

KINGS LAW REPORTS

(ALL SC/NOVEL CA)

(1998) KLR VOL 12 PART 73 pp. 2465-2648

DECEMBER 1998

Dedicated to the King of kings

O. O. NOEL ESQ. Chief Editor

INDEX OF CASES REPORTED

1. Godwin v. The Christ Apostolic Church p. 2465
2. Ibrahim v. Judicial Service Committee Kaduna State p. 2489
3. Oyerogba v. Olaopa p. 2595
4. Akujinwa v. Nwaonuma p. 2621

[ALL ARE SC CASES. NO NOVEL CA IS ADDED IN THIS VOL.]

ADMINISTRATIVE LAW - Public Officers - Limitation of actions - Public Officers acting outside the bounds of their public authority - Automatically lose protection of the Limitation Law. Ibrahim v. J.S.C. Kaduna State p. 2489

AGENCY - Account - Agent is to keep his principal's money separate from his - An accounting party is to be constantly ready with his accounts. Godwin v. The Christ Apostolic Church p. 2465

APPEALS - Concurrent findings - Where not appealed against - And there is no proof of miscarriage of justice - Supreme Court will not disturb the findings. Godwin v. The Christ Apostolic Church p. 2465

APPEALS - Dismissal - Suo motu by the Court of Appeal - For failure to file appellant's brief - The Court acted within its powers. Akujinwa v. Nwaonuma p. 2621

APPEALS - Grounds of appeal - Leave - Grounds that deal with questions of fact - Instead of law alone as they were framed - Will be struck out for failure to obtain leave. Godwin v. The Christ Apostolic Church p. 2465

APPEALS - Issue - Newly raised before the Supreme Court - Without leave - Will be struck out for being incompetent. Godwin v. The Christ Apostolic Church p. 2465

APPEALS - Issues - That were not related to any ground of appeal - Will be struck out though the issues were argued. Godwin v. The Christ Apostolic Church p. 2465

APPEALS - Order - Signed by a single justice of the Court of Appeal - This does not make it the order of a single justice. Akujinwa v. Nwaonuma p. 2621

CHIEFTAINCY MATTERS - Estoppel per rem judicatam - Where Exhibit "A" a judgment in a previous suit - Decided who is entitled to the chieftaincy in dispute - It operates as an estoppel per rem judicatam. Oyerogba v. Olaopa p. 2595

COURTS - Suo motu raising of issue - By the court below - Is erroneous - But it will not result in the appeal being allowed - As no miscarriage of justice was occasioned. Ibrahim v. J.S.C. Kaduna State p. 2489

ESTOPPEL - Estoppel by deed - When it applies. Oyerogba v. Olaopa p. 2595

ESTOPPEL - Estoppel per rem judicatam - The principle of - What it means. Oyerogba v. Olaopa p. 2595

ESTOPPEL - Representation of facts - When an estoppel arises against the maker. Oyerogba v. Olaopa p. 2595

ESTOPPEL - The principle of estoppel - It's nature and when it applies. Oyerogba v. Olaopa p. 2595

INTERPRETATION OF STATUTES - Clear statutory provisions - Cannot be stretched beyond its context - Powers of court to travel outside the words used by the legislature - Are strictly limited. Ibrahim v. J.S.C. Kaduna State p. 2489

INTERPRETATION OF STATUTES - Duty of the courts - In interpreting words used by the legislature - Is to state the law and not to enact law. Ibrahim v. J.S.C. Kaduna State p. 2489

LIMITATION OF ACTIONS - Public Officers Protection Law - The phrase "any person" used therein - Is not limited to human beings or natural persons - But includes artificial persons known to law. Ibrahim v. J.S.C. Kaduna State p. 2489

LIMITATION OF ACTIONS - Statute bar - Action instituted after limitation period - Is totally barred - As right to commence the action is extinguished by law. Ibrahim v. J.S.C. Kaduna State p. 2489

LIMITATION OF ACTIONS - Statute bar - Public Officers Protection Law - Respondents having been held to be public officers - Action against them commenced after 3 months - Is statute barred. Ibrahim v. J.S.C. Kaduna State p. 2489

PLEADINGS - Sufficiency - Issue of defendant's accountability - Was sufficiently pleading and established by evidence. Godwin v. The Christ Apostolic Church p. 2465

WORDS & PHRASES - "Individual" - The word may be construed in law - As extending not only to natural person - But to artificial persons as well. Ibrahim v. J.S.C. Kaduna State p. 2489

WORDS & PHRASES - "Person" - When used in a legal parlance - Connotes both a legal and artificial person. Ibrahim v. J.S.C. Kaduna State p. 2489

WORDS & PHRASES - "Public Officers" - Used within the Limitation Law - Government positions such as attorney-general although public offices - Are public officers in law. Ibrahim v. J.S.C. Kaduna State p. 2489

INDEX OF STATUTES & RULES

vii

Constitution of Nigeria 1979 ss. 178(1) (d), 176 (1) Ibrahim v. J.S.C. Kaduna State p. 2489; ss. 226 and 227 Akujinwa v. Nwaonuma p. 2621

Court of Appeal Act, 1976 sections 9 and 10 Akujinwa v. Nwaonuma p. 2621

Court of Appeal Rules 1981, orders 1 (9), 3 (4), (20) and 25 (1) (2) and (3); 6 (2) and (10) Akujinwa v. Nwaonuma p. 2621

Decrees Nos. 13, 16 and 17 of 1984 Ibrahim v. J.S.C. Kaduna State p. 2489

English Income Tax Assessment Act 1936 s. 103 A (2) (c) Ibrahim v. J.S.C. Kaduna State p. 2489

English Public Authorities Protection Action 1893 s. 247 Ibrahim v. J.S.C. Kaduna State p. 2489

English Railway and Canal Traffic Act 1888 s. 9 Ibrahim v. J.S.C. Kaduna State p. 2489

Interpretation Act Cap. 192 LFN 1990 s. 18 (1) Ibrahim v. J.S.C. Kaduna State p. 2489

Interpretation Law Cap. 52 Laws of Northern Nigeria 1963 ss. 2, 3, 42 (b), 55 Ibrahim v. J.S.C. Kaduna State p. 2489

Public Officers (Protection) Law Cap. III Vol. 3 Laws of Northern Nigeria 1963 s. 2(a) Ibrahim v. J.S.C. Kaduna State p. 2489