

COUNTY, DUCHY, NATION OR COUNTRY? THE CASE FOR CORNWALL

The Cornwall Branch of the Celtic League

INTRODUCTION

FOR many decades, Cornwall has been the poor relation in the United Kingdom of Great Britain and Northern Ireland. It vies with the west of Wales as being the poorest region of northern Europe, has the UK's lowest average income and among the UK's highest domestic overheads. It was once a proud independent Celtic kingdom but through historical events which lay outside both democratic and legal process, it has been counted as part of England; its people labelled as "English" and, since 1889, it has been administered as though it were a mere county of England. Cornwall is much more than that. It is home to an indigenous people with a 12,000-year history, and who are markedly genetically distinct from those of England. It has an ancient language whose history goes back 5,000 years. It has a unique and quite remarkable constitutional status within the UK, which has long been subjected to official and media concealment. It retains, intact, a legal right to govern itself (also concealed from the major part of the public eye); and it even has a different head of state.

A growing body of Cornish inhabitants believes that this diminishing of Cornwall is holding its community back from advancement in the modern world. It is their opinion that the appellation of "county", to the exclusion of other lawful and more senior titles, is detrimental to efforts to give Cornwall its rightful place in the modern world. Indeed, the Royal Commission on the Constitution ("Kilbrandon Report") in 1973, makes mention of the dubious legality of administrative "county" status being imposed in 1889, and recommended that Cornwall be referred to as a Duchy. This recommendation has been signally ignored by the UK government and the mainstream media ever since.

Legal opinion regarding Cornwall's status appears to be in accord. G.D. Flather QC, Assistant Commissioner for the Boundaries Commission concluded in 1988 that while Cornwall is currently in de facto joinder with England, de jure joinder has never been achieved. More recently, Dr John Kirkhope, Solicitor, Notary Public and legal researcher has concurred with Flather's conclusion. However, the status quo continues regardless.

The Cornish people are not afforded the opportunity to state their case to be recognized as a nation. This, too, is wrong in a society that prides itself upon upholding standards of democracy, fairness and freedom. We would respectfully ask your indulgence to accept this document as the Case for Cornwall in this regard.

THE GENETIC EVIDENCE:

The last eleven years has seen a major genetic study of the peoples of Britain, carried out by Oxford University under the wing of the Wellcome Trust and headed by Sir Walter Bodmer. Its findings were published in "Nature" in March 2015. These results have played a major part in answering several historical questions and revealed some facts that the genetic researchers have described as "striking" and "astonishing".

In fact, the results indicate that the people of Britain have not had a tendency to move from their post-Roman and earlier tribal areas anywhere on the island since the 7th century.

The Cornish and the Welsh are revealed as having the longest history of any of the peoples of modern Britain, entering an empty island after the Ice Age from a refuge area in the Iberian Peninsula, largely coinciding with that occupied by the Basques. 80% of Cornish people retain the genetic markers of those early Mesolithic colonists 12,000 years ago.

The Cornish people were found to form a genetic group markedly distinct from that of their Devonian neighbours and different again from that of southern and central England, whose origins from northern Europe (and ultimately from the region of the Ukraine) also differed. The geographical demarcation line between the Cornish and Devonian groups was equally striking: the river Tamar, Cornwall's political border for over a thousand years.

THE CORNISH LANGUAGE: Cornwall's Celtic language has a history that is at least 5,000 years old. According to archaeologist Professor Sir Barry Cunliffe and archeolinguist Dr John Koch, Celtic originally developed from Indo-European in southwestern Iberia, around the Tagus estuary, c.4,000 BC. It then became the lingua franca of the Atlantic sea-trading routes, becoming adopted by Ireland and Western Britain by 3,000 BC; and the remainder of Britain by 2,000 BC. In the early Bronze Age, the language split into two distinct dialects: Goidelic (Gaelic or Q-Celtic) and Brythonic (British or P-Celtic). These, in turn, diversified into distinct regional languages during the post-Roman centuries, British or P-Celtic becoming Cumbric, Welsh, Cornish and Breton.

Six nations currently retain speakers of their own Celtic languages. These are: Ireland, Scotland, the Isle of Man, Wales, Cornwall and Brittany. That Cornish died out in the late 18th century is an oft-repeated myth, with native speakers being reliably attested as alive as late as 1914, well after a concerted and successful effort to revive the language was under way.

Presently, around 560 people in Cornwall count Cornish as their first language, with between 3,000 and 4,000 people using the language on a regular basis, but as a second language. Cornwall's Unitary Council has a Cornish Language policy that is currently seeing thousands of street signs and settlement nameplates being presented in bilingual form.

Since 2002, Cornish is a protected language under the European Charter for Regional or Minority Languages. Despite this, and the facts at hand, UNESCO, advised by London, declared Cornish as extinct in 2009. Protests and evidence from Cornwall itself achieved a change of heart and, in 2010 UNESCO listed Cornish as alive but critically endangered.

In Cornish, the opening verses of the Book of Genesis appear as follows:

"Y'n dallathvos Duw a wrug an nev ha'n nor. Hag yth esa an nor neb composther ha gwag, hag yth esa tewlder war vejeth an downder, ha spyrys Duw a wre gwaya war vejeth an dowrow. Ha Duw a leverys: 'Bedhens golow,' hag y feu golow. Ha Duw a welas an golow, fatell o va da, ha Duw a dhybarthas an golow orth an tewlder. Ha Duw a elwys an golow dedh ha'n tewlder ev a elwys nos, hag y feu gordhuwher ha myttyn, an kensa jorna."

CORNWALL'S TRUE NAME:

The true name of any country is that which is used in the traditional language of that country. 'Cornwall' is a hybrid name coined by pre-Norman English scribes, and adopted by the subsequent Norman administration. The Cornish, and therefore true, name for Cornwall is Kernow. This is of great antiquity and is first found in a Roman record of c.400 AD, within a place-name Durocornouio, "fortress of the Cornovii or Cornish" (identified as Tintagel). It appears in pre-Norman centuries variously as Corneu and Cerniu, until reaching its modern form, Kernow, in the 13th century. The name is believed to translate into English as "(land of) promontory-dwellers."

West Saxon records, primarily the Anglo-Saxon Chronicles, show that the early English referred to the Cornish as Westwalas (and to the Welsh as Northwalas), using the Saxon word walas, which they applied to Celtic speaking British natives. In 891 AD (the same year in which the name England is first recorded as Engaland), the native and Saxon names became hybridised as Cornwalas, hence Cornwall.

PREHISTORY AND THE ROMAN EMPIRE:

That as many as 80% of Cornish people today retain the genetic code of the first post-glacial is testament to a remarkable history of continuity, with none of the pre-Roman “invasions” which were once postulated. There appears to have been an influx of people, again from the Biscay coasts, towards the end of the Neolithic period 4,000 years ago, bringing knowledge of mineral extraction and processing, and the fashioning of metals into implements and weaponry. West Cornwall in particular is rich in tin and copper. An amalgam of the two produces bronze, thereby heralding the succeeding Bronze Age. The provenance of these late settlers is not confirmed but the abundance of maritime Bell Beakers, a style originating in western Iberia, strongly suggests that they were from Galicia, at the northwestern tip of the Iberian Peninsula and which is also rich in tin.

Cornwall is also rich in iron, particularly in its mid part, and this undoubtedly played a major role in the formation of the Iron Age, around 800 BC. That tin remained a major commodity for export was confirmed by the writings of Pytheas, a Greek geographer and explorer from the then Greek colony of Massalia (Marseilles); the first known Mediterranean visitor to Britain whose visit occurred c. 325 BC. Through him, West Cornwall was the first place in Britain ever to have been written about. Describing the Iron Age native Cornish of the Land’s End peninsula as “civilised” and “especially hospitable to strangers” through their frequent contact with maritime Atlantic traders, Pytheas described how tin was mined and smelted, then formed into ingots which were taken on wheeled wagons to a nearby island which was joined to the mainland at low water; a perfect description of St Michael’s Mount which archaeology has now confirmed was indeed a maritime trading port during the Iron Age and Roman period.

For the most part, the 400-year Roman occupation of Britain left the people of the Cornish peninsula to their own devices, constructing just three small forts near navigable rivers (and also near important mineral deposits), and undoubtedly acting as trading centres. A handful of way markers (“milestones”) were also set up beside two native routeways: one in north Cornwall, the other towards the west and aiming in the direction of St Michael’s Mount. Administration was carried out from distance at Isca Dumnoniorum (Exeter).

THE KINGDOM OF DUMNONIA AND CORNWALL:

Cornwall’s status as a kingdom dates back into prehistory, but there is no written record of it until the post-Roman centuries. It was originally a named part of an overall Kingdom of Dumnonia, which stretched from the Somerset Levels to Land’s End. The names of several successive historical kings are listed in genealogies between c.400 AD to c.700 AD. Thereafter, the record is frustratingly fragmented, but Gerent II (d.c.710); Donyarth (d. 875) and Huwal (fl. c.926) are known of from that period.

Dumnonia ceased to exist as a named entity c.815 AD when concerted westward expansion of the Saxon kingdom of Wessex, under its king Ecgberht, seized most of Devon. What remained was the kingdom of Cornwall/Kernow (believed to have been most of present-day Cornwall, south and west of the Ottery and Tamar Rivers, plus Dartmoor and the South Hams of Devon),

which remained so until Athelstan in 926 AD, when he removed the Cornish from Exeter, seized Dartmoor and the South Hams (in which Cornish remained spoken in places during the reign of Edward I), and fixed the River Tamar as the border between the western Celtic kingdom and his own English one. In doing so, Cornwall regained the corner north of the River Ottery in which the majority of place-names are English (in the remainder of Cornwall, the vast majority of place-names remain in Cornish).

Cornwall remained an independent Celtic kingdom until the Norman Conquest, although West Saxon kings gained an increasing amount of influence and land ownership in Cornwall through the Roman church controlled by Canterbury. It is clear that the Danish king of England, Cnut (r.1016-1035) did not regard Cornwall as part of his realm.

THE EARLDOM OF CORNWALL:

After 1066, the Norman conquerors recognised Cornwall's distinct status. According to William of Worcester, Cadoc, last of the Cornish royal line, was still alive and referred to as eorl. William I assumed ownership and direct rule in most of England but, in Cornwall, he appointed an Earl of Cornwall to act, rule and manage estates on his behalf as viceroy in a similar fashion to the Viceroys appointed by Queen Victoria in India. Cadoc may have died before he could be appointed but William I's initial appointments were deliberately chosen Celtic speakers, being Breton in the case of Earls Brient and Alan, or half-Breton in the case of William's brother-in-law Robert of Mortain. Breton and Cornish were, at that time, almost identical languages. In doing this, William built upon an existing administrative structure, and recognized the close affinity between Cornwall and Brittany.

Although some place-names of Norman-French origin are found in Cornwall (e.g. Barripper, Reawla, Catchfrench), they form a tiny minority. The Celtic majority remained, indicating that Norman-French was not forced upon the Cornish, who appear to have been treated very differently, and much more kindly, than the Saxon English were by the Norman kings. The Cornish language continued to flourish, and not reduced to peasant status as Middle English was at that time. It is an ironic fact that English was seriously endangered by the 13th century but saved from a threatened extinction by large publications such as the Polychronicon, produced in English by three Cornish-speaking scholars: John of Cornwall, John Trevisa and Richard Pencrych. Within 50 years, English replaced French as the official language of the Court and was saved for its future success.

Earls of Cornwall continued to be appointed throughout the Plantagenet era, although several later ones were rarely seen in Cornwall. Earl Richard, for example, built a strategically useless castle on the site of the post-Roman royal seat at Tintagel to deliberately use a locational association with the revered kings of the past, real and legendary (Arthur), in order to gain popular support and further his own aims of being crowned "King of the Romans", which he achieved in Aachen in 1249, becoming the richest man the world has ever seen. (Tintagel Castle was then left to rot).

It should also be mentioned that, on Magna Carta of 1215, the separate arms of England and Cornwall appear at top left and right of the document, and that (until 1549), court documents commonly contained the phrase "in Anglia et in Cornubia" ('in England and in Cornwall').

THE DUCHY OF CORNWALL:

The Earldom of Cornwall was terminated and superseded by the Duchy of Cornwall by three Royal Charters of Edward III in 1337 and 1338, for his son Edward, the “Black Prince” and all future male heirs to the throne. The Duchy has remained in place from then until the present day. The intention seems to have been twofold: to provide the heir to the throne with revenue chiefly derived from the 17 Duchy Manors; and to provide him with a training ground in the art of sovereignty.

There have been several disputes regarding the rights and status of the Duchy of Cornwall. Perhaps the most significant was that between the Duchy and the Crown between 1855 and 1859 over rights to the Cornish foreshore. This was settled, in favour of the Duchy, out of court and on the strength of a painstakingly researched submission by the Duchy’s Attorney-General, Thomas Pemberton-Leigh, and material gathered by his predecessor, Sir George Harrison. This asserted, and was accepted, that the Duchy was extra-territorial to the throne of England; and that all rights, powers and prerogatives enjoyed elsewhere by the Crown were, in Cornwall, wholly vested in the Duke who, to all intents and purposes, was quasi-sovereign: Head of State and ruler of Cornwall. The Crown, therefore, holds no jurisdiction in Cornwall and, during times when there is no living Duke, the Crown holds the Duchy in trust, but is not permitted to make decisions regarding its structure or function. As A.L. Rowse commented, there may not be a Duke of Cornwall, but there is always a Duchy. The Duchy remains distinct and unique. It owns Cornwall, either through an “allodial” right to the land, or because it owns the freehold to the whole of Cornwall. Under the terms of the Duchy Charters, agents of the Crown cannot operate in Cornwall without the express written permission of the Duchy.

In the last two centuries, successive Dukes of Cornwall have shown no interest in ruling as Cornwall’s Head of State but, instead, have portrayed themselves simply as owners of a “private estate”. However, as legal expert Dr John Kirkhope has noted, it is a very peculiar private estate that has rights of bona vacantia, right of wreck, ownership of the foreshore and the fundus of rivers in Cornwall, and the right to appoint its own High Sheriff. It is an extremely curious private estate that has the right (as outlined below) to convene a national legislative parliament with extraordinary powers: the Cornish Stannary Parliament through which the Duchy operated its own courts and taxation system (known as “coinage”), and also had the right to summon its own militia.

In fact, a second Duchy of Cornwall has been created, and by no formal process. The first is that which was founded in 1337 and consists of the entire territory of Cornwall. The second is the “private estate”; consisting of additional estates and enterprises which have been acquired in a variety of geographical locations within and outside Cornwall by successive Dukes.

The details of the Duchy of Cornwall and its powers and rights testify that Cornwall is no mere “county of England”. It has an entirely different and quite unique status. What that status is remains undetermined. In the 1850s, Thomas Pemberton-Leigh, the Duchy’s Attorney-General, held that Cornwall was much like a “County Palatine”. Dr John Kirkhope offers an alternative view: that Cornwall more closely resembles a Crown Dependency, with similarities to the Isle of Man and the Channel Islands (in particular, Sark), neither of which are part of England or the United Kingdom of Great Britain and Northern Ireland. In the 17th century, Sir Matthew Hale said that Cornwall was like a County Palatine but was not because it lacked exclusive jurisdiction.

Cornwall, therefore, resembles both a County Palatine, and a Crown Dependency, but conforms to neither one. Its constitutional status is absolutely unique.

Cornwall is not specifically named in the 1707 Act of Union and it is possible that not only is it the only part of the British mainland that is not ruled by the Crown but may even be excluded from the overall United Kingdom. These are questions that government departments, and the Duchy, continually avoid.

The Crown appears to take the view that Cornwall is a constituent nation of the UK. In 2012 at the Queen's Jubilee flotilla on the Thames in London, the Royal Barge *Gloriana* flew the flags of the UK's constituent nations: England, Scotland, Wales, Northern Ireland (flying the saltire of St Patrick which had not been seen since before 1972), the City of London (very much a state within a state), and Cornwall's Cross of St Piran.

The Council of the Duchy of Cornwall (more recently renamed the Prince of Wales's Council) is another mysterious entity that appears to exercise more power than generally realised. Its members are appointed, not elected, and its only member who is resident in Cornwall is the current High Sheriff. The public are not made privy to the proceedings of this Council whose undemocratic influence on decisions affecting Cornwall and its people is suspected of being substantial.

Officers of this Council include: Secretary and Keeper of the Records (effectively its Chief Executive Officer); Attorney-General; Receiver-General; Lord Steward (also referred to as High Steward, Seneschal and Chief Commissioner); Solicitor-General; High Sheriff of Cornwall; Lord Warden of the Stannaries and Vice-Warden of the Stannaries. There are further offices which do not appear to be currently filled: Auditor; Keeper of the Privy Seal, Surveyor-General; Herald of Cornwall and, curiously, Vice Admiral of the Duchy of Cornwall (not appointed since 1917). One can argue that this is all a very strange set-up for a "private landed estate", for which a Vice Admiral would scarcely be expected.

The main role of the Lord Warden of the Stannaries is to convene Cornwall's legitimate legislative Parliament when so instructed. This has not happened since 1752, but the office continues to be filled.

THE PARLIAMENT OF CORNWALL:

The true antiquity of Cornwall's parliament will never be known, but it is generally agreed that it predated the Norman Conquest. With the major part of Cornwall's medieval economy being based upon tin extraction, it was formed around this activity and was variously known as the Convocation of Tinnars and as the Cornish Stannary Parliament.

Under this system of governance, Cornwall was divided into four areas, or Stannaries. Each provided 24 elected Stannators and 24 Assistant Stannators. Over time, this Parliament gained full legislative power in the Duchy, with Stannary Courts also being formed. These not only heard disputes involving mining, but also cases of assault, trespass, defamation and company law. Appeals arising from Stannary Court decisions went to the Prince's Council ("Duchy Council"), and then to the Privy Council, but not to the ordinary courts of England. Stannary Courts were abolished in the late 19th century, but Stannary Law was not and cases under Stannary Law can still be heard.

In 1497, Henry VII of England suspended the Stannary Parliament and imposed crippling taxes to fund his campaign against Scotland. The Cornish rose against him, marching in force to Blackheath on the edge of London, where they were heavily defeated by Henry's army. Undaunted, the Cornish rose and marched again in the same year, supporting the pretender Perkin Warbeck's claim to Henry's throne, but this was aborted en route when Warbeck deserted them.

Henry VII later agreed to forgive the Cornish people and, for the princely sum of £1,000, he not only restored the Stannary Parliament in 1508 but, under his Charter of Pardon, granted it the astonishing power of veto over Acts and Statutes enacted by the parliament in Westminster. It is a little-known fact that the powers of the Cornish Stannary Parliament, including this right of veto, remain intact at law to this day. This was confirmed in 1977 to Plaid Cymru's Member of Parliament, Dafydd Wigley by the government's Attorney-General Lord Elwyn Jones. A further question regarding who had the right to abolish this Cornish Parliament and its right of veto produced an unexpected answer from the Hansard Library: that only the Cornish people had that right.

However, the Parliament was allowed to lapse. It was last convened by the Duchy in 1752 and met for the last time in the following year. From that time onward, successive Dukes of Cornwall have signally failed to reconvene Cornwall's legitimate Parliament but it is to be noted that the Duchy continues to appoint an officer whose task it is to convene that Parliament when instructed: the Lord Warden of the Stannaries.

Professor Robert Pennington, author of *Stannary Law* (1973), stated of the Cornish Stannary Parliament that: "no other institution has ever had such wide powers in the history of this country (i.e. the U.K.)", and that it remains capable of being summoned.

THE ANGLICISATION OF CORNWALL:

This began in earnest from 1549, following Henry VIII's acrimonious break with the Roman Catholic church. After Henry's death, and the succession of Edward VI, a sickly 9-year old boy, the self-appointed "Lord Protector" Edward Seymour, Duke of Somerset and uncle of the new king, and Archbishop Thomas Cranmer took it upon themselves to impose a new Protestant English State religion upon the land.

The Cornish people took this imposition, of both religion and the language in which it was to be conducted, very badly. A considerable proportion of Cornish people in 1549 spoke no English at all, but they were well used to centuries of Latin services, with Cornish language elements included. Cornish forces under Sir Humphrey Arundell marched east once again, laying siege to Exeter for five weeks, and fighting five brutal battles with English forces strengthened by mercenaries from Germany and Italy. The appalling nature of this conflict included the atrocity of 900 unarmed Cornish prisoners having their throats cut in just 10 minutes by the German lanzknechts under the command of Lord William Grey. (To this day, English Heritage refuses to recognise these known battle sites or to include them in the Register of British Battlefields). The Cornish and their Dartmoor allies were defeated, and after death-squads under Provost Marshal Sir Anthony Kingston were sent into Cornwall, an estimated 20% of Cornwall's male population were slaughtered, a detail seldom mentioned in history books.

What counted here was that the Cornish Parliament's right of veto of Acts and Statutes of Westminster, as represented by the Cornish Articles of Demand sent to London, had been totally

ignored in the case of Cranmer's Act of Uniformity after just 41 years of being granted by Royal Charter of Henry VII. It has been ignored ever since.

England's State Religion and language were duly imposed on Cornwall. No longer did official documents contain the phrase: "in Anglia et Cornubia" ('in England and Cornwall'), as had been commonplace in the late medieval period. No longer was Cornwall described as one of the four nations of the island, as many commentators, including Henry VIII's own chronicler, had done, or shown as such on maps as had previously been the case. The British Sea, so named from at least Roman times, was renamed the English Channel. Even the island lying off Looe, "St Michael's Island" since at least the 13th century, was renamed "St George's Island" in order to impose England's patron saint upon the Duchy.

From 1549 onward, Cornwall was regarded by London as part of England, but under no legal process had this been achieved, nor has it ever been so achieved. Once again, we are reminded of the modern legal opinions that while Cornwall may be de facto joindered with England, there is no de jure basis for any such joinder.

In fact, between 1497 and 1645, the Cornish rose against the English no less than six times, and largely because Cornish identity was under attack. During the Civil War, the Cornish were referred to as "foreigners", and Parliamentary encroachment into Cornwall was referred to as "invasion".

Cornwall remains unlawfully denied of its true identity and status and endures acts of assimilation. Today, it finds itself assailed by official agencies such as English Heritage, Natural England, Sport England, NHS England, Arts Council England: the list is seemingly endless.

CORNWALL'S NATIONAL SYMBOLS:

Cornwall has, for a long time, enjoyed its own national symbols. It has had a succession of patron saints: the Celtic priest St Petroc (recently appropriated by Devon); St Michael the Archangel, most likely introduced by the Normans, and the Celtic priest St Piran, originally the patron saint of tanners, but now of Cornwall itself.

The annual Feast of St Piran, held on March 5th, is participated in by thousands processing in several towns and across the sand dunes near Perranporth to the 1,500-year old remains of the saint's oratory.

The national flag is the striking Cross of St Piran, a white cross on a jet-black background that, as aforementioned, was flown on the Royal Barge Gloriana alongside those of the other nations of the UK during the Jubilee flotilla in 2012. The antiquity of the flag is uncertain. It was mentioned as old by Davies Gilbert in 1824, and is the direct reverse of the original flag of Brittany, with which Cornwall has been closely linked, socially, culturally and linguistically, since the 5th century AD.

Cornwall's national bird is the Cornish Chough (*Pyrrhocorax pyrrhocorax*), a strikingly noble black corvid with a red curved beak and legs, and a distinctive call. The Chough vanished from Cornish shores for a period of some 50 years but has now returned in numbers.

The national flower of Cornwall is taken to be the white flower of the Cornish Heath (*Erica vagans*), although the yellow flower of the dwarf Western Heath (*Ulex gallii*) has also been used.

Cornish tartans have been in common use for half a century, notably the Cornish national tartan and the Cornish hunting tartan.

The traditional Cornish motto, adopted by both the old and new Cornwall Councils, is Onen hag Oll (One and All).

Cornwall's National Anthem is generally agreed to be Song of the Western Men (Trelawny), to a rousing tune with words penned by the Reverend R.S. Hawker. The Cornish Gorsedh (or College of Bards, similar to those of Wales and Brittany) sings Bro Goth agan Tasow, "Old Land of our Fathers", to the same tune as the Welsh National Anthem, while "Hail to the Homeland", by Kenneth Pelmear and Pearce Gilbert, is preferred by some.

Like Wales and Scotland, Cornwall has its own distinct political party, Mebyon Kernow ("Sons of Cornwall"). The party is 60 years old, has several councillors on Cornwall's Unitary Authority and, for the General Election in May 2015, fielded candidates in all six Cornish constituencies, although denied Election broadcasts by the British media.

Cornwall is represented in the Celtic League, which includes all six acknowledged Celtic nations, and which has roster consultative status with the United Nations, and on the International Celtic Congress. Cornwall also takes part in several pan-Celtic festivals.

LEGAL PROTECTIONS:

Cornwall has two of these, both of which fall under the jurisdiction of the Council of Europe in Strasbourg and, after protracted delay and denial, have been agreed to by the UK Government acting as signatory to both protections.

The first was enacted in 2002, with the Cornish language being included in the European Charter for Regional and Minority Languages and following a detailed and favourable report by Professor Ken MacKinnon commissioned by the UK government.

The second protection also achieved only after several decades of persistent campaigning by the Cornish, and stonewalling by London, was finally placed upon the Cornish people themselves in April 2014. This declares the Cornish people to form a National Minority group on the Framework Convention for the Protection of National Minorities. This now places the Cornish people on a par with their Celtic cousins in Wales and Scotland.

DEFINITIONS:

What, then, is Cornwall? Is it a mere administrative county of England? A Duchy with a unique constitutional status? A nation? Or a full-blown country?

a) County: Cornwall has long been referred to as a comitatus, a word which gave rise to the English word 'county' and often translated as such, but which, in the medieval period of the documents in which it is found, had a rather different meaning to that understood today. The meaning of the original Latin word is given as 'retinue' but, in the medieval period it described a "territory under a Count (comes)". The British equivalent of a Count is Earl and, therefore, the "Comitatus of Cornwall" meant the "Earldom of Cornwall" which it was between 1066 and 1337. Administrative county status placed on Cornwall stemmed from the Local Government Act of 1888, although curiously, it was not applied to Cornwall until the following year. The aforementioned Royal Commission on the Constitution 1973 highlighted the many doubts regarding the legality of this action and, indeed this had been another Act of the Westminster

Parliament imposed in defiance of the Cornish Parliament's Right of Veto, which remains extant at law to this day.

A county is also defined as a "shire", but Cornwall has never been a shire. In fact, several of its ancient internal divisions, known as keverangow (later redefined as "Hundreds") have in the past had their own names appended with -shire. That a shire could contain shires is an absurdity.

b) Duchy: That the entire territory of Cornwall (but not the Isles of Scilly) has been a Duchy since 1337 is beyond doubt. Moreover, it is a Duchy with unique standing, extra-territorial to the Crown and with a different Head of State, different laws and different privileges than England or the remainder of the UK. As detailed earlier, legal opinion places Cornwall as resembling both a County Palatine or a Crown Dependency. Either would remove Cornwall from the status of a mere "county of England".

c) Nation: The Oxford Modern Dictionary gives the definition of 'Nation' as follows: "A community of people of mainly common descent, history, language, etc., forming a State or inhabiting a territory." Cornwall ticks every single box and is most certainly a nation under this definition. The recent genetic findings confirm that its people are of mainly common descent; its history is unique in Britain, and it retains its own language with a history dating back 5,000 years. That it forms a State is confirmed by the existence and constitutional status of the territorial Duchy, and the territory inhabited by that community has been defined by sea and the River Tamar for more than a thousand years. That Cornwall is a nation in its own right is beyond all reasonable doubt.

d) Country: The Oxford Modern Dictionary defines "country" as follows: "1a. the territory of a nation with its own government; a State; 1b. a territory possessing its own language, people, culture, etc. 2 (often attrib.) rural districts as opposed to towns or the capital (a cottage in the country, a country town). 3. the land of a person's birth or citizenship; a fatherland. 4a. a territory, esp. an area of interest or knowledge. 4b. a region associated with a particular person, esp. a writer (Hardy country). 5. (Brit.) a national population, esp. as voters (the country won't stand for it).

Cornwall qualifies for appellation as a country, particularly under definitions 1a, 1b, and 5. It is a territory as a nation with its own government (as already established), even though that government may at present be held in abeyance, but remains intact at law. It is, again as established above, a territory possessing its own language, people, culture, etc., and it has a national population as evidenced by its inclusion as a protected National Minority. It can be argued that Cornwall can also claim to conform to definitions 3, 4a and 4b, although these are of less importance in the context of this submission.

CONCLUSION AND SUBMISSION:

In a personal comment to the author of this submission, Dr John Kirkhope, Notary Public and Solicitor, who has delved deeply into the constitutional status of the Duchy of Cornwall, stated that: "Cornwall is unique. It is like a County Palatine but isn't. It has a miners' Parliament but with the most extraordinary powers. The Duchy is the most astonishing creation, and there is nothing like it in our jurisprudence. Cornwall is in a category of its own, of which there is just one member: Cornwall. It is unique unto itself."

It is therefore clear that, beyond any reasonable doubt, Cornwall fully satisfies the criteria required for appellation as a Duchy, a Nation and a Country. Its small size and population (530,000) should not be judged as acting against its claim for nationhood: recognised autonomous nations such as Andorra, Luxembourg, Liechtenstein, San Marino and Monaco are both smaller than Cornwall in area and population, while the population of Iceland, although occupying a much greater land area, is, at 370,000, considerably smaller than that of Cornwall. Nonetheless, the UK government and its agencies, including local government, and assisted by the mainstream media, written, audio and visual, continue to deny Cornwall any status other than “county”. They even deny it the status of Duchy, in complete disregard of the recommendations of the 1973 Royal Commission on the Constitution. We contend that Cornwall has the right to hold nation status, equal to that enjoyed by Scotland and Wales which, unlike Cornwall, are able to participate in international competitions, such as the Commonwealth Games, the Olympic Games and the World Cup (football, rugby and cricket).

However, the UK Government itself displays confusion regarding Cornwall’s status. In its fourth compliance report to the Council of Europe in respect of the Framework Convention. it makes specific mention of a forthcoming National Library of Cornwall.

The UK government, in apparent collusion with the secretive administration of the Duchy of Cornwall, also denies Cornwall the right of autonomy, and its lawful, fully legislative Parliament. It has even ignored calls for a legislative Cornish Assembly and a 50,000-word petition supporting that call submitted in 2001. It is contended that this continued denial is, in itself, unlawful. It is equally clear that this official diminishing of Cornwall’s status over a considerable period of time, has severely disadvantaged the Cornish people, most of whom can no longer afford their own home, and see the quality of life in their own communities being severely eroded by a rampant market in second homes occupied only for a few short weeks in any year. At present, the Cornish population is bracing itself against an influx of up to 150,000 more people from elsewhere, through an imposition of 47,500 houses to be built by 2030 that is being insisted upon by the UK government and adopted as policy by Cornwall’s undemocratically imposed (in 2009) Unitary Authority. This is in complete defiance of Article 16 of the Council of Europe’s Framework Convention for the Protection of National Minorities, which prohibits the adverse alteration of population proportions in areas occupied by national minorities.

It is worth noting that even the young in Cornwall have awareness of identity. In 2013, 46% of the Duchy’s schoolchildren registered their ethnicity as Cornish, and not as English or British. In the UK’s national census for 2011, a total of 74,000 people registered their ethnicity as Cornish, even though no specific tick box for “Cornish” was provided.

Under the present “county of England” position, Cornwall is reduced to a mere appendage of the island of Britain and is prevented from furthering itself to a position where it can take up its rightful place in the global community. It has been further disadvantaged by losing its Member of the European Parliament (shared with Plymouth) and now having to share three MEPs with an artificial “South West” region stretching as far to the east as Gloucestershire, plus Gibraltar. None of these three MEPs is situated anywhere close to Cornwall, effectively denying it a knowledgeable or representative voice in the European Parliament.

Cornwall’s case for recognition as a Nation and Nation State cannot be furthered within the United Kingdom, where the will of central government and of the Duke of Cornwall’s Duchy,

reign supreme, even in the Courts. It is, therefore, compelled to turn to the international community for help in regaining its rightful status.

The Cornwall Branch of the Celtic League respectfully requests full consideration of Cornwall's case, and formal acknowledgement and recognition of nation status for Cornwall, on a par with that enjoyed by Wales and Scotland. We also request that the UK Government be persuaded to comply with law, restore Cornwall's right to autonomy and self-governance, and to abandon "county of England" status for Cornwall. We request that Cornwall be rightfully recognised, within the UK, and internationally, as the Duchy, Nation and Country that it is.

The author of this document, on behalf of the Cornwall Branch of the Celtic League, is Craig Weatherhill, a Bard of the Cornish Gorsedh. An archaeologist, historian and writer of long standing, he also has deep knowledge of Cornwall's constitutional status.

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