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TITLE NEWS

Official Publication

THE AMERICAN TITLE ASSOCIATION



VOLUME XXVII

JANUARY, 1948

NUMBER 1

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TITLE NEWS

Official Publication of

THE AMERICAN TITLE ASSOCIATION

3608 Guardian Building — Detroit 26, Michigan

VOLUME XXVII

JANUARY, 1948

NUMBER 1

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President, Commonwealth Title Co. of Philadelphia

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RALPH H. FOSTER.....Seattle 4, Wash.
Vice-President, Washington Title Insurance Co.

C. H. BARSCH.....Toledo 2, Ohio
Vice-President & Title Officer, The Title Guaranty & Trust Co.

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Guaranty Title Co.

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Vice-President, The Washington Title Insurance Co.

HOWARD TUMILTY.....Oklahoma City 1, Okla.
Vice-President, American-First Trust Co.

BENJ. J. HENLEY.....San Francisco 4, Calif.
Exec. Vice-President, California Pacific Title Insurance Co.

ROLL OF HONOR

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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. 1913-15 H. L. Burgoyne..... Cincinnati, Ohio
9. 1915-16 L. S. Booth..... Seattle, Wash.
10. 1916-17 R. W. Boddinhouse..... 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.
38. 1944-45 H. Laurie Smith..... Richmond, Va.
39. 1945-46 A. W. Suelzer..... Fort Wayne, Ind.
40. 1946-47 J. J. O'Dowd..... Tucson, Ariz.



KENNETH E. RICE

President, The American Title Association

1947-1948 Term

*Senior Vice President, Chicago Title & Trust Co.,
Chicago, Illinois*

Proceedings of the Forty-first Annual Convention

(In part)

— of the —

AMERICAN TITLE ASSOCIATION

Kansas City, Missouri, October 13-16 Incl., 1947

Report of the National President

Ladies and Gentlemen: I would suggest that you make yourselves as comfortable as possible, for you are now obliged to give heed to your president's annual report. It will not be as long as you fear. I will try not to invade the fields of those who will report as chairmen of sections or committees. I do wish to thank each of them for the fine work they have done and the nice cooperation I have received all through the year. None has withheld his talents in benefiting the association. It has been most gratifying to receive so generous a response from so many busy people.

You will learn from the chairman of the finance committee that the association is enjoying good health—financially speaking. And that is something! I believe that the association has been rendering a superior service to its members. It should do even better as time goes forward. Your planning committee and board of governors will see to that.

This promises to be one of our finest conventions, as you will observe from the program. Many of you have sacrificed much to prepare and present your respective parts of it. We all thank you for your acceptance of the tasks imposed upon you.

Presidential Trips

It has been my pleasure to visit state association conventions in Texas, Iowa, California, New Mexico, Colorado, and very recently Kansas. In each case I was impressed with the interest of the members. While it was evident that they were there to learn, still they were all willing and anxious to help one another by revealing short-cuts and new methods for speeding up the work. In each convention considerable discussion was devoted to photography as applied to the mechanics of title work. You will hear much on this subject during this convention.

By J. J. O'DOWD

*President, Tucson Title Insurance Co.,
Tucson, Arizona*

At the suggestion of past-president Bill Gill, the national association last year sponsored, at Oklahoma City, a regional meeting of title insurance executives from the eight surrounding states. It was very successful. The second annual meeting was held there again this year and I was glad to be present. It was strictly a business meeting, with no entertainment to distract. A similar regional meeting was sponsored at Atlantic City a few weeks ago, comprising the Atlantic Seaboard States. I regret that Arizona is so distant that I was unable to attend. I understand, however, that that meeting was also most successful.

Employer-Employee Relations

One thing that has most impressed me in my visits has been the attitude generally prevailing of improved employer-employee relations. This one proudly explains its retirement or profit-sharing plan; another the insurance of all employees; others of hospitalization, bonuses, vacations, granting leaves for sickness or other unusual absences, morning and afternoon rest periods. We must realize that these things are due our employees. They may not be considered as gracious gifts. It is the rank and file who make the earnings, not necessarily the head of the institution. The boss is not "docked" when he takes an occasional day off, for some reason he would rather not reveal. And we smaller title companies are not exempt, because of size, from the duty of recognizing the values of these things. They just pay good dividends.

Another nice finding is the general practice prevailing of employing Vet-

erans. We in our company have found that uniformly they are "tops." We are proud of the fact that we have 14 veterans out of 38 employees; two of which are young married men who are working part time while going to the University studying law. These young veterans are teaching many of us in the title profession how to do some things differently for better results.

Ever-Increasing Costs

Last, but not least, I must mention the rising cost of everything. I read the other day that the chemical content of the human body used to be worth 98 cents and today it is worth over \$34.00. Human life is not even cheap any more. Since it costs more to do business today, we should examine our payrolls and determine if our employees' salaries reflect the trends of these rising prices. Or must we admit that our employees are better businessmen if they are able to stretch a fixed salary to meet these ever-increasing living costs. United States News a week or so ago carried a graph showing what the 1947 salary should be to equal the purchasing power of the 1939 salary; for instance, that the 1939 salary of \$2,500.00 should be \$4,500.00 today. Pardon any reference to my own company, but in October, 1941, we raised all salaries ten per cent and have raised them seven times since, the last being in September, for a total increase of 102.5%. We do not lose our employees to others.

It is evident that costs of doing business must be considered along with the fees being charged for our services. If you are not so fortunate that your increased volume of business approximates the increased cost of production, then you should study your fee schedule most carefully and revise it accordingly.

You will hear much at this conven-

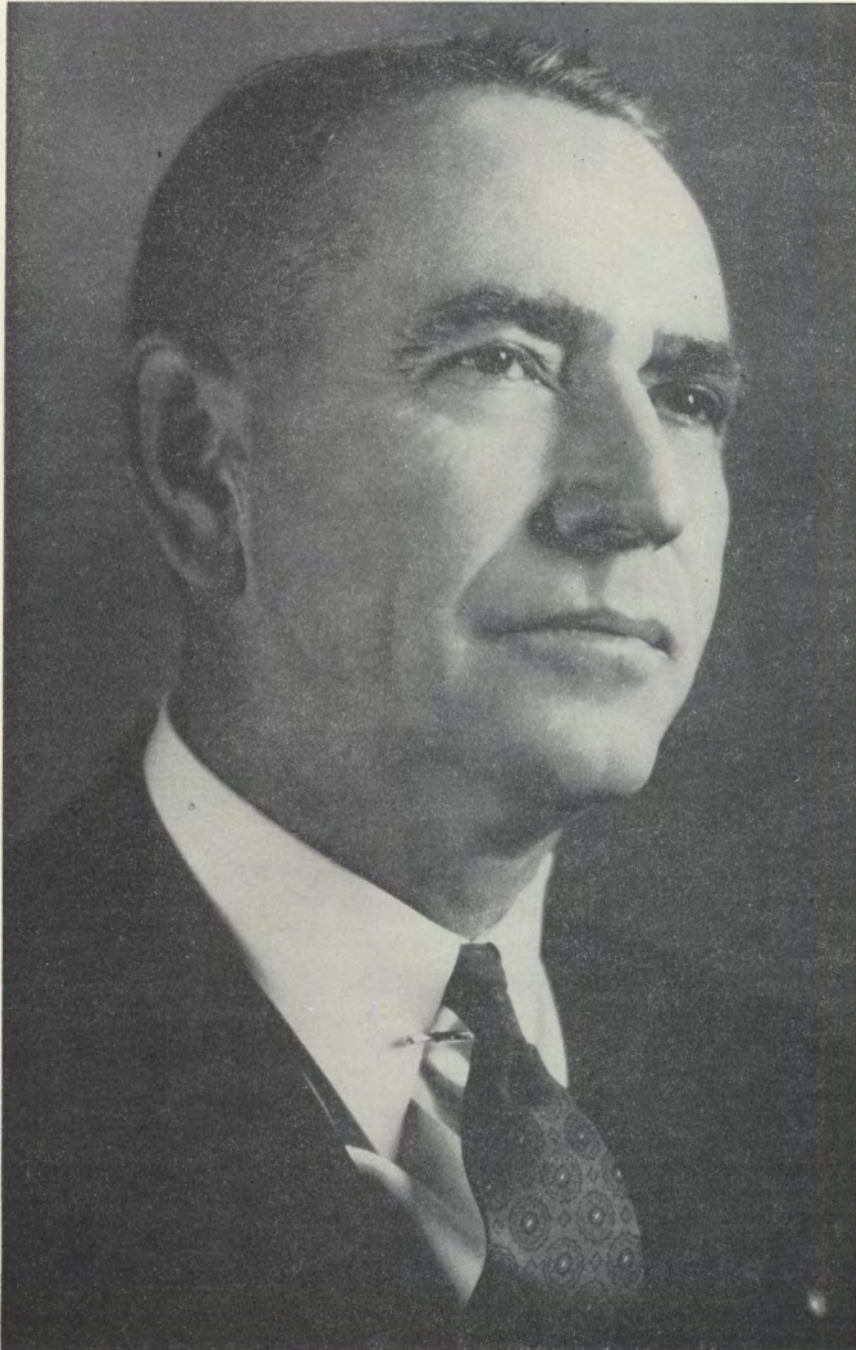
tion about speeding up your work. Pay heed to it. Delay is costly to everyone concerned in each order. A pile of delayed orders in the office is not a compliment to your management. Get them out of the office as quickly as possible and you will be surprised how proud the whole force will be of you and each other. Of course, speed can be out of

place some times. Careful control must never give way to speed as in the case of the elevator girl who asked the little old lady if she had stopped the elevator too abruptly and who received the reply, "No, dearie, I often wear my step-ins around my ankles."

I want to express my thanks to our efficient secretary, Jim Sheridan, for

his wonderful help this past year. Without him I would have been pretty helpless.

Thanks for honoring me with the presidency of your association this past year. I have enjoyed every minute of it and am truly sorry that I have not been able to do the many things I had hoped to do.



J. J. O'DOWD

Immediate Past President, American Title Association

Report of Committee on Photography

By LEONARD F. FISH, *Acting Chairman*

*Vice President, Dane County Title Co.,
Madison, Wisconsin*

The subject of photography since introduced into the field of title plant procedure has certainly caused tremendous interest in our industry. Representatives of companies furnishing photographic equipment are receiving numerous inquiries from title men concerning this subject and much correspondence in regard to the same is contained in the files of the Photography Committee. A recent canvass of the State of Michigan showed a little over 50 per cent of the members of the state title association are using some form of photographic equipment in their title plant procedure. In Wisconsin this figure is about 25 per cent, which is a large increase over a year ago.

There is little doubt but what the splendid report given by our former chairman, Joseph Snyder, at last year's convention, the displays of photographic equipment held there and at some of the state conventions during the year, and the reports of members on their own specific installations all helped to keep this interest alive. The members of the Photography Committee were sorry to hear about six weeks ago that Mr. Snyder had to give up his work on the committee due to pressing duties and added responsibilities in his position with the Chicago Title and Trust Company. We are all deeply appreciative of his interest in photography and his efforts to have information concerning the same distributed to the members of the association.

Better Service

There seems to be two chief reasons for the continued interest in photography by title men. One is the savings in operating costs which it provides and the other is the opportunity it gives to make their title plants more complete and to do it in faster time than is possible under other systems. Now that we have displayed this interest, there is considerable pressure being brought to bear upon us by various photographic manufacturers to try out their equipment. It will be to our advantage to learn as much as possible concerning specific uses of photography in the title field, operating costs, and problems involved in its use. This report will try to set forth information concerning these things which has come to the attention of the committee during the past year.

Contact Printing

Contact printing is a means of copying material by bringing it in direct contact with sensitized paper. Its use is chiefly for copying maps, and loose leaf office records. It has been used to duplicate valuable office memorandums and maps and surveys which are not of rec-

ord in the public offices. Daily take-off of instruments has been done by this method and where large models are used, it has the advantage of allowing several different instruments to be photographed at the same time, a procedure not possible on many other forms of equipment without a reduction in size.

Where original material such as abstracts is typed on thin tracing paper or is transferred to clear film negatives or projection vellum paper from microfilm, multiple copies in the form of black line prints have been successfully produced and furnished to customers by the contact printing method. 8½ x 14 prints are purchased by one company under this method for 5 cents



LEONARD F. FISH

per print. Another one that has its own black line printer can produce them for from one to two cents each. As many as fifty copies of an abstract have been made economically in this manner.

Photocopy

Photocopy printing is a method wherein the subject matter is copied through a lens on to sensitized paper. It can be used for the same purposes as contact printing plus the added feature of being able to copy material in bound books. It has the advantage of being able to reduce the original in size, of providing readable negatives in one

operation, and of saving on paper by printing on both sides and allowing the use of automatic developing and finishing equipment. Photocopy equipment has been used very successfully to reproduce worn and congested bound office records and where such accounts have been transferred to other pages and books has provided a means of reorganizing the material all in consecutive order. One company which uses photocopy equipment for its daily take-off sells copies of long instruments to its competitor to save them time in copying the same. Many companies are using this type of equipment for daily take-off and for copying abstracts both for office use and to sell to customers. Costs on photocopy prints seem to range from about 5 cents for a 5 x 8 print to 7½ cents for a 8 x 10 print and about 10 cents for a 8½ x 14 print.

Offset

Offset printing is a form of photocopy procedure that is used by some companies to make multiple copies of abstracts and other material usually in quantities of at least 50 or more. In this method the original abstract is typed as usual and photographed with a camera on a film which in turn is used to make a light metal plate from which multiple copies can be made on any kind of paper in a multilith machine similar to a mimeograph. Such copies cost one company \$5.50 for the first 100 copies and 40 cents per hundred for additional copies on the same run,—size is 8½ x 14. The resulting copy is probably the closest to perfect reproduction of the original that can be obtained with any of the photographic methods.

Microfilm

Microfilming, the third method of photographic procedure to be discussed, reduces the original subject matter considerably in size by transferring it through a lens on to film either 16 or 35 millimeters in width. The cost of the completed film record is about ½ to 1 cent per exposure depending on the quantity photographed. Enlargements can be made at any time from this film on paper of almost any size desired. It can be used for any of the purposes that the other two types described can and in addition is readily adaptable to copying of loose leaf material similar in size in large quantities. It has the advantage of providing a low cost copy per exposure and also low cost additional film copies, of taking less storage space per copy, of providing a large choice of sizes for projected prints of the original, and of being the fastest method of getting the originals copied. It has the disadvantage of

having to use projection readers for viewing the original copies, of having to use a separate instrument known as the enlarger to make projection prints from the film copy and of requiring more care in handling. Both large and small companies are using some form of microfilm process successfully in their operations and it seems to have wide application in our field.

Microfilming is fast becoming an enterprise of large proportions in our industrial and business scene. It received its impetus by introduction into bank procedure several years ago and during the war many uses were made of it by government agencies, especially in copying blueprints and plans for war equipment. Its use in V-mail was most interesting. It took 46 mail pouches to carry 138,000 ordinary letters of usual size for distribution to our service men across the seas. These same 46 pouches were capable of carrying 9,600,000 such letters on microfilm. One plane could thus carry a load of letters that otherwise would require about 65 planes to carry. Paper prints of these letters were made quickly and economically from the films in automatic printers.

The United Nations is one of the latest government agencies to adopt the use of microfilm. Minutes of the many committees and sub-committees are being preserved on microfilm for future use and reference. A project is now being studied to microfilm the day-to-day proceedings of the United Nations by midnight of each day and then distribute copies to delegations, home governments, libraries, and universities all over the world.

Speed

The speed of copying is what is so important in microfilming. The fastest typist requires about two minutes to copy a full letter page. During this same time a microfilm camera can copy 120 such pages and with unflinching accuracy. If paper copies are wanted of this filmed material, automatic equipment now available for large installations will furnish completed prints at the rate of one every ten seconds with the actual time consumed in the machine for each print being about 8½ minutes.

Microfilm is being used by several title companies for photographing the current take-off of public records. In some cases records are posted direct from the film without any difficulty and the films then filed away in rolls by chronological number and in other cases the films are cut up and filed geographically in paper or clear plastic envelopes. From 800 to 1000 instruments can be put on one 100-foot reel of 16 mm. film. Several companies are making enlargements from their films and posting from these prints. The prints are then used for later office reference or for making abstracts. The film is usually stored in other quarters and a saving on insurance costs is thus made.

Costs

One company reports the cost of take-off and posting with microfilm to be 25 cents per instrument, where recordings average from 80 to 100 a day. This includes making two microfilm copies of every instrument, one filed chronologically and one geographically, posting by typewriter to a land ledger sheet all pertinent information found in the more complete tract indices and drawing and identifying all parcels on an office map with all operations being checked and compared. The geographic film file now contains about 36,000 instruments filed in envelopes representing about 20,000 different parcels all housed in six letter size file drawers with plenty of room for expansion in these same drawers still remaining.

Another company reports costs of about 8½ cents per print for microfilm take-off with enlarged prints of every instrument to size 6 x 9 inches on 8 x 10 paper. It is anticipated by the same company that the cost per print will be reduced to about 6 cents by using automatic enlarging equipment. This company feels that the prints provide easier posting of its records and later references.

One company reports that it has practically taken over the business of a title company in an adjoining county that was hopelessly behind in its production by microfilming its records and the current take-off and moving the same to its own offices. Abstracts are now made from these microfilms from the records in its own office for property in the adjoining county. Storage space needed for the films is so small that little extra room is used to conduct the major part of this business of another company under the same roof.

Preserving Office Records

Office records and files have been microfilmed by some companies and the films stored along with those of the public records in some vault off the premises and a great saving in insurance costs has resulted. Not only are the records preserved in their entirety but in a form which will allow for fast reproduction in automatic printers should they ever be needed. This obviously would cut down the loss of business should disaster strike. Carbon copies of abstracts have practically been eliminated by one company which microfilms every abstract and continuation that goes out of the office.

Copies of court proceedings and abstracts entries have successfully been microfilmed and reproduced in the form of enlargements for use in new abstracts and continuations. When done with a hand enlarger and developing the cost is about 15 to 18 cents for a 8½ x 14 inch print. Where this work is microfilmed by the title company but sent out to a commercial photographer for printing the cost in one case reported is 30 cents.

Rented Equipment

Companies that have microfilmed the bound books in the Recorder's offices

on 35 mm. film with rented equipment report costs of about \$3.00 per 600 page volume or about 1 cent an exposure and a considerable saving in time where such records are used often for reference in the abstract office. Employees are much more willing to check office transcripts for accuracy or more complete information if they don't have to make a special trip to the court house and pull down a large heavy and usually dustladen record book from a rack in order to find what they want.

There is a considerable lot of equipment that has been called to the attention of the Photography Committee during the year that might be of interest to mention here.

Developer

A motor operated microfilm developer and dryer is now available on a rental basis for \$12.50 per month which eliminates the necessity of sending films out of town or out of the office for developing. A hand operated developer and drying reel is also available for purchase.

One company has designed a flash system of identifying different volumes of material on the same microfilm reel for convenience in finding the same when viewing in a reader.

Automatic Machinery

Automatic printers, developers, washers and dryers all in one unit are now available for both photocopy and microfilm use. Because of their large cost, however, their use is limited to large installations.

An automatic camera has been developed which provides for microfilming bound or loose leaf material through a glass window at rates of up to 45 exposures per minute. The machine occupies space only 27 x 30 inches and is 30 inches high. Material is limited in size to 9½ x 14 inches.

Splicer

An electric film splicer is now available which but welds the film ends and requires no film cement.

Electric dryers for prints of all kinds have been perfected and improved and occupy less space than some other types of dryers.

Adapters

Adapters have been used on photocopy machines to make enlargements from microfilm. This does away with the necessity of having a separate enlarger and also allows use of both photocopy and microfilms in the same office without complete duplication of equipment.

Costs

The costs reported by various title companies for putting in complete photographic departments varies considerably. If completely automatic developing and finishing equipment is desired, this cost will probably run from \$10,000 to \$15,000. For ordinary hand operated equipment the cost will prob-

ably run from \$1,500 to \$5,000, depending upon the type and completeness of equipment selected. These costs anticipate equipment which will provide for complete process from photographing the original material to providing dried and finished prints of the same on either film or paper or both. The addition of black line and offset printing processes would, of course, increase these costs.

The committee's information on costs as given above is based on reports from so few sources that it very likely doesn't present too true a picture. It would be very helpful to hear from members who have experienced considerable differences in costs from the figures given in this report.

Many problems have arisen as a result of title companies adopting photographic procedures in their plants. Some of these have been called to the attention of the committee and no doubt some of them may have been already answered by other companies using photography. If so, it is certain that the members of the association as a whole would appreciate hearing about them.

The question has arisen as to the justification for the expense involved in rebuilding old systems or building entirely new ones from the beginning of title records in a county where old take-offs are infrequently used and the presence of competition still further reduces the possibility of needing all of the take-off.

Two Systems

When only the current system is put on a photographic basis, trouble sometimes arises in maintaining and operating both the old and new systems in abstract procedure.

In some counties difficulties have arisen in getting the cooperation of public officials to allow photographing of the public records, especially, where the county itself is not using photography. Considerable diplomacy is required in some of these cases. Sometimes a plan whereby joint use of the equipment can be worked out or where the title company will photograph the records for the county will overcome this difficulty.

Photograph Copy in Abstracts

The problem of using photographic copies of instruments in abstracts and photographic copies of entire abstracts themselves has caused quite a difference of opinion in some localities as to its advisability and to the proper rates to be charged for such material. For protection photographic copies of abstracts should certainly be certified to as original work and as furnished for the benefit of the customer obtaining the copy. Photography naturally tempts the abstracter to mechanize his office to the extent that he no longer abstracts instruments but puts complete photographic copies of the same in his abstract. In localities where attorneys are used to seeing only abstracts of

instruments this may create quite a problem. The increased speed of service alleviates this problem somewhat but at the same time examining of abstracts may be slowed down and the bulk of abstracts greatly increased.

Storage

Some companies who formerly used only abstracted minutes for their daily take-off of instruments and now use photographic prints of the entire instrument are faced with a growing storage problem. In some such cases the companies are seriously considering changing over to the microfilm system. One company has about 1,000,000 instruments covering about 115 years of recording from the Recorder's office, all on microfilm plus copies of court proceedings and abstracts for a period of about five years all stored in a cabinet 22" x 28" x 58" which is only about three-fourths full.

So-called complete photographic title systems should be carefully investigated before decision to adopt the same is made. Very few systems are com-



C. E. VAN NESS
*Chairman, Public Relations Committee,
American Title Association
President, Arizona Title Guarantee & Trust
Co., Phoenix, Arizona*

pletely adaptable in all respects to every locality and situation. A title company will do best by investigating all different photographic procedures and equipment in use and then work out its own system using quite possibly parts of several different systems. The success of any system is dependent to a great extent upon the training and experience of its organizers and operators in title work as well as photography. The human element is still very much with us in the building and maintaining of a title plant, photographically or otherwise. Posting and examining of instruments is still chiefly a human function and photography only helps to make it a more pleasing and efficient task.

Adequacy of Supplies

Getting adequate service and repairs to photographic equipment is somewhat of a problem, especially in smaller communities. Sometimes serious delays in production may result where duplicate standby equipment is not maintained. It is well to keep on the good side of some local photographer who can be called on for assistance in case it is ever needed in a hurry.

Automatic equipment for developing, washing, and drying prints and making enlargements from film is needed which will be less expensive and take up less space than the equipment of this type now available.

Companies using photocopy equipment have expressed a desire to have some sort of paper metering device for their machines similar to that found in microfilm cameras. This would show the amount of undeveloped paper in the machine.

Photo equipment would be much nicer if it could be made more compact. The space problem for complete systems is often quite serious, especially in small plants.

Improved bookholders for copying bound books and foot-timers have also been requested by some companies.

Microfilm users would like to have smaller and more portable readers available for both 16 and 35 mm. film.

Exhibits

We are very fortunate in having here at the convention such complete exhibits of different types of photographic equipment. Much can be gained from seeing and comparing actual demonstrations of this equipment. The various company representatives will be glad to furnish you with information on costs of their equipment and with names of title companies using it. A visit to another company which is using photography will be of great assistance to anyone trying to decide on what steps to take in that direction in their own plant. These visits will no doubt be mutually beneficial for as one picks up new ideas he may also leave some that will be helpful to his host. Title men usually have quite a pow-wow and interchange of ideas when they get together at conventions but they really do have themselves a time when they get together in title company offices.

It is hoped that the material presented in this report and the papers, discussions, and exhibits to be heard and seen here at the convention will serve to impress the members of our association with the importance of photography in connection with title plant procedure and maintenance. New uses for it and new types of equipment are constantly arising. As they do a good place to keep track of them will be business and trade journals and the bulletins of our own association.

Much credit is due to various members who have contributed their ideas other than photography. It might be well to consider the advisability of having a committee on general title plant

and experience in connection with photography and descriptions of their own installations. We are certain that our National Secretary will welcome any additional material along this line which you can send him for bulletin material. The entire field of title plant procedure and maintenance is so important to all of us and many new ideas and types of equipment are being tried out by various title companies in fields

equipment and procedure which could gather information on some of these things and pass it along to the entire association. Several reports were received by the Photography Committee concerning such equipment and installations but no investigation of the same was undertaken as it was felt that the same was outside of the original purpose of this committee.

Many questions have probably been

raised by statements given in this report especially since time would not permit going into much detail in regard to the various uses and specific types of photographic equipment. More information concerning the same is available in the committee files and committee members will be glad to try to answer any questions directed to them or to refer the same to others more qualified to answer them.

The Camera In a Title Company

Photography in its various phases can be applied to at least five general classes of work in the title business. It is my purpose at this time to take each of these separate applications and discuss them from the standpoint of actual practical experience as to how each application can be made, the different types of equipment that can be used and some general information concerning the detail of the work.

It must be understood that there is no type of equipment today that can be universally applied to the many types of work that can be performed photographically in a title plant and it is therefore necessary to consider in the purchase of equipment the number of different jobs that can be done with each type of equipment to determine whether or not the particular equipment being considered can be given enough general use to make its installation practical.

Neutral

With most every type of equipment you will find several manufacturers producing somewhat the same product and it is my sincere desire to remain as neutral as possible in my remarks and because of the very nature of this address and the fact that we are using certain types of equipment in our own plant makes it necessary for me to make specific references throughout my talk to various trade names. I make this statement at this time in fairness to the manufacturers of all photographic equipment and supplies that I am in no manner attempting to plug any particular manufacturer's merchandise although you will have to admit that if you have had considerable experience in a particular line of work you will develop certain preferences and possibly become biased to some extent concerning the products of certain manufacturers, but when I state that certain work can be done with a certain type of equipment or that we in our own plant are using a particular type of equipment, it does not mean that equal results or possibly better cannot be obtained with other makes. I make these remarks to try

to keep from creating any bias in your own mind and to save my own neck in future contacts with the manufacturers of equipment that may feel that I have slighted them in my remarks.

One of the most general uses that the camera is being put to in title work today is the daily take-off in the Recorder's Office of the daily recordings.

If you have visited in very many



RAY TRUCKS

Member Committee on Photography
Owner, Lake County Abstract Co.,
Baldwin, Michigan

title plants other than your own you will have noted a wide variance of conditions and circumstances affecting the daily take-off with the result that a particular system found most practical in your case would, due to differences and local conditions make it

impractical for others and vice versa. For this reason and also the different conditions that prevail where there are competing companies and also the particular service schedule that you are trying to maintain makes the question of the photographic approach to the daily take-off an individual problem rather than a problem that can be solved in a general way. I wish to put particular emphasis upon these last remarks because they are most important in considering the remarks that I will make concerning the daily take-off.

There are two types of equipment that are practical for use in connection with the daily take-off. First, a machine similar to the Photostat, manufactured by the Photostat Corporation, or the Rectagraph, manufactured by the Haloid Corporation, and the second, equipment using microfilm similar to the Recordak, manufactured by the Recordak Corporation.

First let us discuss the application of the Photostat or a similar machine. The machine that would be generally used in a title office comes in five models, a Photostat Jr., and a Photostat No. 1, 2, 3 and 4, the prime difference in these machines being the difference in the exposure area, that is the size of the object that can be photographed and the size of the finished product. These machines come with an exposure area of approximately 28 by 35 inches to as high as 36 by 48 inches and will produce a finished product ranging from 11½ by 14 to 18 by 24 inches. This equipment will photograph a flat document, plat tracing or similar material within the sizes quoted, or bound volumes. There can be had a number of accessories and various types of equipment to fit many varying needs and conditions under which all machines are used. With models No. 1 to No. 4 a reduction or an enlargement can be made of the objects to be photographed within the range of the machine by simple and easy adjustments. The photographic paper upon which the prints are made are carried in the machine on 300 foot rolls, on paper

varying in width according to your desires and within the range of each respective machine and as you can easily see at any desired length within the range of the machine.

Our Procedure

May I describe for you the daily procedure in our office with the use of the Photostat in connection with our daily take-off. May I add at this time that we have only recently installed the Photostat for daily take-off, although we have been using photography for daily take-off for the past three years. But due to conditions in the Recorder's Office over which we have no control, we were unable to install a Photostat or a similar machine until just recently. Our former method, while it meets extreme conditions such as we were subject to for a time is we have found impractical except in such extreme cases and I will not take the time to discuss our former method at this time.

Our Recorder allows us at 11:30 each morning to take all documents that have been recorded in his office since 8 o'clock and stamp in the upper left hand margin of each document with a Bates numbering machine, the document number that he has assigned to this document and has been placed elsewhere upon the document, sometimes stamped on the face and sometimes stamped on the back of the document. He allows us to place this document number in the left hand side with the pencil notation of the day of recording. This is done by us to save in many instances photographing the back of the document and to simplify the handling of the documents insofar as identity is concerned with the document number placed in a constant position which not only enables us in the general handling but in the filing of the document as the document is filed in legal sized filing cabinets with the left side of the document up so that the document number makes a ready filing index. Our clerk in the Recorder's Office adds this document number and date and at the same time checks all acknowledgments that do not appear upon the face of the document, to ascertain if said acknowledgments are regular and if so on mimeographed sheets that have mimeographed opposite each document number the following words: Acknowledged..... before me
Notary Public, Kane County, Illinois. Our clerk adds to this mimeographed sheet the date of the acknowledgment and the name of the individual taking the acknowledgment so that when these two items are added to the mimeographed form, she will have when the documents are prepared for photographing either the acknowledgment on the face of the document which will not necessitate photographing the back of the document, or if the acknowledgment is on a second sheet or on the back of the first sheet, she has

checked this acknowledgment for its regularity and has quickly added to the mimeographed sheet opposite the document number the date and the name which makes the entry read as follows: Document No. 477055 acknowledged September 18, 1941, before Bessie Smith, Notary Public, Kane County, Illinois. Then after the photograph has been taken and developed and used for the daily posting of our tract indices our office girl takes a rubber stamp similar to the mimeographed sheet, makes the impression on the back of the photograph and here transfers the date of the acknowledgment and the name of the person taking so that we have for both the abstract department and title insurance department all of the information necessary concerning the acknowledgment.

Irregularity

In the event however, our clerk discovers the acknowledgment to be irregular, she places a small circle in the left hand corner of the instrument which is a signal to the photographer to shoot both sides of the instrument and thereby carry into our files a complete photostatic copy of the irregular acknowledgments.

Photographing Filings

After the documents are processed as I have described usually at 1 o'clock our photographer proceeds to photograph them upon our Photostat and we have found for many reasons that it is most desirable to photograph in the exact size of the original document which is 8½ by 14 inches rather than to resort to any scale of reductions or as I have seen it done by some photographing on duplex paper and placing part of the instrument on one side of the sheet and part on the other. We handled last year in this manner a daily filing, averaging 146 instruments per day. Our current filings are running slightly under 100 per day. As each shot is made it is automatically dropped into a dark box and when the entire take-off is completed is taken to our office, developed and dried, then immediately sent to our posting department for the posting of our tract indices. The balance of the days take-off is shot at 4:30. We found that the use of one man for the shooting and two men during the developing process that we can very easily handle a daily average of 100 instruments in not to exceed a total time of two hours. The majority of the book and pages are placed upon the documents at the time of recording and appear upon our instruments when we photograph them and due to the fact that our Recorder's Office photographs which eliminates comparing, the one handling is all that is necessary. The few documents that are so irregular that the Recorder can not actually determine the book and paging at the time of recording, we return the documents after the Re-

recorder has photographed and book and paged them.

Filing Photographs

After the photographs are used to complete posting of our indices and the revision thereof, they are placed in their proper files in our file room and are immediately available for use as minutes for the abstract examiners and writers and our guarantee examiners, writers and comparers.

To summarize the results of the application of the Photostat with the daily take-off from our own experience we are handling an average of 100 instruments per day with one clerk spending approximately 30 minutes per day in the Recorder's Office in the preparation of the documents for photographing and one photographer working for a two-hour period and a second photographer assisting for one hour, or a total of 3½ man hours per day. We are able to have posted and revised all instruments in our indices the day following the recording as a rule in the forenoon and have available all documents involved in later date examination and second abstract continuations the second day after their recording, which has enabled us during the past two years to give to our customers a three-day service schedule on later dates and second continuations.

Microfilm

The second method of photography that is being used in the daily take-off is that of microfilm.

Several months ago we purchased the plant and facilities of an abstract company in a small county adjoining our county and have been operating this new acquisition by methods of remote control through the almost universal use of photography. While the operation is quite small, the daily filings running from ten to fifteen per day, we have found it highly advantageous to use microfilm. I wish to point out several advantages in this particular operation which may or may not be true with an application that you might want to make. We are renting a Recordak Jr., from the Recordak Corporation, at a monthly rental of \$12.50 which reduces materially the equipment investment. We microfilm the daily take-off on 16mm microfilm. These instruments are photographed and inasmuch as the microfilm comes in 100 foot rolls, each daily take is but a small portion of the roll so that part of the film covering the daily take is snipped from the roll, placed in a container and mailed to our Geneva office and there processed in our own laboratory with equipment that is made by the Recordak Corporation and that we have found very simple and very satisfactory for the developing, drying and hardening of microfilm. A 100 foot roll of film requires about 45 minutes in one of these machines to develop, dry and harden and smaller strips of film in somewhat

less time. After the film has been processed, we use it for posting purposes in a Model C reader that we have also purchased from the Recordak Corporation and compare the postings in the same manner. For a short time we also used the reader for viewing the film during the examining, typing and comparing but soon discarded this method in favor of projecting and printing from the microfilm upon legal sized paper. This gives a much greater flexibility to the use of the instruments and readily fits into our general filing system. This projection work is done on a Model A enlarger recently placed upon the market by Recordak and we have found it most satisfactory and I will discuss its use a little later. The use of the microfilm requires somewhat less time in the original shooting although the time saved is not material as about the same time is required in developing and drying as the Photostat but the use of it is not confined to readers which we have found very unsatisfactory and would require further projection, printing, developing and drying which we have found very satisfactory on our small operation but much less desirable on our larger operation. If the microfilm is not to be used for projection and printing and the concern is primarily for daily take-off insofar as time and cost of materials is concerned it is cheaper than the Photostat. And while it requires many times more filing space, an entire year's take-off of 150 instruments per day can be efficiently filed in a five-drawer legal sized filing cabinet. As to this I speak with authority because we have had this actual experience in our office.

Photography in Plant

Another application of photography can be made in your plat department. Our plats and maps as you know are amongst our most vital tools and the efficient office makes them abundantly available for all departments. This can be readily done in your own photographic department. The work of reproducing plats can be done with several different types of equipment. The Photostat is well adapted to all forms of plat work reproduction. We are successfully adapting microfilm to various forms of plat production and have had splendid results with the use of a vacuum head contact printer. Where the highest possible quality of work is desired and no reduction or enlargement is necessary, I highly recommend the use of a vacuum sealed contact printer. We have reduced to satisfactory scale the entire plat of subdivisions recorded in our county, and from this original drawing make negatives from which we print plats to insert in our abstracts and to place for daily use in our tract indices. As you can see the quality is excellent and the cost very nominal, the reproduction costs of a plat 8½ by 14 being well under 10c per copy. But there are many plat problems that cannot be solved by a

contact printer because it requires reduction or enlargement operations that cannot be performed on the contact printer and the cost of enlarging or reducing by manual methods is sometimes too great or impractical for other reasons, therefore, the Photostat or similar machine offers a good answer to such plat problems. We are having splendid results in the use of microfilm for the reproduction of plats in conjunction with our Model A Recordak Enlarger. As an illustration: Our State several years ago passed a law that made it possible for the County Board to authorize the County Surveyor to prepare and maintain assessment plats covering all real property. As a result our County has prepared at great expense and filed in the Recorder's Office arbitrary assessment plats upon which all assessments are based, which in order for the title



LOUIE LaROCHE
President, Montana Title Association
Owner, Moylan Abstract Company,
Malta, Montana

examiners to reconcile the assessed description and the legal description of their property, requires the showing by us of a portion of the assessment plat in each abstract. While this adds much desirable additional revenue, it did under old style manual operation tie our production into a hopeless knot, but by microfilming the assessment plats filed in the Recorder's Office and printing them with a Model A Enlarger we have a capacity that does not require a great many man hours and does not offer any obstacle whatsoever in our production schedule and gives a margin of profit that is utterly impossible through any other method.

Copying Abstracts

Another application of photography is in the copying of abstracts, particularly where only one or just a few

copies are needed. While in our office we always attempt and in most cases succeed in selling title insurance rather than a copy of the abstract, there is however some copy work and we have found in the use of the Photostat or the Contact printer a fast, economical and very satisfactory method of abstract copying. I can safely say that the cost of copying abstracts photographically as compared to typing them and comparing them is on a ratio of 1 to 3 and the advantage of relieving your typing department of these bulky jobs and carrying it in your photographic department is in these times much to be desired even though there were no appreciable savings in cost.

Rebuilding Tract Indices

Another application of photography which we have most enthusiastically adopted in our office is in the rebuilding of our tract indices. We have an abstract plant that was built for use and profit during the days of those that did the building with little concern or worry about the poor devils that had to make practical use of those books 40 and 50 years hence, with the result that we have many bound volumes that are filled and the carry pages jumping all over the book, the captions covering a whole block or even more, which would entail at present day costs a small fortune to rebuild manually. And when you consider the fact that a great portion of the potential revenue out of the period covered by these indices has been realized and that much of your revenue is to come from current transactions, it is a sobering thought when you consider the amount you can afford to spend in the rebuilding of your plant. We have successfully rebuilt a number of our books at a very low cost. We have done this work with a vacuum sealed contact printer and the results have proved most satisfactory and the cost is surprisingly small.

I have on display a sample of the work that we are doing. Many of the books that we are required to rebuild are badly worn, finger-marked, soiled and in some cases the writing is not highly legible, but with careful timing and exposure and proper developing technique the legibility of these old indices has been restored to almost 100%. As you will note from the sample that we are displaying we have taken and photographed the old books on duplex paper, picking out all of the carry pages affecting each particular caption and carrying them forward on duplex paper in consecutive order, then carrying these sheets in looseleaf volumes that have had additional sheets added for current postings broken down on captions not to exceed three titles per page. The current captions are laid out on Page 1 only, never on Page 2, Page 2 always left for future carry, which means that these books will never necessitate re-

building, merely the addition of pages and renumbering to make a perpetual and efficient indice. In the event of hard use the unusual wear and tear the pages so abused can be very economically restored by photography.

This application is to me a most important one in many title plants. My observation has been that efficient production is greatly curtailed due to the tremendous bottleneck caused by an inefficient and obsolete set of tract indices.

Modernizing Indices

I have studied new approaches to the tract indice problem that have been adapted and put into use in a number of different plants and I have been sufficiently impressed with the production schedules of the plants that have installed these new methods to sell myself upon the idea that a simple form of tract indices on looseleaf paper captioned to carry a minimum of titles as I have said before not to exceed 3 will if efficiently maintained give a capacity to our chain work equivalent to that ordinarily found in the other departments through which each order must travel.

In the adoption of any new or improved method, it is, of course, highly desirable to cut down the man hours involved in any particular operation, but on the other hand the installation of new methods, mechanical equipment or new plant installations, must be seriously considered where no great savings of man power is involved if the installations or methods so installed are not broad enough in their scope to effectively bring up to a comparable degree the reproduction capacities of all other departments. Or in other words, after all of our efforts to improve our plants, if the man hours involved and the service schedule accomplished from the time the order is taken until it is delivered to the customer, is not primarily effective, we merely are kidding ourselves. What good does it do to pile up finished work in one department while it becomes stale due to the fact that we have not effectively removed other bottlenecks? It has been with this thought sincerely in mind that we have tried to approach the matter of applying photography to our daily routines, and in our application there is not a department whose efforts have not been facilitated and whose efficiency has not been increased either directly or indirectly with photographic application.

Old Records

Another very practical and worthwhile application of photography to our business can be found in cases where you do not have complete files abstracted in full from all of the documents filed in the Recorder's Office. Our predecessors did not abstract any documents except in connection with a current order, therefore we have a big demand, particularly in the last two years, for old documents, the minutes of which are not contained in our

files. This necessitated a large crew in the Recorder's Office for the abstracting and comparing of the minutes, which in turn created a serious situation due to the lack of space in the Recorder's Office and the lack of efficient help. As a result of the problems we had to face we rented a Model D Recordak from the Recordak Corporation and installed the same in our office, and by an arrangement with the Recorder brought over to our office each evening 10 books which we were able, after a reasonable amount of practice to photograph on 35mm microfilm in 4 hours. During the past 3 years we have been photographing our records and have full photographic copies of all instruments recorded during that time, but prior to that time our files were incomplete and by the process just described we microfilmed 1225 600 page books. In addition to the 1225 record books we also microfilmed some 100 plat records. Here I wish to state for the benefit of all those engaged in the title business who consider microfilming their own records for security reasons, or county records to supplement their present files, that this work can be done by your own staff by renting the equipment just as effectively as having an outside concern do it, and you have the satisfaction of knowing that there is only one copy in existence of the material you are microfilming, and last but not least, the job can be done appreciably cheaper by doing it yourself. There are also other very serious reasons why title companies should begin being entirely self-sufficient insofar as their needs and requirements in photographic work are concerned. I beg of you to consider that statement most seriously.

Enlarger

We have installed in our photographic laboratory a Model A Microfilm Enlarger which is a fairly new product put out by the Recordak Corporation which we have found to be a most effective piece of equipment for microfilm enlarging. After our microfilming was completed and our projection work started, we realized that it was not practical to enlarge the documents except when needed on orders. We further discovered that it was quite a burden to place a 100 foot roll of film in the enlarger and with about 1400 images on this 100 foot roll we could not readily find the documents we wanted to reproduce. Therefore we hit upon the plan of cutting the microfilm into strips containing 8 double frames, or 16 documents, and to facilitate our handling of these strips we have had the cooperation of Curtis 1000 Inc., manufacturer of envelopes, in developing an envelope I believe will overcome many of the objections that have arisen in trying to store microfilm in paper envelopes. Unless the paper is a non-acid paper and non-acid glue used in the construction of the envelopes, I am told by

the Eastman Kodak Company, serious trouble has arisen in the chemical reactions on the film from the acid in the paper and acid in the glue where microfilm has been stored. In addition to having a non-acid paper and a vegetable glue, Curtis has used a glazed paper, putting the glazed side to the inside so that the smooth surface would give the microfilm the least possible chance of being scratched. The identifying numbers of the book and page contained on each strip of microfilm are placed in bold type on the outside of the envelopes, and these envelopes are filed in steel file cabinets we have obtained from Dietggen, the cabinets designed originally for engineer's tracings. The envelopes are made 1 $\frac{1}{8}$ inches wide and 12 inches long; the filing cabinets come 5 drawers to a section, each 37 inches long, 26 inches deep and 2 inches high. Approximately 1500 envelopes can be filed in a drawer of this size, which in turn represents 24000 frames of microfilm or 24000 pages, or, figuring 600 pages to the book, we can place 40 600 page volumes of microfilm in one file drawer, as above described. When we need abstracted minutes that are not in our files, the envelope containing the proper book and page is placed in the chain and sent to the laboratory where a photographic copy is made by inserting the film in our Model A Microfilm Enlarger and enlarged on paper 8 $\frac{1}{2}$ x14 inches which is costing us slightly less than 4c per sheet. We are using paper purchased from Eastman Kodak Company, known as their Linagraph X A.

Time and Space

This process I have found has caused a great deal of eyebrow raising and controversy in the minds of others that are either interested in photographic application or are contemplating the microfilming of the County Records to supplement their minute files. To us, we are satisfied that our time and investment has been wise and the advantages that we have discovered are these. First of all, all of you no doubt have to some extent problems of room or space in the Recorder's Office of your county building. I know many counties in our state in which this is a very pressing problem and one that is going to cause the title industry many headaches in the days just ahead of us. By microfilming the entire record we have eliminated our Recorder's Office force entirely. We have insured ourselves against the possibility of loss or destruction of the public records. We have given a capacity to the taking off of the abstracted minutes that was utterly impossible previously due to the lack of space and the tremendous fluctuations that were caused in our Recorder's Office in the volume due to the fact that when we would receive any large number of complete examinations, either title insurance or in the abstract department, due to the lack of complete minute files it was

utterly impossible for our Recorder's Office force to keep from forming a bottleneck in our production line. We have found that through microfilming and reproduction by enlargement the laboratory can produce on an average of 60 instruments per hour.

Commercial Photography

Another application of the camera might be mentioned here and prove of interest to some of you and that is the handling of commercial photography such as the photographic reproduction of documents, papers, briefs, plats and many other miscellaneous items that come into a commercial photographer for handling. While we have not encouraged or sought any business of this kind, so much of it originates with our own customers, the attorneys, banks, building and loans, architects and surveyors, that we have had to handle as a matter of courtesy to them such work as has been voluntarily brought to us. Our charges have been nominal, much below the average charge by outside institutions, but our margin of profit very satisfactory. I merely make mention of that here for the reason that in localities where efficient commercial photography is not readily available I think you will be pleasantly surprised to see the volume of this work that can be obtained and the margins of profit involved therein can go a long way toward carrying the complete overhead of your photostatic installations and operations.

I have been asked many times as to

just what is required to completely install a darkroom or photographic laboratory and what the costs are. As to costs, I am trying to make as few positive statements in that regard as possible because that is one thing that varies between sun-up and sun-down in this wonderful era of economic nightmares that we are living in. But as to equipment you need—trays for developing, water should be readily available, and proper drains for the disposition of your developing chemicals and tubs or troughs for the proper washing of the finished product, and an efficient drier. In one of our bulletins some time back I read the statement by one of our members that there was no satisfactory drier for the drying of photographic work on the market. This is a misstatement for there are several driers on the market today that are 100% efficient and effective. I particularly recommend the Harvey Peck Drier manufactured by Harvey and Peck of Chicago and distributed by Remington-Rand and other distributors of photographic equipment. The Simplex is also a very satisfactory drier.

While there are a number of title companies scattered throughout the county that have used photography in some form for a number of years, its application is by no means a general thing, but after 3 years of earnest effort and study and practical application, we in our company heartily recommend it as a very worthwhile installation even though present day equipment and our present day meth-

ods could be improved. But as we look back upon our initial efforts and consider what we are doing today, we know that while we are reasonably satisfied that many improvements can be and will be made, we pray most sincerely that an effective and efficient method of exchange of experiences and ideas in regards to the application and use of photography in the title business can be carried on by our national headquarters.

Vulnerable

One thing that I have made no mention of and that is the possibility of the use of photography in the building of new title plants. I wish to state simply that I hope there is no doubt in the minds of those present today engaged in the title business that the potentialities of competitors today are so vastly different than they were 10 years ago that there is utterly no basis of comparison. Don't ever kid yourselves with the thought that your business is secure as against competition because of the prohibitive investment and time involved in producing a competitive plant. And if that remark does not impress you and you are still not convinced as to the potential threats of photography in producing competition, I would like for you to contact me after this meeting and let me tell you of some of the things that I have seen and know about and if I can't scare the hell out of you with a few such facts, then you are not as vitally concerned in the question of competition as I am.

Advertising and Publicity

Report of the Committee

In bringing you the report of the Committee on Advertising and Publicity for the past year, we wish we could come forth with something really world-shaking—something which would be the answer to all of your advertising problems. How often we've listened to some brilliant person conversing on a subject in which we were interested and envied him his grasp of the topic—his ability to express himself. In this respect, we're somewhat like the Indian smoke-writer who was transmitting a message to his tribe in New Mexico when a terrific explosion sent him flying headlong into a ditch 50 feet away. It was the atomic bomb experiment. The Indian pulled himself together in time to see a tower of smoke billowing several thousand feet into the sky. He watched in awe-stricken silence for a moment then

HARVEY HUMPHREY, Chairman
Assistant Secretary, Title Insurance and Trust Company, Los Angeles, Calif.

clucked his tongue and murmured, "I wish I had said that."

But we have no atomic pronouncements to make on advertising and the only tangible accomplishments which we have to report are (1) the Advertising Exhibit which you see on display at this Convention and (2) some of the data on advertising methods and media used by our membership—accumulated in connection with the collection of material for, and assembling of, the exhibit.

Your Advertising Committee was appointed in February of this year and made inquiry as to ideas which might

be embodied in a program which would benefit the membership. Either because everyone was too busy or because all of us were afflicted with that old procrastination-hookworm, we did not receive any suggestions except that an exhibit of the best of title and abstract advertising be presented at the national convention.

In deciding on the type of exhibit, it was felt by your committee that if each company sent in what it considered its best or most effective ad or series of ads for the past year, the display would be one of "Proven Firsts in Advertising." A letter setting forth this idea was addressed to the membership. The results were rather disappointing. However, the material we did receive was excellent.

It has been divided and displayed in four classifications: Newspaper Adver-

tising, Pamphlets and Booklets, Blot-
ters, and Miscellaneous. The companies
considering newspaper advertising
their best medium numbered 17%;
those favoring blotters 21%; pamphlets
25% and miscellaneous items 37%.
Items favored by this last group in-
cluded advertising novelties, such as
pencils, letter openers, phone dialing
contrivances, key containers, calendars
and memo pads. Then there were maps,
plats, pictures, cards, mimeographed
talks and letters. While on the subject
of percentages: An army statistician
tells of a mess sergeant who, when
asked how it happened that his report
on food wastage invariably read, "No
waste, but bones," explained: "When
they get through, I makes 'em show
me their plates. If they's any food left
I tells 'em 'you go back and bolt down
every scrap of that good chow your
Uncle Sam gives you," and they does.
Why do I do that? Because regulations
says I gotta report percentage of pota-
toes, percentage of beans, percentage
of gravy and percentage of everything
they don't eat, and when I was a kid
in school I never got as fur as per-
centage."

The descriptive matter and comments
on advertising, received with the adver-
tising material from the members,
have been mimeographed and made a
part of the exhibit. You are welcome
to a copy. It is also attached to this
report as a supplement.

The lack of response to our letter,
requesting material for our exhibit,
was not only disappointing but dis-
turbng as well. It *could* indicate that
many of our members are *not* adver-
tising, (1) because they don't believe
in advertising; (2) because business is
so good they feel they do not need ad-
vertising; (3) because they feel they'll
get all the title business there is to
be had without advertising; or (4)
because they're so busy they don't have
time to change advertising copy or they
don't have anyone to write it. We hope
this is not the case, for the first three
reasons are based on fallacious think-
ing and there is a way to solve the
fourth.

First, we don't believe there is any-
one who does not believe in advertising
—at least of some kind. True, he may
not believe in newspaper advertising
but, rather, favors billboards, like a
small-town abstracter we heard of re-
cently. A newspaper editor called on
him in quest of advertising. "No," he
said, "I don't believe in newspaper
advertising. Nobody reads your news-
paper anyway. I'm buying billboards."
Not long after, the abstracter brought
in a long, detailed account of his
daughter's wedding, which, several
days later, he was quite disturbed to
find had not appeared in the news-
paper. When he protested to the editor,
that worthy replied, "You, yourself,
said nobody reads my paper, so I took
the write-up out into the country and
tacked it up on a telephone pole."

All of us do advertising of some kind
—perhaps not in the newspaper, in

pamphlet or blotter form—but we
advertise in some way. Word of mouth;
rendering extraordinary service; de-
voting our time, in the name of our
business, to some worthy civic or char-
itable enterprise; making talks on our
business—it's all advertising. "But
such activities do not cost me any-
thing," you say. They cost you time,
however, and time is money. Re-ap-
praise your local situation. Weigh your
investment in time against the cost of
a printed folder on your business, a
series of letters on the wisdom of title
protection or the service you render to
property owners, real estate brokers
or attorneys. Dig up a story on some



HARVEY HUMPHREY

prominent block in your town which
has an interesting background of local
history and give it to your newspaper
editor. He'll give you credit for the
story. There are scores of such prop-
erties and contrasts of the old with
the new are always interesting. We
want you to be as advertising-con-
scious as the blacksmith in a small
town who was chairman of a musicale.
In his honor, the chorus sang "The
Village Blacksmith," naturally to en-
thusiastic applause. As they got up to
respond with an encore, the smith whis-
pered to the leader, "When you sing
this time, would you mind puttin' in a
verse about me mending bicycles, too?"
Here was a man who not only believed
in advertising but tried to get a plug
for himself in song.

Secondly, to the man who feels that
advertising is unnecessary because busi-
ness is so good, let us say that we
feel as Jim Sheridan expressed himself
earlier this year, quoting: "Each of
us owes it to the public, to his pro-
fession and association, and to himself
—through advertising—to tell the pub-
lic again and again what we do, who
we are and what records, equipment
and skills are necessary to turn out a
good title policy or abstract, and what
protection and responsibility the pub-

lic is entitled to." Only in this
way can people be informed and
enabled to choose reputable title ser-
vice and guard against unstable, inad-
equate operators, who come and go
with the rise and fall of good business
periods. In an increasing number of
areas throughout the nation, our mem-
bers have told the story well and have
adequately educated the public, through
advertising and the dissemination of
authentic information. As a result, in
these sections, the public demands the
products and services of established,
reputable firms. In other areas, all of
us have seen an uninformed public
accept the work of the most flagrant
curbstoners.

So you see it does make a difference
whether you advertise or not. And
speaking of making no difference, a
clergyman, at a dinner, had listened
to a talkative young man who had
much to say on Darwin and his "Origin
of the Species." "I can't see," he ar-
gued, "what difference it would make
to me if my grandfather was an ape."
"No," commented the clergyman, "I
can't see that it would. But it must
have made a great difference to your
grandmother."

Another thought to remember —
Booms and depressions come and go
and it's a pretty good practice to spend
money for advertising when you have
the money to spend and when business
is good. Again, some companies have
capitalized through advertising, on the
fact that such a volume of business
poured in on them when they were
behind schedule and their service was
forced to suffer. Carefully worded ads,
at such times, explaining the problem
to the public and asking their indul-
gence are good business. It is these
companies which the public will remem-
ber and send their infrequent orders to,
when business slows down.

Thirdly, perhaps some of our folks
are not advertising because they feel
they'll get all the title business there
is to be had without advertising. We'll
venture to say that in every county
of the nation today, property is being
sold and mortgaged without any title
work being done. Have you ever kept
statistics on the deeds and mortgages
recorded in your county on which
neither you nor your competitor issued
an abstract or a policy? We're aware
of the correction deeds and the trans-
fers for love and affection but we're
talking about transactions involving
money in which the parties dealt with-
out benefit of title evidence. In Los
Angeles County, for instance, during a
typical month this year the recordings
totaled 65,378 instruments. Of these
Title Insurance and Trust Company
recorded 36,267. We know a large per-
centage of the balance of 29,111 were
recorded without any sort of title
protection. Here is an opportunity to
develope additional business, now being
missed in many counties, through prop-
er advertising which points out to the
parties concerned the dangers of deal-
ing without the protection afforded

by reputable and well-established companies. For this reason alone, if for no other, my company would feel that advertising is essential.

To title insurers present, we call attention to a series of ads in the exhibit from the Washington Title Insurance Company on the subject of increasing the amount of title insurance on real property, commensurate with the present increase in property values. This series more than paid its way and the only work involved on the part of Charlton Hall's offices was the issuance of an indorsement to attach to already existing policies of title insurance, increasing the amount of insurance.

In both of these instances, advertising has resulted in title business that the companies were not previously getting.

Finally, some say, 'We're not advertising because we're so busy we don't have time to change advertising copy or we have no one to prepare it.' In this connection, we wish to call your attention to A.T.A. Bulletin No. 244, February of this year, containing an article, "It Pays to Advertise" by Paul Pullen, New Business and Advertising Officer of Chicago Title and Trust Company, and one of the best advertising men in America today. In it, Paul presents copy for 5 excellent ads on the subject of Prices, Education, A Good Plant, Competition, and Age; *in addition* to a series of *Reader Ads*. He further states that if you like these he will furnish more.

While on the subject of writing copy, a copy-writer in a large Hucksters agency in the East disappeared from his desk one morning. His buddy missed him at coffee-time and again at lunch. When five o'clock rolled around and he had not returned, his friend, somewhat alarmed, started looking for him. Sure enough, he found him in the third gin-mill he entered, stiff as a board. "What's the matter, old man?" he inquired anxiously. "I'm through. Thas whasha matter! All washed up!" the copy-writer babbled incoherently. "Leave me alone! Go 'way." "Come, come, now, old timer. Snap out of it!" his pal encouraged. "You're not through. You're one of the best in the business." "Besht inna bushiness! Thasa laugh!" "Now listen, Slugger. What's got into you?" "Got into me?" sobbed the broken-hearted copy-writer. "I quit. They're not gonna get me to proshtitute my art. D'you know what? They're ashkin me to write things abouta tractor—a shtink-in' measley tractor—that I couldn't even shay about Lincoln, the Great Emanshipator."

If you did not see Paul Pullen's article or if, having seen it, you forget it, dig it out on your return home and study these examples of fine advertising copy.

Paul's article is just one of the many samples of advertising which Exec. Sec. Jim Sheridan and E. L.

Alward, his Assistant, have reproduced and forwarded to the membership during the past year. Scarcely a bulletin has come out of headquarters which has not contained some outstanding title ad, some article on the importance of advertising or a report on advertising your associates are doing. We wish to take this occasion to congratulate Jim and his assistant for these helpful contributions to the conduct of our business. Quite a few of the ads in the Exhibit this year have either been reproduced or commented on by Jim and the National Office. So, in connection with advertising copy, if you're too busy or have no one to prepare it, write National Headquarters, the Chairman of your A.T.A. Advertising Committee or Paul Pullen and ask for help. Give some kind of background regarding your company, your community and your problem. Ask them for ideas as to how to handle such a situation or for samples of ads used by other companies in similar situations. Some one in this great Association of ours has the answer and will be glad for you to have it.

One more point and we're through. We don't want to tire you as the preacher tired the inmates of one of our state asylums out in California. He was conducting religious services and had droned on and on, when an inmate suddenly broke into the discourse, "Keerimeny!" he shrieked wildly, "have we got to listen to this?" Confused and uncertain as to what he should do, the minister turned to the attendant, asking if he should continue. "Pay no attention to it," counseled the keeper. "That man has only one lucid moment every seven years."

The advertising you see on display here not only is proof that many of our members *do* believe in advertising but also *do* believe they should advertise, regardless of how good business is, and *do* advertise because they believe there is more business to be had than they are getting. To further document these last two points, I would like to tell you briefly of the advertising program of my own company. I cite this example because I am more familiar with it than any other.

Title Insurance and Trust Company (Los Angeles) is in such a fortunate position, from both a business and competitive standpoint, that it would be easy to say "We don't need to advertise." On the contrary, it carefully considers all types of advertising and, in addition, spends a tidy sum on public relations activities which, as good will builders, might easily be classified as advertising.

To supervise this activity, and advertising committee meets weekly to consider all such programs and expenditures. Its personnel includes the Secretary as Chairman, the Executive Vice President, the Vice President in Charge of Public Relations and Personnel, the Vice resident in Charge

of Advertising and Publicity, a Vice President from the Title Division, one from the Tax Division, the Vice President in Charge of Customer Relations and an Assistant Trust Officer in Charge of Estate Planning from our Trust Division.

The radio program, "Romance of the Ranchos," now in its 5th year, constitutes our largest single advertising activity. A one half hour broadcast, over the Pacific Coast network of C.B.S., it originates at KNX in Los Angeles, Sunday evenings at 6 p.m. Although competing, until recently, with the Jack Benny show, this program enjoys the highest Hooperating of any local dramatic show in the nation.

Our current newspaper advertising series, "Ranchos Become Cities," appears in the advertising exhibit as "Our Best Ad for 1947" and is described there in detail.

Magazine advertising is carried in three real estate publications, a banking publication, two insurance publications, a savings and loan journal, the local bar bulletin, a trust magazine and California Westways, an automobile club publication, with a definite historical content.

Booklets and pamphlets published during the last year have included People Prefer Policies, What Protection is Title Insurance? Speaking of Title Insurance, Land Measurement Pamphlet, Here's How to Speed Up Your Escrows, Tax Information for Property Owners, Important "Do Nots" for Building and Loan Applicants, Probate Form Book, Escrow Prorating Tables, Digest of Tax and Assessment Laws, Schedule of Revenue Stamps for Deeds, Pinning Down Your Property, a series of four historical booklets—the old reliable Romance of the Ranchos, now in its 8th year of distribution, The Forest and the People (the history of Angeles National Forest), Whittier (the historical background of the City of Whittier, California), Inglewood (similar booklet on the City of Inglewood, California), a series of three booklets entitled Meet Your Title Officer, Meet Your Title and Escrow Officer and That You May Know the Tax Division, eight booklets for our Trust Division and our Title Insurance Price Schedule. 5000 copies of a Digest of 1947 Legislation in California, prepared by Floyd Cerini, Executive Secretary of the California Land Title Association, are now being distributed by the Company to attorneys in California.

For the benefit of our employees we have published our monthly house organ, T'n'T, the Tip Off (our employees rules and policy booklet) and Rules for Coding and Maintaining the General Index.

Our public relations and good will activities include the following:

Real estate brokers handbooks for the various Realty Boards in the County, which contain constitution and by-laws, commission schedules and rosters of membership.

Membership rosters for various organizations in lines of business kindred to the title insurance business.

A series of letters to new real estate brokers, containing company pamphlets of interest and help to them.

A syllabus on descriptions for engineers.

Bulletins and letters to our customers on company procedure and changes in such procedure.

Maps of the Ranchos in Los Angeles County—framed and unframed.

Christmas cards.

A speakers bureau which furnishes speakers to civic and business groups.

Advertising panels for display purposes and window exhibits.

A booth in the Southern California Construction Industries Exposition and Home Show, featuring Title Insurance and offering our various booklets and pamphlets to the public.

A historical picture collection of some 10,000 negatives of early Los Angeles, which we draw on for advertising and publicity material and which we make available to other organizations in the community for similar use—asking only that they give the company a credit line for the use of the picture.

Flowers or plants for the opening of customers' new offices.

An annual dinner for approximately 1100 members of the two Escrow Associations in the County.

An annual dinner for approximately 500 people in the building and loan field.

An annual cocktail party for approximately 350 City and County Officials of Los Angeles and some 48 other incorporated municipalities in the County.

At an annual luncheon for approximately 550 members of the Interchange—a national cooperating group of real estate brokers—the Company gives each member a gift, consisting of a practical advertising novelty such as a stapler, memo pad holder, letter opener, etc.

Memberships in organizations in affiliated lines of business; delegates to the annual conventions of such groups and the usual miscellaneous entertainment in connection with such meetings.

The Company also retains an outside national advertising agency and a public relations counsel. This gives it the benefit of seasoned experience in each field as well as an objective viewpoint, whether it be in the realm of advertising, employee, stockholder or public relations.

In order that you may see some of the material used in the Company's advertising program, a special board has been prepared and appears at the

right hand side of the regular advertising exhibit. I shall be glad to answer any questions I can regarding this material or the advertising program itself.

Before the meeting is over we hope to display a board on An Outline of Land Titles from the California Land Title Association. It was felt that perhaps you would be interested in what the California Association is doing at present in the way of Public Relations.

Last year the Association discontinued its public relations as a specific

project and retained Melvin B. Ogden, Vice President and Senior Title Officer of Title Insurance and Trust Company of Los Angeles to revise and bring up to date, in a more comprehensive fashion, his former book on Escrows and Land Title Law.

As an incident to his major project of writing a comprehensive legal text, he is preparing detached outlines of each completed chapter of the book. The outline, to date, totals 11 chapters of the planned 18 and 10 of these chapters, totaling more than 225 pages, are now in the hands of the



BRIANT H. WELLS, JR.

*National Treasurer, The American Title Association
Vice President, Title Insurance & Trust Company,
Los Angeles, California*

members. This completed work which we hope you may see on display is available to the members for use as a reference manual and for training and educational purposes.

Throughout the outline, title practices relative to various points of law are shown.

The Association recently appointed a committee, consisting of representatives of companies in California, which will review and attempt to reconcile varying title procedures and practices throughout the state to the end that uniformity will be attained.

In closing, we wish to thank you for the privilege of serving as your Committee on Advertising and Publicity during the past year. Our appreciation to those of you who wrote in and particularly those who contributed material to the advertising exhibit. Our thanks again to the national officers and my personal appreciation to the members of the committee for their advice and assistance. We hope the modest contribution we have been able to make has been helpful to a degree and speaking of helpful, a Sunday School teacher had been telling the story of Spring, and the miracle of the Easter Lily. "Now, children," she said, "who can tell me what it is that makes the lily spring from this shriveled little bulb?" "God does it," piped up one little lad who had learned his lesson well, "but fertilizer's helpful too."

Thanks for your forbearance and attention.

Respectfully submitted,

Andrew Dyatt, President, Landon Abstract Company, Denver, Colorado.

George F. Janiga, President, Monroe County Abstract Co., Monroe, Michigan.

A. W. Hoover, President, National Title Insurance Company, Miami, Florida.

Arthur G. Pulis, Jr., Vice President and Treasurer, Franklin Mortgage and Title Guaranty Co., Newark, New Jersey.

By: Harvey Humphrey, Chairman
Public Relations Division
Title Insurance and Trust Co.
Los Angeles, California.

DISCUSSION

CHAIRMAN O'DOWD: This gentleman is prepared to answer questions you would like to direct his way.

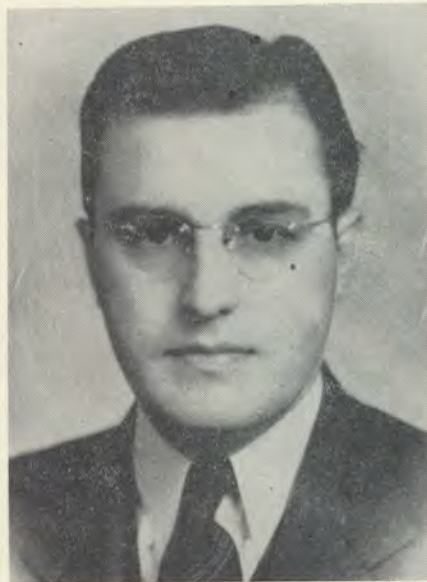
MR. FRANK STEVENS (Angleton, Texas): Does not someone want to ask this gentleman how much a year his company spends on advertising?

MR. HUMPHREY: Our company has a budget of approximately a hundred thousand dollars a year. It is a very good example that we do believe that advertising pays. We have found it to pay time and time again..

MR. JOSEPH T. MEREDITH (Muncie, Indiana): Suppose you can only

have one form of advertising—what would you choose?

MR. HUMPHREY: Mr. Meredith, I would say that would depend on your local county situation. If it is a county where your newspaper is thoroughly read by most of the population in the county, newspaper advertising might be the answer. I think in many cases smaller companies would find personalized direct mail of the greatest value. I think the most valuable piece of advertising which we have put out during the past year was a reprint of the pamphlet, "Pinning Down Your Property," originally prepared by the California Land Title Association. We distributed a hundred thousand of those



ARTHUR R. MACOM

*President, Arkansas Land Title Association
Owner, Macom Title Company, Stuttgart,
Arkansas*

this past year, sending them to all licensed real estate brokers in Southern California, and asked them if they wanted additional copies for their customers.

Following the mailing of the first ten thousand I think we received requests from those same brokers for, I think, approximately another twenty thousand to distribute to their customers. The pamphlet goes into the complete story of your property as a description and how it may be "pinned down." I think in smaller communities that a pamphlet of this kind or direct mail, with a personal touch, is probably the best type of advertising; that would be my personal opinion.

MR. B. W. STEWART (Beatrice, Nebraska): What is the approximate population of the territory you serve?

MR. HUMPHREY: I am almost afraid to answer that question and give the population of Los Angeles County. The last estimate on it, I think, was around four million. That was for metropolitan Los Angeles County. The city itself contains between two and a half and three million people.

MR. JOHN J. DUTEL (New Orleans, Louisiana): You have displayed an advertising program which shows progressiveness. What has been the reaction of the Bar to that program?

MR. HUMPHREY: Mr. Dutel, in Los Angeles County and in California we have a committee that cooperates with the Bar, the California Land Title Association has a committee which cooperates with the Bar on all such matters. Much of our advertising is directed to the attorneys.

The Probate form book, for instance, is one of the finest things we have ever put out, and all of the attorneys in Los Angeles County use it. Much of our advertising, our newspaper advertising, is keyed to certain groups, the attorneys, the real estate brokers, the escrow associations, and the life insurance underwriters. In the corner of the advertisement is a coupon which tells these people they may have additional reprints if they want them for mailing. I think last year we spent about twenty-five hundred dollars on reprints of our newspaper advertising for various interested groups. We mail those reprints of the advertisements to any group which wants them.

MR. JAMES T. JACQUES, Title Guaranty Co., Milwaukee, Wisconsin: What percentage of your gross income do you estimate might be spent advertising?

MR. HUMPHREY: One and one-half per cent, Mr. Jacques.

MR. STEVENS: I have wondered if it would be a good way of advertising to mail some circulars, somewhat like your "Pinning Down Your Property," to people who have just become purchasers of unimproved properties, as indicated by the daily files, suggesting the necessity of having their titles examined before they improve the property, or something along that line.

MR. HUMPHREY: We are doing that type of work in quite a number of our pamphlets and folders. We have the "Statement of Identity" system in Los Angeles County, and for every order we get we get a statement of identity from the parties concerned, which gives us their name and address. From that list we are able to compile a very satisfactory property owners list, and we do send some of our material to those on that list.

CHAIRMAN O'DOWD: When we started twenty-seven years ago, we did not have a lot of business and the community was not nearly as large as it is now. I made a practice each day of writing an individual letter to every grantee pointing out that they were now the owner of real property, that they should realize their responsibility, that they should proceed to make a will—to see their attorney and have it attended to without delay. I also casually mentioned that I hoped they had an abstract of title prepared, and if not, it might not be too late yet to have one, and have the title examined. The response to that was great, particularly from the attorneys.

Abstracting—A High Privilege

By WAYNE M. CAMPBELL

*Owner-Manager, Campbell Abstract Co.,
Garden City, Kansas*

Every abstracter's good friend, the one and only Bill Gill, unofficial mayor of Oklahoma City, doesn't tell this one when he pops off in one of those famous speeches of his, without which no American or Oklahoma or Kansas or Texas or Colorado title convention would be complete maybe not those of New York, California and Timbuctu either—I don't know. But anyhow I like the yarn and maybe you will:

When Bill got married his dad was so happy to have him out from under foot at last that he said "You two kids go and take a nice honeymoon trip. Here's a ticket all the way to Kansas City, for a drawing room on a real Pullman—they're supposed to be sleeping cars, you know." So the bride and groom scurried right to the depot from the big church around the corner. (They don't have little churches in Oklahoma, you know—everything's big.) And first thing he did when he met that porter at the Pullman step, Bill handed him a piece of paper. It didn't have a photo of Washington on it either. The man's smile almost burst his eardrums. Bill whispered, "Son, this is my bride, but I don't want you to let on to a soul that we are newlyweds. We want folks to take us for granted and pay no attention to us. You keep still, that's what I'm paying you for. I'm an abstracter and abstracters don't spend that kind of money for nothing." "Sure, boss, sure I understand. I won't tell nobody about you," was the comforting compliance.

So it was no wonder our Bill was surprised and mortified when, on emerging from their staterooms next morning, he and his bride couldn't help feeling the eyes of fellow passengers almost boring holes through them as they made their way to the diner. And during their long trip back through the train after breakfast they felt sure every eye followed them as far as they could be seen. Some were smiling, some scowling reprovingly, nearly everyone was whispering something to his neighbor.

Burning with righteous indignation, as only your true Southern Gentleman can burn, suh, Bill could hardly wait to shut the stateroom door on his crimson-faced bride before rushing to hunt that traitor, his porter. "You low-down scamp, you," he flung at him, "I told you not to let on to anybody that we were just married, and I paid you hard-earned cash to stand by us. But now look—everybody's making fun of us or worse. Did you tell the folks in this car or didn't you?"

Shaking in his boots George stammered "No suh, Marsa Bill, no SUH, I didn't tell a soul you-all was mar-

ried. No suh, I told them you was not married—you was just good friends."

Well, that's my theme today: The abstracters are good friends. Friends of each other, friends of the public. I know of a big insurance company which likes to advertise that you should hunt up its agent—he's "A Man Worth Knowing." That's what any title man worthy of membership in our American Title Association is. His friends have learned to value him. He has a right to advertise "See the Blankety Blank Abstract Co. First." Meet him once and he's your friend henceforth. Drop into his office when you're far from home. From then on



JUSTINE I. MILLER
*President, Kansas Title Association,
President, Montgomery County Abstract Co.
Independence, Kansas*

you will know a good man to use as your contact man when you have mail or phone business with that town. The abstracter should find it easy to be a friend to everybody. He holds a unique place. He's as near indispensable as anybody in his county. Often, if he isn't there or hasn't left a good substitute, things in the title line just stop. But instead of letting his importance go to his head the true title man feels he has been called to a useful community ministry. His chief joy is in knowing people, remembering men and transactions from years back, and being the friendly information bureau every town needs.

A year ago I was given the fine honor of an invitation to speak to the Colorado Title Association on a theme

similar to this. Ever since, I have been even more sold on my life's calling than I had been in the long years before. Even beyond the good ideas I gleaned for self-help do I value the contacts there made. Friends they were, many friends, men and women I had never seen until that day. There in Denver, in Colorado Springs, in half a dozen other towns of their state, down to about the smallest of its 63 counties, high in the Rockies, I have visited abstract offices. And in each place there was something to be learned and, more important, a friendship to be started or furthered. No abstracter is ever a stranger to another abstracter after he's seen him once — remember that. If you can't say that, maybe you're not the right kind of personality for your job. Maybe you better give the office away, go to farming back in the hills somewhere.

Kansas

My brethren of the Kansas Title Association have entrusted me with the dubious honor but obvious drudgery of editing our monthly printed magazine, *The Kansas Abstracter*. You cannot write about title folk without knowing them and their situations, so it has seemed incumbent upon their Scribe to be by spells their Roving Reporter. In visiting over 150 abstract offices in 55 of our state's 105 counties I have found a new richness for my life, a new outlet for friendliness. These men and women in counties from the very largest to the very least have become my friends and we of the state association are the more loyal to it. Throughout these thousands of miles pushing the old Dodge I have picked up countless new ideas. In studying their offices, their methods, I have gathered more than a few notions, strengthened some hobbies, and hope to pass on some of them.

But right here will you allow a devoted son to digress for a few moments? I mentioned Kansas. And the name of Kansas is to the true Jayhawker what the initials F.D.R. were in four certain conventions our national history records. So I must sit up on my hind legs and bay, not to the moon but to the Sunflower State, my own, my native land.

There are at least a few here from outside Kansas, possibly two or three who have never even seen it or breathed its pure air—souls deprived, souls to be pitied. We Jayhawkers beg of you, don't turn back to those Eastern or Northern or Southern homes without stepping across the line to say you have at least seen Kansas. Or better, make some of these host ab-

stracters drive you out through the famous Country Club district and over into the best part of Kansas City—the part which is really in Kansas and not just some more of this Missouri city. (Just between us girls, Jim Sheridan says he's going to print all the news that's fit to print, so if this is, then maybe one or two readers of the Pro-through some of this excess verbiage and thus read a little of the Gospel according to a Kansan. If so, then I can go home and face my Chamber of Commerce.)

We who are almost homefolks, because Kansas lies less than a mile from this Muehlbach Hotel, we who are co-hosts with the Missouri title fraternity, really do want you to know a little about our state. We thought enough of this National Convention that we arranged our own Kansas Convention for last Saturday, just across Twelfth St. here, and a lot of us stayed over. It was tough, because for a Kansan a Sunday anywhere but in pure Kansas is pure torture. But we stayed. If we thought that much of the gang from New York, Florida, Detroit, Iowa, New Orleans, Seattle, Los Angeles and points between, then some of you ought to appreciate Kansans enough to run over into our promised land and view the landscape o'er.

Not Lily White Either

Really, fellows, Kansas, like many a girl, isn't as bad as she is painted. We have a dozen active abstracters over 75 years old, some of whom have kept their feet on the same desks over half a century. If it were the jumping-off place, the Indian and buffalo paradise or the dusty desert some of you have been led to believe, those boys just couldn't have stood it. No sir, 'taint nothing like those pictures. Like Heaven, "it's the last place I want to go," some folks tell you. But that's just because they don't know Kansas. We've gotten more bad publicity, less good publicity than any other state—except of course California in Florida and Florida in California. If all the fly-by-night reporters who have sent their eastern papers lying yarns about our state were laid end to end,—well, we loyal sons would like to make a sidewalk of them. They even say sometimes of our Carrie Nation state that some of us folks are thirsty. It's a lie, we aren't. Just watch our fellows during this convention. You'll see they're not.

Kansas has made out very well, thank you. She was populated mostly soon after the War Between the States, by tough overland travelers and homestead-seeking soldiers, families from all the Eastern and Central U.S.A., and those staunch real Americans still make up her core. We have the fewest foreigners of any state, no strikes, no race troubles, and big Industry is finally realizing that, moving factories into our inland peaceful protection. We have withstood drouths

and stayed until riches are abundant. We even have abstracters who raised nearly a half million dollars worth of wheat this summer, just as a sideline. We have oil, gas and other mineral resources that make the wealth of the California 49ers and the Klondike suicide squads look like Italy's gold reserve.

More About Kansas

Kansas is a fruitful state. That hymn must have been written there, "O beautiful for spacious skies, for amber walls of grains, for purple mountain majesties above the fruited plain." It would take to long to tell what we raise and the list of what we don't is blank. But mostly we like to brag about our men. The rest of this country and the world is so short of fine fruit that we send our choice young manpower and womanpower everywhere. It makes us happy to hear of the fine contribution made by our scientists, our industrial giants, our teachers, preachers, statesmen, yes, bishops, college presidents and directors of governments, our Eisenhowers and all the rest of the host we have furnished a needy world. It seems only our writers have stayed at home. Our William Allen Whites have found just the right inspiration in their small towns where Nature and the common people furnish joint inspiration.

Kansas is an abstracters' state. If in our thinking we conceive our profession in terms of the small office, the man who actually makes abstracts himself, no wonder. We're a state of small towns, of offices with the boss and one or two helpers. The big plant with great rooms full of employes, a boss who is contact man but seldom thumbs the records or types out a transfer,—that's the very rare exception. And because this is true of most abstracting states it is permissible to talk mostly in such terms. Naturally, such states emphasize actual making of abstracts and have very little knowledge of or concern with title insurance. We may be the little fellows here at national conventions, but we're the majority out in the sticks.

Abstracting in Kansas

The story of our Kansas Title Association would be a book in itself. In our forty years we have bound our abstracters well, reached a membership of 200 firms in almost every county. We secured an abstracters' examination and license law, state control over our surety bonds. We have uniform forms and certificates, a state-wide rate scale. We have our own title course, our own monthly magazine, annual conventions both for the state and for each of our ten districts.

This Kansas of ours is a land of great open spaces, of beauty in great variety, with flatlands where you can see a locomotive headlight 50 miles and a farmer drives his combine five miles straight ahead without a fence or gully

to bother, shelling out \$125 worth of wheat per acre while he does it. But it also has those purpled hills, many enticing little lakes, a fine system of state parks, the nation's most lovely sunsets and most perfect women, all reached by a fine network of almost 2,000,000 miles of improved roads. When I add that autumn is our fairyland season, an artist's dream, how can you go home without paying us a visit!

We have a great state in size. Many drive all day but still haven't crossed it from Missouri to Colorado. California is longer, but we're not so narrow. You can be out in God's out-of-doors practically all the time. So many of our towns are of that variety—you say: "Here comes a nice-looking little town—wasn't it." They tell me you can drive all day and never get out of Los Angeles. In Kansas we haven't a city requiring fifteen minutes to drive from limit to limit, even counting stoplights. It would take all of ours with 10,000 or more people to make one Cleveland. But who wants to make another Cleveland—or Detroit or Boston? No, we like fresh air.

She is a great home state—and we title folks take credit for seeing that so nearly all our folks are nestled in their own homes free from worries about their clear titles. Apartment houses are almost unknown, tenements utterly so. She is a great church state, a literate state where everybody gets a good education. We would like to show you our university at Lawrence, our state college at Manhattan, our three teachers' colleges, our nine church-supported colleges our municipal universities in Topeka and Wichita. And besides those we glory in 14 two-year junior colleges.

Time fails me. If you haven't a better impression of Kansas now, you're a hopelessly prejudiced foreigner.

In all this gallivanting I have done among the fraternity it was impossible not to form some opinions. The more I study my profession—it is more technical than a *business*,—the more I am convinced it is a privilege to be an abstracter, just as it is a privilege to live in Kansas. Or even to be *from* Kansas. Our President O'Dowd, that exile to Arizona, admits with pride that the Jayhawker state gave him his start. And so I was billed to speak to you on **ABSTRACTING, A HIGH PRIVILEGE**. Let's see if we can't find the *A, B, C's* of Abstracting. They will give us new insight to why we are privileged to be in just the jobs we are.

A is for **ARTIST**. Your good abstracter is an artist. If his work isn't artistic it isn't worthy. We are craftsmen. Few sheets of paper in the world sell as high as ours. Bind a few of them together, sign your name, and collect \$25 or \$50, maybe \$200. Such valuable paper should be more than a bunch of typed sheets. The client deserves something on which we have spent time to make it as neat, as accurate, yes as ar-

tistic as possible. We should make sure that our office helpers are more than copyists. Anybody can be a typist, but mighty few can be artisans worthy to make abstracts.

B, to me, says the abstracters are BORN, not made. Some fellows can peg away at it for years, never get the knack. There is very little else in the country you can't go to school and learn. But who ever heard of a course in making abstracts. It is well that many a son and daughter follows in the tracks of a dad who himself grew up in our profession,—yes, many a grandchild. It runs in the blood. An increasing number of title men is showing its sons the advantage of coming into the firm, not trying their skill at some utterly foreign trade. It's a proud moment when a man can say of his son, "He's a born abstractor."

C stands for any number of abstractor labels. It might mean Cantankerous Conceited Crazy old Cad, or Contented to Count the Contents of the Cashbox—and the public be damned. But I like to think of the vast majority. The good abstractor is, among other things, a COUNSELLOR. He doesn't have to be an attorney to give counsel, friendly advice and explanations to those who need counsel. Thereby he becomes sure of Contented Clients.

D is for DETAILS. You can't be much of a title man without being a Detail Man. That goes against the grain for many. But he who can't get down to the little items better find a lesser profession. Millions of dollars are spent yearly putting through court those regrettable actions to quiet titles against boneheads that crept in just because somebody without proper knowledge or attention to detail handled some item, probably drew a deed and had John Smith sign it when he could have known J. T. Smith was proper. These expenses too often fall on the poor who can least afford them. Too often such costs are inflicted by inaccuracies in the abstract itself, not in the record. If we are too rushed to watch all the little vital details we are just too darned rushed.

E, the fifth letter in our A, B, C's, says to me that the good abstractor is an EXPLORER. Here's some of that high privilege I'm trying to get you enthusiastic about. What a lot of fun we have exploring stuff that 9999 out of 10,000 couldn't make head or tail of. We spend our lives digging into musty old volumes, but the effort is well repaid when we come up with treasure trove.

F suggests to me FAR-SEEING. We are not spending our efforts just on today, like the grocer feeding the body's craving, nor yet on this delving into the past to connect it up, nor with both. We combine past and present and take the long view. We prepare the history of a farm, town home or business lot, help see that everything is safe up to now, and that today's transaction is properly handled. Then we look for-

ward, have the fun of picturing some title insurance lawyer reading our abstract in the year 2100. Surely our work gives us that FAR view—far backward and far forward.

G. Guiding is an important element in this privilege we have. The best abstracters are good GUIDES. Men and women come to us constantly with questions, many young couples who have never owned homes are anxious to know about the pitfalls before the feet of inexperienced owners. It is our real funto guide them, show them what is safe and what they can't afford to risk. Then there's another privilege: We are constantly guiding others in learning one of the best professions. Once in awhile we find an employer who refuses to train help only so far, fearful lest the young man or woman become proficient, perhaps become a competitor. That is unworthy. We should be happy



FRED H. TIMBERLAKE
Secretary, Texas Title Association
Vice-President, Lawyers Title of Texas, Inc.
Dallas 2, Texas

to see youth learn and achieve, explore the untried, become better title experts than we could ever make of ourselves. Few things give more satisfaction than being a successful GUIDE.

H is for HISTORIAN. We *extract* the essentials, write them down in an abstract. What a *contract*! We obligate ourselves to put down all the essential truth, nothing unessential, add nothing that is not the truth. We reach far back into the hazy past, read writing that was terrible back then and has faded until now it is horrible, and under thousands of dollars bond obligate ourselves, our ancestors and descendants that our interpretation of what we decipher from those hieroglyphics is 100% proof. What a snap those college guys burrowing in the Sphinx or King Tut's Tomb have! Nobody needs care or can ever protest if they translate wrong. But woe is the poor ab-

stracter! If he reads his source material wrong, puts the wrong word in his history book, maybe they have to move the Empire State or Muehlbach Hotel building—or else make him sell his business and his shirt to pay for his failure to be a Master Mind at interpreting the uninterpretable, guessing the unguessable and unscrewing the inscrutable. And yet with all that, there aren't two abstracters here who would quit the business for a million. Anyway, not for a thousand. What fools we abstracters be!

I stand for INQUISITIVE. In your business and mine it isn't necessary to be a Sherlock Holmes but it helps. You need an open mind, but more. It should be an inquiring mind, yes even a suspicious mind. We find title pitfalls where we least expect them. Take nothing for granted. The most innocent looking matter in a title may be deadly. So from the first day in the game until his last, the abstractor needs to use that searching, inquisitive knack that makes a true historian.

J means to me a thing not another one of you would think of—JEALOUS. The good abstractor is Jealous of his job, his plant, his product. If he isn't jealous of his wife he deserves to have her slip over to the guy who will treat her better. Jealousy of the right sort is a worthy thing, and if I am not jealous of this great privilege I have in serving my fellows I am not serving them as they deserve. I should feel that I have the best sample of the best kind of title business in the best town in the best nation. And should strive to make it so good everybody will say "He has a right to be proud of his plant and product, a right to be jealous and hang on to it."

K is for Key. In many respects the good abstractor is the key man in his community. When they ask for information, have the answer. When they want a leader in a campaign, be the first man the city, county or state thinks about. When a million-dollar deal hinges on quick furnishing of title evidence, be the KEY, not the bottleneck.

L suggests being LEGAL-MINDED. We may all know a few title men who have not that gift. But it is practically essential that the full-time abstractor know as much as a lawyer about many fundamentals of conveyancing, mortgages, court suits affecting titles, probating and chains of title. He is not taking the lawyer's prerogatives. But his intelligent output is certainly making life easier for his examiner friend. If he just can't get the hang of it, hasn't the LEGAL feel, he better quit, just as he should if his L stands for LAZY.

I don't blame you for wishing the English alphabet was as short as a few cannibal ones, had only about eight letters, like the notes on a piano. But we're starting downhill now, so please wake up.

For M I am putting MAP-LOVER. When you learn how to do any title work without MAPS and PLATS please let me know. If these necessary evils are odious to you I pity you. Many of us get a real kick out of studying them, making our plats and subdivisions, making it as easy for the examiner to visualize the property as is humanly possible. When I look at the District of Columbia on the map I like to feel myself strolling from the White House toward the Capitol, glorying in the picture of the floodlights bathing that great dome. When I study my county map I feel myself on Harry Brown's ranch or Bill Jones' wheat farm. Indeed the best abstracters are always the best plat experts, the real MAP-LOVERS.

N represents NECESSARY. I am talking to the indispensable man—or woman—from many a community. You quit and real estate deals stop. One or two stores wouldn't be much missed from even a village. But one title plant taken out of a city might paralyze it. Be glad that you are NECESSARY—in some cases more indispensable than your county courthouse.

And here comes O. Let it say to you OPTIMIST. Everybody likes a booster, a man with face to the future. Despite all the heartaches we visualize as we delve into the records of title losses homes taken by mortgagees, be happy, be thankful for the many we have helped to that grand feeling of security, home ownership. And tell the world that the best is yet to come. There is no place for the long-faced grouch in our profession.

P is for the PUBLIC. You're a PUBLIC SERVANT, even more than is your County Recorder, even your Senator. If he gets tired of being bossed around (as few of them ever seem to) he can quit. But you have to take it. And you may well admit it, you like it. The title man who can't meet the public is more to be pitied than scorned. Let us be glad that the PUBLIC expects much of us, depends on us, has supreme confidence in our accuracy, knowledge and ability.

Q—that's Q-RIOSITY. (If you can find something it stands for, stay after class and tell me). The fellow unwilling to undergo all the torture you do to make a slender living thinks you're some CURIOSITY out of the crazy house. But what I mean is your ceaseless desire to learn new things, improve your work, create systems nobody else has thought of. That kind of CURIOSITY is creative genius offtimes.

ROMANCE starts with R—and we all like the abstracter who is a ROMANTICIST. Feel that it is not a dry chain of title you are compiling, but a romance. Step by step you can trace the fate of families who owned that home. See the coming of the covered wagon as the homesteaders stake their claim. Thrill as they soon pay off that

mortgage they made for the money to build their first real home. You know the Lord was good that year and gave them a good crop. Or grieve with their neighbors in the next township, because you can read all too plainly how the drouths came and they had to give up, turn the prairie schooner around and go back to wife's folks, leaving the homestead to the fate of tax deed and sheriff's deed, then very likely a bankruptcy for the mortgage company which had too much faith in the new country, loaned too heavily on just such homesteads. He who misses the ROMANCE from his job of putting down these happy and tragic items onto the pages of history we call abstracts is missing most of the fun.

S is for SERVICE. If a place which hands out gasoline, free air, water and comfort can call itself a SERVICE STATION, how much more the abstracter has that right. SERVICE is an over-worked word, but in the light of all these public contributions the title man makes, sketched as we have proceeded through the alphabet, it is surely deserving of use for him and by him.

For T let's put TRUTHFUL. That I could have stood for INTEGRITY. The abstracter's word must be as good as his bond. He isn't bonded to make him truthful—he's inherently honest. We have heard of just a few who have twisted records to make them say what the abstracter thought they ought to say, innocent changes. But that's not what we're bonded to do. Accuracy is paramount in this exact science of ours. When the examiner looks at a transfer or a copy of proceedings he must know that we abstracted it with precision and that there is no reason for him even to *think* of going to the courthouse to check us.

U represents UNIQUE. Let's be glad we're not doing something that Tom, Dick and Harry are—like clerking in stores, plowing corn, pulling teeth or pounding nails. Our profession is UNIQUE, very exclusive, one of the smallest, most select professional groups in America. It is a high privilege to be entrusted with responsibility so uniquely specialized.

V suggests VENTURESOME. The best craftsmanship never stands still, no matter how old the trade grows. There is a challenge about venturing out, trying new and better methods to make our product and service even more valuable to our clients.

W means that the abstracter is a WORKER. The boss' day is never done. There is a strain of great responsibility always on his shoulders. The man or woman who isn't energetic and ambitious better stay out of our profession. But it's worth all the toil.

X is for -XPERT. In this X-act science, where X-celence of handicraft is paramount, it takes X-tra brains to

X-tract the pertinent from the X-traneous. It is not X-travagant to say that if you X-periment in our trade without X-perience and X-ecute abstracts without an X-cellent knowledge you are liable to make X-ecrable errors which it won't take an X-ray to X-hibit, and you're liable to make your X-it as a horrible X-ample of an X-abstracter.

That leaves us Y. Y is the first letter of YOUTHFUL, and Youthfulness is an adjunct of the good title man. In visiting offices you may conclude it is an old man's profession. But that's just the calendar. It doesn't count. Some of the youngest men we know have been working on titles a half century or more. Somehow, delving into those musty tomes keeps you vivacious. Nothing can quench the right youthful spirit. So again I say, it's a high privilege to do abstracting. Who doesn't want to stay young?

Z ends our alphabet with ZERO. I'll fool you and just add a NOTHING here. If we haven't found anything worth thinking about in 25 tries there's no use searching for a 26th.

So there you have him. The genuine and best abstracter is:

An ARTIST.
BORN—not made.
COUNSELLOR.
DETAIL-Man.
EXPLORER.
FAR-Seeing.
GUIDE.
HISTORIAN.
INQUISITIVE.
JEALOUS.
KEY-Man.
LEGAL-Minded.
MAP-Lover.
NECESSARY.
OPTIMIST.
PUBLIC-Servant.
Q-RIOSUS.
ROMANTICIST.
SERVICE-ful.
TRUTHFUL.
UNIQUE.
VENTURESOME.
WORKER.
X-PERT.
YOUTHFUL.

Well, that's that. Maybe I have helped somebody to agree that abstracting really IS a High Privilege. At least you've heard a few ideas nobody else would have thought of. Who would want to? Anyhow, give your poor speaker credit for being original, please—and complimentary. You know we

could use other folks' words and say that B stands for Bull-headed, C for Crook, G for Grafter, I for Ignoramus, R for Racketeer, and so on, far into the night.

What you've heard may sound like the dreams of an impractical idealist. I'll admit I thought during my college

days that the ministry was my life-work. So you see the natural trend of mind. But don't blame Chairman Glasson too much. Any chairman has to take a chance or two when he's working up a program and so many of his prospects turn him down, say they're too busy or can't make a speech.

And so my story's told, it's mostly o'er;
Most of it never breathed the air before.
You've been most grand to me, you've heard me through;
I trust some word I've said may prove of help to you.

Title Insurance Section — Report of Chairman

By FRANK I. KENNEDY

*President, Abstract & Title Guaranty Co.,
Detroit, Michigan*

After noting the number of reports by officers and committee chairmen, which are required by the agenda, it is apparent that brevity in this report, although it may not be conducive to wit, will save a lot of time which may properly be taken up in hearing some of the other reports.

The Title Insurance Section has had a number of questions referred to it during the past year by the Secretary or by members of the Association. Some of them could not be answered out of hand and have been placed before the members of this convention in the form of discussions on the program.

Among the matters which were followed with great interest by the Section was the attempt made by the Dade County, Florida, title companies and representatives of the bar in that county to work out a line of demarkation between the proper functions of the title companies and the attorneys in that state. The nature of such functions is not always easily reduced to precise language. A committee of the Dade County title men under the leadership of our good friend, De Blois Milledge, of the American Title & Insurance Company of Miami, held numerous meetings with the bar association representatives and I am happy to report that an agreement was entered into between the title companies and representatives of the bar on June 30th of this year.

Relations With the Bar

While opinions differ as to the desirability generally of arrangements of this sort, since neither party to such an agreement should be expected to do less than the law permits and should not do more, the Dade County agreement seems to have been worked out to the satisfaction of both parties and Mr. Milledge and his associates are to be congratulated upon their success.

Reinsurance and Co-Insurance

The study of reinsurance and co-insurance, which will be of great interest to all title insuring companies, has been carried out by a committee under the able chairmanship of Mr. Benjamin J. Henley of San Francisco, who will make his own report.

Mr. Henry J. Davenport of New York, a member of the committee, has prepared a draft of a treaty for ac-

cessory insurance and will appear on the program at this convention. On

behalf of all members of the section, the committee extends its thanks to Mr. Henley and Mr. Davenport for the work they have done in connection with this study.



COL. FRANK I. KENNEDY

Regional Conferences

One of the most important actions taken during the year was to sponsor, in cooperation with the National Underwriters' Section, two regional meetings of executive officers of title insurance companies. A meeting was held in Oklahoma City on Sept. 15th and 16th for the members of the American

Title Association in the states of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas. A second meeting was held in Atlantic City on September 22nd and 23rd for members in Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Vir-

ginia. The response by the members in each of these regions indicates an interest in regional meetings, which, in the opinion of your committee, warrants a recommendation to the Board of Governors and to the new Title Insurance Section officers, that a program of regional meetings be sponsored during the coming year.

Abstracters Section—Report of Chairman

EARL C. GLASSON, *President*

*Black Hawk County Abstract Co.,
Waterloo, Iowa*

CHAIRMAN GLASSON: The first business on our agenda is the report of the Chairman. This report will be extemporaneously given rather than written out, for the reason I wanted to inject more of my own personal feeling in this matter than I felt I could do if I wrote out a dry and statistical report for you.

In the first place I want to tell you that being chairman of the Abstracters' Section is something for which I am deeply grateful. I am grateful for the reason it has given me an insight into my own business and the position of my own business in the affairs of the country which I had never been able to get before.

It has been my good fortune to attend meetings of two state associations; that of Oklahoma last February and that of Wisconsin a week ago. In both I found very fine people. Using those two conventions as a criterion, I have come to the conclusion that the people in the abstract business in the United States are about as nice a bunch of people as you can find in any cross section of humanity anywhere. I am rather proud, learning what I have, of my occupation to an extent that I had not realized before.

At State Conventions

I might inject here a word with respect to the way abstracters act in their own state associations. I have found there was plenty of business, that these men really set their hearts at doing what they came to do, and they do it. Every time there was an opportunity to have a little fun they had it, and how! The first thing, in Wisconsin, they invited me to a directors' meeting, and by the time I had gotten through at three o'clock in the morning a lot more had transpired than a directors' meeting, but it was a lot of fun, and it wasn't too expensive.

The work of this section in the past year has been largely confined to emphasizing a few of the things which we felt needed a little bit of emphasizing among the abstracters. In the first place, the chief thing we wanted

to stress to you was the fact you had to give service to your customers. We wanted you to get all the money for your services you reasonably could get, because they are valuable and you should not be selling them for nothing.

Serving the Public

But we felt far more important than that was this matter of serving your customers the way they had a right to



EARL C. GLASSON
*Chairman, Abstracters Section,
1946-47 Term*

expect to be served. I am glad to report to you from the latest information I have been able to get the situation is far better than it was a year ago. Instead of having spots in which we are five and six months behind (perhaps a year in isolated instances), we are now down to the point where six weeks is a matter of apology. In many places service is now on a three-day basis or a week's basis or perhaps ten days, none of which, of course, is cause for concern.

We did emphasize in one or two instances the fact you were entitled to adequate remuneration for your services. We made no suggestions as to what that remuneration should be, leaving that to your own good judgment. We felt you should feel that your position in the community was one of which you should be justly proud, and one by reason of which you should compensate yourself well. The risks you undertake in doing your daily business are risks which cannot be measured in dollars and cents, yet they are there. Unless you are charging for your services to the extent that you will have the necessary funds with which to pay losses which may occur or to buy insurance against those losses, then you are not compensating yourself sufficiently for what you do.

We have tried to put out bulletins to you which would be interesting and informative. I am frank to say to you that we have been handicapped in that to some extent by reason of the fact that we did not know exactly the items on which we were to give attention. Some suggestions have been made. We have taken them up and prosecuted them to the extent of our ability. We hope you have found the bulletins interesting. Above all, we hope you have found time to read them. We realize in some cases the bulletins were rather lengthy. We have found, from inquiry, that those who have been able to take the time to read them and digest them, to learn them and know them, have profited exceedingly thereby. We hope the next administration will carry on and try to give you even more interesting things than we have been able to do.

Relations With the Bar

There have been one or two rather dark spots in the year, on which I think you should be informed. In the first place, this matter of alleged infringement upon the rights of the Bar has been given a lot of attention. We have not said that we were practicing law outside the law. But the fact does remain, ladies and gentlemen, that in some parts of the country our people are doing some things which the Bar

feels is their own prerogative. I have found places in my own state where that is true. I have made some trips around that state to try to convince the people that what they should do is abandon these things, these practices, for the purpose of cleaning the slates again the time that the Bar Association comes to them and says they cannot do it. We will be far better off if, when that time comes, we can say we are not doing that. I suggest you examine your own practices, and where there is any basis for conflict between the Bar Association and yourselves for which you are responsible you govern yourselves accordingly.

There have been some decisions made this year in the courts which reflect the temper of the times. We will not be allowed to practice law or do many of the things which we have never

thought constituted the practice of law, such as the drawing of simple legal instruments; the courts say that that is the practice of law and we haven't any right therein. We must govern ourselves according to the dictates of the courts, of course. Again I would suggest to you that you examine your own practices to be sure that your skirts, at least, are clean.

Perhaps I should tell you that in one of the southern states the matter of unauthorized practice of law this year became serious. It was only after long and hard effort and the accumulation of much material and evidence that it was possible for the association of title men to convince the Bar Association amicably rather than go to court. The Bar Association had insisted upon a decision and appeal therefrom from the Supreme Court so the matter could be

made a matter of record throughout the nation.

Progress

The abstracters' section has made progress during the past year, we believe. Since our good friend Al Suelzer and perhaps one or two of his predecessors were in this office, we believe that the Abstracters' Section has assumed a rather more important position in the affairs of the American Title Association than it had before. We had gone along pretty well satisfied with our own group. We feel the Abstracters' Section, numerically as important as we are, perhaps not financially in the affairs of the American Title Association, is an important group. I think we are all proud of ourselves, and we want to have the American Title Association proud of us as well.

Legal Section—Report of Chairman

By W. R. KINNEY, *Chairman*

Chief Title Officer, Land Title Guaranty and Trust Co., Cleveland, Ohio

This report on behalf of the Legal Section will of necessity be a somewhat disjointed affair because the matters which will be touched upon are entirely unrelated to each other. Some matters which might have been properly included in the report have been omitted because they would seem to fall more directly within the scope of the Title Insurance Section or the National Title Underwriters Section and will undoubtedly be fully covered by those Sections and in the general proceedings of the convention.

From the strictly legal angle there is not a great deal of interest to report at this time. However, there are three or four matters which the officers and committee members of the Section feel that it would be wise to call to your attention and to emphasize very briefly.

Tidewater Lands

As you know, the United States Supreme Court decided the California tidelands case in favor of the United States. Some fear has been quite generally expressed (and it was so argued in the preparation of the case itself) that the decision will affect all lands beneath navigable waters. Whether this fear is well-founded is a matter of opinion, but at least the possibility exists and such possibility should be borne in mind when dealing with such lands. If federal legislation should be proposed or introduced which would in effect specifically limit the effect of the Supreme Court's decision within proper and reasonable bounds, it is recommended that this Association lend its influence to the favorable consideration of any such legislation.

Another matter to which attention should be called is the fact that aviation and its by-products have opened up a comparatively new field of law and that it is impossible to foresee at



WM. R. KINNEY

this early stage the full impact of its development upon other fields of law, including the law of property. In at least two respects, its influence is already manifest.

For one thing, our courts are evolving some entirely new concepts as to

private property rights in the airspace. For instance, one ancient doctrine of the common law has already gone into the discard. This is the maxim that he who owns the soil owns all above and below, from heaven to hell. The United States Supreme Court has said, in so many words, that this old maxim "has no place in the modern world"; that "the air is a public highway"; and that "to recognize private claims to the airspace would clog these highways, seriously interfere with their control and development in the public interest, and transfer into private ownership that to which only the public has a just claim."

For another thing, the development and construction of airports has resulted in a flood of restrictive legislation affecting properties in airport neighborhoods. The regulations adopted by the Civil Aeronautics Administration under the Federal Airport Act are directed to the same restrictive result.

This matter of the development of aviation law is emphasized here with two thoughts in mind. First, that it would be well for title companies, when dealing with properties in the neighborhood of airports, to make sure that they are fully protected in the forms of title evidences now issued by them against a claim for loss growing out of some of these new rules. And, second, that even though thus fully protected from a legal standpoint, some consideration be given to the advisability of being watchful of situations which might in effect work a fraud upon purchasers of properties likely to be affected and thus avoid kick-backs and arguments which may conceivably arise in spite

of the terms of the title evidence. Title problems have a habit of popping up in unexpected quarters and, according to the old adage, "a stitch in time saves nine."

Mechanics' and Materialmen's Liens

The dangers involved in insuring against mechanics' and materialmen's liens in connection with bulk building projects were discussed at great length at the Mid-Winter meeting in Cincinnati last April with somewhat inconclusive results. A resolution was adopted "that the practice of insuring rights in or encumbrances upon real estate as prior to mechanics liens be discouraged where, under the laws of the state in which the insured property is situated, right to such prior liens does or may exist, unless the title insurance company is adequately protected against loss which may result therefrom." The problem seems still to be one for individual consideration and solution.

Ohio this year joined the small group of states which require that a reference to the grantor's source of title be included in all deeds. Whether the passage of this bill portends similar legislation in other states remains to be seen; and whether the requirement contained in this type of legislation has any long range implications inimical to the interest of title companies which maintain title plants will have to be judged by each company for itself.

Examination Standards

As a matter of passing interest, it might be noted that Nebraska has passed a rather curious bill setting up standards for the examination of abstracts of title. I have not seen the en-

tire bill but am informed that it sets forth in much detail certain things which shall not be deemed a meritorious objection to a merchantable title and that, for example, Section 4 reads: "All common abbreviations, derivatives and nicknames for Christian names, such as Geo. for George, Jno. for John, Chas. for Charles, should be accepted as sufficiently establishing the identity of the parties. No record evidence of identity should be demanded where the chain of title contains such names spelled in full." The bill provides that an attorney at law shall be deemed to have used due care in the examination of an abstract if he follows the standards set forth in the bill.

Veterans

As you know, many states within the past few years have enacted legislation removing minority as a disability which would prevent veterans who are otherwise eligible for loans under the Servicemen's Readjustment Act of 1944 from procuring the benefits of the Act, and enabling under age veterans, in connection with such loans, to acquire real estate, encumber it with such a G.I. loan and dispose of it by deed. It might be noted that such statutes have been held constitutional in at least three states—Arizona, Tennessee and Maryland.

Speaking of servicemen, it should be remembered that the provisions of the Soldiers and Sailors Civil Relief Act are still in effect. Since some of these provisions toll statutes of limitation and others make unavailable for the time being remedies which would otherwise be available against servicemen, title examinations must still be made

with such provisions constantly in mind.

In closing this report, I wish to quote a paragraph contained in a recent letter from a member of the Association. It reads:

"I still think that your committee (referring evidently to the officers and executive committee of the Legal Section) could act as a clearing house for interesting title questions, decisions and new legislation. The committee could solicit such information, edit it, and eventually have some of it published or bring it before the meetings of the association."

During the past year, a sincere effort to activate the Legal Section along the lines suggested in this letter was made through the help of an informal committee of Association members scattered through the various states and working in conjunction with the officers and executive committee members of the Section. Many worthwhile results were thus obtained and it is suggested and recommended to the incoming officers of the Section that these initial results be consolidated during the coming year through a continuation of last year's set-up.

I would be remiss in closing this report without expressing to the other officers and to the members of the executive committee of the Section my personal appreciation of the interest and help extended by them during the past year, and without also thanking those various members of the Association who from time to time have called attention to legislation and court decisions in their own states concerning matters of general interest or significance. To all of them, my sincere thanks.

Legislative Committee Report of Chairman

By ROY C. JOHNSON

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

ARIZONA:

A report from Arizona reveals that an act was passed providing that all non-profit corporations shall not own or hold more real estate than reasonably necessary for the objects of the corporation provided that any corporation may hold for ten years any real property acquired in payment of a debt, by foreclosure or otherwise acquired. Comment of the member—on deals involving the purchase of property by non-profit corporations, consideration should be given to making an exception in the policy as to the effect of the limitations contained in this act

upon the title acquired by the corporation.

Chapter 109—This act provides a procedure for suing dissolved or defunct corporations. It provides that the corporation may be sued in its corporate name and that service of process may be had in several manners. (Comment of the member—If this act is valid it will assist in connection with the clearing of titles which require the elimination of the interest of a dissolved or defunct corporation. They,

however, cannot rely on the provisions of the statute until its validity is determined by their Supreme Court.

ARKANSAS:

From the State of Arkansas comes a report that there was no legislation introduced in the 1947 session undertaking to regulate the business of Abstracting or Title Insurance, however, items of interest to title people will be Act No. 218 of the 1947 Legislature, providing that the head of any state, county or municipal government may reproduce by any photographic process any record in his office and that the

photographic copies of the same, when duly certified, would be the same as the original records.

All citizens of Arkansas would like to have it known that Act No. 351 repealed the special tax upon automobile manufacturing and Act No. 114 of 1883 Legislature which provided that there be a tax on lightning rods, etc.

Also of general interest to Arkansas abstracters and abstracters and title people visiting Arkansas is Act No. 423, which makes it a violation to have in your possession more than one gallon of whiskey or intoxicating beverages in any dry county in Arkansas and provides that possession of more than one gallon at any one time shall be that the same was possessed for re-sale.

CALIFORNIA:

From California comes some interesting legislation, as follows: It is now unlawful for a title insurer to make any rebate of any portion of its fees for title insurance or pay directly or indirectly any commission or any part of such fees or charges or any other consideration as an inducement for or as a compensation on title insurance business.

Recorders are now authorized to use photography in transcribing the documents which have been filed for record.

An insurance company is required to have a surplus of 100% of the minimum paid in capital required for all classes of insurance sought to be transacted by it.

There has been an important amendment to the Mechanic's Lien Law, which provides that even though a work of improvement consists of many houses, the time for filing liens on any particular house in the project would commence to run upon the completion of each house.

COLORADO:

A report from Colorado that Senate Bill 311 provided that all grounds for invalidity, nullity or cause or reason whereby documents might be set aside or rendered inoperative must be raised in a suit commenced within a seven year period and not thereafter, with certain exceptions.

Other bills, as follows—Nine Year Redemption period on Tax Deeds.

A bill concerning encumbrance of a homestead in real property provides that mortgage must be signed by both husband and wife.

Bill No. 807 validates defects in acknowledgements.

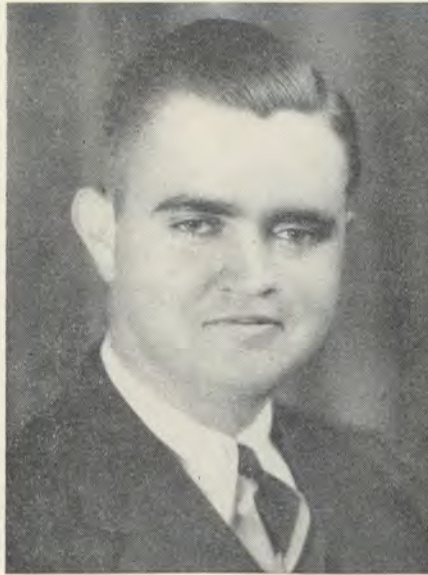
CONNECTICUT:

From Connecticut comes the report that Public Act No. 452 deals with estates in survivorship—to the effect that when any person holding an estate in real property in joint tenancy with another shall die, one of the survivors or personal representative of the deceased joint tenant shall make application to the probate court in accordance with certain procedure, supple-

mentary thereto, for a finding as to whether or not an estate or succession tax is due and has been paid to the state on the interest of such deceased joint tenant.

IOWA:

Iowa, according to the words of John Harvey, introduced one bill to correct some greatly needed changes in the Insurance laws of the State which contained a blanket permit for out of State Insurance Agencies to write title insurance in Iowa, practically without restrictions, and at the same time making it impossible for a State owned company to be formed and operated. "We changed this by amendment and carefully protected ourselves—the action of the little against the clever mighty."



ROY C. JOHNSON

KANSAS:

From Kansas—we learn that their 40 year marketability statute, modeled after Michigan law, didn't pass. It was an effort to create a marketable record title in one, having legal capacity, who has an unbroken chain of record title to an interest in land for 40 years and, who is in possession.

MARYLAND:

Chapter 606 provides that any unpaid State Income Tax shall be a lien upon all property, real or personal, belonging to such delinquent taxpayer. The Act further provides for the recording of the lien in the various jurisdictions, however, specifically states that the lien of a mortgagee, pledgee, purchaser or judgment creditor, which became perfected as against third persons prior to the filing of notice of the State's lien with the Clerk, shall be preferred to the lien of the State provided non-existence of actual notice of the State's lien.

Chapter 914 imposes a recording tax on all deeds, mortgages, contracts and leases at the rate of fifty-five cents for each \$500.00 of the principal

amount, or fraction thereof, of the actual consideration.

Chapter 270 regulates Title Insurance Companies and gives the Insurance Commissioner authority to regulate rates and approve policies.

Contrary to California Law, which prohibits payment of commission, Maryland statutes provide that as compensation for procuring business, an insurer may pay or allow a commission to any licensed real estate broker, attorney-at-law, or an agent duly licensed to represent an insurer.

NEVADA:

Among other things, a law was passed extending the status of majority to qualified veterans and their spouses (irrespective of actual age).

Also, effective at noon of October 1st, a law providing a rating for various sorts of insurance. While it does not directly affect title insurance, it is of interest indicating a tendency in legislative thinking.

NEW MEXICO:

The Legislature adopted short forms of deeds, mortgages, and releases and assignments, modeled somewhat after the California forms.

COMMENT: A study of these forms would be interesting; shorter forms should be adopted by all states.

INDIANA:

Old age benefit payments are now a lien on all real estate of recipients. Said lien for assistance payments shall have priority over all claims except prior recorded encumbrances; taxes; reasonable costs of administration of estate; funeral expenss up to \$125.00.

A 50 year statute declaring all titles to real estate good back of 50 years by limiting actions on matters affecting real estate title to 50 years.

Statute of limitations of 10 years on warrants issued by the State of Indiana for collection of any tax due the state where said warrants have been recorded in judgment docket. They are now equal in life to an ordinary judgment. Prior to the statute, no limitation.

NEW JERSEY:

Senate Bill No. 20 was sponsored by the New Jersey Title Insurance Association and approved by the Commissioner of Banking and Insurance of New Jersey and was passed. The bill raises the capital and surplus requirements for companies proposing to incorporate as title insurance companies from \$100,000 capital and \$50,000 surplus to \$200,000 capital and \$100,000 surplus.

Senate Bill No. 15, having for its purpose the amendment of the Mechanics' Lien Law, was a bill that was sponsored by the New Jersey Title Insurance Association. The bill provided that if at the time of the payment of the mortgage money there is no lien claim of record and no notice that any material man or contractor is entitled to lien or intends to file a lien and if

the money is paid in good faith to the mortgagor, the mortgagee is protected. However, it was not possible to overcome the opposition to the bill, and it failed to pass.

* * *

- S 36 CH 222
Validates certain Chancery decrees in suits to quiet title having technical defects.
- S 123 CH 22
Validates sales of lands made under any decree or judgment of any court in the State, despite defects in advertising.
- A 55 CH 24
Validates deeds, mortgages, etc., made by and to corporations whose charters have been forfeited for non-payment of State taxes.
- A 58 Vetoed
Validates county and municipal real estate sales where defects are noted in procedure but where purchase money has been paid.
- A 92 CH 206
Provides that when a mortgage covering real estate or chattels shall be made to a husband and wife and they shall hold as joint tenants and not as tenants in common unless otherwise specifically provided in the mortgage.
- A 95 CH 408
Clarifies the effect of conveyances of real estate between husband and wife.
- A 240 CH 384
Provides for determining priority in property title in cases of simultaneous deaths.
- A 265 CH 288
Provides that where real estate is sold subject to existing mortgage the purchaser shall not be deemed to have assumed the debt secured by such existing mortgage except where specially agreed to in writing.
- A 361 CH 368
Validates deeds, discharges of mortgages, etc., of any dissolved corporation or any corporation whose charter has been forfeited or expired.
- A 383 CH 188
Validates contracts and other written obligations made to secure veterans' loans under certain conditions.

NEW YORK:

Something of interest in New York—the state law was amended authorizing the United Nations to acquire land. The law was also amended to permit tax exemption of real property used by headquarters of United Nations or any world wide international organization established to accomplish the same purpose. Further, permitted United Nations organization to acquire real property and to relocate dwellings and tenants and to control advertising signs in the vicinity of United Nations headquarters.

According to Mr. Clark, member of the committee, Public Law No. 15 has been extended so that there will probably be some legislation in 1948 session in respect to their insurance laws. Their present insurance laws seem to be well within the decision of the Southeastern Underwriters case.

NORTH CAROLINA:

Chapter 816 (SB 211) requires the register of deeds to set up a special book to be called the "Record of Real Estate Development Control Corners."

The Act requires the seller of lots in real estate developments to designate and permanently mark one or more control corners either at the time he records the plat of development or prior to the first sale in the development. The map of the development showing the control corners must be filed with the register of deeds.

COMMENT: This appears to be good legislation from the standpoint of effective surveys.



JOHN W. MAY

Secretary, Iowa Title Association
Treasurer, Black Hawk County Abstract Co., Waterloo, Iowa

NORTH DAKOTA:

From North Dakota information was received that a bill was introduced removing the statute of limitations on liability under abstractor's certificates. The bill was defeated, their present statute runs for six years. South Dakota was apparently faced with the same situation. There a compromise was effected to ten years. Limitations seem to vary from 3, 5, to 7 years in most states. Doing away with these limitations entirely would be rather drastic.

UTAH:

From the State of Utah—a report that a new insurance code was passed which applies to Title Insurance Companies; such code being introduced in many legislatures.

WASHINGTON:

From the State of Washington comes a report that compulsory torrens legislation was introduced. The bill was prepared by Cross, Professor of Law at the University of Washington, and would create the office of Registrar, Chief Title Examiner and Title Reviewer at salaries equal to or near the amount paid the Superior Court Judges. The act would provide for inspectors who would inspect the premises and if a survey seemed necessary, one would be required. The entire bill would add much to the cost of government. It is sponsored by the Washington State Grange, who seem to be set upon having land titles handled through a compulsory land registration system. It was the contention of the spokesmen of that organization that you can have your land titles registered as simply as you can your automobiles.

Inheritance Tax—Provides that no executor, administrator or trustee of an estate may be discharged until there has been filed in said probate proceedings a written acknowledgement by the Supervisor of Inheritance Tax Division that the tax has been paid or satisfactory provisions made for the payment thereof.

Insurance Code—Recodification of the of the Insurance Code as directed by the last Legislature, effective October 1st, 1947, exempts abstractors so long as they do not guarantee or insure titles. Title insurance defined. Limits title insurers to title insurance only. Qualifications—must be stock company; own and maintain a complete set of tract indices of the county in which its principal office within this state is located; requires filing of schedule showing premium rates to be charged. Provides for guarantee fund and special reserve. Specifies investments which may be made by title insurance companies. Provides for supervision of rates by the Insurance Commissioners.

* * *

1. Many states enacted legislation validating recorded instruments improperly acknowledged.

2. Many states now have laws permitting use of photography as a means of recording.

3. A great number of the states now have conferred majority rights upon veterans under age for purposes of G.I. loans.

4. Reports received from the following, indicating no legislation of interest to title people or that there was no session:

Georgia	Louisiana	Vermont
Oklahoma	Alabama	Montana
Ohio	Mississippi	Kentucky
Virginia		

West Virginia (however, our member, Wm. F. Blue, served in the legislature)

5. No reports were received from a very few states—including the great State of Texas.

Title Examination Standards

A PANEL DISCUSSION

MEMBERS OF PANEL:

John W. Dozier, Vice-President, Columbian Title and Trust Company, Topeka, Kansas

W. H. Pryor, Vice-President, Consolidated Abstract Company, Duluth, Minnesota

C. W. Baldwin, Secretary, Clay County Abstract Company, Spencer, Iowa

A. W. Suelzer, President, Kuhne & Company, Inc., Fort Wayne, Indiana

MODERATOR:

Hugh C. Ricketts, American-First Trust Company, Oklahoma City

CHAIRMAN GLASSON: Ladies and gentlemen: Our next item is one which can be quite informative to you and quite valuable. I have discovered that in several states title men have been very instrumental in getting joint action with the Bar association on the creation of various standards to be used in the examination of titles. We have four or five gentlemen here this morning who will tell you what has been done in their states.

If time permits, I would like to have you discuss from the standpoint of your own state situation just what you would like to have done there, what you think you and your associates can do in your own state.

These gentlemen are John W. Dozier, Vice-President, the Columbian Title and Trust Company, Topeka, Kansas; W. H. Pryor, Vice-President, Consolidated Abstract Company, Duluth, Minnesota; C. W. Baldwin, Secretary, Clay County Abstract Company, Spencer, Iowa, and A. W. Suelzer, President, Kuhne & Company, Inc., Fort Wayne, Indiana. The Moderator was to have been Clay F. Kirkpatrick, Vice-President, Guaranty Abstract Company, Tulsa, Oklahoma.

Yesterday morning I received a wire from Mr. Kirkpatrick saying that regretfully he had to tell me he could not be here.

At Mr. Gill's suggestion Mr. H. C. Ricketts of his company (American-First Trust Co., Oklahoma City) has consented to take Clay's place. I will be very glad to help him insofar as I can.

THE MODERATOR: Ladies and gentlemen, I stand before you this morning as a pinch-hitter. I did not know what this was all about. However, as an old-timer at this, I think I know a little bit about it.

The Bar associations of several states, and especially the real estate sections of the Bar, are beginning to follow the abstracters in this matter of uniformity, as far as the title examiners themselves are concerned. Of course uniformity and title requirements—statewide uniformity, of course, is all it can be on account of the varia-

tions in statutes—is a wonderful thing for them in several ways. In nearly every community the title examiners find there are one or two very highly technical examiners operating in their community. Every time they examine an abstract, the ordinary examiner is put in the position of wanting to pass up or waive some requirement, but he is afraid that "old Bill Jones over there who turns everything down" will get it later and then his client will come back to him. Uniform title standards and requirements eliminate that sort of thing.

Also on the other end of the line, there are some examiners in many communities who are not as careful as



A. W. SUELZER

they should be; they will pass things they should not pass, and that takes care of him also.

Need for Standardization

All of us in the title profession have many friends among the Bar. We work with them all the time and have for years, and therefore they are our friends. All of you, just as I have for many years, probably have told title

examiners, "you don't have the courage of your own convictions," and that is true of a lot of them. But if they have something to back their convictions up, when they waive a requirement, like an adopted uniform set of title requirements, then they can go ahead and pass the thing up with good grace, and have something to back them up.

Another source of help is the young attorney just out of law school. He just has his foundation and is ready to start. He does not have to do an internship like the medical profession does with their youngsters, and he does not have to work like the engineers have their youngsters do. We turn the youngster loose and he puts up his shingle. You know as well as I do the are not completely informed about examining a title. They do not learn that, any more than we learned to make an abstract, in school. We have to learn it the hard way, and they have to learn to examine the hard way. It is a wonderful thing for them to have an adopted set of title standards in their own Bar association. It starts them off with something to get their teeth in. They know what their elders have decided about a thing.

Progress in Oklahoma

In Oklahoma a few years ago, in two different cities, a couple of groups of title examiners, of lawyers principally interested in title examination work, started this. I speak of the one in Oklahoma City because I was rather familiar with it. Questions were brought up, assigned to individual members of this group, and they were asked to report back on them. They briefed them. They went to the books; they dug up everything they could find on the subject. They came back, they discussed it, and they finally agreed that this will be the requirement in such and such an instance. They agreed on that one. They went on and they obtained some more. They had quite a few of those they had agreed on. They took them to the State Bar Association, the real estate section, and it was received with enthusiasm. The State Bar adopted them.

At the present time twenty-one different title standard requirements concerning certain matters in titles have been adopted by the Oklahoma Bar. At least two groups, and perhaps three, are still carrying on the work and will bring more things before the State Bar. We in the title business think it will be very, very helpful.

It is already showing itself. As the attorneys' opinions come in they have quit making some of the requirements they use to make, because they are affected by following the uniform requirements.

Re-Certification of Abstract

One thing they did that the abstracters are particularly interested in—(it happens that in our state the Statute of Limitations on an abstract certificate is five years)—one of the uniform title standards is that every abstract shall be recertified from the beginning if the last certificate is more than five years old. That is interesting to the abstracters. The attorney now requires it. The abstracter is not putting on that extra charge; it comes in and the customer has to do it as a requirement of the Bar.

There is another way it might affect the abstracter in some states, I think. There are statutes validating acknowledgments; that is, when an instrument has been of record a certain number of years, defects in the acknowledgment or lack of acknowledgment are cured, the instrument is entitled to be constructive notice just as though it had been properly acknowledged. If the Bar Associations of those states adopt a standard saying that that statute shall be given full force and effect, it appears to me that instruments in an abstract prior to those dates can be very much briefed. They do not even have to show an acknowledgment at all to be a valid instrument. Those are two of the things which just occurred to me as I came in here.

CHAIRMAN GLASSON: Thank you, Mr. Ricketts.

I am sure it is interesting to hear Kansas has done a lot of work on this, and John Dozier is here to tell us what his state has done. Mr. John Dozier, Vice-President, Columbian Title & Trust Co., Topeka, Kansas.

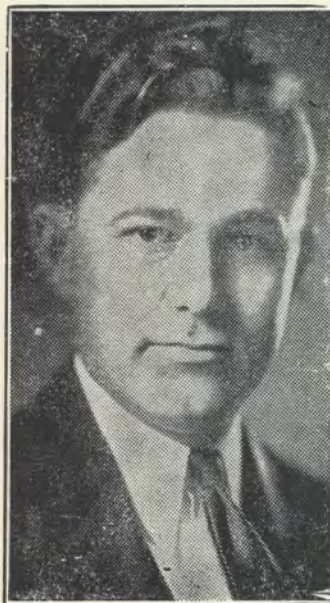
JOHN W. DOZIER

MR. DOZIER: Ladies and gentlemen, I can't tell you too much about the details of this thing or how much blood they have spilled trying to arrive at this, but I can tell you what we in the Kansas Title Association had to do with it. Some six or seven years ago we appointed a committee in the Kansas Title Association of Uniform Requirements. We met with a similar group of the Bar. We did not accomplish much at this meeting. But one thing we did get out of it: The committee from the Bar told us that they

were going to recommend to the State Bar Association that it adopt some uniform standards. They did go to the next Bar Association, and they appointed a committee. The Bar Association has now in Kansas a standing committee. They have worked very successfully for the last three or four years. They have put out bulletins from time to time on things they have agreed on.

Kansas Progress

Finally this year or the last part of last year we have what is known as the Kansas Judicial Council, composed of a group of lawyers and members of the various courts, and they put out a monthly bulletin. For in-



JOHN W. DOZIER

stance, it shows motion days of all the various courts. The one in December was devoted entirely to uniform title standards. They have some sixty or seventy different things they have agreed on.

For instance, here is one they have set up in question and answer, this question, "Property is deeded or mortgaged to John Henry Smith and later conveyed or released by J. H. Smith or John Smith, what should the requirement be?" The recommendation of the Bar was that if twenty years or more have elapsed, no requirement for affidavit of identity should be made; if less than twenty years have elapsed an affidavit identifying the parties should be obtained.

The attorneys are following these recommendations of the Bar fairly well. We have some who do not, but I believe, at least in our town, the big majority of the better title examiners are following the recommendations of the Bar.

CHAIRMAN GLASSON: Thank you, John.

All of these gentlemen here repre-

sent states in which constructive work along this line has been done, so I need not say that each time I call upon one of them.

The next gentleman I will call is C. W. Baldwin, of Spencer, Iowa. He will tell us what the State of Iowa has done, how, why, and how it is working.

C. W. BALDWIN

MR BALDWIN: Mr. Glasson, ladies and gentlemen, Earl probably called upon me from Iowa because I happened to be a lawyer as well as an abstracter and have connections with the Bar Associations as well as the Iowa Title Association. At present I am Vice-President of the Iowa Title Association.

Both Associations Work

The Iowa standards were not set up without a great deal of effort on the part of the Iowa Title Association. The Iowa Title Association had tried for several years to get some sort of standards that the Bar could agree upon, they could formulate, and get into some kind of working order so that the abstracters of Iowa would know just how they should go and how far they would not need to go in their abstracts, and how much to show. They tried for several years in appointing committees to meet with the Committee of the Iowa Bar, but to no avail. It seems as though the Bar is somewhat aloof. Finally in 1943 the Iowa Bar Association was persuaded to appoint a committee to study the question to see if they could not adopt some standards on elementary things that abstracters could agree upon. Lawyers, you know, require all sorts of things, as you probably have had a chance to observe and be up against.

The Chairman of the Bar committee originally was Mr. F. M. Henry of Des Moines, who examines practically all of the abstracts for the Equitable Life Insurance Company of Iowa. He is very well versed in standards, so he was a very good man to head that committee. They submitted forty to fifty standards in problem form, question and answer form, sending them out to all the members of the Iowa Bar prior to the 1944 convention, to have the members go over those standards and make any recommendations or anything that they cared to before they were finally presented to the convention in 1944. Strange as it may seem, there were very few recommendations. The committee had done their work well, and the standards that they presented were something that the Iowa Bar could pretty well agree upon.

There is a certain part of the report of this committee I want to read because it brings out some things that may help us in this analysis.

It is stated that the committee in submitting these standards does not pretend that they cover the entire field of examinations. As stated in one of

the committee's previous reports, they are primarily intended to eliminate technical objections which do not constitute actual defects in title and some common objections which are based upon a misapprehension of the law.

Material Defects

They also recognize as material certain defects which experience has shown to be often overlooked or misunderstood by examiners.

They were primarily adopted for the purpose of helping the young attorney and also for older attorneys, who may want to have something to fall back on. They have been particularly good from the standpoint of the younger attorney who has asked for that sort of standards.

This report goes on to say, "In spite of the requests for criticism and suggestions contained in the 1943 report and in several issues of the News Bulletin of the Iowa Bar Association, the committee has received almost no criticism of the proposed standards published last year and very few suggestions for further standards."

They observe further, "We do not know whether this is due to indifference on the part of the Iowa Bar or to a general agreement with the standards as published."

In short, the result of it was that all of the standards were adopted practically as written by this committee at the June, 1944, meeting of the Iowa State Bar Association in Des Moines. The Chairman was instructed to put these standards into booklet form and send them to all lawyers in Iowa. There are about fifty-five standards there.

It was further recommended that there be a permanent committee of the Bar Association to revise these standards or to amend them, as time went on, and as it developed that they needed amending.

Amendments

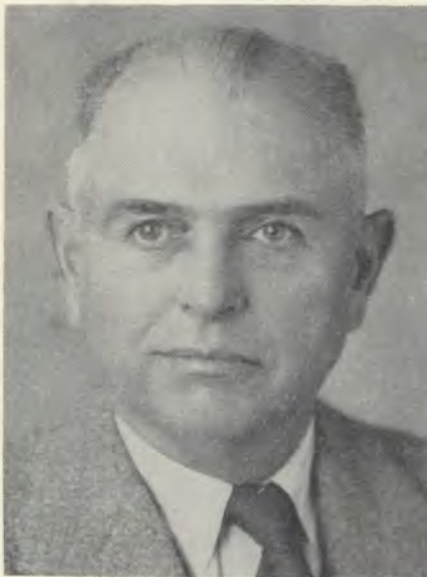
In 1945 amendments were adopted. Since then I think there has only been one amendment, and that was this last year at Cedar Rapids where they adopted something about plats in cities and towns.

We have a law that says that any plat that has been on record for twenty years is presumed to be a good enough starting point for an abstract. I think this new standard merely said that they would hope that each local community would recognize that the plat that had been on file more than twenty years would be all right, providing local lawyers had examined the abstracts and the master abstracts covering same and found them satisfactory.

That is, in a brief way, what Iowa has done. There are still things to be worked out. I could take up, I suppose, the questions that are in here. I might read one to give you an idea of what a standard is. Maybe some of you do not have an idea of what they are.

Statute of Limitations

One of the problems, well, I should say this, they cover statutes of limitations, names, husband and wife, private corporations, municipal corporations, judicial proceedings, deeds, probate proceedings, and abstracts. For instance, under the question of names they have this problem, "Should proof of identity be required where there is a variance in names resulting from the fact that in one instrument an individual is designated only by a given and Christian name and the surname and in another by the same Christian name and surname, with the addition of a middle



H. C. RICKETTS

name or initial?" The standard is then stated that it is proper to require identification where the matter is of comparatively recent date.

We have a statute that anything recorded prior to January 1, 1930, is presumed to be all right and does not need the identification prior to that time. After each answer they have the authority, with the case or the reference to where you might find the law on the subject. That is a very good compilation, which has been of extreme benefit, not only to the Bar of Iowa but also to all the abstracters, because they know to start with just exactly what standards are going to be accepted and what are not.

Should be Statewide

As I say, there are things to iron out yet. In our particular judicial district in northwest Iowa we took up at our lawyers Chautauqua some suggested standards to amend these state standards. Surprisingly as it seems, you would be really surprised to see the variance of opinion on the part of lawyers when you take those questions up. It seemed they couldn't agree on anything definitely. So unless you get something that really is a standard, it doesn't pay to even try to enact it into a state standard, because lawyers from

parts of the state look at things differently than they do in other parts.

I would say that this particular thing is really sort of the prerogative of the attorneys. But as abstracters we can do a great deal towards establishing standards in our own states, simply by leading the way and pointing out how an abstracter can give them better abstracts if we have better standards or have standards of a uniform nature.

CHAIRMAN GLASSON: This next gentleman on my left is our good friend, Al Suelzer, who will now take the floor. Mr. A. W. Suelzer, President, Kuhne & Company, Inc., Fort Wayne, Indiana.

A. W. SUELZER

MR. SUELZER: Ladies and gentlemen, our standards in Indiana have been very much as they were in the states of the gentlemen who preceded me. We started out more or less with the very loose legal idea that the marketability of a title is determined by what the lawyers in the locality say is marketable.

We proceeded in this way, having had the same experience all of you have had with a great many technical objections in abstracts that were a nuisance to the real estate man who always had to do a lot of "leg work" on them, and particularly a nuisance to the abstracter who hated to do that work because he felt he was never adequately paid for it. Usually if he couldn't find anything to hang a fee on he just didn't charge a fee, despite the fact he had worked maybe for three hours looking for something.

We did this. Partly the title people and partly the attorneys got the idea that this sort of a thing ought to be done; the Bar appointed a committee and selected on that committee five lawyers whose opinion they thought might be acceptable to all the other lawyers in the Bar Association. These lawyers then met regularly once a week, assigned questions to each other on which to look up the law during the week. Finally fifty-one so-called standards of marketability were arrived at. These are very brief, very compact. I will just read you one or two of them.

Breaks

Here is the first one, "Any break or hiatus in the chain of title which occurred over fifty years prior to the examination date, provided a competent affidavit of adverse possession is provided"—"That a deed fails to disclose the marital status of the grantor if the defect is more than fifty years old", which is quite a liberal provision because in our state, since 1853, a surviving wife inherits one-third interest in fee simple. This takes us back only fifty years.

Acknowledgments

Another one, "that neither the body of the deed nor the acknowledgment shows that the grantor was over twenty-one, whereas sufficient time has

elapsed after the date of the deed to bar any right of rescission by the minor"—"That the grantor in the deed has signed by initial his first, second, or both names, providing the granting clause of the deed and the notary's certificate of acknowledgment contains the full name as given in the deed by which the grantor obtained title."

"That certain deeds are dated after acknowledgment or bear an acknowledgment date after the date of recording."

Corporate Deeds

"That a deed or assignment duly executed by a corporation and its officers is acknowledged only by its officers."

"That no authorizing resolution to officers executing deeds of conveyance on behalf of a corporation is shown has to any conveyance made more than five years prior to the examination date by any corporation by its President or Vice-President and Secretary."

In other words, if those officers who usually would execute a deed for a corporation actually make it and the deed is five years old, there is no requirement of any resolution authorizing those officers to make a deed.

Administration of Estates

"That no estate has been opened where three years have passed since death of the owner of the property."

Of course debts are liens only for three years in our state, but that didn't keep the attorneys from continually making the objection that there had been no administration of the estate.

Cooperation of Real Estate Board

We did this, which, I think, is probably noteworthy. We abstracters tried to get these enforced. We made talks to the Real Estate Board, suggested to them that they should study these as well as they could, and then, if they encountered objections in an examination that they felt were suggested waived by these standards, to say as politely as they could to the attorney, "Isn't it suggested that objection be waived in these standards?", and the attorneys were almost always willing to comply. So that at the present time, after five or six years, we have practically full compliance with these standards of marketability.

I would say that from the point of view of objections in title we have probably reduced the delay in closings, perhaps as much as seventy-five per cent.

CHAIRMAN GLASSON: In the short time we have left—I do regret it is a short time—I will call upon Mr. Pryor, Vice-President, Consolidated Abstract Co., from Duluth, Minnesota. He will tell us what the Minnesota boys have done about this problem.

W. H. PRYOR

MR. PRYOR: Mr. Chairman and members of the American Title Association: From what I have heard from the men who have talked ahead of me, the handling of the situation involving

the adoption of standards, title standards, has been much the same way in my state as in some of the others.

However, before the adoption of state-wide standards the District Bar Associations took it upon themselves to, in some instances, establish certain standards that might apply only to those districts. That is especially the case where a county and a judicial district were the same. For instance, in Minneapolis, St. Paul, and Duluth, and in our district, Duluth, which also took a couple of other counties, small counties, our District Bar Association adopted standards a considerable length



W. H. PRYOR

of time before the state association did.

My company, after these standards were adopted, printed them and distributed them to the members of the local Bar. In that way we were able to cooperate in a very favorable way with the members of the Bar. We assumed the entire cost of printing this.

The State Bar prepared standards a year or two ago, and unlike other states, our Bar has taken a rather exclusive attitude on this thing in that these standards have been copyrighted by the Bar Association of the State of Minnesota, and it recites that no man or no person excepting a member of the Bar is allowed to have in his possession a copy of this book. The book is not to be placed in the hands of anyone other than a licensed attorney-at-law; that only the licensed attorney possesses the necessary training and skill to properly utilize the material contained herein. The attorney in accepting this book agrees that he or she will use it only for his or her practice of the law, and any improper use thereof shall entitle the publisher, Section of Real Property Law, of the Minnesota Bar State Association to repossess the book and all parts referred to in the table of contents.

Our Code of Ethics

Many years ago—I have been attending these title conventions since 1916, when Tom Scott was President of the American Title Association—I was appointed Chairman of a committee to adopt a standard of ethics. That standard or code of ethics that we prepared and distributed, is published each year by the American Title Association. If I am not mistaken my old friend Hugh Sheperd was on that committee with me at that time.

Among the statements in that code of ethics was one that called for cooperation between the members of the American Title Association, real estate dealers, lawyers, bankers, and others of that sort.

We in Duluth have found that one of the finest ways that we can cooperate with the Bar has been in the furnishing of base titles. Our local Bar is going this far—they are going to pass upon the validity of the titles down to the times of platting, with the idea that the young attorney coming on would not have to go behind the platting. This does not mean that the Bar intends for us to make the abstracts from the time of platting. They insisted there should be a complete abstract of title from the beginning of time. To help them, our company is furnishing them constantly with copies of the base titles down to the plat. I believe it is one of the ways that the abstracters can fairly efficiently cooperate with the members of the Bar.

By a unique situation we have two Bar Associations in our county. They are not competing Bar Associations or anything of that sort, but our county is sixty miles wide and one hundred twenty miles long. We have two metropolitan areas in the county; one around the City of Duluth and the other one the City of Mountain Iron. The problems of those iron-range attorneys are somewhat different from the problems of the attorneys in Duluth.

We also have a unique situation in that we have three courthouses in our county; three different places where cases can be tried. We have the principal courthouse in Duluth, which is also the place of record. But we have courthouses in Virginia and in Hibbing. In addition to that, about once a month court is held in the City of Ely.

Range Bar Association

The range attorneys found themselves at variance with the Duluth attorneys on various problems. The result was the establishment of the Range Bar Association, which is affiliated with the State Association, and which is actually within the limits of the Eleventh Judicial District.

We have found in our cooperation with those men that there again the same offers on the part of the abstract company to the members of the Range Bar Association was accepted with just

the same degree of alacrity and with the same degree of pleasure that the members of the Eleventh Judicial Bar have shown.

I will go back for just a moment to the state standards. In the adoption of these state standards it is perhaps a coincidence or it may have been deliberate, but on the original committee in Minnesota Mr. Alfred Soucheray of St. Paul, Mr. George Maloney of Minneapolis, and I were all members of that committee. Each one of us was there, not as an abstracter, but as a member of the Bar.

Another thing which was contributed definitely by the abstracters association, or a representative of one of the abstracters, is a study of curative acts by Mr. George Carroll of Minneapolis, who is on the legal staff of the Title Insurance Company of Minnesota.

I believe there is a great opportunity for cooperation between us and the Bar on these things. Often we can suggest things to them out of

which standards will come that will be either local or state-wide.

A Local Standard

I want to tell one little incident to show how local conditions are sometimes different than state-wide. Down in southeastern Minnesota there is a little village called Dresbach, which was laid out by a German refugee who came to this country before the Civil War. He had had some training in surveying, so he did his own surveying. He made his lots one hundred by three hundred feet in size. He named the plat after himself. Then when he got ready to convey his property he found that those lots one hundred by three hundred feet were a little bit large, so he divided those lots up into three lots, each one hundred feet square, and either because of his failure to understand the American way of things or because of something else he described those pieces as he sold them as the north cut, the middle cut, and the south

cut, which we would perhaps interpret as the north third, middle third and south third. The question came up as to marketability of title with that description of it. The local judge was a wise old man, and after an action had been brought for specific performance this judge in handing down his decision ruled that local custom prevails, and that in the village of Dresbach, if nowhere else in the United States, that the north cut meant the north third, and the middle cut meant the middle third, and the south cut meant the south third. Now, there is a case where a state-wide standard would never be called on, but there is a case of an adoption, at least, by that judge of a standard, a local standard. That is perhaps just as important to the people in that county as a state-wide standard would be to the Bar as a whole.

I believe it is on those local problems especially that we as abstracters have our greatest opportunity.

Inaugural Address of Kenneth E. Rice

MR. KENNETH E. RICE: I know you will understand me when I say I feel very humble here this morning in attempting to follow the very capable Jack O'Dowd. I consider that Jack has been one of our great presidents.

You have been very generous in your applause. I hope I may so conduct myself the succeeding year that at the next annual convention, a year from now, you will be equally generous.

You may remember, certainly you oldsters remember, the difficulties the Association had through the years in its financial affairs. I think it was just three years ago H. Laurie Smith was nominated and elected as president of this Association. He said then it would be the principal objective of his administration to put the financial affairs of the Association on a firm basis. He honored me by asking me to become chairman of the finance committee and directed that the finance committee study several possible methods of financing the Association and come up at the mid-winter meeting with specific suggestions.

The suggestions were made, and the board of governors and finance committee recommended to the succeeding convention held in Chicago in December, 1945 the adoption of the dues schedule under which we presently operate. That dues schedule has turned out far better than any of us ever anticipated.

A couple of years ago, the then president, Al Suelzer, appointed a planning committee, which was headed by Bill Gill. They gave some intensive study to what services should be rendered to

the members by the Association. It was a splendid report. Obviously it would have been unwise at that time to have adopted very many of the recommendations for the reason that there can be a large gap between theoretical price schedules, and dues schedules, and their operation. We now find ourselves in the fortunate position of having money in the bank and money invested in government bonds, under the capable chairmanship of Charles H. Buck, Chairman of our Finance Committee, the National President and the National Treasurer.

In view of all these circumstances, in my view, we are probably at a cross roads as to the future of this Association. That is to say, if we continue to collect dues at the present rate, and assuming business continues reasonably good, we are confronted with the problem of what service should be rendered to the members by the Association. Certainly it would be unwise to build up too large a reserve, though I am in entire accord with Mr. Charles Buck in building up an adequate reserve. On the other hand, it would be equally unwise to spend all the money we get and not to provide some fund for a recession which some of us think will befall us. In order to have that problem studied at this time there has been appointed a planning committee with Bill Gill as chairman. The other members are Earl C. Glasson of the Abstracters' Section, Mortimer Smith of the Title Insurance Section, Charles H. Buck, chairman of the finance committee, Lawrence R. Zerfing of Philadelphia, Joseph T. Meredith of Muncie,

Indiana, George C. Rawlings of Richmond, Virginia, John W. Dozier of Topeka, Kansas, E. B. Southworth of Crown Point, Indiana, Frank I. Kennedy of Detroit and Briant H. Wells, Jr., of Los Angeles.

This committee held a breakfast meeting this morning to consider these problems. It was a preliminary meeting. It was concluded to secure copies of the report made by the committee a few years ago and to send them to each member with the idea of calling a meeting of the committee at a central point, probably within thirty or forty days, to consider specifically what further services should be rendered to the members by the Association. On that point I am requested by Mr. Gill to invite all of you to make any suggestions which occur to you and send them to him, to any member of his committee, or, if you like, to me, so that those suggestions may be considered by the committee, and afterwards presented to the board of governors. It probably would be impossible to follow all the suggestions which might be made, but we certainly will be glad to have them and to correlate them with an endeavor to carry out a general program of further service to the members of the Association.

I fully realize, as have all my predecessors in office, that the President cannot do a complete job by himself. He must depend upon his committees, those which I have mentioned and others working cooperatively all down the line. I have full confidence in the committees which are being appointed. I have worked with most of the members many

times in the past. I know they will deliver in their usual efficient and competent manner.

It is my sincere hope that the national association may be represented by one of the official family at all state conventions. I shall attend as many of these myself as is possible, and Jim Sheridan will do the same. I hope that other association officers will find it possible to attend the conventions in

their own and neighboring states.

I think the Regional Conference plan has been a tremendous success and it is my earnest hope that the officers of the association will receive hearty cooperation from the states in various parts of the country in continuing these regional conferences and in organizing new ones.

I am deeply honored by your faith in me. I hope to conduct the affairs of the

Association to the satisfaction of all of you.

Thank you. (Applause).

The next annual convention, a year from now, will be held at Edgewater Beach Hotel in Chicago in October, 1948, where it will be my honor and pleasure to welcome you.

The midwinter meeting will be held at the Peabody Hotel in Memphis in February, 1948.