

The words "current money" in an indictment under section 285, charging the property stolen to be worth so many dollars "current money," held to be mere surplusage and not a ground of reversal under this section. *Gardner v. State*, 25 Md. 151.

This section held not to do away with the authority of a court to strike out a judgment during the term at which it is rendered. *State v. Butler*, 72 Md. 100.

An indictment charging that the traverser was a free negress when upon the trial it turned out that she was a slave, upheld under this section. *Negro Hammond v. State*, 14 Md. 148.

This section referred to in refusing to review the action of the trial court in declining to accept a plea in abatement. *Cooper v. State*, 64 Md. 44.

An information sustained without reference to this section. *Acton v. State*, 80 Md. 551.

#### Indictments—Conclusion of—Joinder of Counts.

1904, art. 27, sec. 439. 1888, art. 27, sec. 287. 1860, art. 30, sec. 83.  
1852, ch. 63, sec. 3.

497. All indictments for offenses forbidden by any statute or statutes, or for offenses the punishment of which is contained in the same clause of any statute with the prohibition of the offense, may conclude as for offenses at common law, and where any offense which is a misdemeanor at common law may have been made a felony by statute the misdemeanor shall not be merged in the felony, but the indictment may contain counts for the said felony and also for the misdemeanor.

#### Indictments—False Pretenses.

*Ibid.* sec. 440. 1888, art. 27, sec. 288. 1860, art. 30, sec. 84.  
1835, ch. 319, sec. 2.

498. In any indictment for false pretenses it shall not be necessary to state the particular false pretenses intended to be relied on in proof of the same, but the defendant, on application to the State's attorney before the trial, shall be entitled to the names of the witnesses and a statement of the false pretenses intended to be given in evidence.

The office of a bill of particulars is first to inform the defendant of the names of the state's witnesses and secondly to furnish him a statement of the false pretenses relied on; the bill of particulars is no part of the pleading or indictment, and not subject to demurrer; it may be amended. The bill of particulars may be excepted to when it is not satisfactory, as when it fails to give the defendant proper information or when it sets forth evidence which is not admissible at the trial. Bill of particulars held sufficient. *Jules v. State*, 85 Md. 309; *Schaumloeffel v. State*, 102 Md. 473.

This section does not restrict the state's attorney to the list of witnesses furnished the defendant, nor does it control or affect the competency of the witnesses; the trial court may in its discretion allow the state to examine witnesses other than those whose names were furnished the defendant under this section. *Cairnes v. Pelton*, 103 Md. 44; *Schaumloeffel v. State*, 102 Md. 473.

An indictment for false pretenses alleging that the traverser obtained from A and B, by a false pretense made to them, certain property of the goods and chattels of the said A and B with intent to defraud, etc., the indictment being accompanied by a bill of particulars setting forth the false pretense, is sufficient. *Carnell v. State*, 85 Md. 1. And see *State v. Blizzard*, 70 Md. 387.

This section referred to in sustaining the validity of section 504. *Kelfer v. State*, 87 Md. 565.

As to false pretenses, see section 122. *et seq.*