

How wars end: Lord Lexington's mission to Madrid 1712-1713

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ABSTRACT

This article discusses a relatively neglected aspect of the peace negotiations which concluded the War of the Spanish Succession, the mission to Spain in 1712-1713 of Robert Sutton, lord Lexington. Lexington's primary object was to witness Philip V's renunciation in the presence of the Cortes of his claim to the French throne (and the registration by the Cortes of the claims to the Spanish succession of Philip's brothers). This was a remarkable development. The Cortes, which is largely regarded by historians of the period as almost irrelevant, therefore played an important part in the peace process at the insistence of the government of queen Anne. Having resolved the issue of the renunciations, Lexington also helped to negotiate the surrender of what remained of Spanish Italy – the island of Sicily – to Victor Amadeus II of Savoy – and played a part in the reconstruction of a British presence in a Spanish state in which the *nueva planta* was beginning to have an impact.

Key words: War of Succession, Philip V, Peace of Utrecht, Cortes, Sicily, Savoy.

Cómo terminan las guerras: la misión de Lord Lexington en España (1712-1713)

RESUMEN

Este artículo aborda un aspecto relativamente olvidado en las negociaciones de paz que finalizaron la Guerra de Sucesión: la misión en Madrid, entre 1712 y 1713, de Robert Sutton, lord Lexington. El principal objetivo de Lexington era ser testigo de la renuncia de Felipe V en las Cortes a su derecho al trono francés (y el registro de las mismas Cortes de las pretensiones a la sucesión española de los hermanos de Felipe). Se trató de un hecho muy significativo. Las Cortes, consideradas en gran medida por los historiadores de la época casi como irrelevantes, jugaron por tanto un papel importante en el proceso de paz en interés del gobierno de Ana de Inglaterra. Después de haber resuelto el asunto de las renuncias, Lexington también ayudó a negociar la rendición de lo que quedaba de la Italia española (Sicilia) a favor de Víctor Amadeo II de Saboya y jugó un papel importante en la reconstrucción de la presencia británica en España, donde la Nueva Planta estaba empezando a tener sus efectos.

Palabras clave: Guerra de Sucesión, Felipe V, Paz de Utrecht, Cortes, Sicilia, Saboya.

“...the honour you will have, by concluding matters of so great importance to the service of the Queen, and to the lasting advantage of our country (Bolingbroke to Lexington, January 1712 [1713])¹.

“By his Negotiation King Philip was prevail'd upon to renounce all Claim to the Succession of ye Crown of France...” (tomb monument of lord Lexington, St Wilfrid's church, Kelham, Nottinghamshire)².

Historians devote much effort to exploring and explaining how and why wars happen, but far less to understanding how and why wars end. In fact the process whereby wars are brought to a conclusion is at least as complex –and important– as that whereby they begin: the almost constant secret diplomacy in wartime, the final peace treaty negotiations (and exchange of ratifications of the peace treaties which were concluded)³, the arrangements for a ceasefire, for the exchange of prisoners, for the evacuation and exchange of occupied and other territories⁴, and so on. The peace-making of 1711-14 at the conclusion of the conflict we label the War of the Spanish Succession exemplifies both the significance and complexity of peacemaking, being comparable to that at the end of the First World War. The comparison with the First World War is appropriate because the War of the Spanish Succession was in many respects the “Great War” of the first half of the eighteenth century. Lasting for more than a decade, it drew in most major states in western Europe and many of the lesser ones, it put enormous strain on the resources and very operation of those states, while sometimes –most notably at Malplaquet (1709)– the loss of life in military operations was of such a magnitude that it had a lasting impact on the contemporary imagination. At the same time, the succession struggle meant a new intensity of contact –or conflict– between the subjects of some states and those of other ones. Thus, the mobilisation of thousands of British soldiers (and sailors) to fight in Europe ensured that many of queen Anne's subjects saw Flanders, Germany, Portugal and Spain who might not otherwise have done so⁵.

The War of the Spanish Succession was above all about the re-shaping of the Spanish empire or Monarchy, and the conclusion of the struggle necessitated not surprisingly numerous individual treaties between Spain and various other states. Many of these agreements –with Britain (July 1713), with Savoy (July 1713), with the Dutch republic (June 1714) and with Portugal (February 1715)⁶– were concluded

¹ Letter from Henry St. John, viscount Bolingbroke to Robert Sutton, baron Lexington, Whitehall, 7 Jan. 1712, published in PARKE, G.: *Letters and Correspondence, Public and Private, of the Right Honourable Henry St. John, Lord Visc. Bolingbroke; during the time he was Secretary of State to Queen Anne*, 4 vols., London, G.G. and J. Robinson, 1798, vol. 3, pp. 291.

² PEVSNER, N.: *The Buildings of England; Nottinghamshire*, Harmondsworth, Penguin, 1951, pp. 86.

³ The peace treaty concluded between Philip V and Victor Amadeus II in 1713 provided for the exchange of ratifications within 6 weeks, DEL CANTILLO, A.: *Tratados, convenios y declaraciones de paz y comercio que han hecho con las potencias extranjeras los monarcas españoles de la Casa de Borbón desde el año de 1700 hasta el día*, Madrid, Imprenteria de Alegria y Charlain, 1843, pp. 87-114.

⁴ Cf the provisions regarding the evacuation of Sicily by Philip V's troops prior to its handing over to the duke of Savoy in the act of cession of June 1713, *Ibidem*, pp. 87-114.

⁵ Cf BURTON, I. F.: “The Supply of Infantry for the War in the Peninsula, 1703-1707”, *Bulletin of the Institute of Historical Research*, 28 (1955), pp. 35-62

⁶ DEL CANTILLO, *op. cit.*, (nota 3), pp. 75-86, 87-114, 154-163 y 164-169.

as part of the peace congress which convened at Utrecht from January 1712 onwards, the name of that city having become synonymous with the peacemaking at the end of that war⁷. However, Philip V's plenipotentiaries were not admitted to the congress until their master's fate –whether he was to keep Spain and the Indies or not– had been determined⁸, such that the formal conclusion of the treaty of peace between Philip and queen Anne in July 1713 for example followed months of negotiations there but also elsewhere. Before then, Philip negotiated either indirectly (through Louis XIV's ministers at Versailles or his plenipotentiaries at Utrecht), or directly, using his own ministers in London and in Madrid. This essay explores the largely neglected negotiations in Madrid in the twelve months between October 1712 and the November 1713 of queen Anne's representative in Madrid, the earl of Lexington, whose correspondence still survives in the series State Papers (Spain) in the National Archives and in the British Library, both in London⁹.

Lexington's main purpose in visiting Madrid was to witness Philip V's renunciation of his claim to the French crown¹⁰, one of a series of renunciations by members of the house of Bourbon aimed equally at preventing a king of Spain becoming king of France and a king of France becoming king of Spain. In 1711 the death of Holy Roman Emperor Joseph I and the prospect of the archduke Charles –“Charles III”– succeeding his elder brother as both Emperor and heir to a vast Habsburg patrimony, effectively recreating the empire of Charles I/V had helped British ministers to justify their abandonment of the earlier allied war aim of “No Peace without Spain”. However, anxiety about the prospect of a union of France and Spain remained and re-emerged as a major issue –following a number of deaths in the French royal family in 1711-12 which left only the two-year old future Louis XV standing between Philip V and the French throne by the spring of 1712¹¹. The solution which occurred to queen Anne's ministers –that Philip renounce his claim on the French throne, that the Spanish succession be detailed in the peace treaty or treaties and that the Spanish states or Cortes also formally acknowledge this¹²– was not entirely novel, Louis XIV having renounced his own claims on the Spanish throne on his marriage with Philip

⁷ For a general account, cf. PITT, H. G.: “The Pacification of Utrecht”, in BROMLEY, J. S. (ed.): *The New Cambridge Modern History*, vol. VI *The Rise of Great Britain and Russia 1688-1725*, Cambridge, Cambridge University Press, 1970, pp. 446-79.

⁸ Letter from Henry St. John to marquis Colbert de Torcy, Whitehall, 25 Nov. 1711, in PARKE, *op. cit.*, (nota 1), vol. 2, pp. 12-15. For the exclusion of Philip's representatives from the negotiations at Utrecht, cf. MACLACHLAN, J. O.: *Trade and Peace with Old Spain 1667-1750*, Cambridge, Cambridge University Press, 1940, pp. 49-51. The English and Dutch insisted that the French plenipotentiaries should speak for Philip V.

⁹ Cf. general account in BOYER, A.: *The History of the Reign of Queen Anne, digested into Annals, Year the Eleventh, being the Pacifick Year*, London, 1713, pp. 273-275. Lexington's embassy has not been completely ignored, being discussed –briefly– by MACLACHLAN, *op. cit.*, (nota 8), pp. 49-51, and MARTIN, M.: *Diplomatic Relations between Great Britain and Spain 1711-14*, unpublished university of London PhD thesis.

¹⁰ I do not entirely agree with MACLACHLAN, *op. cit.*, (nota 8), p. 49, that the chief object of Lexington's mission was to acquire the *asiento* for English merchants, although that matter may have taken priority once the renunciation (which MacLachlan simply ignores) was effected. Cf letter from Bolingbroke to Matthew Prior, Whitehall, 10 Sept. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 62-69.

¹¹ Cf. letters from Bolingbroke to Thomas Harley, Whitehall, 23 Feb. 1711-12 and to Lords Plenipotentiaries, Whitehall, 4 March 1711-12, PARKE, *op. cit.*, (nota 1), vol. 2, pp. 185-90 y 198-200.

¹² Cf. letter from Bolingbroke to Torcy, Whitehall, 4 March 1711-12 and the abbé Gaultier's memoir regarding British views on the peacemaking, PARKE, *op. cit.*, (nota 1), vol. 2, pp. 205-209.

IV's daughter, the Infanta in 1659. However, the suggestion, when it was first made by the British ministers in the spring of 1712 was initially rejected by the French Court on the grounds that the prince, in this case Philip, could not renounce his claim, which Torcy described as more of an obligation, the prince being called to the throne by what he called a "fundamental" law. Instead, Torcy noted that Carlos II's will had "wisely anticipated" and solved this problem by providing that if Philip inherited the French throne he must renounce that of Spain. He also noted that Philip V had already modified the law of succession in Spain, suggesting that this could be embodied in the peace treaty and newly authorised if necessary by the states, or Cortes of Spain¹³. However, in a very clear statement of what might be labelled "revolution principles" –i.e. those of the English "Glorious Revolution" of 1688, when the throne had been declared vacant following James II's flight to France (although the word abdication was carefully avoided) and the throne offered to James's daughter, Mary, and her husband prince William of Orange, henceforth William III¹⁴– Bolingbroke informed Torcy in March 1712 that "you will give us leave to be persuaded in Great Britain that a prince may depart from his right by a voluntary cession", i.e. that supposedly fundamental dynastic laws could in fact be overridden. He also made it clear that without the renunciation(s) demanded there would be no peace¹⁵. Louis XIV was brought to agree¹⁶, and Philip V –forced by his grandfather in May 1712 to choose between the thrones of France and Spain– opted (to the great surprise of the Sun King and others) to keep the latter.

This paved the way for queen Anne's declaration to Parliament in June 1712¹⁷, and that of Philip V to his ministers on 8 July 1712, that peace would be made on the basis of Philip's renunciation of his claim to the French throne. Philip explained, with some pride, that not one bit of the Spanish Indies were to be dismembered –the only cessions in the Americas were to be the conquests made there by the English at French (not Spanish) expense. Philip referred to the pressure that had been put on him to renounce the throne of Spain in order to secure his prospects of succeeding to that of France but emphasised that what had determined his final decision was his sense of gratitude to, and obligations towards the Spaniards, whose loyalty had secured his position in Spain on the two occasions when it had seemed to falter, a clear reference to the events of 1706 and 1710, when enemy forces had driven Philip from Madrid,

¹³ Letter from Torcy to Bolingbroke, Versailles, 28 March 1712, and reply to Gaultier's memoir, 23 March 1712, PARKE, *op. cit.*, (nota 1), vol. 2, pp. 221-226.

¹⁴ KENYON, J. P.: *Revolution Principles; The Politics of Party 1689-1702*, Cambridge, Cambridge University Press, 1977, passim.

¹⁵ Letter from Bolingbroke to Torcy, Whitehall, 23 March 1711-12, PARKE, *op. cit.*, (nota 1), vol. 2, pp. 227-230; PETTITOT, A. y MONMARQUÉ, (eds.): *Memoires de Torcy*, in *Collection des Memoires relatifs a l'histoire de France*, vol. LXVIII, Paris, 1828, p. 155. Cf also letters from Bolingbroke to M. Marschalch, and to Lords Plenipotentiaries, Whitehall, 26 March 1711-12, PARKE, *op. cit.*, (nota 1), vol. 2, pp. 235-237 y 238-240.

¹⁶ PRIOR, M.: *History of his own Time*, London, 1740, pp. 36

¹⁷ TINDAL, N.: *The Continuation of Mr. Rapin's History of England from the Revolution to the Present Times*, 5th edition, vol. 27 (vol. 5 of Continuation), London, 1763, pp. 524-525.

and themselves briefly occupied his capital¹⁸. Significantly, however, Philip at this point made no mention of the role of the Cortes.

The value of a renunciation – “the great article” as Bolingbroke invariably termed it in the following months¹⁹ – was by no means widely acknowledged inside or outside Britain. On the contrary, there was a great deal of criticism of this solution, with reference specifically to the failure of the renunciation by the Infanta in 1659 to prevent an attempt by Louis XIV to put one of his descendants by her on the Spanish throne. Count Bothmar, representative in London of the Electress of Hanover, not only one of Britain's allies but also queen Anne's heir in Briain, submitted a memorial for queen Anne in December 1711 making just this point²⁰. Hence the desire of British ministers to have Philip's renunciation given as much credibility and force as was possible by having it enacted or authorised in Spain in and by the assembled Cortes.

But just what did British ministers know of the Cortes? In Castile it had not formally assembled between the death of Philip IV in 1665 and the occasion in April 1709 when it been summoned to swear to the heir to the throne²¹. In all the years it had not met the Cortes had nonetheless played a role, suggesting the continued strength of certain “constitutional attitudes. Thus the fact that the millones revenues – among the king's most valuable – depended upon the consent of the Cortes voting towns for renewal every 6 years was respected throughout the decades after 1665, as was the need for the consent of those towns to breaches of the conditions of those earlier grants. At the same time, throughout the debates in Spain regarding the succession before 1700, there had been mention of the role the Cortes might play. The fact that the Cortes had met so recently (1709) and that – following the abolition of the Cortes of Aragon and Valencia in 1707 – the Castilian Cortes on that occasion had included representatives from a limited number of Aragonese and Valencian towns may have suggested the credibility of this solution strengthening of the renunciation to queen Anne's ministers in 1711²².

Whatever the precise knowledge or understanding in Britain of the constitutional situation in Philip V's Spain, preparations began on both sides for the formal renun-

¹⁸ Philip's speech, 3 July 1712, FRESCHOT, C.: *The Compleat History of the Treaty of Utrecht*, vol. 2, London, A. Roper and S. Butler, 1714, vol. 1 (parte 2), pp. 111-112. According to a letter from Torcy to Bolingbroke, 28 July 1712, PARKE, *op. cit.*, (nota 1), vol. 2, pp. 459-70, Philip's ministers applauded the king. A few days later, Philip amplified this statement, explaining that the renunciation had been insisted on by the English following the deaths within the French royal family, Decree of Renunciation, 8 July 1712; FRESCHOT, *op. cit.*, (nota 18), vol. 1 (part 2), pp. 112-13.

¹⁹ Cf letter from Bolingbroke to queen Anne, Whitehall, 20 Nov. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 183-186.

²⁰ FRESCHOT, *op. cit.*, (nota 18), vol. 1 (parte 2), pp. 115 ff.

²¹ Letter from Maria Luisa to her sister, the duchess of Burgundy, cited in WALTON, W.: *Spain! Or Who is the Lawful Successor to the Throne?*, London, J. Hatchard and Son, 1834, pp. 60.

²² CASTELLANO, J. L.: *Las Cortes de Castilla y su Diputación (1621-1789) entre pactismo y absolutismo*, Madrid, Centro de Estudios Constitucionales, 1990, pp. 129-130. One consequence of the presence of representatives of the Aragonese towns was a precedence struggle between the representatives of Burgos and Zaragoza. Apparently, the British ministers sought the opinion of academics at the university of Oxford, letter from Torcy to Bolingbroke, Versailles, 27 Sept. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 81-91 and letter from Bolingbroke to Torcy, Whitehall, 26 Sept. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 91-94. Bolingbroke was critical of the lawyers and legal opinions but justified the need to spell out the succession in a formal “Act” and suggests that Lexington left London with a draft document.

ciation in the Cortes, to be witnessed by a representative of the British government. In August 1712, Torcy explained to Bolingbroke, then in France to negotiate directly with Louis XIV's minister various key elements of the peace settlement, including the Spanish succession and the fate of Sicily that –having consulted count Bergeyck, he thought 4-6 weeks should be enough for the Cortes to do the business and urged the British to send their representative to Spain²³. For his part, on 16 September 1712, Philip V summoned the Cortes voting towns to send their representatives to Madrid to witness his renunciation²⁴. As for the British government, it needed to find somebody to send to the Spanish capital. This was not so easy. Despite Britain's more active foreign policy after 1688 and its growing presence in Europe, the country was sometimes short of diplomatic experience and talent²⁵. The man with most experience of Madrid, Alexander Stanhope had died in 1707, and had not been a complete success there anyway. Stanhope's son, James Stanhope while knowledgeable about Spain and fluent in Spanish was a prisoner of war, having been captured at Brihuega at the end of 1710 and –more important– a fierce Whig and thus a political opponent of the Tory ministry which was pushing on the peacemaking. Indeed, this may have delayed his exchange, for the duke of Escalona, which was only effected in 1712²⁶. An alternative to Stanhope was found, by the second half of August 1712 in the person of the 51 year old Robert Sutton, second baron Lexington²⁷, Lexington had diplomatic (as well as military) experience. However, this comprised brief missions to Prussia (1689) and Denmark (1693), and three years residence at the Austrian Habsburg Court in Vienna (1694-97)²⁸, experience in central and northern Europe which might not have been the best preparation for a man going to the Court of Madrid, above all at a time when the latter's chief enemy was precisely the Austrian Habsburgs. Indeed, there was clearly some suspicion in Madrid that Lexington had some sympathy for, even bias towards the Court of Vienna. Lexington's lack of fitness for the post was compounded by the fact that, as he himself admitted²⁹, he spoke no Spanish, which –as he noted soon after reaching Madrid– limited those of Philip's ministers with whom he could do business. Lexington was also inclined to ill

²³ Letter from Bolingbroke to Dartmouth, Fontainebleau, 21 Aug. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 1-17.

²⁴ BOYER, *op. cit.*, (nota 9), pp. 264-266; letter from Philip V to the city of Valladolid, Buen Retiro, 6 Sept. 1712, National Archives, London (NA), State Papers, Spain (SP) 94, vol. 79 [English translation].

²⁵ HORN, D. B.: *The British Diplomatic Service 1689-1789*, Oxford, Oxford University Press, 1961, p. 3

²⁶ WILLIAMS, B.: *Stanhope. A Study in Eighteenth Century War and Diplomacy*, Oxford, Oxford University Press, 1932, and *Oxford Dictionary of National Biography [ODNB]*, "James Stanhope".

²⁷ Bolingbroke to Dartmouth, Fontainebleau, 21 Aug. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 1-17; For his life, cf. WILLIAMS, *op. cit.*, (nota 26), sub voce "Sutton, Robert, second baron Lexington".

²⁸ MANNERS SUTTON, H.: *The Lexington Papers; or, some account of the Courts of London and Vienna; at the conclusion of the seventeenth century. Extracted from the official and private correspondence of Robert Sutton, lord Lexington, British minister at Vienna, 1694-1698, selected from the originals at Kelham, and edited, with notes, by the Hon. H. Manners Sutton*, London, John Murray, 1851. The Madrid papers among Lexington's private papers have never as far as I am aware been published or used by historians of his negotiations in 1712-13, in part no doubt because the key details are evident from his official correspondence in the National Archives in London. In 1697, Lexington was destined to attend the peace congress at Ryswick (1697) but did not do so.

²⁹ Cf. letter from Lexington to Dartmouth, Madrid, 12 Dec. 1712, NA, SP, 94, vol. 79, explaining his reliance on a certain Mr. Clement, who had been recommended to him by Bolingbroke for this reason. Cf also letter from Bolingbroke to Lexington, 7 Jan. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 291-294.

health. However, Lexington was a loyal Tory, and he had been on the Board of Trade (where he had opposed the Scots efforts to establish a colony at Darien in Spanish central America), which would might help him in the commercial negotiations which would take place once the renunciations were sanctioned by the Cortes. In any case, Philip also intended to send a representative, to negotiate in London with Bolingbroke, the marques of Monteleon³⁰. Lexington's instructions, dated 1 September 1712 directed him to proceed to Madrid, to witness the renunciation(s), and then to pursue a number of other matters –including the not only the negotiation of a trade treaty but also the cession of Sicily to the duke of Savoy and the fate of Britain's Catalan allies– and only then to assume the public character of ambassador (rather than merely envoy extraordinary), thus finally, officially recognising Philip as king of Spain³¹.

Lexington sailed from Portsmouth at the end of September 1712, and after a journey of just six days reached Port Passage [sic], from where he informed the Secretary of State for the Southern Department³², the earl of Dartmouth of his arrival. Lexington explained that he had been formally welcomed by the governor of the fort and by representatives of the Governor of the Province who were accompanied by members of the local elite. Lexington was conducted through the town, “through the acclamations of a vast number of people who cried out Long live Philip the 5th, and the Queen of Great Britain who gives us peace”. Lexington, who throughout his mission was to show himself very cautious and anxious to secure the approval for all he did from his superiors in London, hoped that Dartmouth would forgive his long account of his initial reception in Spain but thought he ought to be “very exact”, in order to show the great joy of the Spaniards at the prospect of peace with England. In a letter written the same day to the Lord Treasurer (and de facto prime minister), Robert Harley, earl of Oxford, with whom he also corresponded throughout his mission, Lexington went as far as to speak of Spanish hopes of a release from French “slavery”³³. In a subsequent letter to Dartmouth, Lexington added that the Captain General of Guipuzcoa had told him that a deputation from the province was an honour that “never was done to any body but the king himself”, demonstrating “how overjoyed these people are at

³⁰ Monteleon was appointed to go to London in October 1712, letter from Matthew Prior to Bolingbroke, 10 Oct. 1712, PARKE, *op. cit.*, (note 1), vol. 3, pp. 135-139.

³¹ Lexington's instructions are in NA, SP, 104, vol 133. Cf. extract from Instructions in COBBETT, W.: *The Parliamentary History of England*, vol. VII (London, 1811), Appendix, columns ccvii-ccviii (document no. 50). Cf. also letter from Bolingbroke to Torcy, 10 Sept. 1712, PARKE, *op. cit.*, (note 1), vol. 3, pp. 44-51, and Bolingbroke to Prior, 10 Sept. 1712, PARKE, *op. cit.*, (note 1), vol. 3, pp. 62-69; and HISTORICAL MANUSCRIPTS COMMISSION: *Manuscripts of the House of Lords*, vol. 10, London, Her Majesty's Stationery Office (HMSO), 1953, p. 261. Cf. BÉLY, L.: *Espions et ambassadeurs au temps de Louis XIV*, Paris, Fayard, 1990, p. 476. Lexington was to be aided in his commercial negotiations by Manuel Manasses Gilligan, who followed him to Spain, letter from Bolingbroke to Torcy, Whitehall, 26 Sept. 1712, and Bolingbroke to Lexington, Windsor Castle, 30 Sept. 1712 (OS), PARKE, *op. cit.*, (note 1), vol. 3, pp. 91-94, 109-111.

³² The Secretary of State for the Southern Department oversaw and corresponded with the British diplomats in southern Europe, THOMSON, M. A.: *The Secretaries of State 1681-1782*, London, Cass, 1932, pp. 90-92.

³³ Letter from Lexington to Dartmouth, St. Sebastians [sic], 4 Oct 1712, NS, NA, SP, 94, vol. 79; letter from Lexington to Oxford, St. Sebastian [sic], 4 Oct 1712 NS, HISTORICAL MANUSCRIPTS COMMISSION: *Report on the Manuscripts of the Duke of Portland preserved at Welbeck Abbey*, vol. 5, London, Her Majesty's Stationery Office (HMSO), 1899, pp. 231.

the Hopes of peace”³⁴. This desire on the part of Philip V's subjects for an end to the war clearly augured well for Lexington, who continued on to Madrid, via Tolosa and Vitoria. From Vitoria he wrote:

...the same honours continue to be done to me...and the magistrates of every town have orders to meet and conduct me through their several districts..All the English merchants of Bilbao met me here as did 2 deputies from the States of Biscay... they helped me to these 3 [enclosed] papers, the 1st is a copy of a summons from the king to the town of Valladolid to send deputys to the Cortes, the 2nd is the publication of the suspension of arms [concluded in Paris in August 1712], the last the publication of a free commerce with England,...³⁵

From Vitoria, Lexington carried on via Burceguilla –from where he wrote to general Pearce, the senior British officer serving with the allied troops in Portugal, to inform him, at José Grimaldo's request, that queen Anne had agreed to a general suspension of arms³⁶– arriving in Madrid on Tuesday 18th October. He was met outside the town by the Duke of Popoli. Lexington later informed Dartmouth that the Duke was a Neapolitan and greatly concerned for himself and his relations in Sicily, and that throughout their journey to Madrid he “entertained” Lexington with nothing but arguments why England should not want Sicily to be in any hands but those of Spain for the benefit of its Mediterranean trade³⁷. Philip, who according to Torcy had delayed the assembly of the Cortes (until the 20th October) to ensure Lexington could attend³⁸, and clearly anxious to settle matters, immediately summoned Lexington to an audience (of both the king and queen), and named don José Grimaldo and don Isidro de la Cueva y Benavides, marquis of Bedmar as his intermediaries, with the French-speaking Bedmar his principal commissary³⁹. Within just a week of his arrival in Madrid, Lexington was able to send Dartmouth a copy of Philip's Renunciation and Oath, “which I have made to run the best I could in French”⁴⁰.

However, it was not all plain sailing. On 27 October 1712, clearly responding to a suggestion by Bedmar, Lexington opposed delaying Philip's renunciation in the Cortes until it had been registered by the parlement of Paris, and the French registration returned to Madrid, because he thought this would merely delay the conclusion of the peace⁴¹. In a second letter sent to Bedmar that same day, Lexington touched on

³⁴ Letter from Lexington to [Dartmouth?], St. Sebastians [sic], 5 Oct 1712, NS, and letter from D. Phelipe de Aguirre to Lexington, Azpertia, 2 October 1712 NS [translation of letter received from the province of Guipuzcoa], NA, SP, 94, vol. 79.

³⁵ Letter from Lexington to Dartmouth, Victoria [sic], 10 Oct. 1712, NS, NA, SP, 94, vol. 79. Lexington thought that the merchants of Vitoria were less happy with the renewal of trade with England than were those of San Sebastian.

³⁶ Letter from Lexington to Pearce, Burceguilla, 15 Oct. 1712, NA, SP, 94, vol. 79 and enclosing copy of letter from Grimaldo to Lexington, Madrid, 14 Oct. 1712.

³⁷ Letter from Lexington to Dartmouth, Madrid, 12 Dec. 1712, NA, SP, 94, vol. 79.

³⁸ Letter from Torcy to Bolingbroke, Versailles, 17 Oct. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 154-158.

³⁹ Letter from Grimaldo to Lexington, 19 Oct. 1712, British Library London, Additional Manuscripts [BL Add Mss] vol. 46550 f. 1.

⁴⁰ Letter from Lexington to Dartmouth, Madrid, 24 Oct. NS, NA, SP, 94, vol. 79.

⁴¹ Letter from Lexington to marques de Bedmar, Madrid, 27 Oct. 1712, NA, SP, 94, vol. 79.

what was to be a secondary aspect of his mission, but one which soon became one of the most contentious and time-consuming for him. This was the cession of the island of Sicily to Victor Amadeus II, duke of Savoy, which queen Anne and her ministers were very keen to press⁴². Lexington expressed concern at Philip V's wish to restrict the cession to Victor Amadeus, whereas queen Anne wanted unrestricted cession, not least because in the ongoing struggle between the queen Anne's Tory ministers and their allies over the peacemaking the Austrian Habsburgs and the Dutch were seeking to win Victor Amadeus to their position⁴³. At the same time, Lexington insisted that he attend the opening of the Cortes; that the renunciation be published and registered in the council of state and other tribunals (i.e. councils); and that the Act of Renunciation specify the line of succession in the event of the failure of the male line of the Duke of Savoy⁴⁴. Bedmar, or rather Philip yielded to Lexington's demands, clearly reflecting that desire on the part of Philip V and his subjects to end the war which Lexington had already been made aware of. The following day Bedmar informed the English envoy that although the king thought his renunciation should be declared in the Cortes at the same time as the French princes' renunciation of the Spanish realms, nevertheless, to demonstrate his good faith and his desire to conclude peace, Philip had fixed Saturday, 5th November for the meeting of the Cortes and "the perfecting of this work according to your Excellency's desire"⁴⁵.

Lexington was making progress but remained uneasy. On the last day of October 1712 Lexington wrote to Dartmouth voicing his constant anxiety about whether his superiors in London approved his actions. It was not merely that "I treat with all the disadvantage that ever man did, for I am not master of Spanish and none of the Ministers understands anything else". Lexington had hoped, as he had been ordered in his instructions, to have not only Philip's renunciation of his claim on the French throne but also his cession of Gibraltar and the island of Menorca to Britain, and that of Sicily to Victor Amadeus formalised in the Cortes. However, Philip refused to agree to these further demands. In response to Lexington's request Philip's ministers deployed two arguments: firstly, that there was no need for the Cortes to play a part, since the king was "Master of yielding any part of his territories as reasons of state shall require, and especially Sicily which was a Conquest, and thus not dependent upon Spain". This argument has important implications for the way Philip and his ministers understood the relationship between the different parts of the Monarchy and also suggests that Philip's assertion of a right of conquest was by no means limited to the Aragonese territories after 1707.

On another issue, too, Lexington was anxious. He hoped queen Anne would approve his demand that the rest of the male line of the House of Savoy be referred to

⁴² Cf. SYMCOX, G.: *Victor Amadeus II. Absolutism in the Savoyard State 1675-1730*, London, Thames and Hudson, 1983, pp. 157-70 and STORRS, C.: *War, Diplomacy and the Rise of Savoy 1690-1720*, Cambridge, Cambridge University Press, 1999, pp. 152.

⁴³ Letter from Lexington to marqués de Bedmar, Madrid, 27 Oct. 1712, NA, SP, 94, vol. 79.

⁴⁴ Memoire, My Lord Lexington demands...., NA, SP, 94, vol. 79; Lexington's Further Demands, BL Add. Mss. 46544, f. 8. Cf. letter from Bolingbroke to Lexington, Windsor Castle, 30 Sept. 1712 (OS), PARKE, *op. cit.*, (nota 1), vol. 3, pp. 109-111.

⁴⁵ Letter from Bedmar to Lexington, Madrid, 28 Oct. 1712, NA, SP, 94, vol. 79.

in Philip V's Renunciation, "if the idiom of the Spanish Tongue would not bare that I should incert [sic] word for word, as I had it in my Instructions, nor the pride of the Spaniards suffer, that I should dictate entirely to them". Lexington feared that if he did not insist on this addition, the death of both Philip and Victor Amadeus without heirs might still allow the dauphin to claim the Spanish throne, uniting the crowns of France and Spain⁴⁶.

Lexington also felt obliged to complain at the presence in Madrid of Tobias Bourke, the representative of the Jacobite pretender to queen Anne's crown, her half-brother, James Edward Stuart⁴⁷. However, this issue was not allowed to get in the way of the main object of Lexington's mission, which took place on 5 November 1712⁴⁸. The following day, the envoy informed Dartmouth that "yesterday the great Ceremony of the Renuntiation was performed with all the Solemnity imaginable and I was witness to it, according to my Instructions"⁴⁹, and enclosed a copy of the renunciation in both the Spanish original and an English translation⁵⁰. Two days after the ceremony Lexington sent a fuller account.

...on Saturday last the great Business of the Renunciation was past with all the formality and exactness imaginable; the night before I received a summons to be present from the secretary of State... at ten in the morning, where accordingly I was, as likewise the Envoy of france at my instance, all the Grandees then in Town were likewise summoned to be witnesses..., as was the Cardinal and the Patriarch of Spain and the Indies, the Queen was also present; then the K ordered the Act to be read by one of his Secretarys of the Council of State, then the King took the Oath administered to him by the Patriarch, and signed the Act. Att two in the afternoon the King went to the Cortes, whether I attended him, made a speech, and communicated to them what he had done for their approbation, which they are to give an answer to in 2 or 3 days, and then I will send the whole, with the exemplifications, as I was desired by Mylord Bolingbroke⁵¹.

⁴⁶ Letter from Lexington to Dartmouth, Madrid, 31 Oct. 1712, NA, SP, 94, vol. 79; HMC, *Portland*, *op. cit.*, (nota 33), vol. 5, p. 239. In 1712, Victor Amadeus II had two sons, one born in 1699 the other in 1701 but the eldest died in 1715, such that the Savoyard succession itself was not entirely secure thereafter, STORRS, *op. cit.*, (nota 42), pp. 189-200.

⁴⁷ Letter from Lexington to Grimaldo, Madrid, 2 Nov. 1712 and letter from Grimaldo to Lexington, Madrid, 6 Nov. 1712, NA, SP, 94, vol. 79.

⁴⁸ BOYER, *op. cit.*, (nota 9), pp. 115-20. Letter from Grimaldo to Lexington, [Friday] 4 Nov. 1712, Add 46550 f. 7, summoning Lexington to the Cortes the next day (Saturday).

⁴⁹ Letter from Lexington to Dartmouth, Madrid, 6 Nov. 1712, NA, SP, 94, vol. 79. For another account of the ceremony, sent that same day by Philip's queen to madame de Maintenon, cf WALTON, *op. cit.*, (nota 21), pp. 81-82. (The queen commented on Lexington's ignorance of Spanish). More details of what happened in the Cortes session are in the despatch of Louis XIV's representative, Bonnac, an extract of which was sent to London by Lexington, *Extrait de la Depeche de Mons le marquis de Bonnac au Roy du 6 nov 1712*, NA, SP, 94, vol. 79. Torcy also sent Bolingbroke a copy of Bonnac's account, Torcy to Bolingbroke, Marly, 15 and 25 Nov. 1712, PARKE, *op. cit.*, (nota 1), vol. 3, pp. 167-169 y 186-191.

⁵⁰ Honrrados Cavalleros Procuradores de Cortes, que os hallais presentes....[copy of Philip V's renunciation in the Cortes, certificated by D. Francisco Antonio de Quincoces, Madrid, 6 November 1712, NA, SP, 94, vol. 79.

⁵¹ Letter from Lexington to Dartmouth, Madrid, 7 November 1712, NA, SP, 94, vol. 79.

The king's "Act" of 5 November was "passed, approved and confirmed" by the Cortes on 9 November 1712⁵², thus giving the Cortes a role in the peacemaking.

Lexington had gained the main point. However, Philip still refused to agree to have the cession of Sicily to the Duke of Savoy confirmed by the Cortes, not only because it was a conquest, but also because "it was debasing of his authority too much to ask their consent and he had already agreed to it in my Demands". Lexington had yielded before the king's obstinacy on this point "because I was unwilling to put a stop to the great affair of the Renunciation"⁵³.

Lexington was now pressed by the Spanish Court to assume the character of ambassador, which would clearly be a propaganda coup for Philip, but he continued to put this off, until he heard from England, whether the response of the Spanish Court to his demands was approved⁵⁴. In the meantime he sent copies of Philip's formal Renunciation (which he had received from Grimaldo)⁵⁵ to London and to Utrecht, "so that now that great work is over on this side, all but the confirmation of it by the council of castile", which Lexington intended to ensure was done in the appropriate form. He had also obtained an assurance that the Cortes should remain assembled until the Renunciation was registered in France, so that it could be confirmed by the Cortes thereafter. If Victor Amadeus insisted on having Sicily yielded to him by act of the Cortes, Lexington awaited orders to that effect from the Secretary of State but he was pessimistic about the likelihood of getting either Philip or the Cortes to grant it in such a manner.^{56/57}

With the main issue resolved, Bedmar had already informed Lexington that in Philip V's opinion, Monteleon was sufficiently authorised to negotiate and conclude those points and articles which were still unresolved in Madrid and which had been effectively remitted to London for settlement,⁵⁸ implying perhaps that Lexington's mission was over. In fact, however, he remained in Madrid for another twelve months. Clearly, awaiting the renunciation(s) carried out in France (above) kept him in the Spanish capital.⁵⁹ While he waited other issues could be addressed⁶⁰. These included

⁵² Cf. the peace treaty concluded between Philip V and the duke of Savoy in July 1713, DEL CANTILLO, *op. cit.*, (nota 3), pp. 87-114.

⁵³ Lexington wrote to the Duke of Savoy in the same vein and urged him to accept the king's personal authorisation until the cession was confirmed by treaty, cf. letter from Victor Amadeus II to Lexington, Turin, 31 Dec. 1712, NA, SP, 94, vol. 80.

⁵⁴ Letter from Lexington to Dartmouth, Madrid, 7 Nov. 1712 NS, NA, SP, 94, vol. 79.

⁵⁵ Letter from Grimaldo to Lexington, 7 Nov. 1712, BL Add Mss 46550 f. 13. Subsequently, Lexington despatched to London Don Francisco Antonio de Quincoces' certification that the Cortes approved the king's proposal and News from Madrid, 25 Nov. 1712 The King having sworn the Renunciation the 5th, the Cortes passed an Act of Ratification the 17th and accordingly a Law is enacted by the Council of Castile to abolish all former Laws about the Succession of this Monarchy and to settle this Act as the Fundamental Law of the Succession for the future.

⁵⁶ Letter from Lexington to Dartmouth, Madrid, 21 Nov. 1712, NA, SP, 94, vol. 79.

⁵⁷ Lexington also sent a copy of Philip's ratification of the cessation of arms, which Grimaldo had sent him: letter from Grimaldo to Lexington, 8 Nov. 1712, BL Add Mss 46550 f. 5.

⁵⁸ Letter from Bedmar to Lexington, [Madrid], 6 Nov. 1712, NA, SP, 94, vol. 79.

⁵⁹ Letter from Lexington to Victor Amadeus, Madrid, 21 Nov. 1712, BL Add Mss 46544 f. 10.

⁶⁰ Lexington sought, for example to secure the release of the English ship, *Endeavour*, which had been seized when it was forced by bad weather to put into Vigo and was discovered to be carrying a cargo of corn to Viana in Portugal, letter from Burch to [?], Madrid, 9 Jan. 1713, NS, NA, SP, 94, vol. 80.

the negotiation of the promised trade treaty, in which work Lexington benefited from the assistance of Gilligan⁶¹. Progress, however, on all fronts was slow, too slow for Bolingbroke who in January 1713 insisted that the negotiations with Spain must be completed before the opening of another campaign, and before Parliament met again in early February 1713, thus putting an end to the great uncertainty, as to whether the war was really to be ended or was to continue. Bolingbroke also wanted Lexington to ensure that six French ships which were said to be going to Spanish America be halted⁶². By the end of February 1713, the treaty of commerce was advancing, but its conclusion was now delayed by the fact that count Bergeyck, who "has the whole management of it", was preoccupied with his radical overhaul of the Spanish finances⁶³. However, with the aid of the princess des Ursins, Lexington remained confident of a very successful conclusion to these particular negotiations⁶⁴.

The cession of Sicily continued to preoccupy Lexington, who was effectively acting in Madrid on behalf of the Duke of Savoy. Victor Amadeus, having acknowledged "Charles III", and having sent a representative, the marquis de Trivié to the latter's Court at Barcelona (1707-11), had not yet made peace with Philip V or recognised him as king of Spain and had no official representative in Madrid of his own⁶⁵. Not surprisingly, Victor Amadeus remained uncertain and anxious about the great prize of Sicily⁶⁶. The Duke, reluctantly, agreed that the act of cession of Sicily did not have to be passed in the Cortes, and that it was sufficient for Philip to simply authorise it on his own authority until it was confirmed by a formal treaty with the Duke, whose provisions would also be copied into the treaty with queen Anne⁶⁷. But there was still much to settle. In January 1713, Lexington passed on to the Spanish Court Victor Amadeus's requests that, along with the kingdom of Sicily, Philip cede the island's galleys, crews and equipment, that he also cede all official documents - *titulos* and so on - pertaining to the island, and that he formally recognise the duke as king of Sicily⁶⁸. These issues were less problematic than was the Spanish Court's determination to have Sicily ceded to the Duke of Savoy as a fief (of the Spanish Crown), not least because – according to Lexington - Philip and his ministers knew that he could

⁶¹ Letter from Lexington to Dartmouth, Madrid, 9 Jan. 1713 NS, NA, SP, 94, vol. 80.

⁶² Letter from Bolingbroke to Lexington, Whitehall, 7 Jan 1712 (OS), PARKE, *op. cit.*, (nota 1), vol. 3, pp. 291-294 y 340-343.

⁶³ Letter from Lexington to Dartmouth, Madrid, 27 Feb. 1713, NA, SP, 94, vol. 80.

⁶⁴ Letter from Lexington to Oxford, 6 Mar. 1713, HMC, *Portland, op. cit.*, (nota 33), p. 270.

⁶⁵ On Trivié's embassy to the Court of "Charles III", cf. MORANDI, C. (ed.): *Relazioni di Ambasciatori Sabaudi Genovesi e Veneti durante il periodo della Grande Alleanza e della Successione di Spagna (1693-1713)* (Bologna, Nicola Zanichelli Editore, 1935, pp. 36-37 and, for Trivié's end of mission *relazione* (1711), pp. 39-87. In the spring of 1713, Victor Amadeus appointed the marquis de Montroux as his ambassador to Madrid but the marquis was not to go until the treaty with Philip V was concluded, letter from John Chetwynd to Lexington, Turin, 6-17 May 1713, BL Add Mss 46548 f. 113.

⁶⁶ Lexington maintained a regular correspondence with both the British representative in Turin, Chetwynd, and the Duke of Savoy, cf. letter from Chetwynd to Lexington, Turin, 25 Feb. 1713, BL Add. Mss 46545 f. 105.

⁶⁷ Letter from Victor Amadeus to Lexington, Turin, 31 Dec. 1712, BL Add Mss. 46548, f. 138.

⁶⁸ Letter from Grimaldo to Lexington, 27 Jan. 1713, SP 94/80, and BL Add Mss 46550, f. 38.

not deviate from his instructions and therefore pinned all their hopes of having the British ministers yield some ground on Monteleon's negotiations in London⁶⁹.

At the same time, Lexington was a means whereby Philip V communicated to British ministers his concern that the peace should provide for those of his allies in Italy and elsewhere whose loyalty had led to their dispossession, above all by the troops of the Emperor, who was rapidly emerging as the dominant power in Italy⁷⁰. In January 1713 Grimaldo informed Lexington of Philip's orders to his plenipotentiaries at Utrecht to seek the full restoration in Italy of the prince of Castiglione, of the Duke of Mirandola, and –in the Empire– of the Elector of Bavaria⁷¹.

But it was not only foreign sovereigns whose interests would be affected by the negotiations. So too were those of some of Philip's own subjects. Earlier, in December 1712 Philip had asked Lexington to request queen Anne to press in the congress at Utrecht that some provision be made for those who had states in Naples and other parts of Italy which were to be separated from Philip's dominions by the treaty of peace, Lexington transmitting to London a memorial and specific demands sent to the king by those concerned⁷². The extent to which subjects as well as sovereigns sought to have their interests taken care of in the peacemaking is an important one which has not always been fully appreciated in discussions of the peacemaking which have tended to focus on sovereigns and above all on the "Great Powers". The matter – witness the case of the princess des Ursins (below) – is not always clearcut. Nevertheless, there were clearly subjects who sought to put their concerns on the peacemaking agenda, in Spain as elsewhere. While in Madrid, Lexington received from Grimaldo and Bedmar memorials on behalf of both the duke of Veraguas, whose title to the island of Jamaica –seized by the English in 1655– had been infringed by the treaty of 1670 concluded between England and Spain, and who now hoped for redress, and the duke of Arcos, pressing the claims of the exiles from Portugal, loyal to the Habsburgs during Portugal's war of independence (1640-68) and whose restoration or compensation had not been properly resolved. According to Lexington, Bedmar, who also had a concern in the latter petition, was very deserving of help because he had been so helpful in all his dealings with the English representative⁷³.

The other big issue was that of the Catalans. This had by no means been neglected by Lexington on his first arrival⁷⁴, but with the renunciation largely resolved by the end of 1712, the fate of the Catalans emerged as more of a priority. This was not least because of the refusal of the Spanish Court to listen to the representations of the British government on behalf of the Catalans. At the end of January 1713 Lexington

⁶⁹ Letter from Lexington to Dartmouth, Madrid, 6 Feb. 1713 NS, NA, SP, 94, vol. 80.

⁷⁰ INGRAO, C. W.: *In Quest and Crisis*, Purdue, Indiana University Press, 1979.

⁷¹ Letter from Grimaldo to Lexington, 27 Jan 1713, NA, SP, 94, vol. 80, and BL Add Mss. 46550, f. 34, 36; letter from Grimaldo to Lexington, 5 Feb. 1713, Add Mss. 46550 f. 41, 44.

⁷² Letter from Grimaldo to Lexington, 28 Dec. 1712, BL Add Mss. 46550 f. 19.

⁷³ Letter from Grimaldo to Lexington, 26 Mar. 1713, BL Add Mss. 46550 f. 74, enclosing a memorial from the duke of Veragua, seeking compensation for the loss; letter from Lexington to Dartmouth, Madrid, 28 March 1713, NA, SP, 94, vol. 80.

⁷⁴ Cf extract of a letter from Lexington to Dartmouth, Madrid, 24 Oct. 1712, extract of enclosed Letter D, and extract of articles given by Bedmar to Lexington, 25 Oct. 1712, HMC, *Lords, op. cit.*, (nota 31), vol. 10, pp. 263.

represented the case of Catalans in two further audiences of Philip V and his queen, but they remained intransigent⁷⁵. Indeed, in response to his efforts, both replied that if the King were to grant what Lexington sought, “il ne sera point Roy”⁷⁶. In April 1713, following further representations by Lexington, who had received renewed orders to do this from London, Bedmar informed the envoy, with reference to article 15 of the recently concluded treaty, of “los justos motivos que concurren para negar los privilegios a los catalanes, cuya concesion seria muy perjudicial a la misma quietud de la monarchia de espana” “Bedmar therefore expressed the hope that the queen would desist from pressing the Catalan issue, “*mayormente teniendose constante maxima en que SMB se halla de que en estos tratados de pazes quede establecida y vinculada la tranquilidad de la Europa en general y la quietud y seguridad de cada Potencia en particular*”⁷⁷. This suggests an attempt to garner sympathy from queen Anne and her ministers among for Philip’s position on the Catalan issue by associating it with the maintenance of authority, order and stability everywhere, including –implicitly– in Britain itself where the Jacobite issue remained a source of division.

Other issues were not lost sight of. Lexington was also mediating between the Courts of Madrid and Lisbon, securing at Portuguese request an extension of the cessation of arms in early 1713⁷⁸. Nor was the great business of the renunciations – the heart of Lexington’s mission - finished with. At the start of March 1713 Lexington received from Grimaldo a copy of the formal renunciations made in France, which were to be registered in the Cortes⁷⁹. However, Lexington found them defective, asking Grimaldo to request from Philip V orders to the king’s representative in France to work with queen Anne’s ambassador there, the duke of Shrewsbury to have the defect corrected⁸⁰. Finally, all was resolved.⁸¹ The *asiento* –the contract to supply African slaves to Spanish America for thirty years, awarded to Britain– was signed by Philip on 26 March 1713, and a preliminary, or draft peace treaty between Philip and queen Anne concluded by Lexington and Bedmar the following day⁸².

At a number of points in the draft treaty, the text revealed that Lexington was unhappy that the content of that document did not reflect his instructions, and in

⁷⁵ Letter from Lexington to Dartmouth, Madrid, 6 Feb. 1713 NS, NA, SP, 94, vol. 80. Bergeyck and Bedmar even refused to pass on to Philip the arguments Lexington had urged on them in a meeting lasting three hours, because – they said – the king was so opposed to the idea that they did not even want to broach it with him, extract of a letter from Lexington to Dartmouth, Madrid, 6 Feb. 1713, HMC, *Lords, op. cit.*, (nota 31), vol. 10, pp. 264.

⁷⁶ Letter from Lexington to [Your Grace], Madrid, 30 Jan. 1713, NA, SP, 94, vol. 80. Lexington also informed queen Anne’s ambassador to Louis XIV, the duke of Shrewsbury of these difficulties, although Shrewsbury himself was already aware of them and had himself reported in the same vein to London, cf. extracts of a letter from Dartmouth to Shrewsbury, 19 Jan. 1712-13 and of letters from Dartmouth to Lexington, 13 and 17 Feb. 1712-3 and 13 March 1712-13, HMC, *Lords, op. cit.*, (nota 31), vol. 10, p. 262-263.

⁷⁷ Letter from Bedmar to Lexington, 18 Apr. 1713, BL Add Mss. 46549, f. 147.

⁷⁸ Letter from Lexington to Dartmouth, Madrid, 27 Feb. 1713, NA, SP, 94, vol. 80: letter from Grimaldo to Lexington, 20 Mar. 1713, BL Add Mss 46550 f. 64.

⁷⁹ There are (English) copies of the Duke of Orleans’ renunciation of his claim on the Spanish succession, and of that of the Duke of Berry in BOYER, *op. cit.*, (nota 9), pp. 156-160 y 161-164.

⁸⁰ Letter from Lexington to Grimaldo, Madrid, 7 Mar. 1713, NA, SP, 94, vol. 80.

⁸¹ Louis XIV’s letters patent, March 1713, admitting Philip V’s renunciation and that of the duke of Berry, in BOYER, *op. cit.*, (nota 9), pp. 151-156.

⁸² DEL CANTILLO, *op. cit.*, (nota 3), pp. 58-69 y 70-74.

sending it to London, his usual anxiety was evident. Two things in particular concerned him, the provisions relating to the exercise of religion in the territories ceded to Britain (Menorca and Gibraltar)⁸³ and the commitment to the princesse des Ursins, i.e. to secure for her a sovereignty in former Spanish Flanders –and specifically the duchy of Limburg– with an annual revenue of 30,000 escudos. Lexington had sought to limit Britain's obligations towards Ursins but Maria Luisa had insisted on a fuller commitment (as earlier agreed by Lexington with Bedmar and Bergeyck)⁸⁴. Lexington sought to justify his draft treaty by explaining that this was the price he had been obliged to pay for the commercial and other advantages gained, not least because of the enormous importance of securing the support of Ursins (above), whose favour he feared he had lost by quibbling about the article in her favour and who, he declared, “has lived long enough in Italy not to forgive what she may think an injury”. Lexington also began to complain both about his financial situation –being owed half a year's salary⁸⁵– and his health, all adding up to a desire to be recalled and to leave Spain, “for I do protest that I have had neither pleasure, profit, nor health since I have set foot in Spain”⁸⁶.

Lexington was right to be concerned. British ministers in London and elsewhere found much to object to in to the religious and the commercial provisions of his draft treaty, which was subsequently renegotiated by Bolingbroke and Monteleon in London⁸⁷. That too might have been thought to signal the end of Lexington's mission to Madrid, with business largely concluded. Indeed, at the end of March Lexington's secretary, Burch wrote to Dartmouth's secretary apologising for not writing to him before; he attributed his silence to “the incapacity of this damn'd country of producing any thing worth your notice”⁸⁸.

However, Lexington remained in Madrid for another six months. For one thing, the formalities respecting the various renunciations still had to be completed. In late April 1713 Philip V agreed to have the renunciations registered by the *parlement* of Paris –i.e. those of the dukes of Berry and Orleans– registered in the Cortes and had given the necessary orders for their insertion into the formal records of the latter. In

⁸³ Cf. BETHENCOURT MASSIEU, A.: *El Catolicismo en Gibraltar durante el siglo XVIII*, Valladolid, Universidad de Valladolid, 1967, pp. 13.

⁸⁴ Letter from Grimaldo to Lexington, 16 Mar. 1713, BL Add Mss. 46550, f. 50.

⁸⁵ While the war testified to Britain's ability to raise money, in the form of parliamentary taxation and loans, the government debt had risen enormously by its conclusion and all branches of expenditure – army, navy, subsidies to allies, the government's own officials - were in substantial arrears.

⁸⁶ Letter from Lexington to Oxford, Madrid, 17-28 March and 6-17 Apr 1713, HMC, *op. cit.*, (note 33), vol. 5, pp. 272, 275-76.

⁸⁷ MACLACHLAN, *op. cit.*, (nota 8), p. 51; BETHENCOURT, *op. cit.*, (nota 83), pp. 13-21. It may be that the political divisions in Britain meant that queen Anne's government could not afford to indulge Catholicism in the acquired territories, cf. HOLMES, G.: *British Politics in the Age of Anne*, revised edition, London, The Hambledon Press, 1986, pp. xxix-xxxvii, 51-81, 82-115. The issue emphasises the continued importance of religious issues in international diplomacy, cf. ONNEKINK, D. (ed.): *War and Religion after Westphalia, 1648-1713*, Farnham, Ashgate, 2009. For other concerns regarding the content of the treaty, cf. letter from Duke of Shrewsbury to Bolingbroke, Paris, 8 Apr. 1713, and Bolingbroke to Monteleon, 7 Apr. 1713 (OS), PARKER, *op. cit.*, (nota 1), vol. 4, pp. 23-25 y pp. 27-28.

⁸⁸ Letter from Burch to Delafaye, Madrid, 27 March 1713, NA, SP, 94, vol. 80. However, Burch was able to report that Philip had made a number of key appointments in Catalonia, to the benefit primarily of Italians and Flemings, and to the disgust of the king's Spanish subjects.

early May Grimaldo sent Lexington certification "*de haverse visto y compulsado en los Libros del Reyno junto en Cortes las Letras Patentes y Actos del Parlamento de Paris*"⁸⁹.

The execution of the asiento and the negotiation of a trade treaty also detained Lexington in Madrid. At the start of May, when congratulating Oxford on the conclusion of the peace (i.e. the various treaties concluded in March and April) at Utrecht, he informed him that he had sent Dartmouth papers needed for the Asiento, but again requested his own recall—"for God's sake get me leave to come home, and save my life— and again asked for money"⁹⁰. Later that same month, he reported that Philip's renunciation and that part of it which called the Duke of Savoy to the succession of Spain was proclaimed in Madrid "with kettle drums and trumpets" as a fundamental law⁹¹. Thereafter, Lexington was kept busy pressing the Spanish Court to ratify the agreement concluded in London in May by Bolingbroke and Monteleon.⁹² Lexington also received orders to insist on Philip's surrender of Sacramento to the Portuguese. Unfortunately for Lexington, however, he claimed not to know where Sacramento was, but he also thought nonetheless that the order contravened his original instructions from Bolingbroke "*que la reine empechera tout demembrement ulterieur de la Monarchie Espagnole*"⁹³. In any event, Philip refused to give way over both the colony⁹⁴, and the Portuguese "barrier"⁹⁵.

In early July, following further prompting by Lexington, he was informed by Grimaldo that the deal concluded by Bolingbroke and Monteleon had finally been ratified by Philip V, "*con la circunstancia de que en consecuencia de lo ofrecido y palabra dada por SMB se haya de poner en posesion de la soberania del Ducado de Limbourg a la senora Prinzeza de los Ursinos antes de entregarse los estados de Flandes al Archiduque*". Indeed, in view of the hostility of the Court of Vienna to the cession of any territory in Flanders, the Spanish Court was suggesting that queen Anne should hand over to Ursins some of the garrisoned towns her forces occupied there on the Emperor's behalf⁹⁶. However, this was not allowed to delay the conclusion at last of the Anglo-Spanish peace treaty in Utrecht on 13 July 1713 (above). On the same day a preliminary trade treaty between England and Spain was concluded in Madrid⁹⁷.

But the cession of Sicily continued to preoccupy Lexington, not least because Philip V attached a number of conditions to its surrender to the duke of Savoy. These

⁸⁹ Letter from Grimaldo to Lexington, 31 Mar. 1713, Add 46550, f. 80; f. 16-18: certification by D. Joseph Ziprian del Valle, Sec de Camara del Rey... serving as *escrivania mayor de las Cortes*, of registration renunciations, and agreement that they should be inserted into the *libros de las Cortes*, Madrid 6 May 1713, Add Mss. 46550 f. 16-18; Grimaldo to Lexington, 8 May 1713, BL Add Mss. 46550, f. 84.

⁹⁰ Letter from Lexington to Oxford, Madrid, 22 Apr-2 May 1713, HMC, *Portland, op. cit.*, (nota 33), vol. 5, p. 285. According to Lexington he had not been able to eat any "flesh meat" for three months.

⁹¹ Letter from Lexington to Dartmouth, Madrid, 22 May 1713, NA, SP, 94, vol. 80.

⁹² Letter from Grimaldo to Lexington, 10 June 1713, BL Add Mss. 46550, f. 101; copy of treaty concluded between Monteleon and Bolingbroke, 14 May 1713, BL Add Mss. 66559B, f. 21-36.

⁹³ Letter from Lexington to My Lord, Madrid, 12 June 1713, NA, SP, 94, vol. 80.

⁹⁴ Letter from Grimaldo to Lexington, 17 June 1713, BL Add Mss. 46550, f. 107.

⁹⁵ Letter from Grimaldo to Lexington, 23 June 1713, BL Add Mss. 46550, f. 125.

⁹⁶ Letter from Bolingbroke to Harley, 27 July 1713, HMC, *Portland, op. cit.*, (nota 33), vol. 5, pp. 311-312

⁹⁷ DEL CANTILLO, *op. cit.*, (nota 3), pp. 115-126.

were by no means acceptable to Victor Amadeus⁹⁸, who thought that Philip's stipulation that employments remain in the same hands was designed to keep up an interest for the crown of Spain by having so many creatures in the kingdom⁹⁹. Thereafter, the Duke's anxieties were exacerbated by the efforts of the Spanish Court to make the evacuation and cession of Sicily conditional on the prior evacuation of Catalonia by the Imperial troops¹⁰⁰. Clearly, Philip and his ministers were seeking to exploit whatever diplomatic advantages they had; equally clearly Philip was reluctant to surrender Sicily – all that was left of Spanish Italy (apart from the remnant of the Tuscan presidios)¹⁰¹ – an early indication of what would be one of the main preoccupations of the Spanish Court after 1713, the rebuilding of Spanish Italy. Matters thereafter were complicated by the efforts of the Genoese republic to purchase Finale in Liguria from the Emperor. Finale, a crucial embarkation and landing point in the past for troops passing between Milan and other parts of the Monarchy, was another of the prizes made available by the dissolution of that Monarchy. Victor Amadeus would have liked it for himself (possibly as an equivalent for the Milanese territories promised him by the Emperor in 1703 but which was a source of great difficulties between the Courts of Vienna and Turin), since it offered a shorter route from Turin to the sea (and onward to Sicily). The Duke of Savoy urged Lexington to mobilise the Spanish Court to object to a deal which would supply the Emperor with money for the continuation of the war, arguing – more Spanish than the Spaniards – that the Emperor had no right to dispose of, i.e. sell – what belonged to the Spanish Monarchy before it was given up by Philip¹⁰².

But there remained the question of Sicily. In July 1713 Philip's plenipotentiaries concluded with those of the duke of Savoy at Utrecht a peace treaty which confirmed the duke and house of Savoy's place in the line of Spanish succession and included Philip's formal cession of the island of June 1713¹⁰³. However, Philip objected to so many provisions of the treaty regarding the cession that he sent back to Utrecht a ratification not of the treaty which had been sent to Madrid but of a completely new one which included the conditions objected to by the duke of Savoy¹⁰⁴. In August 1713, Lexington informed Bolingbroke (who had just replaced Dartmouth as Secretary of State for the South) that "Your Lrdship will be much surprised .that instead of the Duke of Savoy's treaty signed at Utrecht they have formed another, ratified it and

⁹⁸ Letter from Victor Amadeus to Lexington, Turin, 25 Apr. 1713, BL Add. Mss. 46548, f. 142.

⁹⁹ Letter from Chetwynd to Lexington, Turin, 22 Apr. 1713, BL Add. Mss. 46548, f. 109.,

¹⁰⁰ Letter from Chetwynd to Lexington, Turin, 20-31 May 1713, BL Add. Mss. 46548 f. 115. Cf letter from Grimaldo to Lexington, 18 June 1713, BL Add Mss. 46550, f. 109.

¹⁰¹ For the fortified posts on the Tuscan coast known as the stato dei presidii, MARTIN, M.: "The Secret Clause: Britain and Spanish Ambitions in Italy 1712-31", *European Studies Review*, 6 (1976), pp. 407-425. Only Porto Longone, on the island of Elba remained in Spanish hands by this time.

¹⁰² Letter from Chetwynd to Lexington, Turin, 5 July 1713, BL add Mss. f. 119. Unfortunately for Victor Amadeus, his efforts were unavailing and the Genoese did purchase Finale from the Emperor, cf. TALLONE, A.: "Diritti e pretese sul marchesato del Finale al principio del secolo XVIII", *Bollettino Storico Bibliografico Subalpino*, 1 (1896), pp. 173-199; and TALLONE, A., "La vendita del marchesato di Finale nel 1713 e la diplomazia piemontese", *Bollettino Storico Bibliografico Subalpino*, 1-2, (1897), pp. 265-282 y 395-404.

¹⁰³ DEL CANTILLO, *op. cit.*, (nota 3), pp. 87-114.

¹⁰⁴ Letter from Grimaldo to Lexington, 5 Aug. 1713, BL Add Mss. 46550, f. 147. Cf GASCO, M.: "La Politica Sabauda a Utrecht nella "Relazione Mellaredè", *Rivista Storica Italiana*, (1935), pp. 317- 376.

sent it to Utrecht and never communicated a word of it” to Lexington himself until 10 o’clock on the night before they sent it. This meant that he had had no time to have it changed, although he had made representations, saying the Duke of Savoy would not ratify, that queen Anne would not like it, that disavowing their plenipotentiaries meant that none would treat with the Spanish Court in future, and that they still had war on their hands in many parts. However, having sought to convince the Spanish Court that it had erred in sending the revised treaty, Lexington advised Victor Amadeus to make the best of a bad job and accept it¹⁰⁵.

This episode was an opportunity for Lexington to vent his spleen regarding the Spanish Court, with which he had been dealing with now for nine months. He noted, “you must know the Constitution of this Court is to will one thing in the morning . . . and if you stay till next morning you will have a fourth, so that the best way is to close with them immediately if you can get the essential”. He added, in a rather startling conclusion that the “people here [are] near to revolution”¹⁰⁶, but without explaining why or what his evidence for this remarkable claim was.

That same month, August 1713, Lexington received his long desired letter of revocation. However, he would not use it until he had assumed the character of ambassador, which he could not do until the exchange of ratifications of the treaty concluded at Utrecht on 31 July 1713. This also gave him some leverage in his efforts to secure funds from London, to pay for his formal, ceremonial entry into Madrid. Lexington intended to remain in Madrid until he heard from the Duke of Savoy regarding the treaty for Sicily. But anticipating his imminent departure, Lexington urged that his successor be sent as soon as possible, and that he should be a bold man but also one with a great deal of patience and “temper” and “versed in business”¹⁰⁷. Expecting to leave Madrid in the near future, Lexington also seized an opportunities to visit –and admire– the palace monastery of the Escorial in August 1713¹⁰⁸.

However, there was still business to be done, not least the implementation of the agreements concluded so far and the negotiation of the trade treaty. In early August 1713 Grimaldo informed Lexington that, although Philip wished to satisfy the British monarch, it was impossible to change – as Lexington had requested - what had been laid down in article 11 of the peace treaty, restricting trade by the moors in and with the island of Menorca,

“pues segun los genios de los naturales de Espana, no tienen cosa mas orrorosa q la de ver a los Moros, ni tener el menor Comercio con ellos, al contrario contribuyen con cantidades muy considerables para q se les continue una Guerra sin limitacion y como a demas de estas consideraciones ay Bullas del Papa que se renueban de seis en

¹⁰⁵ The Duke of Savoy, having consulted his plenipotentiaries at Utrecht, agreed, despite its very unsatisfactory nature, to ratify Philip’s version of the act of cession of the island of Sicily, letter from Victor Amadeus to Lexington, Susa, 26 Aug. 1713, BL Add Mss. 46548 f.; letter from Chetwynd to Lexington, Susa, 26 Aug. 1713, BL Add Mss. 46548, f. 134; GASCO, *op. cit.* (note 104), pp. 367-8.

¹⁰⁶ Letter from Lexington to Bolingbroke, Madrid, 7 August 1713, NA, SP, 94, vol. 80.

¹⁰⁷ Letter from Lexington to Bolingbroke, Madrid, 14 Aug. 1713, NA, SP, 94, vol. 81.

¹⁰⁸ Letter from Lexington to Oxford, Escorial, 19 Aug. 1713, HMC, *Portland, op. cit.*, (nota 33), vol. 5, p. 322; letter from Lexington to Orry, 16 Aug. 1713, COBBETT, *op. cit.*, (nota 31), vol. 7, Appendix, columns ccviii-ccix (number 53).

seis anos y se dan precisamente para que SM continúe esta Guerra con dichos Moros, sería para todos sus Vasallos un gran desconsuelo ver q se despreciaba un reparo de esta importancia, maiormente quando se experimenta que SMB no a atendido a las circunstancias que acompañaban las instancias de toda nra nacion para que no se admitiesen Moros en Gibraltar, y Maon....¹⁰⁹.

At the same time, Lexington monitored the Spanish Court's performance of its treaty and other obligations. In September 1713 for example he commented on Spanish efforts to obstruct the supply of the British garrison in Gibraltar¹¹⁰. That same month he brought to Bedmar's and Philip V's attention that the French continued to trade in the Spanish Indies despite the Spanish Court's promise to put an end to this in the peace agreement. Bedmar informed the envoy that Philip had resolved to inform the Council of the Indies, so that it would propose a remedy to this "disorder"¹¹¹. In September, too, Lexington reported that the Pope had written to the Catholic King, following reports he had received from the bishop of Mallorca about frequent infractions of ecclesiastical jurisdiction on the island of Menorca by its new overlords, the English¹¹².

However, Lexington's mission was now overtaken by a major personal tragedy when on 22 September 1713, Lexington's eldest son, William, who had accompanied him to Madrid, fell ill of a violent fever and within ten days was dead, aged just 15. Lexington, not surprisingly was devastated¹¹³. Just over a week later, on Wednesday, 11 October 1713, Lexington finally had his audience of Philip V, giving in both his credentials (about which there had been some difficulty raised by the Spanish Court, before they were finally accepted and Lexington given his audience)¹¹⁴ and his recredentials. Lexington, finding himself continually ill in Madrid hoped queen Anne would allow him, as soon as his strength permitted, to leave Madrid. He had already removed to another house following his son's death, his secretary declaring that "we are all in utmost confusion at present"¹¹⁵. Indeed, the quality of Lexington's performance of his duties may have suffered from his poor health (exacerbated by grief?). In late October, he informed Bolingbroke that the latter's recent letter (of 1 September) had found Lexington ill and in bed, to which he had been confined for nine or ten weeks. Lexington blamed his illness for his having mangled a translation of a letter of Bolingbroke's, and sought to mitigate his offence by suggesting that the translation he had submitted to the Spanish ministers seemed to have worked anyway, since the earl of Strafford, one of the British plenipotentiaries at Utrecht had reported an improvement in the attitude of the Spanish negotiators there¹¹⁶.

¹⁰⁹ Letter from Grimaldo to Lexington, 7 Aug. 1713, Add. Mss. 46550, f. 161.

¹¹⁰ Letter from Bolingbroke to queen Anne, 29 Sept. 1713, PARKE, *op. cit.*, (nota 1), vol. 4, pp. 300-303.

¹¹¹ Letter from Bedmar to Lexington, 9 Sept. 1713, BL Add Mss. 46549, f. 165.

¹¹² Letter from Bedmar to Lexington, 24 Sept. 1713, BL Add Mss. 46549, f. 167.

¹¹³ Letter from Burch to [?], Madrid, 2 Oct. 1713, NA, SP, 94, vol. 81.

¹¹⁴ Letter from Bedmar to Lexington, 24 and 25 Sept. 1713, BL Add Mss. 46549, f. 169, 172.

¹¹⁵ Letter from Burch to Tilson, Madrid, 16 Oct. 1713, NA, SP, 94, vol. 81.

¹¹⁶ Letter from Lexington to Bolingbroke, Madrid, 23 Oct. 1713, NA, SP, 94, vol. 81.

Clearly, there was still business to transact, some of it the continuation of measures dating from Lexington's first arrival in Spain. As soon as he reached Spain in October 1712, Lexington received statements of their grievances from English merchants there. From Bilbao, for example he received this: we have this day writ Yr Ex under cover of [the] agent in Madrid of this Senorio, town and Contratacion House touching the inquisition made about the introduction of goods liable to pay the indulto of 7%...¹¹⁷.

After years of war there was also a need to reconstruct the network of consuls. At the start of October 1712, Philip V had returned to Lexington 3 patents for consuls which Lexington had issued, those for Alicante and Cartagena and that for Cadiz and Pto de Sa Maria, the provisions of which represented an innovation on the practice and form of the reigns of both Charles II and Philip V—an interesting commentary on the extent to which Philip was seeking to emphasise the continuities between his own government and that of his Habsburg predecessor—because this jurisdiction resided in *juezes conservadores* appointed by the king¹¹⁸. However, the following month Philip was happy to issue patents for English consuls to act in the ports of Cadiz and Pontevedra during the suspension of arms¹¹⁹. Consular issues continued to exercise envoy and ministers. Later that same month, November 1712, Bedmar informed Lexington, following the envoy's nomination of one Gilberto Apton as consul of the English nation in San Lucar, Seville and parte del condado [de Niebla?], that the king objected that there was no example of—precedent for—the existence of a principal consul in the parts referred to by Lexington, but only in Cadiz, whose consuls named vice-consuls (subject to the king's confirmation!) at their own risk and who didn't in fact reside in those other ports for which they acted as vice-consul¹²⁰.

The newly active consul at Alicante, Nicholas Herne, continued to alert Lexington to the grievances of English merchants there, and reporting the harmful impact of the *Nueva Planta*. In February 1713, Herne, acknowledging receipt of the despatch for him to act as consul had various complaints. Firstly, there was the conduct of the governor of Alicante who was claiming 2%, as commissary of contraband. In addition, “this province being made as Castilla there is introduced which never was before a *stanke* [sic] or farm of tobacco and none suffered to deal in any but the farmer who buys at the price he pleases” which Herne feared would damage the Virginia trade with Alicante and—In consequence—“[our] shipping”. But there was more. Herne also lamented some new customs impositions, to the prejudice of the sale of English goods: formerly—he claimed—the customs did not arise to above 7.5 or 8% but now they would total 15% more or less¹²¹. Herne continued to complain to Lexington, at the same time supplying him with useful intelligence for onward transmission to London. Later that same month he reported that the Governor of Alicante had written to the council of War to know how to deal with English ships with passports from Mahon and Gibraltar, not least because the Genoese were

¹¹⁷ Letter from John Gosselin and others to Lexington, Bilbao, 23 Oct. 1712, BL Add Mss. 46550, f. 190.

¹¹⁸ Letter from Bedmar to Lexington, 1 Oct. 1713, BL Add Mss. 46549, f. 174.

¹¹⁹ Letter from Grimaldo to Lexington, 26 Nov. 1712, BL Add Mss. 46550, f. 17.

¹²⁰ Letter from Bedmar to Lexington, 17 Oct. 1713, BL Add Mss. 46549, f. 176.

¹²¹ Letter from Nicholas Herne to Lexington, Alicante, BL Add Mss. 46550, 13 Feb. 1713, f. 243.

apparently using the English presence as a cover for their own (illicit) trade¹²². Later, in September 1713, Herne informed Lexington of new impositions at Alicante on trade, claiming that "Such encroachments . . . plainly manifests the unquiet and unsatisfyed humour of our [Spanish] Govt and the little regard the Court has for commerce and [which] will by degrees make us so uneasy that none can trade¹²³. The following month, October 1712, while condoling with Lexington on the death of his son, Herne took the opportunity to make further complaints against the Governor: he feared the Governor might billet some of the troops returning from Sicily in the homes of the British merchants, pointing out that the French (shopkeepers and merchants) had nearly 100 houses in Alicante - more than the English. He also feared that the English merchant community might be asked to contribute towards a donative towards the cost of the war in Catalonia¹²⁴.

But there were other issues as well. That same month, Lexington had to deal with another case –one of many– of a seized English ship, which Philip had referred (as were all prize cases) to the Council of War¹²⁵. But Lexington also had to deal with complaints from the Spanish Court, for example that English ships bought salt in Ibiza which they then sold at Genoa for sale and whose proceeds encouraged Ibiza in resisting Philip V¹²⁶. Finally, Lexington also sought to support Gilligan's effort to secure mercedes for friends and others in Madrid. In November 1713, Grimaldo explained to Lexington that he would have liked to serve Da. Rosa Enriquez y Onel, in her pursuit of *encomienda de Indios* in New Spain, to please Gilligan, but that it was not possible, Philip having refused her twice already, on the grounds that he did not grant them to other than the most deserving subjects, [i.e.] the descendants of *Conquistadores de las Indias*¹²⁷.

Lexington finally left Madrid on 28 Nov. 1713. He wrote to the Catalans with the agreement of Philip V before he departed, urging them to submit to Philip on the terms agreed for them at Utrecht in July since there was nothing more to be done¹²⁸. The trade treaty was still not concluded, but would be the following month. Lexington headed for Lisbon, hoping to take ship there for home¹²⁹, and leaving Burch in charge in Madrid¹³⁰. Lexington travelled via Talavera de la Reyna¹³¹ and Bada-

¹²² Letter from Herne to Burch, Alicante, 27 Feb. 1713, BL Add Mss. 46550, f.247.

¹²³ Letter from Herne to Lexington, Alicante, 11 Sept. 1713, BL Add Mss. 46550, f. 278.

¹²⁴ Letter from Herne to Lexington, Alicante, 21 Oct. 1713, BL Add Mss. 46550, f. 285.

¹²⁵ Letter from Bedmar to Lexington, 17 Oct. 1713, BL Add Mss. 46549, f. 180.

¹²⁶ Letter from Bedmar to Lexington, 20 Oct. 1713, BL Add Mss. 46549, f. 182.

¹²⁷ Letter from Grimaldo to Lexington, 4 Nov. 1713, BL Add Mss. f. 176.

¹²⁸ Translation of letter from Lexington to Deputies of Catalans, 28 Nov. 1713, extract from letter from Lexington to Ory, 30 Nov. 1713, and extract from letter from Burch to Tilson, 4 Dec. 1713, COBBETT, *op. cit.*, (nota 31), vol. 7, Appendix, columns ccx-ccxi (numbers 57-59). Cf. letter from Bolingbroke to queen Anne, Whitehall, 17 Dec. 1713, PARKE, *op. cit.*, (nota 1), vol. 4, pp. 392-397.

¹²⁹ Letter from Burch to Tilson, Madrid, 4 Dec. 1713, NA, SP, 94, vol. 81. Burch, himself, remaining in Madrid, was also very sick.

¹³⁰ Burch was asked by one M. Sardi to remind ministers in London that it was now some time since he had written regarding the presents which were usually made to the junta of the Indies by the Asiento Company at Christmas, without hearing anything, letter from Burch to Tilson, Madrid, 11 Dec. 1713, NA, SP, 94, vol. 81.

¹³¹ Letter from Burch to Tilson, Madrid, 18 Dec. 1713, NA, SP, 94, vol. 81.

joz, which he left on 14 December, expecting to be in Lisbon within 6 days¹³². He continued to correspond with Burch, who received a letter from him from Aldea Galleaga (Lisbon), saying that at Merida he had had another relapse. Burch himself intended to leave Madrid once the treaty of commerce was concluded¹³³.

Lexington was by no means free of Spain and its concerns back in England. In the summer of 1714 he received a letter from the princesse des Ursins (in reply to one from him). She was still pursuing her sovereignty in the Low Countries, an obligation on the British monarch in the form of one of the secret articles of the peace treaty concluded on 31 July 1713¹³⁴. Ursins now affected a desire to retire from the inconstant world (to repose in her sovereignty),

...la plus part des gens etant faux et changeant d'amis aussy aisement que de gans, pour moy je vous proteste que je suis si lasse des cours que je n'ambitionnerois rien davantage que de me retirer dans une solitude je ne la voudrois pourtant pas affreuse, nous sommes nez pour quelque societe; mais sans contrainte. C'est une des plus fortes raisons que j'ay de desirer que l'affaire de ma souverainete reussisse pour y aller passer en repos pour le reste de ma vie et y faire des reflexions solides sur el desengano de este mondo...

Ursins explained—or rather claimed—that she had only failed to push her own interests—the sovereignty—because to have done so would have prevented Philip from reducing Catalonia. Philip, she said, had refused to make peace with the Dutch before until Ursins was put into possession of her sovereignty, but Louis XIV having promised the States-General to have Philip make peace, he had told the latter that he would not send troops to Catalonia unless the king settled. Knowing Philip's need to reduce Catalonia to obedience, Ursins informed Lexington that she had redoubled her efforts with him to make peace with Holland, so as not to be the cause of delay, and Philip had agreed, ordering his ambassadors at Utrecht to conclude peace without mentioning her sovereignty. But Philip, she declared, still hoped that queen Anne would fulfil her commitment to Ursins, “*et j'oze dire milord que ce grand prince [Philip] sera encore plus sensible que moy a ce que fera la Reyne Britannique en ma faveur*”¹³⁵.

Unfortunately for Ursins, queen Anne was soon to die, in August 1714, and the new Hanoverian regime of George I far from wishing to complete the business of peacemaking begun in 1711 was determined to pursue those it held responsible for a betrayal of British and allied interests (and the Catalans). Lexington was not formally condemned by the committee of secrecy chaired by sir Robert Walpole which investigated the peacemaking of 1711-13, or subsequently impeached, as were Oxford, Bolingbroke, Thomas Wentworth, earl of Stafford (principal British plenipotentiary at Utrecht) and James Butler, duke of Ormonde (commander of the British forces in Flanders during the peacemaking)¹³⁶, but he disappeared from public

¹³² Letter from Burch to Tilson, Madrid, 25 Dec. 1713, NA, SP, 94, vol. 81.

¹³³ Letter from Burch to [Tilson?], Madrid, 1 January 1714, NA, SP, 94, vol. 81.

¹³⁴ MARTIN, *op. cit.*, (nota 101), *passim*.

¹³⁵ Letter from Ursins to Lexington, Pardo, 17 June 1714, BL Add. Mss. 46549, f. 230.

¹³⁶ COBBETT, *op. cit.*, (nota 31), vol. 7, columns 53ff, 65ff, 214ff. MICHAEL, W.: *England under George I: The Beginnings of the Hanoverian Dynasty*, London, Macmillan and Co., 1936, pp. 113-129; WILLIAMS, *op. cit.*, (nota 26), “Robert Harley”, “Henry St. John”, “Thomas Wentworth”, “James Butler”.

life, until his death in 1723. Despite the boast on Lexington's tomb, one of the few enduring monuments –*lieu de memoire*– to the peacemaking of 1713, he had not played a key role in the peacemaking –indeed his selection to go to Madrid remains a puzzle, one confirmed by his disappointing performance there. He had failed to seize the opportunity that Bolingbroke had declared was his in January 1713 (above), his draft treaty having to be corrected by Bolingbroke in negotiation with Monteleon in London. Lexington's failure owed something no doubt to his persistent ill health. But it also suggests that while Philip V and his subjects were eager –even desperate– for peace, the king and his ministers had some room for manoeuvre in view of the prizes others –queen Anne's ministers, the duke of Savoy– sought to secure from the great Spanish Monarchy, and that both recognised that they had that room and ably exploited it. Their exploitation of their opportunities also emphasises the need not to be mesmerised by the negotiations going on in Utrecht, that there were other venues for diplomacy –Madrid, London– and that Philip was by no means simply to be manipulated by his grandfather, Louis XIV. Besides being a disappointing negotiator, Lexington was also a disappointing observer –for the historian– of the Spain of Philip V as it emerged from the War of the Spanish Succession. In some respects his time in Madrid was as unhappy as that of Alexander Stanhope, though for different reasons. Nevertheless, Lexington's negotiations in Spain, and his reports from there, offer some invaluable glimpses of attitudes in Spain –of monarch, ministers and subjects– regarding the peacemaking in 1712-13. They also suggest that, although not to be compared with the role of Parliament in British peacemaking, the Spanish Cortes –admittedly at foreign insistence– had played a part in the settlement which brought the war to a close.