

Appendix I

The Deed of Foundation of the College

Executed in Madrid by Col. William Semple and his wife

D^a María de Ledesma, 10th May 1627¹

In the name of the Most Holy Trinity, Father, Son and Holy Spirit, three Persons and one divine Nature, and to the honour and glory of the same and of the most holy ever Virgin Mother of our Lord and Saviour Jesus Christ, our Advocate and Lady: let it be made known and manifest to those who see or learn of the present Document of Foundation and Endowment that, in the most noble City of Madrid, being in residence there the Court and Councils of His Majesty, on the tenth day of the month of May of the year one thousand six hundred and twenty-seven, before me, the notary public, and the witnesses below mentioned, there - presented themselves Colonel William Semple, Scottish knight and *Gentilhombre de la Boca* of His Majesty, and Doña María de Ledesma, his wife, citizens of this locality of Madrid, with the authorisation and express consent which. in the first place and before all else, the said lady, D María de Ledesma, requested of the said Colonel William Semple to execute and swear to this document, and which he conferred on her, in consequence of which both were of the same accord and intention.

They declared that, motivated by holy zeal and grateful for the many favours and blessings which they have received from the powerful hand of God and desirous of performing a good work directed to his greater service, for the fostering of divine worship and the teaching of the holy Catholic Faith through the preaching of the Gospel and the conversion of heretics, they are determined to found and endow, as by the present letters they declare and stipulate that, of their own free will and pleasure, they do found and endow, a Seminary or College for Scottish Seculars, in the form, subject to the governance, and under the patronage, conditions and clauses, which are set forth in the following manner.

Firstly, they desire that the location and presence of the said Seminary and of its students be in this city of Madrid and, more particularly, in the principal houses of the street which runs from the Postern of St. Martin to the Crossing of St. Louis, and which is usually known as Jacometrezo, which pertained to the Royal Estate and which, by the King's decree and in partial payment of the greater sum which His Majesty owed in salary to the said Colonel William Semple, were given and applied to him, free of grace-and-favour tenants, as may be seen by the title deeds and guarantees held by him and which are to be found among his papers; in the reconstruction, enlargement and furnishing of which houses a very considerable amount of work and expense has been involved, with the result that the said houses possess a much greater worth and valuation than when the said Colonel William Semple first took possession and occupancy; of which houses, the said Seminary has to have and occupy the amount of space that is required and that is determined by the Superiors of the Society of Jesus, who are to undertake its supervision and administration, as will be declared hereinafter.

The said Seminary is to be governed by the same constitutions and rules as obtain in others founded within these realms or outside of them, in the manner that may be decided by the General of the

said Society; and it is the wish and desire of the said Founders that, in it, there be a chapel where divine worship will be conducted and their bodies interred, and that the Masses there celebrated be for their souls, according to the usage of the Society in respect of founders and benefactors, and that, if the said Colonel William Semple and D María de Ledesma, his wife, should die before the arrival of the seminarists or the construction of the chapel, their remains be deposited in the church or monastery which shall be nominated and later be transferred to the said Seminary and its chapel, where the aforementioned bodies should be placed with the respect due to the quality of their persons, and with their arms and titles.

In the said Seminary, there has to be the number of students able to be supported on the income of the endowment, they have to be Scottish by birth, preferably those of superior character and virtue and those who promise more fruit in the welfare of souls, and they have to spend whatever time may be necessary in studying Grammar and Philosophy, Theology, Controversies and Sacred Scripture, so that, when they are well versed in all of these, they may proceed to the said Kingdom of Scotland to preach the Gospel and convert the heretics, tasks in which they have to occupy themselves; and, when they leave the said Seminary for this purpose, others are to be received in their place having the same end, and thus the matter will continue for as long as the aforesaid conversion may require.

The direction of the said Seminary and the instruction of the students are to be in the charge of those members of the Society of Jesus whom the Provincials, for the time being, of this Province of Toledo may designate and, for the present, the Founders nominate in the first place Fr. Luis de la Palma, present Provincial of the said Society, and desire that, for as long as he may live, he undertake the supervision and administration, in order to ensure the carrying out of this foundation in a proper and complete fashion; they further desire that his Paternity nominate the Religious and Seculars who are to assist in the said Seminary in its direction and in the teaching and for the correspondence and messages with Scotland, and that he may remove and take away, and designate and appoint others in their place; and, after the demise of the said Fr. Luis de la Palma, the same will be done by the Provincials of the Society in the said Province, each in his time.

The Founders constitute, as the endowment for the said Seminary and its expenses, their principal houses earlier described, with the permanent and temporary debts with which they are burdened; and, since they have the wish and desire to extinguish the said permanent financial burdens, giving to their holders others equivalent in their place, they wish, in the event of their not achieving this, that the said Fathers Provincial of the Society, and to whichever of them pertains the governance of the said Seminary, may do this and accomplish it on behalf of the said Founders, and, moreover, that they arrange that the living space which is not required for the Seminary in the aforesaid houses be used in such a way that the rents may redeem the temporary burdens that exist and that, once these are extinguished, the said Seminary may enjoy the income and profits of the rents.

Moreover, they donate and apply, for the use of the said Seminary, the five hundred ducats of annual rent that His Majesty, on the request of the said Colonel Semple and with the Bulls of His Holiness, has been pleased to assign to him in perpetuity from the revenues of the Bishopric of Cadiz; also one thousand nine hundred ducats of annual rent with which, by various decrees, His Majesty has favoured the said Colonel William Semple "for one lifetime", the lifetime in question to be that of a person who survives the said Colonel William Semple and whom he will designate when

it seems good to him; and if, for any reason, he omits to make this designation, then he nominates Fr. Hugh Semple of the said Society of Jesus so that, during his lifetime, the said Seminary may enjoy the aforementioned income; and, since this Foundation is at the service of our Lord, the said Founders, being assured of the profound goodness of His Majesty, humbly beg that he perpetuate or prolong this income of the said Seminary for as long as may be his will. In addition, they apply to it all the other goods, rights and income that they possess or that may or ought to pertain to them, without reservation; nor do they exclude anything, so that all that they possess has to be, and is, for the said Seminary and the greater Increase of its endowment.

The said Founders reserve a life interest in the whole property, which, if he survives the said D^a María de Ledesma, the said Colonel William Semple may enjoy in its entirety; and, if she should survive him, she will enjoy, while she lives and from the day that the said Colonel dies, eight hundred ducats a year from the one thousand nine hundred ducats of rent with which His Majesty, by various decrees, has favoured Colonel William Semple for a lifetime, which last, as has been said, will be designated. And in order that the said D^a María de Ledesma may make arrangements for her soul and for such other matters as may seem necessary to her, the said Colonel grants her, for once only, a further five hundred ducats of the revenue for the year following the death of the said D^a María de Ledesma. And if the said Colonel William Semple, in his will or in any other contract, should leave, to be applied after his death, any sums, for a lifetime or for a limited period, to other persons, ordering payment to be made from the aforesaid one thousand nine hundred ducats or from any other income of his estate, this has to be fulfilled and paid and, if omitted, it is to be added to the debts of the said Seminary.

Although, during their lives, the Founders reserve to themselves the power and faculty that, if both consent and only thus, they may revoke, change or alter this disposition, or renew it and add further amendments, conditions or declarations, with extra force and firmness as they think fit, on one or more occasions, nevertheless, what they finally leave settled must be observed and fulfilled as if it were declared and established here and, on the death of the said Colonel William Semple, the aforementioned reservation is to cease and the foundation is to remain irrevocable and to be put into effect from thence forward, without anything being done which is contrary to what is contained in it; and if anything should be done, it will have no value or effect. If the said D^a María de Ledesma should die first, the said Colonel William Semple is not permitted to revoke this disposition, but, for its better accomplishment, he may make, on one or more occasions, whatever declarations, improvements and amendments he should desire, which will be observed and fulfilled as therein laid down. It is also permitted that, after the death of the said Founders, Fr. Luis de la Palma as long as he lives and, later, the Provincials of the Province of Toledo, each in his own time, may extend, amend or improve this Foundation and Endowment, on one or more occasions, as seems to them conducive to its better accomplishment and perpetuation, and may also declare the date from which such have to begin to be put into practice; and whatever they do must be observed and fulfilled as if it were here included and affirmed.

As permanent Patron of the said Seminary, they nominate His Excellency, Don Gaspar de Guzmán, Count of Olivares, Duke of San Lucar la Mayor, Marquis of Elche, Knight Commander of Alcántara, head of the Council of State and of War, Captain General of the Spanish Cavalry, Grand Chancellor and Permanent Keeper of the Records of the Indies, Governor of the Royal Fortresses and Arsenals of the City of Seville, etc. And once the long days and life of His Excellency have come to an end, they

nominate the successors in perpetuity of his house and estates, with th right of patronage, honours, qualities, prerogatives and such other pre-eminences as pertain to His Excellency in the English College of St. George in this city of Madrid, without any reservation whatsoever.

In the form above stated, they found and endow the said Seminary and apply to it the said goods, rights and income; and, with the aforesaid reservations, they separate themselves from their property and cede and transfer it to the said Seminary, giving it possession, and authority to assume possession, in the meanwhile and for all future time, constituting themselves its tenants and possessors without security; and, as a sign and title of the aforementioned possession, they execute in favour of the Seminary the present document, by means of which it has been shown to have acquired possession, without any further notice being required. Furthermore, they make a gift of the said goods to the Seminary for the effecting of the said Foundation and Endowment, a gift which is truly such and nothing more, perfect, irrevocable and known as "*inter vivos*", with the seals, requirements and solemnities necessary for its legal convalidation, since they do not have obligatory heirs, either ascendant or descendant, so that neither such, nor any one of such, nor any other person, by right or in any other manner, during his life or after his death, can in any way prevail against that which is said here or can ask or claim the said goods or part of them. And whatsoever may be attempted contrary to this will have no value or effect.

Nevertheless, the document is to be followed and fulfilled according to the declaration made in it. Therefore, they oblige their said goods, whether already possessed or to be possessed, and, for execution o this, they empower the Justices and Judges of His Majesty of whatever sections they may be, to whom they submit themselves and renounce their own right, jurisdiction, domicile and the law *Si convenerit de iurisdictione omnium iudicum*, so that, by all the methods and forces of the law and in the shortest and most effective way, they may be compelled and obliged, by a definitive verdict of the competent judge passed on the matter in question, to fulfil that which is decreed. They renounce the laws which are to their advantage and declare that anything averred will have no validity if contrary to what is affirmed here.

In particular, the said lady, Da María de Ledesma, renounces the assistance and rights of the laws of *Veliano senatus consulto* and the new constitution, with those of *Partida y Foro* and the rest that are to the advantage of women, in so far as, by them, it is decreed that no woman can be obliged to that which is not useful or of benefit to her; aware of what these contain, she sets them aside from her favour. And moreover, since she is married and because of the nature of this document, which, for its greater convalidation, requires an oath, she has sworn and promised by God, our Lord, and by his holy Cross, made in the following way + according to the law and with the fingers of her right hand (of which I, the notary here present, do attest), and by the words of the four holy Gospels, that she will observe and fulfil and maintain unchanged the contents of this document without objection or contradiction, neither contesting it, nor alleging even the greatest hurt, persuasion, force or deception, nor any other reason or cause against it, so that it is drawn up and executed by her free and agreeable pleasure, being certain of all her rights and also of that which, in this matter, is the better thing to do, yea, with complete assurance that there will follow known benefits and advantages to her, since this is a work of such service for our Lord and the good of her soul; and fully aware of having been left, for the rest of her life and if she survives her husband, eight hundred ducats of rent, which she acknowledges to be a quantity sufficient for a widow's state and the adequate fulfilment of her obligations, especially because, since she brought no dowry or other

rights, the goods which they have and enjoy at present belong to the said Colonel William Semple and proceed from payments and favours of His Majesty, explicitly given for military and similar services. Thus she affirms, subjoining that no profits or income from these goods pertain to her, and that, if, without denying what is said, she should make any objection or contradiction, it will have no value or effect, nor will such be heard or admitted, in judgment or out of it.

In order that such conduct would be recognised as a profanation of the oath and as subject to the other penalties established for it in law or under the same oath, I, the notary here present, attest that once again she promises and did promise that she will seek neither remission nor relaxation of the contents of this document from any judge or prelate, no matter what power and faculty he may have to grant it to her; and, albeit of his own decision or in any other manner, such be conceded to her, she shall not make use of it, and she swears this, as many times as the said remission or relaxation may be granted and one time more, that the document will always remain as sworn. Furthermore, she acknowledges and declares that she has made no objection or protest against what is declared here, either in public or in private, either in writing or in word or in any other form, and, if it appears that she has done so, she revokes the same and regards it as of no value or effect. She declares that she has not made use of any obstructing or repealing clause of greater or less value, or any words or sayings in Latin or in Spanish, or in any other form other than those which promise irrevocability; and that anything of that nature has to be and is renounced and changed, as if it had not been done or approved.

In testimony of what is here said, this document is executed and signed by both husband and wife, whom I, the notary here present, testify that I know, the witnesses being Garcia de Ayala and Nicolás García and Bartolomé de Jaurea and Francisco Alvarez and Pedro Hut Esven, residents of and in this city of Madrid.

William Semple

D^a Maria de Ledesma

This took place in my presence.

Esteban de Liaño.

Note for Appendix I

1. This translation of the Spanish is made from an authenticated copy of 1778. (College archives 30/9.) The original Spanish text is reprinted in *Miscellaneous Papers Principally Illustrative of Events in the Reigns of Queen Mary and King James VI* (Maitland Club, no. 26, 1834), pp. 111-120.