

that the notice shall be in writing. The requirement in the former Act, that the notice is to be "signed by the person injured, or someone in his behalf," is satisfied by a notice signed by a firm of attorneys, as attorneys for the injured employé. In the absence of direct evidence to the contrary it will be presumed that they were authorized to sign it (c).

10. *Service of the notice.*—(a) *Service on corporations.*—Where the defendant is a corporation, the notice may be served on its general superintendent at the place where suit is brought, or, during his absence, on any of the subordinate officials in his office. Anyone who appears to be such an official is a proper person to receive the notice (a).

(b). *Service through the Post Office.*—A notice is not given as the statute requires unless it is actually received, or, if sent through the Post Office, should have been received in the ordinary course of delivery, within the period limited (b).

Service under the English Act is sufficient where the letter giving the notice actually reaches the master, though it is not registered. The provision as to registration merely means that it throws on the master the burden of proving that the letter never reached its destination (c).

It would seem that, if an agent sends the notice, he must register the letter containing it, or run the risk of being called to account by his principal, if the latter suffers damage from its not being registered (d).

(c) *Dolan v. Alley* (1891) 153 Mass. 380, 26 N.E. 989. [Construing Amendment in Mass. Stat. 188, ch. 155.]

(a) *Shea v. New York, N.H. & H. R. Co.* (1899) 173 Mass. 177, 53 N.E. 396. A notice of an injury to a brakeman, given to a freight agent or to the attorney of the company by which he was employed, which had made no objection to the receipt of like notices for five years, is a sufficient compliance with the statute. *De Forge v. New York, N.H. & H. R. Co.* (1901) 178 Mass. 59, 59 N.E. 669.

(b) *McDonagh v. Maclellan* (1886) 13 Sc. Sess. Cas. (4th Ser.) 1000. [Action held not maintainable under the English Act, where the notice was sent at such a time that it was impossible for it to reach the master until after the expiration of the six weeks specified in that.]

(c) *McGowan v. Tancred* (1886) 13 Sc. Sess. Cas. (4th Ser.) 1033.

(d) An unreported case is mentioned in Rugg on Employers' Liability Act, p. 66, where a solicitor who had omitted to give notice by registered letter was sued by his client for negligence and had to pay a considerable sum as damages and costs.