JAMES MICHAEL FLEMING WRITER

Summary

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Assisted by: Claude AI
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NATIONAL RECORDS OF SCOTLAND · CATALOGUE SUMMARY

GD150/1287, 1289 and 1294

The redemption of Kilbocho from the Flemings by the Earls of Morton, 1565-1594

Overview

Three files in the Papers of the Earls of Morton (GD150, 1250-1940) follow a single dispute across almost thirty years: the Earl of Morton's redemption of the lands of Kilbocho from the Flemings. All three are held by the National Records of Scotland, open and on site.

The Flemings held Kilbocho subject to a reversion, a right to buy the land back, granted by Malcolm, Lord Fleming. In 1565 James, earl of Mortoun, exercised that right against Jean Fleming, daughter and heir of James, Lord Fleming, who was then a minor under curators. The land was evidently not given up, because Morton went to court: he obtained a decree of redemption in February 1567/8 and royal letters ordering the return of Kilbocho a month later. In July 1594 his successor William, earl of Mortoun, was still securing the title. He obtained an official copy of the 1565 instrument and a finding that the redemption had been duly made, and John, Lord Fleming, Jean and her husband answered with letters of suspension of horning.

The three records

Reference	Catalogue dates	Contents in brief
GD150/1287	30 Jan 1564/1565-5 Jun 1565	Papers on the forewarning of Jean Fleming's curators for the redemption of Kilbocho (8 items)

Reference	Catalogue dates	Contents in brief
GD150/1289	8 Oct 1567	Summons wakening the suit of redemption; decree of redemption; royal letters commanding the return of Kilbocho
GD150/1294	13-19 Jul 1594	Decreets ordering a transumpt of the 1565 instrument and finding Kilbocho duly redeemed; letters of suspension of horning

Dates written 1564/5 or 1567/8 fall between 1 January and 24 March, when the Scottish year still began on 25 March. The second figure is the modern year.

Timeline

Date	Event	Record
Before 1565	Malcolm, Lord Fleming, grants a reversion over Kilbocho. He is dead by 1565.	GD150/1287
30 Jan 1564/5 to 5 Jun 1565	The curators of Jehane Flemyng are forewarned of the redemption.	GD150/1287
17 April 1565	Instrument of redemption and consignation: James, earl of Mortoun, redeems Kilbocho.	GD150/1294 (a)
8 Oct 1567	Catalogue date of the file; probably the summons wakening Morton's suit of redemption.	GD150/1289 (a)
24 February 1567/8	Decree of redemption by the Lords of Council in Morton's favour.	GD150/1289 (b)
24 March 1567/8	Royal letters command Jean Fleming and her tutors and curators to return Kilbocho.	GD150/1289 (c)
13 and 19 July 1594	Decreets for William, earl of Mortoun: transumpt of the 1565 instrument, and finding that Kilbocho was duly redeemed.	GD150/1294 (a)
29 July 1594	Letters of suspension of horning for John lord Fleming, Dame Jeane Flemming and John lord Thirlestane.	GD150/1294 (b)

GD150/1287: forewarning of the redemption, 1565

A file of 8 items, dated 30 Jan 1564/1565 to 5 Jun 1565. The catalogue describes them as papers relating to the forewarning of the curators of Jehane Flemyng, daughter and apparent heir of deceased James, lord Flemyng, for the redemption of Kilbocho, according to deceased Malcolm, Lord Fleming's reversion.

- **Forewarning:** the formal notice (premonition) that the holder of a right of reversion had to give before redeeming the land.

- **Curators:** the guardians who acted with a minor. Notice went to them because Jean was under age.
- **Reversion:** the written right to redeem. It had been granted by Malcolm, Lord Fleming, so the arrangement went back at least two generations.

The instrument of redemption of 17 April 1565, cited in GD150/1294, falls inside this file's date range, so these papers are the paperwork leading up to and following that redemption.

GD150/1289: suit and decree of redemption, 1567-1568

A file of three items. The catalogue dates the file 8 Oct 1567.

- **(a) Summons of wakening:** summons for the awakening of a suit of redemption by James, earl of Mortoun, against Jean Fleming, daughter of John, Lord Flemyng, and her tutors and curators, for the redemption of Kilbocho. The entry adds "[Two.]", presumably two summonses or two copies.
- **(b) Decree, 24 February 1567/8:** decree of redemption by the Lords of Council in favour of James, earl of Mortone, in the lands of Kilbocho.
- **(c) Royal letters, 24 March 1567/8:** letters to Jean Fleming, her tutors and curators, commanding the return of Kilbocho to James, earl of Mortone.

A suit was "wakened" when it had fallen asleep, that is, when no step had been taken in it for a year and a day. So Morton had already raised an action to have the 1565 redemption declared good, let it lie, and revived it in 1567. The decree and the royal letters show that he won and that the Flemings were still in possession in March 1567/8.

GD150/1294: transumpt and suspension, 1594

A file of two items, with catalogue dates 13-19 Jul 1594.

- **(a) Decreets of the Lords of Council and Session:** in an action by William, earl of Mortoun, against Archibald Myllar, notary, John, Lord Flemyng, and Jean Flemyng, lady Thirlistane. The court decerned a transumpt (an authenticated official copy, with the force of the original) of the instrument of redemption and consignation dated 17 April 1565. It also found that the deceased James, earl of Mortoun, duly redeemed Kilbocho from John, Lord Fleming, and Jean Fleming.
- **(b) Letters of suspension of horning, 29 July 1594:** at the instance of John lord Fleming, Dame Jeane Flemming lady Thirlestane and John lord Thirlestane her spouse.

An instrument of redemption and consignation usually records that the redemption money was offered and, not being accepted, was consigned (deposited) instead. That would fit the later history: the Flemings did not accept the redemption in 1565, and Morton had to go to court. Horning was the process of denouncing a person as a rebel for failing to obey a court decree, and letters of suspension stayed it. So in July 1594 the Flemings and Lord Thirlestane had been charged, or were about to be, and obtained a stay.

Points the catalogue leaves unclear

- **Jean's father in GD150/1289:** that entry calls her daughter of John, Lord Flemyng, where GD150/1287 calls her daughter and apparent heir of deceased James, lord Flemyng. GD150/1287 is the correct statement. The other is an error, in the catalogue or in the summons itself.
- **The date of GD150/1289:** the dates field gives only 8 Oct 1567, although items (b) and (c) are dated February and March 1567/8. The October date probably belongs to the summons in item (a).
- **The dates of GD150/1294:** the dates field and description give 13 and 19 July 1594, and item (b) is dated 29 July. The likeliest reading is that the two July dates belong to the decreets in item (a), which carry no date in the title, and that the suspension followed ten days later.
- **What the horning was for:** the entry does not say which decree or charge the Flemings were resisting in 1594, or on what grounds the suspension was granted.
- **The notary's role:** Archibald Myllar is named as a defender without explanation. In an action for a transumpt the holder of the original writ is normally called, so he may have held the 1565 instrument or the protocol book recording it.
- **The terms:** no entry gives the redemption sum, the date of Malcolm's reversion, or the reason the matter was still live in 1594.

Only the original papers would settle these points.

Details that may help identify the people

The catalogue gives names and titles only. The identifications below come from the dates and titles, not from the catalogue.

- Deceased Malcolm, Lord Fleming: Malcolm, 3rd Lord Fleming (died 1547), who granted the reversion.
- Deceased James, lord Flemyng: James, 4th Lord Fleming (died 1558), Jean's father.
- Jehane Flemyng, daughter and apparent heir of deceased James, lord Flemyng (1565), Jean Fleming (1567-8), Jean Flemyng, lady Thirlistane and Dame Jeane Flemming lady Thirlestane (1594): one woman throughout, Jean Fleming, daughter and heir of the 4th Lord, a minor in the 1560s and by 1594 wife of John Maitland, Lord Thirlestane, the Chancellor.
- John, Lord Fleming, in 1565: John, 5th Lord Fleming (died 1572), Jean's uncle. He is the John, Lord Fleming from whom Kilbocho was redeemed, and probably the “John, Lord Flemyng” wrongly given as her father in GD150/1289.
- John lord Fleming, in July 1594: John, 6th Lord Fleming, son of the 5th Lord, created Earl of Wigtown in 1606.
- James, earl of Mortoun: James Douglas, 4th Earl of Morton, later Regent (executed 1581). He is alive in the 1565 and 1567-8 papers and “deceased” in 1594.

- William, earl of Mortoun: the Earl of Morton in 1594, William Douglas of Lochleven.
- Kilbocho: presumably Kilbucho in Peeblesshire.
- The spellings used: Flemyng, Fleming, Flemming; Jehane, Jean, Jeane; Thirlistane, Thirlestane; Mortoun, Mortone.

Sources

National Records of Scotland, online catalogue:

- GD150/1287: https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/details.aspx?reference=GD150%2f1287
- GD150/1289: https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/details.aspx?reference=GD150%2f1289
- GD150/1294: https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/details.aspx?reference=GD150%2f1294

Summary based on the catalogue entries only, accessed 11 October 2026. The original documents have not been examined.