JAMES MICHAEL FLEMING WRITER

Legal Cases of the Flemings of Scotland

Compiled by James Michael Fleming
using artificial intelligence research assistant Claude by Anthropic
based on data provided by the British and Irish Legal Information Institute
© James Michael Fleming 2027

Fleming Legal Cases before 1800

Summaries of reported cases from the Scottish courts and the House of Lords

Introduction

This section summarises every case dated before 1800 found on the British and Irish Legal Information Institute (BAILII, www.bailii.org) by a search of case titles for "Fleming" and its variants (Fleeming, Fleming's, Flemming), covering the Scottish courts and the House of Lords and Privy Council. The search found 217 cases in all, of which 87 are dated before 1800. Two of these are exact duplicates of others and are omitted, leaving the 85 entries below, in date order.

Most of the reports come from Morison's Dictionary of Decisions of the Court of Session (cited "Mor") and Brown's Supplement to it (cited "Brn"), which arrange cases by legal topic and often give only the point of law decided. Several cases are reported more than once, under different topics or by different reporters; each report is listed separately, with cross-references in the summary. Where a report says nothing about the parties beyond their surnames, the summary says so. The search matched only names in the case titles, so cases in which a Fleming appears only in the text are not included. Not every Fleming here belongs to the family of the Lords Fleming and Earls of Wigtown; the identifications in brackets are suggestions only.

Citations follow the form used by BAILII, for example "[1661] Mor 8256" (Morison, page 8256). The full text of each report can be read at the web address given under its heading.

The Cases

1. 17 February 1548: Fleming v Ker
[1548] Mor 13493. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1548/Mor3113493-005.html

Reduction; non-entry. A son of the Lord Fleming, holding a royal gift of the non-entry of the five pound land of Glenholm and other lands, sued Dickson of Ormiston to have the lands declared in non-entry and their rents found due to him. Janet Ker, widow of Thomas Dickson, claimed

under an earlier gift of the same non-entry from James V. The pursuer argued her gift had lapsed because Thomas Dickson younger had been served heir and held the lands for eight or nine years; she answered that his service and retour had since been reduced because no sasine was shown to the assize. The Lords preferred Janet Ker's gift: the reduced retour proved no lawful entry of the heir, so it was as if it had never been.

2. 5 December 1553: Tenants of Dennie v Lords Fleming and Sanctjohn
[1553] Mor 623. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1553/Mor0200623-002.html

Arbitration. In a dispute between the tenants of Denny and the Lords Fleming and St John, the Lords held that once a cause has been submitted to friends or arbiters, it cannot be pursued before any judge until the arbiters have decided or the submission has ended. (Only Balfour's statement of the rule survives; the Lord Fleming of 1553 was James, 4th Lord.)

3. 5 April 1555: The Lady Fleming v Lord Fleming
[1555] Mor 624. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1555/Mor0200624-003.html

Arbitration. In an action between the Lady Fleming and the Lord Fleming, the Lords held that where a decree-arbitral is obscure, the judge asked to enforce it should send it back to the arbiters who gave it for interpretation. (Only the rule survives. In 1555 the Lord was James, 4th Lord Fleming; the Lady was probably the widow of Malcolm, 3rd Lord.)

4. 6 January 1565: A Frenchman v Fleming
[1565] Mor 6801. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1565/Mor1606801-001.html

Indefinite payment. A Frenchman sued Mr Thomas Fleming as cautioner for the late Lord Fleming for a sum Mr Thomas had bound himself to pay. Mr Thomas said the Lord had paid it; the Frenchman replied that the Lord owed him an older debt as well, and that the payment should be applied to the older debt. The Lords allowed the Frenchman to prove his reply, holding that the Roman-law rule that payment goes first to the harder debt had not been received in Scotland.

5. 7 February 1566: Lord Fleming v Lord Ross
[1566] Mor 8895. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1566/Mor218895-001.html

Mills. In Lord Fleming v Lord Ross the Lords held that a mill does not pass under the general word "pertinents" in a charter, because a mill needs its own special sasine. (Only the rule survives; the Lord Fleming of 1566 was John, 5th Lord.)

6. 15 December 1569: Earl of Morton v Lord Fleming
[1569] Mor 7325. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1569/Mor1807325-056.html

Jurisdiction. In the Earl of Morton's action against Lord Fleming, decided a month after Fleming's forfeiture, the Lords held that letters signed by the King's own hand, ordering them to stop proceeding in a cause, do not bind them: justice is not to be stopped by the King's private writings, and they may go on with the cause.

7. July 1582: Fleming v Lord Fleming
[1582] Mor 9082. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1582/Mor2209082-022.html

Production of writs by a minor. Mrs Jean Fleming, lawful daughter of the late Lord Fleming who died in France, sued Lord Fleming to produce certain charters and precepts of sasine so that they could be reduced. He pleaded that as a minor he was not bound to plead about his inheritance. The Lords ordered him to produce his evidents, since production comes before any defence.

8. July 1582: Fleming v Lord Fleming
[1582] Mor 9105. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1582/Mor219105-056.html

Privileges of a minor. Mrs Jean Fleming, only lawful daughter and nearest heir of the late Lord Fleming, who died in France as ambassador at the Queen's marriage, sued Lord Fleming, her father's brother's son, to reduce infeftments and retours granted by one who had no power to grant them. He pleaded minority. She answered that her cause, being one of tocher (she was still unmarried), was equally privileged, and that if she could not sue now, the three-year limit on reducing retours would bar her for ever. The Lords ordered Lord Fleming to answer despite his age. Colvil notes the Lords were moved by her being a lady of mature years, of royal kin, and the nearer heir of line of the house of Fleming, and by the claim being for her maintenance; some Lords disagreed.

9. 26 November 1594: The Earl of Morton v Lord Fleming
[1594] Mor 2698. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1594/Mor0702698-003.html

Decrees against an absent party. In the Earl of Morton's action against Lord Fleming, the Lords held that a decree given against a man absent on public business, or under a proclamation, is not null of itself. It cannot be set aside by a simple exception or on six days' summons, but must be taken away by an ordinary action of reduction, in which the facts of his absence are proved. (The parties were also in dispute over Kilbucho at this time.)

10. February 1601: Fleming v Baillie
[1601] Mor 5097. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1601/Mor1205097-027.html

Gifts of escheat. Thomas Fleming, donatar of the escheat of John Baillie of St John's Kirk, raised a declarator. Another donatar appeared with an earlier gift and declarator. Fleming said the earlier gift was a sham, taken for the rebel's own benefit and at his expense, so that he kept his goods. The Lords preferred the earlier gift, because Baillie had been relaxed from the horn before Fleming raised his declarator.

11. 1 February 1622: Robertson v Fleming
[1622] Mor 3290. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1622/Mor0803290-075.html

Death-bed. A man named Robertson gave his wife, a Fleming, a liferent infeftment of a tenement twelve or thirteen days before he died. His heirs sought to reduce it as granted on death-bed, since he had been sick of a fever and flux for some days before and remained so until his death. The widow argued that a husband may always provide for his widow on death-bed, and offered to prove he was not bedfast but sat at table and could have gone to kirk or market. The Lords repelled her defence and reduced the liferent.

12. 24 July 1623: Stuart v Fleming
[1623] Mor 11439. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1623/Mor2711439-113.html

Bonds to a natural son. A natural son of the late James Stuart, provost of Glasgow, sued Isabel Fleming, his father's widow and executrix, for 400 merks in a bond his father had granted him for love and favour, left with a third party to be delivered after the father's death. She said the bond had

been fulfilled, because the father had later given the son an annualrent of 50 merks redeemable for the same 400 merks, and had redeemed it. The Lords held that the later security did not cancel the bond, as it did not mention it, was of a different kind, and the father could have recalled the bond but had not; so the son was entitled to both. Haddington names the pursuer as James Stewart, burgess of Glasgow.

13. 29 July 1623: John Stuart v Fleming
[1623] 1 Brn 12. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1623/Brn010012-0023.html

Heritable and movable bonds. In an action between John Stuart and a Fleming (probably the same family as the case above), the Lords held that a bond to pay annualrent is heritable, not movable, even without a clause of infeftment.

14. 23 January 1624: The College of Glasgow v Janet Fleming
[1624] 1 Brn 131. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1624/Brn010131-0270.html

Burdens on land. The College of Glasgow, entitled to small rents of houses and yards that had once belonged to the Black and White Friars, sued Janet Fleming, widow of James Stuart, for two and a half merks due for houses at the cross of Glasgow, which the tenants had paid for ten years. The Lords would not sustain the claim unless the College showed payment by the heritor, or with his knowledge and consent, since a tenant's payments cannot burden the land against the heritor.

15. 20 January 1627: Ross v Fleming
[1627] Mor 12735. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1627/Mor3012735-634.html

Prescription. Gavin Ross, as heir of his father, sued a Fleming for the farms and duties of certain lands held by his father on a tack, unpaid for some 28 or 30 years since the father's death. The Lords held the claim was not cut off by the act of prescription of 1579, and that he could prove it otherwise than by writ or oath.

16. 9 March 1627: Stuart v Fleming
[1627] Mor 3174. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1627/Mor0803174-014.html

Extracts from court books. In an action between Stuart and a Fleming in Glasgow, the Lords held that after the death of the judge and clerk, the succeeding clerk could extract an act already registered in the town books of Glasgow, without any transumpt or further warrant.

17. 10 March 1627: Stewart in Glasgow v Fleming's Heir there
[1627] Mor 10749. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1627/Mor2510749-054.html

Prescription of tack-duties. George Stewart had a wadset of a tenement in Glasgow from a Fleming, the heritor, and gave him a back-tack for £10 a year. He sued Fleming's heir for the tack-duty from 1571. The Lords allowed him the duty for the forty years before the summons but not for earlier years, which had prescribed, because a yearly duty founded on an infeftment is not like a bond.

18. 1 December 1627: Baillie v Fleming
[1627] Mor 6686. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1627/Mor1606686-103.html

Improbation. In Baillie v Fleming the Lords held that in an action of improbation there is no process against a successor to produce his author's title deeds unless the author's apparent heir is also summoned, where the author is fully denuded. (Only the rule survives.)

19. 16 January 1629: Pringle v Fleming
[1629] Mor 15238. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1629/Mor3515238-111.html

Tacks as security. In Pringle v Fleming it was held that a tack set to last until the tacksman was repaid a sum, with the tack-duty assigned to him in place of interest, could not be challenged as lacking a fixed end by someone whose only right was an assignation of one year's duty; but a singular successor in the land who came to terms with the assignee could challenge it. Auchinleck thought the decision hard.

20. 18 January 1630: James Fleming v Margaret Baird and George Auchinleck

[1630] 1 Brn 302. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1630/Brn010302-0789.html

Hornings. James Fleming had charged Margaret Baird and her husband George Auchinleck and had them denounced rebels for a debt of 22 merks. They sought suspension, arguing the horning was null because the execution did not say where the dwelling-house was. Fleming answered that a nullity of horning could not be pleaded in a suspension unless the King's Advocate and Treasurer were called. Because the suspenders were poor and the sum small, the Lords, with the Advocate's consent, admitted the nullity without requiring a reduction.

21. 22 November 1631: The Creditors of John Fleming of Carwood, Petitioners

[1631] 1 Brn 329. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1631/Brn010329-0872.html

Imprisonment of a fugitive debtor. John Fleming of Carwood, owing money to many creditors, had fled. On his creditors' petition that he was lurking nearby, the Lords sent a messenger with them to bring him before the court, although he had never been put to the horn and no letters of caption had been issued. With his own consent he stayed three or four days in a chamber in his creditors' custody, in the hope of satisfying them; he was then brought back before the Lords and committed to ward in Edinburgh. The reporter notes the same had happened in March 1631.

22. 27 June 1632: Cassie v Fleming

[1632] Mor 10279. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1632/Mor2410279-091.html

Force and fear. Cassie, widow of Hamilton, a shoemaker in Glasgow, sought to reduce a wadset of a tenement in Glasgow granted by her husband and herself to a Fleming, so far as it rested on her consent as joint fiar. She said she had consented only through fear, her husband having beaten her until she bled, threatened her and put her out of his house; after his death she revoked. Fleming answered that he had bargained in good faith, paid the money, knew nothing of any force, and that she had signed willingly and taken the money herself. The Lords held her plea relevant, as she specified that the ill-treatment was for refusing her consent, and examined witnesses on both sides. On 19 July 1632 they sustained her

reduction and repelled the plea of free consent, even though the wadsetter was ignorant of the coercion.

23. 27 June 1632: Cassie v Fleeming
[1632] Mor 16482. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1632/Mor3716482-008.html

Force and fear. A shorter report of the case above: the widow's reduction on the ground of beating and being put out of the house for refusing her consent was sustained, although she had shown no reluctance when she signed and the purchaser knew nothing of the violence.

24. 18 July 1632: Tassie v Fleming
[1632] 1 Brn 193. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1632/Brn010193-0447.html

Force and fear. Spottiswoode's report of what appears to be the same case (the widow is named Tassie). She sought to reduce an infeftment of a tenement in Glasgow, so far as it affected her liferent, on the ground of threats and blows. Fleming offered to prove her consent by the notary and witnesses to the deed. After witnesses had been examined on both sides, and as many spoke for her free consent as against it, the Lords preferred her proof, on the maxim that two witnesses to fear outweigh a hundred to free will.

25. 9 March 1633: Fleming v His Creditors
[1633] Mor 7029. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1633/Mor1707029-095.html

Inhibition. Captain Fleming, in debt to several creditors, was inhibited at the instance of one of them. He then disponed the lands of Katherline to pay other creditors whose debts were older than the inhibition. The inhibiting creditor sued to reduce the infeftment. The Lords held that, since the earlier debts were only personal bonds with no obligation to infeft, the debtor could not by a voluntary deed prefer one creditor over another who had used the diligence of inhibition, and reduced it.

26. 3 December 1634: Muire v Elizabeth Fleming
[1634] 1 Brn 86. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1634/Brn010086-0168.html

Executors and legacies. Elizabeth Fleming, executrix of the late Matthew Muire, was sued by another Muire for 100 francs owed by Matthew. She

said the estate had been used up in paying creditors and legatees under decrees she could not resist, before she knew of this debt, and that the pursuer, having been negligent, should recover from the legatees himself. The Lords held that legacies are paid only from what is left after debts, so the creditor should be paid and the executrix must recover from the legatees; but because this seemed hard on an executrix acting in good faith, they delayed decision to hear precedents.

27. 2 March 1636: The Earl of Tulliebarden v Alexander Fleming of Mones

[1636] 1 Brn 360. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1636/Brn010360-0962.html

Exhibition of writs. Patrick, Earl of Tullibardine, as assignee of his late brother William, Earl of Tullibardine, to the reversions granted by the vassals of Atholl, sued Alexander Fleming of Moness to exhibit two contracts containing the reversions of lands wadset to him. Fleming objected that the assignation was not registered. The Lords repelled this, as the pursuer also had William's disposition of the whole earldom of Atholl with an assignation of all reversions, and ordered exhibition.

28. 19 February 1639: Fleming v Robertson

[1639] Mor 16582. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1639/Mor3816582-033.html

Warrandice. The late Robert Robertson had infeft John McDuff in an annualrent of £80 out of his lands of Belligallan; a Fleming, as McDuff's assignee, sought to poind the ground. Another Robertson objected that he had earlier been infeft in the same lands in warrandice of the lands of Leadgreen, and had possessed them for some years under a verbal arrangement with the common author. The Lords held that an infeftment in warrandice did not stop the owner from granting, or the pursuer from taking, an annualrent out of the warrandice lands, and sustained the annualrent.

29. July 1661: Fleming v Flemings

[1661] Mor 8256. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1661/Mor2008256-024.html

Liferent and children's portions. Malcolm Fleming, merchant in Edinburgh, died leaving a widow, Dame Elizabeth Fleming, and many children. She was confirmed his executrix and tutrix to the children, and then married Sir

John Gibson, a clerk of session. In her accounting with the children (first before the Cromwellian judges) disputes arose. (1) She claimed credit for paying, after Malcolm's death, a bond of £180 sterling (Stair says £100) to Patrick Scot of Langshaw, which she had cancelled; Scot swore he had been paid by her. The Lords refused to allow it, because she paid it when she was neither executrix nor tutrix and cancelled the bond without taking an assignation, so it was treated as a gift to her children. (2) A bond by Lord Cardross for 6,000 merks lent in her name and that of her sons Andrew and Malcolm Fleming, payable to her in liferent and to the sons in fee: the Lords held she was only liferenter and, if she uplifted the money, must re-employ it for them. (3) The Lords found that bond to count towards the two sons' portions so far as it went, and as a gift beyond that. One son was born eight months after his father's death.

30. 17 July 1661: Relict of Robert Fleming v Forresters
[1661] Mor 9042. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1661/Mor2209042-177.html

Renouncing the succession after a decree. The widow and executrix of Robert Fleming, bailie of Edinburgh, charged the Forresters, daughters of the bailie's sister, to pay 1,600 merks owed by their father, on a decree given against them nineteen years earlier as charged to enter heirs to him. They offered to renounce being heirs. She said it was too late after a decree and so long a delay, and they had not challenged it within the years allowed after majority. They replied they were minors when the decree was given, and the delay was because their uncle had never pressed the claim. The Lords admitted the renunciation.

31. 14 November 1661: Fleming v Her Children
[1661] Mor 11441. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1661/Mor2711441-116.html

Gifts presumed. Another report of the first point in the case of Dame Elizabeth Fleming, widow of Malcolm Fleming, merchant in Edinburgh, against her children (see July 1661). Having paid her husband's debt and taken only a discharge, at a time when she was neither executrix nor tutrix, she was presumed to have meant it as a gift to her children, and the Lords would not allow it in her accounts.

32. 17 November 1661: Sir John Gibsone's Lady v James Fleeming her Son
[1661] 2 Brn 293. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1661/Brn020293-0567.html

Cancelled bond. Fountainhall's report of the same point: Sir John Gibson's lady paid Patrick Scot £100 sterling owed by her late husband Malcolm Fleming, but neither kept the bond uncancelled nor took an assignation. In her action of exoneration against her sons (James Fleming is named) she claimed allowance for it. The Lords in the Inner House refused it, because the bond was cancelled.

33. 19 November 1661: Fleming v Gibson
[1661] Mor 11463. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1661/Mor2711463-141.html

Gifts presumed. Another report of the third point in the same case: a bond taken by the widow in the names of two of her children, payable to herself in liferent, was held to satisfy their portions so far as it went, and to be a gift for the rest.

34. 13 February 1663: Elizabeth Fleming and Sir John Gibson v Fleming and Robert Baird
[1663] Mor 9148. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1663/Mor2209148-015.html

Marriage contracts. In his marriage contract with a daughter of Dame Elizabeth Fleming (Elizabeth, daughter of Malcolm Fleming), Robert Baird took 12,000 merks as tocher in full satisfaction of all his wife could inherit from her father, mother, sister and brothers, and discharged her mother as executrix and tutrix. Bonds for more than that had been taken in the wife's name, but the contract had no assignation of the excess. Dame Elizabeth and her husband Sir John Gibson sued Baird and his wife to assign the rest and repay what he had uplifted beyond the tocher. The Lords held that accepting full satisfaction implied an obligation to give up the surplus, and sustained the action.

35. 18 June 1663: Margaret Fleming v James Gilles
[1663] Mor 8273. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1663/Mor2008273-035.html

Liferenters and public burdens. Margaret Fleming, liferenter of an annualrent of 700 merks out of houses in Edinburgh, with absolute

warrandice, sought a declarator against the heritor James Gilles that her annualrent was free of public burdens, since the act of 1646 making liferenters pay a share had been rescinded. The Lords held that, act or no act, it was just that burdens on land fall proportionally on every profit from it, and assoilzied the heritor.

36. 12 December 1663: Alexander Gibsone, Helen Fleming, &c. v Sir Patrick Maxwell, of Newark

[1663] 2 Brn 329. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1663/Brn020329-0620.html

Daughters' portions. In 1649 Sir Patrick Maxwell of Newark borrowed 12,000 merks from Elizabeth Fleming, widow of Malcolm Fleming, merchant burgess of Edinburgh, to be repaid 3,000 merks each to her four daughters, Elizabeth, Helen, Janet and Agnes Fleming. The widow married Sir John Gibson elder of Pentland; Helen married his son Mr Alexander Gibson; Elizabeth married Robert Baird; and Agnes married Dr David Hay. Alexander Gibson charged Newark for his wife's 3,000 merks. Newark said William Lord Cochrane had undertaken to pay the whole and had already paid Baird, Hay and Gibson (3,110 merks). Gibson restricted his charge to £440 still due; the Lords suspended the charge for everything else but let it proceed for the £440.

37. 16 November 1664: Dame Elizabeth Fleming, v Fleming and Baird her Husband

[1664] Mor 9149. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1664/Mor2209149-016.html

Warrandice in a marriage contract. Sequel to the case of February 1663. In the accounting between Dame Elizabeth Fleming and her daughter and son-in-law Robert Baird, the mother asked that the daughter be ordered to assign to her the other bonds in her name, since the 12,000 merks tocher was in full satisfaction; the daughter asked that her mother and Sir John Gibson warrant the 12,000 merks free of her father's debts. The Lords gave the mother a choice: either account to the daughter for her full portion, or keep to the contract and warrant the daughter's 12,000 merks simply.

38. 19 January 1666: John and Joseph Heriots v James Fleming Messenger, and Cautioners
[1666] Mor 7649. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1666/Mor1807649-356.html

Jurisdiction of the Lyon Court. John and Joseph Heriot employed James Fleming, messenger, to arrest James Heriot by caption for not fulfilling a decree-arbitral. Fleming took him but let him escape. The Heriots obtained a decree before the Lord Lyon depriving Fleming and ordering him and his cautioners to pay the 500 merks penalty and the whole sums in the decree-arbitral as damages. On suspension, the Lords first ordered the Lyon's books to be produced to see whether there was a custom of awarding damages (1666). In June 1673 they found no such custom proved, held that the acts of Parliament let the Lyon deprive messengers and exact the penalty but not decide damages, which belong to the civil judge, and reduced the decree.

39. 19 January 1666: Gilbert Hay v George Fleming
[1666] 1 Brn 518. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1666/Brn010518-1357.html

Ranking of rights. Gilbert Hay was infeft in 1650 in an annualrent on 1,000 merks out of the lands of Cambo, and in 1651 obtained a decree for poinding the ground. George Fleming later apprised the lands and was publicly infeft, and claimed preference because Hay's infeftment was base and not followed by possession. The Lords preferred Hay the annualrenter, since his decree of poinding came before the apprising was completed by infeftment.

40. 6 February 1666: Watson v Fleming
[1666] Mor 2817. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1666/Mor0702817-055.html

Assignation of teinds. In Watson v Fleming, an annualrenter held an infeftment out of lands and teinds, with an assignation to the teind duties "out of the first and readiest" of the teinds of several lands, but had not taken possession. The lands and teinds were then apprised. The Lords held that such a general assignation was not good against the later apprising.

41. 3 July 1666: Fleming v Fleming
[1666] Mor 14848. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1666/Mor3414848-006.html

Substitution. A short report of the case below: in a bond payable to two persons and, failing one by death, to the other, the survivor was held to be heir of provision to the one who died.

42. 3 July 1666: Fleming v Fleming
[1666] Mor 13999. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1666/Mor3213999-006.html

Heirs of provision. Malcolm Fleming, merchant burgess of Edinburgh, died in 1648 leaving a large estate in money, bonds, merchandise and accounts and many children. His widow Dame Elizabeth Fleming, later wife of Sir John Gibson, as executrix and tutrix, lent 6,000 merks in 1650 to the Laird of Cardross (Lord Cardross), payable to herself in liferent and to her sons Malcolm and Andrew Fleming equally, and failing one by death, to the other. The younger Malcolm having died, Andrew, a posthumous child, claimed his brother's half. The other children, as Malcolm's executors, claimed it too, and the mother claimed it to meet debts Malcolm owed her. The Lords held that Andrew took Malcolm's half as heir of provision, but liable for Malcolm's debts up to its value, so the mother could set off what Malcolm owed her. Stair thought the original finding that the bond was not a pure gift was the root of the error.

43. 15 June 1667: Kay v Fleming
[1667] Mor 14106. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1667/Mor3214106-017.html

Ranking of rights. George Fleming had an infeftment of annualrent out of the lands of Cambo and afterwards comprised (apprised) for his principal sum. In a competition, Gilbert Kay (probably the Gilbert Hay of the January 1666 case), another creditor of Cambo, had been preferred on his annualrent. Fleming then sought preference on his own annualrent, which was older than Kay's. The Lords held that despite the comprising he could fall back on his earlier right, but left undecided whether the earlier decree of preference barred him, and asked the reporter to settle the parties.

44. 2 January 1672: Bell v Fleming
[1672] 2 Brn 158. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1672/Brn020158-0395.html

Arrestment and collusion. Further to the case below (decided 20 January 1672): on a petition, the Lords allowed Fleming and Williamson to prove that the holograph tickets were for a debt truly older than the arrestment, that the citation of the common debtor was earlier, and that the Dean of Guild Court usually decided such matters, which would answer the presumption of collusion.

45. 20 January 1672: Bell v Fleming and Williamson
[1672] Mor 12607. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1672/Mor2912607-498.html

Arrestment and collusion. John Bell arrested in the hands of Williamson and Fleming in Aberdeen all goods belonging to his debtor Smith. They held some pieces of English cloth, part of it pledged to Williamson. Smith also owed them other sums; Williamson assigned his to Fleming, who obtained decree against Smith before the magistrates of Aberdeen and poinded the cloth in their own hands. The Lords found the poinding collusive, since it rested on holograph tickets that do not prove their date against an arrester, and ordered the goods to be made forthcoming to Bell, except the piece of cloth pledged before the arrestment.

46. 24 January 1672: Boylstoun v Robertson and Fleming
[1672] Mor 15125. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1672/Mor3415125-006.html

Property in goods bought for another. Boylstoun, merchant in London, gave money to Makelwood in Halifax to buy linen for him. Her servant Palmer bought a pack of linen in Glasgow and left it with Nicol Robertson, where Glasgow merchants arrested it for Makelwood's debt. Boylstoun said the cloth was his, bought with his money. The witnesses showed Palmer bought and received it in Makelwood's name. The Lords held that ownership lay with Makelwood, Boylstoun having only a personal claim against her, and preferred the arresting creditors. (Fleming was one of the defenders, presumably among the arresting Glasgow merchants; the report does not say more. Morison notes the decision was later thought wrong.)

47. 24 January 1672: Boylston v Robertson and Fleming
[1672] Mor 16170. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1672/Mor3716170-012.html

Trust. A short report of the case above, under the heading of trust.

48. 11 July 1672: Fleming v Nimmo
[1672] Mor 7582. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1672/Mor1807582-296.html

Duties of a commissary clerk. The Commissary of Glasgow (Sir William Fleming) sued the clerk of the commissariot, Mr William Nimmo, for a declarator that he must reside and do the work in person, and be deposed for non-residence or misconduct. The clerk said he held his office from the Archbishop, not the Commissary, and had power to appoint a depute. The Lords sustained the declarator and found the clerk must attend unless absent on just and necessary occasions.

49. 11 July 1672: Sir William Fleming v Zair
[1672] 2 Brn 666. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1672/Brn020666-1074.html

Fees of the commissary court. Sir William Fleming, Commissary of Glasgow, sought a declarator against his clerk Zair that under the instructions of 1666 the fees of all summonses, sentences, registrations, confirmations and the like should be divided two-thirds to the commissaries and one-third to the clerk. The Lords so declared. Fountainhall notes that the Edinburgh commissaries at once sought the same, reckoning it worth 1,000 merks a year to them.

50. December 1672: Sir Wm. Fleming, Commissary of Glasgow, v Mr. Wm. Nimmo, Commissary Clerk
[1672] 2 Brn 705. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1672/Brn020705-1090.html

Forgery and slander. Mr William Nimmo, formerly commissary clerk of Glasgow, owed Sir William Fleming, the Commissary, a small sum. Nimmo said it was paid and referred it to Fleming's oath; Fleming swore it was still owing. Nimmo then said openly that Fleming had perjured himself, and Fleming cited him before the Privy Council for slander. Nimmo produced a discharge in Fleming's own hand, dated before the oath; Fleming said it was forged. Of the two witnesses, Fleming's servant denied his signature and Nimmo's servant affirmed his. The Lords cleared

both men, one of forgery and the other of slander, but found the discharge null and ordered Nimmo to pay. Fountainhall thought it contradictory, noting that many believed the discharge genuine, though the Commissary was a man of integrity.

51. 9 November 1675: Fleming v The Town of Cupar in Fife
[1675] Mor 16093. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1675/Mor3716093-034.html

Church revenues; title to sue. A MacDuff Earl of Fife had given an annuity of £22 13s 4d out of his mills of Cupar to the Abbey of Culross, confirmed by Alexander II. When Culross was erected into a temporal lordship for Lord Colville in 1609, the charter mentioned the annuity (as £17), with the burden of the minister's stipend. Mr Matthew Fleming, as former minister of Culross and with the right of an earlier minister's executors, sued the town of Cupar, now owners of the mills, for the annuity. The town said he had no proper title, only a notarial copy of old charters, and that any right had prescribed. Fleming relied on the abbey's ancient register and the 1609 charter, and argued prescription could not run against the Crown. The Lords would not sustain his title unless he showed the abbey had once been in possession, and ordered production of the books of assumption and old rentals of the abbey. They did not decide on prescription.

52. 20 November 1683: Fleeming and Ker v Carstairs of Kilconquer
[1683] Mor 9070. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1683/Mor2209070-017.html

Minor non tenetur placitare. Christian Fleming and her husband John Ker sued John Carstairs of Kilconquhar to reduce an apprising, and a charge against the superior on it, to which his father had acquired right. Carstairs, a minor, pleaded that a minor need not answer about his father's heritage. Fleming argued it was not heritage, only something the father had acquired, that the father was never infeft, and that the defender had not been served heir. The Lords held that the maxim applied even to property the father had acquired himself, and that a charge against the superior was enough without infeftment, but that the defence was open only to a served heir. Carstairs was given time to be served. Reported by Fountainhall, Falconer, Home and Harcarse.

53. February 1685: Woolmet v Fleeming and Cunningham of Barns
[1685] Mor 9450. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1685/Mor2309450-004.html

Cautioners. Cunningham of Barns was cautioner in a suspension for John Wilkie and others. When the decree was again suspended, Hog and Bigger of Woolmet were cautioners. The creditor assigned the debt against everyone except Barns, whom he discharged. Hog said that since Barns, the principal so far as he was concerned, was discharged, he must be free too. The Lords held that a gratuitous discharge was only an undertaking not to sue Barns and did not free Hog.

54. 27 February 1685: Hugh Wallace, Merchant in Edinburgh, v Fleming and Cunningham of Barns
[1685] Mor 14642. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1685/Mor3314642-022.html

Relief between cautioners. Fleming and Cunningham sued Hugh Wallace, merchant in Edinburgh, as cautioner for Mr John Wilkie in a second suspension. Wallace said the principal and the cautioner in the first suspension must relieve him. The pursuers said he could recover only half from the first cautioner, as co-cautioners. The Lords held the first cautioner bound to relieve the second in full, and assoilzied Wallace.

55. 18 December 1685: John Fleming v William Beck
[1685] 3 Brn 573. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1685/Brn030573-0866.html

Inhibition. John Fleming, baker, sued William Beck, merchant, to reduce a deed granted in breach of an inhibition. Beck said the debt on which the inhibition was served had been paid, because Fleming had arrested the rents of the debtor's lands and obtained decree for making them forthcoming, so he must account for them. The Lords repelled this unless Beck could show Fleming had actually collected the rents, but ordered Fleming, as he had offered, to assign that decree.

56. 12 January 1693: Lady Colvil v Matthew Fleming
[1693] 4 Brn 47. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1693/Brn040047-0103.html

A lost manuscript. The Lady Colville sued Mr Matthew Fleming for 500 merks, the agreed value of a manuscript she had lent him, a list of all the endowments given by the Earls of Fife to the Abbey of Culross (evidently

used in his case against Cupar, 1675). The Lords held relevant his defence that he had produced it in court, that the late Lord Dirleton had borrowed it from the process, and that it was burnt with Dirleton's lodging, so it perished by accident. They ordered Lord Newbyth, the clerk and others to be examined on it.

57. 23 February 1693: Charles Fleming v Hay and Nisbet
[1693] 4 Brn 84. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1693/Brn040084-0196.html

Competing dispositions. Mary Sinclair, widow of Captain Ross, granted two dispositions, first to Nisbet and later to Charles Fleming. The Lords preferred the first, to Nisbet, and found that Nisbet, as creditor under its clause of absolute warrandice, could reduce the later disposition to Fleming; but held that the first, being gratuitous, was burdened with all Mary Sinclair's debts.

58. January 1695: Isobel Anderson and James Henderson v Charles Murray and Agnes Fleeming
[1696] 4 Brn 297. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1696/Brn040297-0649.html

Death-bed reduction. Charles Murray and Agnes Fleming sued Isobel Anderson and James Henderson to reduce a deed on the ground of death-bed. In January 1695 the Lords allowed the defenders a decree for the rents meanwhile, on caution to repay if they lost. In January 1696 the pursuers sought to use the evidence of death-bed taken in another process at Grange Dick's instance, the witnesses now being dead. The Lords refused, holding such evidence, taken between other parties, could not be used against these defenders.

59. 5 July 1698: John Burgan, and Christian Dick, his Spouse, v Ker and George Fleming
[1698] 4 Brn 416. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1698/Brn040416-0830.html

Vicious intromission by a widow. John Burgan, wright, and his wife Christian Dick obtained decree against Ker, now wife of George Fleming, for a debt of her first husband Hog, as having meddled with his goods without confirmation. She sought to keep the goods because she had paid privileged debts: medicines, funeral, servants' wages and house rent. The

Lords held that, having let three or four years pass after her husband's death, she could not now plead this, and found her liable.

60. 24 January 1700: Charles Fleeming v Margaret Nisbet
[1700] Mor 6768. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1700/Mor1606768-198.html

Abiding by a writ. In an improbation brought by Charles Fleming of Dalquharn against Margaret Nisbet and her husband John Veitch, of a disposition granted to her father by Mary Sinclair, widow of Captain Ross in England, Margaret said she should not have to stand by the deed outright, since it was granted before she was born and her father had used it without challenge. The Lords held she must abide by it simply, though she could state reservations, but, as she was a minor and had neglected her proof, extended her time.

61. 24 February 1702: Sir James Fleming of Rathobyres v Hay of Drummelzier and George Caldton
[1702] 4 Brn 530. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1702/Brn040530-0026.html

A suspect factory. Sir James Rochead was infeft in Cockburn's estate in security of 44,000 merks lent, and conveyed it to his wife Dame Magdalen Kinloch, who transferred part to Sir James Fleming of Rathobyres, lately Provost of Edinburgh. Fleming claimed payment from Hay of Drummelzier, who had bought the lands at a roup. George Caldton, a London merchant, and his factor John Plenderleith, writer, produced a disposition of the same money to Caldton by James Rochead of Inverleith, Sir James's heir, with infeftment. Fleming offered to prove that Plenderleith had received Caldton's papers from Inverleith himself, so that the papers had come back to the debtor's hands. The Lords examined Plenderleith and Inverleith in person; their accounts of how the papers came were inconsistent, and the man named as the messenger was not the one. Suspecting the factory was false, the Lords imprisoned Plenderleith, then fined him 500 merks and deprived him of his office as writer to the signet.

62. 19 February 1706: The Earl of Eglinton, and Hugh Fleming, his Cedent, v Robert Durham, son to Adolphus Durham
[1706] Mor 12670. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1706/Mor3012670-571.html

Forgery not proved. In July 1685 Thomas Hamilton of Boghead or Foulshiels granted a bond for 1,000 merks to Hugh Fleming. Fleming and his assignee, the Earl of Eglinton, sued Robert Durham, son of Adolphus Durham, as heir of tailzie to his uncle Thomas. The writer, witnesses and granter being dead, Durham alleged the bond was forged: Fleming was a poor man never known to have such money; it had never been demanded in the sixteen years Hamilton lived; Hamilton signed a tack at Swine Abbey the same day the bond was signed at Glasgow; the signature differed from others; and a witness's signature (Smith of Browsterland) seemed tampered with. The Lords thought there might be some suspicion but no full proof, repelled the objections and sustained the bond.

63. 18 June 1706: Sir George Hamilton and Fleming of Farm, his Son-in-law and Assignee, v Sir James Calder of Muirton
[1706] Mor 2091. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1706/Mor0502091-024.html

Cautioners. Sir George Hamilton of Tulliallan and Sir James Calder of Muirton were among the tacksmen of the King's customs from 1686 to 1688, and John Murray, merchant in Edinburgh, was their cash-keeper, with Calder as his cautioner. Murray died in 1693 owing a large balance, for which decree was obtained against his heirs. Archibald Fleming of Farm, Hamilton's son-in-law and assignee, charged Calder on his bond of caution for £13,068 10s 6d. Calder argued the bond had never been delivered, that the tacksmen had not counted with Murray monthly, quarterly and yearly as required, and that the decree against Murray's heirs could not bind him as he was not cited. The Lords held him liable as cautioner (in June 1706 by nine to five), but allowed him to raise any defence omitted in the decree against Murray's heirs, while not reopening points already decided (1707, 1709).

64. 24 July 1707: Thomas Fleming v Stewart of Blackhall's Tenants
[1707] 4 Brn 672. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1707/Brn040672-0168.html

Irish imports; an oppressive decree. Sir John Shaw of Greenock, appointed by the Privy Council with Colonel Ogilvie and others to enforce the laws

against importing Irish victual, butter, cheese, horses and other goods, made Mr Thomas Fleming his depute. Fleming sued over 200 people living on the lands of Inverkip and others belonging to Stewart of Blackhall before Semple of Fulwood, sheriff-depute of Renfrew, for receiving Irish goods landed at night in creeks along the coast. He obtained a decree in absence against the whole district, with penalties including deportation to serve in Flanders for men under fifty. The defenders said the decree was given in seed-time, without proper citation, within 48 hours, held at Greenock instead of the usual court, and signed by the judge instead of the clerk. The Lords thought it had not even the shape of a decree, believed it was made without Sir John Shaw's knowledge, turned it into a libel, and restored the defenders to all their defences.

65. 9 December 1710: The Royal Bank of Scotland and the Lord Advocate v Robert Fleming and Barbara Steil

[1710] 4 Brn 816. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1710/Brn040816-0324.html

Forged bank-notes. Mr David Drummond, treasurer of the Royal Bank of Scotland, and Sir David Dalrymple, Lord Advocate, complained against Robert Fleming, late schoolmaster at Stenhouse, and his wife Barbara Steil. Forged £12 Scots notes had been passed at Lanark fair and elsewhere and traced to Fleming. Held in Hamilton tolbooth, both confessed to the sheriff-depute that since Whitsunday he had forged over twenty notes, using lead frames and stamps, and writing in the names of Drummond and James Cumming; poverty and a large family had tempted him. Brought before the Lords, the earlier confessions were cancelled, as a capital charge was pending, and both then denied everything; she refused to answer. Returned to prison, Fleming could not sleep and asked to be brought back, and next day made and signed a full confession, which would be conclusive proof when he was sent to the criminal court.

66. 19 November 1714: Sophia and Mary Shearers v George Fleming and Janet Ker his Spouse

[1714] Mor 6794. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1714/Mor1606794-004.html

Repairs and possession. James Hodge granted heritable securities over houses in Edinburgh to creditors, with his wife's consent. After his death George Fleming married his widow and took possession under her liferent. He obtained a Dean of Guild report that the houses were ruinous, a

warrant to repair, and a decree for the cost, on which he adjudged. Sophia and Mary Shearer, creditors, sued for the rents. The Lords found that Fleming's receipts of rent must be applied first to pay the repair costs under the Dean of Guild decree and his adjudication on it.

67. 23 January 1724: Robert Buntyne of Ardoch and Mr Thomas Fleming v Walter Blair and Company
[1724] Mor 3157. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1724/Mor0803157-010.html

Demurrage. By a charter-party of August 1721 Robert Buntyne of Ardoch and Mr Thomas Fleming let their ship the Cathcart to Walter Blair and Company for a voyage from the Clyde to Maryland, to lie 90 days in the Choptank river loading tobacco, with 30s a day demurrage for any longer delay. The ship arrived on 4 February 1722; when the lie-days ran out on 4 May the cargo was not ready, and the master went to Annapolis, over 60 miles away, to protest before the only notary in the province. The ship waited until 22 August. The freighters argued no demurrage was due without a proper protest at the mast or to the supercargo. The Lords found demurrage due.

68. 28 November 1729: Murray v Fleeming and Others
[1729] Mor 4075. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1729/Mor1004075-001.html

Power to nominate an heir. A husband disponed his lands to his wife in liferent, and in fee to whichever of his blood relations she should name in writing. After his death she named one. In Murray's challenge against the nominee (Fleming and others), it was argued that a fiar cannot be made by one who is not fiar, and that a fee cannot be left in suspense. The Lords held the disposition enabled her to nominate, and that those she named had right to succeed.

69. 16 November 1740: Gibson and Others v Tully, Factor for the Heirs and Widow of Fleming
[1740] Mor 7584. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1740/Mor1807584-301.html

Dean of Guild repairs. A creditor in possession of a tenement (the factor Tully, acting for the heirs and widow of a Fleming) was ordered by the Dean of Guild to repair it, with the usual warning that otherwise the owner could repair at his expense. He did part of the work, saying the rest was

needed because of the owner's own neglect. The owner had tradesmen finish it, and they (Gibson and others) sued the creditor for payment. The Lords held it was too late to object to the order once it had been carried out, and found him liable, the tradesmen being bound to assign on payment.

70. 22 February 1743: Hugh Earl of Marchmont v John Fleeming
[1743] Mor 13839. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1743/Mor3213839-082.html

Removing a subtenant. The late Earl of Marchmont let mills and lands to James Rae and his heirs, excluding assignees, in 1725 and again in 1733. Rae renounced the lease in August 1741 and the Earl let it to John Hunter. John Fleming, who had held the mill for many years under a written subtack from Rae, resisted, and the Earl's baron-bailie ordered him out the same day. Fleming argued he was entitled to warning and a six-day summons of removing under the act of 1555. The Lords held that, the lease excluding assignees, a subtenant had no such right, and found the letters orderly proceeded.

71. 7 June 1748: Lady Wigton v Lady Clementina Fleming
[1748] Mor 5771. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1748/Mor1405771-008.html

Paraphernalia. In a dispute between the Lady Wigtown and Lady Clementina Fleming (the widow and the only daughter of John, 6th Earl of Wigtown, who died in 1744), the Lords found that a lady's dressing plate was not paraphernalia, and so was not excluded from the goods shared between husband and wife.

72. 4 January 1749: The Heritors of Kirkpatrick-Fleming v The Marquis of Annandale
[1749] Mor 15662. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1749/Mor3615662-065.html

Teinds. The heritors of the parish of Kirkpatrick-Fleming sued the Marquis of Annandale, as patron, to sell them their teinds at six years' purchase. He produced a charter of 1663 granting the patronage of the parish church "with the teinds, both parsonage and vicarage", and said he was titular of the teinds and need only sell at nine years' purchase. The Lords Commissioners held a gift of patronage "with the teinds" did not convey the teinds, and ordered the sale at six years' purchase. (The parish takes its name from the Flemings; no Fleming is a party.)

73. 24 February 1750: Fleming v Ure
[1750] Mor 13159. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1750/Mor3113159-004.html

Nuisance. Robert Fleming, printer in Edinburgh, petitioned the Dean of Guild that Ure, owner of the house directly above one of his in a close near the Cross, had let it to a fencing-master, whose school was so noisy that no one would live in Fleming's house. The Dean of Guild visited and forbade Ure to let it for that use any longer. The Lords refused Ure's bill of suspension.

74. 9 June 1752: Mr Robert Blackwood of Pitreavie, Advocate, v The Creditors of the deceased Sir Robert Miln of Barnton, and of Sir George Hamilton of Tulliallan, and of Sir Archibald Fleming of Farm
[1752] Mor 3396. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1752/Mor0803396-047.html

Ranking of creditors. In 1683 Richard Lord Maitland granted Robert Miln of Barnton an annualrent on £11,000 Scots out of the estate of Dudhope. Miln later conveyed it to Sir George Hamilton of Tulliallan under a decree-arbitral (1697), and Hamilton conveyed it to his creditors in 1699 (infeft 1709). Sir Archibald Fleming of Farm, Hamilton's son-in-law and cautioner in many of his debts, obtained in 1702 a bond of relief and a disposition of Tulliallan and of the Dudhope annualrent, and was infeft in the annualrent in 1706, but his sasine was left at the register and forgotten. In 1705 Hamilton and Fleming jointly bound themselves to Sir Robert Blackwood; his son Mr Robert Blackwood of Pitreavie adjudged against Sir William Fleming, Sir Archibald's heir. When Dudhope was sold in 1743, Hamilton's creditors were preferred, and Blackwood later found Fleming's 1706 sasine and sought to reduce the ranking. The Lords allowed him to be heard, held Fleming a principal co-obligant and not a mere cautioner, required Blackwood to assign collateral securities to Fleming's creditors (Thomas Boyes and Douglas of Garvat), found Blackwood's own adjudication, charter and sasine null, and repelled various objections to inhibitions against Hamilton and a plea of prescription.

75. 23 December 1760: John Grant younger of Rothmaise, and Robert Fleming, great-grandson of John Fleming of Board, v Lady Clementina Fleming, and Charles Elphinston, Esq; her Husband
[1760] Mor 6724. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1760/Mor1606724-150.html

The lands of Bord. On 24 August 1374 Robert II confirmed a charter by Robert Lord Erskine to Patrick Fleming of the lands of Bord and others, held of the lord of the barony of Lenzie. Patrick's descendants held them, and in 1583 John Fleming of Bord disponed them to his eldest son John Fleming younger of Bord. John Grant younger of Rothmaise, holding a trust-bond from Robert Fleming, great-grandson of John Fleming younger of Bord, charged Robert to enter heir and in 1741 obtained an adjudication. On that title he brought a reduction-improbation and declarator against Lady Clementina Fleming and her husband Charles Elphinstone. Late in the process they produced the titles of the barony of Lenzie and argued that over forty years' possession of Bord as part of the barony gave them right by prescription. The Lords held it was too late at that stage to allow proof of possession to found prescription.

76. 16 January 1772: John Adam and William Shaw v John Alston and William Fleming
[1772] Hailes 463. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1772/Hailes010463-0246.html

Expenses. Lord Hailes's notes of the judges' opinions in the case below. They discussed whether the expense of opposing a refused bill of advocation could be awarded by the sheriff, and agreed that it should have been claimed in the original action. The Lords found the new action incompetent, reserving the pursuers' right to claim in the original process before the Sheriff.

77. 16 January 1772: Adam and Shaw v Alston and Fleming
[1772] Mor 12239. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1772/Mor2912239-383.html

Expenses. Under a contract with the town of Glasgow to build a bridge over the Clyde, the undertakers John Adam and William Shaw had a right to quarry stone on the lands of John Alston and William Fleming, and opened a quarry on Fleming's ground. Alston and Fleming complained to the Sheriff of Lanark and then brought bills of advocation, which the Court refused. Adam and Shaw then raised a new action before the Sheriff for

their expenses and damages. The Lords dismissed it, holding that expenses should be claimed in the original action, which was still pending.

78. 9 August 1776: Fleming and Others, Magistrates of Rutherglen, v Urie, &C

[1776] 5 Brn 404. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1776/Brn050404-0356.html

Burgh elections. The town council of Rutherglen had made an act barring all town debtors, by bond, tack-duty or otherwise, from voting in burgh elections, extending the rule of 1689 that excluded town pensioners. A later council rescinded it. The magistrates, Fleming and others, sued to reduce the rescinding act. The Lords held the wider ban contrary to the common law and the rights of burgesses, upheld the rescinding act, assoilzied the defenders (Urie and others) and gave them expenses.

79. 23 January 1781: Ilay Campbell v Malcolm Fleming

[1781] Mor 8827. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1781/Mor218827-199.html

Freeholders' roll. In 1773 Malcolm Fleming was admitted to the roll of freeholders of Dunbartonshire as liferenter of lands forming part of the estate of Cumbernauld. In October 1779 Lady Elphinstone, owner of that estate, granted him a new disposition of the lands in liferent, with the fee to another person, to create a further vote. At the election of 14 September 1780 Ilay Campbell objected that by accepting the new right Fleming had given up the old. The Lords held that, as the new infeftment did not follow on his own resignation, his old one still stood, and repelled the objection.

80. 12 March 1782: Catherine and Williamina Flemings, daughters of William Fleming, Esq. deceased v. Malcolm Fleming, Esq

[1782] UKHL 2_Paton_588. United Kingdom House of Lords Decisions.
https://www.bailii.org/uk/cases/UKHL/1782/2_Paton_588.html

Entail and marriage contract (House of Lords). William Fleming of Barochan, in his marriage contract with Catherine Durham, settled his estate on the heirs male of the marriage, then on other heirs, including his brother James Fleming, reserving power, with certain consents, to limit the heirs with irritant and resolutive clauses, and binding himself to do nothing to alter the succession. There were two sons, Malcolm and Adam (who died), and two daughters, Catherine and Williamina. In 1761, with the consent of his wife, Adam Cunningham Durham of Bonnington and

Isobel Durham (daughter of Adam Durham of Luffness), he made a strict entail, forbidding even a sale to pay his own debts, and bound the next heir to pay them within seven years. When he died in 1767 the estate was worth about £300 a year, burdened with about £3,000 of his debts and his widow's jointure of £100. Malcolm sued to reduce the entail. The Court of Session reduced it (June and July 1781), holding that the father was bound to pass the estate to the heir of the marriage free of debt. The House of Lords affirmed on 12 March 1782, on the daughters' appeal.

81. 14 July 1785: Robert Fleming v Patrick Campbell
[1785] Hailes 974. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1785/Hailes020974-0640.html

Bankruptcy. Robert Fleming, factor on the bankrupt estate of John McDonald, asked the Court to grant warrant to arrest Patrick Campbell, writer in Greenock, McDonald's agent in 1782, who was said to have been given a large sum to pay certain debts, so that he could be examined before the Sheriff of Lanark. The statute spoke of a warrant to apprehend, but the Lords held that arresting a man of business without even asking him to appear would ruin his reputation for no benefit. They ordered Campbell to appear, with warrant to arrest him only if he failed. Lord Hailes called the clause "crude and ill-devised".

82. 24 May 1791: Dalgleish and Fleming v Sorley
[1791] Mor 14595. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1791/Mor3314595-031.html

Partnership. Sorley of Glasgow and Whyte formed a button manufactory in Edinburgh as Whyte and Company in December 1788, to last until 1 January 1790, Whyte to accept no bills without Sorley's consent. Whyte carried on after that date, and on 9 January drew bills in the company's name on Dalgleish and Fleming, who accepted them on the company's letter of relief. Sorley advertised the dissolution only on 6 March. Dalgleish and Fleming, having paid the bills, sued Sorley as a partner. The Lords held that a partnership is not dissolved against outsiders without public notice, and found Sorley liable.

83. 13 June 1791: Borrowstounness Canal Company v Macalpine, Fleming, and Company
[1749] Mor 14572. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1749/Mor3314572-019.html

Partnership. In 1774 Fleming, Brown, Macalpine and others formed a firm to print linens on the Leven side, as Macalpine, Fleming and Company, with Macalpine as the acting partner on the spot. In 1783 their correspondent at Borrowstounness, Addison, subscribed in the firm's name for two £50 shares in the Borrowstounness canal; the firm was named in the canal act, and two calls were paid and entered in its books. The firm was dissolved on 24 November 1784 without telling the Canal Company, which then sued for the rest of the subscription. The partners said they had never authorised it. The Lords held that the partners' consent was to be presumed in the circumstances, and found them all bound.

84. 17 June 1794: The Creditors of Alexander Hay v James Fleming
[1794] Mor 280. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1794/Mor0100280-050.html

Ranking of creditors. Alexander Hay, merchant in Canada, became bankrupt in 1786, and an adjudication was led against his estate in Scotland in 1787. Nearly a year later the attorney of James Fleming, merchant in London, asked to be joined in a later adjudication, producing only a copy of a bill with a notarial protest taken in London, the account, and an affidavit; the original bill had been sent abroad. All objections were reserved. In the ranking, the other creditors objected. The Lords held that only creditors ready with their grounds of debt could be joined, and that a copy and protest did not show the debt was still owing, so Fleming's claim failed.

85. 6 June 1798: David Fleming v Christian Martin
[1798] Mor 8111. Scottish Court of Session Decisions.
https://www.bailii.org/scot/cases/ScotCS/1798/Mor1908111-048.html

Legacies. Margaret Martin made a will leaving all she should own at her death to her sister Helen, a widow with grown children, without mentioning Helen's heirs, and naming Helen executrix, with an annuity to their unmarried sister Christian. Helen died a few days before Margaret. Christian was confirmed executrix, and David Fleming, one of Helen's two children, sued her for half of his aunt's estate. The Lords held that the legacy fell with Helen's death, as an aunt is not under the same duty to

provide for a nephew as a parent is for grandchildren, sustained Christian's defence, and on 22 June 1798 refused Fleming's petition.

Index of Persons

Numbers refer to the case numbers above.

A
Adam, John, builder, 76, 77
Addison, —, at Borrowstounness, 83
Alexander II, king of Scots, 51
Allan, Robert, 74
Alston, John, 76, 77
Anderson, Isobel, 58
Auchinleck, George, 20

B
Baillie, — (fl. 1627), 18
Baillie, John, of St John's Kirk, 10
Baird, Margaret, wife of George Auchinleck, 20
Baird, Robert, bailie, 34, 36, 37
Baird, Sir John, Lord Newbyth, 56
Beck, William, merchant, 55
Bell, John, 44, 45
Bigger, —, of Woolmet, 53
Blackwood, Mr Robert, of Pitreavie, 74
Blackwood, Sir Robert, 74
Blair, Walter, and Company, 67
Borrowstounness Canal Company, 83
Boyes, Thomas, 74
Boylstoun, —, merchant in London, 46, 47
Brown, —, 83
Bruce, Andrew, bishop of Dunkeld, 52
Buntyne, Robert, of Ardoch, 67
Burgan, John, wright, 59

C
Calder, Sir James, of Muirton, 63
Caldton, George, merchant in London, 61
Campbell, Ilay, 79
Campbell, Patrick, writer in Greenock, 81
Carnegie, earl of Southesk, 29
Carstairs, John, of Kilconquhar, 52
Cassie, —, widow of — Hamilton, 22, 23
Charles I, king of Great Britain, 51
Cochrane, William, Lord Cochrane, 36
Cockburn, —, 61
Colville, Lady, 56

Colville, Lord, 51
Cumming, James, 65
Cunningham, —, of Barns, 53, 54

D
Dalgleish, —, 82
Dalrymple, Sir David, Lord Advocate, 65
Dick, —, of Grange, 58
Dick, Christian, wife of John Burgan, 59
Dick, Sir James, 63
Dickson, —, of Ormiston, 1
Dickson, Thomas, elder, 1
Dickson, Thomas, younger, 1
Douglas, —, of Garvat, 74
Douglas, James, 4th earl of Morton, 6
Douglas, William, earl of Morton, 9
Drummond, Mr David, treasurer of the Royal Bank of Scotland, 65
Durham, Adam Cunningham, of Bonnington, 80
Durham, Adam, of Luffness, 80
Durham, Adolphus, 62
Durham, Catherine, wife of William Fleming of Barochan, 80
Durham, Isobel, 80
Durham, Robert, 62

E
Elphinstone, Charles, Lord Elphinstone, 75
Erskine, Lord Cardross, 29, 42
Erskine, Robert, Lord Erskine, 75

F
Fleming, — (d. by 1740), 69
Fleming, — (fl. 1627), 15, 16, 18
Fleming, — (fl. 1629), 19
Fleming, — (fl. 1666), 40
Fleming, — (fl. 1685), 53, 54
Fleming, — (fl. 1729), 68
Fleming, —, assignee of John McDuff (fl. 1639), 28
Fleming, —, heritor in Glasgow (fl. 1571), 17
Fleming, —, magistrate of Rutherglen (fl. 1776), 78
Fleming, —, merchant in Aberdeen (fl. 1672), 44, 45
Fleming, —, merchant in Glasgow (fl. 1672), 46, 47
Fleming, —, partner of Dalgleish and Fleming (fl. 1790), 82
Fleming, —, partner of Macalpine, Fleming and Company, 83
Fleming, —, wadsetter in Glasgow (fl. 1632), 22, 23, 24

Fleming, —, widow of Robert Fleming, bailie of Edinburgh, 30
Fleming, —, wife of — Robertson, 11
Fleming, Adam, son of William Fleming of Barochan, 80
Fleming, Agnes (fl. 1695), 58
Fleming, Agnes, wife of Dr David Hay, 36
Fleming, Alexander, of Moness, 27
Fleming, Andrew, son of Malcolm Fleming, 29, 33, 41, 42
Fleming, Archibald, of Farm, 63
Fleming, Captain (fl. 1633), 25
Fleming, Catherine, daughter of William Fleming of Barochan, 80
Fleming, Charles, of Dalquharn, 57, 60
Fleming, Christian, wife of John Ker, 52
Fleming, Dame Elizabeth, wife of Sir John Gibson, 29, 31, 32, 33, 34, 36, 37, 41, 42
Fleming, David, son of Helen Martin, 85
Fleming, Elizabeth, executrix of Matthew Muire, 26
Fleming, Elizabeth, wife of Robert Baird, 34, 36, 37
Fleming, George (fl. 1666), 39, 43
Fleming, George (fl. 1698), 59
Fleming, George (fl. 1714), 66
Fleming, Helen, wife of Mr Alexander Gibson, 36
Fleming, Hugh (fl. 1685), 62
Fleming, Isabel, widow of James Stuart, 12
Fleming, James (fl. 1630), 20
Fleming, James, brother of William Fleming of Barochan, 80
Fleming, James, merchant in London, 84
Fleming, James, messenger, 38
Fleming, James, son of Malcolm Fleming, 32
Fleming, James, 4th Lord Fleming (d. 1558), 2, 3, 4, 7, 8
Fleming, Janet, daughter of Malcolm Fleming, 36
Fleming, Janet, widow of James Stuart, 14
Fleming, Jean, Lady Thirlestane, countess of Cassillis, 7, 8
Fleming, John, baxter, 55
Fleming, John, miller (fl. 1741), 70
Fleming, John, of Bord (fl. 1576), 75
Fleming, John, of Carwood, 21
Fleming, John, 6th earl of Wigtown (d. 1744), 71
Fleming, John, 5th Lord Fleming (d. 1572), 5, 6
Fleming, John, 6th Lord Fleming, 1st earl of Wigtown (d. 1619), 7, 8, 9
Fleming, John, younger of Bord (fl. 1583), 75
Fleming, Lady Clementina, wife of Charles Elphinstone, Lord Elphinstone, 71, 75, 79
Fleming, Lady, countess of Wigtown, widow of John, 6th earl, 71
Fleming, Lady, widow of Malcolm, 3rd Lord Fleming, 3
Fleming, Malcolm, merchant in Edinburgh, 29, 31, 32, 33, 34, 36, 37, 41, 42

Fleming, Malcolm, of Barochan, 79, 80
Fleming, Malcolm, son of Malcolm Fleming, 29, 33, 41, 42
Fleming, Margaret (fl. 1663), 35
Fleming, Mr Matthew, minister of Culross, 51, 56
Fleming, Mr Thomas (fl. 1565), 4
Fleming, Mr Thomas, depute of Sir John Shaw, 64
Fleming, Mr Thomas, shipowner (fl. 1721), 67
Fleming, Patrick, of Bord (d. by 1421), 75
Fleming, Robert, bailie of Edinburgh, 30
Fleming, Robert, factor, 81
Fleming, Robert, great-grandson of John Fleming younger of Bord, 75
Fleming, Robert, printer in Edinburgh, 73
Fleming, Robert, schoolmaster at Stenhouse, 65
Fleming, Sir Archibald, of Farm, 74
Fleming, Sir James, of Rathobyres, provost of Edinburgh, 61
Fleming, Sir William, commissary of Glasgow, 48, 49, 50
Fleming, Sir William, of Farm, 74
Fleming, son of the Lord Fleming (fl. 1548), 1
Fleming, Thomas (fl. 1601), 10
Fleming, William, landowner near Glasgow, 76, 77
Fleming, William, of Barochan, 80
Fleming, Williamina, daughter of William Fleming of Barochan, 80
Fletcher, —, of Aberlady, 52
Forrester, —, nieces of Robert Fleming, 30

G

Gibson, — (fl. 1740), 69
Gibson, Mr Alexander, 36
Gibson, Sir John, clerk of session, 29, 31, 32, 33, 34, 36, 37, 41, 42
Gilles, James, 35
Glasgow, College of, 14
Grant, John, younger of Rothmaise, 75

H

Haliburton, Robert, 74
Hamilton, —, cordiner in Glasgow, 22
Hamilton, Sir George, of Tulliallan, 63, 74
Hamilton, Thomas, of Boghead or Foulshiels, 62
Harper, Mr John, auditor, 29
Hay, —, 57
Hay, —, of Drummelzier, 61
Hay, Alexander, merchant in Canada, 84
Hay, Dr David, 36
Hay, Gilbert, 39

Henderson, James, 58
Heriot, James, 38
Heriot, John, 38
Heriot, Joseph, 38
Hodge, James, 66
Hog, —, 53
Hog, —, first husband of — Ker, 59
Hume-Campbell, Hugh, earl of Marchmont, 70
Hunter, John, 70

J
James V, king of Scots, 1
Johnstone, —, marquis of Annandale, 72

K
Kay (Hay), Gilbert, 43
Ker, —, wife of George Fleming, 59
Ker, Janet, widow of Thomas Dickson, 1
Ker, Janet, wife of George Fleming, 66
Ker, John, husband of Christian Fleming, 52
Kinloch, Dame Magdalen, wife of Sir James Rochead, 61

L
Lauder, David, writer, 61
Lyon King of Arms, 38

M
Macalpine, —, 83
MacDuff, earl of Fife, 51
Maitland, Richard, Lord Maitland, 74
Makelwood, —, in Halifax, 46
Martin, Christian, 85
Martin, Helen, mother of David Fleming, 85
Martin, Margaret, 85
Mary, queen of Scots, 8
Maxwell, Sir Patrick, of Newark, 36
McDonald, John, bankrupt, 81
McDuff, John, 28
Miln, Sir Robert, of Barnton, 74
Montgomerie, —, earl of Eglinton, 62
Muire, — (fl. 1634), 26
Muire, Matthew, 26
Murray, — (fl. 1729), 68
Murray, Charles, 58

Murray, John, merchant in Edinburgh, 63
Murray, Patrick, earl of Tullibardine, 27
Murray, Sir James, of Philiphaugh, 61
Murray, William, earl of Tullibardine, 27

N
Nimmo, Mr William, commissary clerk of Glasgow, 48, 50
Nisbet, —, 57
Nisbet, Margaret, wife of John Veitch, 60
Nisbet, Sir John, Lord Dirleton, 56

O
Ogilvie, Colonel, 64

P
Palmer, —, 46
Plenderleith, John, writer to the signet, 61
Pringle, — (fl. 1629), 19

R
Rae, James, 70
Robert II, king of Scots, 75
Robertson, —, 11
Robertson, — (fl. 1639), 28
Robertson, Nicol, 46, 47
Robertson, Robert, 28
Rochead, James, of Inverleith, 61
Rochead, Sir James, 61
Ross, Captain, 57, 60
Ross, Gavin, 15
Ross, Lord, 5
Royal Bank of Scotland, 65

S
Sandilands, James, Lord St John, 2
Scot, Patrick, of Langshaw, 29, 32
Semple, —, of Fulwood, sheriff-depute of Renfrew, 64
Shaw, Sir John, of Greenock, 64
Shaw, William, builder, 76, 77
Shearer, Mary, 66
Shearer, Sophia, 66
Sinclair, Mary, widow of Captain Ross, 57, 60
Smith, —, debtor, 45
Smith, —, of Browsterland, 62

Sorley, —, of Glasgow, 82
Steil, Barbara, wife of Robert Fleming, 65
Stewart, —, of Blackhall, 64
Stewart, George, in Glasgow, 17
Stewart, Grizel, 74
Stewart, James, burgess of Glasgow, natural son of James Stuart, 12
Stuart, — (fl. 1627), 16
Stuart, James, provost of Glasgow, 12, 14
Stuart, John (fl. 1623), 13

T
Tassie (Cassie), —, widow of — Hamilton, 24
Tully, —, factor, 69

U
Ure, —, 73
Urie, —, 78

V
Veitch, John, 60

W
Wallace, Hugh, merchant in Edinburgh, 54
Watson, — (fl. 1666), 40
Whyte, —, button manufacturer, 82
Wilkie, Mr John, 53, 54
Williamson, —, in Aberdeen, 44, 45
Wilson, —, 61

Z
Zair, —, commissary clerk, 49

Index of Places

Numbers refer to the case numbers above.

A
Aberdeen, 44, 45
Aberlady (East Lothian), 52
Annapolis (Maryland), 67
Ardoch (Dunbartonshire), 67
Atholl, earldom of (Perthshire), 27

B
Barns (Fife), 53
Barnton (Midlothian), 74
Barochan (Renfrewshire), 80
Belligallan, 28
Blackhall (Renfrewshire), 64
Boghead, 62
Bonnington, 80
Bord (Dunbartonshire), 75
Borrowstounness (Linlithgowshire), 83

C
Cambo (Fife), 39, 43
Canada, 84
Carwood (Lanarkshire), 21
Choptank river (Maryland), 67
Clyde, river, 67, 77
Culross (Fife), 51
Culross, abbey of (Fife), 51, 56
Cumbernauld (Dunbartonshire), 79
Cupar (Fife), 51

D
Dalquharn (Dunbartonshire), 60
Denny (Stirlingshire), 2
Drummelzier (Peeblesshire), 61
Dudhope (Angus), 74
Dunbartonshire, 79

E
Edinburgh, 21, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 49, 54, 61, 63, 65, 66, 73, 74, 82

F
Farm (Lanarkshire), 63, 74
Flanders, 64
Foulshiels, 62
France, 4, 7, 8

G
Glasgow, 12, 13, 14, 16, 17, 22, 23, 24, 46, 47, 48, 49, 50, 62, 76, 77, 82
Glenholm (Peeblesshire), 1
Greenock (Renfrewshire), 64, 81

H
Halifax (Yorkshire), 46
Hamilton (Lanarkshire), 65

I
Inverkip (Renfrewshire), 64
Inverleith (Midlothian), 61
Ireland, 64

J
Johnstone (Dumfriesshire), 72

K
Katherline, 25
Kilconquhar (Fife), 52
Kirkpatrick-Fleming (Dumfriesshire), 72

L
Lanark, 65
Lanarkshire, 77, 81
Langshaw, 29
Leadgreen, 28
Leith (Midlothian), 74
Lenzie, barony of (Dunbartonshire), 75
Leven, river (Dunbartonshire), 83
London, 46, 61, 84
Luffness (East Lothian), 80

M
Maryland, 67
Moness (Perthshire), 27
Muirton (Morayshire), 63

N
Newark (Renfrewshire), 36

O
Ormiston (Peeblesshire), 1

P
Pentland (Midlothian), 36
Pitreavie (Fife), 74

R
Rathobyres (Midlothian), 61
Renfrew, 64
Rothmaise (Aberdeenshire), 75
Rutherglen (Lanarkshire), 78

S
St John's Kirk (Lanarkshire), 10
Stenhouse, 65
Swine Abbey, 62

T
Tulliallan (Perthshire), 63, 74

W
Wamphray (Dumfriesshire), 72
Woolmet (Midlothian), 53