

To all to whom these presents shall come, I, James Strath of the Township of Flos in the County of Simcoe, send greeting:

WHEREAS by a certain agreement of reference dated the 18th day of January 1922 and made between Jesse Webster, Lumberman, of the One part and William Trace, Farmer, of the other part, both of the Township of Flos in the County of Simcoe, reciting certain differences that had arisen and still existed between the said parties in respect of the true, just and proper ownership of the North Forty acres of lot Number 21 Concession 10 of the Township of Flos and that the said parties had agreed to refer such differences to arbitration upon the terms and conditions contained in the act of the Legislature entitled An Act Respecting Arbitration and Reference the said parties to agree that all matters in difference between them relative to the premises and in relation to all actions and proceedings of all kinds that have arisen as an outcome of the claims of each of the said parties relative to the ownership of the said property shall be and were referred to Matthew Lawson, harness-maker and Charles S. Burton, Township Clerk, as arbitrators, and Whereas the decision of arbitrators had not been given before the 17th day of April 1922 and the arbitrators under their hands on said date extended the time for making their award until the 18th day of May 1922, and whereas the arbitrators being unable to agree did under their hands on the 18th day of April appoint me, James Strath, as umpire which umpirage I have accepted.

The exact nature of the dispute between the parties as alleged by them respectively is as follows:

William Trace claims that the said Jesse Webster was engaged by him to purchase the North Half of Lot number 21 concession 10 Township of Flos (or such part thereof as might be sold) at the County of Simcoe Land Tax Sale in the fall of 1918. That Jesse Webster attended the said tax sale and purchased the North Forty Acres of said Lot Number 21 Concession 10 aforesaid and that by virtue of the said agreement the lands belonged to him, William Trace.

Jesse Webster claims that he was not engaged by William Trace to purchase the said land in question but that he was asked by Trace to attend the said Tax sale to purchase the land for him (William Trace) but informed Trace that he intended to purchase the land for himself.

Now, I, the said umpire having accepted the umpirage and having heard the parties and their witnesses do hereby make and publish this, my award concerning the matters above referred to in the manner following, that is to say-

- (1) That William Trace requested Jesse Webster to attend the Tax Sale held in the fall of 1918 at Barrie in the County of Simcoe and purchase for him Lot 21 Concession 10 Township of Flos or such part thereof as might be sold.
- (2) That Jesse Webster acceded to the request of William Trace attended the sale and purchased part of the said lot namely, the North forty acres thereof.
- (3) That the said William Trace took possession of the property immediately after the time for redemption had expired, cutting wood thereon for his own use and for sale and in every other way using the property as his own, Jesse Webster knew that William Trace considered the property as his own; but although the men met frequently no objection was made by Jesse Webster as to William Trace's claim of ownership nor as to William Trace's cutting and removing timber until the fall of 1921 when Jesse Webster sent notice to William Trace to desist from further cutting.

In the meantime Jesse Webster obtained a tax deed for the said property. Action was being taken by William Trace to obtain legal title to the property when Jesse Webster proposed arbitration which was agreed to by William Trace.

(4) After thorough investigation and careful consideration of the case I have decided that the land purchased by the said Jesse Webster at the said tax sale is truly and justly the property of William Trace and that the said Jesse Webster who has received a deed of the said land from the Corporation of the County of Simcoe holds the same in trust for the said William Trace.

(5) That I find the said Jesse Webster has paid as Trustee for the said William Trace the following sums: (a) To the County Treasurer for the Tax Deed \$22.09 (b) Interest thereon \$3.82 (c) The sum of \$5.00 for his expenses attending the Tax Sale at Barrie and the cost of registering the Tax Deed, making a total of \$30.91.

(6) That upon the payment to him of the said sum of \$30.91 as set forth in paragraph five hereof, less one half the costs of this arbitration and award as fixed in paragraph seven hereof, the said Jesse Webster shall execute as Grantor a Quit Claim Deed of all his interest in the said lands to the said William Trace as Grantee, such deed being prepared and tendered for execution at the expense of the said Wm. Trace.

(7) It is my decision that the legal costs incurred by the parties prior to and during this arbitration in anywise connected with the matters in dispute herein do not form part of this arbitration, and as to the costs of the arbitrators and of the arbitration generally I fix the same at \$40.00 one half of same to be paid by each of the said parties.

In witness whereof I have hereunto set my hand and seal this sixteenth day of June 1922.

Signed, Sealed and Published)
in the presence of)
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IN THE MATTER of the arbitration between Jesse Webster and William Trace,- Matthew J. Lawson and Charles S. Burton, Arbitrators,-

I, Annie Burton of the Township of Flos in the County of Simcoe, Clerk, make oath and say:

1. I was personally present on the sixteenth day of June 1922 and saw James Strath (umpire) sign, seal and publish the award in writing hereto annexed,

2. The time for making the said award was on the seventeenth day of April 1922 duly enlarged to the eighteenth day of May 1922 by writing under the hands and seals of the said arbitrators, Matthew J. Lawson and Charles S. Burton duly endorsed on the submission.

The arbitrators being unable to agree did on April the eighteenth 1922 by writing under their hands and seals endorsed on the submission appoint James Strath, farmer, of the Township of Flos, as umpire, which umpirage was accepted by the said James Strath.

3. The name James Strath subscribed to the said award is of the proper handwriting of the said James Strath and the name Annie Burton subscribed thereto as witness attesting the execution of the said award is of the proper handwriting of me this deponent.

4. The said award was made and published on the sixteenth day of June 1922 and within the time allowed for the making and publishing the award of the said umpire.

Sworn before me at the Village)
of Elmvalle in the County of)
Simcoe, this 16th day of June)
A. D. 1922)
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return to proof
murderson

Trace

or

Webster

Award of

James Strath (umpire)

Webster vs Trace

Arbitration.