

29th January,  
1923.

MORIMUSA - - - - - Appellant.

v.

ABDUL FATTA NAJIB - - - Respondent.

*Judgment given October 6th, 1922—Conditional leave granted October 20th, 1922—Conditions not fulfilled within requisite month—Further application to Lower Court, which could have been made up to January 6th, 1923, never made—Present application to Full Court, made on 20th January, 1923.*

The facts of this case are sufficiently set out in the judgment.

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Application for Special Leave to appeal from a judgment of Purcell, C.J., in the Supreme Court of the Colony of Sierra Leone.

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T. A. Taylor for the Appellant.

Wright for the Respondent.

McDONNELL Acting J.

In this application for special leave, the Appellant, in the first instance, filed an affidavit containing no single date. The Court allowed him to file a new affidavit with further details.

The grounds of the application are that conditional leave was given a fortnight after the decision on the merits, but that on that very day the Appellant lost two members of his household, and so was prevented from fulfilling the conditions within the requisite month.

No explanation is offered why a second application was not made to the lower Court. The Appellant had a chance of doing this right up to January 6th, but he elected to wait until January 20th, when he came and made his application to the Full Court.

The remarks made by me in the other applications for special leave apply in this case too, and I see no reason whatever why the application should not be dismissed with costs.

PURCELL, C.J.

I agree.

SAWREY-COOKSON, J.

I agree.