

= James Ferguson , Lord Pitfour =

James Ferguson , Lord Pitfour (1700 ? 25 June 1777) was a Scottish advocate and second Laird of Pitfour , a large estate in Buchan . His flourishing law practice was sited opposite Parliament House in Edinburgh . He became Dean of the Faculty of Advocates in 1722 and was elevated to the bench , becoming Lord Pitfour , in 1764 . Pitfour was described as one of the greatest lawyers in the country . However , by the time he became a judge he was past his prime intellectually and thus did not make as much of an impact in that role . A Jacobite sympathiser , he is best known for his defence of rebels standing trial at Carlisle after the Jacobite risings .

Ferguson inherited the Pitfour estate on the death of his father , James Ferguson , 1st Laird of Pitfour . He purchased additional lands and expanded the estate , which became known as " the Blenheim of the North " . A staunch Episcopalian , he had a private Qualified Chapel built on the estate . He also established a small village and arranged for plantations of Douglas firs near the mansion house .

= = Ancestry and early life = =

Ferguson was born at Pitfour in 1700 shortly after his father , also named James , had purchased the estate . Ferguson 's father was the first Laird of Pitfour and previously had the honorific James Fergusson of Badifurrow . His mother was Ann Stuart . In 1733 Ferguson married Anne Murray (1708 ? 1793) , a sister of Patrick Murray , 5th Lord Elibank and James Murray , a British army officer who became Governor of Quebec . They had three sons . The eldest , James (1736 ? 1820) , became a politician ; Patrick (1744 ? 1780) invented the Ferguson rifle , a breech @-@ loading flintlock weapon ; and the youngest , George (1748 ? 1820) , became Lieutenant Governor of Tobago in 1779 . Ferguson also had three daughters : Ann , Elizabeth and Jane .

In his memoirs , John Ramsay of Ochtertyre described the first Laird as " having been an adventurer in the South Sea " and that he " would have been a ruined man , but for his son 's exertions . " Wilson @-@ Smith interprets this to mean the first Laird had lost a great deal of money investing in the South Sea Company , but the expansive lands he procured generated sufficient revenue to continue payments on the debts until the situation was later fully remedied via the financial acumen of his son , Lord Pitfour .

= = Career = =

Ferguson studied at the Marischal College in Aberdeen from 1711 ? 1715 . He then studied law at Edinburgh University before completing his education at Groningen and Utrecht . He became a member of the Faculty of Advocates on his return to Edinburgh in early 1722 . He was appointed as Vice @-@ Dean of the Faculty of Advocates in January 1759 and became Dean when Robert Dundas was elevated to Lord President of the Court of Session in June 1760 .

In 1764 the Earl of Mansfield successfully petitioned George III to allow Ferguson to be promoted to fill the vacant position of judge sitting in the Court of Session . Ferguson became a Senator of the College of Justice in June 1764 . This entitled him to thereafter be addressed as " Lord Pitfour " .

The law practice was at one point based in a substantial seven @-@ storey tenement house purchased by Ferguson at 333 High Street , Edinburgh , opposite Parliament House . The law practice occupied the four upper floors of the building ; shops were on the lower level . Pitfour 's legal services were in great demand and he was able to charge twice the fees of his associates .

His law practice had many influential clients , including Lord Braco and the sons of Lord Fraser of Lovat . Pitfour was one of 15 advocates acting in a case raised by Alexander Fraser against Lord Fraser claiming the liferents to the Lovat estates . Eventually a compromise was reached ; Lovat retained the liferents and Fraser gained a monetary sum instead . As the negotiations had taken many hours of legal deliberation over a three @-@ year period , the case proved very profitable for Pitfour .

Ferguson was a Jacobite . The records of the Spalding Club include a soldier 's letter which

indicates it is likely Ferguson was willing to offer refuge to Jacobites who participated in the Battle of Culloden . Jacobite rebels captured from throughout Scotland were taken to stand trial at Carlisle Castle in 1746 . Ferguson and fellow advocate Alexander Lockhart argued in their defence . Prosecutors showed little mercy , calling for the rebels to be executed by hanging . Since the prosecution assumed anyone dressed in tartan was guilty , Ferguson and Lockhart had their servants dress in tartan and appear along with the other defendants . They called each other to the stand to testify as to the whereabouts of the servants and proved that , despite their tartan dress , the defendants could not have taken part in the rebellion . Many were found guilty , but the trick succeeded , as some of the accused were acquitted , including the Laird of Dunfallandy , a kinsman of Ferguson .

The 1773 papers of George III contain details of Pitfour accompanying Lord Justice Clerk Thomas Miller on the Northern Circuit from the end of April until 20 May . Among the cases heard were the trial of a servant accused of murdering another servant on Skye , and the case of Edward Shaw McIntosh , a Borlum gentleman of rank who together with his brother and some of their servants was accused of several instances of housebreaking which had escalated to murder and highway robbery . Some of the gang was caught , but McIntosh remained an outlaw .

Lord Pitfour was widely admired and often dined with fellow lawyer and biographer James Boswell , who declared Pitfour to be one of the greatest Scottish lawyers . This was endorsed by the diarist John Ramsay of Ochtertyre (1736 ? 1814) , who remarked that Pitfour was one of a small number of barristers who he found satisfying hear speak . Pitfour practised law in Edinburgh at the height of the Scottish Enlightenment and was a member of The Poker Club .

Lord Pitfour is described as being good humoured but of a " somewhat awkward manner " and small in stature . His voice was shrill and he had poor eyesight . He was shrewd , kind and sympathetic , which put him at odds with some of his colleagues on the bench . Serving at the same time as Lord Braxfield , who had a reputation for handing down severe sentences , Pitfour was viewed as indecisive and too lenient . His desire to be fair and reach compromise had stood him in good stead as an advocate , but as a judge , these characteristics drew criticism from his contemporaries . Lord Kames was critical of him , maintaining that Pitfour did not want anyone to be hanged . Writing in 2008 , local historian Alex Buchan speculated that Pitfour 's hard life travelling around Scotland took too much of a toll on him , leading to a rapid decline in his health and ability . At 64 years of age at his appointment as a judge , he was likely too old to be effective .

= = Pitfour = =

Ferguson inherited the expansive Pitfour estate on the death of his father , the first Laird , in 1734 . The second Laird expanded the estate and continued the work that developed it into one of the largest and most lavish estates in Scotland . The estate was described by Charles McKean as " the Blenheim of Buchan " but it has also been referred to as " the Blenheim of the North " and " the Ascot of the North " . The village of Fetterangus was established by Pitfour just over a mile north of the mansion house in 1752 .

In 1766 , Lord Pitfour paid £ 15 @, @ 000 to add further land to the estate . The land had been forfeited to the crown and subsequently purchased by the York Buildings Company after George II instigated an attainder against George Keith , the final Earl Marischal , who was pardoned in 1761 . After the Earl Marischal returned to favour and the York Buildings Company suffered financial difficulties , he bought the land back for £ 31 @, @ 000 at an auction , to the delight of friends and others present . He displayed little interest in the property and sold it to Lord Pitfour . Furtive negotiations had taken place between Pitfour and the Earl Marischal to conclude the transaction , as the Earl Marischal did not want the details publicly known , fearing reproaches from his friends . The land , adjacent to the Pitfour property , incorporated St Fergus and Inverugie Castle , the former seat of the Earls Marischal . The 8 @, @ 000 acres (32 km2) was predominantly peat bogs , woods and uncultivated land . The addition of this extensive property made Pitfour the largest estate in the area , stretching over 30 @, @ 000 acres (120 km2) from Buchanhaven in Peterhead and along the course of the River Ugie to Maud . Pitfour had handled the Earl Marischal 's complex legal

requirements over a lengthy period , but the purchase of the land led to ill feeling and insinuations against Pitfour of underhand dealing from other landowners . He never regained popularity in the area and subsequently spent less time at the estate .

Pitfour , an Episcopalian , had a small Qualified Chapel built on the estate at Waulkmill in 1766 . This large plain building could accommodate up to 500 parishioners . Saplinbrae , a house that was initially used as a coaching inn after its construction on Pitfour 's instruction in 1756 , was used as the minister 's manse . Douglas firs were planted near Saplinbrae and Deer Abbey from seed sent from Canada by Pitfour 's brother @-@ in @-@ law , General James Murray .

= = Death and legacy = =

Lord Pitfour suffered from poor health in his later years , and he resigned from the judiciary in 1776 . Correspondence between Pitfour 's two brothers @-@ in @-@ law , Lord Elibank and General Murray , shortly after Pitfour died describes how " he had in a manner lost his senses " . After his death at Gilmerton in June 1777 , he was buried in a vault he had purchased two years previously in Greyfriars Kirkyard , Edinburgh . Lord Pitfour was succeeded by his eldest son , James .