

THE DUCHY OF CORNWALL

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Though not, properly speaking, a county palatine, the Duchy of Cornwall enjoyed some of the privileges such jurisdictions exhibited. Indeed, its existence as a separate duchy may be traced to the relatively late conquest of the county by the Saxons, and that most of the manors in the county were conferred after the Norman Conquest on one man, Robert of Mortain.

Cornwall was an earldom from 1227, when Richard King of the Romans, younger brother of King Henry III, was made Earl. The duchy was instituted 3rd March 1337 by King Edward III for the purpose of supporting his eldest son, Edward, the Black Prince. Recreated 1399 and 1471, since 1503 it has been held by the eldest surviving son of the sovereign.¹ As the oldest of the English duchies it has enjoyed a long association with the Crown.

Only the eldest son of the Sovereign can be Duke of Cornwall, and when no such duke exists, the duchy reverts to the Crown, which then has to surrender it as soon as a male heir is born.

By ancient charter all tinnerns and labourers in and around the stannaries,² the mines and works in Devon and Cornwall where tin was dug and purified might sue and be sued in all matters arising within the stannaries, except pleas of land, life and limb.

From the early sixteenth century the tin miners of Devon and Cornwall elected a parliament, or stannaries, for each county. The last parliament met in 1752, but never abolished. Stannaries legal jurisdiction lasted until 1836, when the law courts of the stewards of the stannaries were abolished, and its powers passed to the vice-warden. The Stannaries Courts (Abolition) Act 1896 transferred the jurisdiction to County Courts. The Lord Warden of the Stannaries still has a theoretical right to call tin miners in Cornwall to the colours under his command.

The Duchy is administered in accordance with the Duchy of Cornwall Management Acts 1863-1982.³

The Lord Warden, currently Earl Peel, acts as vice-chairman of the Prince's Council. The Secretary and Keeper of the Records of the Duchy of Cornwall is the administrative officer of the Duchy, responsible directly to the Prince of Wales for the traditional agricultural estates, and all other investments, such as residential and commercial property and an investment portfolio of shares.

The estate is now mainly centred in the West Country, and includes only a part of the original land holding. Only in 1844 did an Act of Parliament permit the Duchy to buy and sell land. The duchy currently holds some 128,000 acres, including 70,000 on Dartmoor, and it includes the majority of high moorland and upland farms in the National Park.

The arms of Richard King of the Romans were *Argent, a lion rampant Gules crowned Or, a bordure Sable bezanty*. This might represent the peas ("poix") of his county of Poitou, though this is not now generally accepted. The present arms of the Duchy of Cornwall are *Sable, fifteen bezants, Or*.

These were adopted late in the fifteenth century. These are often surmounted by a Prince of Wales's coronet, four crosses patée and four fleurs-de-lis (three crosses and two fleurs-de-lis visible), with an arch.

Supporters are not always used, though the Cornish chough and ostrich feather are sometimes found.

Other than the motto used by the Prince of Wales, *Ich Dien*, Dukes of Cornwall also use *Houmout* ("honour" or "high-spirited"), from the Black Prince.

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Duke of Cornwall

Arms: *Sable, fifteen bezants, five, four, three, two and one Or.*

Supporters: *On either side a Cornish chough Proper and an ostrich feather palewise Proper.*

Motto: *Houmout.*

¹*Duchy of Cornwall Case* (1613) cited in 1 Ves Sen 292; 27 ER 1039 per Lord Hardwicke, CJ.

²From the Latin *stannum*, tin.

³Bills which affect the Duchy of Cornwall require the Prince of Wales's consent. This consent is customarily given, and does not imply actual approval of the proposed measure; Erskine May, *Parliamentary Practice* (1989) 237, 561.