

DEATH

SUBJECTS INCLUDED

Presumptions and proof as to death and survivorship in general
 Actions for causing death

SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS

Effect of death, and proceedings founded thereon, see CONTRACTS, DESCENT AND DISTRIBUTION, EXECUTORS AND ADMINISTRATORS, ABATEMENT AND REVIVAL, JUDGMENT and other specific topics

Evidence of death, sufficiency for particular purposes, see DESCENT AND DISTRIBUTION and other specific topics

Intoxicants, actions for damages from death caused by, see INTOXICATING LIQUORS

Negligence and wrongful acts causing death as grounds of actions for damages, see CARRIERS, EMPLOYERS' LIABILITY, NEGLIGENCE and other specific topics

For detailed references to other topics, see Descriptive-Word Index

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- II. EVIDENCE OF SURVIVORSHIP, ☞5-6.
- III. ACTIONS FOR CAUSING DEATH, ☞7-109.
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I. EVIDENCE OF DEATH.

- ☞1. Presumption as to continuance of life.
- 2. Presumption as to death from absence.
 - (1). In general.
 - (2). Time of death.
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I. EVIDENCE OF DEATH.—Continued.

3. Admissibility of evidence as to death.
4. Weight and sufficiency of evidence as to death.

II. EVIDENCE OF SURVIVORSHIP.

5. Presumptions as to survivorship.
6. Evidence as to survivorship.

III. ACTIONS FOR CAUSING DEATH.**(A) RIGHT OF ACTION AND DEFENSES.**

7. Nature and form of remedy.
 8. What law governs.
 9. Constitutional and statutory provisions.
 10. Survival of right of action of person injured.
 11. Creation of new cause of action.
 12. Grounds of action.
 13. — In general.
 14. — Nature of act or omission causing death.
 - (1). In general.
 - (2). Willful or wanton acts and gross negligence.
 15. — Right of action of person injured.
 16. — Instantaneous death.
 17. — Proximate cause of death.
 18. — Loss or injury resulting from death.
 - (1). In general.
 - (2). Loss by parent of services of child.
 - (3). Dependency on decedent for support.
 19. Conditions precedent.
 20. Defenses.
 21. — In general.
 22. — Negligence of fellow servant of deceased.
 23. — Contributory negligence of deceased.
 24. — Contributory negligence of plaintiff or beneficiary.
 25. — Satisfaction or release.
 26. — Pendency of other action.
 27. — Former recovery.
 28. Abatement or survival on death of party.
 - 28.1. — In general.
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 - (2). Nonresidents and aliens.
 - (3). Personal representatives.
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 - (6). Surviving husband or wife.
 - (7). Parent.
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III. ACTIONS FOR CAUSING DEATH.—Continued.

(A) RIGHT OF ACTION AND DEFENSES.—Continued.

- 32. Persons for whose benefit suit may be maintained.
- 33. Persons liable.

(B) JURISDICTION.

- ⊕34. Jurisdiction of cause of action.
 - 34.1. — In general.
 - 35. — Actions under laws of other state or foreign country.

(C) VENUE.

- ⊕36. Venue.

(D) LIMITATIONS.

- ⊕37. Application of general statutes of limitations.
- 38. Special limitations.
- 39. Computation of period of limitation.

(E) PARTIES.

- ⊕40. Plaintiffs.
 - 41. — In general.
 - 42. — Joinder.
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 - 44. Intervention, addition, or substitution of parties.

(F) PLEADING.

- ⊕45. Declaration, complaint, or petition.
 - 45.1. — In general.
 - 46. — Form and requisites in general.
 - 47. — Act or omission causing death.
 - 48. — Statute giving right of action.
 - 49. — Existence of beneficiaries.
 - ⊕ (1). In general.
 - (2). Pecuniary interest in life of decedent.
 - 50. — Appointment of personal representative.
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 - 52. — Damages.
 - 53. Indictment.
 - 54. Plea or answer.
 - 55. Amended and supplemental pleadings.
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(G) EVIDENCE.—Continued.

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67. — Earning capacity of deceased.
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69. — Domestic relations of deceased.
70. — Pecuniary condition of deceased.
71. — Expectancy of life of plaintiff or beneficiary.
72. — Pecuniary condition of plaintiff or beneficiary.
73. — Pecuniary condition of defendant.
74. Weight and sufficiency of evidence.
75. — In general.
76. — Cause of death.
77. — Damages.

(H) DAMAGES OR COMPENSATION.

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 - (1). In general.
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87. — Loss of services.
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89. — Mental suffering of plaintiff or beneficiary.
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92. Interest on damages.
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 - (1). In general.
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 - (1). In general.
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III. ACTIONS FOR CAUSING DEATH.—Continued.

(H) DAMAGES OR COMPENSATION.—Continued.

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 - (4). Elements of damages.
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 - (6). Measure and amount awarded.
- 105. Verdict and findings.
- 106. New trial.

(J) JUDGMENT.

- ⊕107. In general.

(K) REVIEW.

- ⊕108. In general.

(L) COSTS.

- ⊕109. In general.

For detailed references to other topics, see Descriptive-Word Index