

*Form by Assignee of Chose in Action.*

(27) ——— county, ss: A. B., by S. T., his attorney, sues C. D. for that the said defendant was indebted to one E. F. for goods sold and delivered (or for whatever he was indebted, whether money lent or other things, or if by bond or bill obligatory, state the date of the bond or bill obligatory, and the sum thereon due), which the said E. F. assigned to the plaintiff, and the plaintiff claims therefor, \$———.

S. T., Plaintiff's Attorney.

A declaration held sufficient under this sub-section, although there was no averment that assignment was in writing. *Union Bank v. Tillard*, 26 Md. 452.

As to assignments of choses in action and suit by assignees thereon see art. 8, sec. 1, *et seq.*

*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.

A declaration in trespass upheld under this section and secs. 3, 28 and 26—see notes to secs. 3 and 26. *Lapp v. Stanton*, 116 Md. 200.

(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.

Relation of master and servant at time of the seduction must be alleged in 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. Hoops*, 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 diversion of 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.

A *narr.* which alleges that defendant negligently and carelessly maintained certain catch basins, etc., is sufficiently definite on demurrer. *Salisbury v. Camden Sewer Co*, 141 Md. 263.

(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