

CHAP. 32.

judication had been made by the court, as is provided for in the third section of this act.

Case of failing to appear

Sec. 6. *And be it further enacted,* That upon the summons or citation provided for in the second section of this act, being returned served, and the party summoned shall fail to appear in person or by attorney, the court shall order another citation to issue, in which shall be stated the day set apart for the hearing of the allegations of the parties, and upon the citation being returned served, and no reasonable cause shall appear for her non attendance in person or by counsel, the court shall proceed to determine and adjudicate the case, which determination and adjudication shall have all the force and effect as if made after hearing the allegations of both parties, and as is provided in the third section of this act.

Right to sell her dower reserved

Sec. 7. *And be it enacted,* That at any time at the discretion and option of the said Margaret McKinly, who as aforesaid, is entitled to her right of dower in the aforesaid premises, may in lieu of the aforesaid annuity sell and dispose of her said dower in aforesaid premises to whomsoever she may think proper, and at what price she may please or can obtain.

Renew proceedings every three years

Sec. 8. *And be it enacted,* That at the expiration of the three years as aforesaid, upon the application of either of the parties as aforesaid, or their representatives to the county court of Allegany similar proceedings shall be had under this law, as had in the commencement of the operation of this law and so on, continue periodically every three years, during the natural life of said Margaret McKinly, reference still being had to the present ruinous state of the property, and the valuations first made, and to be made at all subsequent periods of three years, after said lot and buildings shall be repaired, shall not be upon, or in reference to repairs and improvements made by said Samuel P. Smith and Reuben Worthington, but the growth and importance of the Town of Cumberland as a place of business, if the said lot should improve as a place of business in consequence thereof, may be weighed and considered by the court and jury, in their proceedings, verdicts and judgments.