

*For Wrongs Independent of Contract.*

28. That the defendant broke and entered certain land of the plaintiff, called "The Orchard," in ——— county, and depastured the same with cattle.

29. That the defendant assaulted and beat the plaintiff, gave him into the custody of a constable, and caused him to be imprisoned in the jail of ——— county (or city).

30. That the defendant debauched and carnally knew the plaintiff's wife; or that the defendant debauched and carnally knew the plaintiff's daughter and servant, whereby he lost her service.

The relation of master and servant at the time of the seduction must be alleged in the declaration. *Greenwood v. Greenwood*, 28 Md. 380. And see *Keller v. Donnelly*, 5 Md. 211.

31. That the defendant converted to his own use, or wrongfully deprived the plaintiff of the use and possession of the plaintiff's goods; that is to say, *wheat, rye, household furniture* (or as the case may be).

A declaration held to be in substantial compliance with this sub-section. *Crocker v. Hopps*, 78 Md. 261. And see *Manning v. Brown*, 47 Md. 507; *Young v. Mertens*, 27 Md. 124; *Meixel v. Carr*, 25 Md. 49; *Richardson v. Hall*, 21 Md. 399.

32. That the plaintiff was possessed of a mill, called "Linganore mill," in ——— county, and as such possessor was entitled to the flow of a stream for working the same, and the defendant, by cutting the bank of said stream, diverted the water thereof away from the said mill.

It is not necessary to expressly allege that the diversion of the stream was wrongful. A count held to be in substantial compliance with this sub-section. *New York, etc., R. R. Co. v. Jones*, 94 Md. 30; *Price v. Lawson*, 74 Md. 507.

33. That the plaintiff was possessed of land, called "Idlewild," in ——— county, and was entitled to a way from said land, over the land of the defendant, to a public highway, for himself and his servants, with horses and wagons, to go and return at all times, at his and their free will, for the more convenient occupation of the said land of the plaintiff; and that the defendant deprived him of the use of said way.

A declaration held to be in substantial compliance with this sub-section. *Offutt v. Montgomery County*, 94 Md. 120.

34. That the defendant falsely and maliciously spoke and published of the plaintiff the words following, that is to say: "he is a thief;" (if there be any special damage, here state it with such reasonable particularity as to give notice to the defendant of the particular injury complained of, for instance,) whereby the plaintiff lost his situation of book-keeper in the bank of Washington.

A declaration which does not allege that the words are false, is insufficient. *Bottomly v. Bottomly*, 80 Md. 162.

As to the slander of females, see art. 88.