

IMPERIAL CIVIL COURT OF 10/12/02

Re: Awarding of Points, Rights of Members to Form Estates

A civil court was convened by HIM Sir Karl von Katzburg, on 10/12/02, at 8:30 pm (adjourning at 10:58 pm), at the Invitational Tourney Event in conjunction with the Clark County, Nevada Age of Chivalry Renaissance Faire, in the Kingdom of Aragon Encampment to address the following questions:

1. Recent Kingdom Writs have placed or attempted to place a number of requirements upon the right of members to form and maintain estates and to exercise votes in their Kingdom estates in addition to Imperial Law. See Imperial Bylaws Article VIII Subdivision of the Empire, especially E. Subdivisions and F. Establishment, Advancement, and Continuation of Subdivisions. Are these additions consistent with and authorized by Imperial Law? Do they place unreasonable burdens upon the rights provided?
2. We have gone to great lengths to affirm the right of members to earn advancement points (participations and list wins in Arts, Combat and Archery) at Imperial Tournaments in addition to the normal monthly maximum earnable from all other events. See Imperial Bylaws Article V Meetings of the Membership, especially D. Sponsorship Requirements and E. Member Participation, and Article IX Awards, Orders, Ranks and Titles, C. Ranks. Does this ability to earn additional points apply to Ministry as well?
3. The award of Ministry points is made at the discretion of the Sovereign. While the award of the Sovereign's own Ministry points has been largely left to the Sovereign himself, is the power vested with or the points awarded, at least reviewable by the Imperial Crown over the Sovereigns of Chartered Subdivisions?
4. Frequently, new Sovereigns are asked to audit the points awards of their predecessors (either to award points missed or to question whether awarded points were actually or legally earned). From what authority is this practice derived and what procedures and safeguards apply?

For the Court

- The Imperial Chancellor, Sir William Baine, advised and assisted the Court
- TEs Lord Warren Anthony and Sir Pavo Rosalia of the Chancery served as secretaries

Judges

- HIM Sir Karl von Katzburg, Presiding Justice
- HIH Dame Elisabeth Grey, Justice
- HRM Sir Eduardo of Aragon, Justice
- HG Sir Philippe de Bois Guilbert, alternate Justice

Decision Of The Court

- No written comments were received
- All rulings were unanimous

The Justices held, that:

Regarding item 1. Article VIII of the Bylaws was reviewed with reference to estate formation, maintenance, and voting privileges. Imperial law controls, but Crowns can direct, how they are formed and may disallow formation for just and stated cause. Imperial Law controls dissolution for just and stated cause. Questions were posed:

- Does disallowing the voting privilege of the estate constitute dissolution of that estate?
- Can "just and stated cause" place undue burden on privileges granted by Imp. Law?
- Are the government policies legitimate?
- Can local law, which can expand Imperial Law, supercede rights of the members?

The Imperial position was that it cannot unless the government interest outweighs the burden on the individual or estate (an undue burden). The "just and stated cause" is undefined and must be determined by this test. No other definition or list is workable.

The Court determined that disallowing the voting privilege of the estate constituted dissolution of that estate. The Court ruled that the determination of "just and stated cause" shall be made by a test. The test consists of three parts:

1. Is the Imperial or local governmental interest legitimate?
2. Does it outweigh the affected rights of members (in this case, to form estates and exercise their voting privileges)?
3. And, could the legitimate governmental interest be accomplished in a less burdensome manner?

Regarding item 2. The Crown's position was that, yes, the ability to earn points in archery, arts, and combat, in addition to monthly participations, applies to ministry as well. Recent statements in the law that tournament events must be open to all disciplines for advancement control sections that list only some. This must be formalized through case law and eventually included in the Rolls and Lists Manual.

The Court unanimously concurred.

Regarding item 3. The Crown's position was that, yes, the next higher level sovereign has the right of review. "Passive" approval was discussed. Points are awarded administratively, until the next higher-level sovereign raises an issue with the award. Rolls and Lists will require clarification.

The Court unanimously concurred, and added the following note: In practice this means that the Imperial Crown automatically awards the Crowns of Chartered Subdivisions monthly ministry point, subject to review by the Imperial Crown.

Regarding item 4. The Crown observed that law had already been passed, new legislation was enacted that Civil Courts shall make such determinations. A procedure should arise that when a Crown questions the award of points by a predecessor, the Crown shall call a Civil Court to determine if the points should be removed upon a showing of sufficient evidence. This applies only to removal of improperly awarded points.

The Court found that the practice of Crown review and disallowing previously awarded points arose from inconsistent interpretations of law at the chartered-subdivision level. Recent law has clarified the authority to determine eligibility for advancement. Therefore, in the case of missed points (points earned but not awarded), Crowns retain the authority to enter them. However, the removal of a point previously awarded must be made by the findings of a Civil Court. The evidence must indicate that the point was not earned, that the member was ineligible to receive it, or some other error caused the award.

*In Service,
Sir William Baine, Chancellor, Adria
10/20/02*