The facts were not in dispute, as the defendants adduced no evidence; but questions arose as to the proper inferences from the facts. It was the province of the jury to draw the inferences of fact properly arising from the uncontroverted evidence; and it was the duty of the Judge to leave the case to them for that purpose.

The inferences which the jury had drawn were not so unreasonable that they should be set aside and a new trial granted.

The inference that the failure of the defendants to whistle and ring the bell was connected with and contributed to the accident was plainly warranted.

The inference that the deceased took ordinary and reasonable care before attempting to cross the railway tracks was one that the jury might properly draw.

The inference drawn by the jury that the accident was to be ascribed to the defendants' fault, and not to that of the deceased, was also warranted.

Reference to a recent and unreported decision of the Supreme Court of Canada in Ottawa Electric R.W. Co. v. Booth.

The case was properly left to the jury, and their findings in regard to liability could not be disturbed.

The pecuniary interest of the parents in the life of the son who was killed—he was a youth of 20, who had been overseas, and had since worked upon his father's farm—was not such as to warrant an assessment of damages at $2,500, and, as the Court could not force the plaintiff to accept a sum named by the Court, there must be a new assessment of damages, unless the parties could agree upon a sum: London and Western Trusts Co. v. Grand Trunk R.W. Co. (1910), 22 O.L.R. 262, 264, 268.

The costs of the former trial should be costs in the cause, and the costs of this appeal should be costs to the defendants in any event.

Order accordingly.

SECOND DIVISIONAL COURT. JANUARY 26TH, 1921.

ROBINSON v. TORONTO GENERAL TRUSTS CORPORATION.

Injunction—Interim Order Restraining Defendants from Holding Meeting of Shareholders of Company—Reversal on Appeal—Costs.

Appeal by the defendants Arena Gardens Limited from an order of MASTEN, J., in the Weekly Court, ante 471, restraining the