

A telegram does not infringe any monopoly of the post-office; they own the telegraphs, and they make 6d. out of a telegram, and only 1d. out of a letter.

But does a telegram conform to the requirements of the Act?

Section 49 (1).—Notice must be given by or on behalf of the holder or endorser.

3 (b).—The notice may be given in writing, or by personal communication.

49 (7).—A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication.

49 (8).—When notice of dishonour is required to be given to any person, it may be given either to the party himself or to his agent in that behalf.

By the Interpretation Section, written includes printed.

A telegram is not given by personal communication. Is it good as a written notice? Is it given in writing?

It is not a very easy question. The Act does not seem to contemplate a telegram by the way; it goes on talking of posts, addressing, posting, miscarriage of the post-office, and so forth. But if it comes within the terms of the Act it would be good.

The writing which leaves the sender's hands is not the writing which reaches the receiver's hands. It is not even on the same coloured paper. But I do not think that is essential. It is obvious it need not be in his handwriting, as it may be in print. The Act uses the word *given*, which seems to point to the sufficiency of its being in writing when it reaches the receiver. It may be given by or on behalf of the holder or endorser. So you may clearly employ an agent or a series of agents. It must be everyday practice to telegraph to your agent in another place to give notice of dishonour, and he might do so in writing. Finally, Chief Justice Bovill once held that a mere telegram, written out and signed by the telegraph clerk at the far end, in the name of the sender, would be a sufficient memorandum signed by the sender or his agent duly authorized in that behalf to satisfy the Statute of Frauds. And if it satisfies the Statute of Frauds, it must certainly satisfy the Bills of Exchange Act and us.