JAMES MICHAEL FLEMING WRITER

Scotland's People

Transcription
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Assisted by: Claude AI
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Claude

Mr Archibald Fleming of Farme, Commissary of Glasgow

The four testaments, 1664–1680: transcription and summary

Glasgow Commissary Court, CC9/7/34 (1664), CC9/7/42 (1676), CC9/7/43 (1679), CC9/7/44 (1680)

Confirmed	Type	Reference	Images	Main content
17 Dec 1664	Testament dative (principal)	CC9/7/34	130–132	Inventory (horses, grain, furnishings), many debts owing to him, some owing by him. Executor Archibald Stewart of Scotstoun.
1 Jan 1676	Eik (additional)	CC9/7/42	167	Further sums omitted from the principal testament: a debt of [?] Thousand and ffyve hundred merks, and interest/penalty owed by [Sir?] John Wilkie, together [?] Thousand Eight hundred [?] pund.
20 Mar 1679	Testament dative de omissa	CC9/7/43	341–342	Debt of John Earl of Wigtown under bond of 29 May 1658. Surrogate executor Jon ffleming of [?]; cautioner William Anderson, late Provost.
29 Dec 1680	Eik	CC9/7/44	96	2,300 merks Scots owed by the late Sir John Colquhoun of Luss under a bond of 8 Jan 1650 [read]. No caution, "being for the Commissars behoof".

1. Overview

All four records concern one estate: that of Mr Archibald Fleming of Farme, Commissary of Glasgow, who died in January 1662 (the 1664 and 1679 records say so in words). The estate was first confirmed in December 1664, nearly three years after his death. The later records are additions. Each one confirms a debt that was left out of the principal testament and found later, so that the executor could collect it.

Chain of events

- **January 1662:** death of the deceased.
- **17 December 1664:** the principal testament. The original executors dative had been the two procurators fiscal of the Commissariat, "mr John & John Robertsoun". Archibald Stewart of Scotstoun was made surrogate executor in their place. John Fleming of "[Cunth…mie?]" was his cautioner.
- **1 January 1676:** first eik. Stewart again appears as executor dative "surrogat and confirmit".
- **20 March 1679:** testament de omissa for the Earl of Wigtown's debt. The surrogate executor named is Jon ffleming; the cautioner is William Anderson, late Provost of Glasgow.
- **29 December 1680:** second eik, confirming 2,300 merks due by Sir John Colquhoun of Luss. Stewart is again the executor. No caution was needed because the confirmation was "for the Commissars behoof", that is, for the benefit of the presiding Commissary, Sir William, who was the deceased's son and heir.

2. Identifying the deceased

- **Cokayne's I.** The deceased matches Archibald Fleming, Commissary of Glasgow, of Farme, who died in January 1661/2 (Cokayne, Complete Baronage III, pp. 331–333). The Commissary in 1664–1680 is his son William, Cokayne's II, who was Commissary in his turn.
- **Styled "Mr", never "Sir".** In all four records the deceased is "Mr" Archibald Fleming, "umqle Mr Archd". William is "Sir William ffleming of ferme Knight and Barronet" in 1676 and 1680, and "Sir Wm" in 1679. In 1664 he appears to read "Mr Wm" (to be checked). Cokayne dates the baronetcy to 25 September 1661, while Archibald was still alive. If it had been conferred on him, the clerks would be expected to call him "Sir Archibald". This may be a point to check against the patent and the Register of the Great Seal, in case the baronetcy was in practice William's from the start. I am not drawing a conclusion from it.
- **Archibald Stewart of Scotstoun.** The executor in 1664, 1676 and 1680. Cokayne records that Sir William married (1663) Margaret, daughter of Archibald Stewart of Scotstoun. The executor is therefore Sir William's father-in-law, and in 1664 he had a family interest in the estate's administration. The marriage was on 29 December 1663, a year before the testament was confirmed.
- **John Fleming of [Cunth…mie?].** He is cautioner in 1664. A "Johne ffleming of [Cuntstoune?]", apparently depute to Sir William, appears in the 1676 record, and a "Jon ffleming of [ffontstoun?]" in 1679. The place name reads differently each time; they may be the same man, perhaps a relative or the Commissary Depute. His identity is not stated.
- **Debtors.** The 1664 list of debts includes John Earl of Wigtown and John Lord Fleming, his son (a bond for a large sum, plus interest); the 1679 record adds a second bond from the Earl, dated 29 May 1658. The 1664 list also names the Marquis of Montrose, Sir Mungo Stirling of Glorat, Walter Colquhoun, merchant in Glasgow, the town clerk of Rutherglen, and various ministers and lairds. Many of these names are only partly legible.

3. Contents and values

Record	Item	Value (Scots)	Notes
1664	Three horses and a mare	[illegible]	Prices per head given
1664	Grain: threshed and unthreshed, with fodder; bear	[illegible]	Quantities in bolls
1664	House contents and the deceased's clothes ("insight & plenishing … abuilyiements of the defuncts bodie")	[illegible]	Valued by the Commissary's appraisers [?]
1664	Debts owing to the deceased: Earl of Wigtown and Lord Fleming, Marquis of Montrose, Sir Mungo Stirling of Glorat, and others	Individual sums [illegible]; total [illegible]	Principal sums with arrears of annualrent
1664	Debts owing by the deceased: Duke of Lennox (feu duty), College of Glasgow, Hospital, others	[illegible]	Deducted from the estate
1676	Debt of [Sir?] John Wilkie, plus annualrent and penalty	[?] Thousand Eight hundred [?] pund, as the total of principal, interest and penalty	Total as read; unclear
1679	Debt of John Earl of Wigtown: bond of 29 May 1658; annualrent to Martinmas 1661	[illegible]; total written "Jaj^m vj^c lxxviij [?]"	Very uncertain
1680	Bond of Sir John Colquhoun of Luss, 8 Jan 1650 [read]	2,300 merks (£1,533 6s 8d Scots)	Merk = 13s 4d Scots

Sums are taken from the clerks' numerals. Where I could not read them they are marked, so no overall total is given.

4. The principal testament, 17 December 1664

Summary. The testament dative and inventory of Mr Archibald Fleming of Farme, who died in January 1662. It was given up by Archibald Stewart of Scotstoun, executor dative surrogate in place of the procurators fiscal of the Commissariat, who had been named executors dative by decreet. Sir William [Mr Wm?] Fleming of Farme, Commissary of Glasgow, ratifies the testament and gives Stewart power of intromission and of calling the debtors. Stewart made faith and found caution; the act is at Glasgow, 17 December 1664. The bond of caution follows: John Fleming of [Cunth…mie?] is cautioner, subscribed before Archibald Stewart (son of the executor), Thomas Crawfurd and Sir George Crawfurd of [Cloverhill?].

Other estate. The lower part of image 132 begins the testament of John Chalmers in [Blairmurks?], parish of [Strathblane?], who died in [1662]. It is not part of this record and is not transcribed.

Reading note. This is a very rapid hand and many words and sums are bracketed or marked [?]; the transcription is partial.

Image 130 – Page 130: heading; inventory; debts owing to the deceased begin

1664 Fleiming, Archibald (Wills and testaments Reference CC9/7/34, Glasgow Commissary Court) Image 130 Last image 132
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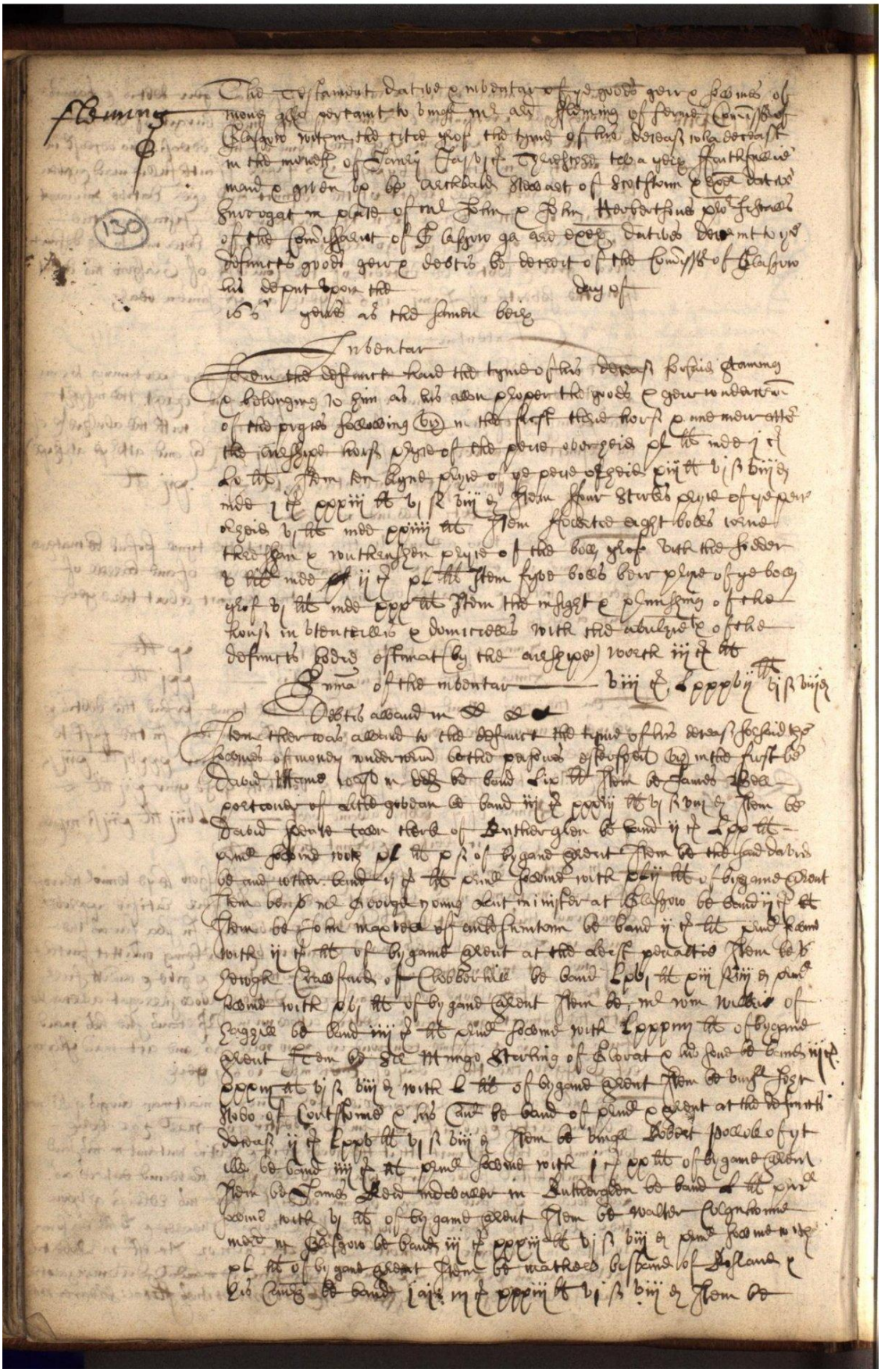


Image: ScotlandsPeople / National Records of Scotland (Glasgow Commissary Court CC9/7/34, 42, 43, 44) – reproduced for private research.

Transcription

[margin: Fleming]
The testament datiue & Inventar of ye goods geir & sowmes of
moneys qlk pertaint to vmqle Mr Archd fleming of ferme Comissr of
Glasgow within the cittie yrof the tyme of his deceis who deceist
in the month of Jany [Jaj vj^c & threscoir tua?] yeirs faithfullie
maid & gewen vp be Mr Archibald Stewart of Scotstoun Exr datiue
Surrogat in place of mr John & Jhn Robertsoun Prors fiscall
of the Comissariat of Glasgow qa ar Exrs datiue decernd to ye
Defuncts goods geir & debts be decreit of the Comissr of Glasgow
and decernd upon the [blank] day of
16[?] yeirs as the samen beirs

Inventar
Item the defunct had the tyme of his deceis forsaid [?]
& belonging to him as his awin proper the goods & geir vnderwrittin
of the pryces following viz in the first thrie horse & ane mear [?]
the [?] horse pryce of the peice [?] of [?] ... lib [?]
... lib [?] fra [?] pryce of ye peice of [?] ... lib vj s viij d
... [Item] fourtie aught bolls [?] threshen & vnthreshen pryce of the boll yrof with the
fodder
... Item fyve bolls bear pryce of ye boll yrof ... lib
Item the insight & plenishing of the hous in [Blantyre?] & dominicill with the abuilyiements
of the
defuncts bodie estimat (by the [?]) worth [?] lib

Summa of the Inventar — [illegible]

Debts awand in
Item thair was awand to the defunct the tyme of his deceis foresaid ye
sowmes of money vnderwrittin be the persones efterspect viz in the first be
David [Thomsone?] ... be band sixt lib fra be James [?]
portioner of Litle Gobdan be band ... [sum?] lib vj s viij d fra be
David [Peats] town clerk of Rutherglen be band [sum?] lib
pryncll sowme [with] ... of bygane annualrent fra be the said David
be ane uther band [sum?] lib pryncll sowme with [?] lib of bygane annualrent
fra be Mr George Young [late?] minister at Glasgow be band [sum?] lib
fra be John Maclea of [Auchinstountoun?] be band [sum?] lib pryncll sowme
with [sum?] lib of bygane annualrent at the [?] pennaltie fra be
George Crawfurd of [Clobbourhill?] be band [sum?] lib pryncll sowme
with [?] lib of bygane annualrent fra be Mr Wm Wilkie of
[Haggill?] be band [sum?] lib pryncll sowme with [sum?] lib of bygane
annualrent fra be Sir Mungo Stirling of Glorat & his sone be bandis ...
[?] ... at vj s viij d with [sum?] lib of bygane annualrent fra be burges Robert
[Hobo] of [Cumstoune] & his Cautr be band of pryncll sowme at the defuncts
deceis [sum?] lib vj s viij d fra be burges Robert Pollok of [Fyt?]
[?] be band [sum?] lib pryncll sowme with [?] lib of bygane annualrent
fra be James Row mercer in Rutherglen be band ... lib pryncll
sowme with [?] lib of bygane annualrent fra be Walter Colquhoun
merchant in Glasgow be band [sum?] lib vj s viij d pryncll sowme with the
[?] lib of bygane annualrent fra be Mathew Bestand of [Rosland?] &
his Cautrs be band [?] ... vj s viij d fra be

Image 131 – Page 131: debts owing continue (Earl of Wigtown, Montrose); debts owing by the deceased; ratification begins

1664 Fleiming, Archibald (Wills and testaments Reference CC9/7/34, Glasgow Commissary Court) Image 131 Last image 132
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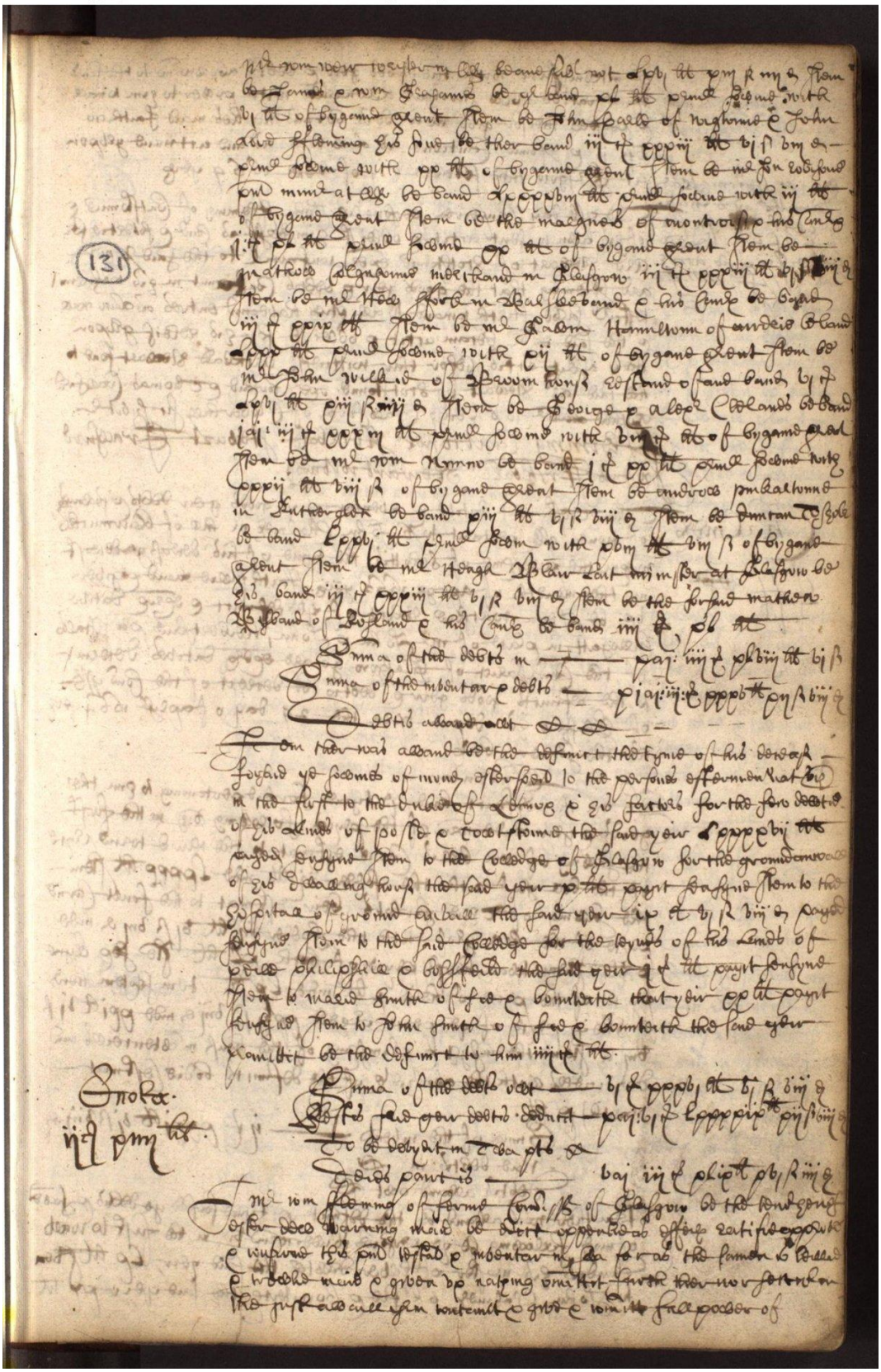


Image: ScotlandsPeople / National Records of Scotland (Glasgow Commissary Court CC9/7/34, 42, 43, 44) – reproduced for private research.

Transcription

[first line illegible] ... of bygane annualrent Item be
Johne Earle of Wigtoune & John Lord ffleming his sone be thair band iij^? xxxiij^? vj^?
viii[?] ((3,033/6/8))[sum?] lib vj s viij d plus ferme? With xx li? Of
bygane annualrent fra be Mr Jon [Robertsoun?]
[?] ... at [?] be band [?] pryncll sowme with [sum?] lib
of bygane annualrent fra be the Marques of Montrose & his Cautrs
[?] lib pryncll sowme [?] lib of bygane annualrent fra be
Mathew Colquhoun merchand in Glasgow [sum?] lib vj s viij d fra
be Mr Hew Forrest in Salfordbend & his sone be band
[sum?] lib fra be Mr Adam Hamiltoun of Andreis band
[?] lib pryncll sowme with ... of bygane annualrent fra be
Mr John Wilkie of Brounhous [?] ... fra be George & Alex Cleland be band
[?] [sum?] lib pryncll sowme with [?] of bygane annualrent
fra be Mr Wm [Nimmo?] be band [sum?] lib pryncll sowme with
[?] lib vj s viij d of bygane annualrent fra be Andro Pinkertoun
in Rutherglen be band [?] lib vj s viij d fra be Duncan [Tosche] [?]
be band [?] ... lib pryncll sowme with [?] lib vj s viij d of bygane
annualrent fra be Mr Hugh Blair [late?] minister at Glasgow be
his band [sum?] lib vj s viij d fra be the forsaid Mathew
Bestand of Rosland & his Cautr be band [sum?] lib
Summa of the debts in — [illegible]Jaj: iiij ? xlviij ? vj ((4,048/6/0??))
Summa of the Inventar & debts — [illegible]

Debts awand out
Item thair was awand be the defunct the tyme of his deceis forsaid ye sowmes of money
efterspect to the persones efternamet that is to say in the first to the Duke of Lennox
& his factors for the few dewtie of his landis of [Poste?] & [Cartsburne?] the said yeir
[?] ... To the Colledge of Glasgow for the grunddewtie of his dwelling hous
the said yeir [?] lib [?] To the Hospitall of [Gorbells?] the said yeir [?]
... To the said Colledge for the teyndis of the landis of [Pollok?]
[Philipshaw?] & Bushfeild the said yeir [?] lib payt [?] ... to
[Mr?] [David?] Smith of Fore & Bonhill that yeir [?] lib payt [?]
[?] to John Smith of Fore & Bonhill the said yeir [?]
[?] be the defunct to him iiij^c [?] lib

Summa of the debts out — [illegible]
[Rest?] free geir debts deduct — [illegible]
To be debursed in [?]
Debts paid is — [illegible]
[margin: Nota / nil pnt (?)]

I Mr Wm fleming of ferme Comr of Glasgow be the tenor heirof
[efter?] dew warning maid be [wrytt?] appointed [?] ratifie approve
& [confirme] this pnt testat & Inventar in sa far as the samen is lawfullie
& trewlie maid & gewen vp nothing omittit furth thairof nor [?]
the just availl [?] testat & gives & committs full power of

Image 132 – Page 132: end of ratification; act; bond of caution; start of next estate

1664 Fleming, Archibald (Wills and testaments Reference CC9/7/34, Glasgow Commissary Court) Image 132 Last image 132
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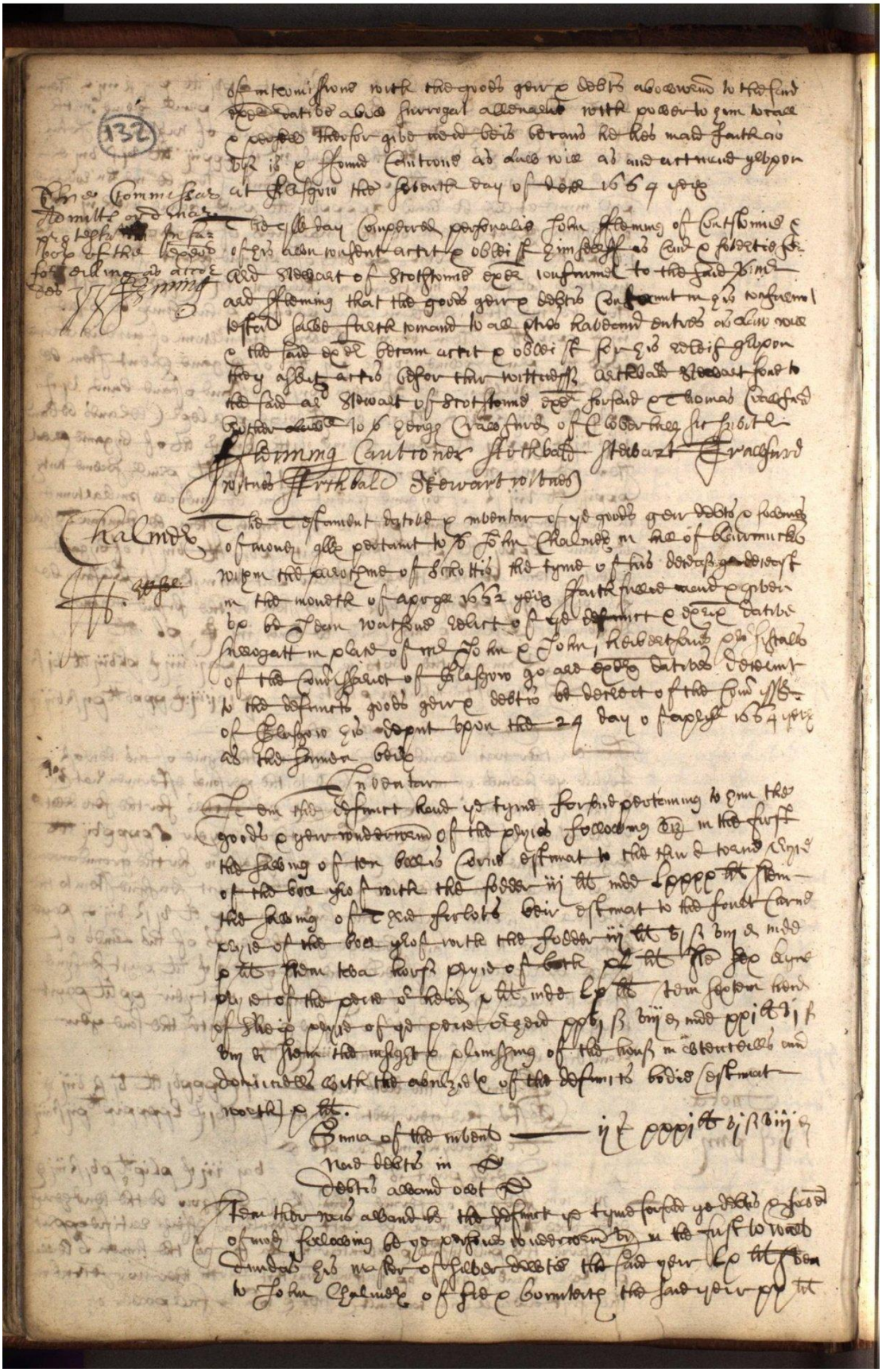


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Transcription

of Intromissioun with the goods geir & debts abouewrittin to the said
Exr datiue abouesd Surrogat aforesaid with power to him to call &
persew yrfor qlk beand done he hes maid faith as use is &
fund Cautioun as law wills as ane act maid yrupon
at Glasgow the sevententh day of Decr 1664 yeirs
[margin: The Commissar admitts & ordains ... [?] bond of caution ... bookes ... for [?]]
The qlk day Compeared personalie John fleming of [Cunth..mie?] &
oblist himselfe as Cautr & Soverteis for Mr Archibald Stewart of Scotstoun Exr confirmed to
the said Mr
Archd fleming that the goods geir & debts confirmed be him shall be maid
furthcumand to all pties haveand Intres as law will & the said Exr
[?] ... for his relieff yrupon
they subt att Glasgow befor thir witnesses Archibald Stewart sone to
the said Ar Stewart of Scotstoun Exr forsaid & Thomas Crawfurd
[?] & Sr George Crawfurd of [Cloverhill?] [?]
[?] fleming Cautioner Archibald Stewart [?] Crawfurd
witnes Archibald Stewart witnes

[Next estate – not Fleming; summary only:]
[margin: Chalmers]
The testament datiue & Inventar of ye goods geir debts & sowmes of moneys
qlk pertaint to vmqle John Chalmers in [Blairmurks?] within the parochine of [Strathblane?]
the tyme of his deceis ... in the month of [?] 1662 ... [remainder not transcribed]

5. First eik, 1 January 1676

Summary. Sir William Fleming of Farme, Knight and Baronet, Commissary of Glasgow, “of new againe” ratifies and confirms Archibald Stewart of Scotstoun, executor dative surrogate, “in and to” a further sum [?] Thousand and ffyve hundred merks Scots, and the sum owed by [Sir?] John Wilkie of [?], Knight, with annualrent and penalty, making up [?] Thousand Eight hundred [?] pund. The clerk says these sums were “ignorantlie omittit” from the principal testament when it was confirmed and had come lately to the executor’s knowledge. Stewart is given power of intromission and of pursuing for them, makes faith and finds caution (“as ane act … at lenth beares”), at Glasgow, 1 January 1676. Marginal note: “Eik ffleming omittit till now”.

Other estates. The top of the page is the end of another testament (folio number 163 in the old numbering) and a bond of caution by Thomas Thomsone, maltman in Glasgow, for Robert Paule (margin “Thomsone for Paule”), dated 20[?] May 1676, with John Marshall, writer, as writer of the bond. They are not Fleming material and are not transcribed.

Image 167 – Page 167: Fleming eik (lower part); other estates above

1676 Fleming, Archibald (Wills and testaments Reference CC9/7/42, Glasgow Commissary Court) Image 167 Last image 167
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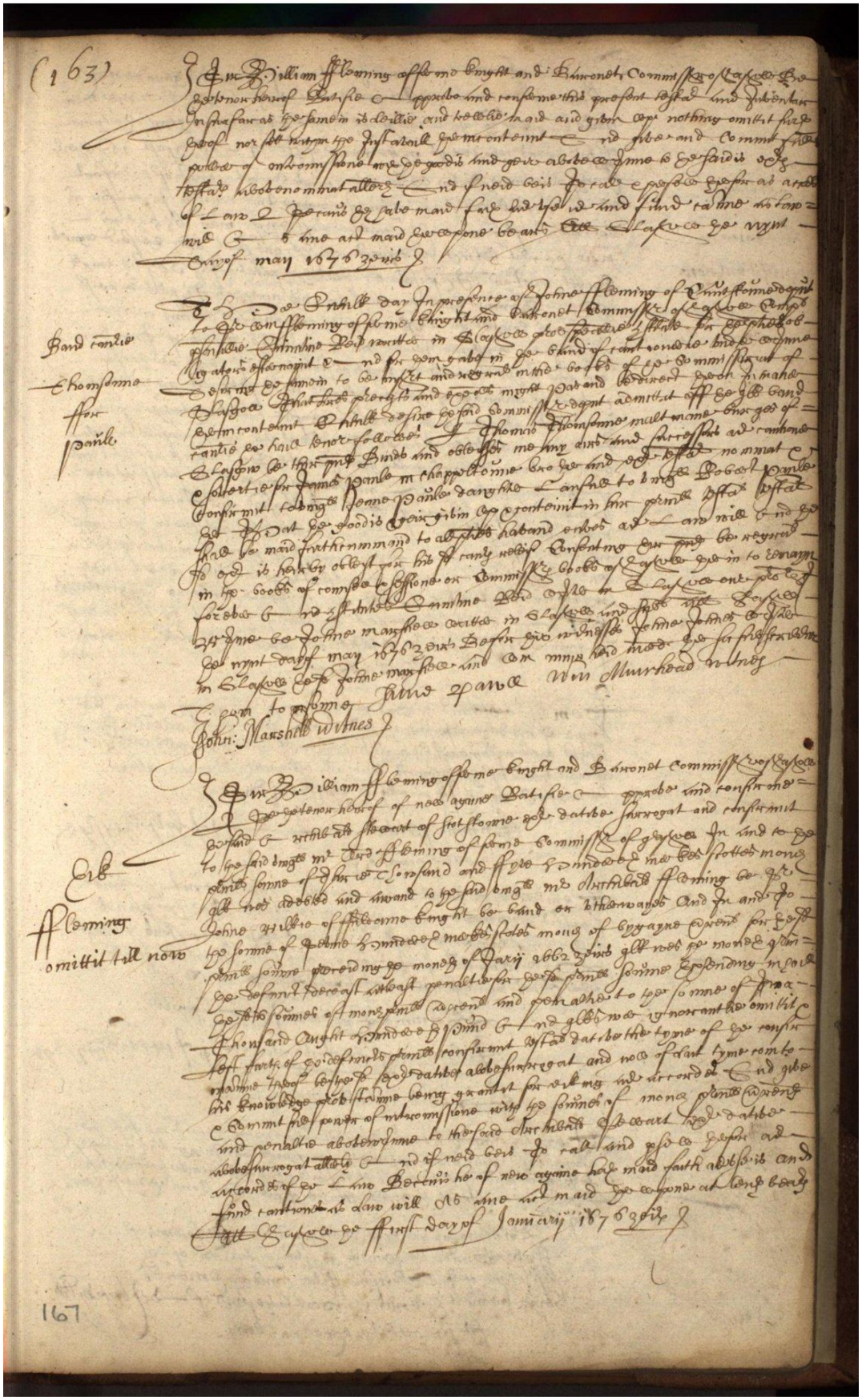


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Transcription

[Upper part of the page: end of another testament's ratification, dated at Glasgow "the [?] day of May 1676 yeirs"; then "Bond of cautrie / Thomsone for Paule": Thomas Thomsone, maltman, cautioner for Robert Paule; witnesses John Marshall and Wm Murhead. Not transcribed.]

[margin: Eik / ffleming / omittit till now]
I Sir William ffleming of ferme Knight and Barronet Commissar of Glasgow
be the tenor heirof of new againe Ratifie approbe and confirme
[?] Archibald Stewart of Scotstoune exr datiue Surrogat and confirmit
to the said umqle Mr Archd ffleming of ferme Commissar of Glasgow in and to the
pryncll sowme of [?] Thousand and ffyve hundredth merks Scotts money
[?] not adebted and awand to the said umqle Mr Archibald ffleming be [Sir?]
John Wilkie of [ffilleburne?] Knight be band or utherwayes And fra and be
[Sir?] John Wilkie of [?] Knight [?] hundredth merks Scotts money of bygane annualrent for
[the]
sowme of [?] hundredth merks Scotts money pryncll sowme [conteind?] in
[?] defunct forsaid [?] pennaltie of [ye] said pryncll sowme extending in all
to the sowme of [?] Thousand Eight hundredth [?] pund And [?] was ignorantlie omittit
[& left] furth of ye defuncts pryncll confirmit testat datiue be the tyme of the confir-
matione thereof be the said exr datiue abovesurrogat and now of late tyme come to
his knowledge probatione being grantit for [eiking?] the arrears And gives
and committs full power of intromissione with the sowmes of money pryncll annualrent
and penaltie abovewrittin to the said Archibald Stewart exr datiue
abovesurrogat allenarlie And if need beis to call and persew yrfor as
accords of the Law Becaus he of new againe hes made faith as use is and
fund cautione as law will As ane act maid yrupon at lenth beares
At Glasgow the first day of Januarij 1676 yeirs

6. Testament dative de omissa, 20 March 1679

Summary. This is the 1679 record in the sections below, summarised in the overview above. The debt added is that of John Earl of Wigtown under a bond of 29 May 1658, with interest from Whitsunday 1658 to Martinmas 1661, and the inventory also refers to a bond dated 8 April 1661 [?]. The surrogate executor is Jon ffleming of [ffontstoun?]; William Anderson, late Provost of Glasgow, is cautioner (bond subscribed 22 [?] May 1679). The Commissary, Sir Wm ffleming, ratifies it. “nulla debita”: no debts. The 1679 transcription is the hardest of the four; it is partial and flagged.

Other estates on these pages. The top of image 341 is the end of a bond of caution for another estate (Lockhart); the foot of image 342 begins the testament of Andrew Jamesoun. They are not transcribed in full.

Image 341 – Page 341: bond of caution (other estate); omissa testament heading; inventory; ratification

1679 Fleiming, Archibald (Wills and testaments Reference CC9/7/43, Glasgow Commissary Court) Image 341 Last image 342
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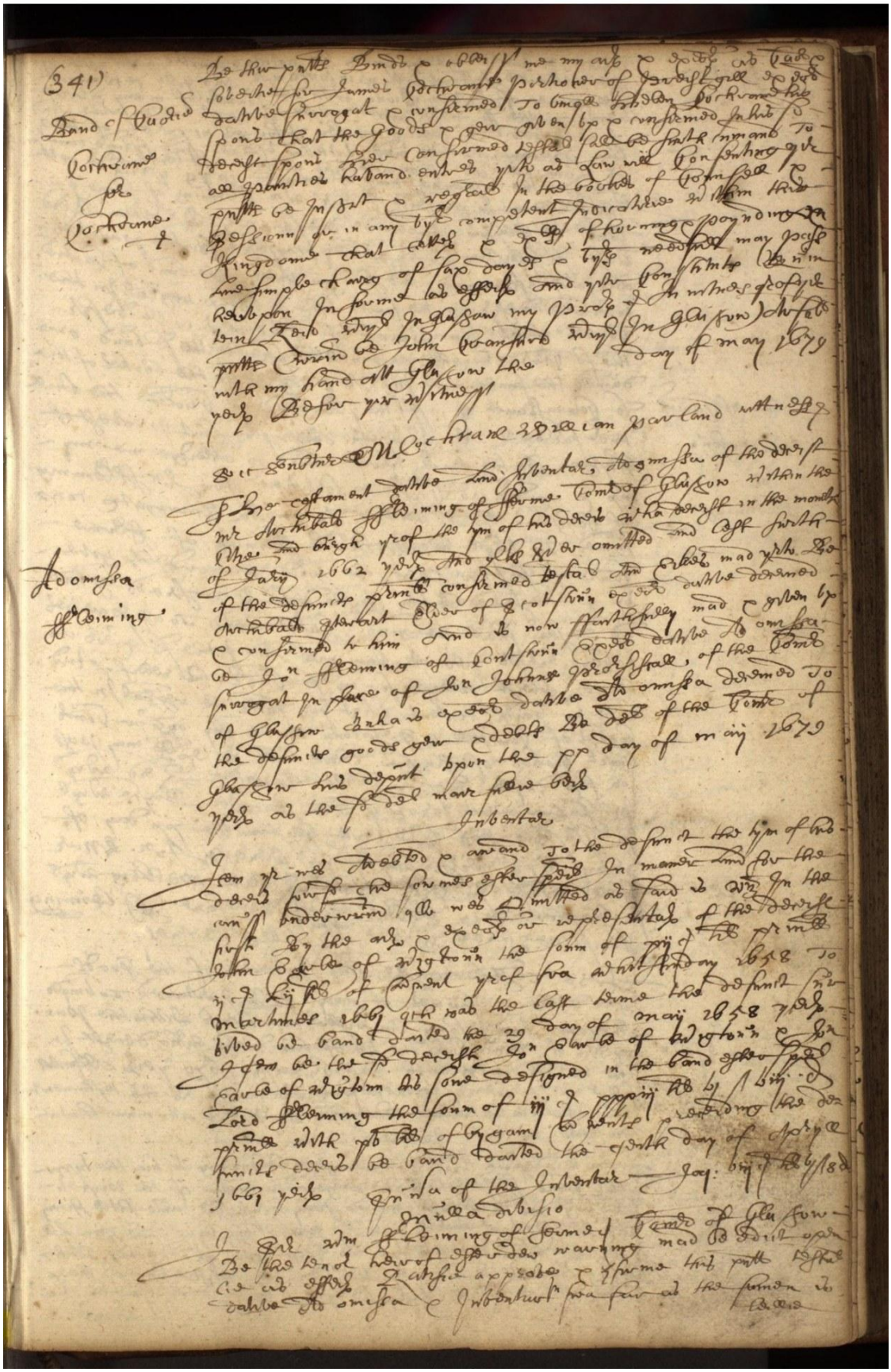


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Transcription

(341)
[End of a bond of caution for another estate (Lockhart); roughly ten lines, partly legible:]
[Be] thir pntts bind & oblige me my airs & exrs as Cautr & [?]
for James Lockhart ... [Ex]cr datiue ... confirmed ...
... furthcumand to all parties haveand interest ... letters of
horning & poynding ... simple charge of six dayes ...
... John Crawfurd writer in Glasgow ... att Glasgow the [?]
day of May 1679 yeirs Before yr witnes
Sic subr [?] ... William Parland [?] witnes

[margin: Omissa / ffleming]
The testament datiue and Inventar, de omissa of the Deceist
mr Archibald ffleming of fferme Comr of Glasgow within the [citie?]
and burgh [therof?] the tyme of his deceis who deceist in the
month of Jany 1662 yeirs And [?] ... omitted and left furth of
the Defuncts princll confirmed testamt and Eike(?) maid [yrto?]
be Archibald Stewart Elder of Scotstoun [Exr?] datiue decernd
and confirmed to him And is now [furtherly?] maid & gewen vp
be Jon ffleming of [ffontstoun?] Exr datiue to omissa Surrogate
[in place of ...?] [?] ... the toune of Glasgow ... decerned ...
the defuncts goods gear & debts ... [?] day of May 1679 ... [illegible]

Inventar
Item ye was adebted & awand to the defunct the tyme of his deceis
[be] the [airs?] & executors or representars of the deceist
first Jon Earle of Wigtoun the sowme of [?] ...
fra Whitsunday 1658 to [?] ... Martinmes 1661 qk was the last
terme the defunct [?] ... [be] band dated the 29 day of May
1658 yeirs subscribed be [Jon?] Earle of Wigtoun & [Jon?] [?]
Earle of Wigtoun the soun designed in the band efter spec[ified?]
[?] Lord ffleming the soun of [?] ... [interest?] with [?]
of bygane [?] ... [pr]ovyding the [?] ... [the other] band
dated the eight day of Apryle 1661 [?] yeirs

Summa of the Inventar [Jaj^m vj^c lxxviij?]
nulla debita

I Sir Wm ffleming of ffarme Comr of Glasgow be the tenor hereof
[give?] ... warrand maid ... [open?] ... Ratifie approve & ffirme
this present testat datiue de omissa & Inventarie [?] fra [?] ...
[?] [last line illegible]

Image 342 – Page 342: end of ratification; bond of caution by William Anderson; next estate begins

1679 Fleiming, Archibald (Wills and testaments Reference CC9/7/43, Glasgow Commissary Court) Image 342 Last image 342
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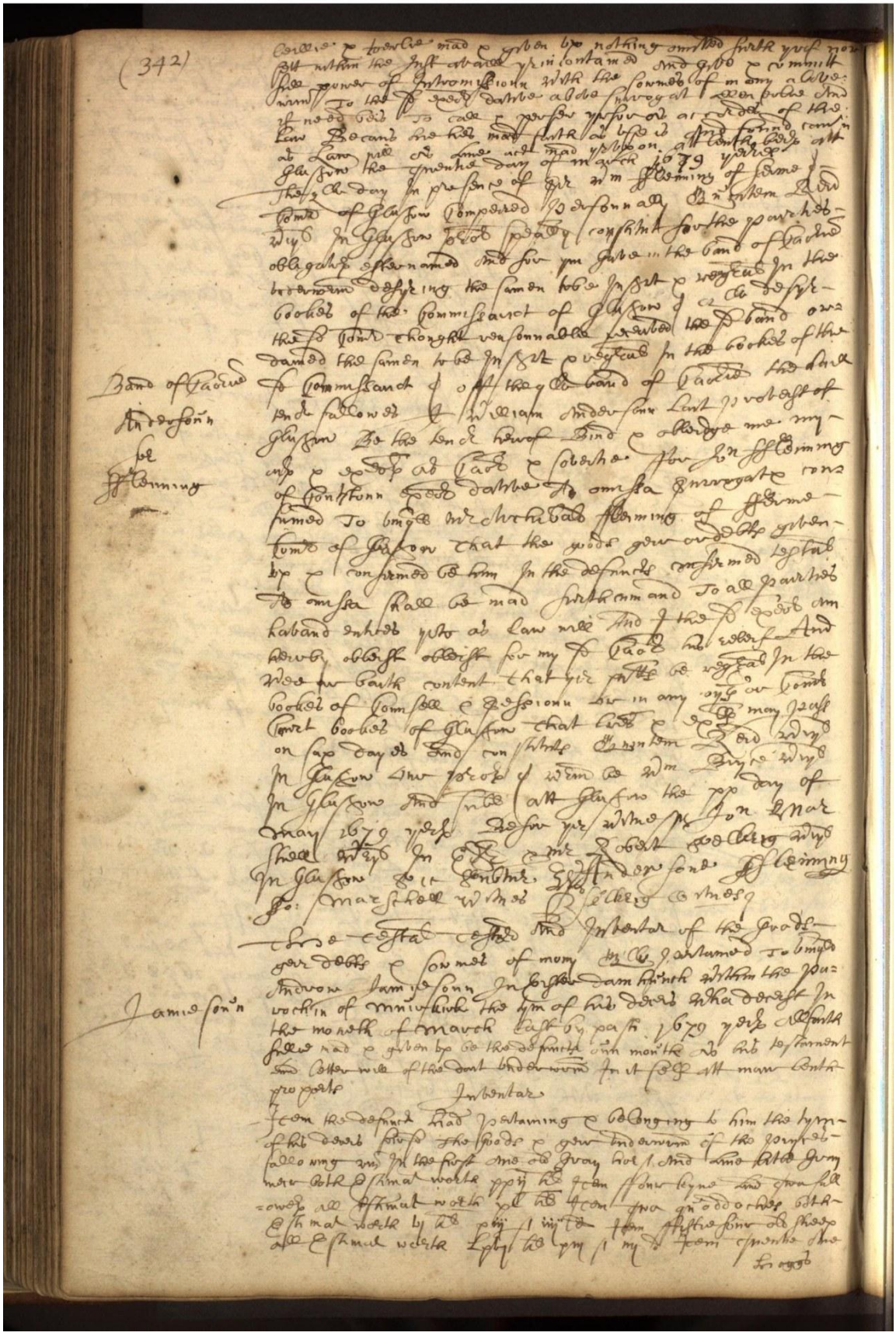


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Transcription

(342)
[Fullie?] & trewlie maid & gewen vp nothing omitted furth yrof nor
[?] within the Inventar abouewrittin yrin contained And gives &
committs the full power of Intromissioun with the sowmes of money
abouewrittin To the sd Exr datiue [?] ... as oft as [?]
And if need beis to call & persew yrfor at the ordour of the Law
Requyres And hes maid faith as use is And found cautione in [?]
at Law [?] ... act maid yrupon att Glasgow the twentie day of
March 1679 yeirs

The [?] day In presence of Sir Wm ffleming of ffarme Comr of
Glasgow Compeared personally [Bryce?] ... Wr in Glasgow [?]
specially constitute for the pairtie obligator efternamed and for ym
gave in the band of cautionrie underwrittin desyring the samen to be
inset & registrat in the bookes of the Commissariot of Glasgow [?]
which Desyre the sd Comr thought reasonable [ordeined?] the sd
band ow[er?] ... Followes

[margin: Bond of Caution / Anderson / for / ffleming]
I William Anderson Lait Provost of Glasgow Be the tenor heirof
Bind & oblidge me my airs & exrs as Cautr & Soverte for Jon ffleming
of [ffontstoun?] Exr datiue to omissa Surrogate [Confirmed?] to Umqle
Mr Archibald fleming of fferme Comr of Glasgow that the goods gear &
debts gevin up & confirmed be him in the defuncts confirmed testat
de omissa shall be maid furthcuming to all parties haveand Interest
yrto as law will And I the sd Exr [?] bind & oblige for my sd Caur
[his] relieff And [heirby?] ... [Wee?] ... baith content that yir pntts
be registrat in the bookes of Counsell & Session [or] in any [uyr?]
Comrs Court bookes of Glasgow that [letters?] & [?] on sax dayes
And constitute [Hereof?] Mr Bryce(?) Wr in Glasgow ... Procrs ...
[In witnes] [wherof?] ... written be Mr [?] Bryce Wr in Glasgow
And subtt att Glasgow the [22?] day of May 1679 yeirs Befor yr
witnes Jon Knox(?) [?] Robert [Goodlett?] Wr in Glasgow ... [?]
[?] Anderson Jon ffleming [Jo:] Marschell [?] witnes

[Next estate – not Fleming; summary only:]
[margin: Jamesoun]
These testament [?] and Inventar of the goods gear debts & sowmes of
money [?] pertaining to umqle Andrew Jamesoun in Eister Dam(?)kirk
within the parochin of Munifuth(?) the tyme of his deceis who deceist in
the month of March last by past 1679 yeirs ...
Item the defunct had pertaining ... [remainder not transcribed]

7. Second eik, 29 December 1680

Summary. Sir William Fleming, Knight and Baronet, Commissary of Glasgow, "of new againe" ratifies and confirms Archibald Stewart of Scotstoun, executor dative to the said Mr Archibald Fleming, in and to 2,300 merks Scots, owed to the defunct by the late Sir John Colquhoun of Luss, Knight, by his obligation subscribed with his hand and dated 8 January 1650 [read; the last figure is slightly uncertain]. The sum had been "ignorantlie omittit" from the principal testament and had lately come to the executor's knowledge. Stewart is given power of intromission with it and of pursuing for it; he has again made faith and found caution as the act records (at Glasgow, 29 December 1680). The marginal note reads "no band caution gevin in, being for the Commissars behoof": no bond of caution was given, because the money was for the Commissary's own benefit.

Identification. Sir John Colquhoun of Luss, deceased by 1680, is probably the 2nd baronet of Luss (my inference from the date). His bond to the Commissary of Glasgow was made in 1650, twelve years before Archibald's death.

Other estates. The top of the page is a bond of caution by William McNair, maltman in Gorbals, for William McNair, son and executor of his father (18 December 1680; witnesses James Mann, writer in Glasgow, and John Murdoche). The foot of the page begins the testament of Robert [Andicorne], land labourer in Glasgow, who died in December 1680. They are not Fleming material and are not transcribed beyond what is shown.

Image 96 – Page 96: end of a bond of caution (McNair); Fleming eik; start of the next testament

1680 Fleming, Archibald (Wills and testaments Reference CC9/7/44, Glasgow Commissary Court) Image 96 Last image 96
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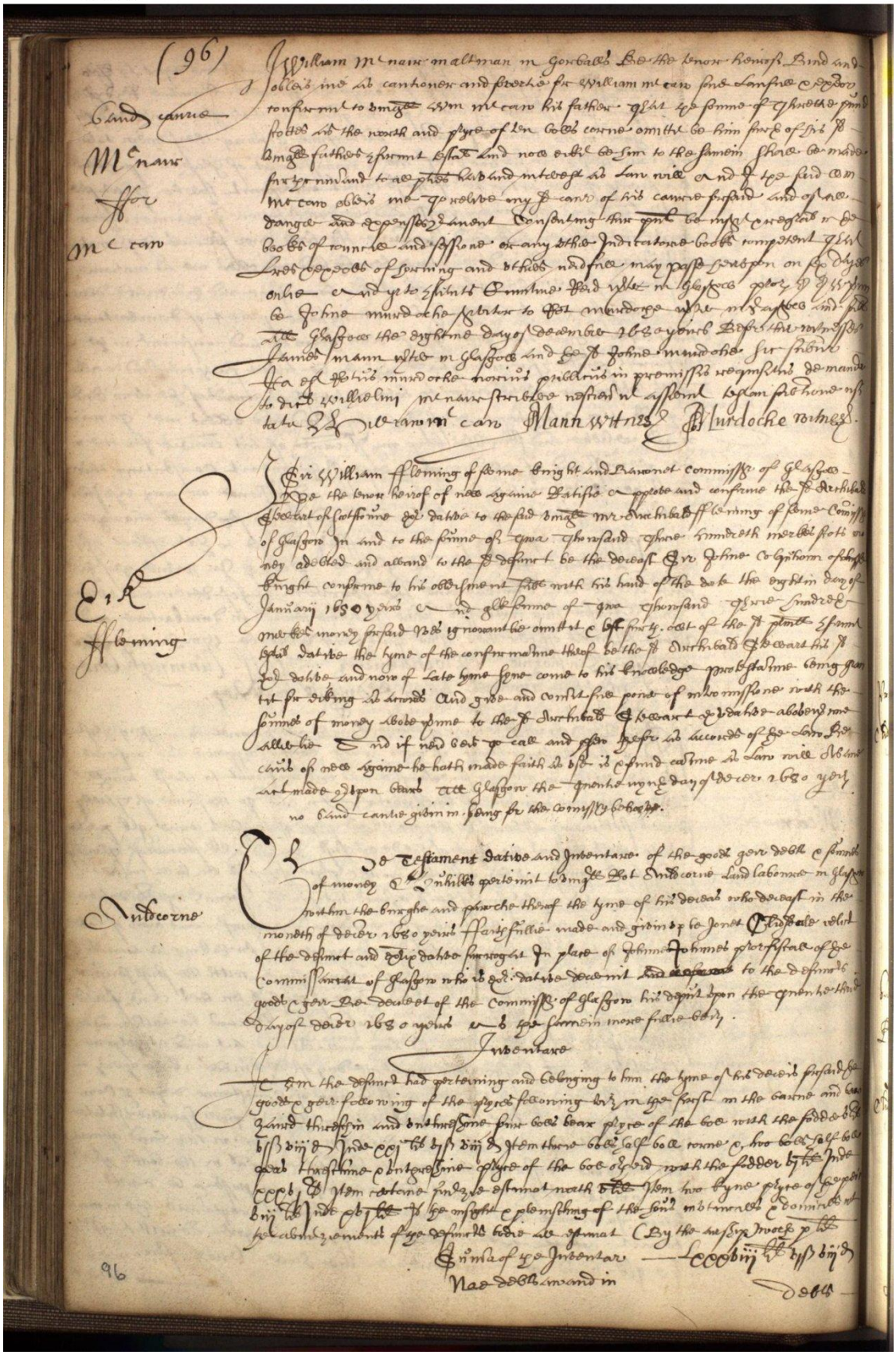


Image: ScotlandsPeople / National Records of Scotland (Glasgow Commissary Court CC9/7/34, 42, 43, 44) – reproduced for private research.

Transcription

[Top of page: bond of caution "McNair for McNair": William McNair maltman in Gorbals cautioner for William McNair sone lawfull exr confirmed to umqle Wm McNair his father ... At Glasgow the eightine day of December 1680 yeirs Befor thir witnesses James Mann wryter in Glasgow and John Murdoche. Not transcribed in full.]

[margin: Eik / ffleming]
I Sir William ffleming of ferme Knight and Barronet Commissar of Glasgow
be the tenor heirof of new againe Ratifie approbe and confirme the said Archibald
Stewart of Scotstoune exr datiue to the said umqle Mr Archibald ffleming of ferme Commissar
of Glasgow in and to the sowme of Tua Thousand Thrie hundreth merkis Scots mo-
ney adebted and awand to the said defunct be the deceast Sir Johne Colquhoun of Luss
Knight conforme to his obligement [wrettin?] subt with his hand of the date the eightin day of
Januarij 1650 yeirs And qlk sowme of Tua Thousand Thrie hundreth
merkis money forsaid wes ignorantlie omittit and left furth out of the said pryncll
[confirmit] testat
datiue the tyme of the confirmatione thereof be the said Archibald Stewart his [?]
exr datiue, and now of late tyme come to his knowledge probatione being grantit
for [eiking?] the arrears And gives and committs full power of intromissione with the
sowmes of money abovewrittin to the said Archibald Stewart exr datiue abovesurrogat
allenarlie And if need beis to call and persew yrfor as accords of the Law
Becaus he of new againe hath made faith as use is and fund cautione as Law will As ane
act maid yrupon beares At Glasgow the twentie nynt day of Decr 1680 yeirs
no band cautne gevin in, being for the Commissars behoofe

[margin: Andicorne]
[Next estate – not Fleming; summary only:] The Testament datiue and Inventare of the goods
geir debts & sowmes
of money qlk pertenit to umqle Robt [Andicorne] land labourer in Glasgow within the burgh and
parochin thereof
the tyme of his deceis who deceist in the month of Decr 1680 yeirs faithfullie made and gevin
vp be Jonet Clydsdale relict
of the defunct and exix datiue surrogat in place of Johne Johnes procurator fiscal of the
Commissariat of Glasgow ...
[inventory: corn, bear, a cow(?), household plenishing; summa [Ij^m?] ccc[?] ... ; "Nae debts
awand in"; not transcribed in full]

8. Readings to check

- 1664: the death year as written (“threscoir tua”); the blank decreet date; most sums and names in the debt lists, including the Earl of Wigtown’s bond amount; whether the Commissary is “Mr Wm” or “Sir Wm”; the cautioner’s place name “Cunth…mie” (possibly the same place as “Cuntstoune” in 1676 and “ffontstoun” in 1679).
- 1676: the principal sum (“[?] Thousand and ffyve hundredth merks”), the name and place of “[Sir?] John Wilkie”, and the total of “[?] Thousand Eight hundredth [?] pund”.
- 1679: as listed in the document itself: the surrogate’s place name, the bond sums and dates, witnesses’ names.
- 1680: the date of Colquhoun’s bond (“1650”, which I read rather than 1680, since the debtor was dead and the creditor died in 1662), and the word “[wrettin?]”.
- Whether the three eiks relate to bonds already in the 1664 list. I have not matched them because many of the 1664 amounts are illegible.