

[7] I recognize that it may well be, as defendant maintains, that conveyance of the government's interest in these homestead lands in advance of final survey would not be in the best interest of the homesteader. Yet, it is not the court's function to pass on the wisdom of the law. The view which I take of the mandate of Section 208 leaves me with no discretion in the matter. Judgment has been entered accordingly.

BENJAMIN FRANKLIN, Plaintiff

v.

ELTER JOHN, Defendant

Civil Action No. 395

Trial Division of the High Court

Ponape District

November 6, 1973

Action for damages for personal injuries. Defendant admitted liability and the only issue was damages, which the Trial Division of the High Court, Brown, Associate Justice, set at \$121.50 general damages attendant upon being struck in the face.

Assault and Battery with a Dangerous Weapon—Damages

Damages for personal injuries arising when defendant struck plaintiff in the face with a bottle would be awarded in the amount of \$121.50 general damages, \$8.50 special damages, and costs, where medical expenses of \$8.50 were proven and plaintiff would have a permanent scar above his right eye and suffered pain for a time.

<i>Assessor:</i>	CARL KOHLER, <i>Presiding Judge,</i> <i>District Court</i>
<i>Interpreter:</i>	HERBERT GALLEN
<i>Reporter:</i>	MISSY F. TMAN
<i>Counsel for Plaintiff:</i>	WILLIAM PRENS
<i>Counsel for Defendant:</i>	JOHNNY MAKAYA

BROWN, Associate Justice

This is an action for damages for personal injuries. Defendant struck plaintiff in the face with a bottle and has admitted liability. The only issues to be considered by the court were the nature, extent and duration of plaintiff's injuries and the amount of damages to be awarded to the plaintiff.

Plaintiff proved medical expenses of \$8.50. No other special damages were proven. Plaintiff also proved a permanent scar above his right eye and pain and suffering which followed the injury for a period of time. There was a sharp conflict in the evidence concerning the duration of plaintiff's injuries and their severity. The testimony of plaintiff's treating physician, buttressed by the hospital records received in evidence, indicated that there were no permanent injuries and that any impairment of vision or hearing was of short duration. This testimony was entirely believable, and the court accepts it. Based on all of the foregoing, the plaintiff is awarded \$121.50 general damages, \$8.50 special damages, and his costs incurred.

It is ordered, adjudged and decreed that:—

1. Judgment be awarded to plaintiff and against defendant in the amount of \$130.00, together with
2. Costs incurred by plaintiff herein.