ground, as I understand his judgment, of contributory negligence on the part of the deceased. There was ample evidence in support of the jury's finding that the car was being negligently operated; and, unless the deceased was guilty of contributory negligence, the defendant company are liable.

In view of the evidence, that issue could not properly have been withdrawn from the jury; and their finding, being justified by the evidence, is conclusive that the deceased exercised reasonable care. She and her sister looked before leaving the sidewalk; and, according to the sister, no car was in sight. The inference may be drawn that they assumed that no car operated at a reasonable speed could overtake them, and that it was unnecessary for them to look again while crossing the street. Persons crossing street railway tracks are entitled to assume that cars using those streets will be driven moderately and prudently. If a person crosses in front of an approaching car, which is so far off that, if driven moderately, it cannot overtake such person, even though he do not look again and is injured, he is not guilty of contributory negligence: Gosnell v. Toronto R.W. Co. (1895), 24 S.C.R. 582. . . .

The jury was entitled to take into consideration these excusatory circumstances in order to determine whether the deceased had been negligent: Wright v. Grand Trunk R.W. Co. (1906), 12 O.L.R. 114. This was not a case where the accident was caused by the pure folly and recklessness of the deceased, which was the species of negligence commented upon by Lord Cairns in Dublin Wicklow and Wexford R.W. Co. v. Slattery, 3 App. Cas. at p. 1166.

From the facts proved, it cannot be said that two reasonable views may not be taken of the conduct of the deceased.

[Reference to Davey v. London and South Western R.W. Co. (1883), 12 Q.B.D. at p. 76; Cooper v. London Street R.W. Co. (1913), 4 O.W.N. 623, 624.]

It was contended before us on behalf of the defendant company that, as a matter of law, a person was bound to look before crossing a railway track, and that failure to do so was per se negligence; and McAlpine v. Grand Trunk R.W. Co. (1913), 29 Times L.R. 680, was cited in support of that proposition. That case lays down no such doctrine. . . .

The duty of a person about to cross a railway track is, not to be guilty of negligence, which is another way of saying that he must exercise reasonable care. In each case, what is reasonable care is a question to be decided by the jury according to the facts of the case. . . .