

ARTICLE LXVII.

NEGLIGENCE CAUSING DEATH.

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| <ol style="list-style-type: none"> 1. Liability notwithstanding death. 2. Action to recover. 3. Equitable plaintiff to deliver to defendant full particulars. | } | <ol style="list-style-type: none"> 4. Word "person" to include corporation; responsibility of corporations for acts of their servants. |
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1904, art. 67, sec. 1. 1888, art. 67, sec. 1. 1860, art. 65, sec. 1.
1852, ch. 299, sec. 1.

1. Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.*

Maintenance of suit in other states and in federal courts; statutes of other states.

An action for negligence causing death, which happened in this state, may be maintained in another state in which the common law obstacle to such action has been removed, provided the statute of this state is not in substance inconsistent with the statute or public policy of the state in which such action is brought. Such an action may be brought in the District of Columbia and in the federal courts sitting in New York state, where the cause of action arose in Maryland. *Stewart v. B. & O. R. R. Co.*, 168 U. S. 443; *Hollenbach v. Elmore, etc., Contracting Co.*, 174 Fed. 845.

The right of action given by this section is enforceable in the federal courts of admiralty sitting in Maryland for a wrongful death in consequence of a negligent obstruction in the navigable waters of the state; the right of jury trial not being indispensable to the enforcement of such cause of action. *Maryland v. Miller*, 180 Fed. 796.

The statutes of other states not similar to our own, though belonging to the same class of legislation (such as those of West Virginia), will not be allowed extra-territorial effect. *Dronenburg v. Harris*, 108 Md. 608; *Ash v. B. & O. R. R. Co.*, 72 Md. 147.

Particular cases.

An action lies under this section against a fraudulent vendor who sells property known to be imminently dangerous and likely to cause injury to human beings, where the vendee is not aware of the danger. The vendor's liability extends to persons taking charge of the property for the vendee. Sufficiency of declaration. *B. & O. R. R. Co. v. State*, use Good, 75 Md. 527.

*The annotations to this article are mainly confined to cases dealing specifically with the statute law. For cases involving the general principles of negligence, contributory negligence, assumption of risk, and the like, see appropriate titles in Brantley's Digest.