

very concisely summed up in Halsbury's Laws of England, vol. 17, p. 112, par. 261, as follows: "In the absence of good reason to the contrary a father has the right to determine in what religion his infant child shall be brought up, and he cannot effectually deprive himself beforehand of that right by an agreement to the contrary, either before and in consideration of marriage, or otherwise." This right of the father is respected even after his death, and the law will presume in the absence of any conclusive evidence to the contrary that he desires his children to be brought up in the faith he himself professed and will give effect to that presumption. In the recent case of *Re Taggart*, 41 O.L.R. 85, this question was raised, but the Court being equally divided the appeal was dismissed; but it is to be remarked that the dissentient judges do not in any way impugn the general principle above referred to, but treat the case as one merely involving the question of custody, which of course is quite distinct from that of religious education.

Swaying of railroad trains or street cars is of common and frequent occurrence, and results in numerous instances from natural inequalities of surface, and necessary curves, switches and guard rails in the construction of the roadbed, without there being any defect in the train or car, or in the track, or any negligence in the operation of the train or car. In such case, this motion is to be considered as incidental to this mode of travel, and to have been contemplated by the passenger, and any injuries resulting to him therefrom are unavoidable accidents, for which he cannot recover.

To furnish ground for an action against a railroad company for injuries to a passenger from the swaying of a car, it must appear that the swaying was more than is ordinarily to be expected, and that it was due to a defect in the car or track, a negligent or dangerous rate of speed, or some other cause for which the company can be held responsible.—*Case and Comment*.

That a carrier is liable to a passenger for mental suffering inflicted by insult of its conductor, although there is no physical injury, is held in the South Carolina case of *Lipman v. Atlantic Coast Line R. Co.*, L. R. A. 1908A 596.