

NEW HEBRIDES

JOINT COURT

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CONDOMINIUM

v.

JESSIE

The accused, JESSIE, was charged with having on a day in August, 1963 stolen certain articles the property of EILEEN ESAU from the house of AUGUSTINE KASLEM, the father of EILEEN ESAU. To the charge the accused pleaded not guilty.

Evidence was given by the complainant to the effect that she left certain of her belongings with the accused before she went to Tongoa and that on her return they were not forthcoming.

It was common case that the belongings had been left in the servants quarters of Madame Buteri and that Eileen's father had gone there and taken a suitcase and a carton from these quarters. He told the Court that the case was not locked but that he did not examine the contents of it or the carton. His daughter told the Court that she had not authorised her father to collect these things.

The accused told the Court that Eileen's father took from Madame Buteri's not only Eileen's things but also hers. She said she went to the father's house the evening of the day he took them to ask for her own property and also Eileen's as she wanted to wash them. She said the father was drunk and told her to come back in the day time. She did, about a week later, in a taxi, and openly and publicly, and with the assistance of a boy working in the father's house took one suitcase and the carton. This, of course, she was perfectly entitled to do as Eileen had entrusted her with these things. The accused took them to where she was then living. Later she had to leave these quarters because of her inability to pay her rent and was compelled by the landlord's agent to leave some of her belongings behind as a security. These include Eileen's belongings, with the exception of a case, two frocks, some cloth and a bible.

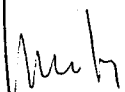
Eileen returned about a month after the accused left the quarters in which her belongings were detained and into which another person had come. Eileen's property was not forthcoming and JACQUELINE, who succeeded the accused in the quarters, apparently was of no help in establishing their whereabouts. Eileen did find a case, two pieces of cloth and a bible belonging to her in the house of the accused's mother. The accused explained their presence by saying that she was able to take away some of her things when she was compelled to leave her quarters for not paying her rent. She said she took the case because it was the most convenient for carrying these things. She added that she had not handed it over to the complainant on the day she met her on her return from Tongoa as they were absorbed in trying to trace the other articles; that when they parted an appointment was arranged for that evening at 7 p.m.; but that in the meantime Eileen had called to the house of the accused's mother, taken the case and reported the matter to the police.

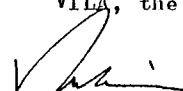
The Court is satisfied from the evidence that was adduced before it that the accused did not steal Eileen's property when she removed it from the house of Eileen's father. As bailee she was entitled so to do; but even had the accused been charged with stealing by conversion thereafter there was no sufficient evidence which could support a conviction.

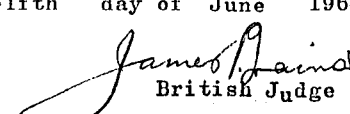
The case against the accused is dismissed.

The case, cloth and bible exhibited in Court to be returned to Eileen.

VILA, the twelfth day of June 1964 ./.

  
French Judge

  
Registrar

  
British Judge