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Dedicated to the King of kings

O. O. NOEL ESQ. Chief Editor

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CORRIGENDUM

A. ETUKA and not A. Etuk is the counsel for the respondents in Dejonwo v. Dejonwo (2000) 3 KLR 611 at p. 613 D. We are sorry about that error.

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ACTIONS - Jurisdiction - High Court - Stare decisis - The decision in *Sadikwu v. Dalori* - There is nothing decided in that case - That is authority on which to rely - To determine the question which has arisen in the present case. *Adisa v. Oyinwola* p. 1915

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miscarriage of justice Wilson v. Oshin p. 2129

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JUDGMENTS - Fair hearing - Denial - It does not constitute a denial of fair hearing - Merely because a judge did not consider a particular issue - Sufficiently cogent for consideration in the determination of a case. Wilson v. Oshin p. 2129

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JURISDICTION - High Court - Laws defining jurisdiction - Where question arises as to the jurisdiction of the High Court - It is essential to examine the laws defining the jurisdiction of the Court - Both at the time the action was instituted and up to the time judgment was given *Adisa v. Oyinwola* p. 1915

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JURISDICTION - Issue of - How to raise - Where the matter of jurisdiction is novel - The leave of court must be sought - Before it could be argued *Galadima v. Tambai* p. 2163

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LAND LAW - Land Use Act - Non urban land - Concurrent jurisdiction - Of the Customary Court and the High Court - It is sensible to preserve the choice of forum - Which a litigant had always enjoyed in respect of non urban land - Before the introduction of the Act *Adisa v. Oyinwola* p. 1915

LAND LAW - Land Use Act - Rights of occupancy - Power to grant - The Power to grant Statutory right of occupancy is vested in the Governor - While the Local Government is given power to grant customary right of occupancy *Adisa v. Oyinwola* p. 1915

LAND LAW - Title to land - Acquisition by grant - Reliance on - Where a plaintiff relies on acquisition of title by grant - And fails to prove it - The Court cannot make a case for him on a different form of acquisition *Adisa v. Oyinwola* p. 1915

LAND LAW - Title to land - Acquisition of - *Idudun v. Okumagba* - That case deals with five ways in which ownership of land may be proved - And not the ways of acquiring title to land *Adisa v. Oyinwola* p. 1915

LAND LAW - Title to land - Grant - Proof of - Traditional history - Where the plaintiffs rely on acquisition of title by grant - Proof of such grant by traditional history arises only where the facts of such grant was so ancient - As to be beyond the memory of living witnesses *Adisa v. Oyinwola* p. 1915

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RULE OF LAW - Right - Vested right - An accrued right is vested - When it is completely settled in the beneficiary - Such rights cannot be deprived arbitrarily without injustice *Wilson v. Oshin* p. 2129

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RULE OF LAW - Rights - Vested rights - Retrospective operation of - Where the rights have not vested - The provision of s. 6 of the Interpretation Act relating to the retrospective operation of vested rights - Cannot apply *Wilson v. Oshin* p. 2129

STATUTES - Interpretation - Ambiguity in the effect of a statute - The literal meaning of a section of a statute may be clear - But there may be ambiguity in the effect of the statute - Occasioned by the inclusion of the provisions of the section in the statute *Adisa v. Oyinwola* p. 1915

STATUTES - Interpretation - Construction by implication - Resort to

construction by implication is permissible - Only if the meaning of a statute is not clear *Adisa v. Oyinwola* p. 1915

STATUTES - Interpretation - Presumption of law - The law presumes against construing statutes so as to oust the jurisdiction of a superior court of record - Unless there is explicit expression to that effect in the legislation *Adisa v. Oyinwola* p. 1915

SUPREME COURT - Erroneous decision - *Oyeniran v. Egbetola* - The decision in that case - Was erroneous and made per incuriam *Adisa v. Oyinwola* p. 1915

SUPREME COURT - Issue - Leave to raise new issue - When there are concurrent findings of fact - Leave would be refused *Salami v. Mohammed* p. 2073

SUPREME COURT - Previous decision - Departure from - Attitude of the Supreme Court - The court has not laid down a hard and fast rule - Exhausting the area within which to warrant a departure from a previous decision - Each case must be decided on its special facts and circumstances *Adisa v. Oyinwola* p. 1915

SUPREME COURT - Previous decision - Superior argument - The Court will not depart from its Previous decision merely because of superior argument. *Adisa v. Oyinwola* p. 1915

SUPREME COURT - Previous decisions - Departure from - Principle guiding - The Supreme Court will depart from its previous decisions - Which are shown to be vehicles of injustice - Or given per incuriam - Or clearly erroneous in law *Adisa v. Oyinwola* p. 1915

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High Court Law (Cap 49) Laws of Northern Nigeria 1963 s. 17 Adisa v. Oyinwola p. 1915

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Nigerian National Petroleum Corporation Act, 1977; s.11(2) (now s. 12 (2) of Cap. 320 of the Laws of the Federation of Nigeria, 1990) Amadi v. NNPC p. 2085