

the want of repair and dangerous condition will be attributed to the authorities. . . .

[Reference to The Bearn, [1906] P. 48, 74, 75.]

Altogether I see no reason to interfere with the judgment imposing primary liability on the city with right of indemnity as against the contractor.

Appeal dismissed with costs.

MACLAREN, J.A.

APRIL 30TH, 1906

C.A.—CHAMBERS.

McLEOD v. LAWSON.

Appeal—Increased Security for Costs—Exceptional Circumstances.

Motion by plaintiffs (respondents) for increased security from defendant Lawson (appellant) for costs of appeal to Court of Appeal from judgment of MABEE, J. (7 O. W. R. 519.)

R. M. McKay, J. B. Holden, and W. H. Irving, for respondents.

W. M. Douglas, K.C., for appellant.

MACLAREN, J.A.:—The circumstances of this appeal are exceptional. There are 4 respondents, represented by different solicitors, who, it is said, will be represented by different counsel at the argument. The trial was an unusually long one, and it is probable that the argument in this Court will be equally long. In view of these facts and of the importance and variety of the interests involved, and as the appellant now has a judgment against him, it seems to me a proper case for increasing the amount of the payment into Court for security for costs. The appellant has paid in \$200. He should pay in another \$200, thus giving respondents the same amount of security as they would have in case he had given a bond. See Centaur Cycle Co. v. Hill, 4 O. L. R. 493, 1 O. W. R. 639.