

[Reference to *Newby v. Von Open*, L. R. 2 Q. B. at p. 296.]

As the Rule makes the services of process on the president or secretary good service on a corporation, service of notice of revocation on the secretary of the plaintiff company must be good service.

It was argued that, as the letter of revocation was addressed "A. P. Poussette, K.C.," and not to him as secretary of the company, notice of the revocation could not be imputed to the company. That argument appears to me to be far-fetched. The letter of revocation refers to the option given to "you" (Mr. Poussette) "and George Carton," which option was written by Mr. Poussette, who was secretary of the company, and was addressed to the company, and Mr. Poussette knew the letter of revocation was intended for the company, for when it was delivered to him he said that the question of the option would be brought up at the directors' meeting on 15th September, and he cannot now be allowed to say that he did not receive the letter of revocation on behalf of the company, or that its receipt by him was not notice to the company.

As the option was revoked before the company passed the resolution to accept, the company had no right or power to assign the option to plaintiff (Mrs. Carton), and the action must therefore be dismissed with costs.

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MULOCK, C.J.

DECEMBER 7TH, 1906.

TRIAL.

GYORGY v. DAWSON.

(TWO ACTIONS.)

*Master and Servant—Injury to Servant and Consequent Death—Action under Fatal Accidents Act—Action Maintainable although Deceased an Alien and Action Brought for Benefit of Aliens Resident abroad.*

Actions to recover damages for the deaths of Andrew Muszukulki and Joseph Gabor, by the alleged negligence of de-