argument. I am as anxious as any one to get through with this case, but this delay is necessary."

HARTRIDGE CONTRADICTS JEROME.

Justice Fitzgerald listened patiently to Mr. Jerome. Then he said he was anxious to have the case ended and that he wanted to have any additional arguments brought before him promptly.

Mr. Hartridge rose up. "Your Honor," he said, "before the commissioners went into their private session yesterday THEY INVITED THE DISTRICT-ATTORNEY TO BE PRESENT AND HE DECLINED."

Speaking slowly and deliberately, Justice Fitzgerald said:

"THIS COURT IS CHARGED WITH THE TASK OF SAFEGUARDING THE INTERESTS OF THE DEFENDANT. THIS COMMISSION WAS CREATED IN RESPONSE TO AN APPEAL TO THE CONSCIENCE OF THE COURT AND I BELIEVE IT HAS LABORED FAITHFULLY TO PERFORM ITS DUTY. THE DISTRICT-ATTORNEY HAS INSISTED THAT HE HAS A RIGHT TO SEE THE TRANSCRIPT OF THE PROCEEDINGS BEFORE THE COMMISSION. I WILL STATE THAT I WILL NOT PERMIT EITHER SIDE TO EXAMINE THE TRANSCRIPT SINCE THAT TRANSCRIPT WAS COMPILED WITH A VIEW TO INFORMING THE COURT."

JEROME WILL SEEK REVERSE.

"This is my contention," said Jerome, white with passion. "The law says the District-Attorney shall be present at all sessions of a Lunacy Commission. I was inclined to waive that right, but when the counsel for the other side is permitted to enter the chamber and confer with his client on the stand, and when I am finally barred from examining the record of that session, in order to know what happened I hold that I should be given further time to argue these points. I also hold that I should be given an opportunity to ask the Appellate Division for a writ of prohibition against Your Honor's ruling or a mandamus or other suitable relief."

"How much time do you want?" asked the Justice.

"Do I understand that the Court denies me the privilege of examining the transcript of all the lunacy proceedings?"

"That I hold to be my duty," said Justice Fitzgerald.

"Then I will ask an adjournment until Monday morning before the report is confirmed," said Mr. Jerome. "I will also say that I desire in addition the authority to copy any documents or other exhibits submitted in evidence before the commission."

COURT ADHERED TO RULING.

Thaw's lawyers showed no uneasiness. They had already looked up the authorities and found no precedent to show that a trial justice's ruling in lunacy proceedings had ever been overruled by the higher courts.

Jerome said for the third time that he believed he should have a copy of the transcript of the testimony of Harry Thaw. With patient courtesy the Justice repeated his former ruling.

Then Jerome asked permission to inspect the transcript of the public sessions in order that he might be better guided in his action before the Appellate Division. Once more he was overruled.

He asked that he might have access to the documents filed before the commission. Justice Fitzgerald refused this boon, too, but intimated that he would not finally pass upon the report until next Monday in order to give Jerome time to make further arguments or to prepare his appeal.

Then the Justice called the jury and the prisoner into court. He excused the jury until Monday at 10.30 and sent the prisoner away. Thaw was fairly beaming as he stalked out.

The lawyers for the defense feel no uneasiness over the threat of the prosecutor, as they say an appeal in such a case is not possible under the laws of this State. They believe that on next Monday Justice Fitzgerald will confirm the report as it stands and order the trial to proceed from the point where it was broken off by Mr. Jerome more than two weeks ago. They believe that their client will be a free man by the middle of next week.

The concluding paragraphs of the lunacy commission report in full are as follows:

"After careful examination of the defendant personally and of all the evidence, we find the following facts:

"In the frequent and in some cases daily, during the several months last past, intercourse had by the defendant with the Tombs physicians, chaplains, keepers, other attendants and the probation officer, these persons failed to discover anything irrational in his conduct or speech.

THAW'S VALUABLE SUGGESTIONS.

"The defendant has taken an active part in the conduct of the trial; has made numerous suggestions orally in court and by letter as to the selection of jurors and the examination of witnesses. Many of these suggestions were deemed valuable and were adopted by his counsel, and examination of the letters referred to shows that generally the suggestions contained in them were material, sensible and apparently the product of a sane mind. While the testimony of numerous experts called by the District-Attorney nd the defendant's counsel is irreconcilable, though given by certain experts who personally examined the defendant during the trial and since the appointment of the commission, ann who of all the alienists examined had the greatest opportunity of observation, it disclosed the fact that no inoication of insanity at the present time could be found in the speech, conduct or physical condition of the defendant.

"The direct oral and physical examination of the defendant by the commissioners themselves disclosed no insanity in the defendant at the present time. Upon all of the facts it is our opinion that at the time of our examination the said Harry K. Thaw was and is sane and was not and is not in a state of idiocy, imbecility, lunacy or insanity so as to be incapable of rightly understanding his own condition, the nature of the charges against him and of conducting his defense in a rational manner.

"The minutes of the proceedings had before us and the documents received in evidence are herewith submitted.

"Dated at New York, N. Y., this fourth day of April, 1907.

"DAVID M'CLURE,
(Signed) "PETER B. OLNEY,
"LEOPOLD PUTZEL."

DR. PUTZEL INSISTED ON HIS POINT.

After court adjourned an Evening World reporter learned that Dr. Putzel, the medical member of the Commission, did not affix his signature to the report until he had a long conference with Justice Fitzgerald and his two colleagues following the forenoon session. Dr. Putzel finally abandoned his intention of presenting a minority report, but he absolutely declined to sign with the other two until one change had been made in the wording of the report which McClure and Olney favored.

As originally drawn by Mr. McClure, the report contained this sentence: "An examination of the letters referred to (letters of suggestion which Thaw sent to his counsel during the trial) show that generally the suggestions contained in them were rational, sensible, and apparently the product of a sane mind."

Dr. Putzel objected to the use of the word "rational," and he steadfastly declined to sign the report until he was permitted with his own hands to strike out the word "rational" and substitute therefore the word "material," so that, as completed, the paragraph reads: "Material, sensible and apparently the product of a sane mind."

JEROME STATES HIS POSITION.

After returning to his office, District-Attorney Jerome dictated to his stenographer the following statement:

"I do not care to discuss the case, because, in my opinion, it would be unseemly to do so. I could not tell until I have examined the authorities and the facts whether I ought to take any further action or not in the way of an affidavit to the Appellate Division. When I have gone over the facts in my possession and examined the law on the subject, should I be of the opinion that the learned presiding justice has committed legal error, I will seek to review his adjudication if the authorities permit.

"Should I, on the other hand, reach the conclusion that he has not committed error, I will, of course, take no further action.

"The decision of the Court is a most important one, not alone in its bearing on the Thaw case but especially as forming a precedent for the conduct of such inquiries, and while I greatly deplore the delay, it is of the highest public importance that the procedure in cases of this kind should be clearly settled."

Coughs—"Brown's Bronchial Troches" cure coughs and sore throat. Believe bronchitis and asthma. Contain nothing injurious. 25c., 50c. and $1 a box.

Headaches and Neuralgia from Colds. LAXATIVE BROMO QUININE the world wide Cold and grip remedy, removes cause. Call for full name. Look for signature E. W. Grove 25c.

WAR ON HARRIMAN RESUMED BY THE COMMERCE BOARD

Magnate Defended in Alton Deal as Sudden Action Is Taken.

WASHINGTON, April 4.—That the engines of the Government will now move relentlessly in the effort to crush E. H. Harriman as an outcome of the strenuous happenings of the last few days, was made apparent to-day when the famous case in which he figured was taken up by the Interstate Commerce Commission.

The proceeding was began in New York several weeks ago, and it was supposed it would sleep for some time to come. There was some surprise when it was brusquely resumed to-day because Harriman's lawyers had been sparring for time.

The proceedings involve the question whether the Union Pacific and Southern Pacific Railroads are competing lines. In his testimony before the Commission in New York E. H. Harriman insisted that the two lines were not competitors.

In the arguments to-day Mr. Harriman's side of the case was presented by John G. Milburn and R. S. Lovett, so far as the Southern Pacific is concerned, and by Paul D. Cravath, who, it was expected, would explain the deal respecting the Chicago and Alton Railroad, which was brought out at the New York hearing.

The Interstate Commerce Commission was represented by its special attorneys, Frank B. Kellogg and C. A. Severance.

Mr. Cravath contended that inasfar as the capitalization of the Chicago and Alton affected the public, it had resulted in a saving of $165,000 per annum as compared with the expenditures account of interest and dividends made prior to the change.

He argued that all the criticism of the readjustment of the Chicago and Alton's finances had been due to the unusual method pursued, and said that if the ordinary methods had been followed no attention would have been attracted to the transaction.

30-YEAR SENTENCE FOR SCHIFF VALET

Admitted He Wanted to Kill Banker, and Had a Bad Record.

Folke Engle Brandt, who stole scarf-pins in the house of Mortimer Schiff, No. 932 Fifth avenue, on March 8, and assaulted Mr. Schiff with a bowling-pin, was sentenced to thirty years in Sing Sing by Judge Rosalsky this afternoon on a combined charge of grand larceny and assault. The heavy sentence imposed upon the prisoner was due to his confession in court last week that he tried to kill Schiff and to his bad criminal record—although he is but twenty-one years old.

Brandt, under the name of Lawrence De Foulke, secured employment with Mr. Schiff as a valet and was discharged for writing objectionable notes to Mrs. Schiff. He got into the house through a coal hole in the evening of March 8, secreted himself in the library, lay in wait for Mr. Schiff and assaulted him. Mr. Schiff, by a diplomatic move, got him to the banking house of Kuhn, Loeb & Co. a few days later, had him looked over by a couple of alienists who pronounced him sane and then caused his arrest.

When arraigned for trial the prisoner entered a plea of guilty and said he entered the house with the purpose of killing Mr. Schiff, but abandoned his design when the object of his vengeance spoke kindly to him. Judge Rosalsky postponed sentence until Detective-Sergents Woolridge and Taylor could complete an investigation into his record. He had been employed by many families and had stolen from all.

SHONTS ACCEPTS TRACTION PLANS OF THE PUBLIC

(Continued from First Page.)

is informed, are impracticable on curves such as Times Square, but it is not an express stop. Surface conditions he will attempt to improve with wider platforms, doors for the exclusive use of passengers getting on and others for passengers getting off.

Two radical innovations, European modelled, he announces: "We will try the plan of pay-as-you-get-on on some part of the system to see how it will work, and we will try the car-full-no-more-passengers plan as well.

Of the latter plan Mr. Shonts has his doubts, owing to the hasty temperament of the New Yorker who would not, he says, co-operate by waiting patiently his turn to enter a car where only sitters were allowed. Possibly the heavy European population of New York may help that situation. He recites how on European surface lines numbered tickets are issued on the barber-shop plan, and persons are admitted by consecutive numbers called out by the conductors.

Saying the present lines are worked to the danger line, he writes:

"Conditions such as exist in New York have no parallel on the globe. The Subway was constructed as a relief for the elevated and surface lines, but the patronage that came to it is already far beyond expectations, while the other branches of the system are carrying more people than ever before. The efforts we make to accommodate our patrons by trains running to and from local and express trains in the Subway add to the delay and discomfort of passengers. Take the Fourteenth street station, for example. It was estimated when the plans were first drawn up that the platform space allotted at the stations would be ample for all time, which demonstrates how impossible it was to foresee that New York's intramural traffic would be so tremendously augmented.

"The subway would and could make 'Railroad in Fifteen Minutes' were it hauling only the number of people it was built to accommodate. As a matter of fact it is hauling twice as many as it was intended to carry (and running to its full capacity). Hence when a delay is occasioned at any one of the express stations by the crowds who are trying to get on while other crowds are endeavoring to get off, the delay is communicated to all the trains coming behind on two minutes headway, and there is little chance of making up lost time. For the rules are that our speed must be regular and within the margin of safety."

PLANS TO BE TRIED BY MR. SHONTS TO RELIEVE TRANSIT SITUATION.

A seat for every passenger.
An effort to enforce a car-full-no-more-passengers rule.
A trial of the pay-as-you-get-on plan.
Two more tracks on the Second Avenue Elevated road.
The addition of side entrances to the Subway cars.
Wider car platforms.
Doors for the exclusive use of boarding passengers, and others for those alighting.
Such restrictions of street traffic where congestion is greatest as will allow the surface lines a reasonable, although not exclusive, use of the tracks.

SENATOR REVEALS PLOT TO BEAT ROOSEVELT

(Continued from First Page.)

evidently anxious that it should be just right.

"I particularly want it understood," said Mr. Harriman, "that there was no barter regarding the appointment of Senator Depew as Ambassador to France, excepting so far as it would tend to harmonize the Black and Depew forces in this State. You know the up-State Republicans were backing Black, and Depew had the local interest with him, and there was a contest on.

"The matter of money has been brought out so prominently in what has been published about this affair, that I want it particularly understood what the exact facts were.

"The money part was suggested by the President so that the National Committee could discharge its obligations to the State Committee."

Mr. Harriman concluded by telling the newspaper men that they had a great responsibility.

"You newspaper men ought to get together," said Mr. Harriman, "and purify things, instead of always looking for the sensational. It's like taking an emetic to read from morning newspapers nowadays. But don't make me out an enemy of all newspapers.

"This craze for sensationalism should not continue. You will overdo your market like some of these people down in Wall street do."

Roosevelt Now an Open Candidate for Third Term

(Special Despatch to The Evening World)

WASHINGTON, April 4.—That President Roosevelt is laying his plans for a renomination for a third term in the White House is the inference of the smartest politicians in the country from his utterances and actions since the Harriman controversy began. He makes no secret of the fact that he believes there is a political war on and that the fight is directed against him. Those who know him best believe he has convinced himself that he is the only man who can save the party.

His declaration on the night of the election of 1904, that he would under no circumstances ever be a candidate for the nomination for the Presidency again was made under conditions that do not exist to-day. He has been assured by men in whom he has the utmost confidence that the people want him. In case he should find it necessary to make an announcement of his intention to try for the Presidency again he could point to the fact that corporate influences are antagonistic to him.

The President firmly believes that there has been a combination formed between the Rockefeller-Harriman interests for the purpose of dominating both the Republican and Democratic National conventions next year for the purpose of keeping down any candidate either party who might pledge himself to carry out the Roosevelt programme. President Roosevelt has declared to his intimates that he will not stand for the nomination by the Republicans of a "reactionary" candidate. He is about the only Republican in the leadership councils of his party who cannot be set down as more or less "reactionary."

Within the past few months many newspapers in various parts of the country have conducted voting contests upon the future of President Roosevelt. A surprisingly large number of preferences have been expressed for him as the next Republican candidate. Every instance of this kind is recorded ann studied at the White House.

The President has been informed that a combination of Wall street corporation influences has employed agents and is already at work in Pennsylvania and Ohio with the object of defeating any candidate for the Republican nomination he may favor. He keeps posted on everything that hapens in a political way and feels that he is in for a fight. Within a few weeks he will find a way to line up his forces and feel out his supporters. He will not hesitate to use his power as President to force the weak-kneed into line.

While the country is stirred with the dispute between the President and Mr. Harriman there comes the announcement that Harriman's Western coal and railroad corporations have been whipped into an offer to surrender millions of dollars' worth of rich coal lands in Wyoming, Colorado and Utah which were grabbed by various tricks and held for exploitation.

The Government has been conducting a searching inquiry into the alleged land steals, and has collected an immense batch of evidence. Two of the corporations involved are the Union Pacific Railroad and its child, the Union Pacific Coal Company. While these corporations have, according to Commissioner Prouty, agreed to relinquish their flimsy claims on vast tracts of valuable land, the Government will at once bring suit to recover still more wide acres which the companies think they can hold.

Harriman, according to the White House, is in the present movement as he was in the one of 1904. At that time, the President says, Harriman claimed he could deliver half a dozen Western States, but failed, and at last went to the convention as a delegate for Roosevelt.

Think Roosevelt Will Run in Spite of Former Pledge

On the night of Election Day, 1904, when Theodore Roosevelt was convinced that he had been elected President by an overwhelming majority he declared in the White House that he would never again be a candidate for the office. The announcement was unsolicited.

Since that time he has not discussed the subject. To all who have written urging him to accept a renomination Mr. Loeb, his secretary, has sent a stereotyped reply, stating that the President has nothing to add to his statement on the night of his election in 1904.

Since the election—especially in recent months—there has developed a disposition all over the United States to discount the President's declaration. It does not appear to be regarded by the public as a solemn pledge.

"Straws" for Roosevelt.

Here are a few typical instances:

Representative Grenna, of North Dakota, in a speech in the House on Feb. 27 last declared that his State was for Roosevelt in 1908 and would send a Roosevelt delegation to the convention. Nearly all the Republicans present applauded the statement.

A poll of the Republican members of the Iowa Legislature taken last month showed 78 for Roosevelt to 17 for all other candidates.

A poll of the Republican members of the Massachusetts Legislature taken last month showed 125 for Roosevelt to 56 for all other candidates—and Massachusetts has a favorite son, Crane.

A poll of the Michigan Legislature, taken two weeks ago, showed 75 for Roosevelt to 31 for all other candidates.

Representative Martin, of South Dakota, after a long talk with the President at the White House on March 8 last, declared himself in favor of the renomination of President Roosevelt.

Senator Chauncey Depew in an interview at the same time declared that the President will be renominated by acclamation, whether he wants it or not.

Think Roosevelt Will Run.

Representative Champ Clark, of Missouri, a Democrat and a shrewd observer, says that the President may accept a third term.

Former Secretary of the Navy John D. Long says that the President has not served two terms, as he has been elected only once, and this is the slogan of all the Roosevelt renomination enthusiasts.

Senator Allison, of Iowa, says that President Roosevelt will be forced to run again; that his renomination is imperative.

The Roosevelt Third Term National League is circulating a monthly magazine in the interest of President Roosevelt's renomination.

Senator Tillman believes that President Roosevelt wants a third term, and will take the renomination.

Congressman Burton, of Ohio, a Taft follower, says that President Roosevelt ought to take a renomination.

FORMAL APPEAL TO-DAY BY MRS. VON CLAUSSEN

Sends To-Day New Account of Trouble with Minister to Sweden.

President Roosevelt was to-day appealed to directly by Mrs. Ida Von Claussen, who quarrelled with Charles H. Graves, United States Minister to Sweden, because of Mr. Graves's refusal to present her at the court of Stockholm. From her apartments at the Prince George Hotel here Mrs. Von Claussen sent a long communication to Secretary of State Root, with the request that he make her representations to the President on pain that the Government will have no one to blame if she makes disclosures. The communication is the result of the publication of her letters to Mr. Graves.

Mrs. Von Claussen, who is the daughter of a wealthy New York merchant and part owner of the Hotel Lorraine, recites in her letter her "reasons through distinguished foreign relatives" to a presentation to King Oscar. Her grandmother, she says, was the Countess Zoelling, which fact alone would entitle her to presentation, she contends.

After expostulating with the President and State Department for not punishing what she characterizes as an insult by Minister and Mrs. Graves, she writes:

"In this letter, I am asking the United States Government what right any person had to stand in my way and bar me out of social rights, thus breaking the Constitution of the United States and doing many more unjust and uncalled for things that I will withhold, either for the President's personal information, or as legal documents.

"Will Sweep the Country."

"Serious charges I hold over Mr. Graves's head that can be substantiated by his own signature, for he was not clever enough to make his statements blend; charges that will sweep over this country and raise the indignation of every true American man and woman.

"This letter is to conciliate, like Richelieu, and if I fail to receive in two weeks an abject apology for the United States representatives, Mr. and Mrs. Graves, and my redress, namely, my presentation at the court of Sweden assured by the United States Government in the person of President Roosevelt, the Government will have nobody else to blame for the ultimate issue.

If I, an American subject, allowed myself to be punished and deprived of honors at the Court of Sweden to save respect for my country, not to protect Mr. and Mrs. Graves, but the government they represented, I feel that that same government owes my diplomacy a tribute.

Ball for Her Benefit.

"I left Sweden when I was enjoying myself most. Public sympathy was so strong in my favor that for some unaccountable reason the King's ball, that I could not attend unless presented, did not take place, but another of equal importance, that nobility attended, was being arranged for my benefit. At this ball I was to meet the crowned heads, with no thanks to Mr. Graves or his wife."

She said that she left Sweden when she was enjoying herself most because she feared the matter of the alleged "snub" was being brought to the attention of King Oscar, and as he was feeble the trouble might injure his health. She concluded by saying she would withhold many charges for the President's private ear, providing he gave audience.

CHILD'S LEG MANGLED BY FAST-GOING CAR.

Mary Lynch, seven years old, of No. 533 West One Hundred and Thirty-third street, ran across the street from in front of No. 1348 Amsterdam avenue this afternoon just as a car dashed down the incline, caught her and mangled her right leg. Miss Edith Grifenhagen, daughter of Alderman Grifenhagen, of No. 522 West One Hundred and Forty-ninth street, and Mrs. H. S. Taylor, of No. 409 West One Hundred and Sixty-fourth street, were among the first passengers to jump off the car. They carried the little sufferer into a nearby restaurant and bandaged up her wounds with strips of linen torn from their clothes.

Dr. Huyck took the child to the J. Hood Wright Hospital. Policeman Rott arrested the motorman, W. Hannan, of No. 211 East Ninety-sixth street.

Hannon said the child paid no attention to his bell, and that he could not stop on the hill.

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"I AM THE MAN WANTED FOR MRS. GENTRY'S DEATH"

Brooklyn Captive Confesses He Is Chicago Fugitive,

The man arrested in Brooklyn yesterday on suspicion of being Frank Constantine, who murdered Mrs. A. W. Gentry in Chicago in January, 1906, confessed to-day that he is the man wanted. He added that he did not kill the woman, but that he was in the house when she cut her throat, and he fled because he knew he would be suspected of murder.

Constantine's confession followed his positive identification in Police Headquarters in Brooklyn by Jacob Stein, a clerk of No. 1536 Broadway. Constantine was at one time a member of the Y. M. C. A in this city and Stein was his intimate friend.

The suspect was lined up with a lot of detectives and reporters in the Detective Bureau and Stein was suddenly ushered into the room. He walked unhesitatingly to Constantine, touched him on the shoulder and said "This is the man."

Constantine stepped out of the line, lit a cigar and puffed vigorously. He was hurried to Capt. McCauley's office and under a series of rapid questions broke down and made his confession.

Lived with the Gentrys.

"It was through an accidental meeting with Gentry in Chicago that I became acquainted with his wife," said Constantine. "He took me to his home, in La Salle avenue, himself, and I lived there several months.

"On the morning of the day she died I was just starting from the house when I met her in the lower hall. She was fully dressed to go out, even to her hat. I said, 'Good morning.' She looked at me, stepped into an adjoining room and cut her throat as she entered the door.

"I stepped toward her as I saw the knife, but wasn't quick enough. A stream of blood squirted from the wound in her neck as she fell and struck my light overcoat and my hat. I was so frightened I ran out the back way and through the alley. I knew with that blood on my coat that they would put it up to me if they could, because there was no reason that anybody knew for her killing herself.

"I pawned my watch and diamond ring for $100 and, gave my coat and hat to a little boy I met on the street. I hung around Chicago for a couple of weeks under cover and then came to New York. The chase after me got pretty hot and I sailed for Italy in March.

Came Here in November.

"I heard they were looking for me there and went to South America. Then I came back to New York, reaching here last November. I have been here ever since."

Frank Constantine, said the prisoner, is not his right name. When he was arranging to sail for Italy last week he stole the birth certificate of another young Italian and assumed his name in order to protect himself abroad. He expressed a willingness to go to Chicago as soon as detectives from that city come after him.

There was a reward of $1,500 offered for the arrest of Constantine. This will be claimed by Detective-Sergeant Vachris and two other Brooklyn sleuths who nailed Constantine yesterday as he was boarding a ship bound for Italy.

NEW CONNECTICUT CAPTAIN.

WASHINGTON, April 4.—Capt. Hugo Osterhaus, now a member of the Naval Inspection Board, has been selected to command the battle-ship Connecticut, in place of Capt. Swift. He will take command at once, in order to be ready for her participation in the ceremonies at the opening of the Jamestown Exposition.

We sing the praises of Lambert Shoes—and reasonably too. We make 'em. Every pair is from our own factory at Rockland, Mass., and every pair has behind it our unrestricted guarantee of quality. Stylish high and low Shoes—all shapes, all leathers—*Six Dollar* values at $3.95.

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Girls' Spring Coats $3.98
Taffeta Shirt Waist Suits, $7.98
China Silk Waists $1.98
Men's Suits in Cassimere and Thibets, finest make $10.50
Spring Overcoats, finest coverts, $8.50

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