

'A 'AHOKAVA (Appellant) v. MALUPO (Respondent).

In April, 1948 the Land Court (Richardson J.) dismissed the Appellant's claim to the tofi'a of Malupo the Plaintiff appealed. On the 1st June, 1948 the Privy Council (Carew C.J.) dismissed the appeal and said:

We are of the opinion that the judgment of the lower court was correct and therefore the appeal is dismissed with costs.

The two principles set out in that judgment are affirmed, viz (i) that descent is traced from the holder of the title at the date of the Constitution (1875); (ii) the whole blood is preferred to the half blood.

EDITOR'S NOTE: See the decisions in the cases of Fulivai v. Kaianuanu reported at page 178 and Sanualio Tu'ipulotu v. 'Isileli Kava Onuku reported at page 143 where the contrary view is expressed.