

CH492

15/1963

UNIVERSITY OF LONDON
INSTITUTE OF ADVANCED
LEGAL STUDIES
19 JUN 1964
25 RUSSELL SQUARE
LONDON, W.C.1.

No. 5 of 1963

74145

ON APPEAL
FROM THE FEDERAL SUPREME COURT OF NIGERIA

B E T W E E N :-

ALHAJI D.S. ADEGBENRO Appellant

- and -

HON. S.L. AKINTOLA Respondent

- and -

10 HIS EXCELLENCY SIR ADESOJI ADEREMI
GOVERNOR OF WESTERN NIGERIA Respondent
Pro Forma

- and -

THE ATTORNEY GENERAL OF THE
FEDERATION OF NIGERIA Intervener

C A S E FOR THE INTERVENER THE ATTORNEY-
GENERAL OF THE FEDERATION OF NIGERIA

Record

20 1. The nature of the case, and the history of the
litigation will be found in the Cases of the other
parties hereto, and this Intervener will rely,
where necessary, upon such references.

2. The two issues referred to the Federal Supreme
Court arose from the same question, namely whether
the Governor of Western Nigeria was able to
consider matters outside the proceedings of the
House of Assembly when purporting to remove the
Premier from his post in accordance with the
proviso (a) to Section 33(10) of the Constitution
of Western Nigeria. p.24 l.42-
p.25 l.8.

Record

pp. 36-52

3. This Intervener respectfully submits that the majority judgment of the Federal Supreme Court was correct in holding that the Governor, in acting under the proviso to Section 33(10), was obliged to act only on evidence obtained from proceedings on the floor of the House of Assembly, and that the Governor had exceeded his powers under that Section in acting upon a private communication from a number of members of the House.

4. This Intervener respectfully adopts the argument and reasons set out in the said majority judgment of the Federal Supreme Court.

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MERVYN HEALD

IN THE PRIVY COUNCIL

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