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**HOUSE BILL NO. 55**

Offered January 9, 2002

Prefiled December 13, 2001

*A BILL to amend and reenact §§ 49-13 and 59.1-94 of the Code of Virginia, relating to deletion of obsolete references.*

Patrons—Landes and Howell; Senators: Edwards and Mims

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That §§ 49-13 and 59.1-94 of the Code of Virginia are amended and reenacted as follows:**

§ 49-13. How new or additional bonds required and given; failure to give.

The proper court, whenever, in its opinion, it may be necessary for the protection of the public interests, may order any officer, of whom a bond is required by law, to give a new bond, or a bond in addition to one already given, within such time, not less than ten nor more than thirty days, as the court may prescribe; but the officer shall be served with a copy of a summons or rule, at least ten days before the order is made, citing him to appear and show cause against the same. The summons or rule shall be awarded whenever the court deems it proper, or on application to the court by the attorney for the Commonwealth, or, if the application is to the Supreme Court or the Court of Appeals, by the Attorney General. Such order shall be made by the circuit court of the county, if such officer is an officer of such county or city or any district thereof (~~except clerk of the Chancery Court of the City of Richmond~~) as is mentioned in §§ ~~17-118.1~~, 24.2-217, and 24.2-222; ~~by the Chancery Court of the City of Richmond~~, if he is the clerk of that court, or by the Supreme Court or Court of Appeals, if he is a clerk of either court. Any new bond or additional bond given before the Supreme Court or the Court of Appeals shall be certified and transmitted to the clerk, to whom the original bond is required to be delivered, to be recorded by him. The bond may be given before the court requiring it or the judge thereof in vacation, or, if the court is the Supreme Court or the Court of Appeals, before either court or any three of the judges thereof in vacation; and when the bond is given in vacation, it shall be certified and returned by the judge or judges, before whom it is given, to the clerk of the proper court, who shall file and record the same in his office. If any officer fail or refuse to give the bond so required of him within the time prescribed, his office shall be deemed vacant.

§ 59.1-94. Filing and publication of description of names, marks or devices.

Any person engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, cider, ginger ale, milk, cream, ice cream, soft drinks or other beverages, or medicines, medical preparations, perfumery, oils, compounds or mixtures, in bottles, siphons, tins, crates or kegs, with his or its name or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles, siphons, siphon heads, tins, crates, or kegs, or the boxes used by him, or any person engaged in the business of regularly supplying clean laundered garments, towels, table or bed linens or other such articles with his or its name or other marks or devices woven, impressed or produced thereon, and who periodically exchanges such clean articles for soiled articles, may file in the office of the clerk of the ~~county or corporation~~ circuit court in which his principal office of business is situated ~~or in the clerk's office of the Chancery Court of the City of Richmond~~, if such principal office of business is situated in such city, or if such person shall manufacture, supply or bottle out of this Commonwealth, then in any county in this Commonwealth, and also in the office of the State Corporation Commission, a description of the name or names or marks or devices so used by him and cause such description to be printed once in each week, for three weeks successively, in a newspaper published in the county or ~~corporation~~ city in which such description may have been filed as aforesaid, and if there be no newspaper published in the county or ~~corporation~~ city in which such description has been filed, then in the newspaper published nearest to that county or ~~corporation~~ city, and he shall thereupon be deemed the proprietor of such name, mark or device, and of every vessel or receptacle or clean laundered or soiled articles mentioned herein upon which it may be branded, stamped, engraved, etched, blown, impressed, woven or otherwise produced.

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