

## BRECKWOLDT AND COMPANY LIMITED

v

## SAMOA IRON &amp; STEEL FABRICATION LIMITED

(NO. 2)

Supreme Court Apia  
2 February 1978  
Nicholson CJ

PRACTICE AND PROCEDURE (Judgment) - Settlement of date for conversion into Western Samoan currency where successful plaintiff entitled to judgment in United States dollars - Date of judgment appropriate date.

TRADE AND COMMERCE (Currency) - Fluctuating rates - Claim for payment in United States currency adjudicated by Western Samoan Court - Date of judgment appropriate date for conversion into Western Samoan currency.

MOTION for settlement of judgment of Nicholson CJ 14 October 1977.

Drake for plaintiff.  
Retzlaff for defendant.

NICHOLSON CJ. The matter of entry of judgment herein has been referred to me to determine the appropriate date at which the exchange rate from United States dollars to Western Samoan tālā should be calculated.

The terms of the original contracts included a provision that prices quoted in foreign (i.e., non-Western German) currency were based upon the exchange rate with the Deutsche Mark ruling on the date of confirmation of the sale, the 19th November, 1974 and 2nd January, 1975. The prices were expressed in United States dollars and thus the "true currency" of the transactions was United States currency.

The question of conversion of this claim into WS tālā only arose at the time of filing of the suit when the Court required that the claim be expressed in Western Samoan currency.

As at the date of judgment, were it not for the requirement of the Court, the plaintiff was entitled to judgment in United States dollars. Logically, therefore, I conclude the appropriate date for conversion of the sum of the judgment into Western Samoan tālā is the date of decision, i.e., 14th October, 1977.

Judgment will therefore be entered for \$32,818.15 WS in terms of paragraph 5 of the plaintiff's memorandum (together with interest at 11% from 27 January, 1977 to the date of payment.)

Turning to the question of costs, making allowance for the degree of complexity of the matter and the length of the hearing, I certify that whole costs of the plaintiff on the action at \$1,800 WS plus disbursements of \$36 WS.