

An. Code, sec. 500. 1904, sec. 442. 1888, sec. 290. 1785, ch. 80, sec. 4. 1852, ch. 176, sec. 2.

557. All indictments under the preceding section may be amended at any time before verdict so as to present properly the merits of the charge; and the court may permit such amendment after the jury is sworn, and proceed with the trial, or the court may, in its discretion, allow a juror to be withdrawn and continue the case.

Indictments—Forgery and False Pretenses.

An. Code, sec. 501. 1904, sec. 443. 1888, sec. 291. 1862, ch. 80.

558. It shall be sufficient in any indictment for forging, uttering, disposing of, putting off or passing any instrument whatsoever, or for obtaining any property by false pretenses, to allege that the defendant did the act with the intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offenses in this section mentioned it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud. In any indictment for forging, altering, putting off, passing, stealing, embezzling, destroying or for obtaining by false pretenses any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out a copy or fac-simile thereof, or otherwise describing the same. In all other cases, whenever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

This section only relates to manner of alleging the facts and bringing them upon record, but does not dispense with necessity of their averment in indictment; instrument (mentioned in this section) should be sufficiently identified in the indictment; indictment held defective. *State v. Blizzard*, 70 Md. 387; *Armocost v. State*, 133 Md. 292.

Allegation that the intent was to defraud K., the cashier of the Hagerstown bank, being surplusage, was proper to be disregarded; hence allowing it to be stricken out was an amendment in form merely. *Hawthorne v. State*, 56 Md. 535.

This section held not to cure indictment under sec. 470 which was substantially defective because it did not allege that the obligations or certificates were "granted by or under the authority of the United States." *Kearney v. State*, 48 Md. 25.

As to counterfeiting and forgery, see sec. 44, *et seq.*

As to false pretenses, see sec. 139, *et seq.*, and notes.

See notes to sec. 555.

Indictments—Robbery, Larceny, Embezzlement, False Pretenses Relating to Money.

An. Code, sec. 502. 1904, sec. 444. 1898, ch. 120, sec. 291A.

559. In every indictment for robbery, larceny or embezzlement of any kind, when the offense shall relate to money, and in every indictment for obtaining money by false pretenses or for receiving stolen money, or for any kind of fraudulent conversion of money, and in every other indict-