JAMES MICHAEL FLEMING WRITER

Scotland's People

Transcription
Source: Scotland's People
Assisted by: Claude AI
© James Michael Fleming 2026

Claude

Sir Archibald Fleming of Farme, Baronet

Testament Dative, 1738 – transcription and summary

Glasgow Commissary Court, CC9/7/56, images 128–129 (pencil folio numbers 128 and 129; testament No 63)

Item	Detail
Deceased	Sir Archibald Fleming of Farme ("ffarm"), Baronet, "within the parochin of Rutherglen". The month of death is blank; the year 1738 is given by the decreet dative (17 August 1738) and the confirmation (28 August 1738).
Type of record	Testament dative of the goods and gear (marginal heading "Testat dative umqll Sir Archd ffleming"; numbered 63 in the volume).
Executrix	Janet Fleming, spouse to William Bogle, writer in Hamilton, "and him for his Intrest" (his husband's right), "Daur Lawfull" to the deceased, executrix dative qua nearest in kin.
Decreet dative	17 August 1738 ("the Seventeenth day of August Instant"), by the Commissary of Glasgow.
Confirmation	28 August 1738, in common form, by John Chapman, Commissary Substitute, and Alexander Stevenson, Clerk Depute, at Glasgow. Marginal note "nulla protestatio".
Cautioner	William Weir, writer in Glasgow. Procurator: James Bryce, writer in Glasgow. Bond written by Robert Lochead, apprentice to William Weir; subscribed at Glasgow 28 August 1738 before Robert Chapman, writer in Glasgow, and Robert Lochead.
Total estate	£25 4s Scots (about £2 2s sterling at 12:1): one sundial. "Summa patet" (no total written).
Not Fleming material	The top 11 lines of image 128 end the bond of caution in the preceding testament (No 62). The lower part of image 129 is the start of testament No 64, John Stirling, merchant, late provost of Glasgow. Both are transcribed for completeness of the pages but left out of the summary.
Conventions	Original spelling, punctuation and line breaks kept; abbreviations not expanded; [square brackets] = doubtful or editorial; [blank] = space left empty in the manuscript. "Jajvijc" is the clerk's way of writing 1700 (I^m vij^c).

1. Summary

What this is. A short testament dative for Sir Archibald Fleming of Farme, confirmed at Glasgow in August 1738. His daughter Janet, wife of William Bogle, writer in Hamilton, is appointed executrix dative as nearest of kin, and the inventory consists of a single item: a sundial standing in a garden at the Nook of Kilbride, valued at £25 4s Scots. There are no debts owing to or by him, no legacies, and no goods in the house. The estate of a baronet whose family had held Farme for generations is thus reduced to a sundial.

Executors, legatees, debts

- **Executrix:** Janet Fleming, his lawful daughter, spouse to William Bogle, writer in Hamilton, who appears "for his interest" (the husband's legal interest in his wife's moveable estate).
- **Cautioner:** William Weir, writer in Glasgow, bound himself, his heirs and executors, that the goods given up would be made forthcoming to all having interest.
- **Legatees:** none; a testament dative has no will.
- **Debts:** none listed, either owing to or by the deceased.
- **Commissary officials:** John Chapman (Commissary Substitute) and Alexander Stevenson (Clerk Depute). A William Weir is Commissary Depute and an Alexander Stevenson is Clerk in the two 1761 testaments for the same family; they may be the same men or their families, but the records do not say.

Identifying the deceased

- **Cokayne's fourth baronet.** This is evidently Cokayne's "IV. 1714. Sir Archibald Fleming, Baronet [S. 1661], of Farme … d.s.p.m. in Aug. 1738, his da., Janet, wife of William Bogle, Writer, in Hamilton, being appointed his executrix dative". The testament matches that note in every particular (name, daughter Janet, her husband William Bogle, writer in Hamilton, executrix dative, August 1738) and is presumably its source.
- **Relation to the 1761 testaments.** The 1761 testaments are for a Sir Archibald Fleming who was "younger of Farm" in 1701–03 and who, by the burial record of April 1714, died in 1714 (the testaments themselves say 1709). The man of 1738 is the next Sir Archibald in Cokayne's line, presumably his son; this testament does not name his father, so it neither confirms nor contradicts that. It does show that the title was still held by a Sir Archibald resident in the parish of Rutherglen in 1738.
- **Poverty.** The estate is consistent with Cokayne's note that the family estates were heavily encumbered and that Sir Archibald "appears to have sold the last remains of the estate in 1722".
- **Heirs.** Only a daughter is mentioned. Cokayne gives his successor as Sir Gilbert Fleming, "presumably br. and h. male"; the testament does not mention a brother or a son, and an executrix dative could be appointed whether or not an heir male survived.
- **John Fleming of Nook.** The sundial was "possessed by John ffleming of Nook", in the Nook of Kilbride (East Kilbride parish). His relation to Sir Archibald is not stated. He may be a relative or a cadet of the family, and is worth tracing.
- **Hamilton.** Janet's husband is a writer in Hamilton. A burial in Hamilton parish in 1704 of "Archbald Flemin Meallman" has been suggested as a relative; this testament gives no connection.

2. Contents and values

Item	Location / holder	Value (Scots)	Sterling (12:1)
“Ane Sun Dyall” (a sundial)	“Standing presently in a yeard In Nook of Kilbride”; “possessed by John ffleming of Nook”	£25 4s	about £2 2s
Debts owing to the deceased	none	–	–
Debts owing by the deceased	none	–	–
Total (“Summa patet”)		£25 4s	about £2 2s

The inventory heading speaks of “goods gear”, but only the sundial is listed. The figure £25 4s is “Estimate and Valued at Twenty five pound four Shillings Scots money”.

3. Images and transcription

Reading order: image 128 first (the Fleming testament and the start of the bond of caution), then image 129 (the end of the bond, and the next testament).

Image 128 – Page 128: end of the previous testament's bond of caution; the Fleming testament; confirmation; bond of caution begins

1738 Fleming, Archibald (Wills and testaments Reference CC9/7/56, Glasgow Commissary Court) Image 128 Last image 129
©Crown copyright, National Records of Scotland. Image was generated at 09 October 2026 06:08

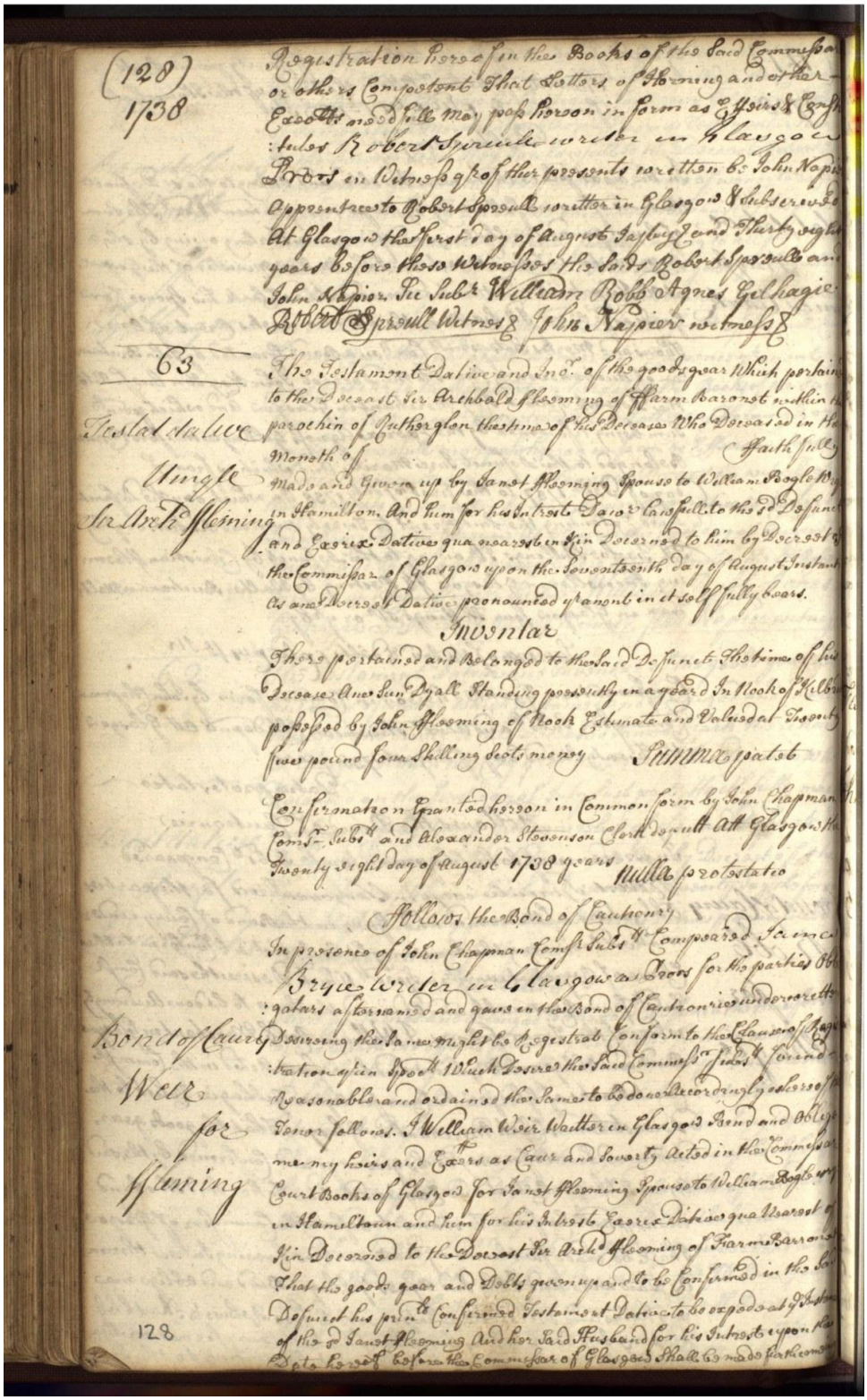


Image: ScotlandsPeople / National Records of Scotland (CC9/7/56) – reproduced for private research.

Transcription

(128) 1738
Registration hereof in the Books of the said Commissar[
or others Competent That Letters of Horning and other
Exectts needfull may pass hereon in form as Effeirs & Consti-
: tutes Robert Sproull writer in Glasgow
Procrs In Witness yrof these presents written be John Napier
Apprentice to Robert Sproull writter in Glasgow & Subscrived
At Glasgow the first day of August Jajvijc and Thirty eight
years before these Witnesses the Saids Robert Sproull and
John Napier Sic Subr William Robb Agnes Gelhagie [?]
Robert Sproull Witness & John Napier witness

63
[Margin:] Testat dative / Umqll / Sir Archd ffleming

The Testament Dative and Inv. of the goods gear Which pertain-
to the Deceast Sir Archbald ffleming of ffarm Baronet within the
parochin of Rutherglen the time of his Decease Who Deceased in the
Month of [blank] ffaithfully
Made and Given up by Janet ffleming Spouse to William Bogle Wr
in Hamilton, And him for his Intrest Daur Lawfull to the sd Defunct
and Exerix Dative qua nearest in kin Decerned to him by Decreet of
the Commissar of Glasgow upon the Seventeenth day of August Instant
As ane Decreet Dative pronounced yranent in it self fully bears.

Inventar
There portained and Belonged to the said Defunct The time of his
Decease Ane Sun Dyall Standing presently in a yeard In Nook of Kilbr[ide]
possessed by John ffleming of Nook Estimate and Valued at Twenty
five pound four Shillings Scots money Summa patet

Confirmation Granted hereon in Common form by John Chapman
Coms: Subst: and Alexander Stevenson Clerk deput att Glasgow the
Twenty eight day of August 1738 years nulla protestatio

Follows the Bond of Cautionry
In presence of John Chapman Coms: Subst: Compeared James
Bryce writer in Glasgow as Procrs for the parties Obli-
:gatars afternamed and gave in the Bond of Cautionrie underwritten
Desiring the same might be Registrat Conform to the Clause of Regis-
:tration yrin Specd Which Desire the said Commiss: Judged found
Reasonable and ordained the Same to be done Accordingly whereof the
Tenor follows. I William Weir Writter in Glasgow Bind and Oblige
me my heirs and Exers as Caur and Soverty Acted in the Commissar
Court Books of Glasgow for Janet ffleming Spouse to William Bogle wr
in Hamiltoun and him for his Intrest Exerix Dative qua Nearest of
Kin Decerned to the Deceast Sir Archd ffleming of ffarm Baronet
That the goods gear and Debts given up and to be Confirmed in the Said
Defunct his princl Confirmed Testament Dative to be expeded at ye Instance
of the sd Janet ffleming And her said Husband for his Intrest upon the
Date hereof before the Commissar of Glasgow Shall be made furthcoming

[Margin:] Bond of Caury / Weir / for / ffleming

Image 129 – Page 129: end of the bond of caution; start of the next testament (John Stirling, late provost of Glasgow)

1738 Fleming, Archibald (Wills and testaments Reference CC9/7/56, Glasgow Commissary Court) Image 129 Last image 129
©Crown copyright, National Records of Scotland. Image was generated at 09 October 2026 06:08

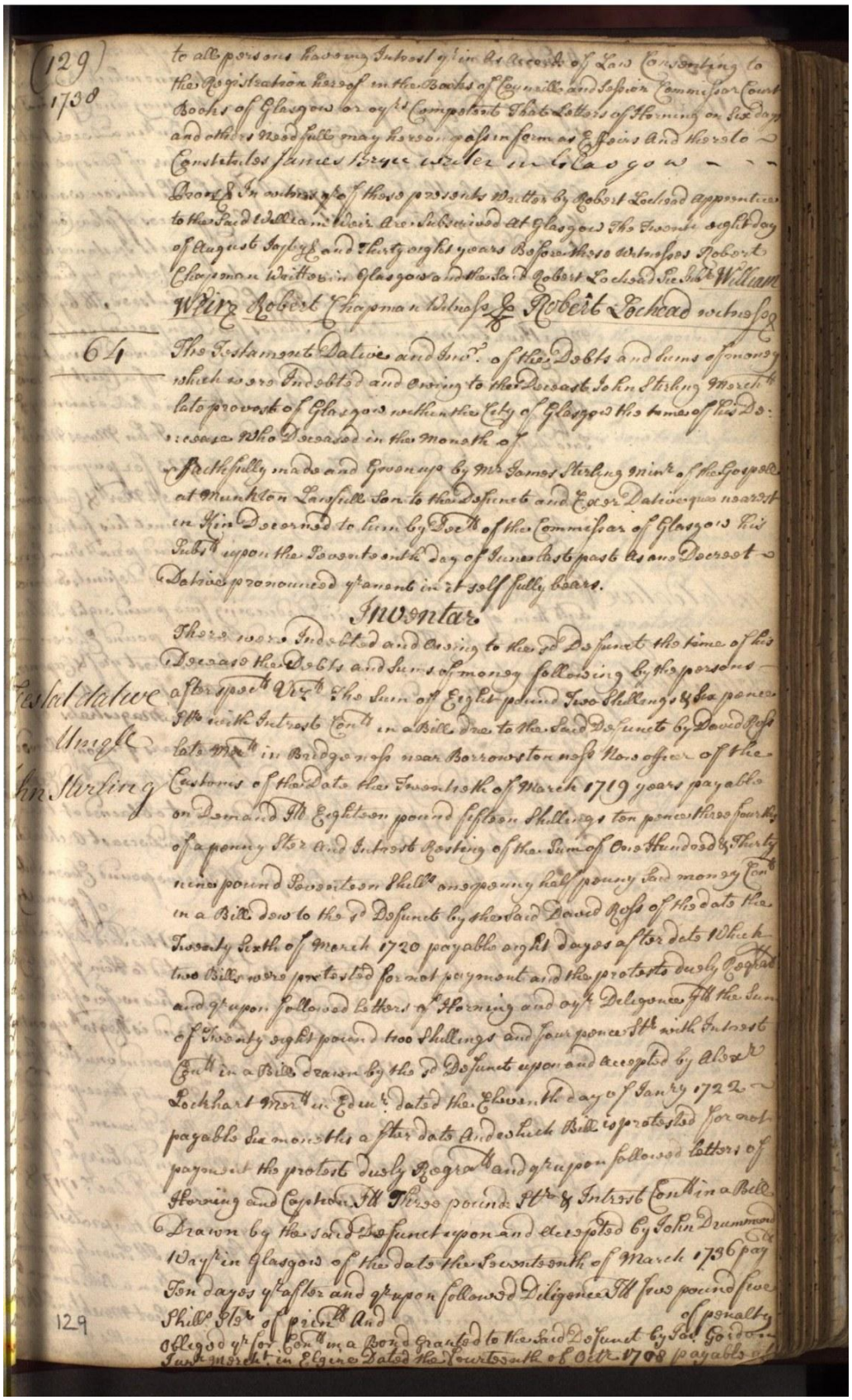


Image: ScotlandsPeople / National Records of Scotland (CC9/7/56) – reproduced for private research.

Transcription

(129) 1738
to all persons having Interest yrin as Accords of Law Consenting to
the Registration hereof in the Books of Councill and Session Commissar Court
Books of Glasgow or oyrs Competent That Letters of Horning on Six days
and others Needfull may hereon pass in form as Effeirs And thereto
Constitutes James Bryce writer in Glasgow
Procrs In witness yrof these presents Written by Robert Lochead apprentice
to the said William Weir Are Subscribed at Glasgow The Twenty eight day
of August Jajvijc and Thirty eight years Before these Witnesses Robert
Chapman Writer in Glasgow and the said Robert Lochead Sic Subr William
Weir Robert Chapman Witness & Robert Lochead witness

64
[Margin:] Testat dative / Umqll / John Stirling

The Testament Dative and Inv. of the Debts and Sums of money
which were Indebted and Owing to the Deceast John Stirling Merch
late provost of Glasgow within the City of Glasgow the time of his De-
:cease Who Deceased in the Month of
ffaithfully made and Given up by Mr James Stirling Minr of the Gospell
at Munkton Larsfill [?] Son to the Defunct and Excr Dative qua nearest
in Kin Decerned to him by Dect of the Commissar of Glasgow his
Subtt upon the Seventeenth day of June last past As ane Decreet
Dative pronunced yranent in it self fully bears.

Inventar
There were Indebted and Owing to the sd Defunct the time of his
Decease the Debts and Sums of money following by the persons
after specd Viz. The Sum of Eight pound Two Shillings & Sixpence
Stg with Interest Contd in a Bill due to the said Defunct by David Ross
late Merct in Bridgeness near Borrowstoun-ness Now officer of the
Customs of the Date the Twentieth of March 1719 years payable
on Demand Itm Eighteen pound fifteen Shillings ten pence three fourths
of a penny Ster And Interest Resting of the Sum of One Hundred & Thirty
nine pound Seventeen Shill: one penny half penny Scots money Contd
in a Bill dew to the sd Defunct by the said David Ross of the date the
Twenty Sixth of March 1720 payable eight days after date Which
two Bills were protested for not payment and the protests duely Regrad
and yrupon followed Letters of Horning and oyr Diligence Itm the Sum
of Twenty eight pound two Shillings and four pence Stg with Interest
Contd in a Bill drawn by the sd Defunct upon and Accepted by Alexr
Lockhart Merct in Edinr dated the Eleventh day of Jany 1722
payable Six months after date And which Bill is protested for not
payment the protest duely Regrad and yrupon followed letters of
Horning and Caption Itm Three pound Stg & Interest Contd in a Bill
Drawn by the said Defunct upon and Accepted by John Drummond
Wright in Glasgow of the date the Seventeenth of March 1736 pay-
Ten days yrafter and yrupon followed Diligence Itm five pound five
Shill: Stg of princll And [of penalty] Obliegd yrfor Contd in a Bond Granted to the Said
Defunct by Jas Gordo[n]
Junr merchtt in Elgine Dated the fourteenth of Octr 1708 [?] payable of[...]

4. Readings to check

- Month of death (image 128): left blank in the manuscript. Cokayne's "Aug. 1738" is consistent with the decreet of 17 August.
- "Exectts" (image 128, top): the abbreviation for "Executorials" is read as written. "Gelhagie" in the preceding bond's subscribers is doubtful.
- "Nook of Kilbr[ide]" runs into the margin; the fuller reading is from the next word. "John ffleming of Nook": a place called the Nook in East Kilbride parish is assumed.
- Image 129, the Stirling testament (other estate, read less closely): "Munkton Larsfill" is doubtful; the date "Octr 1708" for the Gordon bond may be misread; the last line is cut off at the foot of the page.
- "Jajvijc": I^m vij^c (1700s), kept as written.