

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

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SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

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# THIRTY-NINTH LEGISLATURE.

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HOUSE.

No. 17.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND SIXTY.

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AN ACT additional to chapter eighty-one of the revised  
statutes, respecting civil actions.

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

SECTION 1. Whenever the property of any defendant  
2 has been attached on a writ, and no service thereof has  
3 been made upon the defendant, or the service thereof  
4 upon the defendant is defective, by reason of a mistake  
5 of the officer or of the plaintiff or his attorney, or by  
6 reason of any other cause, without the fault of the  
7 plaintiff or his attorney in the suit, the court may order  
8 a new summons to be issued and served in such manner  
9 as they direct; and such service shall be as effectual

10 as if the proper service had been made and returned  
11 on the original writ.

SECT. 2. When a debtor's property has been sold by  
2 virtue of a writ of execution, and the judgment on  
3 which such execution issued shall afterwards be re-  
4 versed on writ of error, the title of the purchaser of  
5 such property at such sale shall not be affected there-  
6 by, but the defendant in the original suit shall have  
7 an action of assumpsit against the original plaintiff for  
8 the amount of such judgment, or so much thereof as  
9 may have been satisfied.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 21, 1860. }

On motion of Mr. BLACK of Paris,

Laid on the table and 350 copies ordered to be printed for the  
use of the Legislature.

CHARLES A. MILLER, *Clerk.*