

A Verbal presentation to the Public Hearing on the proposed boundary changes that interfere with our Cornish Border with England.

**Alverton Manor Hotel, Truro – 10/11<sup>th</sup> November 2011**

I thank you for being given the opportunity to speak at this Public Inquiry. (Brief profile)

You will no doubt be well aware that The Boundary Commission, the Government, together with many other official organisations and individuals, have consistently faced a long history of Cornish objections to proposals, or actions, that interfere both physically, and mnemonically, with our Cornish Border with England. Such proposals have always been externally driven by narrow self-interest or by some narrowly perceived bureaucratic ideology, rather than respect for people or historic communities. It has coercively imposed the need, over the past 70 years, for the defence of Cornish territorial integrity to become an essential part of the Cornish political psyche. That is repression! It reveals the underlying agenda of the State to destroy the Cornish people both territorially and culturally.

In the early campaigns, Cornish objections have proved to be sufficient to deter the evil deed, but a new bureaucratic device - the 'equal value of a vote', which surfaced following the introduction of the European Constituencies in 1978, provided another 'tool' for the bureaucrats to ignore the wishes of the people. People that politicians are, allegedly, supposed to represent. This process has, with these proposals, gone yet another step in furthering the Democratic Deficit within the United Kingdom, by also ignoring county boundaries, and consequently an intention to undermine community identities and loyalties. Based on what? An ideological whim! Communities are 'random'. They represent a collection of people that have coalesced over time and developed an identity, whether this is a county-based or, as in Cornwall, a national identity.

I suspect that this, for England itself, is bad enough, but what about Cornwall? The Cornish objections over the past 70 years must surely have registered with somebody somewhere within their ivory towers. Or, are they just automatons that blindly respond to the appropriate button being pressed and providing Consultations, Inquiries or Hearings that are just window-dressing? Is the mythical 'equal value of a vote' achieved only by arbitrarily carving territory up into 'arbitrary' lumps of voters, or something that a statistician could easily determine (within natural borders) without this endless socio-political destruction and disruption? Is it a disease that is likely to affect other countries in Europe and beyond? I hope not!

Over the past 70 years, there has been a considerable amount of effort put into endeavouring to educate our political leaders and one would hope that some progress might have been made in that quarter. Whilst our successes have been welcomed, the failures have not always been without some palliative comment, which I hope the Assistant Commissioner will note, and reflect upon, bearing in mind:

- The *de facto* position we are coercively placed in to defend ourselves

- The *de jure* position within which we can, and do, argue our case, and
- The ongoing failure of all parties to come together, in order that we might resolve our differences.

As time is short, I shall limit this to two significant examples. I also append, for additional information, an article that I have recently written for a European Minorities magazine.

### **Example A**

The Kilbrandon Report on the Constitution (A Royal Commission on the Constitution set up in 1969 under Lord Crowther) was published in 1973. Whilst not conceding to Cornish calls for a ‘special’ constitutional accommodation but maintaining the status quo, the Report included this comment in the section on “National Feeling” (para 329), namely:

*“...More might, however, be done on the question of status. Just as the people of Scotland and Wales tend to resent the description of their countries as regions of the United Kingdom, so the people of Cornwall regard their part of the United Kingdom as not just another English county. The creation of the Duchy of Cornwall in the 14th century may have been in some respects a mark of English overlordship, but it established a special and enduring relationship between Cornwall and the Crown. Use of the designation on all appropriate occasions would serve to recognise both this special relationship and the territorial integrity of Cornwall, on which our witnesses laid great stress.”*

<http://www.publications.parliament.uk/pa/cm200506/cmselect/cm0dpm/977/977we20.htm>

### **Example B.**

We now come to the 1988 Public Inquiry into Cornish objections to the continuing denial to let Cornwall be its own unambiguous European Parliamentary Constituency, where the Assistant Commissioner G D Flather QC felt unable to concede to the accommodation but was able to include within his report the comment (which you also heard yesterday):

*It is to be recalled that together with the County Council of Cornwall, the views from other democratically elected bodies were virtually unanimous in their opposition. In the result my view is that there is a strong likelihood that the sentiments expressed at the Inquiry upon matters of history, culture, language, and other emblems of “separateness” would be shared by enough people in Cornwall to make the “geographical consideration”, a consideration of weight.*

He further acknowledged, from the evidence:

*“...a de facto (if not de jure) joinder with England”*

The failure of the recommendation in Example A, to be positively acted upon in 1973, and the failure of the Boundary Commission to respond to Cornwall's "Geographical consideration", a consideration of weight, in Example B, (particularly when considering that "Special geographical considerations" were at the discretion of the Boundary Commission), when coupled with the current proposals, very clearly illustrates the level of the insult that the State is repressively directing at Cornwall and the Cornish people. As previously stated: It reveals the underlying agenda of the State to destroy the Cornish people both territorially and culturally. The Boundary Commission has, on this occasion the opportunity to stand and be counted in supporting Cornish Rights and Aspirations.

I feel sure that the Boundary Commission are fed up with the Cornish 'harping on' about our "Special geographical considerations", which, nevertheless, is a truth that reasonable people might construe as more than adequate to ensure the inalienable security (q.v. Wales & Scotland) of the Border between the Duchy of Cornwall and the Kingdom of England, which, in the words of the Grant were "*to remain the same forever without being given elsewhere*". Let us just reflect upon the words of Edmund Burke, in the Westminster Parliament on the 11<sup>th</sup> February 1780:

*"... First, with regard to the sovereign jurisdictions, I must observe, Sir that whoever takes a view of this kingdom in a cursory manner, will imagine, that he beholds a solid, compacted, uniform system of monarchy; in which all inferior jurisdictions are but as rays diverging from one centre. But, on examining it more nearly, you will find much eccentricity and confusion. It is not a monarchy in strictness, but, as in Saxon times this country was a heptarchy, it is now a strange sort of pentarchy. It is divided into five several distinct principalities besides the supreme .... If you travel beyond Mount Edgecumbe, you will find him [the king] once more in his incognito, and he is Duke of Cornwall .... Thus every one of these principalities has the apparatus of a kingdom .... Cornwall is the best of them: but when you compare the charge with the receipt, you will find that it furnishes no exception to the rule ...."*

This extract came from a speech that he made in an attempt to merge all the 'principalities' into the Crown. It was a Bill that failed, because it was considered unconstitutional at that time, plus the fact that the Duke of Cornwall was not yet 21 and could not 'defend his rights'. The complete Bill was dissolved on the 28<sup>th</sup> June 1780.

The 'modern' Duchy of Cornwall derives from the actions of Edward III, in 1337, when he augments the Earldom of Cornwall into a Duchy, by **restoring** its "*pristine honor*" and "*over which awhile ago Dukes for a long time successively presided as chief rulers*". A further 'written' submission will enlarge more upon the details, but the following extract from the Law Officers of the Duchy of Cornwall, in arbitration with the Crown over the Cornish Foreshore, 150 years ago, explains what happened, namely:

*IV. The Duke of Cornwall acquired the Earldom of Cornwall by Act of Parliament, 11 Edw. III, antecedent to the first Charter, and thus the property claimed by the Duke was granted to the Black Prince.*

*That there was such an Act of Parliament, and that it vested the Earldom in the Duke, is thus shown.*

*In the seventh year of the reign of Henry V. the King was desirous of annexing the Manor, &c. of Isleworth, which was part of the possessions granted to the Black Prince, and also part of the Earldom of Cornwall, to the Abbey of St. Saviour. But the Manor being inalienably annexed to the Duchy it was necessary first to disannex the Manor, and then to grant it.*

*To effect this the aid of Parliament was necessary and accordingly by Act and authority of Parliament the manor was disannexed and granted to the Abbey ; and by the authority of Parliament certain other manors were substituted for Isleworth and annexed to the Duchy, such annexation requiring an Act of Parliament as much as the disannexation and grant of the Manors of Isleworth did. The statute which annexed to the Duchy the substituted manors is on the Rolls of Parliament (9 Hen. V.) It recites the Act of Parliament disannexing, &c. Isleworth, and then proceeds to annex the substituted manors ; but previous to, the recital of the disannexing Act the title of the Dukes of Cornwall to the manor of Isleworth and their other possessions is stated, and such statement is an express affirmation of the Duke's title as depending, not merely upon the first Charter of Edw. III., but as being under a grant to Edward the Black Prince of the County of Cornwall by Act of Parliament, antecedent to the Charter. In the Report of the Prince's Case, 8 Rep. p. 27, we find this extract from the statute 9 Henry V., "Vide Act of 9 Hen. V., for there it is affirmed by the whole Parliament : That at the Parliament held at Westminster the Monday next after the Feast of St. Matthias the Apostle in the 11th year of the reign of King Edw. III., amongst other things it was agreed that the eldest sons of the Kings of England, scilicet those who should be next heirs to the Realm of England, should be Dukes of Cornwall, and that the County of Cornwall should always remain as a Duchy to the eldest sons of the Kings of England, who should be next heirs to the said Realm without being given elsewhere."*

*This is an accurate statement : the exact words are....."*

[Extract from Resumé of the Duchy Case - 1857]

It goes on to give the wording in the original Norman French. This begs the question that: Given the *de jure* constitutional position of the Duke of Cornwall as Cornwall's Head of State, why does he not have the integrity to make a public stand for Cornish Rights and to defend the territorial integrity of his Duchy by intervening in this current evil act?

The Boundary Commission has the ability to respond positively to Cornish Rights and Aspirations and to ensure that the Cornish Border with England remains sacrosanct, as the long history of the Cornish nation demands, and we respectfully request. It is perhaps to Edmund Burke that we must possibly turn again, as the one attributed with the saying, "For evil to triumph it is necessary for good men to do nothing". Therefore, as a concluding comment: Will the Boundary Commission, following the consultations on this occasion, again 'do nothing' for Cornish Rights and Aspirations?