were called, all of whom said they heard no whistle whatever. One of them (who was in a house a short distance from the line) heard nothing except the reversing of the engine after the accident. The other two who were driving with the witness first mentioned said they had good hearing and knew no reason why they should not have heard the signals if they had been given. The sum of the evidence appears to be that all persons within hearing distance except the station agent were called, and while three of them heard no signals whatever, the remaining two heard the station signal, but did not hear any crossing signal, and that while their attention was not directed to the train, there appears to have been no reason why they should have heard the earlier and missed the later, if the later was given. I think the jury might reasonably have thought that these two witnesses were so circumstanced as to hear the whistle if it had been sounded, and consequently the finding negativing that cannot be successfully impugned as without support. I do not think, either, that the finding can be got rid of as against the weight of evidence. Especially in view of the fact that the station agent (who was on the station platform when the train passed) was not called at the trial. I do not think we can hold that the jury was bound to accept the evidence of the company's employees as decisive upon the point in dispute.

The jury having reached the conclusion that the statutory warning of the approach of the train to the highway was not given might properly think the most probable explanation in the circumstances of the presence of the waggon on the track was that the absence of warning led the driver into error respecting the distance to be traversed by the train before reaching the crossing or indeed into thinking the train would stop at the station. It is not necessary that the minds of the jury should be carried further than that.

"In the affairs of life," said Lord Loreburn in a recent case, "where much is often obscure, men have to draw inferences of fact from slender premises. A plaintiff . . . must prove his case. The burden is upon him. But this does not mean that he must demonstrate his case. It only means that if there is no evidence in his favour upon which a reasonable man may act he will fail. If the evidence, though slender, is yet sufficient to make a reasonable man conclude in fact that this man fell into the water by accident and so was drowned then the case is proved."