

Transcription

Source: Scotland's People
Assisted by: Claude AI
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William Fleming of Barrochan

Testament Dative and Bond of Cautionry, 1783 – transcription and summary

Glasgow Commissary Court, CC9/7/72, images 236–237 (folios 236–237)

Reliability. This is a clear, formal 18th-century clerk's hand and is read with high confidence. Spelling, punctuation, capitals and abbreviations are as written; line breaks are approximate (about one transcribed line per manuscript line). Uncertain readings are in [square brackets]. The amount of the Summa is not written in the manuscript.

Item	Detail
Deceased	William Fleming, Esquire, of Barrochan, Inspector of the Customs at Port Glasgow; died in 1783, before 1 April (the month of death is left blank in the manuscript).
Record	CC9/7/72, Glasgow Commissary Court, 1783, No. 11 (margin "N° 11"); testament dative on folio 236, bond of cautionry on folio 237.
Executor	Malcom Fleming, Esquire, of Barrochan, "only son in life" of the deceased, executor dative qua nearest in kin, decerned by the Commissary Substitute of Glasgow in a decreet dative of 1 April 1783.
Confirmed	2 April 1783 by John Marshall, Commissary Substitute, and Benjamin Barton, Clerk of the Commissariot of Glasgow.
Cautioner	Thomas Buchanan, writer in Glasgow, by bond of cautionry subscribed at Glasgow on 2 April 1783.

1. Summary and identification

- **Who he was.** William Fleming of Barrochan held the post of Inspector of the Customs at Port Glasgow, a salaried office. He was the father of the Malcom Fleming of Barrochan who died in 1819 (see the 1820 inventory), whom the testament calls “only son in life”. That wording implies other sons had died. The text does not name his wife or any other child. William is probably the descendant of the earlier William Fleming of Barrochan who gave up the 1722 testament of Lilias Fleming, but this document does not say so.
- **Executor.** Malcom Fleming, his only surviving son, was appointed executor dative as nearest in kin, since there was no testament testamentar (no will). No curator or tutor is named for Malcom, which suggests he was of age, though the document does not say so.
- **Estate.** The inventory consists of a single item: £13 15s 10½d sterling of salary owed to the deceased by the Board of Customs as Inspector at Port Glasgow, “deducing therefrom the usual tax of one shilling and ten pence half penny per pound”. That is a small sum, and nothing else is listed (no furniture, cash, stock or debts due from private persons). The Barrochan lands as heritage would pass outside the testament. Other moveables may have been dealt with separately, for example in a later additional inventory (an eik), or they may simply not have been given up.
- **Debts.** No debts due by the deceased are entered. No legatees are named, since the testament is dative.
- **Caution.** Thomas Buchanan, writer in Glasgow, acting through the Commissary Court, bound himself, his heirs and executors as cautioner that the £13 15s 10½d would be made furthcoming to all having interest. Witnesses were Captain Alexander Buchanan of the 95th Regiment of Foot and Hugh Buchanan, the cautioner’s clerk, who wrote the bond.
- **Procedure.** Decreet dative 1 April 1783; confirmation and bond both dated 2 April 1783, so the two steps took place on consecutive days.

2. Contents and values

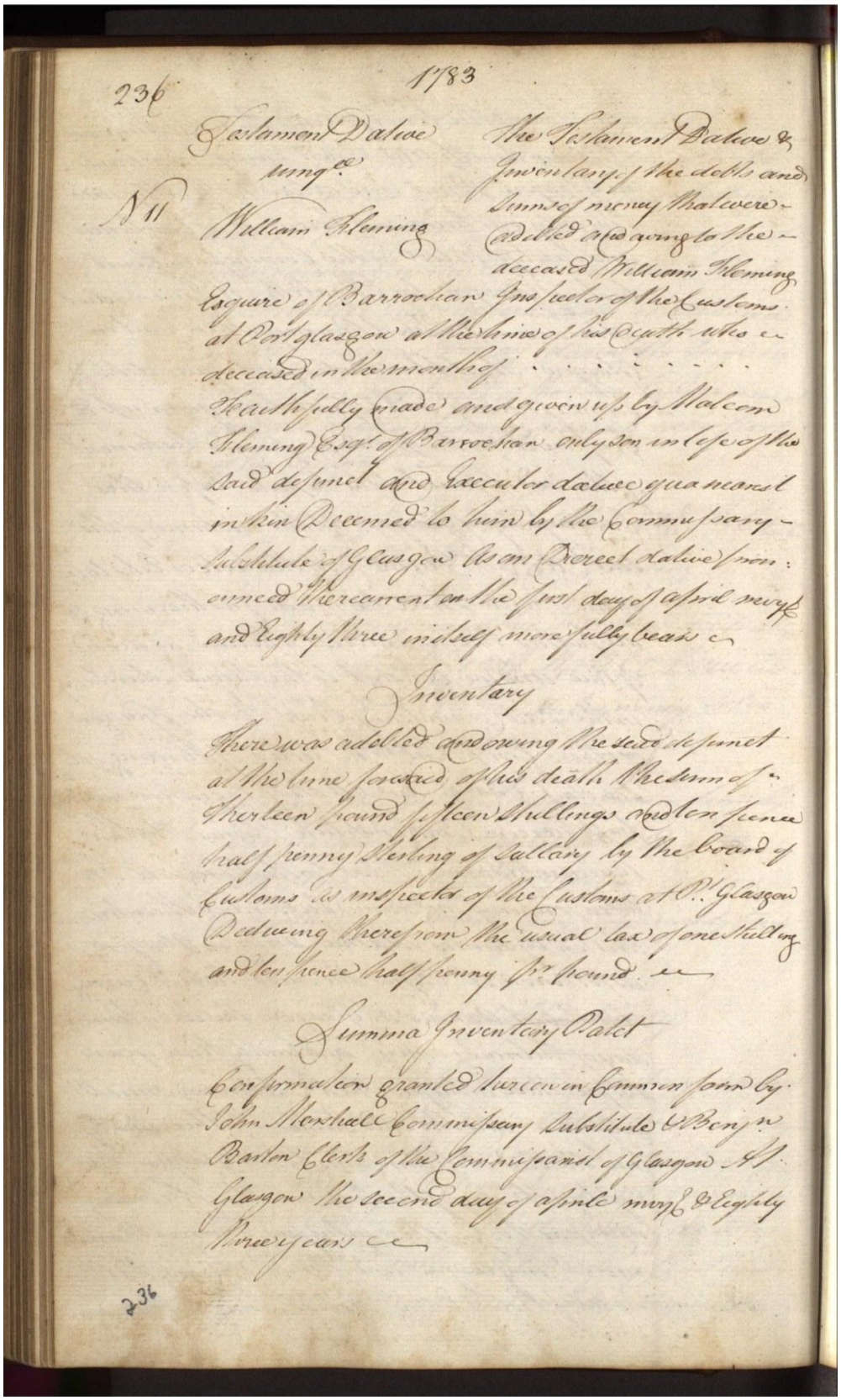
Item	Source	Value
Salary owing to the deceased as Inspector of the Customs at Port Glasgow (after the usual tax)	Board of Customs	£13 15s 10½d sterling
Summa of the Inventory		[value not written; = £13 15s 10½d]
Debts owing by the deceased	—	none entered

The wording is “the sum of Thirteen pound fifteen shillings and ten pence half penny sterling of salary … deducing therefrom the usual tax of one shilling and ten pence half penny per pound”. It is not clear from the text whether the figure is before or after the tax; the bond of caution repeats the same figure as the sum “given up and confirmed”, so I take it as the total of the inventory. No room-by-room contents list exists in this record.

3. Images and transcription

Image 236 – Testament dative and inventary

1783 Fleming, William (Wills and testaments Reference CC9/7/72, Glasgow Commissary Court) Image 236 Last image 237
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1783

Testament Dative & Inventary

No 11

William Fleming

The Testament Dative & Inventary of the debts and Sums of money Whatever adebted & addeeming to the deceased William Fleming Esquire of Barrochan Inspector of the Customs at Portglasgow at the time of his death who deceased in the month of . . . . . Faithfully made and given up by Malcom Fleming Esqr. of Barrochan only son lawful & the said defunct and executor dative qua nearest in kin Decerned to him by the Commissary Substitute of Glasgow As an Decreet dative pronounced thereanent on the first day of April Jm vij and Eighty three in itself more fully bears &

Inventary

There was adebted and addeeming the said defunct at the time foresaid of his death The Sum of Fourteen pound fifteen Shillings & ten pence half penny Sterling of Sallary by the board of Customs as Inspector of the Customs at Pt. Glasgow Deducting therefrom the usual tax of one Shilling and ten pence half penny pr pound &

Summa Inventary Patet

Confirmation granted thereon in Common form by John Marshall Commissary Substitute & Benjn Barton Clerk of the Commissariot of Glasgow At Glasgow the seccond day of aprile Jm vij & Eighty three years &

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Image: ScotlandsPeople / National Records of Scotland (CC9/7/72) – reproduced for private research.

Transcription

[Top margin:] 236 1783
[Margin:] Testament Dative / umqle / William Fleming N° 11

The Testament Dative &
Inventary of the debts and
Sums of money that were
Addebted and owing to the
deceased William Fleming
Esquire of Barrochan Inspector of the Customs
at Port Glasgow at the time of his Death who
deceased in the month of . . . . . .
Faithfully made and given up by Malcom
Fleming Esqr of Barrochan only son in life of the
said defunct and Executor dative qua nearest
in kin Decerned to him by the Commissary
Substitute of Glasgow As on Decreet dative pron-
ounced thereanent on the first day of Aprile seventeen
hundred and Eighty three in itself more fully bears.

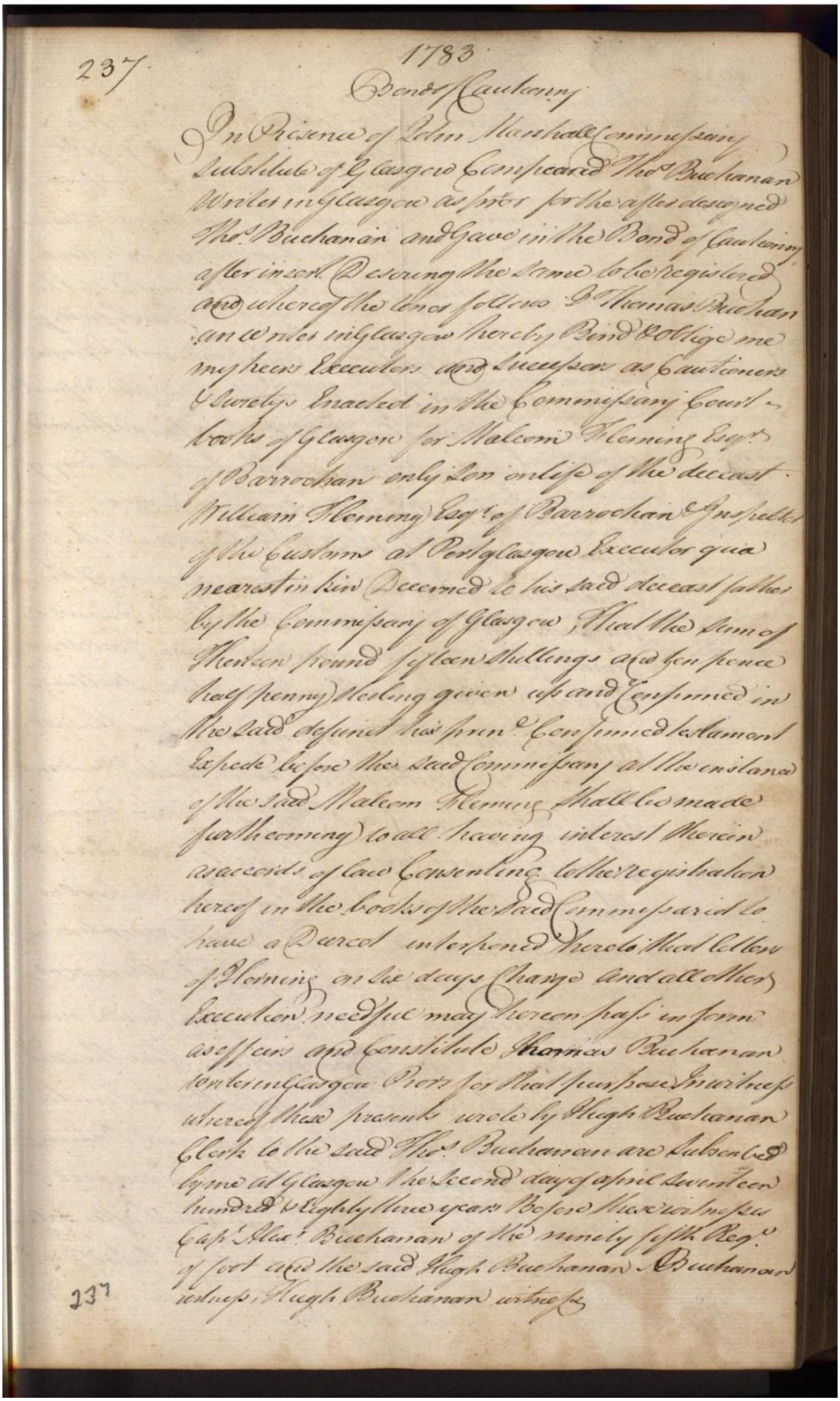
Inventary
There was addebted and owing the said defunct
at the time foresaid of his death the Sum of
Thirteen pound fifteen shillings and ten pence
half penny Sterling of Salary by the board of
Customs as Inspector of the Customs at Pt Glasgow
Deducing therefrom the usual tax of one shilling
and ten pence half penny pr pound.

Summa Inventary [value not written]

Confirmation granted thereon in Common form by
John Marshall Commissary Substitute & Benjn
Barton Clerk of the Commissariot of Glasgow At
Glasgow the second day of Aprile seventeen hundred & Eighty
three years

Image 237 – Bond of cautionry

1783 Fleming, William (Wills and testaments Reference CC9/7/72, Glasgow Commissary Court) Image 237 Last image 237
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1783

Bond of Cautionry

In Presence of John Marshall Commissary Substitute of Glasgow Compeared Thos Buchanan Writer in Glasgow as Factor for the after designed Thos Buchanan and Gave in the Bond of Cautionry after insert Desiring the same to be Registered and whereof the tenor follows I Thomas Buchanan Writer in Glasgow Hereby Bind Oblige me my heirs Executors and Successors as Cautioners Conjunctly Severally Enacted in the Commissary Court books of Glasgow for Malcom Fleming Esqr of Barrochan only Son and Lyeff of the deceast William Fleming Esqr of Barrochan & Inspector of the Customs at Port Glasgow Executor qua nearest in kin Decerned to his said deceast father by the Commissary of Glasgow, That the Sum of Fourteen hundred Sixteen Shillings and ten pence half penny Sterling given up and Confirmed in the said deputed Executry Confirmed Testament Extract before the said Commissary at the instance of the said Malcom Fleming shall be made forthcoming to all having interest therein as accords of Law Conform to the Registration hereof in the books of the said Commissary and to have a Power interponed thereto And Letters of Horning on the days Charge and all other Execution needful may thereon pass in form as effeirs and Constitute Thomas Buchanan Writer in Glasgow Procurator for that purpose Witness whereof these presents wrote by Hugh Buchanan Clerk to the said Thos Buchanan are Subscribed by me at Glasgow the Second day of April Seventeen hundred & Eighty three years Before these witnesses Capt Alex Buchanan of the Murray 55th Regt of Foot and the said Hugh Buchanan Buchanan writes Hugh Buchanan witness

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Image: ScotlandsPeople / National Records of Scotland (CC9/7/72) – reproduced for private research.

Transcription

[Top margin:] 237 1783

Bond of Cautionry

In Presence of John Marshall Commissary
Substitute of Glasgow Compeared Thos Buchanan
Writer in Glasgow as procr for the after designed
Thos Buchanan and Gave in the Bond of Cautionry
after insert Desiring the same to be Registered
and whereof the tenor follows I Thomas Buchan-
an Writer in Glasgow hereby Bind & Oblige me
my heirs Executors and Successors as Cautioners
& Sureties Enacted in the Commissary Court
books of Glasgow for Malcom Fleming Esqr
of Barrochan only son in life of the deceast
William Fleming Esqr of Barrochan & Inspector
of the Customs at Portglasgow Executor qua
nearest in kin Decerned to his said deceast father
by the Commissary of Glasgow, That the Sum of
Thirteen pound fifteen shillings and ten pence
half penny Sterling given up and Confirmed in
the said defunct his [Prin?] Confirmed testament
expede before the said Commissary at the instance
of the said Malcom Fleming shall be made
furthcoming to all having interest therein
as accords of law Consenting to the registration
hereof in the books of the said Commissariot to
have a Decreet interponed thereto that Letters
of Horning on six days Charge and all other
Execution needful may thereon pass in form
as effeirs And Constitute Thomas Buchanan
Writer in Glasgow Procr for that purpose In witness
whereof these presents wrote by Hugh Buchanan
Clerk to the said Thos Buchanan are Subscribed
by me at Glasgow the Second day of Aprile Seventeen
hundred & Eighty three years Before these witnesses
Capt Alexr Buchanan of the ninety fifth Regt
of foot and the said Hugh Buchanan A Buchanan
witness Hugh Buchanan witness

4. Points to check

- The month of William Fleming's death is blank in the manuscript. He died before 1 April 1783; the Port Glasgow Customs establishment records or the Glasgow Journal for early 1783 may give the date.
- The word before "Confirmed testament" in the bond (read "Prin.", perhaps "principal").
- Whether a further testament or eik for William Fleming exists in CC9/7 for the 1780s, since this one covers only £13 15s 10½d of salary.
- The link to the earlier Barrochan Flemings (William, son of Patrick Fleming, 1722) and to the later laird Malcom, d. 1819, is inferred from the repeated names and the estate, not stated.