

liable, such party shall be entitled to receive the amount due thereon, as if such note, bill, bond or other instrument had been produced.

Sec. 69. But to entitle a party to a recovery on a negotiable promissory note, bill of exchange, bond or other instrument for the payment of money, which has been lost, he shall, before judgment is entered, execute a bond to the adverse party, in a penalty at least double the amount of such note, bill, bond or other instrument, with at least two sureties to be approved by the court in which the recovery is had, or the clerk thereof in case no trial is had, conditioned to indemnify the adverse party, his heirs and personal representatives, against all claims by any other persons on account of such note, bill, or other instrument and against all costs and expenses by reason of such claims; *provided*, that in case the statute of limitations shall have run against such note, bill, bond or other instrument while the action is pending and before a recovery is had thereon, the court in which the action is pending may, in its discretion, reduce the amount of the penalty of such indemnity bond or permit judgment to be entered without such bond.

Court may reduce the amount of the penalty.

SEC. 2. The provisions of this act shall apply to all actions now pending in any of the courts of this State, as well as to actions which may be hereafter commenced.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 28, 1879.

## CHAPTER 53.

AN ACT TO AMEND SECTION SIX (6) CHAPTER NINE (9) GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX (1866,) RELATING TO VACANCIES IN OFFICE.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section six (6) of chapter nine (9), General Statutes one thousand eight hundred and sixty-six (1866) relating to vacancies in office, be amended so as to read as follows:

Chapter 9 of the general statutes amended.

Section 6. In all offices not otherwise provided for, when a vacancy is authorized to be filled by appointment, such appointment shall continue until the next general election occurring after there is sufficient time to give the notice prescribed by law, and until a successor is elected and qualified. All county officers now holding by virtue of an election, shall hold their office for the full term thereof, as now prescribed by law for such county officers.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1879.