

The identity of Richard Preston: a note

The identity of the builder of the Folly has always possessed an aura of mystery. His name is not in doubt. When William Dawson of Settle and his widowed mother bought the house from the builder's heirs in 1703, it was described as a house lately built by Richard Preston. In 1720, when Margaret Dawson released her rights so that William Dawson could settle the house on his second wife and their heirs (which in time took the Folly into the ownership of the Dawsons of Hartlington), it was described as a 'the new house lately erected by Richard Preston of Settle, gent. deceased'. In a later settlement of the Dawson property, it was named as 'Settle Hall, otherwise Preston's house'.

Essentially there have been two questions, the first about Preston's identity and the second the source of his wealth. Successive Settle historians have made heavy weather of these matters. Thomas Brayshaw, the historian of the ancient parish of Giggleswick, patently did not know. More recent writers have been unable to resolve either question. As I want to explain in this note, it is not difficult to identify either Preston or his occupation.

First, we have a few key documents which bear on Preston's life, including his inventory of 1696, which shows that he died intestate but in the possession of a very sizeable house in Settle. As I hope to show elsewhere, the rooms in the inventory map onto the ground and first floors of the Folly as it exists today, but not onto the top floor, and, whilst it is possible to speculate as to why this should be, this is one only of several odd features of the inventory.

Second, we know the identity of his children from their baptisms in the Giggleswick Parish Registers, but the identity of his wife and the time and place of his marriage remains a mystery. Nor do we have his baptism, but work by Reg Postlethwaite has proved that Preston came from Long Preston and was born in the mid-1640s. He had a brother, Christopher, who moved to Leyland in Lancashire and died there in 1728. Christopher's will mentions his nieces, our Preston's children, and ties the Preston brothers back to Long Preston as the children of one Thomas Preston, who died in 1660. One consequence of this is that it shows that Preston was a self-made man. Knowing so much, and the fact that the Giggleswick registers and other local sources always refer to him as a gentleman, one might even guess that his money came from the practice of the law, and so it turns out to be. Preston was the Settle attorney of his generation.

The evidence for this is varied and incontestable. We have, for instance, the record of his admittance as an attorney of the court of common pleas in 1676. We have the exceptional find of one of his legal bills, which he signed in a bold, even florid hand (Figure one). And we have several suits in Chancery in which he is explicitly named as an attorney and one in which his management of a client's business was challenged. The court records give copious details of his business practices in this one case, but they also serve to name his clerk, John Richardson, who frequently appears as a witness to Settle and other local deeds and is probably the owner of the beautiful hand which identifies conveyances and other documents produced by Preston's practice (Figure two).

A full account of these Chancery suits will have to wait for another occasion. In one however, we have a long report of his dealings with a Bentham grocer, William Overend – an unsuccessful shop keeper who seems to have been somewhat slippery – and his exasperated creditors, which shows Preston in a reasonable light.

W^m Haworth & others v. Preston & others

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Carriage & post	0-11-4
John Bur	
17 ^{ber} 89	
for app ^t of Bayly William Haworth	4-4
vs. R ^g : Preston	
& Simid of Adam Lawton	0-4-4
& Simid of John Skirrow	0-4-4
for app^t of Bayly Christopher	4-4
vs. R^g: Preston	0-4-4
for app^t of Bayly Christopher	4-4
vs. R^g: Preston	0-4-4
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	1-4-4

17^{ber} 89

Recd in full of this bill

By me

R. Preston

1689

18-8
0-4-4
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1-4-4

Figure one. Preston's bill for legal work in the case of William Haworth and others v. Preston and others. The bill came to £1 8s. 8d. before an item was cancelled, and the total recalculated as £1 4s. 4d. (notice the subtraction in the lower left hand corner). Preston endorsed the bill '17 7ber [September] '89. Rec[eive]d in full of this bill, by me, R: Preston'. Source, NYRO, ZXC I 5/5.

A second and more protracted suit shows Preston and his business methods in a much poorer light. This is a case concerning the lands of John Burton of Studfold in Horton in Ribblesdale who became entangled with Preston in the mid-1670s as his client and died a debtor in York gaol, where he was imprisoned at Preston's suit. Studfold passed to Preston as recompense for Burton's debts to him, in part as payment for Preston's legal fees and other costs, but also for money borrowed from him.

After Burton's death two other family members initiated proceedings – at first speculative – to establish how Burton's lands had come into Preston's possession. These dragged on from around 1685 to at least 1695. In part this has the air of a feud within the Burton family, for Preston's protagonists were two granddaughters of Lawrence Burton, John Burton's father, by his first wife, where Burton was a late child born to Lawrence Burton by a second wife. Burton's estate at Studfold was therefore being contested by his half-nieces.

Chancery read the conveyance of Studfold to Preston by John Burton as a mortgage and not an absolute conveyance as Preston held (or intended). They therefore awarded the Burton grandchildren and their husbands the equity of redemption, in effect the right to redeem the mortgage or, if you like, purchase the property from Preston by repaying Burton's debt to him. Preston refused to accept this. Indeed, the court's decision has some odd aspects to it. Preston's opponents then queried the size of the debt that had delivered Burton's lands to Preston. Preston's accounts with Burton were re-audited by Chancery and the debt that Burton owed was found to be significantly lower than Preston claimed. He was ordered to convey Studfold back to the family, which he persistently refused to do, preferring to stonewall the court. This suit was probably unresolved at the time of Preston's death in 1696: certainly it, and the damage it must surely have inflicted on his reputation, must have blighted the last decade of his life.

The identification of Preston as a lawyer explains much about the Folly and its internal layout as I hope to show in the future. It may not quite explain the source of Preston's wealth. The house is traditionally dated – from its datestone – as either 1675 or 1679. Mrs Anne Read tells me that on careful inspection she is sure that the date is 1679. Whichever, this magnificent house is therefore the work of a man at the beginning of his career. It shows either a great confidence in his future and a willingness to borrow, or that Preston had a source of capital to draw on of which we are presently ignorant. One possibility might be that he was spending his wife's money, but as her parentage remains unknown for the moment, this cannot be anything other than a speculation. There is, however, a question to be answered here.

On a personal note, I hope that my research on Preston will be drawn together during 2011 and that will be published in 2012 or 2013. In the meantime, I welcome additional Preston references and will pay hard Kendal mint cake to anyone who can find the marriage of Richard Preston and his wife, Lettice, in about 1672 or 1673 or other evidence of the Lettice Preston's parentage. Richard Preston is far from having given up all his secrets.

Richard Hoyle
May 2011