"of the township of Garafraxa, in the county of Wellington, labourer," was held to be sufficiently precise: *Neill* v. *McMillan*, 25 U. C. Q. B. 485, and see *McDonald* v. *Stuckey*, 31 U. C. Q. B. 577. Defects in the form of the notice cannot be amended after action brought: *McCrum* v. *Foley*, 6 P. R. 164; *Grant* v. *Beaudry*, 19 C. L. J. 51. Where the notice is given by a solicitor it is not necessary that he should serve it in person, his clerk may make the service: *Morgan* v. *Leach*, 10 M. & W. 558. The service should be effected as directed by the Act of Parliament requiring it to be given. Under R. S. O. c. 73, it may be made by delivery to the defendant personally, or it may be left for him at his usual place of abode. And even under the Division Court Act, which does not expressly state that the notice may be left at the defendant's place of abode, it has been held that leaving the notice with a defendant's wife for him at his residence is sufficient service: *Haines* v. *Johnston*, 3 O. R. 100. It is no objection that the statement of claim is delivered by a different solicitor from the one who gave the notice and issued the writ: *McKenzie* v. *Mewburn*, 6 O. S. 486.

Notwithstanding the generality of the words of R. S. O. c. 73, as to the persons entitled to notice, the judicial interpretation of the statute has established some important exceptions and limitations to the general rule, both as to the persons entitled to notice, and the circumstances under which they are so entitled. Of course the mere fact that a person holds a public office does not entitle him to notice of every action that may be brought against him. He is only entitled to notice when the action is brought to recover damages in consequence of something done in the execution, or assumed execution, of his office, or public duty.

The mere fact that a public officer has acted maliciously, and without reasonable and probable cause, does not disentitle him to notice, because the statute (R. S. O. c. 73, s. 1) assumes that a public officer may so act, and it is of actions brought on that ground, among others, that the act provides that he is to have notice, see *per* Parke, B., *Kirby* v. *Simpson*, 10 Ex. 358. The question therefore on which the right of a public officer to notice of action turns, is not "whether or not the act complained of was done *mala fide*," but whether or not it was done by the defendant in his public capacity. If it were, he is entitled to notice even though he acted maliciously and without reasonable or probable cause. Sometimes it happens, however, to be a matter of controversy whether the act complained of was done in the execution, or assumed execution, of a public duty; and it is then a question for the jury whether or not the defendant *bona fide* believed, at the time of the doing of the act complained of, that he was acting in the discharge of his public duty: *Selmes* v. *Judge*, L. R. 6 Q. B. 724; *Cottrell* v. *Hueston*, 7 C. P. 277; but see *Ibbotson* v. *Henry*, 8 O. R. 625 *infra*. Where a person, not being a public officer, is entitled to notice of action under any statute, for anything done in pursuance thereof, he is only entitled to such notice in cases where he honestly believed in the existence of a state of facts, which, if it had existed, would have justified him in doing the act complained of: *Cann* v. *Clipperton*, 10 A. & E. 512; *Hermann* v. *Seneschal*, 13 C. B. N. S. 392; *Roberts* v. *Orchard*, 2 H. & C. 769; *Heath* v. *Brewer*, 15 C. B. N. S. 803; *Downing* v. *Capel*, L. R. 2 C. P. 461. It is not necessary that it should have been a reasonable belief: *Ib.*, *Chamberlain* v. *King*, 6 L. R. C. P. 478, although there must at least be some facts to warrant it: *Ib.*, and see *Leete* v. *Harte*, L. R. 3 C. P. 322. In the latter case, a *semble* is added to the head note, to the effect that even an honest belief would be insufficient unless