

INTERIM RULING

Re: Questions Arising From York Proceedings

The following issues have been raised.

1. What is immediate justice, its purpose, may it be denied, truth vs procedure, what remedies exist?
2. Is it appropriate to appeal procedural ruling to the Imperial Chancery or seek advice?
3. To whom should a request for continuance be made, and why should one be granted?

Immediate Justice

Immediate justice is a concept arising from Imperial Estates Writ 12 b. it is the date of trial, being "...defined as the very next Scheduled Adrian event in the Chartered Sub-Division. This is to include: Normal Crown and Canton events, feasts, Estates Meetings and Wars." But, not " ... practices, collegia or subdivision meetings..."

There is no further explanation, purpose, basis for denial, or remedy in the text of the writ. As usual the chancery must research further, and balance competing interests.

Article XI: Judicial Courts is silent on this matter. However, the Imperial Codex Adjudicata (1996), page 3, footnote 4 to Courts of Justice, states "The accused Party ONLY may waive notice, and ask for a court at the soonest possible time. The wishes of the accusing party, or his inability to produce witness is considered to be outweighed by the right of the accused party to swift justice (Count Damian de La Rose adv. Sir Terrance de Coirnoir 1990).

Yet, this must be read with the understanding that the Writ is an amendment to the Codex Adjudicata, and 12 f. of the Writ expressly recognizes that the search for truth is the primary purpose of Adrian Courts and overrides procedure.

HRH Sir Stefan Belski, was kind enough to contribute his thoughts as author and as present when debated and adopted. His insights, while helpful, are not conclusive, but are appreciated and considered here: " It is my understanding that the question arises, is Immediate Justice a right, or is it just a procedural mechanism. The short answer is it is both. The Estates made it abundantly clear in July 1999 that it felt it was the right of every Adrian to demand Immediate Justice in order to clear their name should a false or nuisance suit be filed against them. The Estates even went so far as to determine that 'next monthly scheduled event' could very well mean the same event that the charges were delivered unto the defendant. The writ was an attempt to add a procedure to insure that this right will be observed in the future. Should a seated monarch deviate from the procedures detailed in the above writ, they have not only failed procedurally, by they have violated the By-Laws of the Empire and denied that individual their (sic) rights as provided for in this writ." Yet again, 12 f. of the Writ recognizes the supremacy of the search for truth over procedural issues.

Interpretations

Specific interpretations by the Chancery over the last few years have established our current policies. Among these, that "just and proper cause" or "impossibility" may excuse a failure to fulfill procedural requirements; and, that mere mistakes are not necessarily crimes--first try to fix them, and always consider whether actual harm occurs.

Given all of the above, Immediate Justice is a term of Art for waiver of notice by the accused. It is a procedure by which the accused may: dispense with "nuisance" charges; simply move things along; or, far more seriously, thwart a "politically motivated" attempt to improperly disqualify a candidate for office, deny advancement or to deny voting rights, through imposition of judicial ban (probably by misapplication of the rules). To the extent that such a genuine threat exists--a personal right may arise.

Remedies

When, but only when, such a genuine threat to the rights and privileges of a member arises, the same effort/haste should be made to exonerate as was made to accuse. If for proper cause the request for immediate justice/waiver of notice and immediate trial is not granted, the remedy is not dismissal--this would not serve truth. The remedy is to immediately reschedule a trial date in the spirit of the law--acceptable to the

accused but merely possible for the accuser. The law called for the next scheduled regular event--when the officers will be present and should be ready to proceed. If for their convenience, it is not held, then every effort should be made to accommodate the accused, or at least consistent with Writ 12 c. Beyond this any further remedy appears to be limited to bringing charges against the responsible officers for failing to perform their duties--not dismissal.

However, when no such real threat arises (no loss of candidacy, advancement, or vote without actual conviction), and the request for immediate justice to dispense with a nuisance or expedite the answer of regular charges is denied for proper cause, then the "remedy" is to merely schedule trial according to normal procedures. Which Writ 12 c. states the date will be selected by the defendant (and acceptable to the parties).

Role Of The Imperial Chancery

It is always appropriate to appeal local procedural rulings or practices to the Imperial Chancery or to seek advice therefrom. The local Chancellor makes an Interim Ruling, it is binding until the Crown accepts, amends or rejects that ruling. Appeal or request for advice is made to the Imperial Chancery, if an Interim Ruling is made, it is binding until the Imperial Crown accepts, amends, or rejects it. Further amendment or interpretation may be made by the Imperial Estates, or rarely, by the Board of Directors, or even by a mundane authority or court. Among the many duties of the Chancery, the Codex Adjudicata page 3 Courts of Justice, states the duty to fairly advise all parties to a dispute. Particularly with regard to local matters the Imperial Chancery should be remote enough to avoid the appearance of an adversarial relationship or bias ("we're from the chancery, we're here to help you"). One proviso is time permitting--while reasonable effort will be made, the Chancery policy is to respond to written requests within 30 days.

Continuances

Imperial Estates Writ 12 as amending the Codex Adjudicata is quite clear that the Chancellor or Magistrate appointed for the Court holds considerable authority and discretion over judicial proceedings, particularly in Courts of Chivalry and Civil Courts. While the Codex suggests the Crown or Ruling Noble controls the Royal Court or Hundreds Court, the Writ consistently refers to Chancellor or Magistrate for notice, assistance, and setting trial dates as per 12 c.--which shall be a date selected by the defendant, that is "... acceptable to Magistrate/Chancellor, Crown and plaintiff as well as the defendant." Therefore, a Magistrate if appointed, otherwise the Chancellor has the authority to grant a continuance for just and proper cause or impossibility. In all cases the effort must be made to reschedule to a date acceptable to all parties--but if not possible the discretion must rest with the Magistrate/Chancellor.

Sir William Baine, Imperial Chancellor
12/8/01