

## **Chapter 1.**

### **Civil Procedure.**

#### **SUBCHAPTER I. DEFINITIONS AND GENERAL PROVISIONS.**

##### **Article 1.**

##### **Definitions.**

###### **§ 1-1. Remedies.**

Remedies in the courts of justice are divided into –

- (1) Actions.
- (2) Special proceedings. (C.C.P., s. 1; Code, s. 125; Rev., s. 346; C.S., s. 391.)

###### **§ 1-2. Actions.**

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 or prevention of a public offense. (C.C.P., s. 2; 1868-9, c. 277, s. 2; Code, s. 126; Rev., s. 347; C.S., s. 392.)

###### **§ 1-3. Special proceedings.**

Every other remedy is a special proceeding. (C.C.P., s. 3; Code, s. 127; Rev., s. 348; C.S., s. 393.)

###### **§ 1-4. Kinds of actions.**

Actions are of two kinds –

- (1) Civil.
- (2) Criminal. (C.C.P., s. 4; Code, s. 128; Rev., s. 349; C.S., s. 394.)

###### **§ 1-5. Criminal action.**

A criminal action is –

- (1) An action prosecuted by the State as a party, against a person charged with a public offense, for the punishment thereof.
- (2) An action prosecuted by the State, at the instance of an individual, to prevent an apprehended crime against his person or property. (Const., art. 4, s. 1; C.C.P., s. 5; Code, s. 129; Rev., s. 350; C.S., s. 395.)

###### **§ 1-6. Civil action.**

Every other is a civil action. (C.C.P., s. 6; Code, s. 130; Rev., s. 351; C.S., s. 396.)

###### **§ 1-7. When court means clerk.**

In the following sections which confer jurisdiction or power, or impose duties, where the words "superior court," or "court," in reference to a superior court are used, they mean the clerk of the superior court, unless otherwise specially stated, or unless reference is made to a regular session of the court, in which cases the judge of the court alone is meant. (C.C.P., s. 9; Code, s. 132; Rev., s. 352; C.S., s. 397; 1971, c. 381, s. 12.)