a drafting machine will save its cost of \$85.00 or so the first month you use it.

### Paper

Second: We have found it most practical to use Plumas Vellum Tracing Paper, a Leitz product. Erasures on this paper are possible without smearing or smudging as on ordinary paper. Thus we draw direct on the tracing paper which saves one operation.

Third: And I hesitate because each of us has the only way of filing maps— We have found that strips of hard wood, cut as thin as the mill can cut them, about 1" wide and as long as your map case to be the most satisfactory hanger. Build a plywood box a little wider and deeper than your widest and longest map with a split-sliding top. Have the strips glued together at the ends in pairs, insert the map between the glued strips and staple with an ordinary stapling machine. Provide the map case with an inch ledge on both sides and hang the maps therein vertically. They must be numbered and the map number placed on the index.

### The Prints

Fourth: Have the prints made on either blue or black line Ozalid and



dry mount with Chartex. Only thus can your prints be held to scale and be durable enough to last long.

If, in building your new arbitrary, you run into problems you think within our experience, your letter will be promptly answered.

## Discussion

MR. LEONARD FISH (Madison, Wisconsin): I would like to ask about the physical makeup of the map. You mentioned the tracing paper. Are these maps kept in the same book as your tract index sheet?

MR. BELL: We try to do that; that is right. We find inch/200 to be the most convenient scale and if you are arbitrating the whole section, that is too large a map, to go in any index book that I know of. But you get them into the index book if you can because from now on the posting is the most difficult part of the operation.

Searching is extremely simple now but the posting itself is difficult. You have to draw each one of those descriptions. So put the maps in your lot books if you can. There are two ways of doing it. One would be to draw this on inch/400 in which case it fits our lot books. The other way would be to break it down in four quarters and create a separate index on each quarter with a control map at the first part of the account.

## Control Map

On that control map you draw a small picture of the section and you indicate on that map each one of the quarters, arbitrary 1, 2, 3, and 4. You just say, "See Account 1, 2, 3, or 4" for each one of the quarters and then these follow immediately after the map and you have a separate map in there for each one of those quarters. If that in turn becomes too complicated for an inch/200, you break that down in the quarters. Make a similar entry in that arbitrary, picking up all of the numbers and carrying them forward.

Thank you for that question. Now may I have another?

MR. FRANK STEVENS (Angleton, Texas): Would you continue this Gorman addition in this same arbitrary? Would you carry that on or what do you do with it?

MR. BELL: We take it out, open up a new index for Gorman addition, although there would be no reason for it. Well, that isn't always so. There are many platted additions in our plant that we carry no accounts on at all; that is, we carry them right in the old section account. Those happen to be additions where they platted, for instance, the whole section and the lots corresponded to quarter sections and there is just no sense in opening an index on a thing like that.

## Metes and Bounds

MR. LAURIE SMITH: Your full discussion is predicated on the assumption that you start with township range and

section system based on government surveys.

How practical do you think it would be to establish that system of arbitraries in a section where your descriptions always have been and continue to be metes and bounds descriptions. Would not the cost be prohibitive?

MR. BELL: Well, I don't think so. It seems to me that is the place where you need it the worst.

MR. SMITH: You need it the worst, but then you get into an engineering cost which runs you out of sight.

MR. BELL: I don't think it would be worse than any place else. You simply start off with any sort of a base map you want to start with and from now on post to an arbitrary. You remember I proposed that you do not go back and do your old stuff over again. That is swell if you have the time and money to do it, go ahead, but if you started out with something on an arbitrary basis and posted all instruments filed from now on to the arbitrary, your old stuff would be no worse off than it is now and your new stuff would be in much better shape.

Now, you don't have to use the section. Take any other account. I don't know where your stuff is — some place south of the Mason-Dixon Line, I assume. I don't know how it is divided, but there must be some sort of a division.

MR. SMITH: Well, you would be surprised. (Laughter.) A really swell description is a description that describes the property as bounded on the east by the lands of Robinson and on the west by the lands of Smith, and so forth, using names of people that have been dead for 200 years. But we do have some problems there that are a little different from yours where you do have a basic description.

As for example, the prize one that I know of is one where a seven-story office building now stands, the title rests in an instrument where the description reads: "The property beginning at the point where you and I stood talking yesterday." Then, it goes on, "So many paces in an easterly direction to the boundary of a ditch," and it follows on through just about that good.

Those descriptions are swell to set up on an arbitrary. Actually you know the way you can set them up on the arbitrary is to go out and survey all the surrounding property before you really know that you have an arbitrary. Of course, your arbitrary is designed to take care of irregular shaped tracts of land and presumably the descriptions today do afford better identification than the illustration I have used.

But I am very anxious to find out whether anyone has successfully inaugurated that system of arbitraries and the relative cost. The cost is excessive where you run a government survey as the basis for your whole plan.

## Cost

MR. BELL: As far as cost is concerned, you will find an arbitrary less expensive to operate than another system for this reason: You have to read those deeds, you have to plat them out sometime, and there is no sense in doing it more than once. That is what you do on an arbitrary. Now, you have to do it over and over again if you have any other system. Every time you make a search, you have to read them. This way you read them once.

MR. SMITH: Do you know what cost per unit that is, getting it into the court house, and into your file, and onto your posting book?

MR. BELL: Twenty-five cents.

## Abstracter's Converter Scale

MR. MOMYER: You referred to an abstracter's converter's scale. Can you tell us where those can readily be obtained?

MR. BELL: You give me your name and address and I will send you one. It will cost you \$7.50. It used to cost you \$5.00 ordered one at a time; now they are \$7.50 ordered in dozen lots. They are specially made. This is my own. I don't think you will get it elsewhere.

MR. MOMYER: I will communicate with you then to get it.

MR. WETHERINGTON (Jacksonville, Fla.): Mr. Bell, we have adopted a system that we have found fairly practical in these areas that Mr. Smith spoke about. The first one we took about ten or twelve years ago, six or eight thousand acres, a Spanish grant. We set it up going completely back to the source of title. We first pulled every instrument in the entire grant and our engineers plotted those individual tracts with arbitrary numbers. It was very expensive. It took one engineer nearly five years to finish that one grant, and I wouldn't dare hazard a statement as to the cost, but it has proved practical.

We tried to select these areas in sections of the county that were becoming popular and value increasing. Now, on that particular area, we ran a title search, lot and block, and saved ourselves the risk of missing the instrument which we used to have to do by just merely searching through thousands and thousands of names.

MR. BELL: That is right. You are right about that cost. You are going to spend the money anyway. It doesn't make any difference whether you spend it and have a good job and an easy plant to operate or whether you spend it in making the searches. You are going to spend it one way or another, and this is a great deal less expensive than doing it the other way.

I say that those cost twenty-five cents an instrument. I am guessing. Some instruments you have it would take a half a day. That is certainly not usual. Most of them, most instruments creating a new arbitrary, the engineer

can draw on there in a minute and his time doesn't cost an awful lot.

MR. ROSS PIERCE (Sacramento, Calif.): I will give you the cost on doing what Laurie wanted to know—it is twenty-six cents per instrument for one million instruments.

MR. BELL: Well, I guessed very closely then.

MR. PIERCE: That is actual cost accounting on the job.

In building our plant we completely arbitraried it. We have been confronted with a situation somewhat comparable to the one Mr. Smith has. In that country we had well over one thousand swamp and flood lands surveyed. Some of the Western states are familiar with that. They are highly irregular; they meander; sinuosities of the slews and rivers and streams in the low land can change anywhere from a few hundred

acres to several thousand acres each. The way we handled that was to extend the sections across them by arbitraries, see where they fell and put colored borders with India ink on the exterior boundaries of the original swamp land which became the base number. Then they were cut into the present ownership according to recorded instruments and the arbitrary given much the same as you have them there.

#### Mining Titles

We also operate three mining counties which have a very heavy concentration in some areas of lode claims and we have them all completely arbitraried using the government number where they have been patented and the United States survey number has been obtained, and then breaking down in parcels and pieces sold out.

I might comment on another system very similar to yours which is used a great deal in the far West. In the sectionized country to get that sheet where you have this breakdown long enough to contain sixteen columns instead of the ten that you have, that means lengthening this sheet. Take this first column where you have numbers 1, 2, 3, 4 and you have a subhead up there which you call the northeast quarter. Most of the sections, even though irregular where you have the United States system of land surveys such as we have in the West, even though highly irregular, will break into sixteen separate units, though some of those forty-acre units may have less or more than forty acres.

For the northwest corner, you have the next four numbers, 5, 6, 7, 8, and that makes a simple system. When you get to the next quarter, your poster soon learns the number to which that refers and he posts that number. I think most plans prefer the number rather than a checking column for the reason you might check the wrong column.

MR. BELL: Thank you, sir. Now if you will forgive one other personal illustration in answer to Mr. Smith.

We have in Oregon, in the Willa-

mette Valley, both the system of discriminate and indiscriminate location. Under the act of 1856 they permitted the settlers in Oregon to take up 640 acres any place. Then D.L.C.'s are government surveys the same as the sections are, and all properties within those donation land claims are described with reference to one of its corners. They were permitted to take them up in any shape. Many of them have a great many more than four corners and they don't necessarily lie north and south. One of them has 640 acres, ten chains wide, in the shape of a Z. Now that covers quite a little property. That is a complicated sort of an arbitrary, but the arbitrary is much simpler than any other system that we have been able to find. Thank you. (Applause)



H. STANLEY STINE

Washington, D. C.

*Executive Committee, Title Insurance*

*Section; Vice-President,*

*Washington Title Insurance Co.*



FRED R. PLACE

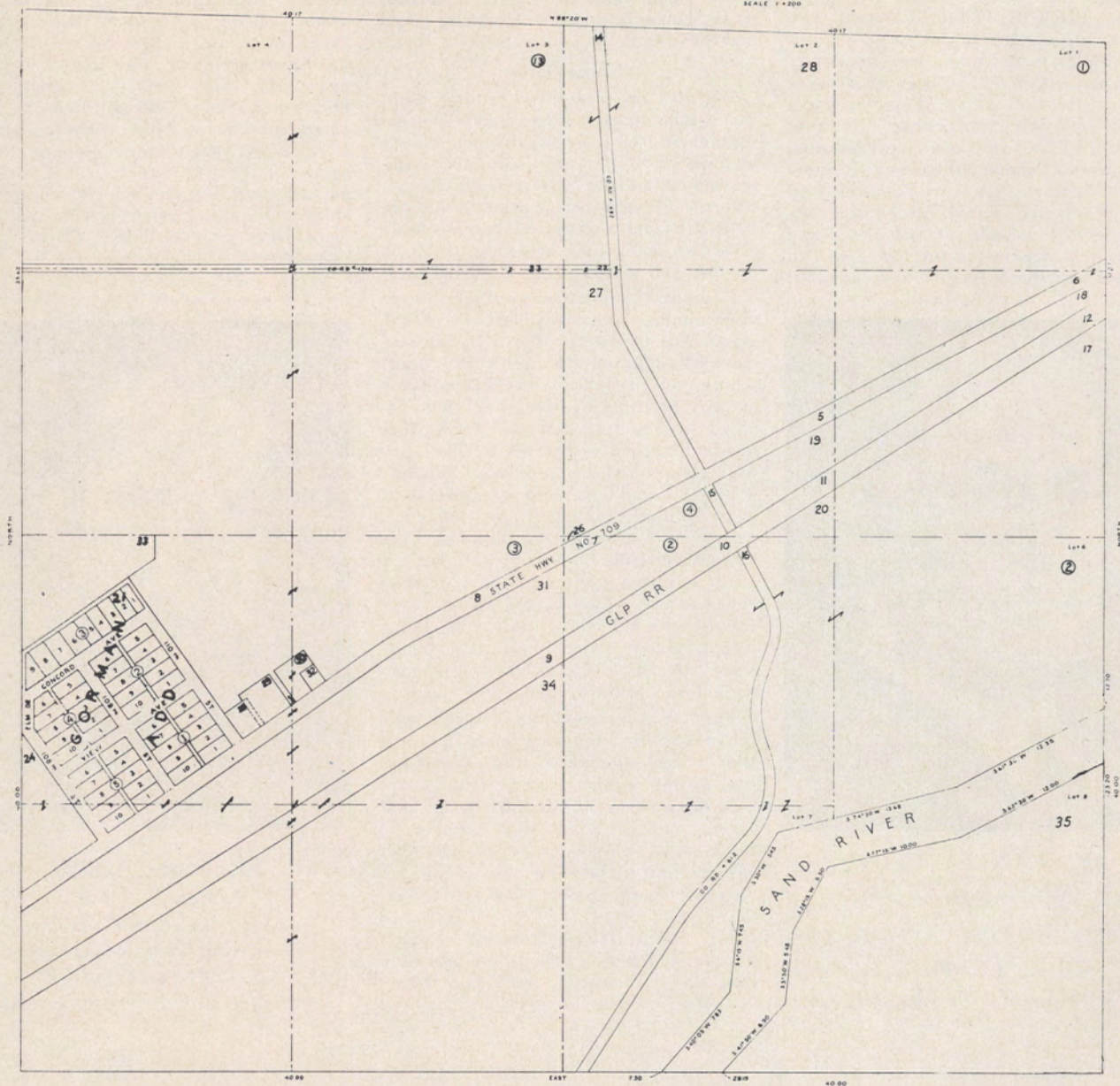
Columbus, Ohio

*Member Board of Governors,  
American Title Association*

*Vice-President*

*Guarantee Title & Trust Company*

Sec 5 T16S R13W



(Reduced from Original Size of 33" x 32")

LANE COUNTY ABSTRACT COMPANY  
ARBITRARY INDEX TO TRACTS

MAP NO 37

Subdivision \_\_\_\_\_ Block \_\_\_\_\_  
Section 5 S Township 16 S Range 13 W

GRANTOR	GRANTEE	RECORD	KIND OF INSTRUMENT	CONSIDERATION	DATE		1	2	3	4	5	6	7	8	9	0	REMARKS	
					MO	DAY												YR
U S A	Earl Bennett	562	Pat		5	26	58	1										
Earl Bennett	C H Moore	736	Mrg		8	2	58	1										
U S A	W E Lennon	1015	D		10	14	59		2									
U S A	John Hall	7223	Pat		2	6	61			3								
John Hall	Virgil Smith	8892	Mtg		4	12	61			3								
C H Moore	Earl Bennett	10643	Par Sat		8	6	62				4							1
Earl Bennett	George Jones	10729	D		4	8	62				4							
George Jones	State of Oregon	11863	D		5	1	63					5						4
Earl Bennett	"	11895	D		5	2	63						6					1
W E Lennon	"	11899	D		5	2	63							7				2
John Hall	"	11943	D		5	4	63								8			3
"	GLP Railroad	12617	D		7	6	63									9		3
W E Lennon	"	12685	D		7	8	63											2
George Jones	"	12779	D		7	10	63											4
Earl Bennett	"	13161	D		10	26	63											1
U S A	Roy J Smith	15649	Pat		11	14	64											
George Jones	Lane County	16726	D		5	16	64						14	15				4
W E Lennon	"	16727	D		5	16	64											2
C H Moore	Earl Bennett	19836	Sat		8	4	64											
Virgil Smith	John Hall	28315	Sat		2	22	65											
Earl Bennett	W E Lennon	37926	D		9	11	65											
George Jones	"	39182	D		10	6	65											
John Hall	P L Gorman	47320	D		12	13	68											
George Jones	Lane County	47322	D		12	13	68											
Roy J Smith	"	59109	D		11	6	70											
Dedication	Gorman Add	2-16	Plat		4	28	71											
John Hall	Alfred Olsen	61433	D		7	2	72											
AP Rex	"	66871	Lien		9	30	72											
John Hall	Mildred Allison	70914	D		6	16	80											
Mildred Allison	Joe Allison	CC 2861	Div		8	17	82											
"	Lane Loan Co	71362	Mtg		10	11	84											
W E Lennon	George Jones	73892	D		12	13	84											
George Jones	Horace E Gill	73963	D		12	16	84											
"	R G Gill	75846	L S Cont		4	3	85											
John Hall	C L Hark	78450	D		11	20	85											
"	Hester Jordan	80261	D		8	21	86											
"	Ronald Wilson	86498	D		12	13	88											
Hester Jordan	Chester Conklin	89647	D		5	10	89											
Chester Conklin	Mabel Moore	90248	D		6	20	89											
John Hall	Bond Hall	91737	D		7	30	89											
"	Lester Reem	93810	D		10	15	89											
U S A	Carl Freeman	94723	D		12	2	89											

(Reduced from Original Size of 27 1/2" x 23 3/4")

# The Role of the Title Man In His Relations With Allied Industry

MALCOLM C. MYER

*Escrow Officer*

*Record Abstract and Title Insurance Co.  
Denver, Colorado*

I have been asked to discuss the general topic of relations between title men and other enterprises and professions, particularly the Bar and real estate men. This subject covers a large portion of what might be deemed the public relations of title men. The subject is not a new one—in some form or other, it has been frequently upon your programs at these meetings. Yet, in many of its aspects, it is an important subject, perhaps important enough to justify a re-examination of it from time to time.

## Right of Property

In considering the relation of the title industry to the Bar, it is well to recall the basic conception of property. A lawyer friend of mine called my attention the other day to the expression of that conception in the quaint language of the famous Blackstone, which runs as follows:

"There is nothing which so generally strikes the imagination and engages the affection of mankind as the right of property; or that sole and despotic dominion which one claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe. Yet there are very few that will give themselves the trouble to consider the original and foundation of this right. Pleased as we are with the possession, we seem afraid to look back to the

which those laws have been built. We think it enough that our title is derived by the grant of the former proprietor, by descent from our ancestors, or by the last will and testament of the dying owner, not caring to reflect that (accurately and strictly speaking) there is no foundation in nature or in natural law why a set of words upon parchment should convey the dominion of land, why the son should have the right to exclude his fellow creatures from a determinate spot of land because his father had done so before him, or why the occupier of a particular field or a jewel, when lying on his death bed and no longer able to maintain the possession, should be entitled to tell the rest of the world which of them should enjoy it after him."

Too often, I think, our conception of property is as of "things external," such as a house or a car or land, rather than the "sole and despotic dominion" exercised over things external, to use the phrase of the famous commentator. This sole and despotic dominion, as we know, depends not upon natural processes but upon the artificial creations of organized government and society. These have been developed through the ages as civilization has progressed and as men have extended and applied their concepts of liberty and human rights. In America, as a practical matter, rights in property are not only secured by the law of the land, but they are evidenced by millions of instruments which are preserved in recorded form.

## What Are Facts?

Someone has said, wisely, I think, that education is not knowledge, necessarily, but rather the ability to find out and discover where the facts are. No man can be expected to know the contents of an encyclopedia, yet any well-informed man will know that an encyclopedia exists and that in an encyclopedia may be found the facts or knowledge which he may be required to seek. It is, therefore, the function of the abstracter, in compiling the summaries of millions of instruments and the reference to the ultimate facts contained in these instruments, to make available to all citizens the method by which knowledge of the extent and quality of their rights may be found and thus asserted. To this important

extent, a careful abstracter fits into the scheme and structure of that exclusive dominion over things external upon which human rights and liberty in an ordered society of free men so largely depends.

Therefore, it is apparent that the lowly abstracter of instruments has a closer and more important relation perhaps to the great profession of the law than any other collateral or related enterprise. Abstracters are in a true sense the clerks or as Blackstone would say it, the "clarks" of the law, in so far as the law deals with rights of property. The proper performance of their functions often guides and influences the solution of problems and controversies of vast importance. To be a good clerk in important public matters is a high and responsible calling. It is entitled to the respectability of a profession. It goes beyond the limits of mere commercial enterprise, and should be governed by ethical considerations parallel to those of the Bar itself.

The great Alexander Hamilton has been described by his biographers as the great and perfect clerk of the Revolution and of the period which followed it; yet no man, save Washington, had more influence in his day or contributed more to the stability of this Republic and the freedom and liberty secured by the constitution which he helped to frame and construe.

## Legislation

Narrowing our consideration to our respective states, naturally, one sphere of cooperation with the Bar which immediately suggests itself to every title man is that of legislation. The importance of this field is recognized in the fact that this association has had for many years both Federal and State legislative committees, each active in its own sphere and watchful of legislation affecting real estate title matters, as well as the industry as a whole. An examination of some of the annual reports of these committees is of interest and suggestive.

We all know of the action of the 77th Congress and the expansion of the business of some title companies resulting not only from increased industrial areas, but also from camp extensions, emergency housing in industrial areas, and modification of the National Housing Act.

## Federal Legislation

The application of the Steagall bill and its stimulation of title insurance business in many areas of the United States, created certain problems, the solution of which members of this Association and others active in the title business contributed substantially. In



MALCOLM C. MYER

means by which it was acquired, as if fearful of some defect in our title, or at best, we rest satisfied with the decision of the laws in our favor, without examining the reason or authority upon

these dealings, and in these efforts, title men were in cooperation with attorneys representing the bureaus of the Federal Government. Not all legislation of Federal character has been of benefit, either to the abstract or title companies, but this association and the leaders of it have had a voice and have been heard through their Congressmen and representatives and before committees in the formulation of much of this legislation. This is obviously a method of cooperation with the Bar and with general real estate business interests which is necessary and proper for title men to follow.

The scope and extent of legislation proposed in or enacted by legislators every two years is impressive. Most of these bills are of a technical character, often prepared or suggested by lawyers, many of them of merit, some of them without merit. In November, 1942, for instance, your committee and committees of state associations reported upon six bills enacted by the legislature of the State of Arizona, ranging from acts relating to sales by executors or administrators to statutes of limitation and the recording and making effective of labor liens. In Illinois, one important bill concerning a statute of limitation on certain documents over seventy-five years old was referred to the Committee Chairman reporting to your next convention.

#### Notice, Etc.

In Massachusetts, eight important bills were enacted dealing with the subjects of providing for the recording of notice in the registration of deeds and lis pendens in equity proceedings affecting title to real estate and the recording of certified copies of petitions in bankruptcy, tax titles, and the limitation of tax liens only to land affected by the tax, reversing the holding of state authority, to the effect that taxes on one parcel should be liens on all lands owned by that taxpayer.

#### New Jersey

In New Jersey, fifteen important enactments in this single year dealt with validating acknowledgments or proofs upon instruments which had been recorded for a period of at least five years, statutes of limitation, tax exemption allowed members of the National Guard while in Federal service, facilitating condemnation of land required by the United States for national defense, divesting the state of its title in certain lands acquired by escheat, validating final decrees in foreclosure sales, and validating certain foreclosure proceedings by trustees in bankruptcy.

#### New York

In New York, among others, were acts concerning real property instruments more than twenty years old, authorizing infancy or incompetency proceedings to facilitate appropriation or condemnation proceedings, providing for the reinstatement of trustees absent in war service, dealing with the

acknowledgment or proof before a village Justice of the Peace, and validating and confirming the official acts of notaries public and deeds of attorneys exercising the powers of notaries public.

#### Virginia

In Virginia, the scope was wide. Acts were adopted providing for the release of liens for taxes or levies made prior to 1937 upon real estate owned by benevolent or charitable institutions, the uniform simultaneous death act, as related to survivorship, an act releasing all liens upon real estate for taxes and levies due and payable prior to January 1, 1923, and various other acts dealing with the title to ecclesiastical property and the validation of the recordings of certain other instruments where the Clerk died before signing the records of certificate of probate, and validating deeds by corporations where the corporate seal was omitted.

In our own state of Colorado, the General Assembly of 1943 enacted a number of important bills dealing with a real estate brokers' board, conveyances relating to trust estates, and the transfer of property in trust, certified copies of certain documents having the same force and effect as the original and dealing with state lands and the title and leasing thereof.

#### Mutuality of Interest

In all of these matters, title men generally were interested and title associations of the various states felt it not only to their own interests, but in the public interest, to cooperate effectively with the Bar. The scope and extent of this work illustrates its importance. Active legislative committees maintained by the state associations are among the most important and practical methods by which title men can and do cooperate with the Bar.

The distribution of information concerning bills or pending bills, not only to members of the various state associations, but to real estate men and lawyers generally, is of great importance. For instance, in practically every county in Colorado is an abstractor. Some of these abstractors in our state are mainly concerned with the complex titles of old mining claims. The perfection of title of almost any one of these claims would involve complicated suits to quiet title, even to assure possession, to say nothing of protection from liability for the illegal removal and sale of ore. Many other abstractors are in ranch counties where the main real estate activity consists of leasing of vast areas of grazing land and the transfer of ranches and farms through estates or by deeds or foreclosures. There are sixty-three counties in my state. Each abstractor is a man of some political importance and influence in his county. He is well known to the County Clerk and Recorder and to other local county officials and to the members of the House of Representatives or the State Senate who represent his county or district in the General

Assembly. Often a word from him as to a pending bill is of more influence than any action which a committee can take officially. Once the members and officers of state associations realize that its influence is not only so widespread, but also definitely effective in the particular instances in which local efforts may be required, the weight of the associations' influence throughout the state can be made increasingly powerful in matters of beneficial legislation. This is a public service of the highest character and it is a method of cooperation with members of the Bar, not only locally, but statewide in its application and effect.

#### State Associations

State associations properly perform this public service. It can be performed even more effectively, once the extent and relationship of the local abstractor to his local officers and representatives are fully realized and used.

During the postwar period, which we hope is not far off, thousands of soldiers will be returning to their homes or to establish new homes in areas other than those from which they originally enlisted. Authorities of veterans organizations tell us that not over 50 per cent will want their old jobs



The Executive Secretary

back. Many of them have become skilled workmen by reason of their service training, and have found acquaintances and attachments different from those which they had when they left home. Many from the seaboard northeast may want to live in Florida or California. In fact, Californians will tell you that they will all want to live in the Golden State. However that may be, there doubtless will be a tremendous shift in population. They will return with the cash bonuses of a grate-

ful Republic and war bonds cashable on demand. With this capital, many a home will be bought or built and many a small business acquired. It behooves us as title men to assist in the preparation and enactment of proper legislation in order that these acquisitions may not become too complicated, that transactions may be not unreasonably delayed, and in so far as we are able, that expensive controversies and litigation may be avoided. To this end, we can contribute materially, provided we continue to interest ourselves in such legislation and labor well to keep the record straight. This is a public service of the highest rank.

#### Title Standards

In Colorado, and more particularly in Denver, the Bar Association, with such assistance as the title companies, through their counsel and otherwise, were able to render, has promulgated and announced certain Real Estate Title Standards through its committee on real estate titles. The first announcement of these standards included twenty-one in number, which were widely published through the Bar Association Publication. The Denver Bar Association, by formal resolutions, recommended the adherence to these standards by all lawyers examining titles. They have resulted in a large degree of uniformity in examination, proved most useful and beneficial to the Bar and to the public, in eliminating unnecessary objections and minimizing litigation. The committee stated that the situation which had brought it into being had resulted from the viewpoint of various lawyers in respect to their duties as title examiners. Lawyers had often failed to realize that when they were asked for an opinion as to the marketability of the title, they did not pass upon its perfection or imperfection. They are protected under the law if they use the care of a reasonably prudent title examiner. When there is no controlling statute or specific law in decided cases, the common practice of lawyers may be properly considered. Thus, in these matters of practice, adherence to the Standards have had the practical effect of a rule. They form a code which all lawyers follow, almost without exception. The standards were adopted and are supplemented from time to time, only after careful study, investigation and conferences, between leading members of the Bar, title examiners and business men interested in the particular subject covered by the standard under consideration. The purpose did not involve the assumption of new risks by the title examiners, but it was rather to minimize the constant fear of error in judgment or conclusion now imposed upon them. The support of the Bar of these standards, now generally accepted and relied upon, has, to a large extent, brought harmony and understanding among the lawyers themselves, title men, real estate dealers and the public.



**RALPH C. BECKER**

St. Louis, Mo.

*Secretary, National Title Underwriters Section*

*President, Lawyers' Title Company of Missouri*

#### Permanency

As the standards are supplemented from time to time, they are preserved in a permanent bound volume distributed to all members of the Bar Association. They deal with specific problems which have been the subject of objection by counsel, such, for example, as "What is the effect of defects not involving jurisdiction of the court in actions quieting or affecting title or in the foreclosure of liens?" The answer, "such errors do not render title defective and should be disregarded. Among commonly found errors of this kind are:

- (a) Disjoinder of parties,
- (b) Misjoinder of actions,
- (c) Existence of a ground of demurrer or motion to dismiss,
- (d) Existence of ground for motion for change of venue, if no motion was filed."

#### Illustrative

Another example, "If a release of an encumbrance contains error in its recitals as to date of record or book or page of record or date or parties to such an encumbrance, is such a release sufficient?" And the answer, "If there is sufficient correct data given in such release to identify reasonably the encumbrance intended to be released, it should be approved."

And one more, "If the period provided by law for the bringing of an action or proceeding expired before the effective date of a provision of the Soldiers and Sailors Relief Act, does such provision permit the bringing of an action or proceeding thereafter?" Answer, "No."

Among other subjects covered are the presumptions in reference to delivery

deeds, variance in names, revenue stamps, description of property formerly in Arapahoe County, now part of the City and County of Denver, joint tenancy form of conveyance to single individuals, publication of notice in estates, inheritance tax releases, and vacation of streets and alleys.

The title companies of Colorado and their counsel are gratified to have been helpful in the formulation and adoption of this code originally in Denver, which, in practice, has proved to be workable and helpful.

#### Spreading

It has also been specifically adopted by the Pueblo Bar Association and is generally followed, although not specifically adopted at present by other local Bar associations. I am advised that it will be submitted for consideration and adoption at the annual Colorado State Bar Association meeting now being held in Colorado Springs.

My company has undertaken the burden and expense of obtaining a wider distribution of these standards. At the suggestion of your Secretary, they have been distributed to the Presidents and Secretaries of all state title associations. Current copies are mailed from time to time, to all banks, building loan associations and real estate brokers in Colorado, with such extra copies for the convenience of lawyers as they may require. We have had requests for copies from practically every state in the Union, including large lending institutions and state and Federal officials and bureaus.

I am aware, of course, that the preceding statement regarding the Real Estate Title Standards Code is of especial interest to title insurance men, perhaps, rather than to abstracters, but it is an example of what may be accomplished in our industry and in our business in cooperation with the Bar and other enterprises. Moreover, the application of the code results, in so far as title insurance is concerned, in a factor of safety for title insurance companies, because the practice of counsel in disregarding or passing certain defects, or in the construction of statutes, or in opinions regarding merchantability once established and confirmed over a period of many years, doubtless would have great weight with any court in which a controversy concerning these matters might appear. I have copies of these Real Estate Title Standards distributed by my own company, available for any here who desire to have them.

#### Hand in Hand

Our experience in Colorado, which is an attorney opinion-abstract state, has been that title insurance goes hand in hand with the abstract business, that title insurance is an outgrowth of and supplemental to the preparation of abstracts of title. While the effort is being made, in order to simplify and expedite business transactions generally to establish a wider use of title insurance, in order that the public, in our

opinion, may be better served, nevertheless, we find in our state, that both systems can be used without the one necessarily competing detrimentally with the other. We are confident that more and more, as the service and the protection afforded by title insurance policies receives its proper valuation, that in Colorado, title insurance may eventually substantially replace, where it does not supplement, the use of abstracts and attorney's opinions in the commercial and business life of some of our more important communities.

#### Escrows

Another service which we have been able to extend and which is somewhat new in its practice by title companies in Denver, is in what is known as the closing of deals, or the escrow department. In times of an active market, or with inexperienced buyers or sellers, the services of an expert and one who is familiar with the methods of closing important real estate transactions, who knows the effect and priority of liens and taxes, and who is skilled in the adjustment of disagreements and negotiations between buyers and sellers, can frequently relieve a real estate broker or trader of the ill will that may arise from such a transaction if he handles it himself, and of the burden of the detailed care which is necessary for the satisfaction and protection of all parties involved. Both the buyer and the seller have the advantage of proper



MELVIN JOSEPHSON

Boone, Iowa

*Secretary, Iowa Title Association*  
*President, Boone Abstract & Loan Co.*

protection, of the recording of the deeds and other instruments, and of the adjustment of the purchase or mortgage money. This type of service has a

personal side. The closings are made in the office of the company in special conference rooms arranged and equipped for that purpose. The practice accustoms buyers, sellers, lenders and brokers, to rely more and more upon expert title service. The contacts thus made by the service so performed frequently lead to more business in other departments of the company. It sells itself, and likewise develops other services which title men are ready, willing and able to perform. The practice is growing in Denver, to the profit of the title companies and the increasing satisfaction of real estate men and the public.

#### In the Sun

As people become more aware of the three main types of service which title men can extend — the preparation of accurate abstracts, the insuring of titles, and the services incident to the closing of deals, still more will the function of title men generally be recognized as essential, not only to the Bar and to the real estate and mortgage men, but to the public at large. Thus, the lowly abstracters graduate from the class of exalted clerks and take their place in facilitating the business of their communities, in guarding the rights of those who turn to them for assistance, and by their practices of fairness, efficiency and good will, contribute to the health of the commerce and industry of the communities which they serve.

## Advertising and Publicity Report of Committee

P. P. PULLEN, *Chairman*

*Director of Advertising, Chicago Title & Trust Co., Chicago, Illinois*

I never thought I would see the time when our members actually had more business than they could handle and stopped advertising because they didn't want any more. Apparently that time has come, if we can judge by the meagre response which we had from our membership in general to the Advertising Committee's plea for material to go into the annual advertising exhibit.

I don't think any of us are fooled by the situation which, of course, is brought about by abnormal times, including manpower shortage coupled with a much more active real estate market than any of us had expected.

Those of you who have been advertising have done a mighty creditable job of it, as shown by the exhibits. Our sincere thanks to those members who made this display possible. (Comments on Exhibit: California Land Title Association; Lawyers Title Insurance Corporation of Richmond; Burton Ab-

stract and Title Company of Detroit; The National Title Insurance Company of Miami; Record Abstract and Title Insurance Company of Denver; The Title Guaranty and Trust Company of Chattanooga; Realty Abstract Company of Lewistown; Kuhne and Company of Fort Wayne; Lonoke Real Estate and Abstract Company of Lonoke; Title Insurance Corporation of St. Louis; 1 piece of anniversary advertising just arrived).

#### Don't Keep It From Us

Many of you, I am sure, have done some good advertising during the past year, but for one reason or another neglected to send copies of it to your Advertising Committee. Whoever is chairman of the Advertising Committee next year will, I know, appreciate it if you will all send him copies of all

of your advertising. Only in this way can we make our exhibits truly comprehensive and typical of the entire industry.

#### Association Publications

Included in the exhibit this year are copies of the various state association publications. I am sorry to say that it is neither complete nor up-to-date. I made an appeal through the Bulletin to the State Associations, Jim Sheridan ransacked his files for copies, and I searched my file. The exhibit is the net result. I am afraid there are some publications of which we don't have copies—and some of those represented in the exhibit may have ceased publication. There is a tremendous death rate among this type of publication. In most cases the work of getting out a state association bulletin has been a labor of love on the part of one man in each organization for each month of the year. For the past three years



those ladies and gentlemen have been so darned busy running their own affairs and trying to turn out the run-of-mine production that they simply haven't had the time, the inclination, or the physical ability to get out a state association paper.

The baby of the state association publication groups is the Illinois "Title Record", which came into being in September, 1943, and is now in its second year. For the information of state association officers who are publishing or intend to publish a bulletin, this Illinois publication is issued every second month, consists of about nine legal-size pages, has an editor-in-chief in the person of Johnny Parker, the State Association Secretary, and a board of editors consisting of six abstract and title men, one of whom is responsible for getting out one issue during the year. The board is changed each year. So far the plan is working out very well and there is no great burden on any one person—unless it be the state secretary.

### House Organs

I want to call your attention, too, to the swell job some of our members are doing about putting out their own publications, or house organs. The newest one in the field is the "New Jersey Realty Title News," issued by New Jersey Realty Title Insurance Company. In format, contents and paper it is tops.

Most of you are familiar with "Lawyers Title News," issued by Lawyers Title Insurance Corporation of Richmond. This is the oldest company publication in our field, so far as I know, is still going strong and maintaining its uniform high quality.

Union Title Insurance and Trust Company's "Utlat" has just celebrated its first birthday anniversary with a specially illustrated edition commemorative of its 22 people in military service. Excellently done.

"Title Talk," published by the Champaign County Abstract Company, is an excellent example of a house organ produced at relatively little expense on the mimeograph.

### The ATA Blotters

Our blotter advertising is now in its eighth year and through cooperative buying the members who have been using this service have saved a lot of money on this form of advertising. Not as many are taking advantage of this as formerly, however. Jim and I think you are overlooking a good bet in not using blotter advertising more extensively. While blotter advertising alone never created any billion-dollar companies, it does have a lot of advantages, particularly for the smaller companies whose advertising expenditure is limited. It is inexpensive, it reaches your prospects directly once a month, it costs no extra postage since it is enclosed with other mail, and since blotters have high utility they are never thrown away until they are

used up. In fact, they meet every requirement of high-grade direct advertising principles. Try them for a year. Jim Sheridan will be glad to quote you prices in quantities of 100 a month and up, and you'll find that they cost you only a fraction of what you formerly paid for blotter advertising.

### The ATA Directory

And don't forget the annual association directory which we have been issuing for many years. Buy enough of them so you can put one into the hands of every banker, every lawyer, every public official, every mortgage man,



PAUL F. PULLEN

*(Perennially on advertising matters,  
The American Title Association.)*

every savings and loan official in your community. Show them your listing in the directory and point out to them that you are a member of a mighty good national outfit.

### Assemblage of Advertising

The only other project which I want to urge is the creation and maintenance, by and through the secretary's office, of an advertising portfolio for the use of our members. And I am only urging this because I have seen it work out so satisfactorily in the case of another national trade association of which I am a member, the Financial Advertisers Association. It works out this way: All of our members—nearly 2,000—will send in copies to the secretary's office of all the advertising they are doing from time to time. That means **everything**—newspaper, direct mail, letters, booklets, folders, maps, rulers, calendars, blotters, publicity, want ads—**everything**. Make this a continuous performance. Jim Sheridan's office will prepare a scrapbook on each of various subjects—abstracts, title policies, blotters, publicity, anni-

versary advertisements, moving your office, raising your prices, consolidating with the company across the street—every phase of advertising would be gathered together in a scrapbook. Then when you are having your 25th anniversary in business, or raising your prices, or trying to compose a newspaper advertisement, you can write for the portfolio covering that particular subject and have before you the exact methods used by all of your associates who have met and whipped your particular problem. And the only cost is the charge for shipping that particular portfolio from Detroit to your own town and back again. Of course, it requires cooperation on the part of all our members in sending in constantly copies of all of their advertising. But I think you will find it well worthwhile.

### The Postwar Day

In connection with this report of the advertising committee, Jim Sheridan has asked me to comment briefly on our probable advertising situation in the postwar world. Well, I don't like to make any predictions, but I might state a few facts and you can draw your own conclusions.

Fact number one is that our business as abstract and title men rises and falls with the swing in the activity of the real estate market. Every time a piece of real estate changes hands, presumably some form of title evidence is required. Some member of our own group is called upon to furnish that title evidence in most cases.

Fact number two is that with possibly one exception—in 1920—the supply of available residential real estate in proportion to the population has never been so small. War-time building restrictions following closely upon the heels of a ten year building depression, have served to reduce the available supply of residential housing in our critical areas almost to the vanishing point.

Fact number three—the corollary of the one just stated—is that never before in our history—to the best of my knowledge—has there been such a huge volume of potential demand for new housing—in fact for building of all kinds. Take the fact that our people have never before had so much money in their pockets to spend; add to it the fact that no residential building of any kind—except cheap war housing—has been possible for some three years; add also the fact that interest rates are at an all-time low and amortization payments were never so liberal; add the fact that during the next few years over 10,000,000 persons now in military service will be returning home and looking for a place to live; and finally, add the fact that under the G. I. Bill of Rights the government has made it possible for nearly every one of these returning servicemen to own a home of his own, and you have the potentials for a real estate market the like of which we probably have never seen.

### The Outlook

Dr. Ernest M. Fisher, Director of Research in Mortgage and Finance of the American Bankers Association, summed up the real estate outlook in more conservative and scholarly, though no less definite, words recently when he said: "The barometric pressure on real estate facilities is rising. The vast sums of potential purchasing power in the hands of the public now and at the end of the war can be expected to push this barometric pressure still higher for some period after the war is over. Indications are that this period will be measured in years rather than in months."

As to postwar advertising, it would appear that two factors stand out

prominently. First, having in mind that our industry prospers during an active real estate market, we must have in mind that every prospective real estate dollar is going to be in active competition with other dollars which may be spent for automobiles, radios, electric iceboxes, fur coats, and other merchandise dear to the hearts of Americans which they have not been able to buy freely for some years. Therefore, perhaps at least a part of our advertising appropriation should be spent in urging people to buy homes or sites for homes in the postwar period.

### More Education

Second, your Advertising Committee is agreed that what the industry needs

is further education in the nature and purpose of our business on the part of the laymen. Lawyers, real estate men, mortgage men, savings and loan officials and large corporations realize the need of a perfect abstract on which title insurance can be based. The average man, however, in his ignorance of titles does not always realize the necessity for consulting a good abstracter and purchasing title insurance to protect his interests. This matter of education is a long-time proposition and must be gone about systematically and cooperatively. Other trade associations are doing it. The Committee thinks we should start to give some consideration to the long-term educational aspects of our business.

# Report of Special Legislative Committee

H. LAURIE SMITH

*Chairman, Special Legislative Committee*

Fellow members, the report on the so-called dive-bombing bills may be quite brief, but in order to understand the situation which developed with respect to Rule 71-A, I would like to refresh your memory as to certain aspects of the so-called dive-bombing bills.

Some of you may not know why they were called dive-bombing bills. The gentleman who identified them as dive-bombing bills did so because he said that their primary function was to blitzkrieg property rights. There are still a lot of people in the United States who do not approve of the idea of blitzkreiging property rights.

When hearings were held in Washington before the House Judiciary Committee on the House Bill 2617 which had a companion bill called S-975, certain statements were made by the proponents of those bills which I think we must have in mind in order to understand the implications of 71-A.

### Background

You will recollect that when the first dive-bombing bill was introduced in the 77th Congress, a committee composed of representatives of various national organizations, such as the American Bankers Association, Mortgage Bankers Association, the National Association of Real Estate Boards, the United States Saving and Loan League, the American Life Convention, the Association of Mutual Savings Banks, and American Title Association, met with officials of the Lands Division of the Department of Justice in an effort to secure agreement to amendments to that bill which would facilitate the acquisition of lands by the United States of America without destroying property rights.

The committee took the position that a property owner, a mortgagee or other lienor, whose rights were a matter of public record, was entitled to know if

the United States of America, his government, intended to deprive him of his rights. That fact is fundamental to the whole issue.

The Lands Division of the Department of Justice refused to agree to any such amendment stating that such an amendment requiring notice to be given to persons whose rights were a matter of record would defeat their whole program, since it would place on the United States of America the intolerable burden of ascertaining who owned the land and who had a mortgage on it or a judgment or other right.

### Hearings

Subsequently, when hearings were being held before a subcommittee of the House Judiciary Committee, a representative of the Lands Division stated that the Lands Division did not consider it necessary to ascertain from the public records, either by a search made by attorney or employee of the Lands Division or by an abstractor or a title company, who owned the land and who had a mortgage on it or a judgment or other interest; that representatives of the Lands Division going into the neighborhood could ascertain from neighbors who owned the land, and by making inquiry of the local banker and at the crossroads store could ascertain who had the mortgages and a lien on the land.

The fact is very clear that they refused to have inserted in the bill any obligation on the United States of America to ascertain from the public land records who owned properties and who had a mortgage or other lien thereon.

Your officers and your Board of Governors believe that those so-called dive-bombing bills will not be reported out of committee unless they are amended to protect the rights of property own-

ers and land holders. We believe that, but after a battle extending over three years, we do not have any too great confidence.

### Rule of Court

Then came the so-called Rule 71-A. The background of that, for the benefit of any who may not have taken the trouble to be informed, is this—I am not going to undertake to be technically accurate about it, but just draw a broad picture.

Many months ago the Supreme Court of the United States appointed an advisory committee on the revision of the rules of civil procedure in federal courts. That committee was composed of some of the ablest and most outstanding members of the legal profession in this country. No one anticipated or dreamed that a committee of such a caliber would ever propose a rule which would be open to the criticism which many of us believe 71-A was.

A subcommittee worked on a new rule, not an amendment of an existing rule, but a new rule, for the procedure in condemnation. That rule is commonly referred to as 71-A. That subcommittee reported to the advisory committee as a whole and the rule was approved by the advisory committee to be submitted to the Supreme Court of the United States for approval on the 25th day of September, 1944.

In fairness to the personnel of that committee, I must say that I firmly believe that that committee had so many different rules to consider, revisions of rules to consider, and Rule 71-A was so adroitly phrased, that I do not believe that the members of the advisory committee as a group realized or appreciated that the Lands Division of the Department of Justice had, by working with the subcommittee, succeeded in having a rule proposed which, if adopted, would have

accomplished all that the dive-bombing bills would have accomplished.

Your Association did not learn of this rule until the time prior to its submission to the Supreme Court was very short indeed. It was a most unfortunate time to do anything about it because it was in the heart of the vacation period. Your officers felt that it was the duty of this Association to bring this proposed rule to the attention of the members of the legal profession. Since it dealt with the procedure for condemnation, and since the rule, if adopted, would be promulgated by the court that it was properly a matter where the legal profession could best determine the merits of the proposed rule and best register objections thereto if they found it objectionable.

Well, down South the attorneys were on vacation. I don't know about the balance of the country, but traditionally down there August is a month when the courts are not in session and all the attorneys plan to take their vacations then. I think I wrote Tom Morton or someone else that there is a tradition down there among some of the attorneys that it is kind of unethical to open your mail during August because you might be tempted to reply to a letter. (Laughter) And if you did, that would be sort of putting your brother attorneys at a disadvantage.

So it was a bad period. The time was awfully short, but the need was very great because when the advisory committee approved this rule, so far as I know, only 3,600 copies of the rule were printed for the entire United States, and those were distributed largely to the offices of the United States district attorneys in various localities throughout the United States. Very few members of the legal profession even knew that such a rule was proposed.

The June issue of the American Bar Association Journal referred to the proposed rule, but, in my opinion, did not adequately put the bar on notice as to the implications of the rule.

#### Our Duty

Your officers felt that not only should the American Title Association bring this matter to the attention of attorneys who had not been informed, who were engaged in general practice and interested in preserving the rights of their clients in general practice, but that it should be brought to the attention of counsel of the institutions investing in mortgages, where those mortgages would be in jeopardy unless every lending institution should take the burden of filing with the attorney general a list of all of its mortgages with a sufficient description of the property to identify it so that the office of the Lands Division could not claim that the parties were unknown.

If you will bear with me just a moment, I would like to refer to two or three sentences in that Rule 71-A to give some of you, who have not had occasion to study it, a picture. Rule

71-A provided: "That one or more separate pieces of property sought to be taken for the same uses, whether in the same or in different ownership, may be proceeded against in the same action."

All of you know that in some of the acquisitions by the government, hundreds of pieces of property were proceeded against for the same uses. That is all right, but let's follow on. "The title of the action shall name the condemnor as plaintiff and the property designated by quantity, lot parcel tract, and at least one of the owners or parties in interest as defendants."

The first project that my company worked on, I think I am correct in saying that there were over 800 separate owners. If one had been proceeded against as a party defendant, it would surely have been a great comfort to the other 799.

"The complaint shall name as defendants all owners of and parties interested in the property sought to be taken, if known, and all others shall be made defendants under the designation of unknown owners."

Go back to the transcript of the hearings before the subcommittee of the Judiciary Committee, where a representative of the Lands Division testified that they did not propose to look to the public records to ascertain the property owners. What protection is there for property owners or lien holders if they may be proceeded against as unknown parties without looking to the public records?

That is the whole story, ladies and gentlemen. Your Association, in a desire to serve the interests of the public, to protect the interests of its customers, who in turn are our support, and to protect our own interests, did undertake to bring this rule to the attention of the members of the legal profession, local bar associations, state bar associations, and the American Bar Association.

As a result, many letters were written to members of the advisory committee which caused them to reconsider the proposed rule. I firmly believe that a number of the members of the advisory committee believe that the rule should be amended or dropped.

#### The Bar Acts

A resolution was introduced in the section on real property probate and trust laws of the American Bar Association, which resolution went to the house of delegates of the American Bar Association, and on September 14th, the house of delegates unanimously adopted a resolution with respect to 71-A. I am going to read all of the resolution because I firmly believe that this matter is of utmost importance to everybody in the title industry, and I don't believe that we can just sit back and hope that nothing else will happen. I am going to read you this resolution.

BE IT RESOLVED, That the American Bar Association recommends to the Advisory Committee

on Federal Rules of Civil Procedure that proposed Rule 71-A relating to procedure in the Federal Courts in eminent domain cases be changed to embody the following principles:

1. The proposed rule should expressly embody the principle that owners of record and those parties shown of record to have an interest in the property by lien or otherwise should be made defendants to the proceeding by name and should provide for service upon the defendants as in other cases.
2. The proposed rule should embody the principle that diligent search be made to ascertain the residence of parties made defendant before publication is permitted.
3. The proposed rule should not provide that in lieu of summons the attorney for the condemnor may give notice to the defendants of the pendency of the proceeding by mailing notice to them.
4. The proposed rule should embody the principle that any party may be heard on the question of just compensation until final determination of just compensation.

BE IT FURTHER RESOLVED, That before adoption by the Supreme Court of the United States of any redraft of the proposed rule, time and opportunity should be afforded to the bar to consider and make recommendations concerning any such redraft."

Ladies and gentlemen, I conclude my report with a statement that your officers and Board of Governors believe that the situation is now well in hand so far as 71-A is concerned. What will be attempted next, I do not know. I never dreamed that after the action of the 77th Congress on the first dive bomb bill that there would be any subsequent dive-bombing bills. I was wrong. I may be wrong about this. But at least we should know of this situation and be prepared to take such steps as may seem appropriate for the protection of the public interest, for the protection of the interests of our customers, and for our own protection if this thing bobs up again.

I want to take this opportunity of voicing on behalf of the Association, what I believe to be the consensus of the Association, that thanks should go to Mr. Buck, who has worked on this matter and as a result has been publicly attacked for so doing, and to Mr. Sheridan, your very efficient and diligent secretary, for his efforts in the matter.

Thank you. (Applause)

CHAIRMAN MORTON: Laurie called your attention to the fact that the two other members of the committee are entitled to the gratitude of the Association membership. He didn't mention himself. Well, Laurie did an unbelievable amount of work. You probably could judge that from his re-

port. The number of letters that he sent out, the people he contacted—I just couldn't imagine any one man or any group of men doing it in the short time that he did. He did it, and he did it very well. We all are indebted to him.

Do any of you have any questions that you would like to ask or any comments you would care to make relating to these bills or the idea behind the bills in 71-A?

MR. J. C. ADAMS (Memphis, Tenn.): What happened on September 25th?

MR. SMITH: September 25th was the day set for submitting to the Su-

preme Court of the United States this proposed rule along with the other revisions of the rule by the advisory committee. Nothing happened as to 71-A. After the action by the American Bar Association, it was determined by the advisory committee that they should reconsider 71-A and a date this fall was first set, which date was later postponed until December. I have been told that the reconsideration of the rule has now been postponed until a date in January with the expectation that the rule would be revised to meet the criticism of the American Bar Association.

MR. ADAMS: I have a copy of that resolution, sent by Walter Armstrong. You all know who he is. He didn't say just what the present status is. I understand it is now up for reconsideration by the advisory committee.

MR. SMITH: Yes, sir, and the American Bar Association has asked that before any revision of that rule be submitted to the Supreme Court, the bar be given an opportunity to reconsider the redraft and formulate objections thereto. I would be tremendously surprised if the advisory committee disregarded the request of the American Bar Association, formally expressed.

# Inaugural Address

H. LAURIE SMITH

*President, The American Title Association,  
President, Lawyers Title Insurance  
Corporation  
Richmond, Va.*

I believe according to tradition and precedent that I am supposed to say about five words and get off the platform and let you folks go home. I am going to violate tradition and precedent for what I believe to be a very good reason.

I do appreciate the honor of being elected as president of the American Title Association, but I am so concerned over the responsibilities of that office during the coming months that my pleasure is considerably mitigated. I feel that the title industry is approaching rapidly a very critical period; that opportunities will be open for the American Title Association to serve its members to a greater degree than at any time since I have been a member of the Association.

## Acute Problems

We have problems, some of them already with us, others imminent, which will tax the capacity of your Association to render the service which should be rendered. It can't be done by a few men, as has been the case in the past. At least, I don't believe it can be done. There has to be more participation by the members of the Association in solving those problems. For that reason, I am going to ask your indulgence and depart from tradition by pointing out certain things which I think are of the utmost importance to the industry and to our respective businesses.

## Economic Problems

We have certain economic problems now with us, or quite imminent. We have the post-war reemployment problem, as all other private enterprise does, when provision must be made for the men and women returning from service in the armed forces. I don't think that is as much of a problem for the title industry as it is for some other businesses, but it does have a relation to certain other problems.

We have now the problem of a diminishing margin between the price of the product and the cost of the product. I purposely use that expression because I think it is true whether you furnish an abstract, a certificate of title, or a policy of title insurance. I think some of us are kidding ourselves because on a volume basis we seem to be doing all right without any cost analysis to make us face the fact that that margin, so far as I know, is disappearing too rapidly for comfort.

We may kid ourselves that, in the post-war period, we are going to be right back where we were—paying typists, switchboard operators, binderwriters, policy writers, and take-off clerks, what we did before the war.

I wonder? I even wonder just whether this National Stabilization Act may not work in reverse some day. I certainly wonder whether there will be an extension of union activities to the title industry and what effect that may have on the industry.

## Who Controls Buying?

We have a problem of the increasing pressure to lower the cost of our product because we are in a borrower's market. That doesn't touch the abstractor quite so close to his heart, which is located down in his pocketbook, as it does the title insurance man. But to me it is very disconcerting that the gains which were made in the days of the F.H.A. activity, when I think title insurance had the greatest impetus which it has ever received, are being lost under the pressure of a borrower's market.

Maybe it just happens in my part of the country, but it is certainly happenings to a very disconcerting extent, that lending institutions, under an immeasurable pressure to obtain a volume

of loans to replace their pay-offs, are seeking to lower every item of cost, including title cost, so they can get those loans.

We have a third problem in the abnormal demands which may be anticipated in the post-war period for fast service. I bring that out now because I think personally that the two are very closely related. I don't agree with some of the statements which I have read in the papers by alleged authorities. I say alleged—of course, I admit they know infinitely more than I do, but I still don't think they are authorities in their statements as to what the post-war building demand will be. But I believe that it is the consensus of informed persons that we may reasonably anticipate a very active period beginning, let us say, somewhere around six months after the cessation of European hostilities.

I say somewhere around six months because it ties in with a lot of things as to which we title people are not authorities. In some sections of the country it ties in with the availability of lumber, even though priorities be removed. It ties in with the availability of various other building materials. But I firmly believe that we are going to have a very active period beginning about six months after the cessation of hostilities, and I firmly believe that in that period service is going to be more important than price.

## Service

The title industry must, in that period, meet the demands for reasonably prompt service or take hazards which are a little too painful for me to contemplate. I am not talking as a Scotchman about taking the hazard that we may fail to earn a few dollars. I am talking about taking hazards which may jeopardize the title industry. Call it what you will, if the title people, when the demand is on, fail to give reasonable service, we are laying the

doors wide open for something we don't want. If we do give this service in that period, the pressure which we had previously for a reduction of the price of our product will minimize.

#### Streamlining

Our friend from Montana has talked before the Abstracters' Section about streamlining. Unfortunately I could not attend that meeting, but from conversation with him, I think he has something there. I don't mean his particular program, because I don't know what it is. I think he has something in that everybody in the title business has before him the problem in the post-war period of being prepared to furnish service responsive to the demand, and being prepared to make such economies, to make his operations so much more efficient, that in spite of the increased costs which he must bear, the price of the product can still be kept within reason.

#### Regulations

Now we have the further problems of regulation by public authorities. I am just going to touch on those because if some of those problems become as acute as I fear they may, your Association can't serve you solely through the efforts of a limited number of individuals. You have got to be prepared to do your part. This thing has gotten too big to say, "Oh, well, let Tom Morton do it." Or, "We will let Ken Rice do it." Or some other individual or some three or four individuals. We have done that in the past. We have had fact-finding committees that worked their guts out for your benefit; we have had other men that did it, and did it cheerfully as a contribution to the title industry. But unless I am crazy, we are going to have problems possibly within the year (I am afraid so, I would like to pass them on to my successor) but certainly within a few years, that are going to tax the best of the brains and ability of the title industry and not the best efforts that can be made by a few men in such time as they can spare.

#### Legislation

I refer for illustration to such things as the divebombing bills. We think they are licked in their present form. We do not know in what form they will bob up, but we do know that the proponents of that type of legislation are very active, very persistent, very ingenious, and very resourceful. Take my word for it. This 71A, we think that is out of the picture for the time being in its present form. But surely we must be prepared in event it comes up in January or later in a form which is inimical to the interest of our customers and to ourselves, to do our best to see that that rule is not submitted to nor approved by the Supreme Court in such form.

#### Public Relations

Mr. Myer of Colorado made a very interesting talk on the relations with the bar. He presented the bright side of the picture as to how happy that

relationship might be if title people exercised their ingenuity and their efforts to establish such relationship. I could call on some friend from Texas to present a picture which is not so bright and which, in my humble opinion, was very largely due to the failure of the title people to anticipate what we knew for five years was surely coming. And unless I am very far off, when the young lawyers now in military service return to this country, and when the practice of law is supersat-



EDWARD C. WYCKOFF

New York City

*Executive Secretary, New York State  
Title Association*

urated with an excess number of lawyers, the problems of relationship with the bar will become more acute than we ever dreamed.

The Southeastern Fire Underwriter's case presents a whole new field of responsibility to the Association which serves the title industry, not because we are so directly influenced by that decision, which would preclude title companies from getting together with agreements as to rates, but because title insurance is thereby made subject to both State and Federal regulation. Lord knows that if there is anything that the title industry cannot be charged with, it is the fact that any two title men could ever agree on anything if they were in competition. But the thing has ramifications, of which the Clayton and Sherman Acts are mere manifestations.

#### None Escapes

I remember that we once thought in the title industry the problems of the abstracter were the big problems. I remember a meeting when Jim Johns got up on the stand and took off his coat, and I have always suspected that that was for purposes of defense. He didn't want to be hampered if anybody took exception to some of the state-

ments he made because he certainly laid it on the line for the abstracters and he told them some plain and simple truths, to their great and lasting benefit, I believe. Well, the funny thing is that some of us in the title insurance business thought then that the problems of the title industry were very largely the problems of the abstracter, and if they got those solved, the title business would be in good shape.

I would like to take my coat off and tell some title insurance people what I think. I think we have problems that are worse than any abstracter ever had, and I think some of us are pretty much asleep at the switch. We don't even know we have them.

Going back to that Southeastern Fire Underwriter's case, if you will study the bills that were introduced in Congress to offset that horrible decision which overrode a well established line of cases for seventy-five years, going clear back to Paul vs. Virginia; study that bill that was passed by the House and approved by the Senate Judiciary Committee, which has been referred to; and the bills which are intended to be offered as amendatory thereto—then begin to think how pleasant it is going to be to us in the title industry where we are insurance companies for certain purposes. Some of us have been very happy that we weren't insurance companies to the point where we were regulated too strictly by any duly constituted authority.

Well, those were Utopian days. All of us are going to be regulated, but don't let's be regulated by both federal and state authorities because we are not going to be happy if we get any of that sort of regulation.

#### Finances

There is just one other thing. If I had told Tom Morton or Jim Sheridan that I was going to depart from precedent; instead of saying, "Thank you, and I appreciate the honor," that I was going to get up here and make a speech, there wouldn't have been any report from the Nominating Committee. But I feel very acutely a sense of responsibility. I have maintained for some years that the American Title Association might serve its members more fully than it has if we could overcome certain hurdles such as the day-to-day, hand-to-mouth existence by passing the hat and a few other hand-caps we have had. I would have appreciated the honor of being elected president of this Association a great deal more a few years ago when there was equal honor and less work than I see before me. All of us are busy, just as busy as we can be.

Due to certain circumstances, I suspect that I have to work about as hard as any of you, and I do not look forward with any great enthusiasm to the fact that you have honored me in a year when I can foresee only a tremendous amount of work, and that is

why I am going on record now that the Association must have not only the services of a president, but that when you as an individual are called on, you can't say, "Well, I'm busy. I would be glad to do it, but you know how it is; I have men in the Service, have a shortage of personnel," and so forth. We all have. I want to invite your attention to the possibilities that if, in our respective states, we did what we might do of a constructive nature, we might save ourselves a lot of grief in the post-war period.

#### Liens

I use for illustration and not because it is true of all states, but one of the big problems in many states in the post-war period is going to be construction money for group housing by speculative builders with a mechanic's lien problem to be solved. It would be solved so easily if the title people

could get cooperation and make the effort to get through some very simple modifications of the mechanic's lien law. Of course, I recognize that in many states the mechanic's lien law is already presently satisfactory, but that is the basis for my statement that it can be done in other states.

Some people in the title industry, including myself, including my company, have been very much criticized because of the fact that we could furnish the A.T.A.A.C. form of policy in certain localities, but we could not do so in other localities without burdening the loan with a cost that eliminated either the lender or the A.T.A.A.C. form. But the title industry, with a reasonable amount of effort, could bring about amendments to the laws of their respective states that would permit the furnishing of the A.T.A.A.C. form of policy without any additional charge. Surely, at a time when title

insurance is put in adverse competition with the abstractor-attorney system of closing loans to a greater degree than in many years, it would be smart to furnish the most coverage that we possibly can.

#### My Pledge

Gentlemen, I am not going to take up any more of your time. I am feeling a little guilty here—I think Tom is ready to throw me off the platform. But in acknowledging my appreciation of the honor you have conferred on me, I want to say to you that I will work for the Association to the best of my ability to try and see that the Association serves you during the coming year. But I am going to call on you and I don't want any answers that, "I'm too busy," because I'm busy, too, and we have just got to work together to try to get the results for our common good. Thank you. (Applause)

# Registration, Chicago Conference, 1944

## ALABAMA

Goodloe, Mr., Mrs. J. W. Title Insurance Co. Mobile  
Smith, Mr., Mrs. Maclin. Title Guarantee & Trust Co. Birmingham

## ARIZONA

O'Dowd, J. J. Tucson Title Insurance Co. Tucson  
Van Ness, C. E. Arizona Title Guar. & Trust Co. Poenix

## ARKANSAS

Caulder, Mrs. Bruce Lonoke Real Estate & Abst. Co. Lonoke  
Pate, Miss Era B. Hot Springs  
Smith, Miss Blanche Lonoke

## CALIFORNIA

Boitano, John L. Sacramento Abst. & Title Co. Sacramento  
Brand, J. C. National Title Insurance Co. Los Angeles  
Cerini, Floyd California Land Title Assn. Los Angeles  
Ford, James R. Security Title Ins. & Guar. Co. Los Angeles  
Forward, Mr., Mrs. J. D. Union Title Ins. & Trust Co. San Diego  
Heyneman, Mr., Mrs. G. Southern Title & Trust Co. San Diego  
McGregor, Mr., Mrs. J. Union Title Ins. & Trust Co. San Diego  
Morton, Mr., Mrs. T. G. Title Insurance & Guaranty Co. San Francisco  
Pierce, Mr., Mrs. R. E. Fidelity Title Insurance Co. Sacramento  
Smith, Mortimer Oakland Title Ins. & Guar. Co. Oakland

## COLORADO

Dyatt Andrew Landon Abstract Co. Denver  
Graham, D. B. The Title Guaranty Co. Denver  
Lloyd, T. J. Pueblo Title Guaranty Co. Pueblo  
Myer, Malcolm C. Record Abst. & Title Ins. Co. Denver  
Thompson, Mrs. H. S. The Adams County Abst. Co. Brighton  
Waggener, Mr., Mrs. M. Record Abst. & Title Ins. Co. Denver

## DISTRICT OF COLUMBIA

Bovard, Hon. Burton C. Federal Housing Administration. Washington  
O'Byrne, Col. M. J. Reconstruction Finance Corp. Washington  
Stine, Mr., Mrs. H. S. Washington Title Insurance Co. Washington

## FLORIDA

Beardall, Mr., Mrs. Wm. Fidelity Title & Guaranty Co. Orlando  
J. D. Bryan Lauderdale Abstract & Title Guaranty Co. Ft. Lauderdale  
Coppinger, Mr., Mrs. J. Dade-Commonwealth Title Co. Miami  
Hoover, Mr., Mrs. A. W. National Title Co. Miami  
Milledge, D. American Title & Insurance Co. Miami  
Twelves, Mrs. Title & Trust Co. of Florida. Jacksonville  
Wetherington, Mr., Mrs. Title & Trust Co. of Florida. Jacksonville

## GEORGIA

Bradley, E. T. Atlanta Title Co. Atlanta  
Paschal, Harry M. Title Ins. Co. of Minnesota. Atlanta  
Peacock, James W. Lawyers Title Insurance Corp. Atlanta

## ILLINOIS

Binkley, Mr., Mrs. John Chicago Title & Trust Co. Chicago  
Fitch, Logan Chicago Title & Trust Co. Chicago  
Frey, Harry E. Chicago Title & Trust Co. Chicago  
Herbert, Mr., Mrs. Geo. Chicago Title & Trust Co. Chicago  
Hoban, Judge, Mrs. T. Chicago Title & Trust Co. Chicago  
Goldman, S. Bonded Surveyors of America, Inc. Chicago  
Hague, L. W. Will County Title Co. Joliet  
Hickox, Mr., Mrs. W. R. Kankakee County Title & Trust Co. Kankakee  
Hiltabrand, Mr., Mrs. B. McLean County Abstract Co. Bloomington  
Karber, Mr., Mrs. J. W. Gallatin County Abstract & Title Co. Shawneetown  
Kirk, Maj., Mrs. R. D. Chicago Chicago  
Lamphere, Mr., Mrs. L. C. Rock Island County Gty. Co. Rock Island  
Marriott, Arthur C. Chicago Title & Trust Co. Chicago  
Marsh, Mr., Mrs. Harry Douglas County Abstract & Loan Co. Tuscola  
McPhail, Mr., Mrs. W. A. Holland Ferguson Co. Rockford  
Melin, F. L. Sangamon County Abstract Co. Springfield  
Mette, Mr., Mrs. Rod. A. Chicago Title & Trust Co. Chicago  
Moore, Mr., Mrs. K. Chicago Title & Trust Co. Chicago  
Oshe, Judge, Mrs. M. M. Chicago Title & Trust Co. Chicago  
Parker, Mr., Mrs. J. R. Illinois Title Association. Lincoln  
Payton, Howard Sangamon County Abstract Co. Springfield  
Powell, Mr., Mrs. Byron Du Page Title & Trust Co. Wheaton  
Riley, Edward R., Jr. Woodford County Abstract & Title Co. Eureka  
Robillard, Amos H. Kankakee County Abstract Co. Kankakee  
Scranton, Cassius Chicago Title & Trust Co. Chicago  
Shelly, Mr., Mrs. Joseph Chicago Title & Trust Co. Chicago  
Smith, Anna M. Chicago Chicago  
Snyder, Mr., Mrs. Jos. J. Chicago Title & Trust Co. Chicago  
Stalling, Bettin Home Owners Loan Corp. Chicago  
Walters, Virginia Kendall County Loan & Abstract Co. Yorkville  
Wickless, Dorothy Chicago Chicago  
Woods, Mr., Mrs. H. S. Sangamon Abstract & Title Co. Springfield  
and daughter

## INDIANA

Allman, Amos D. Lake County Title Co. Crown Point  
Bodkin, H. M. Bodkin Abstract Co. Warsaw  
Borgman, Mrs. Carl Dreibelbiss Abst. of Title Corp. Fort Wayne  
Clark, Howard D. First Abstract & Title Corp. Valparaiso  
Coppage, Mr., Mrs. W. S. Security Abstract & Title Co. Crawfordsville  
Cottingham, Russell Lake County Title Co. Crown Point  
Freeman, Mrs. Knox County Abstract Co. Vincennes  
Furr, Mr., Mrs. Russell L. M. Brown Abstract Co. Indianapolis  
A. and Barbara Harrington, Mrs. J. H. Starke County Abstract & Title Guaranty Co. Knox  
Link, Emmajeanette LaPorte County Abstract Corp. Michigan City  
Maloney, Patrick Lake County Title Co. Crown Point  
Meredith, Joseph T. Delaware County Abstract Co. Muncie  
Stockwell, Mr., Mrs. R. W. Union Title Co. Indianapolis  
Taylor, J. D. Taylor & Taylor Danville  
Thomas, Mr., Mrs. K. E. Noble County Abstract Office. Albion  
Wattles, Charles P. Abstract & Title Co. South Bend  
Wheeler, Mr., Mrs. L. L., Marie and Jonas LaPorte County Abstract Corp. Michigan City  
Whitson, Mrs. F. F. Starke County Abstract & Title Guaranty Co. Knox

## IOWA

Carroll, E. J. Davenport Abstract Co. Davenport  
Crosley, Varick C. and Daughter Crosley Investment Co. Webster City  
Gilliland, Mr., Mrs. S. E. Engleson Abstract Co. Sioux City  
Glasson, Mr., Mrs. E. C. Black Hawk County Abst. Co. Waterloo  
Hillis, C. B. Des Moines Title Co. Des Moines  
Johnson, Mr., Mrs. R. F. Bankers Life Co. Des Moines  
Knupp, Mr., Mrs. C. D. D. C. Knupp & Sons Vinton  
Malin, Miss Helen Bankers Life Co. Des Moines  
Momyer, John L. C. A. Momyer & Sons Algona  
Smith, Ralph B. Smith's Title Service Keokuk

## KENTUCKY

Fowler, J. W. and Daughter Martha Franklin Title & Trust Co. Louisville  
McIlvaine, L. W. Louisville Title Insurance Co. Louisville

## KANSAS

Jeffery, Mrs. Pearl K. Columbus

## MARYLAND

Neubauer, Mr., Mrs. J. J. Real Estate Title Co. Baltimore  
Wilkinson, Paul Title Guaranty & Trust Co. Baltimore

## MICHIGAN

Brown, Mrs. Arthur Ann Arbor  
Mayfield, Mr., Mrs. J. E. Guaranty Title & Mortgage Co. Flint  
Munro, Mr., Mrs. E. N. Burton Abstract & Title Co. Detroit  
Murray, J. H. Guaranty Title & Mortgage Co. Flint  
Sheridan, Mr., Mrs. J. E. American Title Association. Detroit  
Straehle, Mr., Mrs. Edw. and Daughters Abstract & Title Guaranty Co. Detroit  
Wyman, Mr., Mrs. G. L. Washtenaw Abstract Co. Ann Arbor  
Young, Willmina and Guest Michigan Title Co. Grand Haven

## MINNESOTA

Kimball, A. F. The Consolidated Abstract Co. Duluth  
Reuder, Leo A. Title Ins. Co. of Minnesota. Minneapolis  
Southworth, Mr., Mrs. E. B. Title Ins. Co. of Minnesota. Minneapolis

## MISSISSIPPI

Taylor, Mr., Mrs. O. B. Mississippi Title Insurance Co. Jackson

## MISSOURI

Barnes, Mr., Mrs. W. R. General Title Service Clayton  
Becker, Mr., Mrs. R. C. Lawyers Title Co. of Missouri. St. Louis  
Cohrs, Wm. H. Lafayette County Abstract Co. Lexington  
Devine, Mr., Mrs. G. W. and Daughter-in-Law Land Title Ins. Co. of St. Louis Clayton  
Douglas, Walter R. Guaranty Land Title Co. Clayton  
Eidson, Mr., Mrs. C. D. Hight-Eidson Title Co. Harrisonville  
Eisenman, Edward Kansas City Title Insurance Co. Kansas City  
Gill, Mr., Mrs. McCune Title Ins. Corp. of St. Louis St. Louis  
Harrison, Mrs. Charlene Harrison County Abstract Co. Bethany  
Hight, Mr., Mrs. C. W. Hight-Eidson Title Co. Harrisonville  
Hord, Miss Lucile Murdock & Newby Abstract Co. Platte City  
Chariton County Abstract & Title Co.  
Hubbard, Mrs. T. H. Keytesville  
Klepper, W. G. Herman F. Hansen Office Union  
Lincoln, W. A. Lincoln Abstract Co. Springfield  
McDaniel, Mr., Mrs. Lex Title Ins. Co. of Minnesota. Kansas City  
Miller, Roland B., Jr. Murdock & Newby Abstract Co. Platte City  
Murray, Miss Bess N. Murdock & Newby Abstract Co. Platte City  
Sawyer, Mr., Mrs. D. L. Raines Abstract & Loan Co. Rock Port  
Young, Mr., Mrs. O. M. Kansas City Title Insurance Co. Kansas City

## NEBRASKA

Crosby, Col., Mrs. Leo J. Leo J. Crosby Co. Omaha  
Gumb, John, Jr. Dodge County Abstract Co. Fremont  
Scott, Mr., Mrs. B. E. Scott Abstract Co. North Platte

**NEW JERSEY**

Amerman, John A. . . . . Prudential Insurance Co. . . . . Newark  
 Evans, Clinton I. . . . . Lawyers Title Insurance Corp. . . . . Camden  
 McCarthy, James J. . . . . New Jersey Rlty. Title Ins. Co. . . . . Newark  
 Pulis, Mr., Mrs. A. G. . . . . Franklin Mtge. & Title Gty. Co. . . . . Newark  
 Weaver, Ernest M. . . . . Lawyers Title Insurance Corp. . . . . Newark

**NEW YORK**

Bonnin, C. H. . . . . Metropolitan Insurance Co. . . . . New York  
 Burger, Albert H. . . . . Abstract Title & Mtge. Corp. . . . . Buffalo  
 Clark, Sedgwick A. . . . . Title Guarantee & Trust Co. . . . . New York  
 Clayton, Mr., Mrs. B. . . . . Metropolitan Life Insurance Co. . . . . New York  
 Condit, F. P. . . . . Title Guarantee & Trust Co. . . . . New York  
 Halbin, John A. C. . . . . Abstract Title & Mtge. Corp. . . . . Buffalo  
 Moonan, Paul D. . . . . Monroe Abstract & Title Co. . . . . Rochester  
 Randall, Mr., Mrs. E. E. . . . . The Guar. Title & Trust Co. . . . . Buffalo  
 Sullivan, Leo J. . . . . Monroe Abstract & Title Corp. . . . . Buffalo  
 Wyckoff, Mr., Mrs. E. . . . . New York State Title Assn. . . . . New York

**OHIO**

Barsch, C. H. . . . . The Title Guar. & Trust Co. . . . . Toledo  
 Cox, M. H. . . . . The Land Title Guarantee & Trust Co. . . . . Cleveland  
 Ford, Mr., Mrs. H. E. . . . . The Erie County Title Co. . . . . Sandusky  
 Greeter, Russel F. . . . . Lawyers Title Insurance Corp. . . . . Cleveland  
 Hall, Mr., Mrs. F. A. . . . . The Land Title Guarantee & Trust Co. . . . . Cleveland  
 Jones, Mr., Mrs. M. L. . . . . Title Ins. Co. of Minnesota . . . . . Cincinnati  
 Laskey, Mr., Mrs. J. A. . . . . Port Lawrence Title & Trust Co. . . . . Toledo  
 McDermott, Mr., Mrs. T.J. . . . . Guarantee Title Co. . . . . Mansfield  
 Place, Fred R. . . . . The Guar. Title & Trust Co. . . . . Columbus  
 Reasner, James C. . . . . The Cuyaboga Abstract Title & Trust Co. . . . . Cleveland

**OKLAHOMA**

Bullard, Mr., Mrs. E. . . . . Duncan Abstract Co. . . . . Duncan  
 Gill, William . . . . . American-First Trust Co. . . . . Oklahoma City  
 Johnson, Roy . . . . . Albright Title & Trust Co. . . . . Newkirk

**OREGON**

Axtell, J. E. . . . . Title Guarantee & Abstract Co. . . . . Coquille  
 Bell, Helen . . . . . Title Abstract Co. . . . . Eugene  
 Bell, John B. . . . . Lane County Abstract Co. . . . . Eugene  
 Dwyer, Edw. T. . . . . Title & Trust Co. . . . . Portland  
 Johns, J. S. . . . . Hartman Abstract Co. . . . . Pendleton

**PENNSYLVANIA**

Kunkle, Mr., Mrs. J. H. . . . . Union Title Guaranty Co. . . . . Pittsburgh  
 Patton, Mr., Mrs. H. M. . . . . Union Title Guaranty Co. . . . . Pittsburgh  
 Schwab, Mr., Mrs. W. C. . . . . Commonwealth Title Co. . . . . Philadelphia

**SOUTH DAKOTA**

Bodley, Mr., Mrs. A. L. . . . . Getty Abstract Co. . . . . Sioux Falls

Grey, Pauline . . . . . Barnes & Grey Abstract Co. . . . . Highmore  
 Milne, Mr., Mrs. L. . . . . Security Land & Abstract Co. . . . . Sturgis  
 Rickert, Paul M. . . . . Roberts County Abstract Co. . . . . Sisseton  
 Williams, Mr., Mrs. R.G. . . . . Watertown Title Co. . . . . Watertown

**TENNESSEE**

Adams, John C. . . . . Commerce Title Guaranty Co. . . . . Memphis  
 Hon, C. O. . . . . Title Guaranty & Trust Co. . . . . Chattanooga  
 Stone, Roy L. . . . . Commerce Title Gty. Co. . . . . Memphis  
 Walton, E. B. . . . . The Guaranty Title Co. . . . . Nashville  
 Washington, F. A. . . . . The Guaranty Title Co. . . . . Nashville

**TEXAS**

Honts, J. B. . . . . Commercial Standard Ins. Co. . . . . Fort Worth  
 Rattkin, Mr., Mrs. Jack . . . . . Kansas City Title Insurance Co. . . . . Fort Worth  
 Stevens, Frank K. . . . . Brazoria County Abstract Co. . . . . Angleton  
 Weison, Lester O. . . . . Stewart Title Guaranty Co. . . . . Houston

**VERMONT**

Giuliani, Peter . . . . . National Life Insurance Co. . . . . Montpelier

**VIRGINIA**

Rawlings, Geo. C. . . . . Lawyers Title Insurance Corp. . . . . Richmond  
 Smith, H. Laurie . . . . . Lawyers Title Insurance Corp. . . . . Richmond

**WASHINGTON**

Klepser, Kenneth C. . . . . Puget Sound Title Ins. Co. . . . . Seattle  
 Langlow, W. A. . . . . Puget Sound Title Ins. Co. . . . . Seattle

**WISCONSIN**

Benue, Miss Agnes . . . . . Ashland  
 Crotty, G. R. . . . . Title Gty. Co. of Wisconsin . . . . . Milwaukee  
 Downend, Miss Merlie . . . . . Oakey & Oakey Abstract Co. . . . . Osceola  
 Fish, Mr., Mrs. L. F. . . . . Dane County Title Co. . . . . Madison  
 Gebringer, Mr., Mrs. J.L. . . . . Waukesha County Title & Abstract Co. . . . . Waukesha  
 Hanks, S. C. . . . . Dane County Title Co. . . . . Madison  
 Hardy, E. W. . . . . Hardy-Ryan Abstract Co. . . . . Waukesha  
 Heideman, Isabel . . . . . Hardy-Ryan Abstract Co. . . . . Waukesha  
 Herbert, C., Jr. . . . . Title Gty. Co. of Wisconsin . . . . . Milwaukee  
 Herbert, Edward . . . . . Title Gty. Co. of Wisconsin . . . . . Milwaukee  
 Jacques, J. T. . . . . Title Gty. Co. of Wisconsin . . . . . Milwaukee  
 Johnson, S. W. . . . . Waupaca Abstract & Loan Co. . . . . Waupaca  
 Miller, Grace E. . . . . Belle City Abstract Co. . . . . Racine  
 Nethercut, Mr., Mrs. W.R. . . . . Northwestern Mutual Life Insurance Co. . . . . Milwaukee  
 Newberry, S. A. . . . . Newberry Abstract Co. . . . . Kenosha  
 Perry, Mr., Mrs. Stanley . . . . . Newberry Abstract Co. . . . . Kenosha  
 Schmitt, H. M. . . . . Harry M. Schmitt Abstract Co. . . . . Oshkosh  
 Sheaffer, Wm. P. . . . . Title Gty. Co. of Wisconsin . . . . . Milwaukee  
 Smith, Mr., Mrs. Sheldon . . . . . The Grant County Abstract Co., Inc. . . . . Lancaster  
 Westring, C. A. . . . . Northwestern Mutual Life Insurance Co. . . . . Milwaukee  
 Wild, Myrtis . . . . . Hardy-Ryan Abstract Co. . . . . Waukesha