DEPOSITS FOLLOWED LOANS TO CUMMINS

Coincidence Shown at Hyde Trial, Despite Objections by His Attorneys.

EIGHT BANKERS TESTIFY

Savoy Trust Official Confronted with His Testimony Before Grand Jury—Six Name Ex-Chamberlain.

Over the strenuous objections of ex-City Chamberlain Hyde's counsel the prosecution introduced into the Hyde trial yesterday the testimony of eight bankers concerning the coincidence of loans by their institutions to William J. Cummins and his crowd, in control of the Carnegie Trust Company, and the receipt by the lending banks of city deposits. All of these witnesses appeared reluctant to testify, and one, who eventually proved the strongest from the point of view of the prosecution, ate his words on the stand when confronted with the testimony he had given in the spring of 1911 to the grand jury.

Richard W. Jones, jr., former vice-president of the National Reserve, led the procession. Next came William E. Holloway, formerly president of the Hungarian-American Bank, followed by R. Ross Appleton, former president of the Fourteenth Street Bank; by William A. Barber, chairman of the executive committee of the Guardian Trust Company; by Willis G. Nash, president of the Mercantile National Bank; Arthur Baur, secretary and treasurer of the Savoy Trust Company; Joseph J. Bach, vice-president of the Public Bank, and John Alvin Young, former president of the Windsor Trust Company.

With no exceptions these eight men said that on or about the day they lent money to Cummins or to the Cummins crowd or to the companies in which they were interested they received fresh city deposits. With only two exceptions they admitted that Cummins, in making application for the loans, brought up the subject of city deposits.

Baur, the Savoy Trust man, was the one who contradicted himself. It was a tense moment in the courtroom. John Kirkland Clark, the Assistant District Attorney, had elicited from him that the Savoy Trust had made on September 9, 1910, two loans, one to Joseph B. Reichmann, then president of the Carnegie Trust Company, for $30,000, and the other to Charles Arthur Moore, jr., another member of the Cummins group, for $20,000. Both these notes were indorsed by Cummins, Reichmann, Moore and Martin J. Condon, president of the American Snuff Company.

Savoy Got $50,000 City Deposit.

He had also learned that the day before—September 8—the Savoy Trust Company had received a $50,000 deposit of city money; but when he asked the witness if Cummins, in applying for the loans, had mentioned the subject of city funds, Baur said "No." The witness had held two conversations with Cummins within a few days before the loans were made, and on neither occasion had Cummins mentioned the subject of city money, he said.

"See if this will refresh your recollection on this point," remarked Mr. Clark, as he handed a transcript of grand jury minutes to Baur.

Baur read it, and as he handed it back observed:

"There was nothing said about our getting city deposits in return for loans."

"That's not what I asked you, Mr. Baur," said the Assistant District Attorney. "I asked you if Cummins said anything about city funds."

"He only asked me what amount of city money we had at that time on deposit in the Savoy Trust Company."

Then Clark, when Justice Goff had overruled the emphatic objection of Max D. Steuer, Hyde's lawyer, took a hand at reading the grand jury minutes himself. He continued:

"Did you not testify before the grand jury: 'I told him we had $75,000 of city money and he told me he was very well acquainted with the City Chamberlain's department and he thought that he could increase the amount?'"

"I did," said the witness.

"Was that true?"

"It was."

Details of Savoy Loans.

Then Steuer took him in hand. He got him to tell the jury very smoothly and glibly the discussion about the security for the loans before the executive committee of the trust company, how L. N. Hammerling, a member of the committee, who was also a director in the Carnegie Trust Company, had assured them of the soundness of the collateral and the high standing of the borrowers.

At a meeting of the board of directors of the Savoy Trust Company, Hammerling made the same representations, said Baur. The witness did not mention any discussion at either of these meetings of the bearing which city deposits had on the loans. So Mr. Clark undertook a little redirect examination.

"Have you told us all that was talked about at the meeting of the executive committee, Mr. Baur?" asked he.

"I believe so."

"Was anything said about a deposit?"

"Yes, but that was after the loan had been agreed upon."

"At that meeting of the executive committee was not that loan approved on condition that a deposit be made to the Savoy Trust Company?"

"Yes; a deposit of $50,000."

"Was one made?"

"Yes."

"By whom?"

"By the city."

"Was any other deposit made except by the city?"

"No."

"Didn't Cummins say the city deposit was the one which was to offset the loans?"

"Yes."

The eight banks represented on the stand lent to Cummins, the Cummins group and the Cummins companies a total of $850,440 between May 27 and November 14, 1910, and in this same period received city deposits aggregating $1,100,000. Of these loans only $50,000 was paid back before the Carnegie Trust and the vast fabric of promotions dependent upon it collapsed.

Argument on Admission of Evidence.

The argument on the admission of all this evidence constituted the feature of the morning session. Ex-Vice-President Jones of the National Reserve Bank had taken the stand, and in answer to Mr. Clark's questions had testified that he had had a conversation with Cummins in May, 1910, with regard to loans, when the storm broke.

Both Steuer and John B. Stanchfield, the defendant's lawyers, got to their feet with objections that such testimony was irrelevant, immaterial and hearsay and not binding upon the defendant.

"Your honor," began Mr. Clark, "I desire to prove there was a regular system in vogue by which this defendant, as in the case of Robin and the Northern Bank, had persuaded banks to lend money to Cummins; that the Northern Bank transaction was only one of a series of acts performed with a single idea in view—the placing of the funds of the city at the disposal of the Cummins gang. We purpose to show these transactions took place in April, May, June, August, September and October of the same year, 1910, in which the act specified in the indictment took place."

The argument on this point for the defence was left to Mr. Stanchfield, as in the case of all questions of law which have arisen in the trial so far. Mr. Stanchfield said to the court:

"I object to the testimony on the ground that the conversation between the witness and Cummins was not had in the presence of the defendant, and is therefore hearsay and incompetent. In this case, moreover, the defendant is in no way a party to the collateral transaction. There is confessedly no proof that the defendant, Hyde, knew that Cummins was applying to the National Reserve Bank for a loan."

"If you mean by 'confessedly' that the prosecution admits it has no proof," interrupted Mr. Clark, "that is not so."

"It must be admitted by the prosecution," said Mr. Stanchfield.

Then Mr. Clark took up the argument again, saying:

"But if exactly what Cummins said would be done with regard to city deposits was done, that surely is sufficient circumstantial evidence of the defendant's part in the transaction. We are forced in a case of bribery to go the extreme limit in furnishing circumstantial evidence. We are confident we can satisfy any jury before we get through that collusion existed between the defendant and Cummins."

Circumstantial Evidence Ruled In.

"Objection overruled," almost whispered the court.

Mr. Jones went on to say that his bank had lent Cummins, Reichmann, Moore and Condon $20,000 each and $30,000 to all four together, making $100,000 in all. This was on June 1, and on the same day his bank received a city deposit of $130,000. But when it came to what Cummins had said to him about city deposits when he applied for the loans, Mr. Jones was another one whose testimony on the stand yesterday differed somewhat from that he gave the grand jury eighteen months ago.

"Cummins discussed with me," said the banker, "sending business to us from out of town banks with which he was connected, and he also stated that he could use some influence in getting us city money."

"How much city money did he think he could get for you?"

"The best of my recollection is that the amount indicated was $300,000—he thought he could influence a deposit up to $600,000."

Clark showed him his grand jury testimony, but the witness said he thought it was incorrect on this point. Clark asked him if he had not testified then that Cummins had said he would get him city money in return for the loans. He could get no admission from him, however. Jones stuck to yesterday's version, although he admitted his recollection of the conversation was not better now than it had been eighteen months ago. On the cross-examination he said he had never spoken to Hyde in his life, and that he had passed the loans on their security, although influenced somewhat by the hope of getting some business, the city's included.

Jones had introduced Cummins to Holloway, who was the next witness. The Hungarian-American Bank, of which Holloway was president, lent the Cummins group $100,000 on May 27, and the same day received a city deposit of $125,000. Mr. Barber, of the Guardian Trust Company, said his company had lent $75,000 to the Tennessee Packing and Stock Yards Company, a Cummins concern, on October 3, and on October 4 had received $100,000 from the city.

He couldn't remember that Cummins had said a word to him about city deposits.

Willis G. Nash said the Mercantile National Bank lent the Tennessee Packing and Stockyards Company $75,000 on May 17, $25,000 on May 18 and $50,000 on May 21, and that it lent the Platt Iron Works, another Cummins company, $150,000 on May 18, the total being $300,000. On May 17 his bank received $100,000 from the city, on May 18 $150,000 and on May 27 $250,000, a total of $500,000.

The Public Bank lent $37,000 to Moore and $26,190 to Reichmann on October 27, $27,000 to Cummins on October 29 and $30,250 to Condon on November 2. All these loans were secured by stock of the Carnegie Trust Company. It received from the city on November 10 a deposit of $85,000. It was brought out that this is the bank whose president, Joseph Marcus, borrowed $312,000 from the Carnegie Trust Company, and whose notes were divided by that trust company with the Northern Bank in the transaction leading to Reichmann's conviction and sentence.

John Alvin Young testified that the Windsor Trust Company had lent the Platt Iron Works on September 14 two sums of $87,500 each—one on a sixty-day note and the other on a ninety-day note, renewing the sixty-day obligation on November 14 as a demand loan. On November 14 the Windsor Trust Company received a deposit of $50,000 from the city.

Steuer was able to show that a number of these institutions had been receiving city deposits before the subject of loans to Cummins was broached. He had Young identify a letter he had written to the City Chamberlain in December, 1909, soliciting city deposits, which was followed shortly by the deposit of $100,000 by the Chamberlain.

It was while arguing against an objection of Steuer's to one of the questions he had asked Young that Clark used the word "accomplice" in referring to Cummins. Steuer asked the court to instruct the jury that the use of this word was improper, but Justice Goff said:

"I will neither instruct the jury to disregard this utterance nor the District Attorney to restrict his vocabulary. The evidence speaks for itself. The jury will have an opportunity later to decide for itself the propriety of this word."

But the defence scored a point in the morning, when Mr. Clark asked Frank L. Grant, former president of the Northern Bank, what Robin had told the executive committee of that bank about his conversation with Hyde regarding the transaction which forms the basis of the indictment—the alleged promise of Hyde that if the Northern Bank lent the Carnegie Trust Company $130,000 he would increase the former's city deposits, and his alleged threat that if the Northern Bank refused he would check out all its city money.

"There is no testimony here," said Justice Goff in sustaining the objection of the defence, "that this defendant authorized Robin to make any such statement."

"77"
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MODIFIES AMBULANCE LIFT

Drummond Won't Interfere with Autos on Queensboro Bridge.

Commissioner Drummond of the Department of Charities informed Alderman Boschen, chairman of the committee on bridges and tunnels, yesterday, that he had decided to modify his plans for an elevator from the Queensboro Bridge to Blackwell's Island. Because of the protest on the part of automobile owners to the suggestion that a vehicle elevator be placed in the middle of the roadway, Commissioner Drummond has decided that he can get along with a large passenger elevator placed outside of the present bridge structure.

The first plan was to have ambulances go directly from the roadway to the hospitals on the island. Under the modified plan patients will have to be transferred in stretchers from the ambulances on the roadway of the bridge into the elevator and then placed in another ambulance on the island.

To-day and to-morrow a test is to be conducted by the Bridge Commissioner to see whether the elevator in the centre of the roadway will actually be a serious impediment to traffic over the bridge.

GARBAGE THROWERS FINED

Eighteen East Side Residents Pay $2 Each and Get a Lecture.

For several weeks the Street Cleaning Department has experienced considerable difficulty in keeping clean the streets of the lower East Side. In order to enforce the law more than four hundred arrests have been made. Eighteen men and women were arraigned yesterday before Magistrate Appleton in the Essex Market Court, who, after giving the prisoners a lecture, fined them $2 each.

H. C. Lighton, a foreman in the department, told the magistrate that in five months out of the four hundred arrests for throwing garbage and ashes in the street there had been fines amounting to $700.

SEEKS STATE R. R. CONTROL

Ex-Official Complains of Boston & Maine-New Haven Conditions.

Boston, Nov. 23.—State control of the Boston & Maine Railroad was the object of a petition filed to-day with the clerk of the House of Representatives by attorneys for Edmund D. Codman, formerly president of the Fitchburg Railroad, which is controlled by the Boston & Maine.

The petition charges that "the continuance of the Boston Railroad Holding Company, through which the New York, New Haven & Hartford company controls the Boston & Maine Railroad, is detrimental to the interests of the commonwealth of Massachusetts."

TRIANGLE CLUB TO TOUR

Princeton Dramatic Organization Will Travel in Style.

Princeton, N. J., Nov. 23.—The Princeton Triangle Club, the undergraduate dramatic organization of Princeton University, has completed plans for a 3,000 mile trip at Christmas vacation time that promises to be the biggest undertaking of its kind in the history of Princeton. The students will have a special train, including a baggage car, dining car and Pullman sleepers, which will take them to the principal cities of the East and Middle West.

The schedule follows: December 16, faculty performance at Princeton; December 18, Brooklyn; December 19, Philadelphia; December 20, Baltimore; December 21, New York; December 23, Cleveland; December 24, Cincinnati; December 25, St. Louis; December 26, Columbus; December 27, Pittsburgh.

"Once in a Hundred Years," is the title of the play, a musical comedy in two acts, which has been selected for presentation. It was written by John A. Larkin, '13, and Charles D. Orth, '13, the latter being the editor of the Princeton comic sheet, the "Tiger."

The costumes and scenery were designed by the undergraduates and the music and lyrics are by them.

LABOR DELEGATES CHASE HAYWOOD AFTER FIGHT

I. W. W. Leader Hits Socialist Organizer at Federation Convention; Caught and Beaten.

GOMPERS IS RE-ELECTED

Receives 11,974 Votes for President to 5,074 for Max Hayes—Plan for Referendum Elections Turned Down.

[By Telegraph to The Tribune.]

Rochester, Nov. 23.—A fistic encounter between William D. Haywood, leader of the Industrial Workers of the World, and J. Mahlon Barnes, national campaign manager for the Socialist party in the recent election, created a stir at the last session of the convention of the American Federation of Labor to-night.

Haywood appeared in the lobby of the convention hall at 8:45 o'clock. Barnes met him there. An old dispute over the merits of the American Federation of Labor and the Industrial Workers of the World was revived. Haywood taunted Barnes with the defeat of radical measures in the American Federation of Labor convention and Barnes invited Haywood to the floor of the convention with the remark that he would "get his." Haywood replied by calling Barnes an improper name and striking him in the face.

The door leading to the lobby was open and President Gompers, from the chair, saw the encounter.

"A delegate to this convention has been insulted by 'Big Bill' Haywood," shouted Gompers. "Delegates will keep their seats and the sergeant-at-arms will remove the intruder."

Instantly there was a rush for the lobby. Haywood turned and ran across Washington Park, in front of the hall. In front of a laundry the pursuing delegates caught up with him, and James P. Holland, of Brooklyn, leaped upon Haywood and struck several blows before the Industrial Workers of the World leader could get away.

Haywood finally broke loose and took refuge in a laundry, where women employes barricaded the doors. The police arrived in time to prevent the delegates from beating down the doors. Haywood was taken to police headquarters, but when Barnes refused to press charges he was released.

Gompers Re-elected President.

Samuel Gompers was re-elected president of the American Federation of Labor this afternoon over Max Hayes, of the International Typographical Union. The vote was: Gompers, 11,974; Hayes, 5,074. It was the first time in ten years that there had been opposition to Mr. Gompers, who has been re-elected annually since 1895. All other officers were re-elected.

The convention turned down the United Mine Workers' resolution calling for future elections by a referendum vote of the federation's two million members. One hundred and ninety-three delegates voted to continue the policy in force, while fifty-seven were for the resolution.

Seattle was chosen as the 1913 meeting place. Richmond and Indianapolis also wanted the convention.

In the election the only contest other than that for the presidency was over the third vice-presidency. James O'Connell, the incumbent, a member of the machinists' union, defeated William H. Johnston, president of the International Brotherhood of Machinists, by 10,859 to 6,175.

Carnegie Pensions Opposed.

A resolution opposing the pensioning of ex-Presidents of the United States, ex-college presidents and ex-professors of political economy by private citizens was unanimously adopted. Resolutions were passed favoring woman suffrage and freedom of the press.

President Gompers, in accepting re-election, said:

If the American Federation of Labor makes any changes fundamentally in conflict with the life-long principles for which I have fought, I shall go along as a union man, but you will have to choose another president.

John Mitchell, after his re-election, said that if the contempt case against President Gompers, Secretary Morrison and himself had been settled he would not have accepted the position, and that if it is settled before next year he will retire from active leadership. He did not give a reason for his resolution.

LOS ANGELES SCARED

Three More Dynamite Finds Make Citizens Nervous.

[By Telegraph to The Tribune.]

Los Angeles, Nov. 23.—As the police have found three dynamite caches in and near the city since the scare at the police station, the citizens are in a panicky mood, and the least noise as of an explosion makes everybody jump.

Chief of Police Sebastian received a telephone message just before noon that an infernal machine, with a clockwork contrivance set to explode at 4:10 o'clock, had been found in the office of Judge J. W. McKinley, chief counsel of the Pacific Electric Company. Policemen hurried to Judge McKinley's office and began an investigation. A few moments later they left without giving the result of their investigation.

Officers left this morning with Carl Riedelbach, alias Carl Warr, for Declos, a small station near Bloomington, to locate the dynamite cache of which the prisoner had told the police. All were heavily armed and extra guns were placed in the automobile for any emergency.

Central Station officers had another bit of excitement late this afternoon, when some person, too wrought up to give his name, telephoned headquarters that he had found forty-two sticks of high explosive by accidentally stepping on them while walking near Elysian Park. The dynamite was in a small hole on the outskirts of the park. It had been covered by an inch of loose earth, and had not been buried more than thirty-six hours.

ETTOR ASKS FOR "SIMPLE JUSTICE"

Continued from first page.

righteous cause, and ended in a plea for "simple justice."

As Ettor sat down in the prisoner's cage, scores of women were weeping. Even men were in tears, among them leaders associated with the defendants in the Lawrence strike.

Then Giovannitti rose. His face seemed swollen with emotion, and his eyes were welling with tears. He said he was about to make the first public speech he ever had uttered in "your beautiful language." Leaning toward the District Attorney, Giovannitti said, in a trembling voice:

So solemn is this moment, so full with clashing emotions am I now, that I do not know whether I ever will conclude what I have to say.

Then he straightened up in the cage and for twenty minutes spoke as one in the crisis of passion. He did not discuss the evidence, but what he called "the preposterousness of the idea" that such as he and his comrades could have been guilty of a murderous thought. Whirling around with a violent gesture he exclaimed:

"If there is a man in the courtroom who has murder in his heart he is not in this cage!"

Giovannitti went on to tell of his life, his ambition and his seizure on the cause of Socialism as the solution of human ills, and ended with a tearful plea. Life was sweet, he said. A wife loved him, a mother loved him, and he had ideals that he loved. He felt the passion of living, and did not want to die a martyr, but to live for the betterment of men. If he could live he would go on as he had been doing. If he had to die he took solace in the thought that he would go to a higher judgment seat.

Judge's Charge Goes Over.

There was a hush over the courtroom as Giovannitti sat down. Not a man or woman moved for several tense moments. Then Judge Quinn, apologizing to the jurors, announced that he would be compelled to hold them further, as he would not deliver his charge in the case until Monday morning. The prisoners were taken back to the jail through streets lined with their friends and followers, who cheered them loudly as they passed.

While Ettor was addressing the jury he analyzed the testimony at length and gave in detail his social ideas. Then he went on:

My social views cannot be tried in this courtroom, with all respect to you. That trial was tried thousands of years ago, when men were told the only way to end revolutionary ideas was through the cross, then the guillotine, the gallows and the rope. I want to know if the District Attorney believes that the cross, the guillotine or the hangman's noose ever settled an idea. It never did. The social cry of yesterday becomes the religion of to-day. The social criminals of one age become the saints of the next.

But if you believe that we should die, we will carry the flag of labor to the grave. If you believe, as the District Attorney argued, that I killed Anna Lopizzo, or that I wanted anybody to kill Anna Lopizzo, or that I lifted a finger against her, I will stand up with head erect. I shall offer no excuse and accept your verdict. But do not come back here and say that we must be shut up. If I am guilty I want to pay the full penalty. My comrade, Giovannitti, has just whispered to me to say it for him, too. We'll accept your verdict.

I believe in the death chair. I will go there. So will Giovannitti. We will go with heads erect, singing the song of labor, with a smile on our lips, and we will drop the flag of labor.

I make no threats. But on the morning we drop the flag, hundreds of thousands of wage workers will pick up the flag and carry it along until the flag of the workers is unfurled over the workshops and workers will enjoy the profits of their toil. If I go to the death chair, it will be with the happy thought that on the eve of it I was defending my ideas. If I go to my death, millions of men and women will know that my social ideals had the determining effect upon your verdict.

I neither offer apology nor ask a favor. I ask for justice. Are you twelve men going to offer up blood now in order to assuage the wounds of the mill owners of Lawrence?

Well and good. I have no fear of the result. I ask simple justice. Giovanniti asks that. Caruso asks only that.

Giovannitti Pleads for Caruso.

When Giovannitti made a plea for socialism and, like Ettor, asked for the full verdict if thought guilty, he also pleaded for Caruso, and urged the jury to do nothing with him—to blame Ettor and himself. He continued:

It is sweet to live. I do not want to die, to go away as a martyr. Though life is dear to me, there is something holier and grander. That is my conscience and loyalty to my comrades and my cause.

If you say that we shall live, I want to say that in the next strike that breaks out in the country where we are needed there will "Joe" Ettor and myself go. We will go our humble way, soldiers in the mighty army of workers of the world.

If it be that our hearts must be stilled in the same electric chair as wife murderers and homicides—if our hearts be that black you think—then to-morrow we will pass into a greater judgment; into the presence of the Almighty, and history will give its last word to us. Whatever you decide, I leave it to your judgment.

Caruso, through an interpreter, announced that he had nothing to say.

In closing his argument the District Attorney, Mr. Attwill, described the Industrial Workers of the World as a "revolutionary militant organization," and argued that it was preposterous for Ettor, leader of such an organization, to claim that in the Lawrence conflict he was an apostle of peace.

He referred to William D. Haywood as "that adroit master, who slipped out of Lawrence January 28 and was not present when the rioting occurred."

Assails Ettor's Teachings.

The revolutionary character of the Industrial Workers was assailed by Mr. Attwill as foreign to American principles. He said:

They say they are going to carry a revolution on, independently of political action. How can any revolution that is not a political revolution be a peaceful revolution?

When this man Ettor comes here and teaches the foreigners who arrive on our shores that the constitution of this commonwealth is a capitalists' constitution, he is teaching sedition and treason.

We have problems in this commonwealth, but we can settle them without the aid of the Haywoods, of Colorado; the Ettors, of California, and the Giovannittis of Italy. Such outbreaks as they conducted at Lawrence must be checked in this country or we will have no commonwealth. It is a question of the sovereignty of the state or the sovereignty of the mob.

The District Attorney pleaded that for Caruso, ignorant of American conditions and traditions, there might be some excuse, but that in this case "the malignant brutal source which inspired such men to crime, must be considered." He added:

The source of inspiration to the crime of Caruso was the defendant Ettor and the defendant Giovannitti. These are bright, intelligent, keen, capable men—men who are not fools, who, I claim, appreciated the inflammable nature of those with whom they were dealing in Lawrence, the people to whom their own attorney referred in his argument as of "such inflammable nature as to go off at the slightest incitement."

They say they are being tried here because they did not restrain these men from violence. That is not why they are here. They are here because they added to that violence by their incitement.

The District Attorney reviewed the alleged violent utterances of the defendants, the attempt to force a settlement with the mill owners, the organization of the "peaceful parade" and "demonstration in the dark" on the morning of January 29, the streetcar riots which preceded it, and the subsequent riot which ended in the killing of Anna Lopizzo. All of this, he said, was planned by Ettor, "the little general, to make Lawrence 'an unhappy city' and show the mill owners that no one could go to work in the mills."

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All linen, Madeira, hand-embroidered; each,	.25, .50, .75, 1.00, 1.50
All linen, embroidered corner; each,	.25, .50, .75, 1.00 to 12.00

Handkerchiefs for Men

Pure Irish linen, plain hemstitched; per ½ dozen,	.75, 1.50, 2.00 to 6.00
Pure Irish linen, with initial; per ½ dozen,	1.50, 2.25, 3.00
With corded borders and crossbar effects; each,	.25, .50, .75 to 2.25
With colored borders; each,	.25, .50, .75, 1.00

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