

Laurel Letter of Pends and Discussion (LoPaD): September 21, 2004

Society for Creative Anachronism
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To all the College of Arms and all others who may read this missive, from Shauna Laurel, Evan Wreath, and Margaret Pelican, greetings.

This letter contains the issues raised in the April 2004 LoAR for CoA discussion. The text in this letter is copied verbatim from that LoAR; it is provided here for convenience. As with a September LoI, these matters are currently scheduled for the Laurel meetings in JANUARY 2005. **Original commentary must be in the College's hands no later than November 30, 2004. Responses and rebuttals to commentary must be in the College's hands no later than December 31, 2004.**

1. Cairistiona inghean Raghnaill. Device. Gules, a unicorn rampant argent armed Or, on a bordure Or an orle sable.

The tincture of the unicorn was omitted from the blazon, leading most commentators to assume the unicorn was *Or*. This is being pended to allow for conflict checking using the correct tinctures.

2. Cluain, Canton of. Branch name and device. Azure, a seahorse within a laurel wreath and on a chief inverted argent a lymphad gules.

Normally, we would have returned this name for lack of an appropriate petition of support for the name. RfS IV.C.5 states "A valid petition must include a clear description of the item submitted." A group name on a device petition does not fulfill that requirement.

However, because of the various vagaries of starting an office such as the Pelican Sovereign of Arms, no one notified the group that they needed to complete their paperwork prior to the date the rulings were made. Therefore, this is pended until the group can submit a proper petition for their group or until four months from the publication of this LoAR, whichever comes first.

The device is pended because the name is pended. Please advise the group to draw the chief a bit more narrowly and the ship accordingly smaller. This is as large as a chief can get without being returnable for confusion with a *per fess* line of division. Please instruct the group also to draw the laurel wreath with a narrower opening at the top.

This item was listed on the LoI under *Lochac, Kingdom of*. Submissions for branches should be listed under the branch name not the Kingdom name. Names and armory of branches within a kingdom are owned by the branch not by the Kingdom.

3. Dougal Stewart. Name.

This is being pended for discussion on whether "Dougal Stewart" is important enough to protect. In commentary, Metron Ariston wrote:

[T]here may be a problem with the famous late eighteenth century and early nineteenth century mathematician and philosopher *Dugald Stewart*. This scholar contributed greatly to the popularity and influence of Adam Smith and the acceptance of political economy as an academic discipline. His works exerted great influence through much of the nineteenth century. While he has a lengthy article in the 1911 Encyclopedia Britannica (48.1911encyclopedia.org/S/ST/STEWART_DUGALD.htm), most other modern encyclopedic works also give him a great deal of space and consider him a key figure in the Scottish Enlightenment. For example the Columbia Online Encyclopedia says of him "**Dugald Stewart** 1753-1828, Scottish philosopher. He studied at the Univ. of Edinburgh, later becoming professor of mathematics (1775-85) and of moral philosophy (1785-1810). After retiring he devoted himself to writing. A student of Thomas Reid and strongly influenced by him, Stewart is credited with aiding in the forming of the Scottish school of philosophy. His work was largely an exposition of Reid's philosophy, accepting the existence of the external world and applying the principle of common sense to the problems of philosophy. An eloquent lecturer and a brilliant writer, he is noted for these abilities rather than for any original philosophical development. Among his works are *Outlines of Moral Philosophy* (1793), *Elements of the Philosophy of the Human Mind* (3 vol., 1792-1827), and *Philosophical Essays* (1810)." (cited at //reference.allrefer.com/encyclopedia/S/StewrtD.html).

There were no responses to these comments. We are interested in the College's opinion on this matter.

4. Nikolai of Trakai. Change of badge. (Fieldless) Two arrows inverted in saltire Or surmounted by a wooden conical roofed stone tower proper.

The blazon given on the LoI had the tower as *argent*. On the colored emblazon, the tower appears to be of light grey stone except for the conical roof, which is brown. We are pending this to give the College a chance to consider it with its actual tinctures. The blazon given here is only a stopgap; suggestions for improvement are STRONGLY encouraged.

The predecessor of this submission (with a *vert* field instead of none) was returned in June 2003 for conflict with a badge of Border Vale Keep, *Vert, two swords in saltire Or surmounted by a stone tower, the top enflamed, proper*, with only one CD for type of (two out of three) primary charges. This resubmission successfully addresses that return by adding a second CD for changing the field tincture.

This time around, a possible conflict was called in commentary against Wulfric FitzDugald: *Gules ermined argent, two arrows in saltire inverted Or, overall a wolf's head bendwise couped at the shoulders sable*. There is a CD for fieldlessness, but nothing for changing the type or tincture of one of three charges in a sheaf arrangement (which the June 2003 return ruled this to be). This therefore does conflict with Wulfric. However, Nikolai's current badge (for which this submission is a change) has the charges in the same arrangement and has the same conflict with Wulfric. Therefore the "grandfather clause" applies: in this particular specific circumstance it would be unreasonable to say that Nikolai may have the tower being one tincture but not of another, as changing the tincture of the tower alone cannot affect the conflict with Wulfric. Precedent has long held that the "grandfather clause" applies to conflict:

[W]hile this conflicts with [another registered piece of armory], since Jennet's previously registered device [blazon snipped] also conflicts to the same degree, she gets this badge courtesy of the grandfather clause. The Grandfather Clause applies to conflict, as well as stylistic problems; the badge conflicts no more (and no less) than the device, and if Jennet may display the latter, it would be unreasonable to tell her she may not display the former. [Jul 1998, Acc-Meridies, Jennet of Tewkesbury]

The grandfather clause has been held before to apply to armory changes where the new armory has identical conflicts to the previously registered armory. [Feb 1994, Acc-West, Hauoc of House Bender]

This submission is a textbook example of why the Grandfather Clause applies to problems of conflict, as well as of style. The new device has the same conflicts (e.g. Ashton, Or, a mullet sable) as the previous device; if he could bear the latter, he should be able to bear the former. See the cover letter for a more complete discussion of the Grandfather Clause. [Dec 1992, Acc-Middle, Eliahu ben Itzhak]

If this badge is registered, his previously registered badge of *Vert, two arrows inverted in saltire surmounted by a tower Or* is to be released.

I remain

In service to the Society

Shauna of Carrick Point
Laurel Queen of Arms