which an inference could reasonably be drawn that the absence of the sign post or the defective grade caused the accident and that there was no evidence to go to the jury on the question of want of signals.

The onus is on the plaintiff to shew, before she can recover, that there was negligence on the part of the appellants and that such negligence caused the injury.

The view of the appellants' railway is quite unobstructed to persons driving on the highway at any point within, at least, one-half a mile northerly from the railway, for a distance of a mile westerly from the scene of the accident.

The appellants submit that it is impossible to say that the absence of this sign post, which could have been seen by the deceased only if they were looking for it and then only after they had reached a point within only a very few feet of the appellants' railway track, could have contributed to the accident or had any effect at all upon the conduct of the parties where the train itself was (under the circumstances above set out) a much more conspicuous evidence of their proximity to the railway track.

"A railway is a warning in itself," *Grand Trunk Rw. Co.* v. *Beckett*, 16 S. C. R. 713.

In Shearman and Redfield on Negligence, 4th edition, vol. 2, sec. 469 cited with approval by McMahon, J., in *Shoebrink* v. *Canada Atlantic Rw. Co.*, 16 O. R. 515, the law is thus stated: "When a human being is injured at a railway crossing there is a reasonable presumption that the warning conveyed by the sound of a bell or whistle would have been beneficial to him; and therefore, in such a case, it should be presumed that his injury was caused by the omission of such signals, if they were omitted. But if without these signals the injured person knew, or by the exercise of ordinary care would have known, of the proximity and approach of the train this presumption is rebutted; and without further evidence connecting the omission of the signals with the injury, the company is not responsible for it on that ground alone."

In any event the circumstances which are established are as consistent with the appellants' denials as with the plaintiff's allegations of negligence of the appellant being the cause of the accident, and the case falls within the rule laid down in *Wakelin* v. *London and South-Western Rw. Co.*, 12 App. Cas. 41.