

and the state's attorney for the county or city or the attorney prosecuting for the State shall strike for the State.

Cited but not construed in *Burk v. State*, 2 H. & J. 430.

See notes to sec. 13.

1904, art. 51, sec. 18. 1888, art. 51, sec. 18. 1860, art. 50, sec. 14. 1789, ch. 22, sec. 5. 1809, ch. 138, sec. 15.

18. Any alien, denizen or foreigner who may be indicted for any offense committed within this State shall be tried by a jury of the county in the same manner as the citizens thereof, and there shall be no challenge either to the array or the polls for the want of foreigners on the panel or jury that may be returned.

Ibid. sec. 19. 1888, art. 51, sec. 19. 1860, art. 50, sec. 15. 1816, ch. 45. 1841, ch. 162. 1872, ch. 40.

19. The right of peremptory challenge shall be allowed to any person who shall be tried on presentment or indictment for any crime or misdemeanor the punishment whereof by law is death or confinement in the penitentiary, and to the State on the trial of such indictment or presentment; but the accused shall not challenge more than twenty, nor the State more than four jurors, without assigning cause.

After a juryman has been accepted by the prisoner, the state not having exhausted its peremptory challenges and having no reason to challenge for cause, may challenge under this section. The right to peremptory challenge may be exercised until the jury has been sworn. A challenge once exercised can not be recalled. *Rogers v. State*, 89 Md. 425. See also, *Turpin v. State*, 55 Md. 464.

The right of peremptory challenge is essential and is highly esteemed. The history of this section traced. The order in which challenges shall be made, and who is to challenge first, are left to the discretion of the trial court. *Turpin v. State*, 55 Md. 464.

The benefits of this section extend to each accused person. *Hamlin v. State*, 67 Md. 336.

Where the challenges exhaust the venire the trial court may summons just enough additional jurors to fill the vacancies on the panel. *Burk v. State*, 2 H. & J. 426.

As to the right of peremptory challenge in election cases, see art. 33, sec. 121.

Ibid. sec. 20. 1888, art. 51, sec. 20. 1860, art. 50, sec. 16. 1816, ch. 193, sec. 9. 1854, ch. 28. 1865, ch. 78. 1878, ch. 108. 1880, ch. 441. 1882, ch. 454. 1900, ch. 333.

20. Jurors shall receive two dollars and a half per day for each and every day they shall attend the several courts of this State as jurors and fifteen cents for each mile over five miles for going to and returning from the court once in each term to be paid by the counties, respectively, in which courts are held. This section shall not apply to the city of Baltimore, nor to Calvert, Charles nor Garrett, nor any other counties for which special local laws exists.

Ibid. sec. 21. 1888, art. 51, sec. 21. 1860, art. 50, sec. 17. 1832, ch. 121, sec. 1.

21. In all cases of forcible entry and detainer which jurors shall be summoned to try, each juror shall be entitled to the sum of one