

the name or names of any person or persons other than the defendant or defendants have been erroneously set forth in the said 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.

names other than of defendant made after jury sworn  
25 Md 146

Proceedings

3. 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.

Id s 81  
1852, c 63, s 1  
How ownership of property laid

4. No indictment or presentment for felony or misdemeanor shall be quashed, nor shall any judgment upon any indictment for any felony or any 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 offence, 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 presentment, nor for the want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," nor for the insertion of the words "against the form of the statute," instead of "against the form of the statutes," or *vice versa*, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the in-

Id s 82  
1852, c 63, s 2  
What defects not available on motion to quash  
6 Md 400, 9 Md 21, 10 Md 431, 12 Md 233, 253, 514, 14 Md 136, 238, 39 Md 355, 47 Md 485