

514.

If any applicant shall feel himself aggrieved upon a refusal of a first-class mine foreman certificate or a permit of competency by the Examining Board or the Director, he may apply to the State Commissioner of Personnel who shall review the examination and refusal; and if he finds such refusal unwarranted, may direct a correction thereof; and from such review he may appeal [by petition] to the circuit court for the county within which he resides and such court shall have power to hear and determine the matter, issuing such orders therein as may be just.

684(a) Any person aggrieved by any action of the Department shall have the right to apply to the circuit court of the county or city in which the person resides or the well is located for review of the Department's decisions. [Such application shall be by petition and must be filed in the clerk's office of said court within ten days following the action of the Department and a] Any other party interested therein may intervene. The Department *may become a party to the appeal.* [shall be named the defendant in such suit.] The case shall be docketed at once and shall take precedence over any other civil cause, action, or proceeding on the docket. On the petition the judge shall hear the proceedings de novo, shall thereupon determine all matters of law and fact without a jury, and render his decision approving, setting aside, or modifying the action of the Department. In any such case the Attorney General shall represent the Department, provided that on request of the Attorney General, the State's attorney in the county or city in which the case is tried shall represent the Department.

SEC. 43. *And be it further enacted,* That Section 4 of Article 67 of the Code, title "Negligence Causing Death", be and it is hereby repealed, and re-enacted, with amendments, to read as follows:

4.

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 or if there be no such person or persons entitled then any person related to the deceased by blood or marriage, who, as a matter of fact, was wholly dependent upon the person whose death shall have been so caused. [Every such action shall be brought by and in the name of the State of Maryland for the use of the person or persons entitled to damages; "parent"] "*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 no 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 two years after the death of the deceased person.