

Beyst? (Articles listed in first question)

A Yes.

Q Did Madame Beyst pick these articles up at your office?

A She took them into her possession, at the office, in my presence. I checked over the articles as I gave them to her.

Q Madame Beyst has made sworn statement that she also received a ladies tailored suit and one red jacket among the articles returned to her. Do you know where these articles came from?

A When I received the dresses from the Provost Cpl, a number of these were on clothing hangers. The red jacket was one of the articles and was covering a light coloured article that may have completed an assemble. I listed this as a dress. The other tailored suit was picked up by the Provost on an adjacent street on the 8 Nov 44, and was handed to me and was also identified by Madame Beyst as part of the property she had lost. I have no recollection of a scarf. I may have been around one of the hangers or attached to some of the other clothes and overlooked in that it was considered as part of one of the dresses.

Q Are you positive absolutely that the red jacket did not come into the possession of the Provost at the same time as the assemble?

A I am positive it did not for I received it along with the other articles from the Provost.

Q When you cautioned the accused on the morning of 8 Nov did you tell him he was charged with improper possession?

A I doubt if I used those exact words.

Q As you doubt that you said I presume you don't remember, is that correct?

A No I don't remember.

Q Did the accused in any way lead you to believe that he knew where the Cafe was?

A No he did not.

R.P. 83(b) has been complied with.

SUBMISSION OF DEFENCE TO HAVE THIRD CHARGE, IN THE CASE OF A23406 PTE JONES, R.C., DISMISSED:

The Prosecution has failed to provide sufficient evidence to the court that the accused, did steal, anything. No evidence that the accused stole the articles in question has been offered by anyone, as a matter of fact.

(Sgd) S Lewis Lt
Defending Officer

12 Feb 45

PROSECUTION'S REPLY TO SUBMISSION OF DEFENCE TO HAVE THIRD CHARGE DISMISSED.

Sir & members of the Court:

I submit to the Court that evidence for the Prosecution has not established that the accused did steal all the articles described in the charge but the evidence for the prosecution that the accused is guilty of the theft of some of these articles. In his own statement to Sgt Sherwood the accused stated: "When I was in the hall, inside the main door, I saw a lot of ladies clothes and underneath them were four bottles of liquor. I picked up the clothes and the bottles and carried them outside."

I maintain that the accused is guilty of theft of the articles that he took from the hallway and therefore he is guilty of the charge. Possibly he is not guilty of all the articles but he certainly is guilty of theft and therefore I submit the case should continue on this charge.

(Sgd) G.C. Scott Lt
CGK