

The jury can infer from the facts and have a right to make a reasonable inference even though there may not have been precise proof that the negligence of the defendants was the direct cause of the accident: *McArthur v. Dominion Cart-ridge Co.*, 30 S. C. R. 285, [1905] A. C. 72; *Daniel v. Metropolitan R. Co.*, L. R. 3 C. P. 216, 5 H. L. Cas. 45; *Newell v. Canadian Pacific R. Co.*, 12 O. L. R. 21, 5 Can. Ry. Cas. 372.

Persons lawfully using the highway are entitled to assume that the statutory signalling will be given by a train crossing the highway, that the sign post will be erected and maintained, and that the lawful grade would exist: *Vallee v. Grand Trunk R. Co.*, 1 O. L. R. 224, 1 Can. Ry. Cas. 338; *Morrow v. Canadian Pacific R. Co.*, 21 A. R. 149.

The fact that the deceased persons were to some extent acquainted with the locality, as the learned Judge, Chief Justice of the Divisional Court, said, is only a circumstance to be considered by the jury. See *Peart v. Grand Trunk R. Co.* (Privy Council), reported in 10 O. L. R. 753, 5 Can. Ry. Cas. 347; *Vallee v. Grand Trunk R. Co.*, 1 O. L. R. 224, 1 Can. Ry. Cas. 338; *Sims v. Grand Trunk R. Co.*, 10 O. L. R. 330, 12 O. L. R. 39, 5 Can. Ry. Cas. 82, 352.

The jury found as a fact that the deceased husband and daughter and David Toll could not by the exercising of reasonable care on their part have avoided the accident. The question of contributory negligence is for the jury; *London and Western Trust Company v. Lake Erie and Detroit River R. Co.*, 12 O. L. R. 28, 5 Can. Ry. Cas. 364; *Misener v. Wabash R. Co.*, 12 O. L. R. 71, 5 Can. Ry. Cas. 356 affirmed *Wabash R. Co. v. Misener*, 38 S. C. R. 94, 6 Can. Ry. Cas. 70; *Champaigne v. Grand Trunk R. Co.*, 9 O. L. R. 598, 4 Can. Ry. Cas. 207; *Peart v. Grand Trunk R. Co.*, 10 A. R. 191, and 10 O. L. R. 753, 5 Can. Ry. Cas. 347; *Vallee v. Grand Trunk R. Co.*, 1 O. L. R. 224, 1 Can. Ry. Cas. 338; *Wright v. Grand Trunk R. Co.*, 12 O. L. R. 114, 5 Can. Ry. Cas. 361; *Mackeson v. Grand Trunk R. Co.*, 16 O. L. R. 516; *Rice v. Toronto R. Co.*, 22 O. L. R. 446, 12 Can. Ry. Cas. 98; *Jones v. Toronto and York Radial R. Co.*, 21 O. L. R. 421, 10 Can. Ry. Cas. 361; *Tinsley v. Toronto R. Co.*, 17 O. L. R. 74, 8 Can. Ry. Cas. 90.

The deceased husband and daughter were passengers only and exercised no control whatever over the vehicle and