# APPENDIX A: CHANCERY REPORT, PART 1 (CHANCERY – POLICIES/RULINGS/ADVISORIES)

#### PRESENTED: MARCH 2005 IMPERIAL ESTATES MEETING

© 2005 The Adrian Empire Inc., all rights reserved.

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

Empress empress@adrianempire.org

Emperor emperor@adrianempire.org

Chancery: <a href="mailto:chancery">chancery: chancellor@adrianempire.org</a>

# TABLE OF CONTENTS

I.	IMPERIAL POLICIES		
	<i>A</i> .	Review of Local Codicils Feb/2005	3
II.	RULINGS OF LAW		4
	A.	Dissolving an Estate due to lack of Banner 11/04	4
	В.	In Game Vs Out of Game Admissibility Jan/05	4
	<i>C</i> .	Charges filed against Persona or Person Jan/05	4
	D.	Who can File a Charge of Disharmony Jan/05	5
	Е.	Jurisdiction when Counter complaint is filed against Crowns Jan/05	5
	F.	Does Judicial Ban automatically prevent Knighthood from being taken? Jan/05	5
	G.	U.S. Constitution/Freedom of Speech, Right to remain Silent Feb/05	8
III.	Advisories		10
	<i>A</i> .	Advice on Success of Reign Vote Nov/04	10
	В.	Successful Reign Criteria Nov/04	11
	<i>C</i> .	Conditions for Subdivision Checking Account Nov/04	11
	D.	Is a Vote on a Former Crown's Retirement title a Writ? Dec/04	12
	Е.	Crown dissolving Cantons Dec/04	12
	F.	Standing in Filing Charges Jan/05	13
IV.	Writs		13
V.	JUDICIAL PROCEEDINGS		13
VI.	SUBDIVISION REPORTS		

# I. Imperial Policies

#### A. Review of Local Codicils Feb/2005

For the purpose of understanding the Imperial Review Policy regarding local Laws and Codicils:

Why do local subdivisions need to send their codicils to the Imperial Chancellor?

1) It says the Imperial Chancellery must review subdivisions laws in the Bylaws. Not submitting local law is a violation of Imperial law:

From the Bylaws:

VI.D.: All such local codicils and writs shall be submitted in writing to the Imperial Chancellor for conflict review within thirty (30) days of enactment.

VI.E.3.biii.: Make new law that does not alter the Imperial bylaws or local codicils until the next meeting of the Estates General. (These laws must be submitted to the Imperial Chancery within 30 days of enactment, as described in Article VI.D.)

From the Codex Adjudicata:

#### I.A. CIVIL DUTIES

- 1. IMPERIAL CHANCELLOR
  - c. Review chartered subdivision codicils and writs for conflict with Imperial law.
- 2. CHANCELLERY OF CHARTERED SUBDIVISIONS
  - b. Submit chartered subdivision codicils and writs to Imperial Chancellery for review and recording.
- 2) It is important to have the Local Laws on record to allow the Imperial Chancellery to fulfill the following duty:

#### C. JUDICIAL DUTIES

- 1. IMPERIAL CHANCELLERY
  - e. Advise accused members of their rights.
- 3) I believe that it is a bad idea to allow a local law that conflicts with Imperial Law to remain on the books because:
  - a) It puts the Government (Subdivision Crowns and Chancellery) in a bad position when they do their duty to enforce a law which ends up being dismissed. No one likes to look bad for doing their job.
  - b) It puts the membership in a bad position because most are not involved enough in Adrian Law to know that a local law would be in conflict or not. Therefore they may have punitive action taken against them without even knowing that they can appeal.
  - c) By the time conflict over a law happens, it is often past the point where parties can resolve issues without intense hostility.

Basically my goal is 1) follow the law, 2) try to remove local laws being a point of conflict prior to a conflict occurring, and 3) provide the Chancellery enough information to advise those seeking legal council.

I hope this clarifies my policy.

Dame Juliana Hirsch Imperial Chancellor

# II. Rulings of Law

Please note that any ruling may be appealed to or overturned by the Imperial Crowns.

### A. Dissolving Estate for Failure to Fly Banner 11/04

From York:

Can an estate be dissolved for a noble's failure to fly a banner?

#### **Response from the Chancery:**

Requirements #4 [submitted York Writ] contains a provision for dissolving an estate for a noble's failure to fly a banner. I have explained before that this provision (as it applies to the Noble's failures) is inconsistent with an Imp. Civil Court Ruling (Oct. 02) and several past rulings/advisories by this office. You may punish the noble by denial of MPs or other sanction, or even deny the estate some privileges--but not deny the members of the estate their voting privilege. It is possible to disqualify the noble--so long as the estate is allowed a replacement in time for the meeting.

In Service,

Sir William Baine, Chancellor, Adria

### B. In Game Vs Out of Game Admissibility Jan/05

I request a Ruling of Law on the admissibility of statements made with an "in game" or "out of game" reference. Specifically, what statements made "out of game" are admissible. Also, I would like some examples of "out of game" statements that are and are not admissable.

Sir Callon

Minister of Justice for Terre Neuve

#### **Response from the Chancery:**

This is under the jurisdiction of the Magistrate. A Civil Court or the Magistrate may rule evidence as admissible. Adrian courts don't have rules of evidence per se other than that of discovery. While no specific definition has been made related to "in game" or not, communications regarding an Adrian context as well as pre-event/post event activities have been actionable and case precedence exists. See the archive.

**Advisory:** A good practical test for assessing if an act is actionable or not is was any harm done by the act, whether or not it was in an Adrian context, and if that harm resulted in harm in an Adrian context.

# C. Charges filed against Persona or Person Jan/05

I request a ruling of Law on who a complaint is filed against. Specifically, when a complaint is filed, and therefore the possibly resulting charges as well, who are they filed against, the persona or the person playing the persona?

Sir Callon

Minister of Justice for Terre Neuve

#### **Response from the Chancery:**

Adrian Law makes no such legal distinction.

### D. Who can File a Charge of Disharmony Jan/05

I request a Ruling of Law on the ability to bring a complaint or charge of Disharmony. Specifically, who is has standing to bring a complaint or charge of Disharmony against a person or persons? I believe there is a tradition that only a Crown has standing to bring this complaint to bear but I can find it written nowhere.

Sir Callon

Minister of Justice for Terre Neuve

#### **Response from the Chancery:**

The Crown has standing. At the Imperial level, it would be the Imperial Crown; at a local level it would be the Crown of a subdivision.

Relevant Bylaw:

#### 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.

# E. Jurisdiction when Counter complaint is filed against Crowns Jan/05

I request a Ruling of Law on Jurisdiction. Specifically, if the Crowns file a complaint against a member and the member files a counter complaint against the Crowns, does jurisdiction remain with the local Minister of Justice or does the Imperial Minister of Justice step in? If the answer is the Imperial Government/Crowns have jurisdiction, do they also have jurisdiction over the original complaint as well?

Sir Callon

Minister of Justice for Terre Neuve

#### **Response from the Chancery:**

Jurisdiction (over the counter-complaint) is at the discretion of the Imperial Crown. A seated Crown is not subject to Justice at anything lower than an Imperial Crown Court.

# F. Does Judicial Ban automatically prevent Knighthood from being taken? Jan/05

A question has arisen that I would like clarification on:

Under the Bylaws, the effects of a Judicial Ban are clearly set forth to preclude participation in legislative or juridical functions, or to hold any office. Based on statements in the Codex Adjudicata and Chancellor's Handbook, it seems like the purpose of the Ban is to prevent someone from destroying evidence or otherwise interfering with the judicial process.

Now, by tradition, we've always asked if someone is under a Judicial Ban during a knighting ceremony. Earlier posts (from 2002, starting with #12) suggest that it is "bad form" to take a knighthood with charges pending, but doesn't say outright that a Judicial Ban prohibits taking a knighthood.

So, that question remains: if a paid member is under a Judicial Ban (as defined in the bylaws), but not otherwise specifically barred by any court sentence, are they prevented from taking their knighthood if they meet all other rolls/points requirements?

Sir Eric Svartr, Deputy Chancellor of Terre Neuve

#### **Response from the Chancery:**

From Sir William, Chancery – Estates:

#### Greetings:

Judicial bans serve three purposes: punitive (as part of a sentence following conviction of an Adrian crime); preventive (ordered by a magistrate in an ongoing case to preserve evidence or otherwise prevent interference in the investigation or procedure); and, compelling (a Crown may administratively order a ban to compel an outgoing minister to return Adrian property).

I believe that case law and rulings have established that less than the full effect/punishment may be imposed (the description and proscriptions would be the maximum, less may be sufficient). We established the principle of limited judicial bans.

Historically, in Adria, merely having charges filed against a person could prevent eligibility for advancement or office. This has been changed; now a ban must be legally imposed to deny these privileges. Gradually the language in the knighting ceremony is changing to: "MINISTER OF JUSTICE, IS THERE ANY JUDICIAL IMPEDIMENT THAT WOULD PREVENT THE CANDIDATE FROM ADVANCEMENT?" or similar language (entering the order, accepting the accolade, etc.).

#### Therefore:

- 1) a judicial ban may be imposed as above (not only by a court);
- 2) I believe a limited judicial ban may be imposed that might not affect advancement; and,
- 3) the suggested language better reflects current Adrian legal development and practice.

I hope Prince Karl would concur. A request for an official ruling should be made to Dame Juliana, Imperial Chancellor.

In Service, Sir William Baine

#### From the Imperial Chancellor:

#### Greetings,

My official Ruling: I concur with Sir William. The Bylaws do not necessarily say that Judicial Bans prevent someone taking a Knighthood, as it is one of the rights of membership. In the past, it was the case that Judicial Ban did prevent members from taking their knighthoods, however, the law has changed over time. It clearly states "a member under Judicial Ban retains all other rights and privileges described in the Bylaws".

Judicial Ban as applied prior to a trial to prevent someone from attempting "to destroy evidence, interfere with the judicial process or attempt to alter the law to their benefit" would not interfere with the taking of a knighthood, unless the Magistrate concludes that taking of a Knighthood creates one of the above conditions. So, a Judicial Ban doesn't automatically affect the taking of a Knighthood, but it can, and if so, it should be explicitly specified as part of the Ban because it is not automatic.

When it is the punitive case "found guilty in a judicial court, admittance may be refused by the Imperial Crown, Royal Crown, or Court sentence", then by default it is used to prevent taking of Knighthoods among others, however limited Judicial Bans may be applied which only affect specific activity and as such would only affect those specific activities.

The following Bylaws apply:

#### Article IX. RANKS

Elevation to any rank of knighthood must take place within thirty (30) days of completion of requirements for that level unless the candidate requests postponement. Any member may

become a knight, regardless of age (particularly minors in the Robe and Ministry disciplines), if that member has met the requirements. The opportunity to participate shall be afforded to members of all ages. If a candidate for any rank of knighthood has been found guilty in a judicial court, admittance may be refused by the Imperial Crown, Royal Crown, or Court sentence.

#### Article XI B.6. 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.

#### [and]

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.

#### Article IX.C.

If a candidate for any rank of knighthood has been found guilty in a judicial court, elevation may be refused by the Imperial Crown, Royal Crown, or judicial court sentence.

As always I present this with the caveat that Their Imperial Majesties have the right of final interpretation.

In Service to Adria,

Dame Juliana Hirsch Imperial Chancellor

#### Follow-up Question from Sir Callon:

So, if I am reading this correctly:

A Judicial Ban that specifically stated that Knighthood could not be taken would prevent the member it is imposed upon from being elevated to Knighthood until the Ban was lifted or the member was acquitted by a Royal or Chivalric Court.

#### **Response from the Chancery:**

Sir Callon,

Yes. The wording and imposition of the judicial ban is up to the Magistrate (or Crown in the case of imposition of sentence).

Dame Juliana

Imperial Chancellor

# G. U.S. Constitution/Freedom of Speech, Right to remain Silent Feb/05

From various members:

Per the By-Laws, "In any situation where the Adrian By-Laws are in direct conflict or violation of mundane law the Adrian By-Laws will be subservient to existing mundane law. Mundane law shall always trump Adrian By-Laws." Therefore don't we have the Constitutional Right to Freedom of Speech [or any other Constitutional Right] under Adrian Law?

From various members:

Do I have the right to remain silent so that I do not incriminate myself?

#### **Response from the Chancery:**

Constitutional Rights are not typically applicable to membership organizations. Examples are the Boy Scouts, the Masons, and other membership clubs, which have very explicit code-of-conduct requirements. Even a 501c3 Corporation retains different rights than a government entity. This same argument has failed in several cases against the SCA, Inc. as well. Constitutional rights do not apply for all things. If a waitress says nasty things to a customer, of course she cannot use "Freedom of Speech" as a way to prevent herself from being fired.

Some people think Constitutional Amendments are applicable to Adria.

My commentary is why I don't believe they are:

From the Bill of Rights:

#### AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a re-dress of grievances.

**Chancellor's Commentary:** The Adrian Empire, Inc. is not Congress. Amendment 1 is important because it allows us to point out that membership organizations allow citizens `free association', basically if you don't want to abide by its Bylaws and defined conflict resolution procedures, you don't have to be a member of an organization. Likewise, the organization can terminate a membership for not following its own codified rules (because the members have a right not to associate with someone conducting themselves in a manner that conflicts with the organization.)

#### AMENDMENT V (1791)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Chancellor's Commentary:** Amendment V discusses Mundane Offenses. It is not applicable to Adrian internal affairs.

There is no protection or legal right to remain silent in the Adrian legal context. The purpose of the Adrian judicial process is to determine the truth of the matter. Let me reiterate from the Judicial caution I posted. It has been determined in past Civil Courts that a good faith belief that they are true is not sufficient. A Knight has an obligation to have affirmation that the statements are true. Imperial Judicial Courts have established in the past that the making of such statements without proof is reckless disregard for the truth, and as such is conduct unbecoming a Knight.

#### **AMENDMENT VI (1791)**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

**Chancellor's Commentary:** Amendment VI discusses Mundane Criminal Prosecutions. It is not applicable to Adrian Courts. Note: Adrian Bylaws already addresses discrimination against protected classes. Protected classes are very specific, not just anyone who wants to behave differently from the accepted standard of the organization.

From a site on incorporating a non-profit under Arizona Law: <a href="http://www.keytlaw.com/az/entities/nonprofits.htm">http://www.keytlaw.com/az/entities/nonprofits.htm</a>

#### Membership v. Non-membership Nonprofit Corporations

#### **Members**

The Articles of Incorporation must state whether or not the corporation will have members. An Arizona nonprofit corporation is not required to have members. The choice to have members or not have members is a decision for the founders and depends on the nature of the proposed activities and the desires of the founders. Nonprofit corporations without members are governed by the corporation's board of directors.

If the corporation will have members, the articles of incorporation or bylaws may establish criteria or procedures for admission of members and continuation of membership. Unless otherwise provided in the articles of incorporation or bylaws, a corporation with members shall hold a membership meeting annually at a time stated in or fixed in accordance with the bylaws. A member of a nonprofit corporation is not personally liable for the acts, debts, liabilities or obligations of the corporation.

All members have the same rights and obligations with respect to voting, dissolution, redemption and transfer, unless the articles of incorporation or bylaws establish classes of membership with different rights or obligations or otherwise provide. All members have the same rights and obligations with respect to any other matters, except as set forth in or authorized by the articles of incorporation or bylaws.

**Chancellor's Commentary:** Adria has rules set forth and authorized in our Bylaws that limit a member's rights and obligations. One of those is abiding by our established conflict resolution procedures as established in the Bylaws.

The local chapters of the Boy Scouts of America are also a non-profit organizations incorporated in Arizona. It's hard to find details because many clubs do not publish their bylaws or articles of incorporation on-line, and different states have different rules for non-profit organizations. For Arizona, the rules and requirements for incorporation did not seem that difficult to follow, and I could not find any information that differentiated a membership club that focused on members who were children from members who were a mixture children and adults such as Adria. Also in my experience in the SCA, there have been people who attempted to sue the SCA using mundane rights, but the complaints never even got to court as they were considered to be without merit. (My personal information came from an SCA member that is mundanely a District Attorney in Santa Ana and provided advice for the SCA corporation.)

Even in the mundane world, Freedom of Speech has some constraints, particularly where in inflicts harm. Here is a quote from one legal article that hit a note with me, though the court case reference may actually be from Australia:

"In a free society there is a strong presumption that people should be able to speak freely, especially in relation to public issues and an individual's behaviour in relation to these issues. However, the reality of potential for abuse of this freedom remains and so with it the need for defamation laws.

In an action for defamation, there has for a long time been the defence of truthfulness but the onus is on the defence (the defamer) to prove it. Beevis v. Dawson (1957) 1 QB 195. The truth of all material statements contained in the libel must be proven."

As a non-profit membership organization, the Adrian Empire, Inc. has defined a code of conduct in our Bylaws. We use additional definitions from Civil Courts, as well as precedence from Judicial Courts to evaluate actions against the Law in the process of our delineated conflict resolution procedures.

Until I receive mundane information or direction from the Imperial Crowns or Board of Directors that says otherwise, Sir William's ruling below will stand based on his mundane credentials and the information I have found relating to this issue.

Dame Juliana Imperial Chancellor

From Sir William Baine, Chancery – Estates:

However, as a matter of mundane law--speech and conduct codes of voluntary organizations have been found NOT IN CONFLICT with 1st Amendment speech rights. The same amendment's freedom of association allows such organizations to restrict their membership to persons who share their beliefs (such as the BSA excluding atheists). Likewise, freedom of the press belongs to the publisher--no publisher is obligated to publish criticisms of himself (whether they choose to or not). Therefore, as a "chivalric society" with a code of conduct supporting its stated purpose and its own communications, we may limit how our members communicate officially and unofficially in our voluntary organization. Currently, we require our members to be truthful and courteous. This is not unreasonable, and those who disagree may attempt to amend the requirements or choose from many other organizations."

# III. Advisories

# A. Advice on Successful Reign Vote Nov/04

Is my interpretation that if a ruling noble at whatever level is not challenged for their second reign, that the first reign is to be considered successful. Would it then still need a vote by the appropriate Estates General to bestow the retirement title?

Sir Mobius, Chancellor of York

#### **Response from the Chancery:**

While the Law may not be as clear as it could be, (and I would have quoted appropriate sections here were the website working), the precedent has been that the Estates vote upon the success of first reign after the first reign, and then upon the success of the second reign after the second reign. When that vote occurs is defined by the Estates, but "success" has never been interpreted as automatic. I disagree with your interpretation, no retirement title is automatic. The vote for acceptance of a candidate has different criteria than a vote for a successful reign. A vote may even be held to delay the vote for the retirement title until such time as the Estates feel they have enough information to make a decision. There is no time limitation on this that I know of, such that the Estates may even choose to vote on the success of the reign after both reigns are complete.

So yes, you still need a vote of the Estates General to bestow a retirement title.

### B. Successful Reign Criteria Nov/04

I cannot find anywhere in the Bylaws what defines a successful reign, nor anything that would dictate the reign be unsuccessful.

Sir Mobius, Chancellor of York

#### **Response from the Chancery:**

The determination of a successful reign is up to the Estates, though baseline criteria and guidance may be addressed in the codicils of the Subdivision (which of course must be submitted to the Imperial Chancery and Crowns for review and approval.) In conclusion, the Estates determine their own criteria.

# C. Conditions for Subdivision Checking Account Nov/04

Greetings -

I was rereading my by-laws and am currently in Estates Writ # 3 Steward's Manual. On page 8 III. Procedures A. 1. it states that "Each Chartered Subdivision may only have one checking account..." To summarize, Writ # 3 states a chartered subdivision can go to Bank of America and open an account in order to conduct business.

I do not find anywhere in this Writ, or in the By-Laws, where it states the conditions for which a subdivision can be denied a checking account or if there are other provisions besides being a chartered subdivision in order to open an account. Are there such provisions? If so, can someone give me a citation to them?

Dame Cathan ni Sonoid Duchess of Kildare Lady of the Imperial Court

#### **Response from the Chancery:**

From HIM Aislynne:

It [Stewards Manual] does not say subdivisions MUST or SHALL, it says MAY, which is permissive, and it means that while you MAY be allowed to open one, you MAY NOT open two. At this time, the decisions are made on a case-by-case basis dependant on a variety of factors including but not limited to: history of reporting in all disciplines, experience of the crowns and ministers, size of subdivision, stability of subdivision, need for financial self-reliance, number of expenditures, conformity to Adrian and mundane accounting practices, and so on and so forth.

Additional Information from Sir Terrin - past Imperial Steward:

Dame Cathan,

It may not be written down. Any subdivision smaller than a kingdom takes various degrees of direction and requires various degrees of permission from the Imperial Crown. As such, it is within the authority of the Imperial Crown to cover such banking procedures with policy.

#### D. Is a Vote on a Former Crown's Retirement title a Writ? Dec/04

From Sir Pavo, King of Umbria

Do you consider a vote on a Former Crown's Retirement Title, to be an Estates Action or Writ?

#### **Response from the Chancery:**

Sir William, Chancellor of the Estates, wrote:

The exercise of any power of the estates, including writ, is an Act, but not all acts are writ as a definable term of art in Adrian Law. While acts are sometimes styled "Writ," their legal characteristics and approval are quite different: resolutions (opinion, majority), expenditures (authorization, majority), writ (rule, majority), Codicil (super rule, 2/3), even "successful reign" (confers title, majority but can not be amended or rescinded by the estates), permanent banishment (removal, unanimous), waivers (exceptions, majority or 2/3 varies), etc.

Dame Juliana, Imperial Chancellor wrote:

I agree completely with Sir William.

There are many Acts the Estates perform based on their powers. But a Writ is a Writ, and not necessarily an Act.

Writs define rules, policies and procedures that are meant not to be at the same level as Law, that can be changed by the estates in the future with a majority. These are purposefully more easily changeable than Law, which requires a 2/3rds vote.

I believe the result of successful reign vote is not a Writ. One test is that it cannot be amended or rescinded by the estates by a majority.

Something else to consider regarding Acts is that an Act is documented in meeting minutes, which might then be approved, amended or disapproved at a subsequent meeting by a majority.

However, an approved meeting minutes document is also not a Writ, though it is the official documentation of the "Acts" of the Estates. No additional wording or clarification added to the document after approval is part of that official documentation. It is important to note that whether an Act is documented in approved minutes does not change the fact of the Act itself. Disapproving the minutes of a meeting is not a way for Estates to amend or rescind any Acts that were performed in a previous meeting. Each type of Act has its own rules with regard to its modification.

In Service,

Dame Juliana Hirsch Imperial Chancellor

# E. Crown dissolving Cantons Dec/04

From various members:

Can the Crown legally dissolve a Canton or fire its Viceroy? Does it need the approval of the Estates General?

#### **Response from the Chancery:**

Yes. It is a Crown's prerogative right to create or dissolve Cantons and appoint a Viceroy to minister that Canton. The Estates may be consulted, but do not need to be (no Estates action is required to create or dissolve a Canton nor to appoint or remove a Minister). A Viceroy is a Minister, no different than Marshal or Rolls. The Canton could remain and a different Viceroy could be chosen by the Crown. There is no court needed for a Crown to remove or replace any Minister.

# F. Standing in Filing Charges Jan/05

Condensed from various members:

How is a complaint evaluated for merit?

#### **Response from the Chancery:**

From Sir Karl (condensed slightly by Dame Juliana)

Let me start off explaining the process of evaluating a complaint.

These are the considerations:

- 1. Is the alleged act a crime? (in the Adrian context)
- 2. Does the complainant have standing to bring a charge?
- 3. Is there any actual harm? (BTW loss of reputation is harm)
- 4. Has the complainant established Prima Facie? (that being is there enough evidence in lack of a rebuttal to lead one to the conclusion that the accused is more likely than not guilty This is usually provided by documents that might include sworn affidavits, emails, letters or other documentation.)

Let's look at Standing.

To have standing one must be the injured party.

In the case of disharmony only the Crown has standing as the peace of the Realm is the purview of the Crown only and the statute specifically states that the Crown must intervene.

Now it is possible for the Order of Knighthood as a whole to have standing in a criminal matter this has in the past been only applied in cases of "Outrage to Public Decency "where there were no specific injured party, an example might be undirected gross profanity in a public forum or lewd conduct of a general nature that tends to undermine the dignity of the Order. Another example would be gross misconduct on the field.

# IV. Writs

None

# V. Judicial Proceedings

See Imperial Justicar's Report

# VI. Subdivision Reports

The Chancellor's Office formally requested Local Laws and Codicils from all Subdivisions. The status follows:

Several Subdivisions reported that they had no unique Codicils and go by the Bylaws. They were:

- The Archduchy of Carolingia
- The Duchy of Chesapeake

Several Subdivisions provided their Codicils:

- The Archduchy of Brandenburg
- The Duchy of Kildare
- The Duchy of Cambridge
- The Duchy of Caerleon
- The Kingdom of Umbria
- The Kingdom of Albion

Several Subdivisions asked for additional time to get the full documents to me:

• The Duchy of Sangrael

I have received 3 Chancellor's Reports, 2 from the Kingdom of Esperance and 1 from the Kingdom of Umbria. The Archduchy of Brandenburg had nothing to report. I received some response from previously submitted reports and questions from Sir Mobius the Chancellor of York.

# **END OF CHANCELLOR'S REPORT**