

*SUFFICIENCY OF SERVICE OF NOTICE TO VACATE
BY LANDLORD.*

Introductory.—At common law and by weight of authority in most States, under statutes relating to the subject, a notice by a landlord to a tenant terminating the tenancy need not of necessity be served personally on the tenant. Of course, if the statute prescribes the manner of service, its provisions must be complied with.

As a general rule, any mode of serving a notice to quit is sufficient, where it can be traced to the hands of the party for whom it was intended in due time. Whenever service upon the party in person is practicable, it should be the mode adopted; but in the absence of the tenant, the notice may and should be served in the manner best calculated to reach him.

It has been stated in a Missouri case: "Service by copy may be liberally viewed for certain purposes. But it is not so viewed in all cases. One may be presumed to remember that he has indorsed a note, and to expect notice about a certain time. But in proceedings to terminate a tenancy by notice, whilst to require personal service might put it in the power of the adverse party to make it impossible to terminate a tenancy in the absence of some statutory provision, the rule as to service by copy should be applied with some strictness, and it should appear that there has been reasonable diligence, and that the mode adopted is reasonably likely to give actual notice where there is no appearance of attempt on the part of the one to be served to evade notice."

If the tenant is personally served, service may be made on or off the premises.

Notice properly served on a tenant is binding on a sub-tenant coming in after the service of the notice.

By Mail.—In England it has been held that sending the notice to the tenant by registered mail is sufficient service.

Service of notice by mail, so as to cast upon the tenant the risk of receiving it, is not authorized. However, it is held in Minnesota, that if such mode of service is adopted, and the notice is actually received by the tenant within the required time, it is sufficient.