

The May 2011 Clark

Third Clark of the 42nd Ziu

1. Results of the March 2011 Clark

As no bills have passed both the Cosä and Senäts, Royal Assent was not required.

The Cosä passed a Vote of Confidence in the Government 84-36 .

Members of the Cosä voted as follows:

Name	Party	Seats	VoC	
Matáiwos Nanamavéu	PPT	4	<i>Did not vote</i>	Üc
Flip Molinar	PPT	12	<i>Did not vote</i>	Non
Tric'hard Carschaleir	PPT	7	<i>Did not vote</i>	Üc
Istefan Lorentzescu	PPT	8	<i>Did not vote</i>	Non
Óin Ursüm	PPT	10	<i>Did not vote</i>	
Alexandreu Soleighlfred	PPT	9	<i>Did not vote</i>	Üc
Simeon Andriëu	PPT	7	<i>Did not vote</i>	Non
Ma la Mha	RUMP	20	<i>Did not vote</i>	
Trotxä Betiñéir	RUMP	10	<i>Did not vote</i>	Üc
X. Pol Brigă	RUMP	9	<i>Did not vote</i>	Non
Ian da Bitour	RUMP	10	<i>Did not vote</i>	
George Hargreves	RUMP	4	<i>Did not vote</i>	Üc
Alexandreu Davinescu	RUMP	20	<i>Did not vote</i>	
Mick Preston	RUMP	20	<i>Did not vote</i>	Üc
Cjara Brainerd	RUMP	20	<i>Did not vote</i>	
Litz Cjantscheir	RUMP	25	<i>Did not vote</i>	Üc
Antonio Çamberleir	RUMP	5	<i>Did not vote</i>	Üc
			84-36	

Senators voted as follows:

Name	Province	
Brad Holmes	Atatürk	<i>Did not vote</i>
Tímoþi Asmourescu	Belacostä	<i>Did not vote</i>
Glüc da Dhi	Cézembre	<i>Did not vote</i>
Ieremiac'h Ventrutx	Florenciä	<i>Did not vote</i>
Iustì Canun	Maricopa	<i>Did not vote</i>
Breneir Tzaracomprada	Maritiimi-Maxhestic	<i>Did not vote</i>
Viteu Marcianüs	Vuode	<i>Did not vote</i>

2. This Month's Business

The Third Clark of the 42nd Ziu runs from May 1st to 21st 2011/XXXII.
Voting on the Clark is open until the 21st of May at 7:30 PM Talossan time.

The following bills have been presented for consideration:

42RZ04 – The Clerk of Courts Act

Introduced by Tímopi Asmourescu (Senator-BE)

42RZ05 – The Legal Representation Act

Introduced by Tímopi Asmourescu (Senator-BE)

42RC06 – Fewer Provinces Referendum Act

Introduced by Flip Molinar (MC-PPT)

42RZ07 – The We've Lost the List Act

Introduced by Baroness Litz Cjantscheir (Seneschal, MC-RUMP)

42RZ08 – Appointment of T.M. Asmourescu as Magistrate Act

Introduced by Baroness Litz Cjantscheir (Seneschal, MC-RUMP)

42RZ09 – The Census Act

Introduced by Baroness Litz Cjantscheir (MC-RUMP, Seneschal)

42RZ10 – Ensuring Monarch Representation Amendment

Introduced by Sir Glüc da Dhi (Senator-CZ)

The full text of these bills is available in the appendix.

The following motion is to be voted on by the Cosă only:

Vote of Confidence

Do you wish the current Government to continue in its term of office?

3. Judicial Decisions

Pursuant to Lex.G.12.1, the Chancery announces that no decisions were rendered by any national court since the publication of the last Clark.

4. Prime Dictates

Pursuant to Lex.H.2.7.1, the Chancery announces that no Prime Dictates were issued since the publication of the last Clark.

*Ordered printed today, May 1st 2011/XLVI
The Secretary of State / El Secretar d'Estat
Iustì Canun*

A. Full text of all bills on the Clark

42RZ04 - The Clerk of Courts Act

42RZ4 - The Clerk of Courts Act

WHEREAS we have a legal system which continues to develop and grow with our Kingdom and

WHEREAS there has been some criticism of the manner in which court cases were handled in terms of timeliness, and

WHEREAS we presently have no formal means of bringing action against a person or entity through our system of Courts so, now

THEREFORE we establish the office of Clerk of Courts. The Clerk shall be an apolitical position appointed by the reigning Monarch upon recommendation of the Prime Minister and shall serve in the following capacities:

1. The clerk shall receive and file actions brought by individuals or their representative attorneys and assign to each requested action a docket number.

2. The clerk shall then assign the case to a Judge, Magistrate or Justice in the lowest court holding jurisdiction over the matter.

3. Judicial assignments shall be made in descending order of seniority. In cases where a clear conflict of interest should arise, the clerk shall assign the case to the next jurist in that order.

4. The clerk shall maintain a record of docket numbers and judicial assignments to be archived along with the final disposition of the case for ease of reference.

5. This file shall be available to any citizen for use in the preparation of legal strategy, the study of law or for any legitimate purpose.

6. Appeals shall be filed as separate actions and will be assigned new docket numbers but shall be archived together with the original action for ease of reference.

7. The Clerk shall acknowledge the receipt of any filing and shall, within 72 business hours of said acknowledgment, assign a docket number and make a judicial assignment.

8. The individual holding the office of Clerk of Courts shall enjoy immunity from civil or criminal suit for any actions performed in the course of his or her official duties while holding this office. This immunity shall be lost upon leaving office. Due to the nature of the Clerk's responsibilities, an individual may not hold the office of Clerk of Courts, or any deputy thereunder, while simultaneously holding office as a Justice, Judge or Magistrate of the Uppermost Cort or any national inferior court.

9. The Clerk of Courts serves at the pleasure of the King and may be dismissed by royal decree. In the case of alleged misconduct, the Clerk of Courts may be removed from office by Prime Dictate.

10. Any individual who shall be found to have accepted bribe or other gratuities for the purposes of

manipulating the assignment of jurists shall be guilty of public corruption of an officer of the Court, a felony, and shall suffer a punishment to be determined by the court.

Uréu q'estadra sã,
Tímopi Asmourescu (Senator-BE)

42RZ05 - The Legal Representation Act

42RZ5 - The Legal Representation Act

WHEREAS we currently have the infrastructure for the designation of attorneys and

WHEREAS the functions and responsibilities of attorneys have not been outlined elsewhere and so

THEREFORE, we establish the following guidelines for the practice of law within the realm:

- 1. The practice of law shall be defined as the representation of individuals, corporations and government bodies before the Uppermost Cort, Military or Provincial Court, or any inferior court established by the Ziu; or the professional discussion or advice on matters of a legal nature.*
- 2. Practice before the Uppermost Cort or any inferior National Court established by the Ziu shall be limited to members of the Royal Talossan Bar who maintain their membership in good standing.*
- 3. Practice before Military Courts shall be restricted to members of the Royal Talossan Bar or to any commissioned officer granted waiver by the Minister of Defence to serve as a legal representative, pursuant to Ministry of Defence guidelines.*
- 4. Practice before Provincial Courts shall be governed by Provincial Law.*
- 5. No part of this law shall limit an individual's ability to represent themselves before any court of the realm.*
- 6. Provincial Premiers shall have the authority to represent their Province, in actions brought before a National Court, as a function of their office. This responsibility may be delegated only to a member of the Royal Talossan Bar. The role of the premier, or any Provincial official, within the provincial court system shall be regulated by applicable provincial law.*
- 7. The use of titles such as lawyer, attorney, barrister, solicitor, or councillor/counselor-at-law or any other title reserved by guidelines of the Royal Talossan Bar shall be restricted to those who are licensed to engage in the practice of law within the realm.*

8. Individuals who are party to an action brought before a Court of the realm and cannot find suitable legal representation due to a shortage of qualified practitioners of law, conflicts of interest or for personal reasons to be outlined in a petition presented before the cort, may apply for a waiver to permit any adult Talossan citizen to represent them before the Cort in a specified legal action serving as a legal proxy.

9. Individuals operating under waiver shall not be entitled to present themselves as attorneys, lawyers, barristers, solicitors, or councillor/counselor-at-law, nor shall approval of such waiver imply membership in the Talossan Bar.

10. Petitions for waiver shall be made to the Cort in which the action is to be brought. All waivers shall expire upon the final disposition of the case and shall remain in force through any appeal. Waivers granted by a lower court need not be renewed or reissued if the action is brought before the Uppermost Cort in appeal. Waivers may be terminated by the petitioner or the proxy at any time during court proceedings and shall notify the Court of said termination within 48 hours of its effective date. Waivers may be withdrawn through judicial order in the event of misconduct or inadequate representation.

11. Courts shall grant petitioned waivers unless the designated proxy has been convicted of a felony, has presented themselves unlawfully to be an attorney, lawyer, barrister, solicitor or councillor/counselor of law, has falsely claimed Bar membership or other official standing within the Talossan Bar or has received monetary compensation or other financial consideration in exchange for his/her representational duties or when a suitable member of the bar is available for representation in the matter, unencumbered by conflicts of interest or personal disputes.

Uréu q'estadra sa:

T.M. Asmourescu, Senator of Benito**

Uréu q'estadra sã,
Tímoþi Asmourescu (Senator-BE)

42RC06 - Fewer Provinces Referendum Act

Whereas Talossa has seven provinces, and

Whereas only two of those provinces have shown any signs of activity during the last two periods of inactivity, and

Whereas a province needs a few active citizens to keep the province alive, and

Whereas it will take a lot of time for the kingdom to gain enough citizens for seven provinces to be active, and

Whereas if there were less provinces, most provinces would have more (active) citizens), and

Whereas a transition from seven to five provinces needs wide support, both nationally and provincially, and

Whereas I don't want to create a very detailed plan without knowing whether it has enough support, and

Whereas if someone comes up with a proposal to create fewer provinces and it does not pass, it still won't be certain whether it failed because there is no support for fewer provinces or because a majority has problems with some details of the proposal, and

Whereas according to the Organic Law, article XX, section 10, "Legislation may be enacted by the people through the Referendum. The Cosà may prepare referenda and submit these to popular vote, as it sees fit. The referendum may be advisory (a non-binding public opinion check) or may have the force of law upon its approval by a majority of those who vote on it. Referenda questions appear on the ballot during the next general election, or sooner, if the Seneschál so chooses to authorize.", now

Therefore an advisory referendum shall be held during the General Elections in which all citizens shall be asked to answer the following two questions: a) Do you think Talossa should have five provinces instead of seven? b) Do you support a fusion between your province and another province?

Uréu q'estadra sã,
Flip Molinar (MC-PPT)

42RZ07 - The We've Lost the List Act

42RZ7 - The We've Lost the List Act

WHEREAS we have a Street Act that lists the names of the streets of Talossa according to a attached list

WHEREAS said attached list has been lost and no archived copy can be found

WHEREAS it's ridiculous having a Official Street Naming Act on the law books of Talossa, if we don't have a list to enforce

THEREFORE the Ziu does hereby repeal 32RZ19 - The Official Streets Act

Uréu q'estadra sã:

Litz Cjantscheir, Seneschal, MC, RUMP

Scribe's Note: This Act repeals [The Official Streets Act](#)

Uréu q'estadra sã,
Baroness Litz Cjantscheir (Seneschal, MC-RUMP)

42RZ08 - Appointment of T.M. Asmourescu as Magistrate Act

42RZ8 - Appointment of T.M. Asmourescu as Magistrate Act

WHEREAS [39RZ18 - The Creation of a Magistracy Act \(as amended\)](#) states "The Magistrate Court shall consist of not less than two and no more than three Magistrates." And

WHEREAS there is currently only one magistrate, Sir Samuhel Tecladeir, and

WHEREAS one or two more Magistrates need to be appointed, and

WHEREAS such Magistrates need to be active members of the Talossan Society and have a fair grasp of Talossan Law and her Justice System, and

WHEREAS the Court needs Magistrates who are active and willing to devote time and effort into fulfilling the duties of the Court and ensuring that apt reform is implemented, and

WHEREAS Capitan Tímopi Txec Max (Tim) Asmourescu is such a person who is a active Talossan citizen in good standing and who has shown considerable understanding and comprehension of the Talossan law and Justice System, and

WHEREAS it is firmly believed that Capt. Tim will put every effort into enusting the Court fulfils its duties and remains apt to a modern and changing Talossa, now

THEREFORE in accordance with Article XVI, Section 4 of the Organic Law, the Ziu does hereby elect Capitan Tímopi Txec Max (Tim) Asmourescu as a magistrate of the Magistrate's Court.

***Uréu q'estadra sã:**

HM Government, **represented by:**

Litz Cjantscheir MC, RUMP

Baron Hooligan MC, RUMP**

Noi urent q'estadra sã,

Baroness Litz Cjantscheir (Seneschal, MC-RUMP)

Ma la Mha, Contă Thord (MC-RUMP)

42RZ09 - The Census Act

WHEREAS most countries nowadays have a census

WHEREAS a census can provide a lot of information about the current citizens of Talossa and those of the past

WHEREAS a census will allow the collection of specific information from all citizens of Talossa which can aid Talossa in future projects

WHEREAS it will also allow comparison between Talossa of yesteryear and today,

WHEREAS there is currently no legal framework in place to hold a census in Talossa

THEREFORE be it enacted by the Ziu;

Section 1: The Seneschal may, from time to time issue a "Order of Census", instructing that a census shall be taken for Talossa, or for any part(s) of Talossa, and any Order under this section must state:

(i) The time period on which the census will be taken; and (ii) The persons by whom and with respect to whom the returns for the purpose of the census are to be made; and (iii) The particulars to be stated in the returns: (iv) The person(s) who shall be appointed Chief Enumerator

(b) An Order shall not be made under this section so as to require a census to be taken in any part of Talossa in any month, unless 6 months have elapsed since the last census was last taken in that part of Talossa.

(ii) The Seneschal must make a Order of Census to conduct a nationwide census if a period of 3 years has elapsed since the last nationwide census was conducted.

(c) No particulars shall be required to be stated other than the following particulars: 1. Names, sex, age. 2. Occupation, education, profession, trade or employment. 3. Nationality, birthplace, race, language. 4. Place of abode and character of dwelling. 5. Talossa 6. Condition as to marriage, relation to head of family, children. 7. Religion

(d) Any Order made under this section may be revoked, amended or varied by a subsequent Order.

Section 2: It shall be the duty of the Chief Enumerator to make such arrangements and do all such things as are necessary for the taking of a census in accordance with the provisions of this Act and regulations made by the Order of Census, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection of the forms when filled up.

(b) The Chief Enumerator in the exercise of his powers and in the performance of his duties under this Act or under the Order or Census or regulations made thereunder, shall be subject to the control of, and comply with any directions given by, the Seneschal and/or his appointed Minister.

(c) Any expenses incurred with the sanction of the Minister of Finance in connection with the taking of a census or otherwise in connection with the exercise of Chief Enumerator's powers or the performance of his duties under this Act shall be defrayed out of monies provided by the Royal Treasury.

(d) The Chief Enumerator shall, as soon as may be after the taking of a census, prepare reports on the census returns, and every such report shall be made available online and laid before the Ziu.

(ii) The Chief Enumerator shall, as soon as may be after the taking of the census, send all reports on the census, to the Royal Archivist, who shall be responsible for the safe, secure and publically assessable archiving of this information.

(e) The Chief Enumerator, may at his own discretion and at whim appoint or dismiss a Deputy and/or citizens of Talossa to aid him in his duties and responsibilities under this Act.

Section 3: If the Chief Enumerator or any person who is—

(i) under the control of the Chief Enumerator; or (ii) a supplier of any services to him,

discloses any personal census information to another person, without lawful authority, he shall be guilty of an offence.

(b) If any person discloses to another person any personal census information which he knows has been disclosed in contravention of this Act, he shall be guilty of an offence.

(c) It shall be a defence for a person charged with an offence under subsection (a) or (b) to prove—

(i) that at the time of the alleged offence he believed—

(1) that he was acting with lawful authority; or (2) that the information in question was not personal census information; and

(ii) that he had no reasonable cause to believe otherwise.

Uréu q'estadra sã,

Baroness Litz Cjantscheir (MC-RUMP, Seneschal)

42RZ10 - Ensuring Monarch Representation Amendment

WHEREAS according to Article XVII, Section 9 "Each Province shall govern itself in such a manner as to guarantee its citizens the full protection of their rights under this Organic Law. Provincial elections may, if so specified in a Province's constitution, be conducted by the Chancery at the same time as elections to the Cosà, and in accordance with the national election laws and rules. The King shall appoint a Cunstavál (or Constable) for each Province. Until such time as the King or Cunstavál proclaims a provincial constitution providing otherwise, a Province's Cunstavál shall serve as Military Governor and may exercise all the powers of the provincial government. No Cunstavál shall proclaim any provincial constitution or constitutional amendment which: Conflicts with any provision of this Organic Law, Grants to the King (and consequently to the Cunstavál as the King's representative in the Province) royal powers less extensive than those granted to the King on the national level, except that the provincial royal powers need not include a right of dissolution if provincial elections are held concurrently with Cosà elections, Fails to provide a right to appeal decisions of the provincial court or courts (if any) to the Cort pü Ìnalt or such other national courts as may be created by the Ziu, or In the case of the adoption of a new constitution, is not approved by a referendum in which at least either a majority of all citizens of the province or a two-thirds majority of votes actually cast is in favor of the constitution.", and

WHEREAS four of our seven provinces do not have a Cunstaval, and

WHEREAS the king is too busy to do all the provincial stuff himself, and

WHEREAS activity levels in provinces are terribly low, now

THEREFORE the following section shall be inserted in article XVII of the organic law, after section 9:

"Section 10. A cunstaval will vacate his/her position when he/she dies, resigns, fails to vote in a election for the Cosa or is removed from office by the king. A cunstaval may only be removed from office when the king is able to appoint a replacement immediatly. Any province that has been without a cunstaval for more than one month may appoint someone to the vacant position according to a procedure provided for by the constitution of said province. In case no such procedure is provided for, the Senator of said province may appoint someone to the vacant position",

Furthermore all sections in article XVII of the Organic Law, following the new section 10 shall be renumbered accordingly.

Noi urent q'estadra sã,
Sir Glüc da Dhi (Senator-CZ)
Flip Molinar (MC-PPT)