

RE LOLESIO (A Minor)

Ex Parte Soakimi Tu'ipulotu....Applicant.

(Civil Application : Custody. Skeen C. J. Nuku'alofa, 25th September, 1911).

Illegitimate child — Father's rights.

An application for the custody of an illegitimate child (boy) aged 13½ years. When the child was 3 or 4 years old his mother gave him into the care of the applicant who thereafter cared for and looked after him, until he was taken away by one Kama the boy's grandfather, his father's father, shortly before the hearing. The boy's mother died when the boy was about 6 years old.

HELD. The grandfather had no right to the custody and that the boy should be returned to the applicant.

SKEEN C. J. The boy is illegitimate and the mother has "pule". The father has no power, and therefore the grandfather has none. He has no succession rights under his father. The law does not recognise the father. The mother gave the boy to Soakimi (the applicant); he is the man who has control of the boy. The father has not given one penny, till the boy commences to get big he takes no notice of him. He is in the wrong. Order of the Court : Lolesio will return to Soakimi and will obey him in all things; if not Soakimi can punish him and Lolesio can complain to the Court if he is ill treated. Kama (grandfather) Paini and Mailau are warned to leave the boy alone. No fee charged.
