



# **IMPERIAL ESTATES WRIT #2, 12**

## **CODEX ADJUDICATA**

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Anyone is welcome to point out any error or omission that they may find.

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# ESTATES WRIT 2

## PREFACE

The Codex Adjudicata is a manual for the conduct of Civil Courts and Courts of Justice in the Adrian Empire.

### I. DUTIES

#### A. CHANCELLOR (IMPERIAL)

##### 1. Civil Duties

- Advise the Imperial Crown in the drafting of Imperial Crown writs.
- Review Imperial Crown writs for conflict with existing Imperial Crown writs and Imperial bylaws.
- Review chartered subdivision codicils and writs for conflict with Imperial law.
- Conduct hearings of writ if a member challenges Imperial Crown or Crown writ.
- Draft model laws for the Imperial Crown, Crowns, and Royal Peers upon request.

##### 2. Parliamentary Duties

- Act as chairman of the Imperial Estates.
- Execute Imperial Estate writs on behalf of the Imperial Estates.
- Assist the Imperial Estates in drafting law.
- Advise the Imperial Estates of potential conflict between the Imperial bylaws and proposed Imperial Estate writs or law.

#### B. CHANCELLOR (CHARTERED SUBDIVISION)

##### 1. Civil Duties

- Advise the local Crown in the drafting of local Crown writs.
- Submit chartered subdivision codicils and writs to Imperial Chancery for review and recording.

##### 2. Parliamentary Duties

- Act as chairman of the local Estates.
- Execute local Estate writs on behalf of the local Estates.
- Assist the local Estates in drafting local law.
- Advise the local Estates of potential conflict between the Imperial bylaws and proposed local Estate writs or law.

#### C. MINISTER OF JUSTICE (IMPERIAL)

- Draft charges of violation of law on behalf of the Imperial Crown.
- Act as prosecutor if the Imperial Crown is the complainant.
- Determine if the Statute of Limitations applies.
- Organize the Imperial court and assist the Imperial Crown in its conduct if a member other than the Imperial Crown is the complainant.
- Advise accused members of their rights.
- Assist chancellors of chartered subdivisions in conducting courts.

#### D. MINISTER OF JUSTICE (CHARTERED SUBDIVISION)

- Draft charges of violation of law on behalf of the local Crown.
- Act as prosecutor if the local Crown is the complainant.
- Determine if the Statute of Limitations applies.
- Organize the local court and assist the local Crown in its conduct if a member other than the local Crown is the complainant.
- Advise accused members of their rights.

## E. MAGISTRATE

The Crown may appoint himself, the Minister of Justice, or another to serve as Magistrate. The Magistrate shall:

- Insure that no members of the Court are material witnesses or exhibit improper bias
- Conduct the Court
- Rule on all points of law
- Not vote on the outcome

## II. CIVIL COURTS

Civil Courts are extremely powerful, having the right to rule on the intent of the estates as well as extrapolate new law by examining the intent of one or more Imperial bylaws as they apply to a set of facts.

### A. CALLING A CIVIL COURT

1. A member may call for a civil court to resolve his own qualifications for knighthood.
2. Any member may call for a civil court to clarify, extrapolate, or expand a ruling of law, unless the Chancellor determines that no significant question of law has been raised.

### B. RIGHT OF APPEAL

A determination made by a Civil Court may be appealed by:

- Any member who would be directly affected by the ruling
- The Crown

The chain of appeal shall be as follows:

1. Local Civil Court
2. Imperial Civil Court
3. Imperial Estates General

An appeal is filed by in writing to the Imperial Chancellor, who shall determine if a significant question of law exists. (The Imperial Chancellors determination may be appealed in writing to the Imperial Crown.) If there is a significant question of law, the Imperial Crown shall convene an Imperial Civil court.

An appeal of an Imperial Civil Court ruling is made in writing to the Imperial Crown, who shall direct the Imperial Chancellor to place the item on the agenda for the next-scheduled meeting of the Imperial Estates.

***Historical Note:** Civil Courts were called "Article XVI" courts, after the early bylaw provision that created them.*

### C. RULES FOR CONVENING A CIVIL COURT

1. The request must be in writing and presented to (The party receiving the petition shall become the Presiding Justice of the court.) either:
  - a. The Crown
  - b. A landed Royal Peer
  - c. The Chancellor or Minister of Justice
2. The request must clearly state the rule of law to be evaluated, and the reason for the evaluation.
3. The Presiding Justice must determine that the petition represents a legitimate point of ambiguity, and is not an attempt to interfere with the Royal right to create Crown Writ. The Presiding Justice may consider, among other things, whether or not the dispute involves a clear or ambiguous by-law provision, his own knowledge of Case Law and custom, as well as his own common sense. If the Presiding Justice rules the petition invalid, the complaining party may appeal to a single higher authority. Only one such appeal may be made.

4. The Presiding Justice must determine if he will hold an emergency court or a full court. An emergency court may be convened on the spot, but its ruling affects only the event in which the court occurs. A full court may create law, as in a Writ, until the next meeting of the Estates.
5. A full court is held not less than 30 days from the date of the petition. As indicated the ruling of the Court becomes Law until accepted or rejected by the Estates. The rulings of an Emergency Court are effective only during the event in which they are held.

#### D. MEMBERS OF THE COURT

The presiding justice shall select two (2) members of either the Royal or Great Estates. Any such peer who plans to give testimony to the Court shall be excused. The petitioner shall further have the right of rejection over one selection of the presiding justice. Preference in selection shall be given to (in order of preference):

1. Royal peers
2. Counts royal and countesses royal (formerly earls and comtessas)
3. Landed great peers
4. All other peers.

In the event that an emergency court is to be held, and only two (2) acceptable peers are available, the senior Knight present (and able to serve) may substitute for a great or royal peer. A court shall not be held with less than two (2) such peers. In the event that the presiding justice is not a royal or great peer then the court must contain two (2) such peers.

#### E. CONDUCT OF THE COURT

The Court shall be afforded a quite place to meet and confer. A herald selected by the Presiding Justice, shall act as Bailiff. The Bailiff shall administer an oath of fidelity and good faith to the Court. The Herald shall then compile a list of all members wishing to give testimony. The court shall hear from each such member, and may pose questions to them. The Petitioner shall speak second to last, and the Crown or Noble whose actions are to be effected shall speak last. When all testimony has been heard the court shall meet and confer, and render its decision in writing.

### III. COURTS OF JUSTICE

A Court of Justice may be called as per sections D. and E. of this Article. There are two types of Courts of Justice, although their function is identical, Royal Courts and Courts of Chivalry. A Royal Court is conducted by a Crown. A Knight may elect to be tried by a Court of Chivalry. It is the obligation of the Crown to advise the Knight of this right. The Minister of Justice shall have the obligation to fairly and impartially assist either, or both, parties in preparing their case.

The court is held not less than 30 days from the date of the notice. As indicated the ruling of the Court becomes Law until accepted or rejected by a higher authority hearing an appeal.

#### A. ROYAL COURT

##### 1. Conduct of the Court

The Court shall be afforded a quite place to meet and confer. A herald selected by the Crown/Ruling Noble shall act as Bailiff. The Bailiff shall administer an oath of fidelity and good faith to the Court. The Bailiff shall then compile a list of all members which a party or their counsel will call to give testimony. The court shall hear from each such member, and may pose questions to them. The Complainant shall speak second to last, and the accused shall speak last. When all testimony has been heard the court shall meet and confer, and render its decision in writing. Either party may appoint another member to represent them.

## B. COURTS OF CHIVALRY

Knights are afforded the right to be judged by their peers. A Court of Chivalry is conducted by a Magistrate and three (3) Knights. Commoners may be judged by a Court of Chivalry, at the commoners' request (if granted by the Crown) or the order of the Crown. (*Note: the Imperial bylaws do not require the Crown to agree to a commoner's request to a Court of Chivalry.*) The Court of Chivalry is an alternate court of justice, and those procedures apply, except as provided here, or in the Bylaws.

### 1. Members of the Court

The accused Knight shall designate one Knight to act as his advocate on the Court. The complainant shall likewise designate one Knight. The advocates shall meet and confer and select a third Knight to act as Arbiter. A vote of any two Knights shall be binding. A vote of any two members of the council shall be binding. If the Court determines the accused is guilty they shall recommend a punishment to the Crown. The Crown shall not reject the recommendation of the Court without just and stated cause.

### 2. Conduct of the Court

The conduct of the court shall be identical to that of a Royal Court.

## C. COURTS OF JUSTICE V. MUNDANE LAW

A Court of Justice shall never convene for violation of a mundane law, ordinance or code unless:

- The infraction occurred in an Adrian Empire context and affected an Adrian Empire event
- All mundane procedures relating to the infraction have been concluded.

If a member is arrested or charged by mundane authorities for a crime that may have occurred in an Adrian Empire context, any member shall have the right to request suspension of the member's participation rights until mundane court procedures are concluded (refer to Article III.A.4.).

## D. COMPLAINTS AND CHARGES

The Crown, or a member with standing, who wishes to complain of the conduct of another member may file a complaint with the Minister of Justice.

If the complaint becomes a set of charges, the Crown shall:

- Reject the charges if it is self-evident that the charges are without merit, or
- Convene a Court of Justice, appointing a judge, magistrate, herald, and bailiff

These sections shall in no way diminish the Crowns' authority to delegate or right to act in the place of their ministers.

## E. CALLING A COURT OF JUSTICE

Courts of Justice may be called for the following reasons:

1. A member is accused of disharmony, which is defined as having committed an act (or caused an act) that so disturbed the harmony, order and enjoyment of the activities of the Adrian Empire as to warrant Crown intervention.
2. A member is accused of treason, which is defined as committing any acts or aiding others in acting in a manner which damages or thwarts the legitimate interests of the Crown or Liege Lord. Participating in a crown civil war by a member who is not in personal fealty to the Crown shall not be construed as treason.
3. A member accuses another member of violating their rights and the members themselves cannot resolve the matter.
4. Evidence is presented to the Crown that a member has willfully (or through gross negligence) violated the Imperial bylaws, local codicils, or crown writ.
5. Conduct Unbecoming a Knight, which is defined as willful violation of Article I.C. Standards of Conduct.

6. A member is accused of:
  - Nonfeasance of office which is defined as nonperformance of duties and responsibilities
  - Misfeasance of office which is defined as poor performance of duties and responsibilities
  - Malfeasance of office which is defined as deliberately bad performance of duties and responsibilities

## F. STATUTE OF LIMITATIONS / TIMELINE

A complaint must be filed with the Ministry of Justice within forty-five (45) days of discovery of the offense. The Minister of Justice will evaluate the complaint for merit within 30 days. If merit is found, mediation must be attempted within twenty (20) days of the finding. Either party may refuse mediation. Mediation may be conducted through electronic media (e-mail correspondence with known legal e-mail addresses), so long as all parties are involved and a written record is maintained by the Ministry of Justice. If mediation fails, or is refused by either party, the complaint shall become a set of charges, and a trial date will be set to take place no less than 30 days from notification of Trial.

## G. JUDICIAL BAN

The purpose of Judicial Ban is to insure that a member accused of an infraction cannot act to destroy evidence, interfere with the judicial process, or attempt to alter the law to their benefit. Because of the severity of a Judicial Ban, it is not automatic upon the filing of complaints or determination that Charges are warranted. In all cases involving seated co-rulers, complaints against each Crown will be considered independently to determine if Judicial Ban is warranted. A complaint filed against one co-ruler does not automatically implicate the remaining co-ruler. If a Magistrate is to be appointed to officiate over complaints against the Imperial Crowns, they will be appointed at the sole discretion of the Imperial Minister of Justice.

### 1. Process

#### a. Imperial Crown

The Imperial Minister of Justice (or appointed Magistrate) must, at his sole discretion, determine if the facts presented warrant this action. The determination must be made during the evaluation of the complaint to determine if Charges are warranted. The Imperial Minister of Justice (or appointed Magistrate) must determine that a Judicial Ban is warranted before action is taken. An appeal of the decision must be presented in writing, upon which a Civil Court must be convened.

Only the Imperial Estates General may place the Imperial Crown under a Judicial Ban. Such a Judicial Ban may only be imposed by:

- One-third of the Imperial Estates General, either by petition or physically present at an Imperial Estates Meeting, if the Imperial Minister of Justice (or appointed Magistrate) recommends such a ban, or
- A majority of the Imperial Estates General, either by petition or physically present at an Imperial Estates Meeting, if the Imperial Minister of Justice (or appointed Magistrate) does not recommend such a ban.

If the Imperial Crown is placed under Judicial Ban, the Imperial Chancellor shall become the Lord/Lady Protector, and serve until replaced by the Imperial Estates General, or until the ban is removed.

b. Other Crowns

The Imperial Minister of Justice (or appointed Magistrate) must, at his sole discretion, determine if the facts presented warrant this action. The determination must be made during the evaluation of the complaint to determine if Charges are warranted. If the Imperial Minister of Justice (or appointed Magistrate) determines that a Judicial Ban is warranted, the ban is immediately imposed.

Alternatively, the Imperial Minister of Justice (or appointed Magistrate) may place the Crown under Judicial Ban to compel production of any evidence during investigation or judicial proceeding. A ban placed in such a manner shall be removed once said evidence has been produced.

If the Crown is placed under Judicial Ban, the Chancellor shall become the Lord/Lady Protector and serve until replaced by the Estates General, or until the ban is removed.

c. Other Members

If the member is facing judicial action, the Minister of Justice (or appointed Magistrate) shall determine if the facts presented warrant this action. If the Minister of Justice (or appointed Magistrate) determines that a Judicial Ban is warranted, the ban is immediately imposed.

The Crown may place a member (usually a Minister) under Judicial Ban to compel production of property or documents belonging to the Adrian Empire. A ban placed in such a manner shall be removed upon production.

## 2. Restriction of Rights

Whether it is imposed as above or as part of a judicial sentence, a Judicial Ban may include any of the following restrictions:

- a. Inability to hold any Estate or office, but such shall be restored at the conclusion of judicial process, outcome permitting.
- b. Inability to vote in any Estates Meeting.
- c. Inability to sit on any Civil Court or Court of Justice.

A member under Judicial Ban retains all other rights and privileges described in the Bylaws; the member shall not be prevented from the same access to the Courts as accorded any other member.

## 3. Removal

A Judicial Ban placed upon any member is automatically removed if the outcome of a judicial proceeding does not call for the Judicial Ban to remain in place. A Judicial Ban may also be removed by the following:

- a. Imperial Crown
  - i. Two-thirds of the Imperial Estates General, either by petition or physically present at an Imperial Estates Meeting, if the Imperial Minister of Justice (or appointed Magistrate) determined that such a ban was warranted
  - ii. A majority of the Imperial Estates General, either by petition or physically present at an Imperial Estates Meeting, if the Imperial Minister of Justice (or appointed Magistrate) determined that such a ban was not warranted.

b. Other Crowns

A Judicial Ban imposed during investigation or judicial proceeding can be removed by the Imperial Minister of Justice (or appointed Magistrate) upon the production of all evidence requested.

c. Other Members

A Judicial Ban imposed during investigation or judicial proceeding can be removed by the Crown or Minister of Justice (or appointed Magistrate) upon the production of all evidence requested.

## H. RIGHT OF APPEAL

A member who has been found guilty in a judicial court may appeal that finding to the Imperial Crown, in writing, within thirty (30) days. Within thirty (30) days of the written request for appeal, the Imperial Crown shall review the charges and evidence. Either 30-day deadline may be extended for cause.

A banished member shall be allowed to attend those events necessary to prepare for his appeal, but shall not be permitted to participate in the activities of the event.

The final Court of Appeal shall be the Imperial Estates General, whose decision shall be binding. The judgment of the local court shall remain in effect until the Imperial Crown has rendered a decision. The decision of the Imperial Crown may only be appealed to the Imperial Estates General.

The Complainant shall have no right to appeal an adverse ruling. The decision of the Imperial Crown is final.

## I. PUNISHMENT

The judicial court may provide a recommendation of punishment to the Crown. The right to decide a member's punishment who is found guilty by a Court of Justice is solely the Crowns. All such writs of punishments must be reviewed by the Imperial Crown.

### 1. Censure and Apology

The member is publicly required to admit their guilt and apologize to the membership.

### 2. Loss of Awards, Orders, Ranks, and/or Titles

### 3. Service

### 4. Judicial Ban

### 5. Banishment

The member is barred from attending any event within the Empire up to for 1 year. The Imperial Crown may extend the punishment for up to three years. The Imperial Estates General may extend the punishment for up to life. A banished member may petition the Crown and Estates for re-admittance after one year. A banished member may permanently lose the highest rank, title or station held upon re-admittance. A banished member shall be under judicial ban for up to two (2) years after re-admittance.

## J. NO DOUBLE JEOPARDY

No member may be tried more than once for the same crime or tort arising out of the same alleged actions.

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## IV. CONDUCT OF JUDICIAL COURTS

Once complaints have been presented in writing to the appropriate Minister of Justice or Magistrate, the Minister of Justice shall have no more than 30 days to evaluate them and determine if they are legitimate charges and warrant trial, unless proper cause is submitted in writing to the Crown and Imperial Chancery that more time is necessary. If they are so determined, the following procedures shall be followed:

1. The Minister of Justice shall notify the named defendants in writing. This shall be done in any of the following methods:
  - Hand delivered
  - Via fax
  - Via e-mail
  - Via mail
  - Via phone conversation (in order to setup a meeting to hand deliver)

Notification of a vassal's Liege-Lord shall qualify as notification of the individual.

2. Once notified the defendant shall be informed that the date of the trial shall not be less than thirty days of this notification unless the defendant requests Immediate Justice. Immediate Justice shall be defined as within 30 days. If the trial is to be held concurrent to a sanctioned event, the trial shall not be conducted during any scheduled activities at an event, but shall occur during breaks, before, or after the event itself.
3. The Magistrate/Minister of Justice will then request the defendant to choose a date for their trial. This date must be acceptable to Magistrate/Minister of Justice, Crown and plaintiff as well as the defendant.
4. The Magistrate/Minister of Justice shall select the time and place of the trial, provided Immediate Justice was not called for, in which case it will take place during the next Scheduled event. The Date, Time and Place of this trial shall be published in the Adrian Herald as well as announced at the next Crown Event, unless Immediate Justice is demanded.
5. The Defendant shall be afforded every opportunity to prepare a defense. This will include but not be limited to reviewing evidence and questioning witnesses. The Plaintiff shall also be afforded this same opportunity to prepare their case. This 'Period of Discovery' shall continue until forty-eight (48) hours prior to trial at which point all witness lists and evidence lists shall be frozen and reviewed by the Magistrate. This may be appealed by the Magistrate during the trial, and the opposing council shall have an opportunity to argue against such an appeal, after which the Magistrate shall decide if the added testimony/evidence shall be heard.
6. All open judicial proceedings shall be videotaped, audiotaped (or equivalent), and copies of the tapes provided to the Imperial Chancery.
7. Lastly, it shall be understood throughout Adrian Courts that the primary responsibility of the Court is to determine the Truth of the Matter. That this Search for the truth shall be the over-riding determinate in the process, and not procedure. Objections due to procedure should be discouraged if they may be used to hide or diffuse the Truth."
8. All court decisions must be published as an appendix to the next Imperial Estates Agenda.