

dictment or making the presentment, or on an impossible day, or on a day that never happened, or by reason of any mere defect or imperfection in matters of form which shall not tend to the prejudice of the defendant, nor for any matter or cause which might have been a subject of demurrer to the indictment, inquisition or presentment.

5. All indictments for offences forbidden by any statute or statutes, or for offences the punishment of which is contained in the same clause of any statute with the prohibition of the offence, may conclude as for offences at common law, and where any offence 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.

6. In any indictment for false pretences, it shall not be necessary to state the particular false pretence 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 pretences intended to be given in evidence.

7. In any indictment for violation of the law prohibiting gaming, or for violation of the law prohibiting the drawing of lotteries or the selling of lottery tickets or other device in the nature thereof, it shall not be necessary to set forth the particular kind of gaming or gaming table, or to set forth the particular scheme of lottery, but it shall be sufficient if the indictment sets forth that the defendant kept "a gaming table," or that "he drew a lottery," or sold "a lottery ticket," as the case may be, but the defendant may, by application to the State's attorney, obtain a statement more particularly describing the offence intended to be proved under such indictment.

8. All indictments under the last 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amendment after the jury is sworn and proceed with the trial, or the court may, in its discretion, allow a juror to be withdrawn and continue the case.

9. 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 pretences, to allege that the defendant did the act with 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 offences 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 pretences 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

Id s 83
1852, c 63, s 3
Conclusion of
indictments.
2 Md 376
7 G & J 290

Felony and
misdemeanor
not merged
Counts may be
for both

Id s 84.
1845, c 319, s 2.
False pretences,
how stated

Defendant en-
titled to names
of witnesses
and statement

Id s 85
1856, c 195, ss.
1-10
Lottery draw-
ing and gaming,
etc
42 Md. 563.

Sufficiency of
indictment in.

Id s 86
1785, c 80, s 4;
1852, c 176, s 2
Amendments

1862, c 80
What necessary
in indictments
for forgery.

For embezzle-
ment and ob-
taining by false
pretences