

## IN THE COURT OF APPEAL.

In appeal from the County Court of the County of Huron.

ROBERT TAGGART,

Plaintiff, Appellant.

*vs.*

WILLIAM JAMES TAGGART,

Defendant, Respondent.

Action commenced by writ (specially endorsed) dated 3rd October, 1879.

Declaration: filed 31 October, 1879, For that the Defendant is indebted to the  
 1 Plaintiff for money payable by the Defendant to the Plaintiff for money awarded  
 by James Mullen, Robert Murray, and Charles Girvin, to be paid to the Plaintiff  
 by the Defendant, by an award of the said James Mullin, Robert Murray, and  
 Charles Girvin, made under a submission to their arbitration by the Plaintiff and Defendant,  
 of matters in difference between them; and the Plaintiff claims two hundred dollars.

Pleas: Filed 10th November, 1879.

1. *Nunquam indebitatus.*

2. Satisfaction and discharge by payment before action.

3. That before the commencement of this suit, the Plaintiff was and still is indebted to  
 the Defendant in an amount greater than the Plaintiff's claim, for that certain disputes and  
 2 differences having arisen between the Plaintiff and Defendant, the Plaintiff and the Defendant  
 by their several Bonds, dated the Twenty-eighth day of August, in the year of our Lord one  
 thousand eight hundred and seventy-nine, became each bound to the other in the penal sum  
 of one thousand dollars, which said several bonds after reciting that disputes and differences  
 had arisen and were then pending between the Plaintiff and Defendant, touching and con-  
 cerning certain unsettled accounts between them, and also touching and concerning their re-  
 spective rights under a certain lease (with a right to purchase) of certain lands mentioned and  
 described in said lease, and of certain goods and chattels, which said lease was dated the