JAMES MICHAEL FLEMING WRITER

Transcription

Source: Scotland's People
Assisted by: Claude AI
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Patrick Fleming of Barochan

Testament Dative (1642) and Eik (1643) – partial transcription and summary

Glasgow Commissary Court, CC9/7/28: testament, images 921–922; eik, images 1035–1036

Item	Testament dative (5 Sept 1642)	Eik (23 Jan 1643)
Images	921–922 (folios 921, 922)	1035–1036 (folios 1035, 1036); the Fleming eik is on 1035 and runs to the top of 1036
Deceased	Patrik fleming of Barrochan, "in the parochin of [Killellan?]", died in July 1642 [month and year as read; doubtful]	The same man (marginal heading "Eik Flemyng of Barrochan, omittit till now")
Executor	Patrik fleming of Barrochan [younger?], "[lawful?] sone to the defunct", executor dative surrogate in place of [Mr Samuel Dow…?, procurator fiscal of the Commissariat of Glasgow] [doubtful]	Patrik fleming of Barrochan, executor dative surrogate (as before)
Commissary	Mr Archibald flemyng of [?], Commissar of Glasgow. The place name is not clear; it may be "ferme" (see section 1).	Mr Archibald flemyng, Commissar of Glasgow (same man)
Confirmation	"[?] day of September 1642" (catalogued as 5 September 1642)	"[xxiij?] day of Januar 1643"
Cautioner	George flemyng, merchand burges of Glasgow [reading doubtful]	George flemyng, merchand burges of Glasgow, "for Patrik flemyng of Barrochan"
Total of inventory	"Summa of the Inventar" present; figure not legible	Eik adds debts omitted from the first testament; total not legible
Not Fleming material	Top of image 921 ends the confirmation and bond of caution of the preceding estate. The foot of image 922 begins the ratification of an eik for another estate (margin "Eik … of Robertsone [?]").	The foot of image 1036 and most of it (from line 4) is a different testament (marginal note "Blair, Lady Pollok" [?]).
Conventions	Original spelling kept; abbreviations not expanded; [square brackets] = doubtful reading; [?] = word or figure I could not read. This is a very rapid, faded secretary hand: the transcription is partial and line breaks are approximate.	

1. Summary and identification

What this is. The testament dative and inventory of Patrik fleming of Barrochan, who died, as I read it, in July 1642. The goods were given up by his son [?] of the same name, appointed executor dative, and confirmed by the Commissary of Glasgow in September 1642. In January 1643 an eik confirmed further debts due to the dead man that had been left out of the first inventory. “omittit till now” in the margin.

Executors, legatees, debts

- **Executor:** Patrik fleming of Barrochan, described as the defunct’s [lawful?] son; surrogate in place of the original executor, who may have been the procurator fiscal of the Commissariat of Glasgow (the usual first appointment).
- **Cautioner:** George flemyng, merchant burgess of Glasgow, in both records [name and designation partly doubtful].
- **Legatees:** none; a testament dative has no will.
- **Debts owing to the deceased (testament):** a list of debtors on image 922 beginning “Debts awand in”, including [Patrick Cunninghame of …?] and others; the sums are largely illegible.
- **Debts owing to the deceased (eik):** a longer list of small debtors on image 1035, each item beginning “Item be …” (including a [Johne Cathcart?], a [Blair of Ire?], a Patrick flemyng in [Corlowk?], a George [Houston?], a William flemyng, a Thomas Reid, a [John Maxwell?]). Names are partly guessed and are marked as such in the transcription.
- **Debts owing by the deceased:** a short list at the end of the testament (“Summa of the debts”, “Rest free geir”); items illegible.

Identifying the deceased

- **Barochan.** Barochan is in the parish of Houston and Killellan, Renfrewshire. This record predates the 1783 (William) and 1819 (Malcolm) testaments for Flemings of Barochan by a century and a half and so is probably an earlier generation of the same line. I have not worked out the intervening steps.
- **Same-name son.** The executor has the deceased’s own name. If I have read “sone to the defunct” correctly, the testament shows a father and son both called Patrick Fleming of Barochan; please check this word against the image.
- **The Commissary.** The Commissary of Glasgow in 1642 is Mr Archibald flemyng. The place word after his name is not clear to me (“of Carlowk?” / “of ferme?”). If it is “ferme”, he is the Archibald Fleming of Farme, Commissary of Glasgow, whose own testament is dated 1664 (died January 1662). I found that Archibald already “of ferme” in the 1637 testament of William Fleming, Commissary Clerk of Glasgow.
- **Other Flemings in the record.** George flemyng the cautioner and the debtors Patrick flemyng [in Corlowk?] and William flemyng may be relatives; the record does not say.

2. Contents and values

Scots money. All prices and totals are written in the clerk's numerals (j^m, ij^c etc.) and are very faint; no figure below is reliable, so none is given. Where I could read the kind of item, it is shown.

Item	Particulars	Value (Scots)
Grain (bear, oats) and crop, by the boll	"pryce of the boll" entries; quantities in bolls [?]	[illegible]
Horses	"pryce of the peice" entries	[illegible]
Cattle (kye, stirks) and sheep	"pryce of the peice" entries	[illegible]
Household plenishing ("insight & plenishing of the hous") and clothes	Estimated by the Commissary's appraisers [?]	[illegible]
Summa of the Inventar		[illegible]
Debts owing to the deceased (testament)	Persons named on image 922	[illegible]
Summa of the debts, Summa of Inventar and debts		[illegible]
Debts owing by the deceased	Short list at the end of the testament	[illegible]
Rest, free geir		[illegible]
Eik: further debts omitted	List on image 1035	[illegible]

Please check the totals against the images. The eik's stated purpose is to add the omitted debts to the inventory, so the total for the combined estate would be the sum of the two.

3. Images and transcription

Reading order: the testament (images 921, then 922), then the eik (image 1035, then the top of 1036). Line breaks are approximate. Passages belonging to other estates are noted in square brackets and not transcribed.

Image 921 – Page 921: end of an earlier estate; heading and inventory of the testament

1642 Flemyng, Patrik (Wills and testaments Reference CC9/7/28, Glasgow Commissary Court) Image 921 Last image 922
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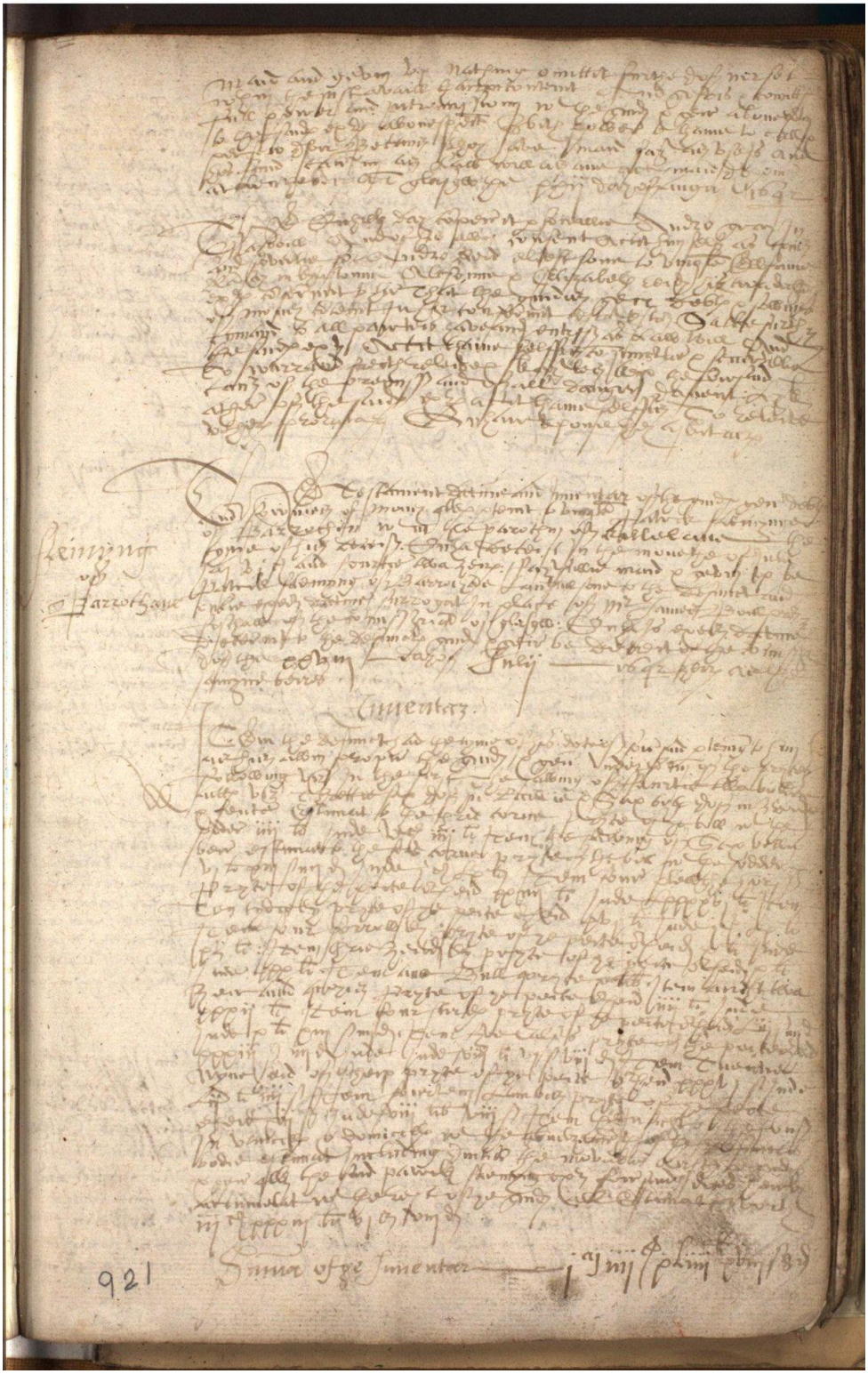


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Transcription (partial)

[Top of page: the end of the ratification of a preceding testament and the bond of caution for it, "at Glasgow the [?] day of [?] 1642 yeirs". Not transcribed.]

[margin: Fleming / of / Barrochan]
The Testament datiue and Inventar of the goods geir
and sowmes of money qlk pertenit to vmqle Patrik flemyng
of Barrochan in the parochin of [Killellan?] the
tyme of his deceis Qha deceist in the moneth of Julij
[?] Jm vj^c [fourtie tua?] yeirs faithfullie maid & gevin vp be
Patrik flemyng of Barrochan [younger?] [lawful?] sone to the defunct and
Exr datiue surrogat in place of Mr [Samuell Dow...?]
[procurator fiscall] of the Commissariat of Glasgow Qua is so
decernit [be] decreit of the Comissr of [Glasgow] the [?]
day of [?] [Julij?] Jm vj^c [fourtie tua?] yeirs as the samen beirs

Inventar
Item the defunct had the tyme of his deceis forsd the goods & plenishing
in the [?] [?] viz [?] [?] ... [?] ... [?]
... [?] ... pryce of the boll [?] ... lib [?] ... Item [?] ...
... [?] ... [?] ... pryce of the [peice?] [?] ... lib [?]
... Item [?] ... [?] ... Item [?] ... pryce of the [peice?] [?]
... [?] ... Item [?] ... [?] ... pryce [?] ... [?] ...
... Item the insight & plenishing of the hous & domicill with the abuilyements of the
defunctes bodie estimat [be?] [?] ... [?] ... [?]
... [?] ... [?]

Summa of the Inventar — [illegible]

Image 922 – Page 922: debts owing; totals; ratification; act and caution; next estate begins

1642 Flemyng, Patrik (Wills and testaments Reference CC9/7/28, Glasgow Commissary Court) Image 922 Last image 922
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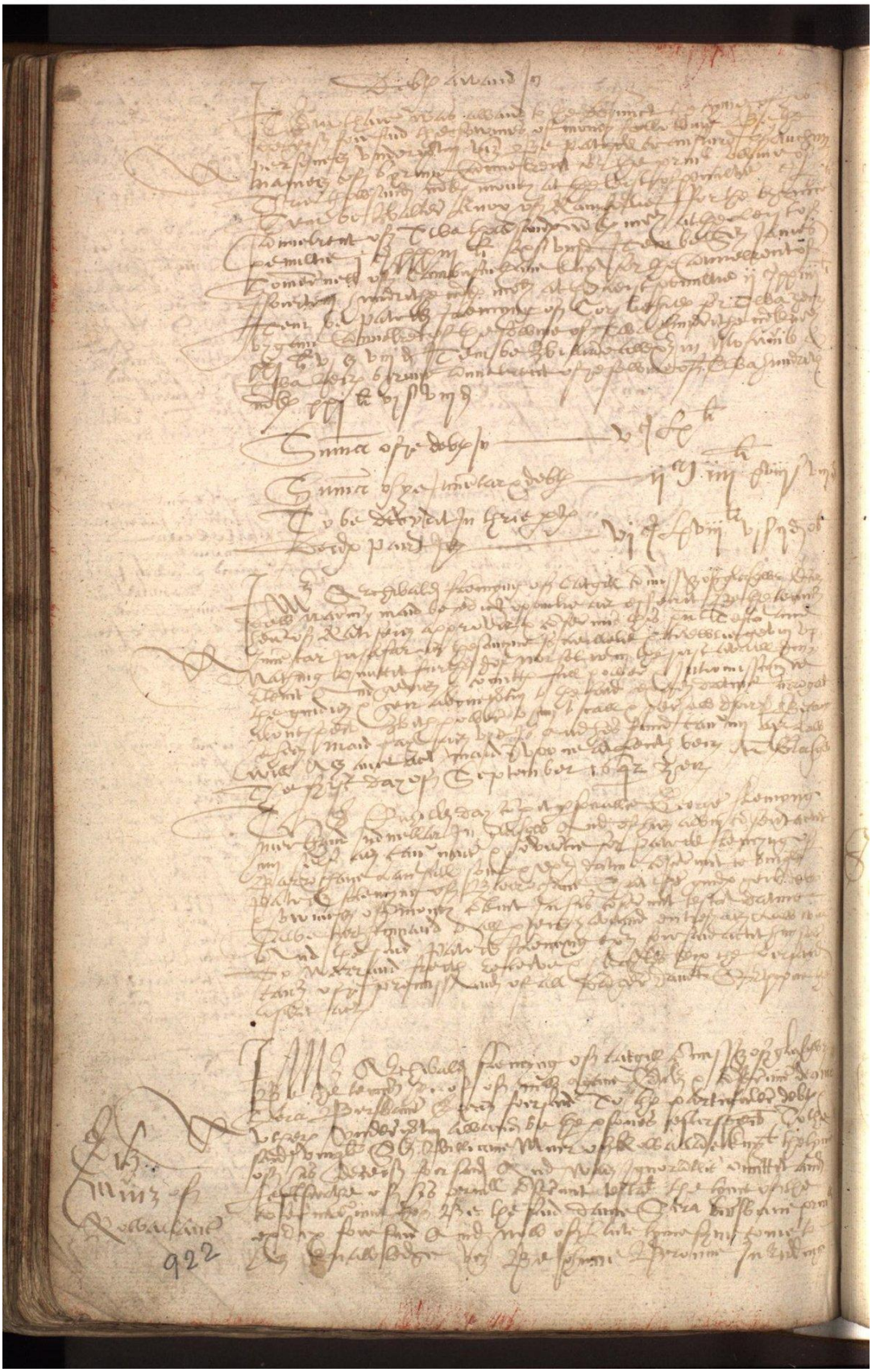


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Transcription (partial)

Debts awand in
Item thair wes awand to the defunct the tyme of his deceis forsd the sowmes of money
efterspect viz in the first be [Patrik Cunninghame?] [of ...?] [?] ... [?]
[?] ... be [?] ... lib [?] ... [?] ... Item be Patrik flemyng of [Cor...?] ...
[?] ... Item be [?] ... [?] ... [?] ... [?] ... [?]
[?] ... [?] ... [?]

Summa of the debts in — [illegible]
Summa of the Inventar & debts — [illegible]
To be deducit in [?] ... [Rest?] — [illegible]
Rest free geir — [illegible]

I Mr Archibald flemyng of [?] Comr of Glasgow be the tenor heirof
efter dew warning maid be edict [?] ... Ratifie approve & confirme this pnt testat
datiue [?] in sa far as the samen is lawfullie & trewlie gevin vp be
[?] ... nathing omittit furth thereof nor put within the just availl
... and gives & committs full power of Intromissioun [with] the same
to the said Exr datiue [?] ... as oft as [?] ... and if need beis to call & persew
[?] ... Quha hes maid faith as use is and fund cautioun as
ane act maid thairupon at lenth beares At Glasgow
the [?] day of September 1642 yeirs

The qlk day [Compeired?] personallie George flemyng [merchand burges of]
Glasgow [?] [?] ... as Cautr for Patrik flemyng of [Barrochan?]
[?] Exr datiue [?] ... that the goods geir & debts [?] ... in the
Inventar abouewrittin shall be furthcumand to all parties haveand Interes
[?] ... and the said [?] ... [?] ...

[Next estate – not Fleming: a ratification beginning “I Mr Archibald flemyng of [?] Comr of Glasgow be the tenor heirof … Eik …” (margin “Eik … of Robertsone [?]”). Not transcribed.]

Image 1035 – Page 1035: Fleming eik; debts omitted; caution begins

1643 Flemyng, Patrik (Wills and testaments Reference CC9/7/28, Glasgow Commissary Court) Image 1035 Last image 1036
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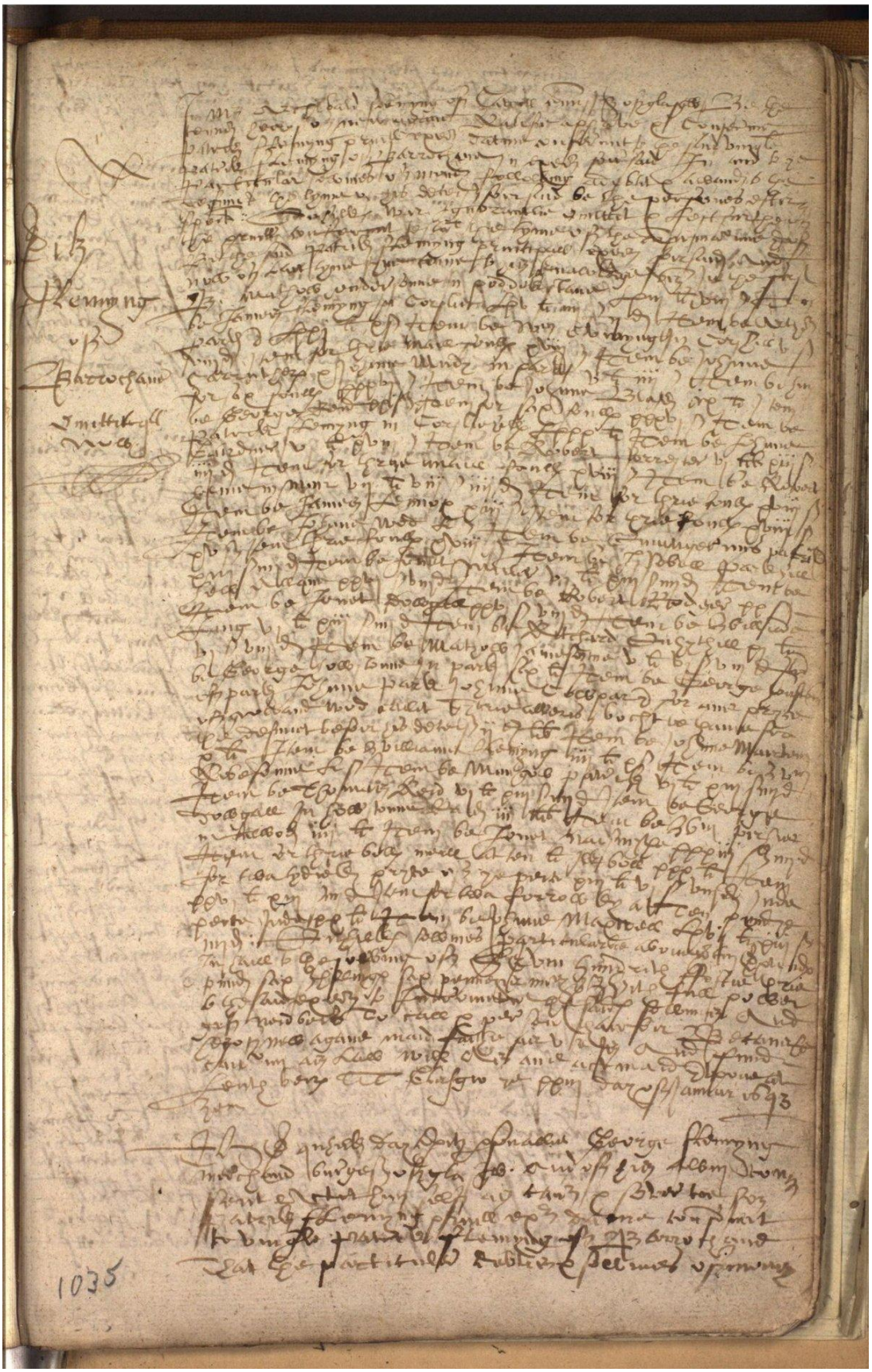


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Transcription (partial)

[margin: Eik / Flemyng / of / Barrochan / omittit till now]
I Mr Archibald flemyng of [?] Commissar of Glasgow [be the]
tenor heirof [?] ... Ratifie approve & confirme
Patrik flemyng [of Barrochan?] Exr datiue Surrogat [?] to the said vmqle
Patrik flemyng of Barrochan in and to the particular sowmes of money following [debts?] awand to the
defunct [be] the persones vnderwrittin omittit [& left furth of]
the principall confirmit testat the tyme of the confirmatioun [?]
be the said Patrik flemyng principall Exr datiue [?] ... [?] and
[that?] of [?] ... [?] ... [?] ... [?]
viz Item be [?] ... [?] ... [?] ... [?]
... Item be Johne Cathcart [?] ... [?]
... Item be [Johne Blair of Ire?] ... [?] ...
... Item be [?] ... Item be [Patrik flemyng in Corlowk?] ...
... Item be [Robert Ferguson?] ... [?] ... Item be Johne [?]
... Item be [?] ... Item be [Jonet Dowgall?] ...
... Item be [Richard Wright?] ... Item be [Mathew Jamesoun?] [?]
... Item be George [Houston?] ... Item be [George Cuninghame?] ...
... Item be Williame flemyng ... Item be Johne [Marchane?] ...
... Item be Mungo [Patrik?] ... Item be Thomas Reid ... Item be [?]
... Item be Johne [Maxwell?] ... Item be [?] ... [?]
... [?] ... [lib?] ... [?] ... [?] ... [?] ... [?]
... [the] [Sumes of money] abouewrittin [?] ... and gives and committs full power of intromissioun
with the samen To the said Patrik flemyng Exr datiue [?] ... and if need beis
to call & persew [?] ... Quha of new againe hes maid faith as use is and fund
cautioun as the act maid thairupon at lenth beares At Glasgow the
[xxiij?] day of Januar 1643 yeirs

The qlk day Compeired personallie George flemyng merchand burges of Glasgow [&]
[oblist?] [him?] [as] Cautr for Patrik flemyng of Barrochan [Exr] datiue
to bring [?] ... Patrik flemyng of Barrochan [?] ...
that the particular debts [abouewrittin] shall be [furthcumand?] ...

Image 1036 – Page 1036: end of the eik's bond of caution; next estate

1643 Flemyng, Patrik (Wills and testaments Reference CC9/7/28, Glasgow Commissary Court) Image 1036 Last image 1036
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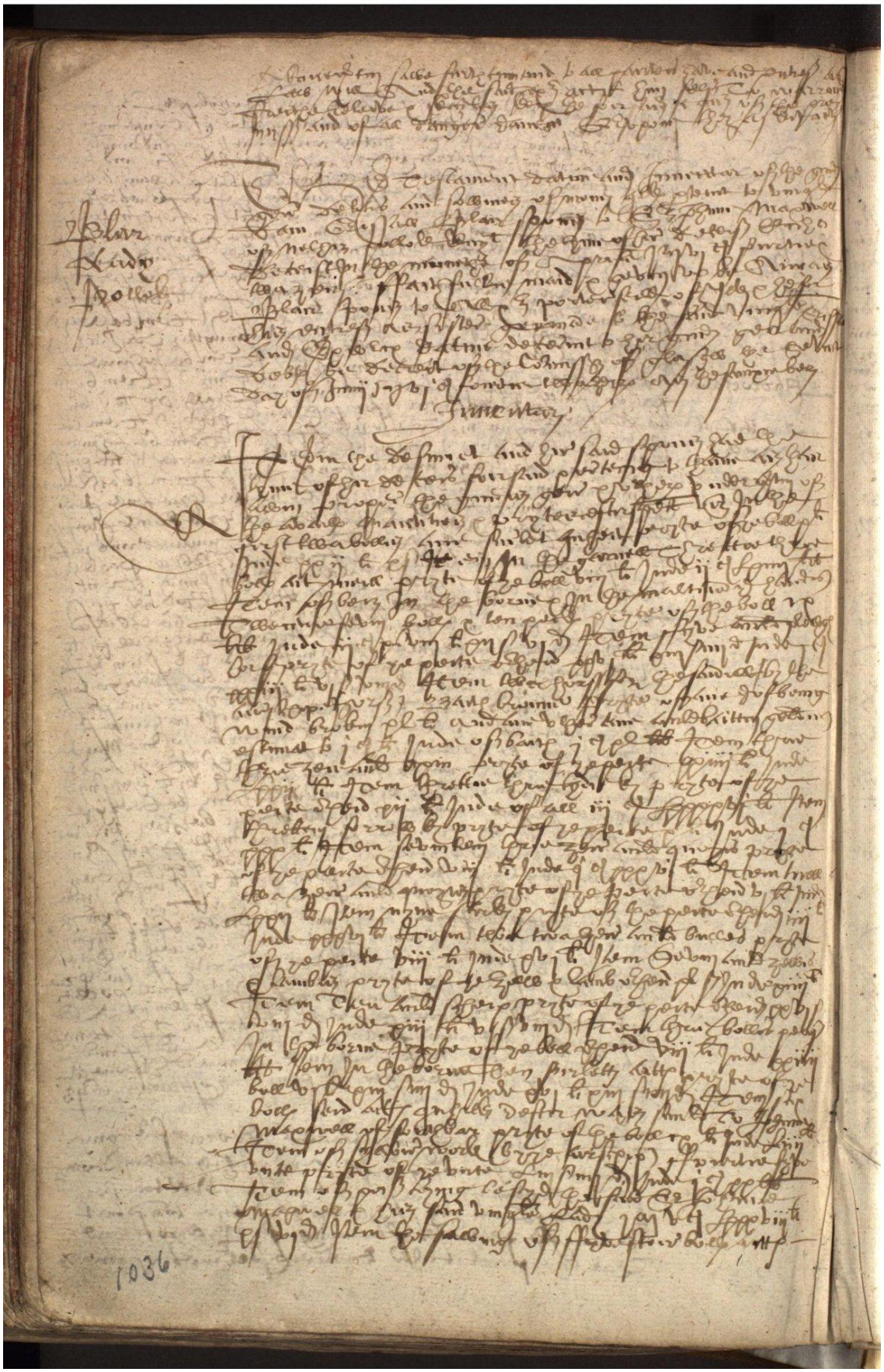


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Transcription (partial)

[Top three lines, the end of the bond of caution:] ... [furthcumand?] to all [parties?] haveand Interes
... [?] ... [?] ... [?] ... and [?] ... [?] ... [?]
... [?] ... [?] ... [?]

[Rest of page: a different testament (margin “Blair, Lady Pollok” [?]), “The Testament datiue and Inventar of the goods geir debts and sowmes of money qlk pertenit to vmqle Dam [?] ... [Maxwell?] ... Lady [Pollok?] ...”, with an inventory and prices. Not Fleming material and not transcribed.]

4. Readings to check

- The year and month of death (“Julij … Jm vj^c [fourtie tua?]”) and the confirmation dates (September 1642; January 1643).
- Whether the executor is the deceased’s son (“[lawful?] sone to the defunct”) and the name of the person he replaced (“[Mr Samuell Dow…?]”).
- The place word after “Mr Archibald flemyng of …” in the Commissary’s ratification: “ferme” or another place.
- The cautioner’s name and designation (George flemyng, merchant burgess of Glasgow).
- All debtor names, prices and totals, on images 921, 922 and 1035.
- Whether the Barochan lands and the deceased’s parish read “Killellan”.