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The Newsletter of the Clan Fleming Scottish Society

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Clan Fleming Titles

By James Fleming

In our previous edition, Jim Fleming viewed the clan's history through its titles (Baron, Lord, Earl) and occupations (knight, sheriff, governor and tutor). In this issue he continues with more occupations including baillie, burgess, chamberlain, commendator, prior, commissioner, justiciary, usher and Privy Councillor.

Both Biggar and Oliver Castle frequently played host to royalty because they boasted ample game and were therefore perfectly suited to the family's favorite pastime, hawking (the hunting of wild animals by means of a trained bird of prey).

In 1524, 8th chief (John) headed a hawking party that was ambushed by a rival clan, enraged by the recent engagement of Lord Fleming's oldest son Malcolm to heiress Catherine Fraser. The Tweedie clan was determined to secure her estates for themselves, so they assassinated Lord Fleming, kidnapped his son Malcolm and demanded that Catherine be relinquished.

While the kidnapped Malcolm was the late Lord Fleming's eldest son, his birth had been illegitimate so he could not inherit clan leadership. Instead, his younger half-brother (also named Malcolm) became our 9th chief and 3rd Lord Fleming. He was forced to surrender Catherine who was then forcibly married to James Tweedie.

These events so traumatised her fiancé Malcolm that he retired to Whithorn Priory in Wigtonshire and became a priest. This priory, founded three centuries earlier, had grown rich on generous gifts bestowed by

several Scottish sovereigns during repeated pilgrimages. Accordingly, it had recently been placed under the rule of a **Commendator** (a person who holds the priory's estates in trust). Fifteen years later, Malcolm Fleming was Commendator and, later still, he was Prior (the Superior of the religious order that occupied the priory).

Malcolm Fleming was the last Catholic prior at Whithorn. During the Reformation he was imprisoned for the crime of saying Mass and the priory's property was vested in the Crown by the annexation act of 1587. Malcolm died a year later.

Walter Fleming of Biggar (who must have been a close relative of the clan's 5th chief, Malcolm Fleming of Biggar) served as Chamberlain of Scotland between 1359 and 1376. This role was later filled by the 7th chief (Robert 1454), the 8th (John 1517-24), the 9th (Malcolm 1524-1547), the 10th (James 1547-1558) and the 11th (John 1565-1572).



Whithorn Priory and Seal



The **chamberlain** (also known as “Master of the King’s household”, “Great Chamberlain” or “Lord High Chamberlain”) managed the king’s household and was ranked by King Malcolm as the third great Officer of State. His responsibilities included collection and disbursement of all Crown revenues; judging all crimes committed within burghs; and setting prices and wages within burghs. He was a supreme judge whose decisions bound inferior courts. In 1454 the 7th chief was also appointed to the allied role of auditor of accounts in Exchequer.

The **burghs** were incorporated bodies set up in cities and towns so that commerce could flourish there outside the anachronistic restrictions of the feudal system. They had grown out of a modernisation movement originating in Flanders, Scotland’s long-term ally and business partner. In a very early form of European democracy, each burgh was governed by a council of privileged citizens known as **burghers** or **burgesses**.

The chamberlain’s judicial decisions were enforced by the **baillies** of the burghs. This role was analogous to the bailiff (who enforced decisions of manorial courts within a barony) and the sheriff (who enforced decisions of shire-level courts within a shire). James Fleming (10th clan chief) had a son named Thomas who was the baillie at Perth in the late 16th century while the 12th chief was later a burgess there. The 13th chief was a burgess at Lanark while the 14th and 16th were burgesses at Edinburgh.

In 1556 the 10th chief (James) was appointed guardian of the East and Middle Marches with power of justiciary within

those lands. The Marches were buffer zones on the Scotland-England border where local lords had special responsibilities to work with their cross-border counterparts to keep the peace. A **guardian** exercised administrative control in a jurisdiction during a period while the incumbent was unable to fulfil this duty. **Justiciary** was the power to make legal judgements in court. So, this appointment must have been a temporary arrangement to fill a void in the usual leadership of this important area or to provide an arbitrator to resolve a dispute between rival lords.



In 1565 Mary Queen of Scots appointed the 11th chief (John) as Master Usher of Her Majesty’s Chambers for life (also occasionally referred to as the Master Janitor). He was succeeded in this lucrative position by his son (John) the 12th chief, also appointed for life from 1583. After a long period of contention between the Fleming clan and the Cockburn family of Langton, the 14th chief (John) consented to resign from the post in 1661 in exchange for compensation of 20,000 merks (about 13,000 pounds) paid by Parliament. Nevertheless, his brother Sir William Fleming served Kings Charles I and II as Gentleman Usher of the Privy Chamber from 1648 until 1670.

Gentleman **Ushers** were responsible for overseeing the work of the monarch's servants "above stairs", particularly those who cooked, cleaned or waited on the royal family, as well as for overseeing a range of other work (such as care of the chapel and bedchamber). The duties were similar to those performed by a butler in later years. Monarchs retained several ushers, so the Master Usher must have been the senior usher. The current royal family still employs ushers, although their duties have changed over the years and the modern positions are usually occupied by retired service men and women. Current Parliaments in the United Kingdom, Australia, Canada, New Zealand and the Cook Islands also employ ushers, such as the Usher of the Black Rod.

Our 10th chief (James) was elected by Parliament in 1558 as one of eight commissioners to represent Scotland in negotiating and overseeing the nuptials of Mary Queen of Scots and the French Dauphin. A **commissioner** is a person nominated Parliament to undertake a special and highly challenging task. When nominated by a monarch, the task is known as a royal commission.

The 12th chief (John) must have been particularly skilled in the law, religious doctrine and in arbitration because he was appointed commissioner on at least five occasions. In 1608 he was assessor to the Lord High Commissioner to the General Assembly of the Church of Scotland and a year later was commissioner representing the king at the clerical conferences at Falkland. The following year he was one of the Ecclesiastical High Commissioners and a commissioner of the Exchequer.

He had been admitted to the Privy Council in 1598 and was reappointed in 1610, as was his descendant, the 16th chief (William) in 1677. Until it was abolished in 1708, the **Privy Council** advised the monarch on legal matters; the regulation of trade and shipping; plus irregular issues such as emergency measures against the plague and how to deal with beggars, gypsies, witches, recusants, Coventers and Jacobites.



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Scottish Halloween Tradition

On Hallow's Eve the children of Scotland go guising. They dress in fantastic costumes going to door-to-door entertaining neighbors with songs, jokes, and poems. They are applauded and given fruits and sweets.



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