

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1860.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

Chapter 137.

An act authorizing minor children to deposit money in savings banks and making the same their own property.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

A minor has the right to deposit with, or loan money to any savings bank in the mode authorized by law, and the money so deposited or loaned by such minor is not the property or credit of the parents of such minor, or either of them, during the lifetime of said minor, but of the minor ; and the minor has the power to control, manage and dispose of the same, with the same remedies by the appropriate form of action as persons may who have attained their full age of majority ; *provided however*, that this act shall not apply to any money fraudulently deposited or loaned by any person in the name of a minor, or by a minor for the benefit of a third person.

Minors may deposit money in savings banks and control same.

Proviso.

[Approved February 24, 1860.]

Chapter 138.

An act additional to chapter eighty-one of the revised statutes respecting civil actions.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Whenever the property of any defendant has been attached on a writ and no service thereof has been made upon the defendant, or the service thereof upon the defendant is defective, by reason of a mistake of the officer or of the plaintiff or his attorney, or by reason of any other cause, without the fault of the plaintiff or his attorney in the suit, the court may order a new summons to be issued and served in such manner as they direct ; and such service shall be as effectual as if the proper service had been made and returned on the original writ.

Defective service in cases of attachment, remedy.

Court may order new summons.

SECT. 2. When a debtor's property has been sold by virtue of a writ of execution and the judgment on which such execution issued shall afterward be reversed on writ of error, the title of the purchaser of such property at such sale shall not be affected thereby, but the defendant in the original suit shall have an action of assumpsit against the original plaintiff for the amount of such judgment or so much thereof as may have been satisfied.

Property sold on execution and judgment reversed, title not affected.

Remedy for defendant.

[Approved February 28, 1860.]