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| Topic: | Simon Crack – Surety of the Peace 1877 |
| Date of Record: | May 2022 |
| Author: | Nicholas Newman |
| Notes: | A story of wife abuse that appeared to be resolved amicably. |

Simon Crack - Surety of the Peace 1877

Simon Crack (1827-1886) was born in Whepstead, one of the eleven children of Thomas Crack (1777-1854) and Susan (Marshall) (1783-1862). In 1848 he married Frances Pettitt (1820-1882) and whilst they had no children of their own their nephew William Ephraim Pettitt lived with them for several years during his childhood. Simon is recorded as a farm labourer and Frances as a charwoman. During the early years of their marriage they lived in Frances' home village of Wickhambrook, but by the 1871 census they had moved to Little Knowles Green, Hargrave.

Simon's life as captured in the local press appears relatively uneventful (1862, 1868 and 1871 transcribed clippings below), until formal action was taken against him by his wife in 1877. With its origins in the Justices of the Peace Act 1361, she sought the courts to use their powers to require her husband to keep the peace.

In late 1877, Frances ran up a significant unpaid bill at the local shop. Simon, on being made aware of the debt and influenced by drink, began threatening physical harm towards her. She obviously felt sufficiently concerned for her safety, that she took the matter to a higher authority, which was a brave move on her part when the law at that time was very much stacked in favour of the male in any matrimonial disputes.

Specifically with reference to physical violence, it was not until 1878, that the Matrimonial Causes Act 1857 was amended allowing a woman to seek separation from her husband on the grounds of cruelty and if appropriate to also claim custody of their children. Also where a husband had been convicted of aggravated assault, wives could then seek protection orders from local Magistrates.

Fortunately Simon and Frances appear to have come to an amicable solution to their problem and they continued to live together in Hargrave until they both passed away in the early 1880's.

The Magistrates warning to Simon and advice to Frances make interesting reading.

The following item was printed in the Bury and Norwich Post and Suffolk Herald on the 1st April 1862.

WICKHAMBROOK. PETTY SESSIONS, March 27. (Before the Revds. M. J. Lloyd and T. J. Steele, and N. W. Bromley and S. A. Severne, Esqrs.)

STEALING CABBAGES AT STRADISHALL. — Simon Crack, labourer, Wickhambrook, was charged with stealing two cattle cabbages, the property of Mr. William Burford Pratt, farmer, of Stradishall. Defendant acknowledged to Mr. Pratt that he had taken the cabbages from his field, and said he was sorry for what he had done, and that he did not think there was much harm in taking a couple of cabbages for his Sunday dinner especially as it was the first time he had taken any.

— Prisoner pleaded guilty, and wished to be tried by the Bench.

—Mr. Pratt said the defendant had worked for him about twelve months, and during that time he had always found him a steady and well-disposed man. He trusted the Bench would deal as leniently as possible.

— Defendant was ordered to pay 6s.

The following item was printed in the Bury and Norwich post and Suffolk Herald on 14th January 1868.

COUNTY PETTY SESSION. BURY, Jan. 8. (Magistrates present— J. H. Phillips (Chairman), J. B. Blake, and J. J. Bevan, Esqrs., Rev. T. E. Abraham, and Rev. T. J. Steele.)

POACHING AT HARGRAVE - James Murkin and Simon Crack were charged with having, on the 5th of January, at Hargrave, unlawfully killed a partridge, on land in the occupation of Robert Tricker.

— *Herbert Tricker deposed: Last Sunday afternoon, at about half-past three o'clock, I saw the two defendants come out of a footpath into one of my father's fields. When I was about 50 yards off them Murkin fired at a partridge, which he killed. When Murkin fired Crack was about 50 yards behind him with another gun. After Murkin had shot, both defendants ran away, and I ran after them, and got within about 20 or 30 yards of them. I told them I knew them, and that I should summon them. I then returned, and found the partridge now produced in a ditch near where Murkin fired the gun.*

— *Both defendants denied that witness came nearer to them than 100 yards, and said they were out that afternoon shooting larks. Crack stated that it was his custom to go to church or chapel on Sunday, but some friends detained him until it was too late to go to a place of worship, and one of them put the gun into his hands and told him to go with Murkin, who was going out shooting larks. He was, however, so ashamed of being seen with a gun on a Sunday that he went by the fields instead of going by the road.*

— *Supt. Durrant, in answer to the Bench, said that Murkin had not been convicted of poaching before.*

— *The Bench gave Crack the benefit of the doubt as to his complicity in Murkin's offence, he (Crack) being 50 yards off his companion, and recommended him to carry into practice his professions as to his customary mode of spending the Sunday. Murkin was ordered to pay a penalty of £1 with 8s. costs, in default one month's hard labour.*

The following item was printed in the Bury and Norwich post and Suffolk Herald on the 5th September 1871.

WICKHAMBROOK PETTY SESSION, Thursday, August 31st. (Before N. W. Bromley, Esq. (Chairman), Revds. T. J. Steele G. F. Turner, and Sir Robert Affleck.)

ASSAULT AT HARGRAVE. - Thomas Smith, labourer, of Ousden was charged with assaulting Simon Crack, labourer of Hargrave, on Sunday, the 6th of August, at Dalham.

— *Prosecutor having failed to substantiate his case, it was dismissed, and prosecutor was ordered to pay the costs, which amounted to 5s.*

The following item was printed in the Bury Free Press on the 10th November 1877.

THINGOE PETTY SESSION, Nov. 7. Before J. S. Phillip", Esq. (Chairman), Revds. T. J. Steele, and J. F. Turner, and A. J. Young, Esq.

THREATENING A WIFE - Simon Crack, labourer, of Hargrave was charged with using threatening language towards his wife Frances Crack, in consequence of which she prayed for sureties of the peace

-On being questioned by the Magistrates, the complainant said she and her husband had been married for 29 years, and at the time when he used the language imputed by him was the worse for drink. She did not, however, wish to punish her husband, and would not go any further in the case if he were to give his word not to repeat his conduct.

- The defendant expressed his regret at what had occurred, and assured the Magistrates that he would not have threatened his wife if he had not been annoyed at finding she had contracted a bill at "the shop", without his knowledge.

-The Chairman told the parties that it was better for them to solve the matter amicably if possible, and the Magistrates were glad they were willing to do so; but although it was not the province of the Magistrates to preach sermons to married people, they could not help advising the complainant never again to contract bills at "the shop" without her husband's knowledge or permission. At the same time they must tell the defendant that if he again appeared before them on a similar charge, he would be severely dealt with. The parties, after paying the costs of the case, thanked the Magistrates, and left the court.

Then a slightly different version.

The following item was printed in the Bury and Norwich Post and Suffolk Herald on the 13th November 1877.

Thingoe and Thedwastre Sessions, Nov. 7

(Before J. S. Phillips, Esq. (Chairman), A. J. Young, Esq. and Revds. G. F. Turner and T. J. Steele.)

SURETIES OF THE PEACE. - Frances Crack, of Hargrave, applied that her husband, Simon Crack, of Hargrave, should be bound over to keep the peace towards her, as on the 27th October he had so threatened her that she went in bodily fear of him.

— Mrs. Crack said that she had been married 29 years, and was ready to withdraw the summons if her husband would promise not to interfere with her again. Her husband was a little "freshy" when he threatened her.

— The man said he was willing to give his word that he would leave her alone, and explained that he should not have threatened her, only he found that she had run up a bill without his knowledge, and that galled him.

— The Chairman said it was very sad to see two persons who had been so long united falling out at the close of their lives, remarking that although they could not preach from the Bench, yet he would say to the woman that she ought to have no secrets from her husband.

— *The case was therefore withdrawn, defendant paying the expenses, 9s. 6d., the largest portion of which had been incurred by his own obstinacy, for when summoned he refused to appear, and a warrant had to be issued for his arrest.*

Nicholas Newman
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