

Jonathan Collins Zizer - - - - - *Appellant*

v.

The Judges of the Supreme Court of Nigeria - - - - - *Respondents*

FROM

THE SUPREME COURT OF NIGERIA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 30TH NOVEMBER, 1928.

Present at the Hearing:

VISCOUNT DUNEDIN.
LORD SHAW.
LORD BLANESBURGH.

[*Delivered by* LORD DUNEDIN.]

This is an appeal from an order of the Supreme Court of Nigeria dated the 12th November, 1927, ordering that the appellant, a barrister and solicitor, should be suspended from practising within the jurisdiction of the Court for three months from that date.

The misconduct alleged was in connection with the making of an affidavit prepared by the appellant and sworn by the appellant's client. The affidavit contained a paragraph stating that no information had been sworn by anyone to necessitate a warrant for the client's arrest. This statement proved to be untrue.

Their Lordships think that para. 8 of the affidavit containing the statement, both from its nature and also when read in conjunction with the other paragraphs, imports, on strict scrutiny, no more than a statement based upon the best of the deponent's knowledge, information and belief, the extent of which, as disclosed by the client to the appellant, was sufficient to justify the insertion in the affidavit of a paragraph as so qualified. Literally read, however, the paragraph is quite unqualified.

In these circumstances it was in their Lordships' opinion at the least an error of judgment on the part of the appellant to omit an express statement of the limitation to which the deponent's assertion was necessarily subject, and while they would be slow to impute in all the circumstances moral blame to the appellant for the omission, they think that the standard of care to be exacted from practitioners in the Colony is pre-eminently a matter for the Judges of the local Court. Accordingly their Lordships are not prepared to interfere in this matter with the order of the Supreme Court of Nigeria; but they think that although the appeal therefrom must be dismissed, it should be dismissed without costs.

They will humbly advise His Majesty accordingly.



In the Privy Council.

JONATHAN COLLINS ZIZER

v.

THE JUDGES OF THE SUPREME COURT OF
NIGERIA.

DELIVERED BY LORD DUNEDIN.

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