

**NIALS Journal
of
Supreme Court Review**

Cited as:

(2011) Vol. 1 NJSCR

ISSN:



Published by
Nigerian Institute of Advanced Legal Studies
Prof. Epiphany Azinge, SAN
Editor-in-Chief

Shankyula Tersoo Samuel
Assistant Editor

Editorial Board

1. Prof. C.O. Okonkwo, SAN
2. Prof. Charlse Ilegune

3. Prof. Obiorah Okafor
4. Prof. Dakas C.J. Dakas
4. Prof. Demola Popoola
5. Prof. Ignatius Ayua, SAN

Contents

| | Pages |
|-------------------------|------------------|
| <i>Editorial Note-</i> | - |
| <i>v</i> | - |
| <i>Table of Cases-</i> | - |
| <i>vi-xii</i> | - |
| <i>Table of Statues</i> | <i>xiii-xvii</i> |

Case review:

Stay of Proceedings: The Owners of the
MV LUPEX v. Nigerian Overseas
Chartering and Shipping Limited
 (Suit No. Sc.21/2000) Reported as (2003)
 15 NWLR (pt 844) 469

- **Professor Paul Obo Idornigie** - - - 1-16

Is The Nigerian Supreme Court’s “Currency”
 an Assault to the Common Law Principles
 on Provocation as a Defence to Criminal
 Liability?

- **Dr. Peter Ocheme** - - - 17-40

Odutola v. Papersack (Nigeria) Ltd:
 Periodic Tenancy off the Rails

- **Professor Emeka Chianu** - - - 41-62

Oracy of a Contract of Insurance: A Critique of the
 Decision of the Supreme Court of Nigeria in
Bala James Ngillari v. National Insurance
Corporation of Nigeria

- **Dr. Akaa Imbwaseh-** - - - 63-75

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---------|
| Statutory Requirement of Consent to Mortgage Transactions as an Instrument of Fraud in Nigeria: The Case of <i>Union Bank of Nigeria Plc. &Anor. v. Ayodare & Sons (Nig) Ltd</i> in Perspective - Prof. I. O. Smith | - | - | - | - | - | - | - | 76-105 |
| <i>Longe v. First Bank of Nigeria Plc</i> ; a Review of the Corporate Governance Issues Revisited by the Supreme Court - Dr. A.A. Akume | - | - | - | - | - | - | - | 106-127 |
| The Death Penalty in the Supreme Court of Nigeria: A Critical Evaluation of Hurilaws' Constitutional Challenges of the Nineties - Dr. Solomon Ukhuegbe | - | - | - | - | - | - | - | 128-203 |
| <i>General Index</i> 212 | - | - | - | - | - | - | - | 204- |

Editorial Note

In 2010, the Institute commenced a journey of publication of law report dubbed NIALS APPELLATE COURT LAW REPORT which is on going till now.

The Institute has now thought it wise to provide a platform which will allow academics and the general legal community to ventilate their views, comments and opinions on the judgment passed by the highest court of the land-the Supreme Court of Nigeria.

The views expressed by authors in the journal are not intended to serve as appeal over the judgments of the Supreme Court. It is expected that the comments and views expressed by respected academic and practitioners are objective and will be considered as such. Those views are also those of the authors and do not represent the views of the Institute.

The NIALS Journal of Supreme Court Review (NJSCR) will be bi-annual and it is hoped that it will meet its objective of being of useful relevance to the Judges at all levels and the legal community in general in appreciating new perspectives on legal principles which may appear settled by the Supreme Court.

This edition has a total of seven reviewed cases bothering on Criminal Law, Land Law, Insurance, Corporate Governance, Arbitration and Tenancy.

Professor Epiphany Azinge, SAN

Director-General

2011.