

GREGORIO LADORE, Appellant

v.

RAIS, Appellee

Civil Action No. 325

Trial Division of the High Court

Ponape District

December 23, 1968

Appeal from judgment of Ponape District Court. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that evidence supported District Court's finding and as there was no error in application of the law to such finding the judgment of the District Court would be affirmed.

## 1. Appeal and Error-Scope of Review

It is the primary function of an appellate court to deal with questions of law.

## 2. Appeal and Error-Scope of Review-Facts

Where there is any evidence from which the trial court might properly have drawn its conclusion as to the facts, that conclusion will not be disturbed on appeal.

---

BURNETT, *Associate Justice*

This is an appeal from judgment of the Ponape District Court, entered August 10, 1967, Civil Action No. 956.

Appellant, plaintiff, in the action below, alleged sale of a fishing net to the defendant appellee, who made only partial payment and thereafter left the net at the house of another where it was damaged. He sought payment in the amount of \$450.00, the alleged sale price.

The court found, contrary to the allegations of the plaintiff, that there was no contract of sale, but rather that the parties were engaged in a joint fishing venture. He found the damage to have resulted from joint negligence of the parties, and gave judgment to the plaintiff in the amount of \$25.00.

Appellant takes issue only with the findings of fact contained in the Judgment Order of the District Court, and points to no error of law on the part of the court.

**[1,2]** As correctly stated by counsel for appellee, it is the primary function of an appellate court to deal with questions of law. Where there is any evidence from which the trial court might properly have drawn its conclusion as to the facts, that conclusion will not be disturbed on appeal.

On the basis of the record herein, I cannot say that the findings of the trial court are contrary to the evidence. Consequently there being no error in application of the law to those findings, the judgment of the District Court must be, and hereby is affirmed.