

be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statutes," or *vice versa*, nor for that any person mentioned in the indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, 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 indictment, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect *venue*, nor for want of a proper or formal conclusion, nor for want or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil in any case, where the value, or price or the amount of damage, injury or spoil, is not of the essence of the offence.

shall not vitiate an indictment.

XXIV. Every objection to any indictment, for any formal defect apparent on the face thereof, shall be taken by demurrer, or motion to quash such indictment, before the jury shall be sworn, and not afterwards; and every Court, before which any such objections shall be taken for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, by some officer of the Court or other person, and thereupon the trial shall proceed, as if no such defect had appeared.

Formal objections to indictments shall be taken before jury are sworn.

XXV. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him; provided, that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion, that he ought to be allowed a further time, either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent session, upon such terms, as to bail or otherwise, as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly; in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session, without entering into any fresh recognizance for that purpose.

Provision as to traversing indictments.

XXVI. In any plea of *autrefois convict* or *autrefois acquit*, it shall be sufficient for any defendant to state, that he has been lawfully convicted or acquitted, as the case may be, of the offence charged in the indictment.

Provision as to plea of *autrefois convict* or *autrefois acquit*.

XXVII. In the construction of this Act, the word "indictment" shall be understood to include information, inquisition and presentment, as well as indictment, and also any plea, replication, or other pleading, and any record; and the

Interpretation of terms used in this Act.