

The Adrian Empire, Inc.

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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PREFACE

This Codex Adjutica is a Manual for the conduct of Justice within the Adrian Empire, compiled in the reign of His Imperial Majesty, Terrance, being the year 9 Anno Imperito by Philip Lord Coirnoir, Prince of Adria, Earl of Adria, Viscount of the Empire, Chancellor of the Empire, Knight of the Realm.

I. DUTIES

A. CIVIL DUTIES

1. IMPERIAL CHANCELLERY

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

2. CHANCELLERY OF CHARTERED SUBDIVISIONS

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

B. PARLIAMENTARY DUTIES

1. IMPERIAL CHANCELLERY

- a. Act as chairman of the Imperial Estates.
- b. Approve and execute Imperial Estate writs on behalf of the Imperial Estates.
- c. Assist the Imperial Estates in drafting law.
- d. Advise the Imperial Estates of potential conflict between the Imperial bylaws and proposed Imperial Estate writs or law.

2. CHANCELLERY OF CHARTERED SUBDIVISIONS

- a. Act as chairman of the local Estates.
- b. Approve and execute local Estate writs on behalf of the local Estates.
- c. Assist the local Estates in drafting local law.
- d. Advise the local Estates of potential conflict between the Imperial bylaws and proposed local Estate writs or law.

C. JUDICIAL DUTIES

1. IMPERIAL CHANCELLERY

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

2. CHANCELLERY OF CHARTERED SUBDIVISIONS

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

II. CIVIL COURTS

Civil courts are convened at the request of any member desiring that a rule of law be clarified, expanded or extrapolated, unless the Chancellery determines that no significant question of law has been raised. 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. (From the [Bylaws of the Adrian Empire, Article XI.A](#), November 2001.)

As a practical matter such courts are called when a member of lesser power disputes an action or ruling of a member of greater power. A historical note for future Chancellors, Civil Courts are also called "Article XVI" courts, after the bylaw provision that created them in the early bylaws.

A. 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 Imperial Chancellor
 - d. The Regional Chancellor
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 then 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.

B. MEMBERS OF THE COURT

The Presiding Justice shall select two 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:

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

In the event that an emergency court is to be held, and only two 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 then two such peers. In the event that the Presiding justice is not a royal or great peer then the court must contain two such peers.

C. CONDUCT OF THE COURT

The Court shall be afforded a quite place to meet and confer. The presiding Herald of the Event, or 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

There are two types of Courts of Justice, although their function is identical, Royal Courts and Hundreds Courts. A Royal Court is conducted by a Crown. A Hundreds Court is conducted by a Ruling Noble. 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 Chancellery shall have the obligation to fairly and impartially assist either, or both, parties in preparing their case. (From the [Bylaws of the Adrian Empire, Article XI.B.](#) November 2001.)

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

A. ROYAL COURT

A member who wishes to complain of the conduct of another member, may request the Crown to convene a Royal Court. The Crown may elect to reject the charges if it is self evident that the charges are without merit. (From the [Bylaws of the Adrian Empire, Article XI.B.7](#). November 2001.)

CONDUCT OF THE COURT

The Court shall be afforded a quite place to meet and confer. The presiding Herald of the Event (or 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. HUNDREDS COURT

A member who wishes to complain of the conduct of another member, but does not wish to invoke a full Royal Court may request that the Ruling Noble having jurisdiction over the offending party convene a Hundreds Court. The Ruling Noble conducting the Court may elect to reject the charges if it is self evident that the charges are without merit. The charging party may appeal to higher authority.

There are two major restrictions on Hundreds Courts:

- a. *A Hundreds Court may not assess a penalty which deprives a member of any award, order, rank, title, or membership rights.*
- b. *A Hundreds Court may only asses a penalty which can be completed by the member at the same event in which the penalty was assessed. In the event that the member elects not to complete the penalty in the same event, or to appeal the ruling to a Royal Court he shall remain under Judicial Ban until such a time as the appeal is heard or the penalty completed.*

(From the [Bylaws of the Adrian Empire, Article XI.B.8](#). November 2001.)

CONDUCT OF THE COURT

The Court shall be afforded a quite place to meet and confer. The presiding Herald of the Event (or 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.

C. 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. It has been established that commoners may also be judged by a Court of Chivalry. This may be at the commoners' request or at the order of the Crown. Note that the Imperial bylaws do not require the Crown to agree to a commoner's request to a Court of Chivalry. (From the [Bylaws of the Adrian Empire, Article XI.B.9](#). November 2001.)

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. The Crown or the Chancellor shall act as Magistrate. The Magistrate shall insure that none of the Knights on the Court are material witnesses or exhibit a bias for or against a party to the case. The Magistrate shall conduct the Court, and rule on all points of law. The Magistrate shall not vote on the outcome. 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 Court shall be afforded a quiet place to meet and confer. The presiding Herald of the Event (or a herald selected by the Magistrate) 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.

D. 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 and all mundane procedures relating to the infraction have been concluded. In the event that a member is arrested or charged by mundane authorities for a crime that may have occurred in an Adrian Empire context, the Crown shall have the right to suspend the members participation rights until mundane court procedures are concluded. (From the [Bylaws of the Adrian Empire, Article XI.B.1.](#) November 2001.)

E. CALLING A COURT OF JUSTICE

Courts of Justice may be called for the following reasons:

- 1. A member has committed an act or caused an action 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 against the Crown or the member's Liege Lord. Treason is defined as the taking of any action or aiding any others in acting in a manner which damages or thwarts the legitimate interests of the individual's Liege Lord. Participating in a crown civil war by an individual 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 individuals themselves cannot resolve the matter.*
- 4. Evidence is presented to the Crown that a member has willfully violated the Imperial bylaws, local codicils, or crown writ.*
- 5. Resolve a member's qualifications for knighthood.*

(From the [Bylaws of the Adrian Empire, Article XI.B.2.](#) November 2001.)

F. STATUTE OF LIMITATIONS

The charges must be filed against a member within 30 days of the occurrence of the offense discovery being when the complainant knew or should have known of the offense. (From the [Bylaws of the Adrian Empire, Article XI.B.3.](#) November 2001.)

G. JUDICIAL BAN

The purpose of Judicial Ban is to insure that a member accused of an infraction can not 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 charges. The Presiding Justice shall at his sole discretion determine if the facts presented warrant this drastic measure. Only the Imperial Estates General may place the Imperial Crown under a Judicial Ban. One third of all Imperial Estates combined as signified by petition, or one third of all Imperial Estates in attendance at a meeting of the Imperial Estates General, shall be sufficient to place the Imperial Crown under Judicial Ban. If the Imperial Estates General are in session, and they place the Imperial Crown under Judicial Ban, they must immediately appoint an interim Lord/Lady Protector. If the Judicial Ban is placed by petition, the signatories shall appoint an interim Lord/Lady Protector. Lord/Lady Protectors serve until replaced by the Imperial Estates General, or until the Imperial Crown is no longer vacant. A member under Judicial Ban may not:

- a. *Hold landed estate or office, but such shall be restored to him at the conclusion of judicial process, outcome permitting.*
- b. *Vote in any Estate Meeting.*
- c. *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. (From the [Bylaws of the Adrian Empire, Article XI.B.4](#). November 2001.)

H. RIGHT OF APPEAL

A member shall have the right to appeal a finding of guilt to a higher court so long as they shall do so in writing within 30 days. All penalties shall be in effect, except that 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. A member whose rights have been effected by any court may appeal to the local crown or the Imperial Crown. The final Court of Appeal shall be the Imperial Estates General. (From the [Bylaws of the Adrian Empire, Article XI.B.5](#). November 2001.)

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

I. PUNISHMENT

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.

A. CENSURE AND APOLOGY

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

B. LOSS OF AWARDS, ORDERS, RANKS, AND/OR TITLES

C. SERVICE

D. JUDICIAL BAN

E. BANISHMENT

The member is barred from attending any event within the Empire for 1 year. The Imperial Crown may extend the punishment to three years. The Imperial Estates General may extend the punishment for life. A banished member may petition the Crown and Estates for readmittance after one year. A

banished member shall permanently lose the highest rank, title or station held upon readmittance. A banished member shall be under judicial ban for two (2) years after readmittance.

(From the [Bylaws of the Adrian Empire, Article XI.B.6](#). November 2001.)

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.
(From the [Bylaws of the Adrian Empire, Article XI.B.10](#). November 2001.)*

IV. CONDUCT OF JUDICIAL COURTS

([Imperial Estates Writ 12](#), from the bylaws of the Adrian Empire, November 2001): Once charges have been filed with the appropriate chancellor or Magistrate and those charges have been found to be legitimate and warrant trial the following procedure shall be followed:

- a. *The chancellor shall notify the named defendants in writing. This shall be down in any of the following methods:
 - i. *Hand delivered*
 - ii. *Via fax*
 - iii. *Via e-mail*
 - iv. *Via mail*
 - v. *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.*
- b. *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 the very next Scheduled Adrian event in the Chartered Sub-Division. This is to include: Normal Crown and Canton events, feasts, Estate Meetings and Wars. They do NOT include fighter/arts practices, collegia or subdivision meetings (i.e. a meeting of such and such barony).*
- c. *The Magistrate/Chancellor will then request the defendant to choose a date for their trial. This date must be acceptable to Magistrate/Chancellor, Crown and plaintiff as well as the defendant.*
- d. *The Magistrate/Chancellor 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.*
- e. *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.*
- f. *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."*