

	History:	
	Topic:	Sarah Wallis prompts changes in Ecclesiastical Law.
	Date of Record:	December 2021
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	Notes:	

Sarah Wallis Prompts Changes in Ecclesiastical Law

Family Background

Sarah Wallis (Palmer) was born in Depden in 1790, one of seven children from the marriage of Thomas Palmer (1761-1811) of Depden and Margaret Palmer (Pearson) (1765-1849), also of Depden. She married Bartholomew Wallis (1792-1854) from Chevington, at Hargrave church in 1811.

Sarah and Bartholomew are known to have had three children: Nathaniel (1813-1881), Sarah Ann (1814-1904), and Robert (1816-1887). The family lived at Birds End, Hargrave.

Bartholomew was a farm labourer, and only once appears in the local press. In December 1811, he was committed to Bury goal with his father Nathaniel (1763-1841), charged with stealing two bushels of potatoes from Mr John Kemp of Chevington. However, it was reported on the 22nd January that both were acquitted.

Bartholomew passed away in 1854 and Sarah then lived with her son Nathaniel and his wife Sarah (Smith) (1811-1879) and four of their nine children, also at Birds End.

Interestingly Nathaniel gained a license to sell beer on the premises in 1869, but this was six years after Sarah's death in 1863.

From these facts it would appear that Sarah lived a fairly normal uneventful life as the wife of a farm labourer. However, the events of early 1824 and their subsequent consequences tell a far different tale.

The Events of January 25th 1824

At the time leading up to the event, Sarah Wallis had been working as a seamstress and washerwoman, and her husband as a yardman for Henry and Betsy Beales who lived at Hargrave Hall. The couple had however, recently been dismissed from their posts, and although the reasons were inferred, they were never actually publicly confirmed by the Beales

On leaving Hargrave Church following a Sunday Service on January 25th 1824, in front of the assembled congregation, Sarah accused the Beales' of unfairly dismissing them. Also, that she had been falsely accused of stealing and that her fidelity had also been questioning. Henry Beales demanded an apology for the outburst as it had upset his wife and called in to question her character. None was forthcoming, and with the impression that the Wallis' were subsequently taunting him, he decided to take the matter further.

With the altercation occurring in the churchyard, he was able to call upon Ecclesiastical Law, and subsequently a summons was served on Sarah on February 20th 1824. This charged, that Sarah was guilty of 'brawling, chiding, and quarrelling' in Hargrave Churchyard. The case was subsequently heard at the Ecclesiastical Court at Norwich. Her representation was paid for by the generosity of a sympathetic attorney. She, however, could not attend being unable to bear the expense of the journey.

Unable to give her own evidence or to disprove the accusation, the case was proven and a citation issued ordering her to pay £24. 0s. 5d., being the costs incurred by the Beales. Unable to pay she was committed to Bury gaol, on the 26th April 1825. In addition she was excommunicated, effectively preventing her from attending church services.

Fortunately for Sarah there was a general feeling that her punishment was too harsh. Due to her financial circumstances, there was little prospect of her ever being in a position to pay the fine and it was therefore likely that she would remain imprisoned indefinitely. Thus, unconnected but interested benefactors funded the £11 2s. 1d. necessary to bring her case before the Insolvent Debtors Court in Bury on 25th June 1825. Found to be insolvent this triggered her release on that day, which brought to an end an 18 month period of uncertainty and no doubt great stress to a family with young children.

For her the story ends there, but for others, the perceived injustice of the case and the underlying legislation led to a petition containing the signatures of several worthy individuals, including 20 local magistrates, being presented to parliament calling for the reform of Ecclesiastical Law. This in no small way led to the Ecclesiastical Courts Act 1829 which prompted the setting up of a commission to instigate a wide ranging review of the constitution of the Ecclesiastical Courts. This reported in 1830.

In the year 1833, a Committee of the House of Commons was appointed for the purpose of again investigating the subject. Their Report, corresponded, however, not entirely with the earlier Commission report, but in substance it accorded with that Report. Though a Bill was introduced in the month of June 1835, and although Parliament continued its sittings until the month of August in that year, no further proceedings took place in respect of it. A further attempt was made the following year, but this similarly failed to proceed to statute.

Further attempts were made in 1841 and 1843. Various acts made amendments to the legislation including: the Ecclesiastical Courts Act 1844, Ecclesiastical Jurisdiction Act 1847, Ecclesiastical Courts Act 1854, Ecclesiastical Courts Act 1855 and the Ecclesiastical Jurisdiction Act 1858. However it was the Ecclesiastical Courts Jurisdiction Act 1860, which provided that it was not lawful for an Ecclesiastical Court in England or Ireland to entertain or adjudicate on a suit or cause of brawling or defamation against any person not in Holy Orders. Anyone imprisoned by such actions prior to the act coming in force was to be released.

The Act with amendment and updating is still in force, the details of which can be found in Appendix B below. There are still cases laid and convictions obtained under this act today, although in the 2000's these were no more than single figures annually.

Surely Sarah would have been unable to comprehend that her outburst in 1824, would have, in part, have led to a major change in national legislation.

Appendix A – Press Coverage

Press articles are provided below in the order in which the newspapers were printed and do not necessarily represent the chronological order of events.

The following report was printed in the Bury and Norwich Post on the 29th June 1825.

On Saturday last Henry Revell Reynolds, Esq. his Majesty's Chief Commissioner for the Relief of Insolvent Debtors, held a court at the Shire-hall, in this town, when the following persons were

ordered to be discharged forthwith, namely, Sarah Wallis, the wife, of Benjamin Wallis, of Hargrave, from an attachment for her contempt in not paying £24 0s. 5d., taxed costs, in a suit in the Ecclesiastical Court, wherein Henry Beales and Betsey his wife were complainants, and the said Sarah Wallis, the defendant, in an action brought for her quarrelling, chiding, or brawling in the church-yard of Hargrave.

— Jesse Sutterby, from an action at the suit of Jenkin Jones, Secretary to the Phoenix Fire Office Insurance Company, of London.

The first of the above cases was a striking instance of the necessity of reform in some of the institutions of this country; the poor woman, who is the wife of a labourer; prosecuted in the Ecclesiastical Court at Norwich, for uttering a retort upon a charge of robbery, and excommunicated, and being of course unable to pay the costs of the suit, she might have lingered in prison all her life, for what is absurdly and cruelly called contempt, instead of inability, had not the Insolvent Act come in aid, and substituted the law of the land for the canons.

— We believe, and we are happy to be able to say it, that such enforcements of the Civil Law are rare in this vicinity, being discountenanced by those under whose province it falls, as a remedy worse than the disease.

The following item was printed in the Bury and Norfolk Post on the 13th July 1825

The case of Sarah Wallis, which we shortly noticed in a former Paper, is thus stated by one of the visiting Magistrates, and inserted at his request :—

Sarah, wife of Bartholomew Wallis, a labourer, was accused by Henry Beales and Betsy his wife, in the Ecclesiastical Court at Norwich, of quarrelling, chiding, or brawling in the churchyard of Hargrave, in Suffolk. By the kindness of an attorney, who knew she could not repay him, a Proctor was employed in her defence, and expenses to the amount of £6 incurred. Hopes were entertained that the business might end here; but process was continued, and at length a monition was served upon her, by which she was ordered to pay £24. 0s. 5d. being the taxed costs incurred by Henry and Betsy Beales, and in default of payment was committed to gaol, April 26th, 1825.

This sum she was not only unable to pay, but unless she had been assisted by persons totally unconnected with her, she could not have availed herself of the Insolvent Act, the expenses of the application far exceeding any means in her power, but under this she was liberated June 25th, 1825.

Sarah Wallis had been for some years occasionally working as a sempstress and washerwoman at the house of Henry Beales. The charge of quarrelling, chiding, or brawling, is thus stated in the articles exhibited against her in the Ecclesiastical Court:—

That on Sunday, January 25, 1824, before service, in the churchyard in Hargrave, she said, speaking to Betsy Beales, "How came you to say I stole a lace frill of yours? you know you never had one." And also that she said, "I never received love letters from other women's husbands neither."

In what manner a recurrence of such a proceeding can be effectually prevented is submitted to the consideration of the public.

The following report was printed in the Bury and Norwich Post on the 22nd March 1826

THE CASE OF SARAH WALLIS

THIS Woman, the Wife of Bartholomew Wallis, a Labourer, had been accused of stealing a lace frill from Betsy the Wife of Henry Beales, at whose house she had worked as a seamstress and washerwoman

—Words had passed between these women in consequence of this accusation, and February 20, 1824, a Summons was served upon Sarah Wallis by Mr. Wayman's Clerk, in these words:

— To SARAH the Wife of BARTHOLOMEW WALLIS, of the Parish of Hargrave, in the County of Suffolk, and Diocese of Norwich, Labourer.

By virtue of a Citation under Seal, now shewn you, you are cited to appear before the Worshipful William Yonge, Clerk, Master of Arts Official Principal of the Episcopal Consistorial Court of Norwich, and also Vicar General in Spirituals of the Right Reverend Father in God Henry, by divine permission, Lord Bishop of Norwich, lawfully constituted his Surrogate, or some other Judge competent in this behalf, in the Cathedral Church of the Holy and undivided Trinity of Norwich, at the Place of Judicature there, on Tuesday the ninth day of March now next ensuing, at the usual hours for hearing causes there, then and there to answer to certain articles or interrogatories to be administered unto you, concerning your soul's health, and the correction and reformation of your manners and excesses and more especially for quarrelling, chiding, and brawling in the Churchyard of the parish of Hargrave aforesaid ; and further to do and receive at the promotion of Henry Beales of Hargrave aforesaid, farmer, and Betsy his Wife, as to law and justice shall belong, on pain of the law and contempt thereof.

— Dated this fourteenth day of February, one thousand eight hundred and twenty-four.

JOHN STEWARD, Proctor. By the kindness of Mr. Wing, who knew she could not herself defray the charge, a Proctor was employed in her defence, and expences to the amount of £6. 4s. incurred.

The following Articles were then exhibited against her:

In the EPISCOPAL CONSISTORIAL COURT of NORWICH.

In the Name of God, Amen

— We, William Yonge, Clerk, Master of Arts, Vicar General in Spirituals of the Right Reverend Father in God, Henry, by Divine Permission Lord Bishop of Norwich, and also Official Principal of the Episcopal Consistorial Court of Norwich, lawfully constituted, to you, SARAH, the Wife of Bartholomew Wallis, of Hargrave, in the County of Suffolk, and Diocese of Norwich, all and every the several Positions, Articles, or Interrogatories hereunder written, concerning your soul's health, and the reformation of your manners and excess, and more especially for quarrelling, chiding, or brawling, within the Churchyard of the Parish of Hargrave aforesaid, by virtue of our Office, at the promotion of HENRY BEALES of Hargrave aforesaid, and BETSY his Wife, to be objected and administered, do offer, object, article, and interrogate, as follows namely :

First — We article and object to you, the said Sarah Wallis, that in a certain Statute made and passed in the fifth and sixth years of" the reign of Edward the Sixth, late King of England, it is thereby enacted (amongst other things) in the fourth chapter, as follows to wit:— And if any person whatsoever shall at any time after the first day of May next ensuing, by words only, quarrel, chide, or

brawl, in any Church or Churchyard, that then it shall and may be lawful for the Ordinary of the place where the said offence shall be done and proved by two lawful witnesses to suspend every person so offending, that is to say, if he be a Layman, ab ingressu Ecclesia, and if he be a Clerk, from the administration of his Office, for so long as the Ordinary shall by his discretion think fitting and convenient, according to the fault, and we article and object of everything in this Article contained jointly and severally.

Second — We also article and object to you the said Sarah Wallis, that notwithstanding the premises mentioned in the next preceding Article, you did on the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and twenty-four now running, being since the first day of May mentioned in the said Statute, brawl, chide, and quarrel in the Churchyard of the Parish Church of Hargrave aforesaid, and did then and there in a chiding, quarrelling, or brawling manner, divers times, or at least once, speak and utter the several words following, or some of them, or others to the like effect, to wit — " How came you (speaking to, meaning, and intending the said Betsy Beale, one of the promoters in this Cause) to say I stole a lace frill of yours? You (speaking to and meaning the said Betsy Beales) know you never had one. And also (still speaking to the said Betsy Beales) I (meaning and intending herself the said Sarah Wallis) never received love letters from other women's husbands neither," with many other like brawling, chiding, and quarrelling words and speeches; and we article and' object of any other time and of any other words and speeches, and as before.

Third —Also we article and object to you the aforesaid Sarah Wallis, that you have incurred the Penalty of the said Statute by reason of your excess in the premises, and ought to be corrected and punished according to the exigency of the law, and we article and object at before.

Fourth —Also we article and object to you the said Sarah Wallis, that the said Henry Beales and Betsy his Wife, the parties agent in this cause, have rightly and duly complained of the premises to us, the Judge aforesaid, and to our Court, and we article and object as before.

Fifth — Also we article and object to you the said Sarah Wallis, that you the said Sarah Wallis were and are of the Parish of Hargrave, in the County of Suffolk and Diocese of Norwich, and by reason thereof subject to the jurisdiction of this Court; and we article and object as before.

Sixth- -Also we article and object to you the said Sarah Wallis, that all and singular the premises were and are true, public, and notorious and thereof there was and is a public voice, fame, and report, of which legal proof being made, we will that you the aforesaid Sarah Wallis be duly corrected and punished according to the exigency of the law, and also be condemned in the Costs of this Suit, made and to be made in this Cause by and on the part of the said Henry Beales and Betsy his Wife, and compelled to the due payment thereof to them or their party by our definitive Sentence or final Decree, to be given in this Cause; and further to do, ordain, and decree in the premises what shall be lawful in this behalf; all and singular which premises we propound and will to be done jointly and severally, not obliging us or the promoters of our Office to prove all and singular the premises, nor to the burthen of a superfluous proof, against which the party proponent protests, and saving always to himself all benefit of Law, prays that so far as he shall prove in the premises so far he may obtain in this his Suit, humbly imploring the aid of our Office in :his behalf.

It was not in her power to disprove the words she was accused of having uttered. At length a Citation for the payment of £24 0s. 5d. being the taxed costs, was issued Feb. 5, 1825 in default of payment she was committed April 26, and unless she had been assisted by persons totally unconnected with her, she could not have availed herself of the Insolvent Act, the costs of the application being £11. 2s. 1d., but must have remained in Gaol for an indefinite period. Under this Act, however, she was liberated June 25, 1825.

The Act of the 5th & 6th of Edward the VI. is thus expressed.

Forasmuch as of late, divers and many outragious and barbarous behaviours and actes, have been used and committed by divers ungodly and irreligious persons, by quarelling, brauling, fraying, .and fyghting openly in Churches, and Churchyardes: Therefore it is enacted by the Kyng our sovereign Lord, with the assent of the Lords Spirituall and Temporall, and the communes in this present Parliament assembled, and by the auctoritie of the same, that if any person whatsoever shall at any time after the first day of Maye next cormyne. by words onely, quarrel, chide or braule, in any Church or Churcheyarde, that then it shall be law full unto the Ordinary if the place where the same offence shall be done, and proved by two lawful witnesses, to suspend every person so offending.

That is to say, if he bee a Layman, ab ingressu ecclesia, and if he bee a Clerke, from the ministracion of his office, for so long time as the said Ordinary shall by his discretion thinke mete and convenient, according to the faulte

And further it is enacted by the auctoritie aforesaid, that if any person or persons, after the said first day of Maye, shall smyte, or lay any violent handes upon any other, either in any Church, or Churcheyard: That then, ipso facto, every person so offending, shall be deemed excommunicate, and be excluded from the fellowship and company of Christe's congregacion

And also it is enacted by the auctoritie aforesaid, that if any person after the said first daye of Maye. shall maliciously strike any person with any weapon, in any Church or Churcheyarde, or after the same first day of Maye, shall draw any weapon, in any Church or Churcheyarde, to the intent to stijke another with the same weapon: That then of every person so offending, and thereof being convicted by verdict of XII men, of by his own confession, or by two lawful witnesses, before ye Justices of Assiz, Justices of Oyen and determiner or Justices of Peace in their Sessions, by force of this Acte shall be adjudged by the same Justices, before whom such person shall be convicted, to have one of his eares cutte of. And if the person or persons so offending have none eares, whereby they should receive such punishment as is before declared, that then he or they be marked and burned in the cheeke with an hotte yron, having the letter F, whereby he or they may be known and taken for fraye makers, and fyghters, and besydes that every such person bee, and stande, ipso facto, excommunicated as is aforesaide.

We understand a Petition to Parliament has already been signed by 16 Acting Magistrates, as well as by several of the Clergy, and other gentlemen, praying that this Statute be repealed, and that all accusations for Offences under it, now cognizable by Episcopal Consistorial Courts, be tried by Juries of the Vicinage.

(Transcribed as printed.)

And further, the newspaper's Editor thought further action was required.

We beg to refer our readers to the statement of the Case of Sarah Wallis, inserted in our 1st page, and we entreat all who desire to see not merely a simple and economical administration of the law, but a removal of those antiquated forms of proceeding, so much at variance with the spirit of the age, which with the semblance of justice may always be taken advantage of to overwhelm the weak—that they will affix their names to the Petition for the subjecting of such charges to the Constitutional Trial by Jury.—The Petition lies at present at the Office of this Paper.

The following letter to the editor from Henry Beales was printed on the front page of the Bury and Norwich Post on the 29th March 1826

TO THE EDITOR OF THE BURY POST.

SIR - In your last week's Paper I find the public reminded of the case of Sarah Wallis in such a way to be led to think she was treated with undue severity, and feel it my duty to state the facts of the case—I do firmly deny her having been accused of stealing a lace frill, or any other article.

It is true that she was a sempstress in our house, and that her husband was in the situation of yard-man for some time, and that it was highly necessary to discharge them, for reasons well known to them.

My having so done probably caused the act of the woman, which was a public declaration before the whole congregation, when leaving the church, calculated to wound my wife's feelings in the most tender part.

It was my duty to make some example of such conduct, yet had no wish to go further than to require her to make a public apology, which she positively refused to do.

Having given her this opportunity, and being willing to delay proceedings as long as possible, it was supposed by many to be forgotten, and by them I was severely censured. I was then informed that the husband of Sarah Wallis had dared me to proceed, asserting that he had £50, which he would spend at law should I prosecute his wife.

Some time having elapsed, I was repeatedly informed that he had said he was quite satisfied I had given the case up, and he in an artful manner caused it to be understood that I was under certain fears of him, and dared not prosecute his wife. This was quite sufficient to urge me to proceed, let my inclinations previously have been what they might, and finding I could not punish this woman for defamation of character, I had no chance of making her an example but by putting her into the Ecclesiastical Court, from which it was said by most around me she could not meet her reward.

The case has been so represented as to create an undue prejudice against me — it has been stated that the woman has found friends; but I think if any one of them had asked himself how he would like to have his own wife falsely accused, before the whole congregation of her parish, at a church door, of conduct which, if true, would render herself and family miserable for the rest of their lives?, he would have hesitated before he lent assistance towards screening such delinquency.

I felt anxious, as every husband ought to be, to protect my injured wife as far as the law allowed me; the result of this business, however, has proved that there is no protection in this country for female honour.

I am, Sir, your's, &c. HENRY BEALES. Hargrave Hall, March 27th, 1826. SUFFOLK.

NOTE:

*Henry Beales (1790-1845) and Betsy (Elizabeth Payne) (1795 – 18**) left Hargrave in 1830 with Hargrave Hall, the estate, stock and contents up for auction on the 23rd October 1830. Apart from the Wallis case, their time in Hargrave had been eventful in other ways.*

In 1820 there was a severe fire at their home, which originated in a stack of wheat straw in one of the barns and caused major damage at the Hall on the 15th February. Henry was insured with the Suffolk Fire Office. Adjoining buildings however, belonging to the Earl of Bristol were not insured. Henry made a public statement in the local press thanking those friends and neighbours exertions during the fire.

Henry was also busy in the courts from time to time, taking the following prosecutions:

1827 - Francis Death – stealing five pints of wheat

1829 - Robert Rowland – absenting from service

1830 - Thomas Pearson – stealing a leather gig apron

Ultimately the Beale family ended up running The George Hotel at Halstead in Essex where George passed away after a long illness in 1845.

Continuing the case coverage.

The following item was printed in the Bury and Norwich Post on the 14th March 1827.

The Case of Sarah Wallis, imprisoned by the Ecclesiastical Court, on a charge of brawling in the churchyard at Hargrave, is likely to become the object of Parliamentary attention. We hear that on this day or to-morrow Sir William Rowley will probably present the Petition, caused by the measures adopted against her, to which, amongst many respectable signatures, are affixed those of 20 Magistrates, chiefly acting for this Division. It affords satisfaction to learn that the Petition has been supported without the least political bias; solely from a conviction of the injustice of the proceeding.

The background story of the Petition was picked up by other papers nationally, and an example of their coverage is provided below.

The following item was printed on the front page of the Devizes and Wiltshire Gazette on the 29th March 1827.

A remarkable instance of the oppressive operation of an old Statute of Edw. VI has just been disclosed in a petition from the Magistrates of Suffolk to the House of Commons, printed in the Appendix to the Votes. The whole narrative is so curious, as a specimen of the manner in which the rusty weapons of the law may be used to the annoyance of the poor, that we are tempted to give an abstract of it.....

.....The Magistrates, after detailing these facts, request that this Statute may be repealed; and that offences under it, now cognizable by Episcopal Consistorial Courts, be tried by juries of the vicinage. It is creditable to a body of Magistrates to come forward as petitioners for the amendment of the law: no persons have better opportunities of seeing practical evils of the law than Acting Justices of the Peace.

Appendix B - Current Applicable Legislation (as of Dec 2021)

Ecclesiastical Courts Jurisdiction Act 1860

Section 2

Penalty on persons found guilty of making a disturbance in churches, chapels, churchyards, or burial grounds.

Any person who shall be guilty of riotous, violent, or indecent behaviour in England or Ireland in any cathedral church, parish or district church or chapel of the Church of England, or in any chapel of any religious denomination, or in England in any places of religious worship duly certified under the provisions of the Places of Worship Registration Act 1855, whether during the celebration of divine service or at any other time, or in any churchyard or burial ground, or who shall molest, let, disturb, vex, or trouble, or by any other unlawful means disquiet or misuse any preacher duly authorized to preach therein, or any clergyman in holy orders ministering or celebrating any sacrament, or any divine service, rite, or office, in any cathedral, church, or chapel, or in any churchyard or burial ground, shall, on conviction thereof by a magistrates' court, be liable to a fine not exceeding level 1 on the standard scale or to imprisonment for a term not exceeding two months.

Textual Amendments

Irish Church Act 1869, Criminal Justice Act 1982 and Courts Act 2003

Section 3

Offenders may be, immediately after offence committed, apprehended, etc.

Every such offender in the premises after the said mis-demeanor so committed immediately and forthwith may be apprehended and taken by any constable or church warden of the parish or place where the said offence shall be committed, and taken before a magistrates' court, to be dealt with according to law taken before a district judge (magistrates' courts) to be dealt with according to law.

Textual Amendments

Criminal Evidence Act 1984, Courts Act 2003 and Police and Justices Act (Northern Ireland) 2015

Section 4

Persons aggrieved may appeal against conviction.

Any person convicted as aforesaid who shall think himself aggrieved by such conviction may forthwith appeal to the Crown Court.

Textual Amendments

Summary Jurisdiction Act 1884 and Courts Act 1971