

property. He does not, however, set forth any support for those arguments.

[3] Nor does the record support the appellant's contention that no evidence was submitted to establish that the land was ever transferred to Dembei prior to Umang's death. The testimony of appellee's witnesses was to the effect that Umang, by oral will, devised the property in question to Dembei. The trial court found that such a will was made. This Court's examination of the record reveals that such evidence was introduced at trial. It is not the function of the Appellate Court to ascertain whether the evidence supports one side or the other. The appellate function is to determine whether there is any evidence supporting the judgment. *Henos v. Kaiko*, 5 T.T.R. 352, 356.

From the foregoing it is clear that the judgment below was correct as a matter of law. That judgment is affirmed. Affirmed.

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ESTEFANIA TEJADA ARCE, Plaintiff

v.

TRUST TERRITORY OF THE PACIFIC ISLANDS, Defendant

Civil Appeal No. 142

Appellate Division of the High Court

Mariana Islands District

September 19, 1975

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WILLIAMS, *Associate Justice*

Plaintiff-appellant having filed a motion to dismiss her appeal, without prejudice, so that she may file a motion for relief from judgment pursuant to Rule 18(e) of the Trust Territory Rules of Civil Procedure in the Trial Division of the High Court, and defendant-appellee having

agreed to this motion by a signed stipulation, and good cause appearing.

It is hereby ordered that plaintiff-appellant's motion to dismiss her appeal, without prejudice so that she may file a Rule 18(e) motion in the Trial Division of the High Court, is granted. The appeal is dismissed without prejudice to re-file an appeal depending on the outcome of the Rule 18(e) motion in the Trial Division of the High Court.

It is further ordered that this action be transferred back to the jurisdiction of the Trial Division of the High Court.

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**YOICH SINGEO, Plaintiff-Appellant**

v.

**JONES NGORIAKL, Defendant-Appellee**

Civil Appeal No. 135

Appellate Division of the High Court

September 22, 1975

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**BURNETT, *Chief Justice***

On motion of defendant-appellee for dismissal of his appeal herein, good cause appearing, it is ordered that Civil Appeal No. 135 be, and it hereby is, dismissed.