

**A TREATISE ON THE
EXAMINATION OF TITLES TO
REAL ESTATE AND THE
PREPARATION OF ABSTRACTS**

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A Treatise on the Examination of Titles to Real Estate and the Preparation of Abstracts by W.
B. Martindale & Lyne S. Metcalfe

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W. B. MARTINDALE & LYNE S. METCALFE

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A TREATISE
ON THE
EXAMINATION OF TITLES
TO
REAL ESTATE
AND THE
PREPARATION OF ABSTRACTS.
WITH AN APPENDIX OF FORMS.

BY W. B. MARTINDALE,

Author of a Treatise on the Law of Conveyancing.

SECOND EDITION: REVISED AND ENLARGED.

By LYNE S. METCALFE, JR.,

Editor Central Law Journal.

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PREFACE TO THE FIRST EDITION.

The preparation of this work was begun some years ago, but before publication, the writer discovered that he had fallen into the common error of indulging in frequent and extended digressions, discussing principles of law, to the obscurement of the primary object of the work. The subject is, of course, inseparably connected with the Law of Real Property, but involving as it does this entire branch of jurisprudence, discussion of its principles, within the limits of a single volume, was found to be impracticable. The original topic was, therefore, eliminated and the first publication confined to a treatise on the Law of Conveyancing. The success of that work seemed to warrant the publication of the present volume—the object of which is, to suggest the points to which attention is to be drawn in the examination of titles and to state the method of preparing abstracts. In its preparation, the writer has made liberal extracts from the early English writers on the subject, where applicable to the present state of the law in this country, but it must be admitted that very little of value in the way of precedent is to be found, on which to formulate a work of this character.

For the want of a better term the word **ABTRACTOR** has been made use of to designate the person who prepares an abstract, which has not been sanctioned by any recognized authority. The employment of some such word seemed to be essential to clearness of expression, as that of examiner is a more general term and is applied with equal propriety to different classes of persons who engage in the investigation of titles.

W. B. MARTINDALE.

KENOSHA, Wis., September 1, 1885.

PREFACE TO THE SECOND EDITION.

The rapid and successful sale of the first edition of this work seemed to the publishers, to justify a second. Though not as large as some existing works upon the same topic, it can be said that it embraces in clear and plain style a complete view of the subject of Abstracts of Title, considered from a practical stand-point, and does not pretend to discuss questions already embraced in the author's work on conveyancing. In other words, it is a complete treatise on the subject of Abstracts of Title, the manner of preparing and examining the same, and the questions incident thereto, and it is in no sense a work on Conveyancing or Real Property, of which some existing works on Abstracts of Title are largely composed. The editor of the present edition has had in mind its practical character and has added those things which to him seemed useful in that direction. New cases have been added to the text throughout. Some new chapters have been written, notably those on "The Right to Search the Records," "Object of an Abstract," "Relinquishment of Dower by Power of Attorney." Besides this, considerable has been added to the chapter on "Abstract of a Purchase Deed," and here and there throughout the book. The editor trusts that his labors have not been altogether in vain.

LYNE S. METCALFE, JR.

ST. LOUIS, July, 1890.

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