

Scotland's People

Transcription

Source: Scotland's People

Assisted by: Claude AI

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Claude

Malcolm Fleming, Commendator of Whithorn

Testament Datiue and Inventar, 1569 – partial transcription and summary

Edinburgh Commissary Court, CC8/8/1, images 463–465

Please read this first. The hand on these three images is a very rapid, heavily contracted secretary hand, and at the resolution available I could read it only in fragments. The transcription below therefore gives only what I could read with some confidence, in [square brackets] where doubtful, with [illegible] for everything else; it is not a complete diplomatic transcription and the figures in particular could not be read. Nothing has been filled in from standard formulas. Treat it as a skeleton to be corrected against the images, which are included in full.

Item	Detail
Deceased	Malcolm Fleming, Commendator of Whithorn ("Quhitherne") Priory, Wigtownshire; died 1569 (the year is readable in the heading; the day and month could not be read). Illegitimate son of John, 2nd Lord Fleming (per your note).
Record	CC8/8/1, Edinburgh Commissary Court; ScotlandsPeople images 463–465; pencil folio numbers 233/234 and 463/464/465.
Not transcribed	The lower half of image 465 is a different testament (marginal heading "Thomas Crau[ford?]", 1569) and is not Fleming material.
Conventions	Original spelling kept; abbreviations not expanded; [?] = doubtful; [illegible]; "/" marks an approximate line division only, since individual line breaks could not be reliably kept.

1. Summary

What can be said with reasonable confidence from the structure of the document and the readable words:

- **Form.** A testament datiue (the heading reads “testiment datiue and Inventar of the gudes geir dettis and sowmes of money”) of the deceased Commendator of Whithorn, confirmed by the Commissaries of Edinburgh. “Datiue” means no testament had been left and an executor was appointed by the court.
- **Estate.** The inventory is short (about a dozen lines on image 463) and appears to consist of grain and teind meal (“teind meill”) from the kirk and lands of Whithorn, with a place-name read as “Cungiltoun” or “Congiltoun” [?] (it is clearly not Cumbernauld, as you noted). I found no household goods, plenishings or livestock list. The “Summa of the Inventar” follows, but its figure is not readable.
- **Debts owing to the deceased.** The headed section “Followis the dettis awing to the deid” runs from the foot of 463 onto 464 and consists of repeated entries for teind meal (“the teind meill of the kirk”) owed from named lands or tenants over several years; names and amounts could not be read. It ends with “Summa of the dettis awing to the deid” and a “Summa of the Inventar with the dettis” (figures in ‘m’/‘c’ notation, not readable).
- **Debts owing by the deceased.** “Followis the dettis awing be the deid”: an entry for money owed by “the said Reverend Father” to a creditor read as “Johne Stewart” [?], followed by several short entries with sums; then “Summa of the dettis awing be the deid” and “Rest of fre geir the dettis awing be the deid deducit”, each with a total I could not read.
- **Composition.** The left margin of 464 carries “Compositio” and a short note of the payment [illegible], as is usual when the executor pays the commissary dues.
- **Confirmation.** From the foot of 464 into the top of 465 the Commissaries of Edinburgh confirm the testament. I could read the name of “Johne lord Fleming” (almost certainly John, 5th Lord Fleming, the nephew) in this section, which suggests he was named as executor or the person in whose favour confirmation was given; I could not read the exact wording, so this is an inference and should be checked.

Executors, legatees and heirs

Not securely established. John Lord Fleming appears in the confirmation (see above). No legacies are legible; as a datiue testament there would normally be none.

2. Contents and values

Values could not be read, so the figures are left blank rather than guessed. The classes of item are those I could identify.

Section	Items identified	Value
Inventory (463)	Grain / teind meal of the kirk and lands of Whithorn; place-name “Cungiltoun” [?]	[illegible]
Summa of the Inventar (463)	—	[illegible]
Debts owing to the deceased (463–464)	Teind meal due from named lands/tenants, several years	[illegible]
Summa of debts owing to the deceased (464)	—	[illegible]
Debts owing by the deceased (464)	To “Johne Stewart” [?] and others	[illegible]
Summa of debts owing by the deceased (464)	—	[illegible]
Rest of free geir (464)	—	[illegible]
Composition (464, margin)	—	[illegible]

3. Images and partial transcription

Image 463 – First page of the testament

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 463 Last image 465
©Crown copyright, National Records of Scotland. Image was generated at 06 October 2026 03:10

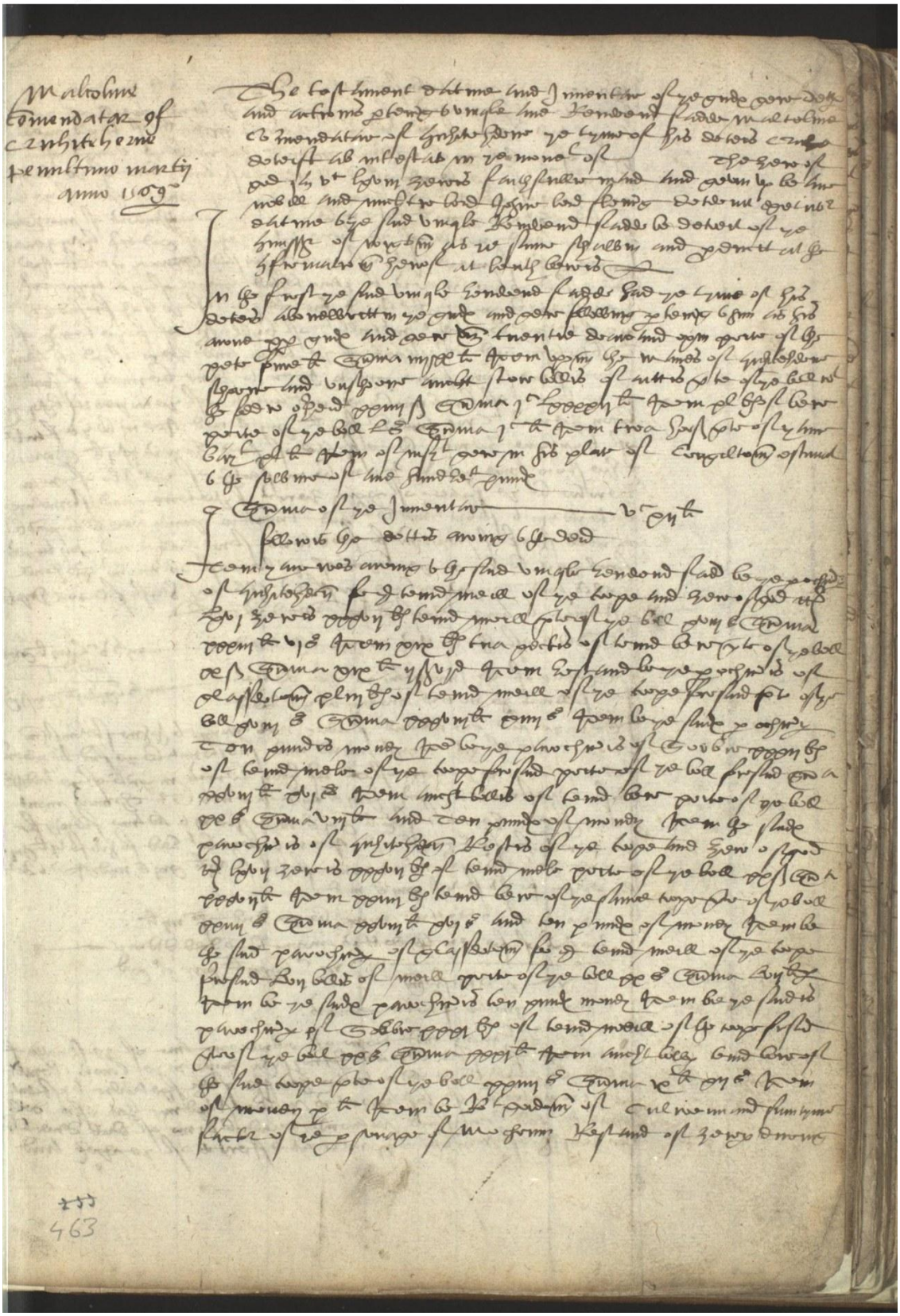


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

[Margin, top left:] [Malcolme] / [Commendatar of] Quhitherne [?] / [illegible] marti [?] anno 1569 [?]

The testiment datiue and Inventar of the gudes geir dettis
and sowmes of money [pertening to] umquhile [illegible] [Co]mendatar
of Quhitherne [illegible] the monetht of [illegible]
[illegible] the zeir of God [Im vc lxix?] zeris [illegible]
[illegible] nobill and michtie lord Johne lord Fleming [illegible]
[illegible]

In the first ye said umquhile [Comendatar] had ye tyme of his
[deceis] the gudes and geir following to wit [illegible]
[illegible] teind meill of ye kirk [illegible]
[illegible – about eight further lines of inventory, teind meill, "Cungiltoun" [?], sums not readable]

Summa of ye Inventar – [illegible]

Followis ye dettis awing [to] ye deid
Item [illegible – c. ten lines of debts for teind meill, names and sums not readable]

Image 464 – Second page: debts, composition, confirmation

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 464 Last image 465
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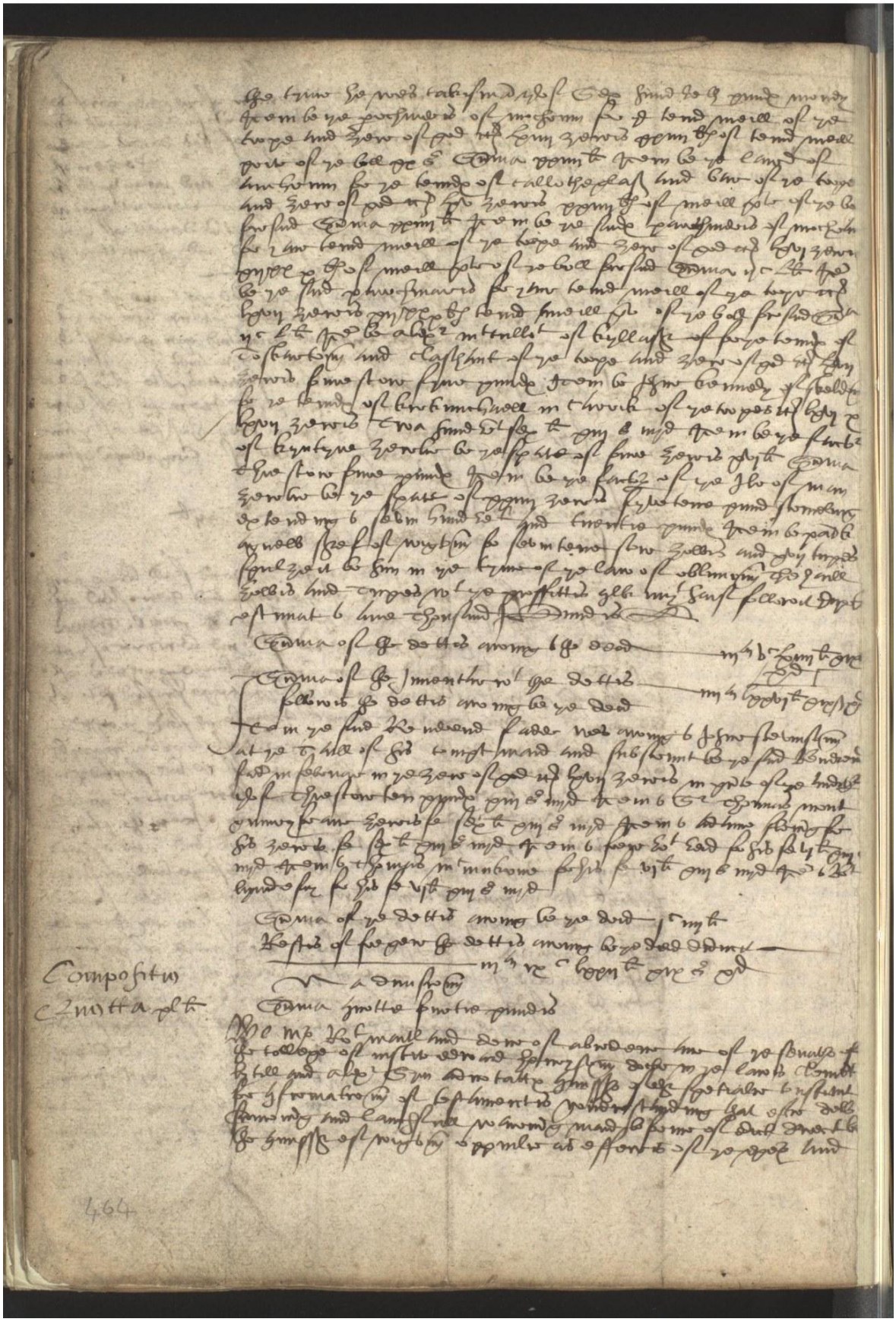


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

[illegible – continuation of the debts owing to the deceased, c. 17 lines: teind meill of ye kirk / ye lands of [illegible] / ye zeir [illegible]]

Summa of ye dettis awing to ye deid – [illegible]
Summa of ye Inventar wt ye dettis – [illegible]

Followis ye dettis awing be ye deid
Item to ye said Reuerend fader [wes] awand to Johne [Stewart?] [illegible]
[illegible – c. six lines of debts and sums]

Summa of ye dettis awing be ye deid – [illegible]
Rest of fre geir ye dettis awing be ye deid deducit – [illegible]
[Margin:] Compositio / [illegible]
Summa [illegible]

The M[r] [illegible] and [illegible] of Abirdene [?] [illegible] ye comissaris
[of Edinburgh – illegible] [… c. 4 lines, confirmation begins; illegible]

Image 465 – Third page: end of confirmation; separate testament follows

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 465 Last image 465
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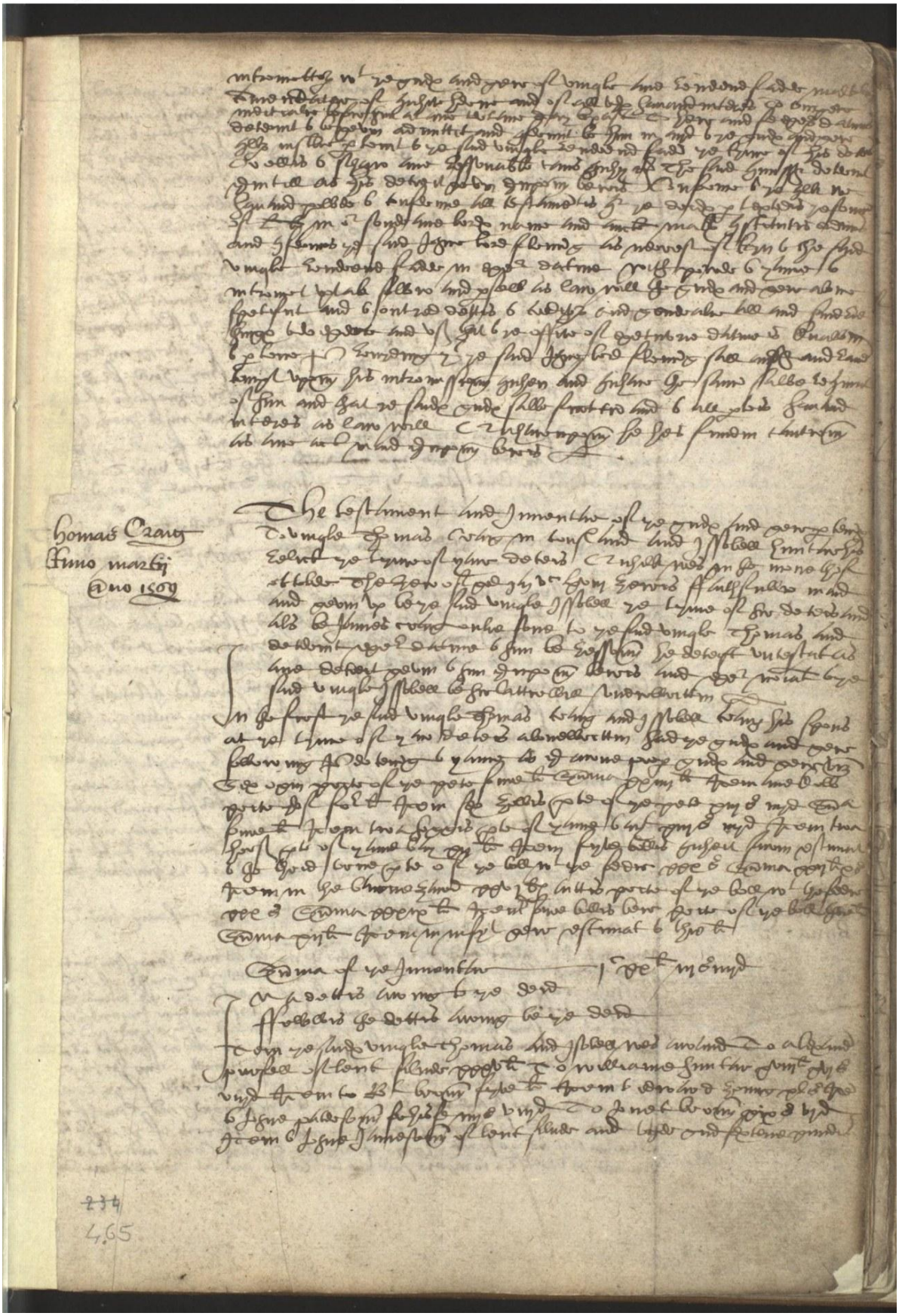


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

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[illegible] ye gude and geir of [umquhile] [Co]mendatar [?]
[illegible – c. 9 lines of the confirmation: executor / cautioner / "Johne lord Fleming" read
at the 6th line]

[Margin:] Thomas Crau[?] / Anno marti[j] / anno 1569
The testiment and Inventar of ye gudes and geir of vmquhile Thomas Crau[ford?] …
[the remainder of the page is a different testament and is not transcribed]
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. Readings to check

- The place-name in the inventory on 463 (read “Cungiltoun/Congiltoun”): possibly a place in Galloway or a kirk name; no secure identification.
- Name of the creditor on 464 (“Johne Stewart”?) and of the person described as “Reverend Father”.
- Whether “Johne lord Fleming” on 465 is executor, cautioner or simply the testator’s kinsman.
- All figures: none could be read. I recommend comparing the Summa lines on 463 and 464 directly against the images, or against a published edition if one exists (the Edinburgh testaments of this period were printed by the Scottish Record Society).

Malcolm Fleming, Commendator of Whithorn

The Second Testament, 1569 – partial transcription and summary

Edinburgh Commissary Court, CC8/8/1, images 591–595

Please read this first. As with the first testament, this is a rapid, heavily contracted secretary hand. The opening heading of the second testament, its concluding clause and the margin notes are legible enough to read with fair confidence; the long lists of tithe-meal debts, all the figures, and the confirmation clause are not. Anything doubtful is in [square brackets], [illegible] marks what I could not read, and nothing has been filled in from standard formulas. Treat the transcription as a skeleton to be corrected against the images, which are included in full.

Item	Detail
Deceased	Malcolm Fleming, Commendator of Whithorn (spelt “Quhitterne” / “Quhitherne”), Wigtownshire; died 1569; illegitimate son of John, 2nd Lord Fleming (per your note).
Record	CC8/8/1, Edinburgh Commissary Court; ScotlandsPeople images 591–595 (pencil folios 247 onwards).
Where it begins and ends	The second testament begins in the lower half of image 591 (heading, with the margin note “secundo Julij 1569”) and ends at the top of image 595. The upper half of 591 is the end of a different person’s testament, and the lower part of 595 begins another (margin “Johne M[?]gachell [?], secundo Julij 1569”); neither is transcribed.
Conventions	Original spelling kept; abbreviations not expanded; [?] = doubtful; [illegible]; “/” marks an approximate line division only, because individual line breaks could not be reliably kept.

1. Why Malcolm has a second record

The heading of this record answers the question. As I read it, it is “The testament datiue and Inventar of ye gude geir sowmes of money and dettis pertening to vmquhile Malcolme Commendatar of Quhitterne omittit and left out of ye first Inventar testament be ane nobill and potent Lord Johne lord Flemyng …”. In other words it is a supplementary testament and inventory, covering goods and debts that had been left out of the first inventory (images 463–465, margin date “penultimo Martij anno 1569”, which I read as 30 March 1569) and were brought in afterwards. The margin note of this record reads “Malcolme Commendatar of Quhitterne secundo Julij 1569”, i.e. 2 July 1569, about three months later.

That fits a known feature of Scottish testamentary practice: an executor who found, or had omitted, further moveable estate after confirmation had to give it up in an additional inventory and have it confirmed in a further testament (later formalised as the “eik”), usually with a further composition for the commissary dues, which is what the “Compositio” note in the margin of 594 appears to record. This is general background, not something I can read in the text. Why the second record was needed is borne out by its contents: the first testament’s inventory is short, whereas this one is a long schedule of arrears of teind (tithe) meal owed to the Commendator by tacksmen and intromitters with the teinds of the Priory’s parish kirks, which is just the sort of thing that surfaces only after a death, when the Priory accounts are examined.

ScotlandsPeople indexes each confirmed testament separately, so each of the two records appears under his name.

2. Summary

- **Form.** A second testament datiue and inventory of the estate omitted from the first inventory; executor datiue read as Johne Lord Flemyng (“nobill and potent Lord”, the grand-nephew John, 5th Lord Fleming, in all likelihood), who is named at the heading and again in the concluding clause on 595. The exact words giving his qualification (executor datiue, kin or other) are partly illegible.

- **Dates.** Margin: “secundo Julij 1569”. The date of death and of the testament itself could not be read.
- **Assets.** The inventory items on 592–594 are debts owing to the deceased, entered as arrears of teind meal (and some hay [?]) for the kirks and lands of the Priory’s parishes, set out by place, with the tacksmen/tenants and intromitters liable, the number of bolls and a money price. Place names and figures are mostly illegible. The names of parishes I could glimpse include Whithorn [?] and other Wigtownshire kirks, but I could not read them securely.
- **Debts owed by the deceased.** The section “Followis the dettis awing be ye deid” on 594 includes an item that appears to concern the sustentation of the ministers [“sustentatioun of ye ministeris”], and a further entry or two with sums; then “Summa of ye dettis awing be ye deid”, “Rest of fre geir ye dettis awing be ye deid deducit” (figure in m / c notation, illegible) and a further “Summa … pundis”.
- **Composition and confirmation.** Margin of 594: “Compositio” with a brief note [illegible]. The confirmation by the Commissaries of Edinburgh follows at the foot of 594 and the top of 595; the opening is read as “The Maisters Robert [Maitland?] Dene of Abirdene … and … Commissaris of Edinburgh”, a pairing that matches the commissaries of the period, but the names beyond that are not securely read.
- **Legatees.** None legible; as a datiue testament none would be expected.

3. Contents and values

Values could not be read, so the figures are left blank rather than guessed.

Section	Items identified	Value
Inventory (592–594)	Arrears of teind meal (and hay [?]) owed by tacksmen, tenants and intromitters, by parish / land, for several years	[illegible]
Summa of the Inventar with the dettis (594)	—	[illegible]
Debts owing by the deceased (594)	Sustentation of the ministers [?]; other items	[illegible]
Summa of the debts owing by the deceased (594)	—	[illegible]
Rest of free geir (594)	—	[illegible]
Composition (594, margin)	—	[illegible]

4. Images and partial transcription

Image 591 – Opening of the second testament (lower half)

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 591 Last image 595
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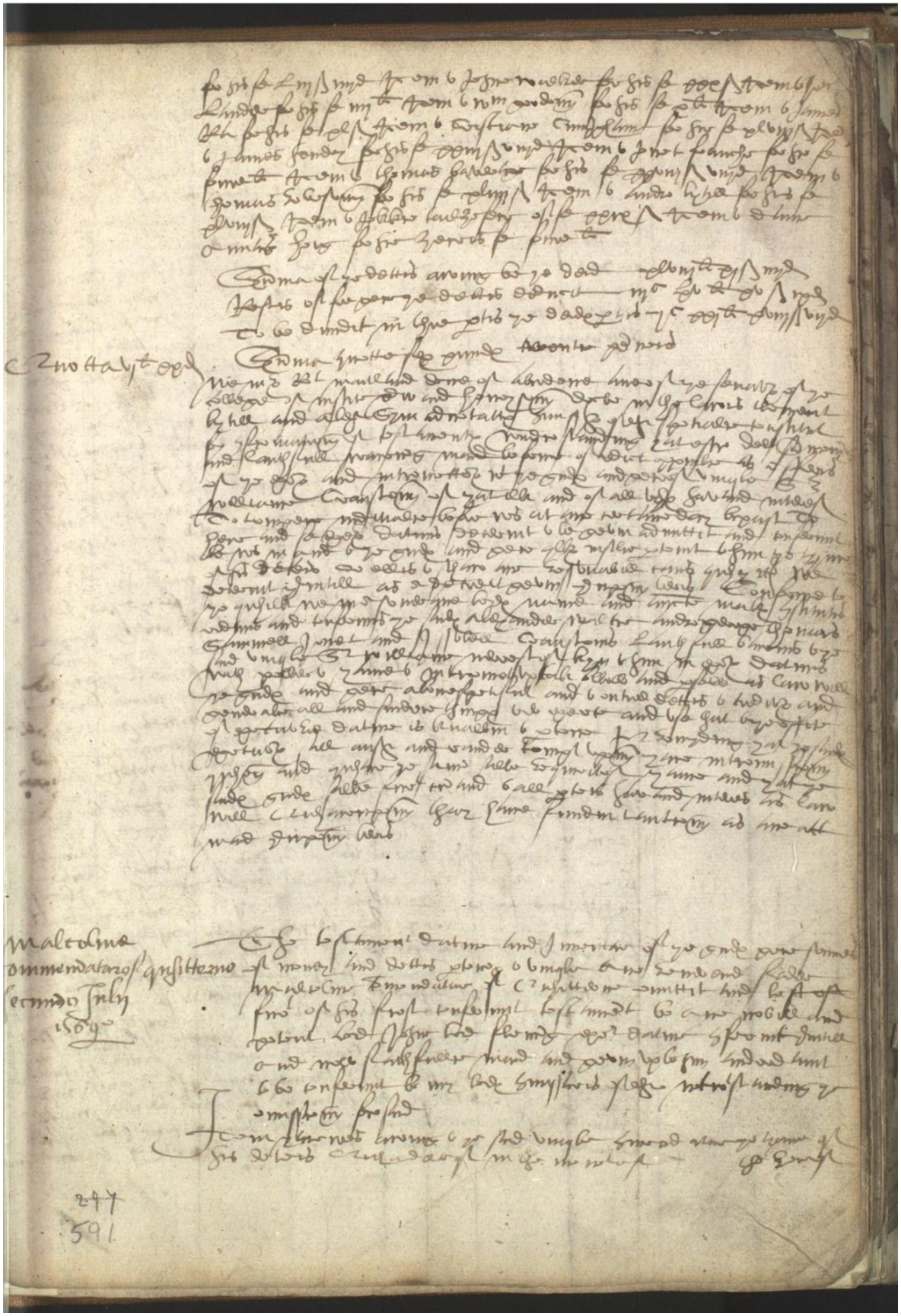


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

[Upper half of the page: the end of another person's testament – not transcribed]
[Margin:] Malcolme / Commendatar of Quhitterne [?] / secundo Julij / 1569

The testament datiue and Inventar of ye gude geir sowmes
of money and dettis pertening to vmquhile fader
Malcolme Commendatar of Quhitterne [?] omittit and left out of
ye first Inventar testament be ane nobill and
potent Lord Johne lord Flemyng [illegible] [illegible]
[illegible] [?] and [illegible] [?] and gere [?] [illegible] and [illegible]
[illegible] be ye [illegible] [?] [illegible] [illegible] [?]
Item [illegible] to ye said vmquhile Commendatar [?] at ye tyme of
his deceis [illegible] [illegible] [?]

Image 592 – Debts owing to the deceased: teind meal

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 592 Last image 595
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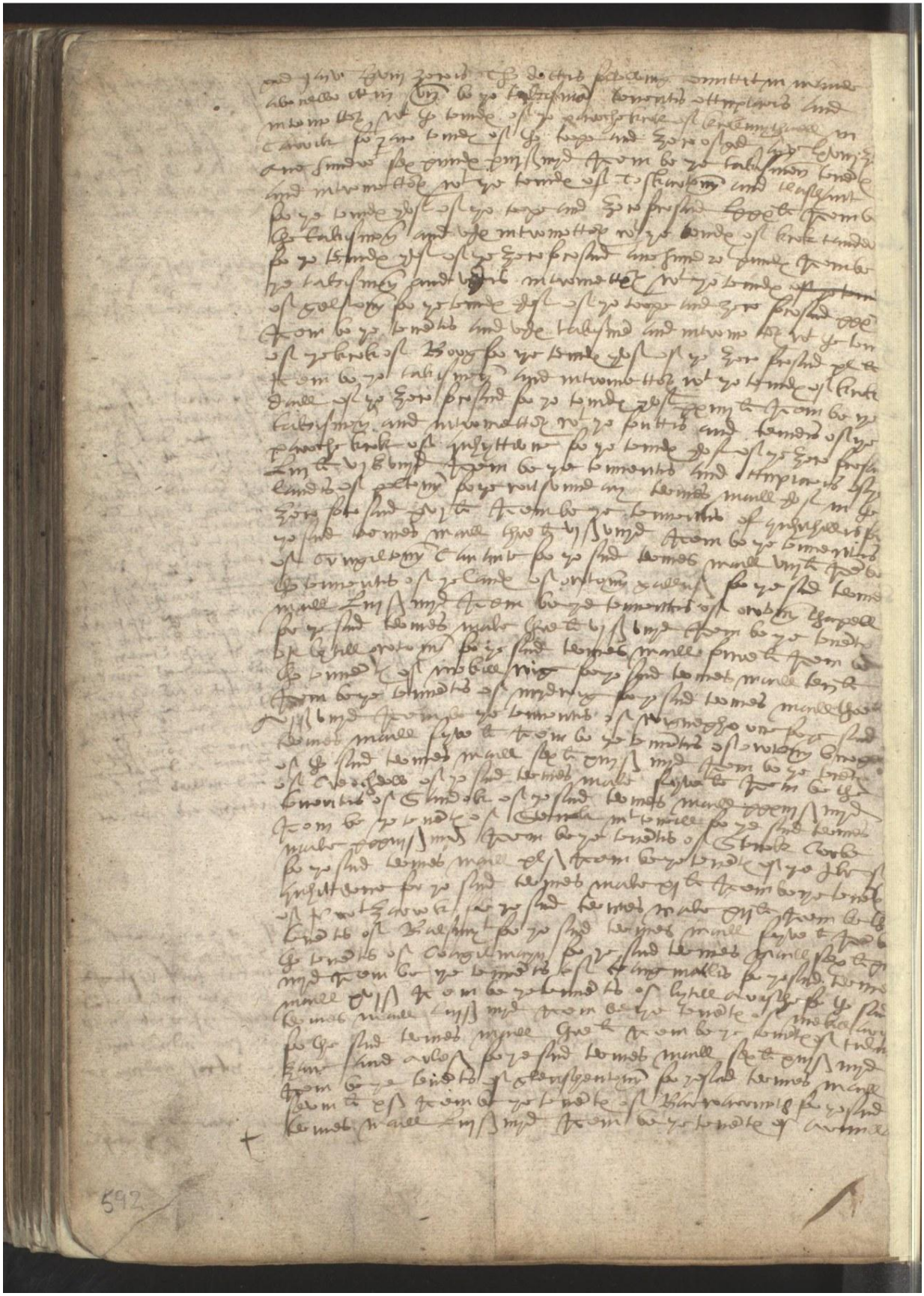


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

[illegible] ye dettis following omittit in [illegible]
[illegible] be ye tacksmen [tennentis?] [illegible] and
intromettoris wt ye teind of ye parochin kirk of [illegible]
[illegible] ye teind of ye corne and hay [?] of ye zeiris [illegible]
[illegible] fra ye tacksmen and intromettoris wt ye teinds of kirk [teind?]
[illegible]
[c. 40 further lines of the same pattern: "for ye said teind meill … fra ye tenentis of
[illegible] …",
with quantities and place-names, the greater part illegible]

Image 593 – Debts owing to the deceased (continued)

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 593 Last image 595
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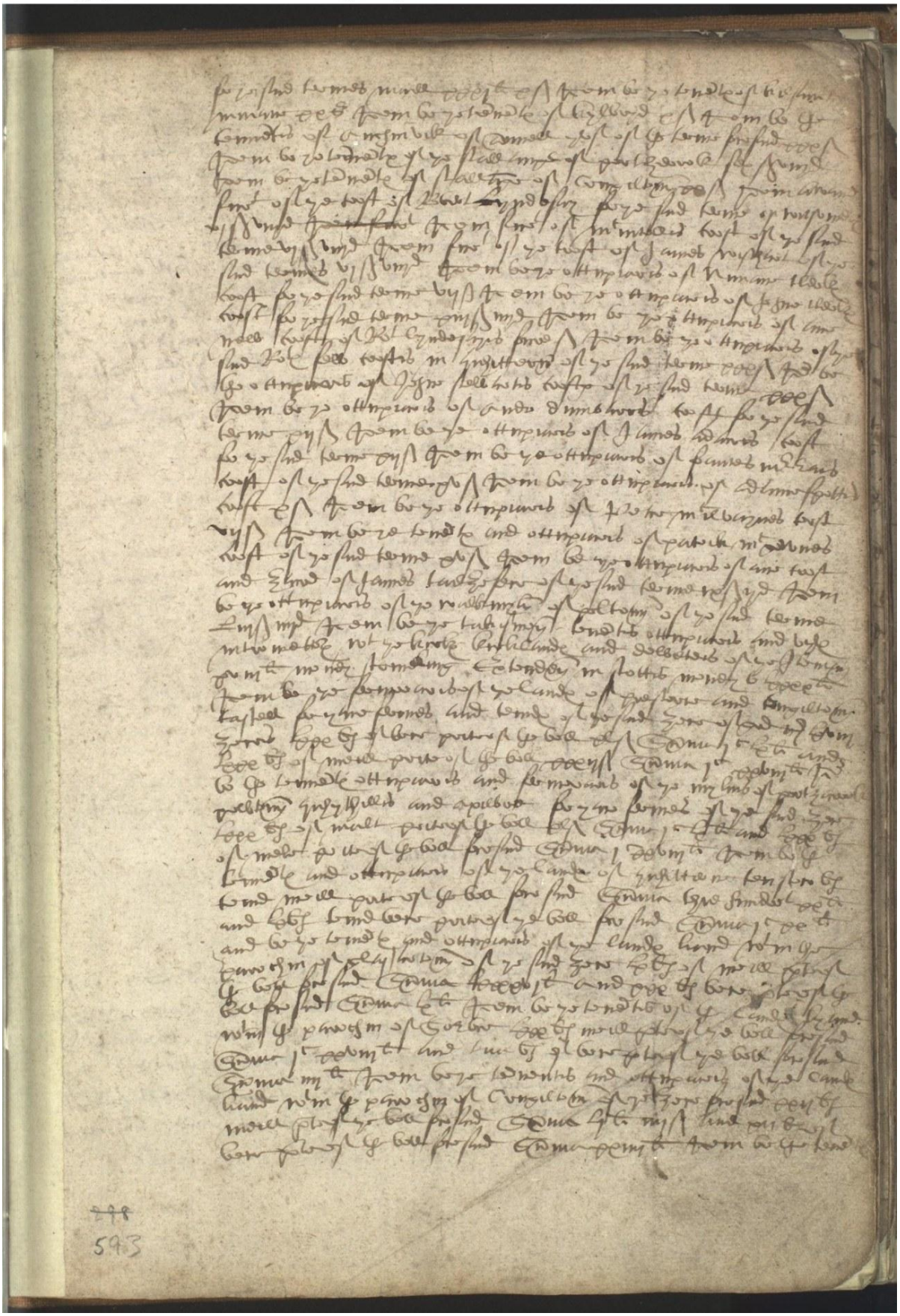


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

[Full page continuing the schedule: entries "fra ye … of [illegible] for ye said terme of [Whitsunday?] …",
with named tenants/intromitters (a James [Raykent?] and a Robert [illegible] can be made out), totals of bolls
and a money price for each parish; text almost entirely illegible at this resolution]

Image 594 – Totals, debts owing by the deceased, composition, confirmation

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 594 Last image 595
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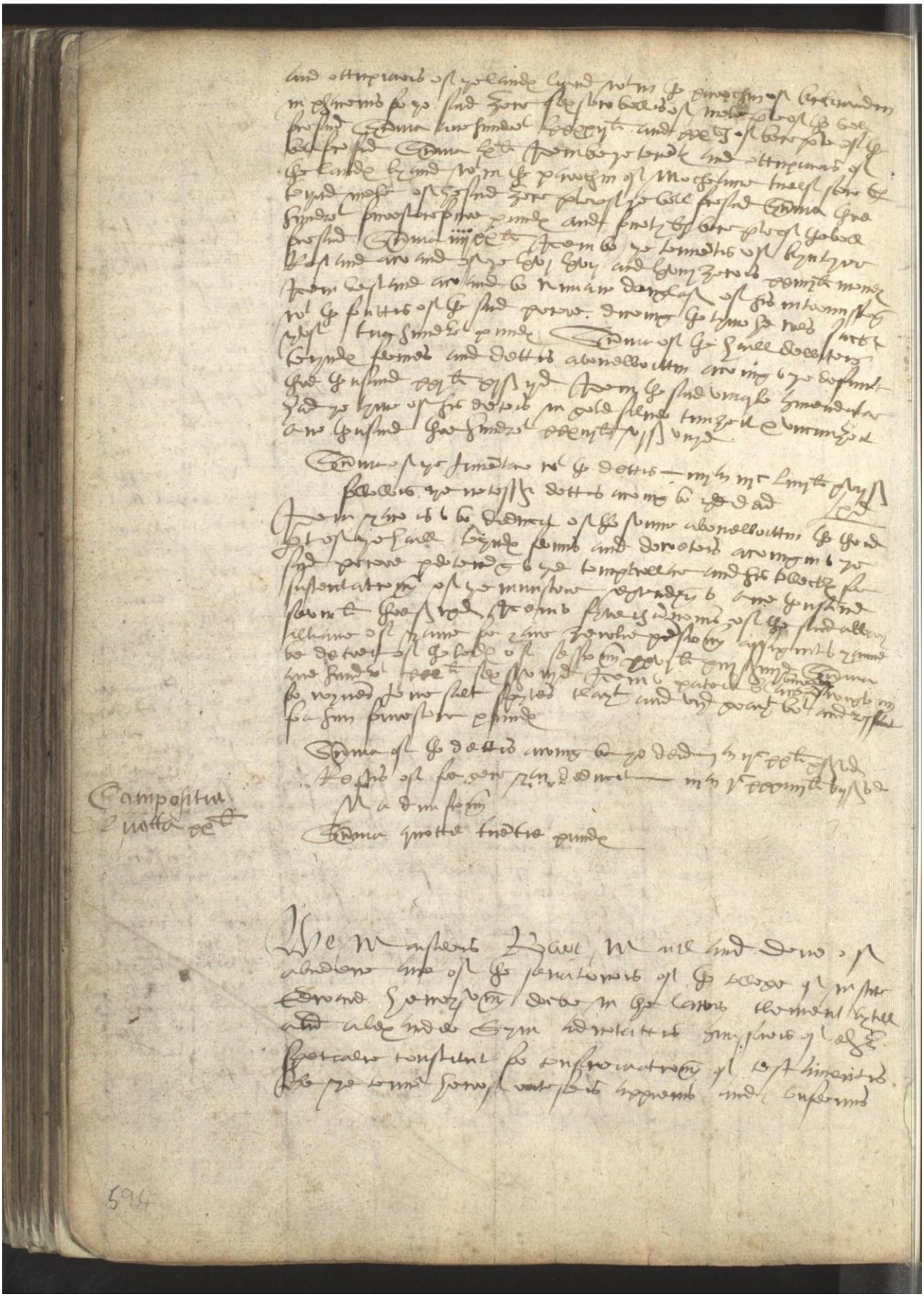


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

[illegible – end of the schedule of teind meal, c. 8 lines]

Summa of ye Inventar wt ye dettis – [illegible]
Followis ye [vnlawfull?] dettis awing be ye deid
Item [illegible] ye [?] [illegible] sustentatioun of ye ministeris [?]
[illegible – c. 4 lines of debts and sums]

Summa of ye dettis awing be ye deid – [illegible]
Rest of fre geir ye dettis awing be ye deid deducit – [illegible]
[Margin:] Compositio / [illegible]
Summa [?] [illegible] pundis

The Maisters Robert [Maitland?] Dene of Abirdene and [illegible]
[illegible] ane of ye Senatouris of ye College of Justice [?] [illegible]
[illegible] Commissaris of Edinburgh [?] [illegible – confirmation continues]

Image 595 – End of the second testament; another testament begins

1569 Fleming, Malcolme (Wills and testaments Reference CC8/8/1, Edinburgh Commissary Court) Image 595 Last image 595
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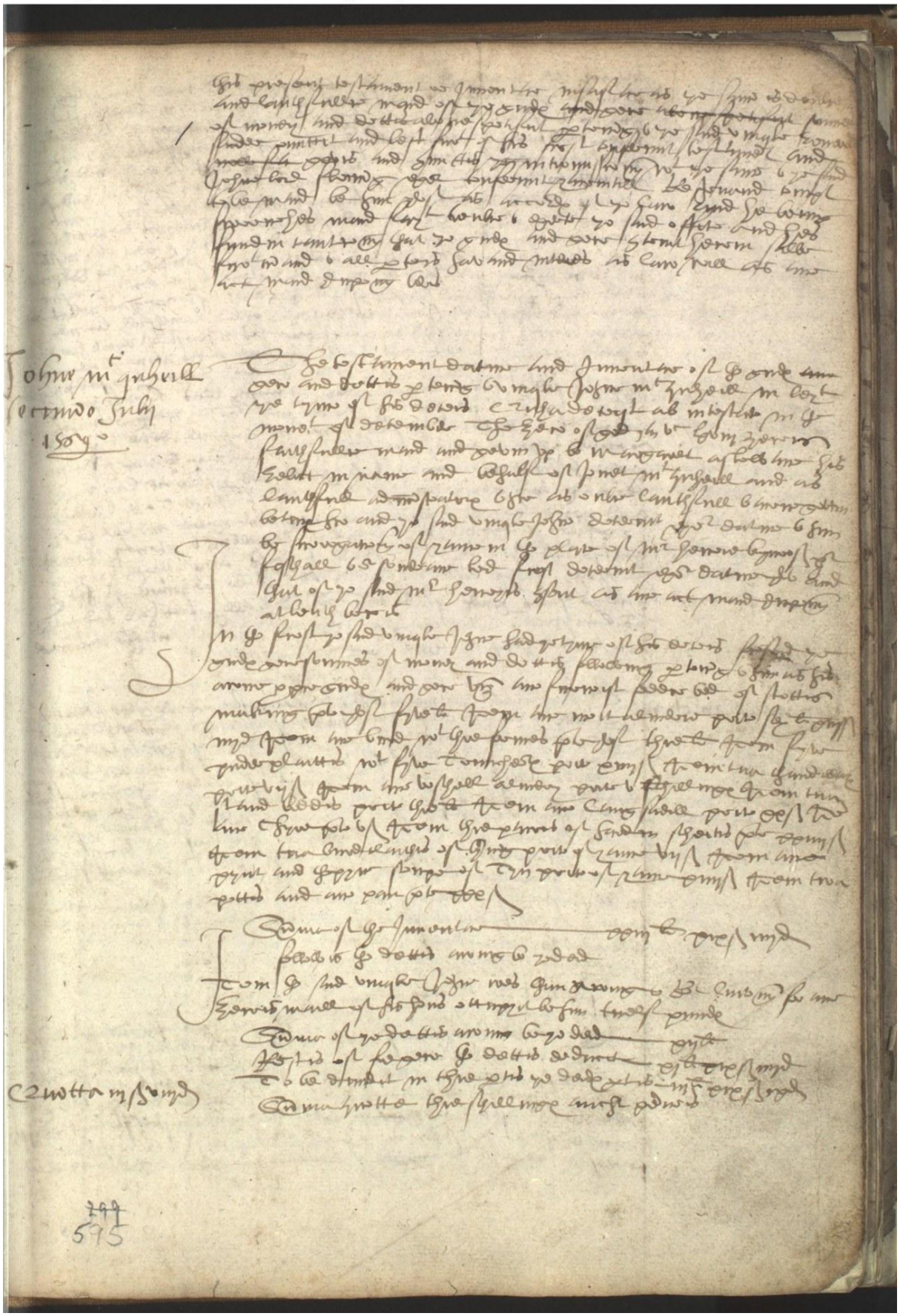


Image: ScotlandsPeople / National Records of Scotland (CC8/8/1) – reproduced for private research.

Partial transcription

[illegible] of money and dettis alsweill ye present [illegible]
[illegible] and left out of ye first Inventar testament and [illegible]
[illegible] Johne lord Flemyng [illegible]
[illegible] be him [illegible] [illegible]
[illegible] and [illegible] gude and geir [illegible] [illegible] all [illegible]
[illegible]

[Margin:] Johne M[?]gachell [?] / secundo July / 1569
The testament datiue and Inventar of ye gude geir and dettis pertening to vmquhile Johne M[?]
[illegible] …
[the remainder of the page is a different testament and is not transcribed]

5. Readings to check

- The date in the margin of 591 (“secundo Julij 1569”), and the margin note of 463 (“penultimo Martij”) used for the first testament.
- The exact words describing John Lord Fleming’s role (executor datiue?) in the heading of 591 and in the concluding clause on 595.
- The identity of the commissaries at the foot of 594 / top of 595, and the names of parishes and tenants on 592–594.

All figures. The Summa lines on 594 are the most