defeat, such charge or right shall, unless made to a bona fide purchaser for value without notice, be absolutely void and of no effect as against such charge of right.

2. The court or judge may make such order for taxation of such costs, charges and expenses, and for the raising and payment of the same out of the said property as may seem just. . . ."

Held, following *Birchall* v. *Pugin*, L.R. 10 C.P. 397, that the judgment debt was "property" within the meaning of the Rule.

Held, also, upon the facts, that the assignment was not to a bona fide purchaser for value without express notice ; but, even if there were no express notice, the assignee must, following *Cole* v. *Eley* (1894), 2 Q.B. 180, be taken to have notice of the solicitors' lien, for she was buying a judgment debt, and the implied notice she would have would be notice within the meaning of the Rule.

An order was made for the taxation of the costs of the action and of this application, declaring the applicants entitled to a charge upon the judgment for the amount which should be taxed, and directing that such amount should be raised and paid out of the judgment by a sale thereof.

W. R. P. Parker, for applicants. *Coatsworth*, contra.

Meredith, J.] WINCH *v.* TRAVISS. [March 23.

Arrest — Discharge — Failure to deliver statement of claim—Rule 1044—Extension of time—Rule 353—Terms.

Under the present practice there is power, after the expiration of the time appointed by Rule 1044 for the delivery of the statement of claim, where a defendant is detained in custody under an order for arrest, to extend the time. The case is within Rule 353, and the wording of Rule 100 of the Rules of Trinity Term, 1896, has been altered from "shall have been given" to "is given" in Rule 1044.

Where the statement of claim was delivered two days after the month had expired, and the defendant moved for his discharge, an order was made validating it for all purposes, upon terms as to speedy trial and payment of costs.

C. C. Robinson, for the plaintiff. *C. Millar*, for the defendant.

ASSESSMENT CASES.

Dartnell, Co. J.] GRAND TRUNK RAILWAY CO. *v.* PORT PERRY.

Assessment—Railways—Tank and platform—Sub-tenant.

Appeal from the Court of Revision of the village of Port Perry.

Held, water tanks and platforms are part of the superstructure of a railway and are not assessable.

2. The assessment of a sub-tenant of a railway company should be deducted from the total assessment.

E. Donald, for appellants. *H[illegible]nold*, for respondent.