

tory was approximately one-seventh of the whole township, and the arbitrators based their award as to the debts and as to the assets upon this ratio.

The appeal was heard by Latchford, J., and dismissed, and leave was given to appeal to this Court.

The question to be decided is, are these bridges "property and assets of the township," within the meaning of sec. 58 of the Municipal Act, for which the township should pay to the city approximately one-seventh of their value as the interest of the added territory in them?

I find myself, with great respect, unable to agree with the conclusion of the arbitrators on this point, or the reasoning or conclusion of the Judge who heard the appeal.

It is quite true that these bridges were erected and paid for by the township, and may be said to be township property, but I do not think they are properly described as assets of the township. The word "assets" is suggestive of a liquidation, and is usually opposed to liabilities, and ordinarily refers to such as may be available for meeting the liabilities, although not always restricted to these. These bridges are presumably erected upon and form a part of highways of which the soil and freehold are vested in His Majesty under sec. 599 of the Municipal Act, the municipal council of the township having jurisdiction over them under sec. 600. They are precisely on the same footing as the culverts, roadbed, etc., of the highway. The moneys laid out for these purposes are devoted and dedicated to the public, and after the annexation in question, the inhabitants of the added territory are as fully entitled to the use and advantage of these bridges as they were before, and all the inhabitants of the city of Ottawa and the general public may use them just as freely as those who belong to the remaining portion of the township of Nepean. The only difference is, that upon the ratepayers in the remaining portion of the township alone will fall for the future the burden of the repair, maintenance, etc., of these bridges. So far as the township as a corporation is concerned these bridges may be considered as a liability rather than an asset.

If the legislature had intended that in a case like the present the city should be paid a pro rata share of the value of such peculiar property as this, which I think cannot properly be described as assets of the township, it should have said so in language that would be more fairly susceptible of such a meaning.