

For the above reasons we dismiss the action and consequently we award no compensation. We may add that had the circumstances of this case been different, and the murderer had been known, we should only have awarded a nominal amount of diyet, taking into consideration the evidence adduced before the Court as to the deceased man's character and his value as the supporter of his family.

*The case is dismissed with costs.*

For Appellant *Stavrinakis* and *Aradippiotis*.

For Respondents *M. Nicolaidis*.

*Judgment*: Upholding the District Court and dismissing the appeal with costs.

FISHER,  
C.J.  
&  
STUART,  
P.J.  
THE HEIRS  
OF YORGI  
HAJI HANNI  
v.  
ANDREA  
YORGI,  
CAFEDJI,  
AND 150  
OTHERS

[FISHER, C.J. AND STUART, P.J.]

CHRISTO ROMANI

v.

EMILIA SKOULLOU.

FISHER,  
C.J.  
&  
STUART,  
P.J.  
1922  
May 23

PRE-EMPTION—CLAIM BY AGENT APPOINTED BY POWER OF ATTORNEY—MEJELLE,  
ARTS. 1029 AND 1030.

APPEAL of Plaintiff from the judgment of the District Court dismissing the claim.

The facts are as follows:—

Plaintiff heard of the sale of the house in question and being a Shefi and unable to come to Nicosia personally appointed an agent by duly executed *Power of Attorney*.

The agent in making his formal claim failed, either to mention the immediate claim or to call on the onlookers to bear witness that this was the second claim, and that a first claim had been already made.

*Clerides* and *Varlaam* for Appellant.

*Chrysafinis* for Respondent.

HELD: Upholding the judgment of the District Court, that Plaintiff's agent had been duly appointed, but that he had not properly carried out the necessary formalities. Further the Court holds that the second claim to exercise a right of pre-emption under Art. 1030 of the *Mejellé* must be made in such a way that witnesses know that the first claim under Art. 1029 has been made, and that they were witnesses to the second claim.

Strictness of proof that the formalities have been duly carried out is essential.

*Appeal dismissed with costs.*