

INTERIM RULING re: Standing and Jurisdiction in Judicial Matters

Greetings, Your Imperial Majesties, YRM of York, YG of Castille, and Lord Chancellor of York,

In response to multiple inquiries received and after exhaustive research, the Chancery is prepared to issue rulings of law regarding standing and jurisdiction in judicial matters in the Adrian Empire. I have included Civil Courts because the issues are equally important and, frankly, the answer is simpler (it is useful to know and as a point of comparison suggesting clarification in the law of Courts of Justice).

A. Civil Courts

- 1. Standing:** As per Imperial Bylaws XI. A. Civil Courts, "... any member desiring that a rule of law be clarified, expanded, or extrapolated, ... "
- 2. Jurisdiction:** As cited above, Civil Courts hold jurisdiction over any question of law, further, over qualifications for knighthood. As per Adrian legal tradition, Civil Courts summoned in chartered subdivisions are authorized to interpret that law authoritatively for the chartered subdivision. These rulings may provide useful precedent for other chartered subdivisions. Any appeals of these decisions or any general question of Adrian law may be directed to an Imperial Civil Court, which has authority throughout the Empire.

B. Courts of Justice

- 1. Standing:** As per Imperial Bylaw XI. B. 1., mundane violations may not be raised unless they occur in an Adrian context and affect Adrian events, nor may they be raised until all mundane proceedings are concluded (see also Article III. A. 2, 3, and 4, Membership revocation, denial and suspension). XI. B. 2., while any member may make a complaint, it must be a member and charges may not follow unless certain conditions are met. XI. B. 2. a, b, and d, for the complaint to rise to charges, it must be brought by, enjoined by, or ordered by the Crown. XI. B. 2. c., a complaint by a member claiming violation of his own rights can result directly in charges provided the member is the actual party harmed (actual standing equals actual harm suffered, the traditional Adrian concept of a noble acting on behalf of his vassals should be construed as limited to advising advocacy, mediation, etc., but cannot sustain a cause of action from the liege alone). XI. B. 2. e. addresses Conduct Unbecoming a Knight; again, any member may bring a complaint, but some member of the Chivalry must enjoin to represent the actual interest of harm which is the reputation of the Order. In each of the above cases, to determine standing simply ask who is actually harmed: if it is an individual, see 2. c.; if it is the Order, see 2. e.; and, if it is the event, authority of the Crown, or violation of law, harm is to Adria or the chartered subdivision and therefore requires Crown intervention. If treason is committed against a non-Crown, the individual or the non-chartered subdivision represented by its Noble is the party harmed (a possible exception to the ordinary construction of Treason).
- 2. Jurisdiction:** Unfortunately, recent amendments, the Codex Adjudicata, and the Chancellor's Manual do not provide additional answers. Fortunately, the Chancery reports (advisories, rulings, and judicial history) clearly address the issue of jurisdiction. The chain of authority is illustrated in all matters by the November 2002 Report Item II., Imperial Civil Courts (dated 7/21/02) decision, section 5 "... Crown overruling Nobles, Imperial Crown over Royal Crown, ...". November 2002 Report Item VI. Re: Katherine McGuire 12/1/01 counter-charges against Lord Protector of Esperance, as head of chartered subdivision, automatically went to the Imperial Chancery. November 2002 Report Item XI. Re: Allora McDonnon 8/31/02, Imperial jurisdiction exercised over a member of Terre Neuve accused of crimes against members and Crown of Brandenburg, a different subdivision. July 2002 Report Item VI. Re: Sir Gwyllum ap DuDrane, dismissed 6/21/02, Imperial jurisdiction over charges against former Crown of Aragon for acts while Crown. March 2002 Report Item X. Advisory to the Crown Re: Counter-charges versus xxx jurisdiction "the allegations having been made against the (government) for official acts falls clearly under Imperial jurisdiction.

Additional commentary: The Imperial Government has discussed the authority to exercise jurisdiction in any manner brought against an Imperial officer over the performance of his duties. Their Imperial Majesties have considered that former Crowns and 3rd-level Knights may enjoy similar protection, but I know of no cases on record.

In Service, Sir William Baine, Chancellor, Adria