

his attorney, may elect, and upon a further return of not executed, said writ shall be again permitted to lie, renewable only as aforesaid, the said plaintiff, or his attorney, having the right to renew said writ to as many subsequent return days, under the same mode of procedure as may be deemed proper, until the same is executed.

151.

This section and the two following ones are identical with article 27, sections 489-491.

172.

Under this section, it is only where direct service upon the defendant is prevented within the jurisdiction by "threats, violence, intimidation or superior force," or when the defendant is within a fortified place into which the officer cannot enter without force or personal risk, that constructive or substituted service is permitted; otherwise there can be no valid judgment *in personam* unless there is personal service or voluntary appearance. Service held ineffectual. *Wilmer v. Epstein*, 116 Md. 144.

Non-Pros.

1914, ch. 432.

173. In all trials of actions at law in the Courts of this State, it shall not be necessary to call the plaintiff before the verdict is rendered; nor shall the plaintiff be entitled to dismiss his suit or submit to a voluntary judgment of *non pros.* after argument upon the facts has begun in cases tried before a jury or before the Court sitting as a jury; but the plaintiff shall have the same right to dismiss such case or submit to a voluntary judgment of *non pros.* thereon, up to the time when such argument on the facts has begun, as before the enactment of this Section.

And in all cases where a defendant has specially pleaded set-off, the defendant shall similarly be entitled to dismiss his claim of set-off, or submit to a voluntary judgment of *non pros.* thereon, to the same extent and up to the same point of time as the plaintiff shall be entitled to take such action with respect to his claim.*

See section 12.

*In effect September 1, 1914.