

making such additions the added territory had in the property and assets of the township."

Paragraph 3 of the award contains two findings. The first is: "We find that there is due from the City of Ottawa to the Township of Nepean, in respect of the debentures issued under by-laws 624 and 665 of the Township of Nepean for the construction of certain bridges mentioned therein, the sum of \$1,642.91 as a debt coming within the terms of sec. 58 of the said Municipal Act, being that portion of the said debenture indebtedness or debt which we consider just to be paid by the City of Ottawa to the Township of Nepean in respect thereof. . . ."

This part of the award is not questioned.

The second finding is: "And we further find that the sum of \$1,642.91 is the sum which the City of Ottawa is entitled to receive from and be paid by the said township as the value of the interest which, at the time of the annexation in question, the added or annexed territory had in the said bridges as property and assets of the township; and we therefore set off one sum against the other."

The appeal is brought against the latter finding. By setting off against the amount found payable by the city to the township an equal amount as due by the township to the city, the arbitrators have, it is said, taken away with one hand what they had given with the other. But, when the reason for the equality in amounts is considered, the objection mentioned is seen to be untenable. The value of the bridges was, by arrangement between the parties, settled at the amount owing upon the debentures issued for their construction, the township reserving, however, its right to contend that the bridges should not be valued at all by the arbitrators. As the annexed part of the township had thus the same proportionate liability and interest (if it had any interest) in equal amounts, the liability and interest (if there was any interest) were necessarily equal and properly set off one against the other.

The only issue is whether the bridges fall within the meaning of the words "property and assets" used in sec. 58.

Under sec. 599 of the Act, the soil and freehold of every road allowance is vested in the Crown "unless otherwise provided." It is argued that the freehold right cannot co-exist with a right of property in a municipality in a bridge erected by the municipality on an original road allowance. But it is surely needless to point out that, while the freehold may be in one person, rights, proprietary and otherwise, over the same property, may exist in others. Moreover, the Act itself, sec. 640, sub-sec. 11, enables municipalities to pass by-laws for selling original road allowances, and, by