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Table of Contents

The Businessman in an Election Year	2
<i>John S. Coleman</i>	
Speakers Bureau Outline	6
<i>Donald A. McLean</i>	
Title Industry Serves the Public	10
<i>Zeb H. Fitzgerald</i>	
Land Titles, Romance in (Part II)	11
<i>James E. Sheridan</i>	
James E. Sheridan III	15

THE BUSINESSMAN IN AN ELECTION YEAR

An Address by

JOHN S. COLEMAN, *President, Burroughs Corporation*

Before the Rotary Club of New York
New York City, April 26, 1956

* * *

There is no need for me to remind you that this is an election year. Once again the American people go to the polls to make the most important single decision for the next four years. Indeed it is more than a single decision, for in electing the President we choose a man whose views, judgment and personality will be the crucial factor in all major political decisions.

As businessmen we are clearly deeply concerned in the choice that is made. As the pace of the campaign increases, I have no doubt that we will give of our time and money in the interests of our candidate. Throughout the country, party committees will be well sprinkled with business names. In campaign fund drives, business support will be eagerly sought. We can be sure, in short, that we are going to be in politics this year.

I say this with some alarm. I know that I have been teetering on the verge of the political abyss for the past two years and I am not looking for any further involvement. Yet I am sure that we cannot escape political responsibility. The stakes are too large for us to enjoy the luxury of being spectators. What interests me in my own experience, however, is the curious paradox. Though we raise money, though we are active in party affairs, though we are at the head of campaign committees—businessmen have, I believe, but a small influence on political trends in America. Businessmen don't like politics. They regard it as a necessary evil. They participate, but they do so under protest. They are stirred to action only by the initiative of others. And though this

is in a world of change, their immediate response may likely be to defend the status quo. In business, however, as in politics, there is no future in the status quo.

It is often said that science has remade the world. Certainly this is true, but most people will agree it has done so with the aid of business. Scientists have discovered the means; businessmen have exploited them. In a real sense management has organized first the steam, then the electric, and now the electronic and atomic age. We have not, however, always been alert to the secondary effects of our work. We have not noticed the political changes we were thus bringing about—one hundred and sixty million people in movement, growing in numbers, moving restlessly across the continent, growing to mature leadership of the free world. This changing face of America presents profound problems of government—in housing, highways, health, education, management-labor relations, in defense and foreign policy. What are our answers to these problems? This is the raw material of politics. On these questions the political future turns. Surely businessmen or any other group have a claim to support of the public only as we are aware of and offer sound answers to them.

John S. Coleman has been President of the Burroughs Corporation since 1946, having joined the Corporation as a junior salesman in 1920.

He is President of the Chamber of Commerce of the United States, a Past President of the Employers Association of Detroit and the Detroit Board of Commerce, a Director of several important corporations, and a member of many civic and governmental committees.

Visitors from other countries have noted that in America businessmen have unusual prestige. They tend to become leaders of their communities. Their names are in the newspapers, on the hospital boards and on the symphony committees. Yet at the same time it seems they are always fighting a rear-guard action. Their leadership is continually disputed, and in politics with a good deal of success. In short, their position is strong, but contested — contested, for example, by professional politicians, by labor leaders, and above all, in the all-important field of public policy. I say all-important because it is here that the terms are set under which we do any business at all.

In the past 20 years, a big change has taken place in America. Businessmen were not always active in community affairs. Indeed, there was a time when in some corporations things might go badly with you if you got your name in the newspapers. Those days have gone. Business and community are on the best of terms. I suggest, however, that for the long-term influence of business, this is not enough. We can be on all kinds of boards and committees. We may be contributing generously to our favorite charities, but may still be without influence in politics. And we will continue to lack influence so long as we have no coherent policy.

It is not enough to take rifle shots at this or that piece of legislation. It is not enough to pass resolutions against this or that union proposal, and certainly not enough to make speeches at Chambers of Commerce or even Rotary Clubs. We must have a point of view—a philosophy which will permit us, instead of resisting change, to play a creative role in controlling and directing it. For our business we make careful plans; we do the same for community projects. We have not as yet, however, got around to putting in order our political ideas. Of course, in a sense we do have a policy. We believe in keeping our government out of business. We believe in lower taxes. We want to reduce the civil service. All this is good, but it is still negative. The thing

we have got to decide is what we are for. These are as I have suggested, revolutionary times. Great forces are on the move. We cannot sit back and expect everything to come out all right. And if we do, others certainly will not.

In this respect, politicians are much wiser than businessmen. They know that political power is a fact. They have their ears to the ground. They watch social and economic movements in our country. They see the changing weight of various interests, groups and sections. Knowing that these changes are bound to be reflected in the political process, they plan and act accordingly. Right now I bet that many politicians are spending a good deal of time figuring out the relevance of these changes to candidates and policies in this election year. The curious thing is that in business we do somewhat the same thing. Our market research divisions analyze economic trends. They keep an eye on changing tastes and shifts in demand. Sales quotas, plans for new products, investment in plant and equipment, the direction of research—all are solidly based on knowledge of and adaptation to the market. It seems, however, we separate the two worlds. Too often we do not apply the tried and tested methods of sales management to the equally, indeed more important area of political influence.

Politicians are in the business of harnessing opinion to their party. Their purpose is to gain power and keep it, but they know they can do this only by providing the right formula, including the right candidate, for the occasion. Their course of action is determined by the climate of the times. They do not go in for personal theories of economics or politics; they are neither radical left nor radical right. To them these fringes of opinion are luxuries. Slogans have their day and peter out. And they cannot form a stable basis for political power. Above all, they respect the people. They are customers and they have the votes. Perhaps this sounds cynical. Not at all. It's realistic. In a democracy the people get their way. It's the way our sys-

tem operates, and we businessmen had better realize it.

Of course there are those who say that businessmen should mind their own business. Sure, we will give money, serve on committees, community services—maybe, but certainly not politicking. Well, I would not be here today if I did not think there were compelling arguments against that. And the most compelling is that politics is already in our business. In wage regulation, price laws, safety rules, anti-trust legislation, labor relations, workmen's compensation, in control of stock issues, in all the conditions attached to defense contracts, and so on, and so on. Those who insist on minding their own business will soon find they have very little to mind.

I am not suggesting that we all go into politics. But I do say this. The future of businessmen will depend not only on their organizing ability, but also on their contribution to political life. All of us cannot and should not pretend to a role for which we are not fitted. The important thing, however, is that as a group we provide our share of leaders—informed men able to contribute to the formation of policy, and persuasive men gifted with the ability to win the confidence of the public.

A few years ago, the distinguished Chairman of the Chase Manhattan Bank, speaking on the ideal qualities of a diplomat, commented on the fact that here and there, in every country, were men and women who had the ability to communicate and who, as it were, were touched by the hand of God with insight to understand and influence other peoples. These, he suggested, were the men to identify and select. Not that our representatives abroad should be turned into diplomatic Saint Pauls. Indeed, as he added, there are few in this particular state of grace. His point was that there are elements in representation abroad which are very important and which require new techniques. This is true, I suggest, not only of the international field. There are also new elements in our domestic life and they require new techniques. Not only the nation but

the business community needs leaders of this type, a type of which, let me add, Mr. McCloy is a shining example.

We cannot, however, expect them to appear through a trick of heredity like biological sports. They rise by the encouragement and understanding of their business colleagues. This is an important condition, and I place great emphasis upon it. Inevitably as we participate more and more in political debate, we will be putting our necks out on controversial issues. Perhaps many of us will be in the position of saying things to which some of our colleagues, our stockholders, our customers will take exception. In view of the risk of economic sanctions, we may prefer the safer course of silence. But every businessman has not only the right, he has the obligation to speak out and he deserves the tolerant support of his colleagues. On some issues we will agree; on some we will disagree. The important thing is that all sides be heard and that an issue be thoroughly debated before it is determined—debated not only by Congressmen, by editors, by news and radio commentators, by labor leaders, but by individual businessmen all over the country.

It is true that businessmen are already participating in public life, and particularly in the administration in Washington. Often under great pressure, they are making a mighty contribution to the national welfare. We cannot, however, expect a few individuals to bear all our burdens. They are doing their job. Are we doing ours? The formulation of national policy cannot be wholly delegated to the government. It must grow out of continuing debate all over the country. What is done in Washington must be meaningful at the grass roots.

Our government has been described as middle-of-the-road. By the evidence of all the polls, it represents a broad national consensus. In saying this I am not engaging in political controversy. I am merely giving the simple electoral fact. And indeed, this same viewpoint seems to be reflected in both political parties. It may well be,

however, what we are having is a breathing space. Perhaps in our present mood we are not looking to a new era but resting from the old one. Moods, however, change. Events bring new problems. It is not too soon, therefore, to look to the future so that this vague mood may be translated into dynamic policy.

There has been a lot of talk recently about a new conservatism. Indeed the word has come much into fashion. One of the new elements in American life, of which I spoke, is the felt need for some bench marks to guide us through the rush of events. The President himself has described himself as a dynamic conservative, accepting change as inevitable but guiding it by tested principles. How many of us, however, can give a name to **our** viewpoint, and if we can, what are our views in detail and will they stand the test of practical politics?

I am not suggesting that we all start writing political programs. The fact is that in part the job is being done. We need only to emphasize and encourage existing trends. The Committee for Economic Development, with both business and academic participation, has for a number of years been rethinking the problems of the nation. There are other groups, too, doing similar work. In areas such as the budget, taxation, trade policy, industrial relations, economic trends and many others, these organizations are making a valuable and positive contribution.

I say positive contribution, because today our task is, above all, constructive government. In the past, frequently that task was one of opposition. If a man wants a fight, there is not much you can do but give him

one. It is always easy to criticize those with responsibility, and businessmen, whether in government or industry, have been convenient targets. Some people, as we know, flourish on distrust and suspicion; they blow up grievances, question motives, dispense half truths, and promote class hatred. The tactics of industrial strife are, however, poor guides for national policy. And sensible men on both sides know it well.

No group has played a greater part in American than the leaders of industry and commerce. The qualities of these leaders have, however, changed with the times. Each period has had its tensions, and each the men to master them. Today those tensions are greatly compounded by the pace of events. Probably some of you are, as I am, in the business of electronics or are associated with atomic projects. There was a time when a new product hardly affected the household; now business operations may transform the country and indeed, affect the world balance of power. The fact is, we are not just in business. We are re-making our society, and we are dealing with questions of peace and war. Americans, as someone has aptly said, have been promoted. And so indeed have businessmen. New responsibilities have been thrust upon us. We are, I believe, preparing to discharge them. The time, however, is short, and failure will be fatal. In science, in business, in politics, this is a time when the call for ideas is insistent. We must think afresh about the ends we have in mind, and think too about the means to attain them. Here, then, is the challenge, and also the opportunity for businessmen in an election year.

SPEAKERS BUREAU OUTLINE

DONALD A. McLEAN, *President E. J. Tupper Co., Inc., Galesburg, Illinois*

(We frequently receive requests for material, historical in nature, for inclusion in speeches by title men and women, who engage in their state speakers' bureau or who, on their own make themselves available to address local business and professional groups. We are pleased to include in this issue of TITLE NEWS material that may well be used within the context of any speech on land titles. It is intended to be for the use of a speakers' bureau and we feel this might be something our members may wish to file for future references when and if called upon to address a given group on the nature and color involved in the title business. Our thanks to the author, and to the Illinois Title Association for the use of this material. —Ed.)

* * *

These talks are designed for use before Service Clubs, Parent and Teachers Associations and other groups which meet regularly in our communities and are in search of speakers for their programs. A preacher once said that no conversions were made after the first 20 minutes. They can be delivered in about that period of time.

It is almost trite to say that "Public Relations" is important. Industry, labor and other segments of the nation are putting forth every effort to acquaint people with the objects and the merits of their particular groups. It is probably true that the Title Industry is somewhat behind in this respect. Lawyers and realtors with whom we are most in contact are aware of the skill required and the work involved in our service but of these facts the man in the street is often woefully ignorant.

It is suggested that these talks be used as a guide. Some minor changes or additions may be necessary for use in your own locality to make them more interesting to your audience.

The thought has also been expressed that an exchange of speakers by members of the Association in adjoining Counties would be beneficial. A prophet usually has more honor outside of his own bailiwick, or in other words, an expert is just an ordinary man away from his home town.

I hope the use of the talks will be of value to our members in helping to promote a better understanding of our business and our service by the general public and I also venture the hope that in the near future it may result in the organization of a workable Speakers Bureau.

REAL ESTATE TRANSACTIONS

In the beginning God created the heavens and the earth and God said, "Let the waters under the heavens be gathered in one place" and He called the dry land earth. This earth is the principal source of our wealth today. An estimate of 700 billion dollars has been made of our national wealth at this time. About two-thirds of this is in real estate. Surely the right of private ownership and the right to buy and sell real estate are basic freedoms worth preserving.

Real estate transactions are older than our present civilization. The history of the method of transferring land is a very fascinating study and the remarkable thing about it is that the essentials were substantially the same thousands of years ago as they are today.

The earliest record of a real estate transaction so far as I know is found in the 23rd Chapter of Genesis. The record shows that one Sarah died at the ripe old age of 127 years. Father Abraham looked around for a tract of land on which there was a good cave. It was the custom then to bury in caves. He found a good one in a field owned by one Ephron, so he asked Ephron to sell it to him. Ephron said, "Nay, my Lord, hear

me, the field give I thee and the cave therein" but Abraham was old fashioned. He replied, "I will give thee money for the field, take it of me and I will bury my dead therein." So Ephron set a price of 400 shekels of silver on the land and Abraham weighed the silver in the audience of the sons of Heth 400 shekels of silver of current money with the merchant. Incidentally a shekel is an ancient weight and money unit of Babylon and a shekel of silver would be worth about 75c of our money.

The old record further reads "and in the field of Ephron and the cave that was therein and all the trees that were in the borders round about were made sure unto Abraham for possession."

Note that we first have an offer and acceptance which makes a contract, then a deed of transfer, a consideration paid with legal tender, words of warranty, ("It was made sure unto Abraham") witnessed by the sons of Heth, and delivery of possession.

There was further conveyed to Abraham all the appurtenances, namely "the trees that were in the borders round about." That suggests a survey was made which is something that is much neglected today.

A LOOPHOLE

A few centuries pass. In the ancient city of Nuzi in Mesopotamia there were restrictions on the right to sell land to any one who was not a blood relative. Nuzi was a war-like city which raised its own army from land owners who were automatically conscripted because they were land owners. Thus the law providing against the sale of real estate sought to prevent ownership of large areas of land by one person because this would cut down on the number of available troops. But there were some good lawyers there and a smart Nuzian Attorney figured out a way to get around this attempt to control the free alienation of land. People who wanted to buy land had themselves legally adopted by those who had it. The new relative received the tract he wanted as part of his inheri-

tance and in turn he would make a cash present to his new papa which was really the price agreed upon for the land.

In 2500 BC a Babylonian King purchased large tracts of land and had the transactions recorded on a large green stone which was dug up in the middle East not long ago. Note that he didn't confiscate it—he bought it in a perfectly legal way which shows how firmly established were rights of private ownership so many centuries ago.

But the times were uncertain and all rulers were not respecters of laws. Predatory Kings would sometimes seize land sold or given away before their reign and disregard the clay contracts, witnesses and all. And casting around for some means to insure the ownership of land these ingenious people filled their real estate documents with awful curses to fall on any one seeking to avoid these contracts.

People were not afraid of much in those days and the law could not always be enforced especially by a poor man against a king. But every one, beggar and king alike, feared the wrath of the Gods and from 1700 BC contracts transferring land throughout Babylonia called down leprosy, drought and famine in the name of the Gods on "anyone whatsoever who shall take away the lands."

THE PENALTY

An old stone inscription in this period reads "Whensoever in later days an Agent, Governor, Superintendent or Inspector, or any official whatsoever who shall rise up and shall direct his mind to take away these lands, or shall lay claim to them, or cause a claim to be made to them or shall take them away, or cause them to be taken away or shall side with evil and shall return these lands to their province or shall present them to a god or to the king, or to any other man, or because of the curse shall cause another to take them or shall cause another to remove this memorial stone or shall cast it into a river or put it in a well or destroy it with a stone or hide it

in a place where it cannot be seen upon that man may the great Gods look with anger and may they curse him with an evil curse that cannot be loosened, may sin with leprosy that never departs clothe his whole body so that he may be unclean until the day of his death, but must roam like a wild ass outside the wall of his City."

One undertook something in breaking a contract in those days.

These old civilizations passed away and were buried in the dust so we'll skip a few centuries and take you to England where the foundations of the present customs and the law respecting real estate were laid, in fact, the common law of England as it existed prior to the 4th year of James I (about 1606) was incorporated into the law of Illinois.

Conveyances were first made by a simple declaration, "You sell and I buy." That was not satisfactory. Then the transactions were made in the presence of witnesses but that didn't work either, witnesses would die or move away and bribery was not unknown even then.

HAND TO HAND

"Livery of Seisen" was then adopted. That consisted of simply going on the land and delivering a clod of earth or twig by the seller to the buyer. Later little solemnity was added and the buyer and seller and witnesses would gather upon the land and the seller would cry in a loud voice, "In the presence of Almighty God and these witnesses I sell and give possession to — x—" and describe the property something like this: "The land which extends to the river on the North, East to the hills, South as far as a man can walk in a day and West to the setting sun."

Speaking of descriptions, after Joshua conquered the land of Caanan, the Lord decreed a partition among the tribes of Israel. This is the description of the allotment to the tribe of Judah:

"The South boundary, the wilderness of Zin, the East border was the Salt Sea, the North was the bay of the Sea at the uttermost part of

Jordan and the South border, the top of the mountain at the end of the valley of the giants."

And not long ago in this country, a parcel of land was described as follows: "Commencing at the North-west corner of Johnson's lot and running South to the slough at the coal bank, thence East down the slough to the foot of the hill, thence North along the foot of the hill to Smith's land, thence West to the place of beginning." Even yet descriptions are not always definite.

The next development was a requirement that all contracts affecting real estate must be in writing. Then in the United States the first Recording Act was passed which made recording necessary for notice to the world.

As recordings became numerous and titles became complicated, some enterprising American conceived the idea of making Abstracts of the record to assist Attorneys in the examination of title and to provide evidence of title for the owner of property.

An abstract is really a history of the land and tells many stories of births, marriages, the struggle for survival, and death.

It is a digest of each and every instrument and event discovered by the Abstractor in his search of many public records. He spends a lot of money to keep the entire record as to all tracts of land, in his office, maybe he won't use some of it but it is there to better serve the property owner. An Abstract does not guarantee the title or mean that the title is good. That has to be determined from an examination by an Attorney.

LOOK TO TITLE

The Supreme Court says this: "It is a well known fact that few persons purchase real estate without first obtaining an Abstract of the vendors title with a view to having the title passed upon by someone learned in the law."

Let me tell you this—that in over 2,000 title examinations in a certain State recently, 25% had defective descriptions, 30% had defects in the execution of instruments, 23% had

judgment liens and 14% had miscellaneous objections.

There is, however, a system of title evidence where there is a guarantee against defects and that is Title Insurance. A Title Guarantee Policy is a contract with a Title Insurance Company to protect the owner against all defects in the title and to compensate for any losses.

Title Insurance is strictly a product of the free enterprise system in the U. S. A. It does not exist in any other country in the world to my knowledge.

The first policy was issued in Philadelphia in 1875 and now in the larger cities of the United States it is the only method by which title is evidenced. Phenomenal progress of this system has been made in the past 50 years and now it is a well known fact that in no country in the world today is the transfer of real estate so free of delay, red tape and hazard as in the United States today.

In the Title Insurance business it is not of great importance that the title is good, the element of risk is the important factor.

There are two classes of risks: known and unknown.

Among the known risks we include defects shown by the record, defective affidavits of heirship in probate matters and contingent remainders in unborn children shown by Wills.

And as to seriousness of this last, there is a difference of opinion between Lawyers and Doctors. In law there is no age at which a woman is presumed to be unable to bear a child. Medical men will tell you that there is little likelihood after 50. The United States Department of Commerce found that in over 200

million births between 1923 and 1932 none were to women over 55 and only .0001% to women over 50.

I don't mean to say that a Title Company will guarantee all known risks, but they do take calculated risks in the large majority of cases and this makes possible deals which would otherwise fall through.

As to unknown risks, we include capacity of parties. No one knows from the record whether some parties are of legal age or otherwise competent.

No one can tell whether any deed in the chain of title is or is not a forgery.

No one can tell whether the marital status given in deeds is correct.

No one can tell what changes will be made by the Courts in the interpretation of laws, or in finding that certain laws on the books violate some provision of the constitution.

Lawyers cannot guarantee against these risks any more than a Doctor can guarantee that you will live to be 100 years of age.

When you buy real estate, you buy something which has existed for a long time and much water has gone over the waterfalls since creation.

A title is made up of a chain of instruments and events and no chain is any stronger than the weakest link.

After all, you insure against fire and relax.

You insure your life and rest assured that your dependents will be provided for.

You insure your title to real property and you are protected against known and unknown risks. The Title Insurance Company assumes the defence of the title without cost to you and promptly pays all losses.

TITLE INDUSTRY SERVES THE PUBLIC

ZEB H. FITZGERALD, *President, Texas Title Association*

President, Hays County Abstract Co., San Marcos, Texas

The title industry deals primarily in service to the public. It requires the employment of highly trained personnel—trained in the technical field of research and trained in the field of maintaining good public relations.

In order to render proper service the first requirement is a complete and workable title plant, built to fit the needs of the particular county in which it operates. A staff of well trained title men and women is also necessary. These two factors are the working tools of a good title company, but they are not sufficient in themselves. We must always keep in mind that service is our business.

Many changes have taken place in this country during the last decade. Due to the tremendous growth of our national economy, the title industry has seen more development than in any other like period in the history of this nation. With the boom in our business also came added responsibilities, so that the title man now finds himself in a professional position in close relation to that of the attorney; performing a service in conjunction with but not in competition with the attorney.

We must realize our responsibility to the community which we serve, the responsibility of adopting modern methods; of keeping ourselves posted on government regulations; of staying familiar with current financing; of attracting new industries and new owners to our communities.

Add to this a reputation for integrity, good ethics and fair treatment and we have the ingredients of a good title company. These are the things the examining attorney looks at and considers when he reads an abstract prepared by your company. These are the qualities which must be developed by an abstract company in order to win the con-

fidence of the banks, the insurance companies, and the lawyers.

How can a title man, whether he be in a large or small concern, best keep up with these changing times? What new methods have been developed which will make your service more prompt and accurate? Many of your fellow title men have had the same experiences which you are now having. Once a problem has been solved, the person who solved it likes to talk about it. We can profit from the experience of others.

Your title association has as its aim the promotion of the general welfare of the abstract and title professions, and the development of a higher standard of proficiency in professional attainments and more efficient equipment for rendering expert service. Membership in your title association will serve as a recommendation to your customers for your high spirit of ethics. Your title association seeks to co-ordinate and standardize forms and practices confidence of the clients of your pro-in rendering service and to encourage a fidelity which will merit the fession. Membership in the association makes available to you valuable business information. By attending and taking part in the regional meetings and the annual convention you benefit by widening your circle of professional friends, and by discussing with your contemporaries the solutions to problems presented by the changing economy or by new legislation. The association strives to provide protection for its members against imposters, as is enjoyed by other professions of expert knowledge and skill.

We cannot stand still in the title business. We must move fast in order to keep up. The best way to stay abreast of the times is to take part in the activities of the Texas Title Association which is designed to help you.

ROMANCE OF LAND TITLES

(Part II)

JAMES E. SHERIDAN

Exec. Vice President, American Title Association

OPINION ON TITLE

Is one who specializes in real property law without the saving grace of humor? Listen to this, just a few of many.

Don't buy the @?!&*! land. It has been my sorrow and burden to look over several examples of a title examiner's nightmare, but this alleged title takes the cutglass flyswatter. It is my private belief that you couldn't cure the defects in this title if you sued everybody from the Spanish Government (who started this mess) on down to the present possessor of the land who is there by virtue of a peculiar instrument, optimistically designated by the abstracter as a General Warranty Deed.

In the first place, the field notes of the Spanish Grant do not close. I don't think it possible to obtain a confirmation grant since the late unpleasantness in 1898. In the second place, there were nineteen heirs of the original grantee, and only three of them joined in the execution of the conveyance unto the next party in this very rusty chain of title, which is a major defect in the first place. We might rely on limitation here, except that I am reliably informed that nobody succeeded in living on this land for a period of two years, before dying of malnutrition.

The land has been sold for taxes eight times in the last forty years. The last purchaser sued the tax collector a month after he bought it, for cancellation of sale on the ground of fraud and misrepresentation. He doubtless had grounds, but this incident will give you a rough idea of what kind of muzzle loading smoothbores are "fritzing" the title. Nobody has ever redeemed one of those tax sales—glad to get rid of it, no doubt.

On February 2nd, 1904, a gentleman who appears suddenly out of nowhere, by the name of William Bran-

non, executed a quit claim deed, containing a General Warranty of title, to one Patrick Perkins; Perkins, the prolific old billygoat, dies, leaving two wives and seventeen children, the legitimacy of two of them being severely contested. I am not being any funnier than the circumstances indicate—he actually left two wives and it appears never to have been legally adjudicated who he done wrong by. Each of the ladies passes away in the fear of God and the hope of a glorious resurrection, and left a will devising this land to their respective brats. A shooting match between the two sets of claimants seems to have assisted the title slightly by reducing their number by six and substituting eleven sets of descendants. One of the prevalent causes of defect in this title seems to be the amorous proclivities and utter disregard of consequences prevailing in this neighborhood.

Your respective vendor derives title by virtue of an instrument concerning which I have previously remarked. It is executed by a fair majority of one set of the offspring of Patrick (Prolific) Perkins, and is acknowledged in a manner sufficient to pass a County Clerk with his fee prepaid. Outside of the fact that it does not exactly describe the property under search, the habendum clause is unto the grantors—the covenant of general warranty does not warrant a thing—and it is acknowledged before it is dated, I suppose that is all right.

I might mention that this land was the subject of trespass to try title suit between two parties who appear in the abstract for the first time, and one of them recovered judgment awarding title and possession. We may waive this as a minor defect comparatively speaking. You can buy this land if you wish. There are at least five hundred and seventy-three people who can give you as good title as your prospective vendor — not

counting the heirs of the illegitimate son of Adam Paulins, who dies in the penitentiary in 1889.

One man made this provision in his will: "It is my will that \$1000.00 be put at interest, of my means, for certain purposes, to-wit: In view of and in anticipation of Gordon Templeton committing some crime worthy of prosecution, (of which he is so capable) that it shall be the duty of my said Executors to employ said interest and principal, if necessary, in employing lawyers to prosecute him in all civil matter where he may be used, and if there should be a case that would send him to the penitentiary, or stretch his neck, no means shall be withheld, in prosecuting him to the death, as he is a swindler, a liar, and a scoundrel and a hypocrite, and should my said Executors fail to do this, my will in relation to Templeton, then and in that event, they shall forfeit all the interest they have in my said estate as above mentioned."

DESCRIPTIONS

"Said Commissioner Baron de Bastrop, the Empresario Estevan F. Austin, the witnesses Thomas Walker, John Ingram, Caleb R. Bostic, the neighbors, the Surveyor Seth Ingram and the settler—we repaired to said league of land, we sold to the latter, by the foregoing deed, (and then followed the field notes of the survey) we put him in possession of said land, taking him by the hand over it, telling him in a loud and audible voice that by virtue of the commission and the powers vested in us and in the name of the Govt. of the Mexican Nation we possess him of said land with all its uses, costumes, rights, hereditaments, for himself, his heirs and assigns, and he, in faith of being put in real and personal possession of said land without any opposition whatever, shouted with a loud voice, pulled herbs, threw stones, planted stakes and performed the other necessary and solemn acts . . ."

—From one of the "Original Grants" by Mexican Land Commissioner Baron de Bastrop to a member of Austin's Colony.

—Reported by Frank K. Stevens, Brazoria County Abstract Co., Angleton, Texas.

"Beginning at a Mesquite bush on the NW side of Jaybird-Highway road, and thence S.W. with said road 100 yards a corner;—"

We have a case in this County where the boundary line was given as "Thence with the center of a ravine with its meanders. . . ."

Warranty Deed dated Nov. 13, 1935—Vol. 171, page 160, Deed Records of Parker County, Texas.

Beginning at a maple and elm on bank of Big Sandy River below Jacob Dean's field and running up said river with its meanders to a sycamore just above the old Salt gum; thence angling across the bottom to the Perry Branch and up said branch to the first left hand fork and up said fork to the top of the hill above the old meadow to the back line of the old survey and thence with said line to the beginning corner, and also, another tract of land in the Ruffner survey adjoining the above named tract of land and bounded as follows, to-wit:

Beginning at the top of the hill above the old meadow and running with the center of the top of said ridge to the top of the dividing ridge that divides Elijah Hattons Creek and Sandy Waters and with the center of the top of said ridge with its meanders to the Ruffner line and with said line to Sandy River and with its meanders up said river to maple and elm to the first beginning corner of the old survey; thence with the back line of the old survey to the beginning corner.

WILLS

It is in the Probate Section of our Branch of the law, we find a wealth of interesting material, material which portrays all the emotions of mankind. These records display proof of faith and trust and affection. There are visual documentary evidences setting forth in words unmistakably clear the esteem in which the testator held the legatee—or the reverse.

We sometimes see evidences the testator was distrustful of some of the legatees; that he had a deep insight into the heart and soul of one or more beneficiaries under the will; that he knew well their frailties, their cupidity, their avarice.

The quotation I had in mind turns out to have been in a letter of the decedent, rather than in his will, but his will, his estate, his heirs and his attorneys gave the courts and ourselves many headaches, all now long since behind us. Here is what he wrote:

"The entire family with rare exceptions are the most ignorant, idiotic vicious unappreciative, degenerate ungrateful corrupt brainless vampires abortions petty larceny thieves bandits on the face of this earth." (20 P. 2d 61, 62).

—Lawrence L. Otis, Vice President & Chief Counsel, Title Insurance & Trust Company, Los Angeles, California.

A LAWYER'S SONG—

One of the songs often sung at the mess in Gray's Inn, London, has this verse:

"Now, this festive occasion our spirit unbends,

Let us never forget the profession's best friends.

So we'll send the wine round and a nice bumper fill

To the jolly testator who makes his own will."

The refrain of the Gray's Inn song is even more precise in its sarcasm, for it runs:

"Oh the Law, when defied will avenge itself still

On the man and the woman who make their own will."

(—Case and Comment)

FINAL PAYMENT

"Judge," said the Contractor to his Lawyer, "Doctor says I got about a month to live; I want to make my will."

"Fix it so my overdraft in the First National Bank goes to my wife—she can explain it to them."

"My equity in my automobile I

want to go to my son. He will have to go to work then to meet the payments."

"Give my unpaid bills to the Bonding Company; they took some awful chances on me and are entitled to something."

"That new-fangled machine on the job I want the Resident Engineer to have. He made me buy it; maybe he can make it work."

"My retained percentage give to the State; I never expected to get it anyway."

"My equipment give to the junk man. He has had his eye on it for several years."

"My keg I want to go to the bootlegger. I hope it costs him as much to keep it wet as it has me."

"I want you to handle the funeral for me, Judge. Any undertaker will do, but I want these six material men for pallbearers. They have carried me so long they might as well finish the job."

LAST WILL AND TESTAMENT OF A PROMINENT BUSINESS MAN

To my Beloved Wife, I leave her Boy Friend with the knowledge that I was not the idiot she thought I was . . . To my Son, I leave the pleasure of earning a living . . . To my Daughter, I leave \$100,000—she will need it . . . the only good piece of work her husband ever did was to marry her . . . To my Valet, I leave my clothes, particularly the fur coat of mine that he has been wearing each winter while I was south . . . To my Chauffeur, I leave my cars; he has almost smashed them up now and he may as well have the satisfaction of finishing the job . . . To my Partner, I leave a suggestion . . . that, if he expects to make any money, he had better take another smart man in business with him at once.

LOWNSBURY WILL

A most wonderful will was written by a Chicago lawyer named Lownsbury. In the latter days of his life, he was not pursued by financial good fortune. He was buried not in Potter's Field only because others of the Bar

paid for a grave. But assuredly he retained a beauty of soul and mind, a deep understanding of humans, a wonderful conception of the worthwhile things of life upon this earth—and with an ability to put those thoughts on paper.

He died poverty stricken. It might be said of him he died that his words might live.

For, like the works of Carrie Jacobs Bond, or Victor Herbert, or Samuel Clements, a reading and a re-reading of the Lownsbury Will will bring peace to the soul, bring a renewed appreciation into the minds of men of the wonders and majestic perfection of the works of Almighty God—perfections which are always before us if we but take the time to absorb them. The Lownsbury Will:

"I, Charles Lownsbury, being of sound and disposing mind and memory, do hereby make and publish this my last will and testament, in order, as justly as may be, to distribute my interest in the world among succeeding men.

"That part of my interests which is known in law and recognized in the sheepbound volumes as my property, being inconsiderable and of no account, I make no disposition of in this my will. My right to live, being but a life estate, is not at my disposal, but, these things excepted, all else in the world I now proceed to devise and bequeath.

"Item: I give to good fathers and mothers, in trust for their children, all good little words of praise and encouragement and all quaint pet names and endearments, and I charge said parents to use them justly, but generously, as the needs of their children shall require.

"Item: I leave to children inclusive-ly, but only for the term of their childhood, all and every the flowers of the fields and the blossoms of the woods, with the right to play among them freely according to the customs of children, warning them at the same time against thistles and thorns. And I devise to children the banks of the brooks and the golden sands beneath the waters thereof, and the odors of the willows that dip therein,

and the white clouds that float high over the giant trees.

"And I leave the children the long, long days to be merry in, in a thousand ways, and the night and the train of the milky way to wonder at, but subject, nevertheless, to the rights hereinafter given to lovers.

"Item: I devise to boys, jointly, all the useful, idle fields and commons where ball may be played, all pleasant waters where one may swim, all snow-clad hills where one may coast, and all streams and ponds where one may fish, or where, when grim winter comes, one may skate, to hold the same for the period of their boyhood. And all meadows, with the clover blossoms and butterflies thereof; the woods with their appurtenances; the squirrels and the birds and echoes and strange noises, and all distant places which may be visited, together with the adventures there found. And I give to said boys each his own place at the fireside at night, with all pictures that may be seen in the burning wood, to enjoy without let or hindrance and without any incumbrance or care.

"Item: To lovers I devise their imaginary world, with whatever they may need, as the stars of the sky, the red roses by the wall, the bloom of the hawthorn, the sweet strains of music, and aught else they may desire to figure to each the lastingness and beauty of their love.

"Item: To young men jointly, I devise and bequeath all boisterous, inspiring sports of rivalry, and I give to them the disdain of weakness, and undaunted confidence in their own strength. Though they are rude, I leave to them the power to make lasting friendships and of possessing companions, and to them exclusively I give all merry songs and grave choruses to sing with lusty voices.

"Item: And to those who are no longer children or youths or lovers, I leave memory; and bequeath to them the volumes of the poems of Burns and Shakespeare and of other poets, if there be others, to the end that they may live the old days over again, freely and fully without tithes or diminution.

"Item: To our loved ones with snowy crowns, I bequeath the happiness of old age, the love and gratitude of their children until they fall asleep."

"HEADACHES—WHY TITLE MEN GET GRAY"

The title to the South point of Lee County comes through the half breeds of the Sac and Fox Indians. There are no patents from the U. S. Government, the half breed Indians getting their title from the Treaty of Fort Armstrong when the Sac and Fox ceded Southeastern Iowa to the U.S. Government—the original idea being that the half breeds whose fathers had taken them back to St. Louis settlements were entitled to some share in the payment for the tribal lands.

History of Early Title

That part of Lee County, Iowa, lying south of the Missouri line extended eastwardly (described as a line drawn east and west through a point one hundred miles north of the junction of the Missouri and Kansas Rivers) is known as the "Half Breed Tract."

The title was acquired by the United States of America from the French in the Louisiana Purchase in 1803 and from the Sac and Fox Indians, the inhabitants, by the treaties of August 4, 1824 (7 United States Statutes at Large, page 229) and of September 21, 1832 (7 United States Statutes at large, page 374). In the first treaty this tract was reserved for the Half Breeds of the tribes. In the second, the Indians, not the Half Breeds, ceded all their remaining interest to the Federal Government.

By an Act of Congress, approved

June 30, 1834, (4 United States Statutes at Large, page 167), the interest of the Half Breeds was made an absolute estate in fee. Sales were made under this act by anyone who claimed to be a Half Breed and the titles were further complicated by the claims of settlers under the general Homestead Act.

—From Ralph B. Smith, Attorney-at-Law, Keokuk, Iowa.

A DYING CONFESSION

By Tom Q. Ellis

(Case & Comment, March, 1952)

A young man fired with pep and zeal approached his doting Paw, And said "Above all other things, I wish I knew the Law."

So Law it was, he entered school and wafted like a breeze

To topmost heights where he was crowned with all the Law Degrees. And then he hung his shingle out and folks from far and near

Came rushing in to learn the Law from one who had no peer.

And soon he mounted to the Bench—the highest in the land,—

And there as Judge and Counsellor dispensed blind Justice grand.

For years and years his word was Law, his reputation grew,

And none would dare to challenge him about the law he knew.

But Father Time must take his toll, when years have quickly sped,

And so this Judge and Counsellor came down to his last bed.

His breathing gasps came quick and short, his life was ebbing fast,

And many gathered 'round to hear some wise words as his last.

They huddled close and bended low—and listened, jaw to jaw,

But shocked they were when he confessed, "I wish I knew the Law."

JAMES E. SHERIDAN ILL

James E. Sheridan, Executive Vice President of the American Title Association for twenty-five years, was stricken with a mild heart attack on Saturday, June 30. He is progressing nicely and making satisfactory recovery. According to his physician, Jim should be about four or five weeks convalescing. Be assured he is doing well according to all reports and we have every reason to expect his return to active duties in a brief time. Jim has specifically requested: "No flowers." But I can add that a note from his numerous friends would be encouraging and a source of delight for Jim. Send direct to ATA Headquarters.

J. H. SMITH, Secretary, ATA.



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