

**CHAPTER 28-31  
PRACTICE BEFORE SUPREME COURT**

**28-31-01. Fees.**

Superseded by N.D.R.App.P., Rule 12.

**28-31-02. Submission of cases.**

Superseded by N.D.R.App.P., Rule 45.

**28-31-03. Calendar.**

Superseded by N.D.R.App.P., Rule 45.

**28-31-04. Continuance.**

Superseded by N.D.R.App.P., Rule 34.

**28-31-05. Oral argument.**

Superseded by N.D.R.App.P., Rule 34.

**28-31-06. Application for original writs or orders.**

An application for a writ or order of the supreme court, in the exercise of its original jurisdiction, must be made by filing seven copies of the moving papers accompanied by a brief upon the law, including citations of authorities.

**28-31-07. Original writs or orders.**

Upon application for an original writ or order to show cause, the supreme court in its discretion may issue an order to show cause, or may direct an alternative writ to be issued by the clerk, returnable at a time deemed proper.

**28-31-08. Writs.**

All writs issued from or out of the supreme court must be signed by the clerk, sealed with the seal of the court, and attested upon the day issued.

**28-31-09. Proceedings in exercise of original jurisdiction.**

In an original cause in the supreme court, whether in response to an order to show cause or an alternative writ of any kind, the respondent shall appear by written motion, answer, or return. This may be submitted to the supreme court without waiver at one or different times, as may best suit the convenience of the court and the parties, for purposes of expedition. Upon a hearing, the parties may present, in support of the issues, affidavits and counter affidavits. If, for the determination of controverted facts, a further hearing and additional evidence become necessary, the court, upon application made therefor, shall determine the method of taking, and the time for the return of, additional testimony, whether the same be by additional evidence, by deposition, or by oral testimony taken before the court, or by reference either to a trial court or some designated commissioner or referee.

**28-31-10. Taxation of costs.**

Superseded by N.D.R.App.P., Rule 39.

**28-31-11. Execution for costs.**

Superseded by N.D.R.App.P., Rule 39.