the defendant had reasonable grounds for such belief; but this was disapproved of by the judges in *Chamberlain* v. *King*, *supra*. But it has been said that the absence of reasonable grounds for belief is evidence of the non-existence of a *bona fide* belief on the part of the defendant that he was acting in discharge of his duty; *Booth* v. *Clive*, 10 C. B. 827, and see *Cox* v. *Reid*, 13 Q. B. 558; but it seems clear since *Chamberlain* v. *King*, *supra*, that the reasonableness of the grounds for the defendant's belief is not a question for the jury. It is not necessary that the defendant should have been cognizant of the Act giving him protection: *Read* v. *Coker*, 13 C. B. 850; *Danvers* v. *Morgan*, 1 Jur. N. S. 501. Where a public officer is sued for damages occasioned by his negligent omission to do something which it was his duty to do, it has been held that he is not entitled to notice of action, as the act complained of is not "an act done," but something not done. Thus a registrar of deeds who improperly omitted an instrument from an abstract was held not to be entitled to notice of an action brought to recover damages resulting to the plaintiff by reason of the omission: *Harrison* v. *Brega*, 20 U. C. Q. B. 324, and see *Ross* v. *McLay*, 40 U. C. Q. B. 83; *Harrold* v. *Simcoe*, 16 C. P. 43; and see *Dale* v. *Cool*, 6 C. P. 544, *infra*. But in *Wilson* v. *Halifax*, L. R. 3 Ex. 114; 37 L. J. Ex. 44; 17 L. T. N. S. 660, it was held that the negligent omission to do something which ought to be done in order to the complete performance of a duty imposed on a public body by an Act of Parliament amounts to "an act done or intended to be done in pursuance of the act," within the meaning of a clause requiring notice of action to be given to the public body. So also a mayor of a city, who was sued for refusing to sign an order to enable the plaintiff to obtain a license, was held entitled to notice: *Moran* v. *Palmer*, 13 C. P. 528. In *Moran* v. *Palmer*, however, the rule laid down in *Harrison* v. *Brega* is approved, viz., that where what is complained of is a negligent omission to do what the defendant was called upon to do in discharge of the duty of his office, then no notice of action is necessary; but when the party refuses to do an act, and in that way carries out the law according to his erroneous idea of his duty, then he is entitled to notice. Having regard to the state of the authorities, however, it would probably be safer in cases such as *Harrison* v. *Brega*, to give the notice.

For a long time the former Common Law Courts of this Province were divided in opinion as to whether a corporation discharging a public duty was a "person" entitled to notice of action. The numerous cases in which conflicting decisions were given on this point are noted in Har. & Jos'. Dig. 33. The Court of Error and Appeal ultimately, in *Hodgins* v. *Huron*, 3 E. & A. 169, sustained the view of the Queen's Bench that they were not entitled to notice of action under the general act relating to actions against public officers; but the Municipal Act (46 Vict. c. 18, s. 340) now expressly provides that municipal corporations are to be entitled to notice of actions brought in respect of any act done under any by-law, order, or resolution, illegal in whole or in part, and the decision in *Hodgins* v. *Huron* is therefore to that extent superseded.

When a person is acting under the Division Court Act for his own private benefit, he has been held not entitled to notice. Thus where a person was sued for having maliciously sued out an attachment from a Division Court, he was held not entitled to notice of action under the Division Court Act: *Pall* v. *Kenney*, 11 U. C. Q. B. 350. So also a plaintiff in a Division Court action who had indemnified the bailiff, was held not entitled to any