

JOHN INCE.

Sexual Offences: rape.

24th October 1787

Reference Number t17871024-78

Verdict Not Guilty

890. JOHN INCE was indicted, for that he, on the 12th of September last, in and upon one Cornelia Winter , a woman child, under the age of ten years, to wit, about the age of seven, feloniously did make an assault, and her then and there wickedly, unlawfully, and feloniously did carnally know and abuse .

ANN WINTER sworn.

I am mother of Cornelia Winter ; my daughter is eight years old, and some days.

How long have you known the prisoner?

prisoner? - About six months; he was a servant to one of my lodgers, William Williams .

Your daughter Cornelia received an injury, did not she? - Yes.

When? - I cannot justly say the day of the month.

When was you apprised of it? - On Monday, the 19th of September; I know the child was in great pain.

Did you search her? - Yes.

What did you observe? - I found her linen very much disordered, an appearance of great running and stain.

Did you observe any marks of violence? - No, Sir.

Had she any disorder in consequence of it? - The running, I supposed it to be the venereal disorder, but there is a surgeon who can speak to that; the child, when I was first alarmed of it, could not make water by any means in the world; I could not attend to the child, a servant attended her; in the morning I examined her, and she could not by any means make water, and when she attempted it, it was in such extreme pain; I told one of my brother's acquaintance of it, and he went with her to the Middlesex hospital; I live, No. 14, Monmouth-street .

WILLIAM GORDON sworn.

I am servant to Mr. Fancourt, the surgeon, near Portland-chapel; I took the child by the mother's desire, to the house-surgeon of the Middlesex-hospital; his name is Lane; he is here.

- LANE sworn.

I am house-surgeon to the Middlesex-hospital; I remember William Gordon bringing me a child to the Middlesex-hospital, to be examined, whether she was injured by a man, or not; I found a discharge in the private parts, but as that is common to children, I could not be sure; I proceeded to examine the hymen, but the child was in such pain, I was obliged to desist; I gave the person a lotion; the child was brought again the next day, when I examined the hymen, I found it in a tolerable perfect state; she proceeded with the lotion two or three days longer, and the child was better; I was then summoned to attend Justice Walker.

Could there have been any penetration of the hymen in that condition? - No, Sir.

There could not? - No way, it was impossible.

The apothecary deposed to the same effect; that the prisoner had the venereal disease, and the girl had such an infection, but no penetration had, or could have taken place.

Court to Jury. Gentlemen, you see the hymen not being broke, there could be no rape.

NOT GUILTY .

Tried by the first Middlesex Jury before Mr. Justice HEATH.

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