

**TITLE 32  
JUDICIAL REMEDIES**

**CHAPTER 32-01  
GENERAL PROVISIONS**

**32-01-01. Remedies - Classification.**

Remedies in the courts of justice are divided into:

1. Actions.
2. Special proceedings.

**32-01-02. Action defined.**

An action is an ordinary proceeding in a court of justice, by which a party prosecutes another party for the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense.

**32-01-03. Actions - Classification.**

Actions are of two kinds:

1. Civil.
2. Criminal.

**32-01-04. Special proceeding defined.**

A special proceeding is any remedy other than an action.

**32-01-05. Criminal action defined.**

A criminal action is one prosecuted by the state as a party against a person charged with a public offense for the punishment thereof.

**32-01-06. Civil action defined.**

A civil action is any action other than a criminal action.

**32-01-07. Process in civil action.**

All process in civil actions shall run in the name of the state of North Dakota.

**32-01-08. Civil and criminal remedies not merged.**

When the violation of a right admits of both a civil and a criminal remedy, the right to prosecute the one is not merged in the other.

**32-01-09. Civil action - One form - Plaintiff and defendant defined.**

Superseded by N.D.R.Civ.P. 2.

**32-01-10. Provisional remedies classified.**

The provisional remedies in civil actions are:

1. Claim and delivery of personal property.
2. Attachment.
3. Garnishment.
4. Receivers.
5. Deposit in court.

**32-01-11. Compensation for violation of private rights - Other relief, when.**

As a general rule compensation is the relief or remedy provided by the law of this state for the violation of private rights and the means of securing their observance. Specific and preventive relief may be given in no cases other than those specified in this title.

**32-01-12. Conditions of relief from forfeiture.**

Whenever by the terms of an obligation a party thereto incurs a forfeiture, or a loss in the nature of a forfeiture, by reason of the party's failure to comply with its provisions, the party may be relieved therefrom upon making full compensation to the other party, except in case of a grossly negligent, willful, or fraudulent breach of duty.

**32-01-13. How special issues not made by pleadings are tried.**

Superseded by N.D.R.Civ.P. 39(b).