

## Upper Hutt Court Cases

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Wellington Independent newspaper 06 June 1862

Supreme Court - Criminal Sittings - Monday 02 June 1861 - Assault with Intent - Regina v William Hughes - William Hughes was indicted with having assaulted Mary Ann Webb (an aboriginal native) with the intention to commit a rape. Mr Brandon appeared for the prosecution and Mr Borlase for the prisoner. Mary Ann Webb examined - Mr Nairn acting as Interpreter - I am a married woman I know Hughes the prisoner; I saw him on the 13th March, in the bush, I cannot state the precise time it was by the side of the road near the Hutt River I asked him to show me the road to Charles Mabey's there were two men present, Hughes and another; I did not stay with them, but merely stopped to put the question Hughes went with me he showed me the road out for a little distance he then said to me, Mary, I wish to have connection with you he spoke to me in Maori I said no, I would rather not, he offered me £1, but I refused and told him to keep his money I turned to come out on the road, when he then seized me by the shoulder and tore my clothes he knocked my hat off my head, and seized me by the hair I called aloud to the other white man, when Hughes seized me by the throat so tight that I could not speak I was about falling to the ground when I fell, he held me down with one hand, and with the other he pulled up my clothes, taking indecent liberties (the details of which are unfit for publication) I asked him why he should try to do me an injury; he tried to unfasten his belt, but I struggled and cried out he then struck me violently on the nose, making it bleed I then scratched his face I still struggled to get free, and I said, I will now tell the police he did not effect his purpose; when I told him he would seek the police he cursed the police; I then went towards his companion, and I said, This man is a nice sort of fellow it was about forty or fifty yards from the road I said a little to him, and he said, Mary, wipe the blood off your face; the prisoner did not hear him I came out into the road to return to my own home.

By Mr Borlase - I was married at the Hutt church I have seen the prisoner at times, but was not acquainted with him I have seen him at my own whare I know McHardie's public-house our whare is about a mile and a half from McHardie's on this side ;we have lived there seven years I I wanted to see a native woman who was living at Mabey's; this was the first time I went to Mabey's; when I came to where the men were working they gave me a bottle with gin in it; I drank a little it was before the ill-usage I did not ask him to come and show me the road I asked him where is the road, and he said, come here Mary; when he offered me the pound, I did not see the money; I did not ask to see the money, I said keep your money before I was struck on the nose, I did not kick him I did not run, I was too weak the prisoner did not try to stop me I have been at McHardie's I go there to fetch provisions for myself and husband I go but seldom I have not left McHardie's accompanied by different men at different times when I came up afterwards to where the two men were working, the other man said he would give me 10s if I would wipe the blood off my face I did not see the money the prisoner was not there at that time. By the Court - I did not see the prisoner speak to Wilkie before Wilkie offered me the 10s. By Mr Borlase I was first, the prisoner was behind me they were cutting timber for the mill; they were only a short distance from the main road; I am not a Hutt native I was born at Kapiti the prisoner let me go when the blood ran down my nose he did not attempt to seize hold of me again. Re-examined by Mr Brandon The conversation between Wilkie and I was half in Maori and half in English when I spoke to him in Maori he would answer in English; my husband is a pakeha.

David Wilkie examined I reside at the Hutt I am a sawyer in March last, I was working with Hughes at the Upper Hutt; I saw Mary Ann Webb on the 13th March, in Barton's bush prisoner and I were felling a tree she seemed to know the prisoner and asked him the way to Mabey's; one of us offered her a glass of gin she did not drink it off he went with her and I went on falling the tree I went to help a bullock waggon about five minutes after, when I saw her again, she had blood on the upper lip, which appeared to be dry I did not observe that her clothes had been deranged she was crying very heavily I said I did not understand what she was saying; I said we would make him give her 10s; she said all right, and she stopped crying directly. By Mr Borlase they were absent about five minutes, I did not show her the money she said the money, and I said kahore the money till 5 o'clock she then went down towards McHardie's, which is about 500 yards off.

David Lyster, policeman - I was at McHardie's public house at half-past 11 o'clock on the 13th March I saw Mary Ann Webb there, she was crying and bleeding at the nose; I observed her dress, which was torn she complained of the assault, and mentioned the person who had done it. By Mr Borlase I can't say anything against the woman's character I have lived in the district for two years and have not seen any bad conduct I have heard it remarked that she was of bad character. This closed the case for the prosecution. Mr Borlase then addressed the jury for the defence, maintaining that there was nothing like an attempt to commit a rape on the part of the prisoner and that Mary Ann Webb must have known where Mabey's was, having lived in the neighbourhood for seven years. When he found that she actually resisted him he let her go, and on this indictment he could not be found guilty of even an indecent assault.

John McHardie examined - I am a publican and reside at the Upper Hutt; I know the prosecutor, Mary Ann Webb within the last three years she has got a very bad name for chastity. John Robinson, Farmer, Upper Hutt I know the prosecutor Mary Ann Webb; she has a very bad character for chastity throughout the neighbourhood she is living with a man called her husband, who is a splitter. The learned Judge summed up, reading and commenting upon the whole of the evidence. The jury retired, and after a short time, returned into Court with a verdict of Guilty. Sentence Twelve months imprisonment with hard labour.

*(Reference Papers past website Wellington Independent newspaper 06 June 1862 page 3)*

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