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APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

FEBRUARY 22ND, 1917.

*RE TOWNSHIP OF MALAHIDE AND COUNTY OF ELGIN.

Municipal Corporations—Bridge Proposed to be Erected in Lieu of Township Bridge Destroyed—Proposed Length more than 300 Feet—Liability of County Corporation for Proportion of Cost of Erection, Maintenance, and Repair—"County Bridge"—Municipal Act, R.S.O. 1914 ch. 192, sec. 449—Application to Bridge on Paper—"Maintain."

Appeal by the Corporation of the County of Elgin from an order of the Judge of the County Court of the County of Elgin declaring a proposed bridge, known as Statler's bridge, intended to be placed upon the road allowance between the 1st and 2nd concessions of the township of Malahide, a county bridge, and apportioning between the county and township corporations the cost of erecting, maintaining, and repairing it.

The appeal was heard by GARROW, MACLAREN, and MAGEE, JJ.A., and MASTEN, J.

C. St. Clair Leitch, for the appellants.

J. M. McEvoy and E. A. Miller, for the Corporation of the Township of Malahide, respondents.

MASTEN, J., in a written judgment, said that the order was made in pursuance of the authority and duty imposed on the Judge of the County Court by sec. 449 of the Municipal Act, R.S.O. 1914 ch. 192; and the appeal was under sub-sec. 7 of that section.

The question was, whether, upon the admitted facts, the pro-

* This case and all others so marked to be reported in the Ontario Law Reports.