

JAMAICA

IN THE COURT OF APPEAL

SUPREME COURT CIVIL APPEAL NO. 77/96

**BEFORE: THE HON. MR. JUSTICE DOWNER, J.A.
THE HON. MR. JUSTICE WALKER, J.A.
THE HON. MR. JUSTICE PANTON, J.A.**

BETWEEN BARBARA MacNAMEE APPELLANT

A N D THE ATTORNEY-GENERAL RESPONDENT
FOR JAMAICA

AND THE ACCOUNTANT-GENERAL RESPONDENT

David Batts for the appellant,
instructed by Livingston, Alexander & Levy

Lackston Robinson, Senior Assistant Attorney-General
for the respondents, instructed by the Director of
State Proceedings

November 4, 1999 and December 20, 2000

DOWNER, J.A.

This Court directed the Registrar pursuant to Section 12 of the Judicature (Supreme Court) Act to make enquiries as to how the moneys standing to the credit of **Barbara MacNamee vs Stibel & Company Ltd.** (Supreme Court Suit No. C.L. 1991/M 348) were invested since 29th May 1992. When the hearing was resumed, counsel on both sides presented the Registrar's report and a complicated set of reports by accountants on both sides. Both counsel waived submissions on the question of the rate of interest payable on the sum to which the appellant is entitled and left it for the Court to make that determination.

In these circumstances this Court, in doing the best we can, find that the fair entitlement of the appellant is that the amount of \$237,500 should be returned to the appellant together with interest at the rate of interest of 20% per annum with yearly rests for five years. This amount should be determined by the Registrar of the Supreme Court. Had counsel for the appellant followed the usual procedure of presenting the treasury bill rates cited in the Bank of Jamaica Reference we would have taken our cue as to the appropriate interest rates during the course of the hearing.

As for costs, the appellant should have the agreed or taxed costs of the appeal. Each party should stand its own costs for the employment of accountants, and for the appearances before the Registrar.

WALKER, J.A.

I agree.

PANTON, J.A.

I agree.