

alleged to be injured or damaged, or intended to be injured or damaged, by the commission of such offence, or in the Christian name, or surname, or both, or in the other description whatsoever of any person therein named or described, or in the name or description of any thing therein named or described, or in the ownership of any property therein named or described, it shall be lawful for the Court before which such trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended according to the proof, by some officer of the Court, or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury, or otherwise, as such Court shall think reasonable; and after any such amendment, the trial shall proceed wherever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred; and in all such cases, the order for the amendment shall either be endorsed on the indictment or engrossed and filed with the indictment, and records of the Court; provided, that in all such cases where the trial shall be so postponed, it shall be lawful for the Court to respite the recognizances of the prosecutor and witnesses, and of the defendant and his sureties, if any, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in the same manner as if they had been originally bound by their recognizances to appear and prosecute, or give evidence at the time and place to which such trial shall have been so postponed; provided also, that where any such trial shall be to be had before another jury, the Crown and the defendant shall respectively be entitled to the same challenges as they were entitled to before the first jury was sworn.

II. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect, in all respects, as if the indictment had originally been in the same form in which it was, after such amendment was made.

Verdicts and judgments valid after amendments.

III. If it shall become necessary at any time, for any purpose, to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the in-

Records to be drawn up in amended form without noticing the amendments.