

indictment, it shall be lawful for the State's attorney, or other person prosecuting for the State, on application to the court, to amend the said indictment according to the proof in the said cause; and it shall be the duty of the court in which such trial shall be had to proceed with the trial of the said indictment so amended, unless oath shall be made by the party or parties so charged that the said amendment or amendments has or have disclosed a fact or facts to him heretofore unknown, or that the immediate proceeding with the trial of the said indictment would tend to his prejudice; and in such case it shall be the duty of the court to discharge the jury sworn in the said case without a verdict, and to postpone the trial thereof for such reasonable time as the court shall determine; or in case the said indictment is submitted to the court without the intervention of a jury, it shall be lawful for such amendment to be made as aforesaid, and also to postpone the hearing of the said case for such time as it shall determine to be necessary.

This section provides for the amendment of an indictment when the name of any person other than the defendant has been erroneously set forth therein; such amendment is made according to the proof in the cause, same being authorized only after the jury has been sworn on the indictment. *Watts v. State*, 99 Md. 33.

Indictments—Statement of Ownership or Possession.

1904, art. 27, sec. 437. 1888, art. 27, sec. 285. 1860, art. 30, sec. 81.
1852, ch. 63, sec. 1.

495. In any indictment for any felony or misdemeanor wherein it shall be requisite to state the ownership or possession of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, tenants in common or trustees, it shall be sufficient to name one of such persons, and to state such property to belong to or be in possession of the person so named, and another or others as the case may be; and whenever in any indictment for any felony or misdemeanor, it shall be necessary to mention for any purpose whatever any partners, joint tenants, parceners, tenants in common or trustees, it shall be sufficient to describe them in the manner aforesaid.

Indictments—Quashing—Arrest of Judgment.

Ibid. sec. 438. 1888, art. 27, sec. 286. 1860, art. 30, sec. 82.
1852, ch. 63, sec. 2.

496. No indictment or presentment for felony or misdemeanor shall be quashed, nor shall any judgment upon any indictment for any felony or misdemeanor, or upon any presentment, whether after verdict, by confession or otherwise, be stayed or reversed for the want of a proper or perfect venue, when the court shall appear by the indictment, inquisition or presentment, or by the statement of the venue in the margin thereof to have jurisdiction over the offense, nor for the omission or misstatement of the title, occupation or degree of the defendant or other person or persons named in the said indictment, inquisition or present-