into Court after an attaching order obtained by defendants upon moneys owing by Francis Hourigan to the common debtor, W. H. Perrin. The plaintiffs alleged that the moneys owing by Hourigan to Perrin were equitably assigned to them by Perrin prior to defendants' attaching order.

J. A. Allan, K.C., for plaintiffs.

R. B. Henderson, for defendants.

TEETZEL, J., held, upon the evidence, that what took place between the parties constituted an agreement between Perrin and plaintiffs that their claim, when ascertained, should be paid out of the moneys owing to him by Hourigan, that there was a good consideration for such assignment; that Hourigan was notified that the moneys were to be held by him for that purpose; and that there was, in effect, an appropriation of the moneys to satisfy plaintiffs' claim. The case was stronger than Heyd v. Millar, 29 O.R. 735. Judgment for plaintiffs with costs.

CARTWRIGHT, MASTER.   NOVEMBER 18TH, 1903.

CHAMBERS.

CONFEDERATION LIFE ASSOCIATION v. MOORE.

Judgment—Default of Appearance—Motion to Set aside Service of Writ of Summons—Stay of Proceedings—Irregular Judgment.

Motion by defendant to set aside a judgment signed by plaintiffs for default of appearance on the 6th November, 1903.

After the decision of the Master, reported ante 941, the plaintiffs elected to take an order dismissing the defendant's application to set aside order for service of writ of summons out of jurisdiction, with costs to be costs in the cause, and filed a further affidavit as permitted. The order was issued on 6th November, and judgment was signed on the same day. The time for appearance had elapsed, and the defendant had not asked for a stay of proceedings.

W. E. Middleton, for defendant.

G. H. Kilmer, for plaintiffs.

THE MASTER.—I have always understood that a notice of motion operated as a stay in a case such as the present until finally disposed of: Archibald, 14th ed., p. 1406; Wood v. Nicholls, 4 P.R. 111; Dean v. Thompson, ib. 301; Farden v. Richter, 23 Q. B. D. 124. . . . I base my judgment on