

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) CHILD.

"CHILD" MEANS A PERSON UNDER 18 YEARS OF AGE AND INCLUDES AN ILLEGITIMATE CHILD OF A DECEASED MOTHER.

(C) PARENT.

"PARENT" INCLUDES THE MOTHER OF A DECEASED ILLEGITIMATE CHILD.

(D) PERSON.

"PERSON" INCLUDES A BODY POLITIC AND CORPORATE IF OTHERWISE APPLICABLE.

(E) WRONGFUL ACT.

"WRONGFUL ACT" MEANS AN ACT, NEGLIGENCE, OR DEFAULT INCLUDING A FELONIOUS ACT WHICH WOULD HAVE ENTITLED THE PARTY INJURED TO MAINTAIN AN ACTION AND RECOVER DAMAGES IF DEATH HAD NOT ENSUED.

REVISOR'S NOTE: The definitions of "child" and "parent" are derived from Art. 67, §4, as amended by Ch. 651, Acts of 1973. The definition of "wrongful act" is derived from Art. 67, §1. They are placed at the beginning of the subtitle for the purpose of better organization. The definition of "child" is necessary despite Art. 1, §16 because "wrongful death" might be a matter of "descent or inheritance".

The definition of "person" derived from Art. 67, §6 is retained because the Commission feels that its deletion might possibly be construed as narrowing the scope of the act. The problem derives from the term "body politic" and the possibility that it was somehow intended to eliminate the doctrine of sovereign immunity. No reason for use of this phrase has been discovered, and the one case construing it suggests that the phrase does not abolish sovereign immunity State ex rel. Watkins v. Rich, 126 Md. 643 (1915). However, until