

# RENUNCIATION OF THE FRENCH CROWN

Felipe V (1683–1746), King of Spain (1700–1746)

1712

Don Felipe, by the Grace of God, King of Castile, Leon, Aragon, both Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Jaen, the Algarves, Algeciras, Gibraltar, the Canary Islands, the East and West Indies, and Terra Firma of the Ocean Sea, Archduke of Austria, Duke of Burgundy, Brabant and Milan, Count of Hapsburg, Flanders, Tyrol, and Barcelona, Lord of Biscay and Molina, etc.

For the evidence and publication of this instrument and writing of renunciation and quit-claim, and to preserve the memory thereof forever, I do hereby notify and declare to all kings, princes, potentates, commonwealths, communities, and private persons that now are and shall be in future ages:

That whereas one of the chief intentions of the treaties of peace now depending between the Crowns of Spain, France, and England is the preservation of the balance of powers in Europe in such manner that too many being united together this desired balance and equality may not be lost to the advantage of one of them, and to the peril and endangering of the rest, and for the facilitating of a general peace which may be firm and durable it was proposed and insisted on by England, and agreed to on my part, and that of the King, my grand-father,<sup>1</sup> that to avoid, in all future times, the union of this monarchy with that of France; and that it may not happen in any case, reciprocal renunciations should be made on my part and that of my posterity to any possibility of succeeding to the monarchy of France, and on the part of those princes, and all their descendants present and to come, to any possible succession to this monarchy, by framing a distinct narrative of the abdication to be made by the two Royal Crowns of each monarchy, of all the rights they might claim of succeeding reciprocally to each other, separating by the lawful means of my renunciation my branch from the royal stem of France, and all the French branches from any communication which might be derived to them by alliance of blood with the royal stem of Spain.

But at the same time, that for the above-mentioned reasons, care is taken that the monarchy of France is never to be joined to that of Spain, we must steadily pursue the fundamental and constant maxim from which we are not in any case to depart; viz., the preservation of a balance of power; therefore the inconveniences are likewise to be avoided that would arise if, upon failure of my issue, this monarchy should again devolve to the House of Austria, which by the addition of so considerable a dominion to that of the Empire and hereditary countries would become very formidable; which consideration was thought sufficient in former times for dis-membering the hereditary dominions of the House of Austria from the body of the Spanish monarchy.

It being for this purpose stipulated and agreed by England with me and the King, my grand-father, that upon failure of me and my issue, this monarchy shall fall to the House of Savoy, which being descended from the Infanta Doña Catalina,<sup>2</sup> daughter of King Philip II, and having never departed from that claim, has an evident and known right, that friendship and perpetual alliance being premised, which is to be sought and brought about, between the Duke of Savoy and his posterity and this Crown; since one ought to believe that with this perpetual and firm hope, this balance will never vary, with which all the powers shall thus in a friendly manner have brought themselves into an equal poise, being tired with the labors and uncertainty of battles, no power being left to any one party to alter this balance settled by treaty by the means of any contract, renunciation, or retrospection; but the reason of its perpetual duration is to prevail, which induces the admitting it, and framing it into a fundamental constitution, which, like an unalterable law, shall regulate the succession for the time to come.

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<sup>1</sup> Louis XIV, King of France (1643–1715)

<sup>2</sup> Catalina Micaela (1567–1597), wife of Charles Emmanuel (1562–1630), Duke of Savoy

I have considered the premises, and out of the love I bear to the Spaniards, and the knowledge I have of what I owe them, and in regard of the repeated instances I have received of their loyalty, and to show to the Divine Providence, with the resignation I owe to its decrees, the sense I retain of that great blessing of having placed and maintained me upon the government of so many illustrious and well-deserving subjects, I have resolved to abdicate for me and all my posterity any right of succeeding to the Crown of France, being desirous never to depart from my resolution of living and dying with my beloved and faithful Spaniards, leaving to all my posterity the indissoluble bond of their loyalty and love.

And that this my resolution may have its due effect, and an end may be put to that which has been looked upon as one of the chief motives of the war wherewith Europe has been hitherto afflicted, of my own motion, free, spontaneous, and unconstrained will, I Don Felipe, by the Grace of God, etc. do, by this present instrument, for myself, my heirs, and successors, forever renounce, relinquish, and quit claim to all pretensions, rights, and titles which I or any of my posterity have at this time, or may have at any time hereafter to the succession of the Crown of France.

And I declare and hold myself excluded and separated, myself and my children, heirs, and posterity forever, excluded and disabled, absolutely and without limitation, difference, and distinction of persons, degrees, sex and time, from the action and right of succeeding to the Crown of France.

And I will and consent for me and my said posterity, that from this time for evermore the same be held to be passed away and transferred to such person as, through my and their being excluded, disabled, and incapacitated, shall be next in succession, and immediately after the King by whose death a vacancy shall happen; and the succession to the said Crown of France ought to be settled upon and yielded to him, in whatever time and case it shall fall out; to have and to hold the same as lawful and true successor, in the same manner as if I and my posterity had not been born or in being in this world; for that we were to be considered and reputed as such, to the end that neither in my person nor in theirs any foundation may be found or had for an active or passive representation, beginning, or continuation of a line effective or containing any substance, blood, or quality, or any posterity may be derived, or any pedigree from the persons of the Most Christian King, my lord and grand-father, or the Lord Dauphin, my father, or the glorious kings, their progenitors, or to any other effect, for entering into the succession, or anticipating the degree of kindred, or excluding from it the person who, as is above mentioned, shall be next in succession.

I will and consent for myself, and for my posterity, that from this time forth for evermore, this right shall be looked upon and considered as passed away and transferred to the Duke de Berry,<sup>3</sup> my brother, and his issue and posterity, male born in constant lawful wedlock; and in default of his issue male, to the Duke of Orleans,<sup>4</sup> my uncle, and to his sons and posterity, male born in constant lawful wedlock; and in default of his issue, to the Duke de Bourbon,<sup>5</sup> my cousin, and to his sons and posterity, male born in constant lawful wedlock, and so on successively to all the Princes of the Blood of France, their sons and posterity, male forever, according to the place and order in which they may be called to the Crown by virtue of their birthright, and consequently to such of the said princes as (upon the fore-mentioned exclusion, disability, and incapacity of me and all my said posterity) may happen to be next in degree, immediately after such king by whose death the Crown of France should become vacant, and to whom the succession may belong, at whatever time and in whatever case the same may happen, that he may enjoy it as lawful and true successor in the same manner as if I and my posterity had not been born.

And as a confirmation of the greater validity of the act of abdication of all the right and title that might avail me, and all my posterity, in regard to the said succession to the Crown of France, I depart and desist particularly from that which might be derived to me from the right of naturalization, by the letters patents or instrument by

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<sup>3</sup> Charles (1686–1714), Duke de Berry

<sup>4</sup> Philippe (1674–1723), Duke de Orleans

<sup>5</sup> Louis Henri (1692–1740), Prince de Condé and Duke de Bourbon

which the King, my grand-father, preserved and reserved to me and enabled me to enjoy a right of succeeding to the Crown of France, which instrument was dispatched at Versailles in the month of December, in the year 1700, and passed, approved, and registered by the Parlement; and I will that it shall not serve for a foundation to the purposes for which it was intended; and I refute and renounce it, and declare it null, void, and of none effect and canceled, and as if no such instrument had ever been executed.

And I promise and oblige myself on the faith and word of a King, that in whatever depends on me and my said children and posterity that are and shall be, I will procure the observation and accomplishment of this writing, without permitting or consenting that anything be done to the contrary, directly or indirectly, in the whole or in part; and I desist and depart from all and whatever remedies, known or unknown, ordinary or extraordinary, and that either of common right or particular privilege might avail me and my children, and posterity, to reclaim, assert, or allege anything against the same.

And I renounce them all, and especially that of the evident lesion, enormous and most enormous, which may be looked upon to have been in the quitting claim and renouncing the right of being able to succeed at any time to the said Crown.

I will that none of the said remedies, nor any other, of whatever number, efficacy, importance, or quality they be, may avail or be of any use to us.

And if in fact, or under any color, We should attempt to seize the said kingdom by force of arms, or should make an offensive or defensive war against it, that from this present time, and in all time to come, it be judged and declared unlawful and unjust, and wrongfully undertaken by violence, invasion, and usurpation, against reason and conscience; and on the contrary, that may be judged and called just, lawful, and allowable which shall be made or undertaken in behalf of him who, by the exclusion of me and my said children and posterity, is to succeed to the said Crown of France, whom his natural subjects are to receive, and to obey him, and to yield and swear to him the oath of homage and fealty, and to serve him as their lawful king and lord.

And this quitting claim and renunciation for me and my said children and posterity is to continue firm, stable, valid, and irrevocable forever, and in all times to come.

And I assert and promise that I have not made nor will make any protestation or reclaiming publicly or privately to the contrary hereof which might hinder or lessen the validity of what is contained in this writing; and that I should make any, though it were upon oath, it shall not be valid, or of any force or effect.

And for the greater validity and certainty of what is contained in this renunciation, and of what I therein assert and promise on my part, I do again engage my royal faith and word, and I solemnly swear by the Gospels contained in this missal, on which I lay my right hand, that I will observe, maintain, and fulfill this act and instrument of renunciation, both for me and all my successors, heirs, and posterity in all the clauses therein contained, according to its most natural, literal, and plain meaning and construction. And that from this oath I will not demand to be released, and if it be by any particular person demanded or granted of their own motion, I will not make any use or advantage of it; but in case the same should be granted, I swear another like oath that I will always preserve and maintain this one against all dispensations that might be granted me.

And I execute this writing before this present secretary, notary of this, my kingdom, and sign the same, and cause it to be sealed with my Royal Seal.