

46/10/64 BRC  
12.6.64

JOINT COURT OF THE NEW HEBRIDES

Before :

James P. TRAINOR, British Judge,  
Georges GUESDON, French Judge,  
J.R. TODD, Assessor,  
assisted by S. DUBOIS, Registrar.

The 26th day of May in the year 1964.

CONDOMINIUM v TOFAR

JUDGMENT

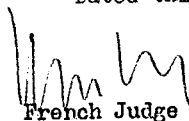
The accused, TOFAR, was charged with having on the 7th May, 1964 attempted to have unlawful carnal knowledge of one JOYCE, without her consent.

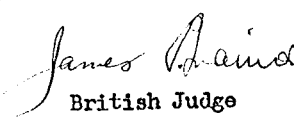

The complainant, JOYCE, told the Court that on the evening in question she and a girl named PHIL went to place garbage in a garbage tin which was at the road near the house of Joyce's employer. There the accused spoke to them. She said they ran away and the man followed and caught her around the waist and they both fell to the ground at the door of her employer's house. She said she was face down on the ground and that she could not shout, giving various and contradictory reasons for this. She said the accused lifted her skirt but not very high as her employer came out and the accused ran away, he did not touch her body. The evidence of PHIL, who called out for Joyce's employer was substantially the same as that of JOYCE, but she said she did not see the accused try to lift Joyce's skirts. Inspector Kalsakau gave evidence of arresting the accused a very short time - 3 to 4 minutes after the receipt of a phone call from Joyce's employer. He said the accused was too drunk to be interviewed that night but he obtained a statement from him the next morning which the witness produced to the Court. He told the Court that Joyce's clothes were not disarranged nor was she or PHIL distressed though they did look as if "they had lost their temper".

The accused, in an unsworn statement to the Court, admitted that he made the observations to the girls as alleged by them but that it was done facetiously and received by the girls in the same way.

The Court, having considered the evidence, could not find sufficient to justify a conviction on attempted carnal knowledge, or indecent assault finds the accused guilty of common assault and fines him £1 and orders him to pay 9/9d costs.

Dated this 26th day of May, 1964.

  
French Judge

  
British Judge  
  
Registrar

JOINT COURT OF THE NEW HEBRIDES

Criminal Jurisdiction

CONDOMINIUM v TOFAR (judgment N° (A) 5/64)

Fees due to Mr. S. DUBOIS, Bailiff :

<u>Summons to accused</u>	Sterling	
Original	- 4 6	
Copy	- - 9	
		- 5 3
<u>Summons to witness</u>		
Original	- 3 0	
2 copies	- 1 6	
		- 4 6
		<hr/>
	Total £Stg	- 9 9

NINE SHILLINGS NINEPENCE STERLING./.

Vila, 11th June 1964.

*S. Dubois.*

Bailiff.

Certified correct :

*[Signature]*

Registrar.

S E E N :

*[Signature]*  
French Judge

*[Signature]*  
British Judge