

after the statement of non-performance by the defendant, as above, shall be sufficient.]

24th. That one W. T. owed the plaintiff the sum of \$——, and the plaintiff was about to sue him to recover the same. And in consideration that the plaintiff would forbear to sue the said W T, the defendant agreed to pay the same to the plaintiff, and the plaintiff did forbear to sue the said W. T., and the defendant has not paid the said sum of \$——.

Forbearance to
sue

25th That the plaintiff purchased of the defendant *a thousand bushels of wheat* for the sum of (fifteen hundred) dollars, to be paid for on delivery thereof, and the defendant promised to deliver the same on the —— day of ——, at (the defendant's warehouse in the city of Baltimore); and on said day the plaintiff demanded said (wheat at said warehouse), and tendered to the defendant said sum of (fifteen hundred dollars) in payment for the same; and the defendant refused to deliver the (said wheat) to the plaintiff.

Breach of
contract

For Wrongs Independent of Contract.

26th. That the defendant broke and entered certain land of the plaintiff, called "The Orchard," in —— county, and depastured the same with cattle.

Trespass

27th. 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).

Assault and
battery, and
imprisonment

28th. That the defendant debauched and carnally knew the plaintiff's wife

Crim con.

29th 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).

Conversion
25 Md 46,
47 Md 507

30th. That the plaintiff was possessed of a mill, called "Lingapore Mill," in —— county, and by reason thereof 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.

Diversion of
water.
40 Md 1
42 Md 442

31st 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

Right of way.
22 Md 511
33 Md 270.
45 Md 337.

32d. 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 par-

Slander
27 Md 175