

Master in Chambers.] CONNER & DEMPSTER.

[Oct. 10.

*Venue—Cause of action—Con. Rule 529 (b)—Declaratory action.*

“Cause of action” in Con. Rule 529 (b) means the whole cause of action, and where part of the cause of action arises in the county in which the parties reside, and another part, or the whole, in another county, the rule does not apply, and the question of venue must be determined under the general rules as to convenience.

*Quære*, whether an action for a declaration of right falls within the Rule?

*Mickle*, for defendant. *Lefroy*, for plaintiff.

---

UNITED STATES DECISIONS.

---

NEGLIGENCE.—Fright, resulting in physical injury, is held, in *Sanderson v. Northern P.R. Co.* (Minn.) 60 L.R.A. 403, to give no right to recovery of damages, in the absence of contemporaneous injury to the plaintiff, unless the fright is the proximate result of a legal wrong against the plaintiff by the defendant.

Physical injury or disease resulting from fright or nervous shock caused by negligent acts, where such result might with reasonable certainty have been anticipated, or the negligence was gross, is held, in *Watkins v. Kaolin Mfg. Co.* (N.C.) 60 L.R.A. 617, to give a right of action for damages.

LANDLORD AND TENANT.—Mere failure of a landlord to comply with his agreement to make repairs on the leased premises is held, in *Thomson v. Clemens* (Md.) 60 L.R.A. 580, not to render him liable for personal injuries suffered by a member of the tenant's family because of want of repair.

SUNDAY OBSERVANCE.—Forbidding a barber to exercise his trade on Sunday is held, in *State v. Soper* (Utah) 60 L.R.A. 468, to be a proper exercise of the police power, and not to restrain him unconstitutionally of personal liberty or deprive him of liberty or property without due process of law.

MALPRACTICE.—A physician is held, in *Burk v. Foster* (Ky.) 59 L.R.A. 277, not to be absolved from liability for failure to exercise proper skill in a particular case by the fact that the result is as good as is usually obtained in like cases.