

Md. 287; Northern Central Ry. Co. v. State, use Burns, 54 Md. 113; State, use Foy, v. Philadelphia, etc., R. R. Co., 47 Md. 76.

Cited but not construed in State, use Black, v. B. & O. R. R. Co., 36 Fed. 655; State v. Hecht, 165 Md. 417; State v. Katcef, 159 Md. 273.

For the statute regulating the survival of causes of action to personal representatives, see art. 93, sec. 109.

As to precautions required of railroad companies, see art. 23, secs. 218, 242, 252, 261 and 263.

As to the investigation of accidents by the public service commission, see art. 23, sec. 380.

See notes to sec. 3.

1937, ch. 495.

2. In any action instituted in the Courts of this State where it shall appear that the death of a person has been caused by the wrongful act, neglect or default of another person, firm or corporation, and such wrongful act, neglect, or default shall have occurred outside of the State of Maryland, whether in another state, the District of Columbia or territory of the United States, the Courts of this State shall apply the law of such other state, District of Columbia or territory of the United States, to the facts of the particular case, as though such foreign law were the law of this State, provided, however, that the rules of pleading and procedure effective in the Court of this State in which the action is pending govern and be so applied as to give effect to the rights and obligations created by and existing under the laws of the foreign jurisdiction in which the wrongful act, neglect or default occurred; provided, however, that nothing in this section shall apply to causes of action arising prior to June 1, 1937.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1852, ch. 299, sec. 2. 1937, ch. 38.

3. Every such action shall be for the benefit of the wife, husband, parent and child of the person whose death shall have been so caused and shall be brought by and in the name of the State of Maryland for the use of the person entitled to damages; "parent" shall include the mother of an illegitimate child whose death shall have been so caused; "child" shall include an illegitimate child whenever the person whose death is so caused is the mother of such child; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought, and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the above-mentioned parties, in such shares as the jury by their verdict shall find and direct; provided, that not more than one action shall lie for and in respect of the same subject-matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of the deceased person.

**Damages.**

The equitable plaintiffs are to be compensated for their *pecuniary* loss only. Tucker v. State, use Johnson, 89 Md. 471; Baltimore, etc., Turnpike v. State, use Grimes, 71 Md. 582; Agricultural, etc., Assn. v. State, use Carty, 71 Md. 100; B. & O. R. R. Co. v. State, use Mahone, 63 Md. 135; State, use Coughlan, v. B. & O. R. R. Co., 24 Md. 105; B. & O. R. R. Co. v. State, use Kelly, 24 Md. 281.

The damages recoverable under this section, distinguished from those recoverable in a suit by personal representative of deceased, under art. 93, sec. 109. Stewart v. United, etc., Co., 104 Md. 339. See also State, use Allen, v. Pittsburg, etc., R. R. Co., 45 Md. 47; W. B. & A. R. R. Co. v. State, 136 Md. 120.

Punitive damages cannot be recovered under this article. When plaintiff will not be restricted to nominal damages. B. & O. R. R. Co. v. State, use Kelly, 24 Md. 280.