

BETWEEN: LILIANE MARIE-FRANCE PREVOT née STEPHENS  
(Applicant)

AND : BERNARD JOSEPH PREVOT  
(Respondent)

JUDGMENT

The Applicant, Liliane Marie-France Prévot née Stephens, lived with the Respondent some years before they married on 22nd July 1980. She stated that during their period together she helped her husband to build up his business both in Tanna when he worked for Ballande and in Vila when they had their own business. She said she assisted her husband in the Ballande shops in Tanna without pay and in the joint business by helping when the employees were not working, particularly on Sundays, holidays and night time. The Respondent denies this but even if the wife was doing menial tasks in assisting her husband, she was, in my opinion, helping him. Without her the Respondent would have to employ someone to look after the house, cook and wash for him, therefore I agree with many of the eminent Law Lords in England when they stated that a wife must be considered in certain circumstances to be a partner in her husband's business. There are many English authorities where a woman living with a man for as little as six years has been treated as an equal in the division of the joint property. I understand this position is the same under French law.

The properties involved in the dispute are as follows:-

1. House and property title 11/OG22/007 Port-Vila valued at 2½ million Vatu.
2. The furniture in the house valued at 1 million Vatu. The estimated values of 1 and 2 are agreed to by the parties.
3. One yellow Nissan utility truck purchased in 1984 valued at 600,000VT.
4. Saw milling business jointly built up valued at 3 million Vatu.

This estimated value is difficult to assess as the concession right to the timber ceased in October 1986 and the present holder of the concession only obtained a renewal of the concession within the last month. It was stated that the Respondent was offered 2½ million Vatu for the business but this is disputed and it is contended that the offer was merely for the concession rights. The 'tools' of the business such as a Pelleteuse Caterpillar

a saw make Huary  
2 trucks  
4 chain saws  
a stock of wood

is valued by the Respondent at 200,000VT but Mr Rissen, Counsel for the Applicant, submitted that this figure was a ploy to under estimate the value. It was denied by the Respondent that such was the case but

in my opinion this sum was completely unrealistic, even for the materials as mentioned. Even if they were in poor condition, the total value would, at least, be one million Vatu and I assess them at that figure.

5. Timber stocks.

The Applicant said that in July 1986 there was the following stock:-

(a) 20 cubic metres of Hardwood at 40,000VT a cubic metre	800,000VT
(b) 10 cubic metres of White wood valued at 20,000VT per cubic metre .....	200,000VT
(c) 10 cubic metres of Rose wood valued at .....	500,000VT
A total for the wood of: .....	<u>1,500,000VT</u>

The estimate for the timber is disputed by the Respondent who placed little value on it and stated it was of wrong lengths and difficult to sell. In my opinion, the timber still has a value and in my opinion 1 million would not be an excessive estimate.

6. Bank accounts.

In the joint account in Noumea ..... 3,500,000VT which was uplifted by the Applicant as a result of the harsh treatment by the Respondent. She retained 500,000VT and put the 3 million Vatu on deposit in an account in her name in Noumea.

The bank accounts are agreed at the figure ..... 7,186,638VT

In my opinion, the following estimates seem fair having heard the evidence of both parties:-

1. 7,186,638VT - bank (agreed)
2. 1,000,000VT - wood stock
3. 1,000,000VT - tools of trade
4. 3,500,000VT - house and furniture (agreed)
5. 600,000VT - Nissan truck
- Total - 13,286,638VT.

I consider the Applicant has been harshly treated and indeed humiliated by the Respondent. She impressed me as a woman who spoke the truth and I believed her. In my opinion, the Respondent attempted to place an unrealistic value on the assets to lower the figure for division. I did not believe him.

I accordingly grant to the Applicant the following:-

- 1: ~~The house and furniture therein.~~ The guns, if any, within the property to be returned to the Respondent.
- 2: The cost of transferring the property to the Applicant.
- 3: The sum of 3,500,000VT uplifted by the Applicant from the bank in Noumea and costs.

Dated at Vila this 17th day of August, 1987.

*Frederick G. Cooke*  
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CHIEF JUSTICE