

Two Cases of Disputed Paternity

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(Received November 14, 1968)*

INTRODUCTION

Most of the legal consultation for a parent and a child are those for recognition. It is a problem to decide whether a man in question is a true father or not, as for certain combination for a mother and a child. The obstetric consideration, the blood test,¹⁾⁻⁴⁾ and the anthropological examination⁵⁾⁻⁸⁾ have been performed so as to determine the paternity. Generally it is very difficult for a judge to decide whether the true father or not by means of the obstetric consideration, because a plaintiff and a defendant states in order that they may lead themselves advantageous each other as the knowledge of pregnancy and delivery is diffused in the world, and moreover the reliance on the statements of a declarant and the verbal evidence of a witness become the very complicated matters. In the anthropological means, a judge first observe the grade of resemblance of each individual character between a father and a child, collecting data, and pass the fairly final judgement from the result obtained. Therefore the consequence is apt to depend upon the subjective judgement of a judge oneself based on one's experience. On other hand the judgement of a parent and a child through the blood type test is of most importance.

The author has recently tried to transact the probability of the existence of paternity about two cases. The result obtained is as follows.

RESULTS AND DISCUSSION

First case

The blood types of a plaintiff (T. T.)

O M q CcDEe p kk Fy (a+) Wb (-)

The blood types of a plaintiff's mother (Y. T.)

B MN q CcDEe p kk Fy (a+) Wb (-)

The blood types of a defendant (M. G.)

O M q CcDEe p kk Fy (a+) Wb (-)

Secondary case

The blood and serum types of a plaintiff (H. K.)

O MN CCDee kk Fy(a+) Wb(-) Hp 2-2 Gc 1-1

The blood and serum types of a plaintiff's mother (Y. K.)

O N CCDee kk Fy(a+) Wb(-) Hp 2-1 Gc 2-1

The blood and serum types of a defendant (S. Y.)

O M CCDee kk Fy(a+) Wb(-) Hp 2-2 Gc 1-1

With respect to the results of blood type test mentioned above out of which have been carried among a defendant (M.G.), a plaintiff (T.T.), and a mother of plaintiff (Y.T.), a defendant has the blood types as being a true father, there no factors to deny the paternity between him and a plaintiff, and moreover he has the necessary conditions for being the true father of a plaintiff in the both blood tests of ABO and MN type.

In the secondary case as well as in the first case, not only the paternity between a plaintiff (H.K.) and defendant (S.Y.) could not be denied, but the later has the conditions to be the true father of a plaintiff, so far as the test result of blood types, such as ABO, MN, Rh, Hp, and Gc is concerned.

Consequently the author has calculated the probabilities of them being true fathers of two plaintiff, respectively according to the fomula of Essen-Möller.⁹⁾

The fomula is given by
$$\frac{X}{X+Y}$$

Were X is the probability from which the child of special blood types may be born the father of special blood types, i. e. being devide the probability of father-child combination by the frequency of blood types of the child and Y is the probability of him being a false father, i. e. the frequency of blood types of father.

The probability of him being a true father in the first case is 83.3 % and that of the secondary case is 91.9 %, respectively as shown in the table 1 and 2.¹⁰⁾

Table 1. Probability of paternity of each blood group system in the first case

Blood group system	Probability of paternity
ABO	0.6444
MN	0.6469
Q	0.5398
Rh (Cc)	0.5000
Rh (Ee)	0.5000
Ss	0.5170

Table 2. Probability of paternity of each blood group system in the secondary case

Blood group system	Probability of paternity
ABO	0.6444
MN	0.6469
Rh (Cc)	0.5901
Rh (Ee)	0.5603
Hp	0.5797
Gc	0.5741

And author has investigated their characters, such as finger prints, eyes, nose, mouth and ears about the secondary case. They appreciably resemble each

other, but the differences between them could not be found.

CONCLUSION

The author reported the two cases that might fairly be possible to determine their paternities by nothing but the test results of blood types.

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