

SUMMARY: The document below is the indenture dated 13 December 1574 by which the Master and Fellows of Magdalene College, Cambridge, conveyed their messuage and garden called the great garden or covent garden of Christchurch to Queen Elizabeth in return for an annual rent of £15 on condition that she reconvey the property by letters patent under the Great Seal of England to Benedict Spinola by 1 April 1575. Since the Master and Fellows were prevented by their statutes from selling the property, this procedure legally cleared the title by transferring it to Spinola through letters patent from the Queen.

The background to the indenture below is described in the entry for Roger Kelke in the online edition of *The Dictionary of National Biography* as follows:

*In January 1575 Kelke wrote to Burghley, assuring his patron that the 'College have acted according to your request respecting Mr Spinola'. On 13 December, 'the most important date in [Magdalene's] entire history' (Cunich and others, 215), the college granted to the queen, for an annual rent-charge of £15, 7 acres of freehold land in the parish of St Botolph, Aldgate, London, part of the endowment bequeathed by Thomas Audley, Baron Audley, in 1544; the grant was conditional upon a conveyance by 1 April 1575 to Benedict Spinola, a Genoese moneylender. Though satisfactory in the short term, the disastrously improvident nature of the deal rapidly became apparent as Spinola developed the land and sold it to Edward de Vere, seventeenth earl of Oxford. Subsequent generations' attempts to recover the endowment as unlawfully alienated were to no avail, and for centuries Magdalene's problems were to be quintessentially financial.*

Indentura inter Dominam Reginam et Rogerum Kelke & alia

This indenture made the thirteenth day of December in the seventeenth year [=13 December 1574] of the reign of our Sovereign Lady Elizabeth, by the grace of God Queen of England, France, and Ireland, Defender of the Faith, etc., between our said most Sovereign Lady the Queen's most excellent Majesty of thone party, and Roger Kelke, Doctor of Divinity and Master, and Fellows of the College of Saint Mary Magdalene in the fair University of Cambridge of thother party;

Witnesseth that the said Master and Fellows for divers considerations them thereunto especially moving have given and granted and by these presents do give and grant unto our said Sovereign Lady the Queen all that their messuage and garden commonly called the great garden or the covent garden of Christchurch with th' appurtenances set, lying, and being in the parish of Saint Botolph's without Aldgate, London, to have and to hold the said messuage and garden with th' appurtenances to our said Sovereign Lady the Queen, her heirs and successors, forever, yielding and paying therefore yearly to the said Master and Fellows and to their successors at the feast of Saint Michael th' Archangel fifteen pounds of good and lawful money of England, and if it happen the said yearly rent of fifteen pounds or any parcel thereof to be behind unpaid in part or in all after the said

feast by the space of threescore days in which the same ought to be paid, that then and at all times after it shall be lawful to the said Master and Fellows and their successors to enter into the said messuage and garden and other the premises and there to distrain, and the distresses there so taken to lead, drive and carry away and with them to withhold until the said yearly rent of fifteen pounds and th' arrearages thereof, if any then shall be, shall be to the said Master and Fellows and to their successors fully satisfied, contented and paid;

Provided nevertheless that if our said Sovereign Lady the Queen, her heirs or successors, shall not sufficiently convey and assure by letters patent under the Great Seal of England the said messuage and garden with th' appurtenances unto one Benedict Spinola, gentleman, merchant of Genoa, and to his heirs before the first of April next after the date of these presents, that then this present indenture and every clause(?), grant and article therein contained shall cease and be utterly void and of none effect, anything in these presents to the contrary in any wise notwithstanding, and that then and from thenceforth it shall and may be lawful to and for the said Master and Fellows and their successors into the said messuage and garden and other the premises to re-enter and the same to have again and repossede as in their former estate, anything in these presents to the contrary in any wise notwithstanding;

In witness whereof to thone part of these indentures remaining with our said Sovereign Lady the Queen the said Master and Fellows of the said College of Saint Mary Magdalene within her Highness' University of Cambridge have put their common seal, and to thother part of the said indentures remaining with the said Master and Fellows our said most dread Sovereign Lady the Queen hath caused her Highness' Great Seal of England to be set the day and year first above written.

Et memorandum quod vicesimo sexto die Ianuarii Anno suprascripto quidam Roulandus Broughton de Interiori Templo generosus legittime et sufficienter auctorizati ac Attornati supranominatorum Magistri et Sociorum Collegij predicti venit coram dicta Domina Regina in Cancellaria sua et recognovit Indenturam predictam ac omnia et singula in eadem contenta et specificata in forma supradicta.

[=And be it remembered that on the twenty-sixth day of January in the year above-written a certain Roland Broughton of the Inner Temple, gentleman, lawfully and sufficiently authorized, and attorney of the abovementioned Master and Fellows of the foresaid College, came before the said Lady Queen in her Chancery and acknowledged the foresaid indenture and all and singular in it contained and specified in the form abovesaid.]

[This is a true copy from the original record remaining in the Chapel of the Rolls, having been examined. John Kipling.]