SUPREME COURT DECISIONS.

Nebraska's Highest Tribunal Passes Upon Nine Appeals.

OPINIONS OF THE JUSTICES

Notes of Importance Gathered at the State Building-Fine Vocal and Instrumental Concert-Local Briefs.

LINCOLN BUREAU OF THE OMAHA BEE, 1020 P STREET, LANCOLN, April 25.

The supreme court, in session yesterday rendered the following decisions: Atchison & Nebraska Railroad Company vs

Plant. Error from Richardson county.

Affirmed. Opinion by Maxwell, J.

In an appeal from an award of damages for reoperty taken for right-of-way purposes, if the appellant fail to obtain a more favorable independent than was given by the commissioners who made the award from which the appeal is taken, such appellant will be liable for all costs occasioned by the appeal.

Alderman vs State. Error from Brown county. Affirmed. Opinion by Reese, Ch. J.

1. In a prosecution upon an information

county. Aftirmed, Opinion by Reese, Ch. J.
In a prosecution upon an information
charging a felony, the district court, after information filed, will not, upon a motion to
quash, inquire into the form and validity of
the complaint upon which the preliminary
examination before a magistrate was had,
the crime alleged being the same.

2. Where an indictment is returned by a

2. Where an indictment is returned by a grand jury which, upon motion to quash, is found to be defective, it is not error for the district court to permit the county attorney to withdraw the indictment and file an information charging the same offense as that contained in the indictment.

3. Section 48 of the criminal code describes and defines the crime of burglary. Where a preliminary examination was had upon a complaint charging the crime of burglary with the intent to steal, and the information filed by the county attorney in the district court charges the same offense, but with the intent to commit a rape, it was held that the same to commit a rape, it was held that the same crime, to-wit, burglary, was described both in the complaint and in the information.

4. Where an information was filed in the district court, the caption of which was "The state of Nebraska," and the prosecution therounder was conducted in the name of "The state of Nebraska," this was held to be

"The state of Nebraska," this was held to be a sufficient compliance with the provisions of section 24 of article 6 of the constitution, which requires that all process shall run in the name of the state of Nebraska, and the prosecution shall be conducted in the name of the state of Nebraska.

McBride vs Lathrope. Error from Holt county. Affirmed. Opinion by Reese, Ch. J.

1. All presumptions are in favor of the regularity of the proceedings of the district court and its judgments will not be reversed unless error affirmatively appears of record.

2. A recovered a judgment against fibefore a justice of the peace of K county. A transcript of that judgment was taken and filed in the office of the clerk of the district court of H county. The judgment debtor paid to in the office of the clerk of the district court of H county. The judgment debtor paid to the clerk of the district court of H county the amount due upon the judgment, as shown by the transcript filed in said court, the payment being made under protest. In an action brought by him against the clerk to an action brought by him against the clerk to fecover the money, it was held that the suit could not be maintained upon the sole ground that the apparent judgment in the district court of H. county was void by reason of the transcript not having been issued by the clerk of the district court of K. county—from a transcript there filed instead of by the justice of the peace in that county by whom the judgment was rendered. the judgment was rendered.

B. & M. R. Co. v. Spere. Error from Saunders county. Reversed with directions to

ders county. Reversed with directions to divide costs. Opinion by Maxwell, J. Under section 97, chapter 16, of the Compiled Statutes as amended in 1883, where on an appeal from an award of damages for property taken for right of way of a railway, and the verdict is less than the amount of the award, neither the railway company nor the land owner will be liable for all the costs of the amount; but ordinarily such costs. of the appeal; but ordinarily such costs should be divided between the parties. State ex rel Romig vs Wilson. Error from Antelope county. Reversed. Opinion by Reese, Ch. J.

The judges and clerks of election in the village of N. duly certified the returns of the election held on the 5th day of April, 1897, to the board of trustees of said village. The returns so certified were duly delivered to the village board without change or mutilation. Upon a canvass of the returns the trustees, as a board of canvassers, received evidence and changed the returns by striking therefrom two votes said to have been illegally cast, thus changing the result of the election. Upon a proceeding for a writ of mandamus to compel the canvassing board to reassemble and canvass the vote according to the actual return, it was held. That they had no authority to change the returns of the election board, and that mandamus would

ie to compel them to canvass the returns as received. Ex parte Donohoe, Habeas corpus. Writ denied. Opinion by Cobb, J.

1. A proceeding under the bastardy act in

conformity with the statute, where the puta-tive father is imprisoned for non-compliance with the order of the court, will not be reviewed on application for a writ of habcas corpus.

2. The statute providing assessment and imprisonment of the father is constitutional, without remedy for the discharge of the without remedy for the compliance

father other than security for the compliance with the order of the court.

State for Use of Cuming county vs Moran.

Error from Cuming county. Remanded with Instructions to enter judgment on verdict. Opinion by Cobb, J.

1. In an action on a recognizance taken by a justice of the peace on a complaint and proceedings under chapter 37 of the com-piled statutes. Held, That the recognizance was valid against a security, although it was not entered of record on the appearance decket of the district court, under section

383 of the criminal code.
2. The omission of docket entries of established facts from papers properly before the court may be corrected by nunc pro tune orders of the court. State ex rel Anderson vs Board County Com-

missioners Cheyenne county. Mandamus. Demurrer overruled. Opinion by Reese, Ch. J. 1. Under the provisions of section 40, ar-

ticle 1 of chapter 1s, compiled statutes of 1887, it is the duty of the county board to make an order providing for the submission of the question of the erection of a new county to a vote of the people of the county to be affected at the next succeeding general tion, when a petition therefor stating describing the territory proposed to be taken for such new county, together with its name, and signed by a majority of the legal voters residing in the territory to be con-structed from such county, shall be pre-

2. When it it is sought to strike from a county more than one new county, and peti-tions for the submission of the proposition to erect such new counties are severally presented, they may be seperately submitted at the same election, without reference to the number of propositions to be voted upon

Carper vs Woodford. Error from Cass county. Reversed. Opinion by Maxwell J. 1. Where the return to a summons against husband and wife shows that the husband was served personally, but falls to show that the wife was summered, it will not support a judgment by default against the wife.

2. A labor judgment was rendered against husband and wife and an execution issued thereon placed in the hands of a constable, and the constable, accompanied by the plaintiff's guardian and attorney, went to the residence of the judgment debtors and, after various propositions, accepted a note from said debtors due in nine months and secured by a second chattle mertipage on a cabinet by a second chattle mortgage on a cabinet organ. The constable was thereupon directed by the plaintiff's attorney to return the execution without a levy, no fraud being shown. Held, that while a jury might be justified in fading that the note and mortgage were taken in satisfaction of the judgment; that at least they extended the credit nine months, and that a levy made six weeks after taking

said note and mortgage was unauthorized. STATE ROUSE NOTES.

from the returns of the several county clorks. The blame for errors in the names rest with this office, the county clerks and the assessors, as the names have been so carelessly written by many of those officers that they cannot be correctly read. The omissions are to be charged to the assessors, whose duty it was to make the enumeration. Any person noting errors or omissions will confer a favor by sending correct informa-tion to this office for use in the next issue of the roster in 1899, should such be made. G. L. Laws, Secretary of State. At the rooms of the board of transportation

At the rooms of the board of transportation the assistant to the general manager of the Union Pacific has filed a statement in regard to the complaint of E. L. King, of Polk county. The complaint was against a bridge and crossing on the Union Pacific right of way and the statement says the faulty place will be repaired and respected.

The adjutant general has received an invoice of new muskets for the Second regiment of state militia and he will proceed the coming week to distribute them among the different companies in the regiment. This

different companies in the regiment. This equips both regiments with new arms of war-

I Last evening Mr. H. J. W. Seamark, as sisted by Madame Weber as soprano, Madame E. Lewis Baker as contraito, and Mr. G. W. Peters as basso, with Prof. Weber, Prof. Menzendorf and Miss Cochran, gave a delightful concert at Funke's opera house that was attended by an appreciative and de-lighted audience. The programme was an excellent one, including both vocal and instrumental selections, and the singing of Mrs. Weber and Mrs. Baker was received with the usual continuisatic applause that greets those ladies at all their public entertainments as vocalists.

Judge Mason has prepared and forwarded the communication to the Nebraska delega-tion is congress urging the passage of the Nelson bill, as he was instructed by the

board of transportation.

Another trespass case has been brought against the Missouri Pacific railroad in this county, which asks that the road be re-strained from running trains across the com-plainant's land, and that it be declared unlawful for it to exercise the right of eminent lomain in the state.

Henry Peters, the man brought from the

village of Princeton for attempting to kill his wife, has been bound over to keep the

his wife, has been bound over to keep the peace.

Sir Thomas Henry Grattan Esmonde, the Irish member of parliament who, with Arthur O'Connor, has been on a visit to America the past six months, is in Lincoln for a few days, the guest of Hon, John Fitzgerald, Rev. J. L. Maile, of Omaha, lectured in the First Congregational church Tuesday evening on "Life in Rebel Prisons." He was greeted with a large and appreciative audience.

The Prohibition Young Men's marching club The Prohibition Young Men's marching club is drilling preparatory for campaign work this fall. They have headquarters in Bohannon hall, and are preparing for an aggressive campaign.

Chairman Billingsly, of the republican county committee, has called the county convention to meet on Thursday, May 3, the primaries to be held on Wednesday, the 2d. There will be some two hundred and fifty delegates in the convention.

The Odd Fellows of the city had what they

The Odd Fellows of the city had what they termed a "Goat" social at their hall last evening that was largely attended and very interesting. The Daughters of Rebecca held a session of their lodge and the uniform Canton gave an exhibition drill. Mr. and Mrs. G. B. Chapman entertained the social of the Christian church at their home on T street Tuesday evening. Nearly two hundred were in attendance.

She scolds and frets, She's full of pets,
She's rarely kind and tender;
The thorn of life
Is a fretful wife— I wonder what will mend her

Try Dr. Price's Favorite Prescription. Ten to one, your wife is cross and fretful because she is sick and suffering, and cannot control her nervousness when things go wrong. Make a healthy woman of her and the chances are you will make a cheerful and pleasant one. "Favorite Prescription" is the only remedy for woman's peculiar ailments, sold by druggists, under a positive guarantee from the manufacturers, that it will give satisfaction in every case, or money will be refunded. See guarantee on bottle wrapper. Large bottles, \$1. Six for \$5.

QUEER POLICE WORK. John Hansen is Thrown Into Jail for

Being Robbed. John Hansen, a carpenter who resides near the shot tower, was held up Tuesday night opposite the brick yards on South Thirteenth street and robbed of his watch, overcoat, \$16 in money and a kit of tools. He was waylaid and assaulted by three men, who wore handkerchiefs with eye holes cut in them over their faces, and not content with robbing him, one of the miscreants struck him a cruel blow in the face. The first warning he had of his dan-

ger, was a man before him with a leveled revoiver. He was commanded to hold up his hands, and instantly obeyed, as two other figures had now joined the first. The latter figures had now joined the first. The latter two busied themselves rifling his pockets, the first never once uncovering him with the gun until he had been relieved of everything of value he had. Completing their work, the tallest of the three rufflans struck him in the face with his fist, with the remark: "The next time you are out this late at night have more money with you."

Commanding Hansen to remain where he stood until they were out of sight, they separated and disappeared. Hansen then set

out to look for a policeman, but was com-pelled to return clear to the depot before he found one. He told his story, and the thick-headed patrolman, instead of taking a step toward arresting the footpads, told Hansen that he was drunk, and he rang up the patrol wagon and hurried him off to the station. He was released yesterday without a trial, and left the court room to consult a lawyer with reference to bringing a suit for damages for false arrest. If he can substantiate his story he is entitled to fullest reparation at the city's hands.

The Raising of Two-Lips is a branch of floriculture in which maidens and youths sometimes indulge. But when the ruddy petals opening dis-close specks and discoloration, and emit an unpleasant odor, the use of SOZO-DON'T for the breath remedies both defects.

An Opportunity to Die. New York, April 25 .- A motion to quash the indictment in the case of Thomas B. Kerr, indicted with Sharp, Foshay and Richmond for bribery in connection with the Broadway surface railway has been denied and the trial is to be preceded with at once.

Sufferers from Coughs, Sore Throa etc., should try "Brown's Bronchi Troches," a simple but sure remedy. Sola only in boxes. Price 25 cents.

The Green Eved Monster. ROCHESTER, N. Y., April 25, -William Bullook, an employe of the West Shore railroad at Newark, this state, shot his wife dead this morning and then fatally wounded himself. Jealousy was the cause.

"The best on earth" can truly be said of Grigg's Glycerine Salve—a speedy cure for cuts, bruises, scalds, burns, sores, piles, tetter and all skin erup-tions. Try this wonder healer. 25 cents. Guaranteed. C. F. Goodman Drug Co.

The Panama Canal. PARIS, April 25 .- The report of the comnittee of the chamber of deputies which considered the proposed Panama lottery

loan, recommends that permission be given to the company to issue the man, and ex-

The secretary of state is sending out copies of the rester of old soldiers in Nebraska as provided by the law requiring their enumeration. There will be 3,000 copies distributed, hargely among the grand army posts in the state. The list is in many ways incomplete and of an unsatisfactory character. The scoretary therefore sends the following notice explanatory with the books:

The list of soldiers, saflers and marines, with post-file address, is very incomplete, but has been made as correct as possible.

"Nasal Votees, Catarra and Falso Teeth."

A prominent English woman says the American women all have high, shrill hasal voices and false teeth. Americans don't like the constant twitting they get about this nasal twang, and yet it is a fact caused by our dry stimulating atmosphere, and the universal presence of catarrhal difficul-

But why should so many of our women have false teeth? That is more of a poser to the English. It is quite impossible to account for it except on the theory of deranged

stomach action caused by imprudence in cating and by want of regular exer-Both conditions are unnatural.

Catarrhal troubles everywhere prevail and end in cough and consumption, which are promoted by mal-nutrition induced by deranged stomach action. The condition is a modern one, one un known to our ancestors who prevented the catarch, cold cough and consumption by abundant and regular use of what is now known as Warner's Log Cabin Cough and Consumption Remedy and Log Cabin Sarsaparilla, two old fashioned standard remedies handed down from our ancestors, and now ex-clusively put forth under the strongest guarantees of purity and efficacy by the world-famed makers of Warner's cure. These two remedies plentifully used as the spring and summer seasons advance give a positive assurance of freedom, both from catarrh, and these dreadful, and if neglected, inevitable consequences, pneumonia, lung troubles and consumption, which so generally and fatally prevail among our

people. Comrade Eli Fisher, of Salem, Henry Co., Iowa, served four years in the late war and contracted a disease called consumption by the doctors. He had frequent hemorrhages. After using War-ner's Log Cabin Cough and Consumption remedy, he says, under date of Jan. 19th, 1888: "I do not bleed at the lungs any more, my cough does not bother me and I do not have any more smothering spells." Warner's Log Cabin Rose Cream cured his wife of ctarrh and she

is "sound and well." Of course we do not like to have our women called nose talkers and false teeth owners, but these conditions can

WHEELER'S MANY CRIMES.

They Confront Him on Every Hand and Cause Him to Flee.

be readily overcome in the manner in-

Since the sheriff has taken charge of the rooms of the New York Storage company the past crimes of Mr. Wheeler, a member of the firm, are coming to light very rapidly, and

firm, are coming to light very rapidly, and some that have just been revealed will make Lincoln a better city for him to live in than Omaha if he can be found.

When Wheeler came here, about the 1st of January, he met C. E. Slisbee, who was then engaged in Forguson's store on Sixteenth street, and asked him to enter his employ and he would open up the business which they have been engaged in since that time. Silsbee did not know Wheeler, but hired with him on a salary. After they had opened up the store C. E. Holton, of Chicago, sent them a consignment of furniture that was consigned to Slisbee personally. As the was consigned to Silsbee personally. As the goods were sold remittances were to be made to Holton. About the 1st of February Mr. goods were sold remittances were to be made to Hoiton. About the ist of February Mr. Silsbee enclosed a check for \$200 in a personal letter to Holton. The letter was never heard from. About a month later another check for \$300 was mailed. This letter went by the same way and was never heard from. Mr. Silsbee, after the sending of each check, expressed surprise at not hearing from Holton, and finally Wheeler said: "Holton is all right; I have him fixed." About three weeks later Mr. Silsbee mailed Mr. Holton a New York draft for \$35. This draft was not heard from for about three weeks, when Mr. Wheeler handed it to Mr. Silsbee and stated that he had taken it from the letter, and that he had also taken the two checks mailed to Mr. Holton, and that they had never gone to Chicago. Mr. Silsbee stated that these letters were in each case taken from the mail box in the office before they went to the postoffice. He says that Mr. Wheeler issued a number of checks to St. Louis parties on Omaha banks that were sent back without Omaha banks that were sent back without being honored. And that there was so much crookedness in Wheeler's work that if he is found he will surely be sent to the peniten-tiary. Mr. Silsbee, although only a sterk in the store, has lost about \$2,000 by his acquain



Its superior excellence proven in millions of homes for more than a quarter of a century. It is used by the United States Government. En dorsed by the leads of the great universities as the strongest, purest and most healthful. Dr. Price's Cream Baking Powder does not contain ammonla line or alum. Sold only in cats. ammonia, lime or alum. Sold only in cans.
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NEW TOWN. Terminus of Missouri Pacific Railway Co. in Adams Co., Neb. Depot, Round-House, Turn Table and Tank completed. Through trains from Kansas City commenced April 21st. Fifteen miles from Hastings. No town within nine miles in any direction. Is situated in the center of Nebraska's finest agricultural section, and contiguous to the famous Platte Valley Hay Lands. First sale of lots at

PUBLIC AUCTION MAY 1, 1888.

TERMS:

One-third cash; balance in 6 and 12 months at 10 per cent interest.

Train leaves Hastings, Neb., at 12 m on that day. Free transportation, Hastings to Prosser and return, on appli-cation to J. C. McNAUGHTON, Trustee for Company



The OTHER TRADES NOT LIKELY to JOIN

The Wonderful "Scoop" Made By An Interviewer- Mrs. I. N. Deuel, the Lady Interviewed, Tells a Straightforward Story.

"Is the bricklayers strike ended yet?" was asked of a striking bricklayer recently. "No, and I don't know set it will end soon, but it ought to as it is going to retard a great many improvements this summer if it does not end soon, and that is not all." answered the striker. "I am atraid it will spread to some of the other trades." Some of the prominent contractors and builders being interviewed regarding the above statement said they knew nothing about the strike spreading, but rather thought it would soon be satisfactorily adjusted, as it should be, for the building should not be retarded now.

Among the contractors and builders interviewed by the writer was Mr. I. N. benel, who resides at No. 2005 Patrick avenue, and is at present engaged in building himself a beautiful home in Kountze's addition. The writer approached him on the subject, and was informed that as far as he knew the strike was confined to the bricklayers and brick mendlers, and in his opinion it would not extend any further than that, "but," continued Mr. Deuel, "if you are anxious for an interview on an interesting matter go see Mrs. Deuel, she can tell you something and will tell you what is true, for I am interested in that subject, and an about as happy as a man can be that she has recovered."

"Then she has been sick, and she owes her wonderful recovery to the skill and wide experience of one of Omalia's greatest physicians, but come, we will go to the house and see her, she can tell you all a bout it."

The writer found Mrs. Deuel a very pleasant lady, and willing to tell her story, which was as follows:



"Yes, I was a very sick woman a year ago this last winter. I contracted a severe cold, I had pain and discomfort in my chest, and a sense of rawness or soreness in the upper part of my chest, which was painful on coughing, my cough was dry and hacking, especially on lying down and on waking. I felt feverish toward night, but always felt easier in the forencon, my breathing was labored, and I continually felt the want of air. My wheezing was distinctly audible to others, and the members of my family often referred to it. My cough became very severe, and my friends, and even myself, thought that I was going into consumption. I coughed, coughed, and my lungs were so sore that it racked me terribly, after a spell i would raise tehnacious material, often mixed with blood. I lost fiesh and strength. I had a very tender spot in the left side of my chest which caused me considerable anxiety and led me to believe I was soon to be one of the great throng that had gone before. I tried a variety of medicines, but they did not seem to reach the spot. At last my husband suggested that we go and see Dr. McCoy. We did so. He pronounced my case curable, and I commenced treatment, that was about three months ago. I improved rapidly and felt as well as ever after two month's treatment, but decided to continue another month as a matter of precaution. My lungs feel sound and strong. I do not cough, and feel that the doctor has really saved my life, and I cannot speak too highly of his skill and painstakting, not to mention the moderate fees its charged me."

Mrs. Deuel, as above mentioned, resides at present at No. 265 Patrick avenue. North Omaha, where she will willingly substantiate the above statement to any one doubting it, by calling upon or addres sing her there.

POINTED QUESTIONS.

May Prove Serious to You.

Do you have frequent fits of mental depresDo you experience

Do you experience ringing or buzzing nolses ion?
Do you rears?
Do you feel as though you must suffocate when lying down?
Are you troubled with a hacking cough and general debility?
Are your eyes generally weak and watery, and frequently inflamed?
Does your voice have a husk, thick sound, and a masal sort of twang?
Is your breath frequently offensive from some unaccountable cause?
Have you a dull oppressive headache generally located over the eyes?
Do you have to hawk and cough frequently in the effort to clear your throat?
Are you losing your sense of smell, and is your sense of taste becoming dulled.
everyone affected will have a few ormany of them. The greater or more serious your symptoms, the more dangerous your condition. This class of diseases is treated very successfully by Dr. McCoy or his associates. The many cases reported through the columns of the daily paper-prove this, and each statement published is substantially the same as given by the patient cured. Dr. McCoy and his associates, use no secret nostrums, but cure diseases by their skillful combination of the best known remedies, applied in the most approved manner, and by using the latest and most highly recommended appliances known to the profession. They thus produce results that speak for themselves in the many patients cured, and we assure our readers that these omlinent physicians have achieved a success in curing disease which tew or no other doctors can dualifate. you experience ringing or buzzing noises

A LEADING PHYSIOLOGIST

Advances His Theory of Catarrh and Consumption-His Advice on the

Snbjeer. One of the best learned physicians of modern times, in an article on catarrh and consumption says: "The treatment of consumption has made great advances by the introduction of new remedies, and has enabled the close student and specialist to establish indications for remediesiong in use, so that by their methodical application better results are attained than were formerly gained at a time when consumption and cancer were regarded as equally incurable, and were somewhat similarly treator.

"The treatment of consumption demands a careful avoidance to all agents calculated to cause hyperemia of the lungs and bronchial catarrh. Persons in whom a tendency to consumption is suspected should be treated with the greatest care and attention.

C"Finally, whenever there is the slightest suspicion of a predisposition to consumption, every catarrh, no matter how slight, should be treated with the utmost care, which must not be relaxed until the catarrh is entirely well. This rule, so obvious from our point of view, is very frequently violated.

"Many patients fall a victim to the deeply rooted prejudice that a neglected catarrh never leads to consumption. One of the best learned physicians of modern

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Who is WEAK, NERVOUS, DEBILITATED, who in his FOLLY and IGNORANUE has TRIFLED away his VIGOR of BODY, MIND and MANHOCO, causing exhausting drains upon the FOUNTAINS of LIFE, MEADACHE, RACHACHE, Dreadni Dreams, WEANNESS of Memory, BASH-FULNESS in SOCIETY, FINTLES upon the FACE, and all the EFFECTS leading to EARLY DECAY and perhaps CONSUMP.
THON OF INSARITY, thould consult at once the CELEBRATED Dr. Clarke, Established 1851. Dr. Clarke has made NERVOUS DEBILITY, CHRONIC and all Diseases of the GENITO URINARY Organs a Life Hudy. It makes NO difference WHAT you have taken or WHO has failed to cure you.

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23 Those contemplating Marriage send for Dr. Clarke's celebrated guide male and Female, each Boc, both 26. (stamps). Refore confuing your case, consult Dr. CLARKE, A friendly letter or call may may future suffering and shame, and add golden years to life. ST Book "Life's (Secret). Errors," 30c. (stamps). Medicine and writing sent everywhere, secure from exposure. Hours, 8 to 5; Sundays, 9 to 12. Address, F. D. CLARKE, M. D. 186 So. Clark St., CHICAGO, ILL.

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More especially those arising from imprudence, invite all so suffering to correspond with our delay. Diseases of infection and contagion cured safely and speedily without use of dangerous drugs. Patients whose cases have been neglected, badly treated or pronounced incurable, should not fail to write us concerning their symptoms. All letters receive immediate attention

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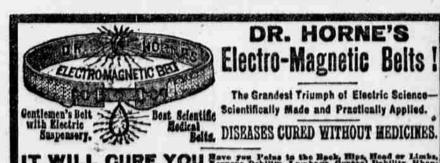
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