

CURIOUS ACTIONS AT LAW

Measures of Value Set Out in the Pleadings in Damage Suits.

LEGAL FLIGHT OF FERVID FANCY

Quint Collection of Canes, Hanging from a Good Tooth to an American Queen, Which Courts Must Tackle.

If every allegation made in a pleading filed in court could be substantiated by the testimony of the defendant, the world would be bankrupt of good choices in action and reputation in fifteen minutes. If everything in court which deviates from the hopes of the parties litigant could be assembled as assets the litigants of the future would have to be classified in court and ordered to pay the Chicago Chronicle, and the speculators here indulged in will always remain more speculations. The margins put upon them will never be increased by subsequent calls.

In court proceedings the verdict of the jury prior to its delivery—is that indefinite something known in algebra as "X," the unknown quantity. If not "X" then it is "Y," the fellow of the other letter of the alphabet which indicates to the student something he knows nothing of. The student should seek to find or fail in his examinations. Verdicts in most cases are rarely founded on fact nor law. How they are reached by twelve men of average intelligence is something the wisest jurist in the world would shrink from telling. A man who has served on a jury can tell a connected story of how he himself and not the other eleven concluded to enter the verdict the court rolls show was entered.

There is every reason to believe that the person who penned the immortal line, "Truth is stranger than fiction," is still looking for a party litigant in a court of record with a perfectly just claim. He learned the verity of his dictum when the verdict was read and the jury polled. Then he saw that no mere story writer would ever be able to spring his imagination to the flights to which swine gorges are wont to ascend.

Therefore he wore himself and discarded feelingly and with pathetic concern truth and her marvelous garments. During a long trial a little bunch of evidence about the size of a spring potato lodged in the mental theatre of the jurist. In each case this testimonial matter is different, so that when the discussion commences each is digesting something the others never heard of. No wonder, then, that the combined result is startling.

But in the matter of pleadings extravagant value as articles or measures of damages to person or goods are marked features. "Gilt-a-plenty while you're a-gittin'" is the motto of the author who essays to clip a coupon from the wares of an antagonist. One excellent case in point was recently commenced in St. Louis. Teething in a Missouri city are as rare as the rare and consequently of excessive value. Judged from the market prices in other cities. This applies to natural ivories and not to store teeth. But hearken to the yarn:

Tooth-Puller in Court.

Miss Hulda Newell, spinster, of St. Louis, in the county of St. Louis and state of Missouri, was possessed of one only eyetooth of great beauty of form and dazzling white. But, alas and alack! It became the resort of certain infidelities and ached mightily. Therewith Miss Hulda visited the office of Dr. John A. Shober, who asserts his capacity to remove aches and restore teeth, etc. The lady put herself and her denting in the hands of the dentist. Subsequently the maiden be sought the aid of the circuit court in that, as she alleges, the dentist ruined the tooth so that it is of no use to her.

She also alleges that in filling the said tooth he removed the void without taking away the accompanying nerve. She is desirous to show to the court that the treatment has been of such a nature as to mar her beauty as well as cause her great mental and physical anguish. She believes in suing and asking for enough while about it, so she had it damaged and she has a camera which she will use to photograph the damage done to their respective principals. The judge sat on the bench biting his finger nails and grinning grimly the while. He had tried many a case, but this one broke the record. The court broke the record by agreeing with her decision. He spoke as follows:

"This is a most remarkable case. Here is a wife who despairs of a life of harmony with her husband. She has brought a suit for a divorce a vinculo matrimonii, in support of this she has alleged all of the various grounds for divorce provided by a beneficent and considerate legislature, to say nothing of those which have come down to us through the canons and customs of the common law. If she had established in evidence one of these charges it would be my duty to grant her prayer. She has proved every one of the list, and therefore would be entitled to one divorce a year for the next fifteen years. This serves to complicate the record and aids the court little.

To proceed, the defendant in the original petition, the husband, instead of filing a mere denial of the allegations, has seen fit to file a cross bill, wherein he demands a divorce of the same absolute kind. He has re-enforced his plea by charges just as extensive and various as those of the wife. In support of these contentions he has adduced testimony which the court is constrained to believe. Every allegation he has made seems to be established. He, too, would be entitled to one decree of divorce a year for a few years to come. But he has caused me to do this for her. The result was that when Joseph drew night smiling and confident, asking for his pay, he was met with frowns, objections and a flat refusal. Thereupon he hid him to Plaintiff and brought suit for \$100. He delivered to the court a photograph of a certain number of days in the chill winds and had received no pay. Then Mr. Swackhammer became interested. He produced a photograph of Joseph taken as he reclined negligently in the armchair.

Joseph was acher and astounded. He knew his own likeness and he was unable to refute the accuracy of the camera, neither could he deny with success that he had slothfully performed his duties. The jury, being of the farming element—both sides desired this—concluded that corn shucking with an armchair as an accompaniment was no good, so the twelve good men and true laughed at Joseph and gave him the sack, even the gunny sack for the catching of jack snipe by the flit light of the lantern. Joseph went to the mill and was thrown down again with a mighty fall. A. Phelps Osborn, farmer, was in a walk.

Somebody asserted once upon a time that a spade is a spade and not a shovel or hammer or crosscut saw. Relying upon this slogan, which is frequently met in the law reports, a brilliant attorney called the court's attention to a startling variation between an indictment and the proof. The indictment set forth that the defendant in a rude and angry manner and of his malice aforethought, with intent to do great bodily harm, did smite the said blank in and upon the body, to wit, the side of the head, with one certain deadly weapon, to wit, a spade, then and there being held in the hands of him, said, etc. When the prosecuting attorney adduced his evidence it was learned that the implement used was not a spade at all, but a shovel.

The defending counsel saw liberty before him. He rose and filed a demurrer to

the evidence on the ground that his client was charged with smiting the other fellow with a spade, whereas the testimony disclosed that he had no spade at all, but a rickety, flat-bladed and harmless shovel. But the judge took a different view and of course he had his hand and won.

"Oh, that's all right," urged the judge, "it's all the same, spade or shovel, it makes no difference."

"But, your honor, there's as much difference between spades and shovels as spades and hammers," said the lawyer. "Oh, no; there is not. Now, in drawing to a spade flush if you catch a club you get bobtailed. But in leading at a bank it makes no difference if you lead a spade or shovel, you got into the bank. Not so in law. You cut into the bank, but the bank would cut into you. Now in the case at bar I can't see what difference it makes if the defendant drew to spades or shovels, he took the pot with a spade on the trump, or the pot with a rickety shovel. A spade may be a spade—in fact, it always is. But for all present purposes a shovel can become a spade. The demurrer is overruled. Call the next witness."

In Missouri a case was being heard wherein damages were asked, growing out of a railroad accident. A farmer's wagon was smashed by a train and the horses killed. There was a dispute concerning the method of the accident—if an accident can be called an accident—and the living witnesses swore with fluency and diversity on all the salient points. But it so happened that near the train was a youth with a camera. He had the snapshot fever very badly, and seeing an accident was bound to happen he found a camera and snapped the picture and his picture and settled the matter. The company did not make any effort to refute the salient evidence of the negative. In rendering his decision the judge remarked: "To me it is a very comforting thought and pleasing reflection that amid all the vicissitudes and pressing exigencies of railroad damage suits they have never yet attempted to impeach old Sol. Perhaps they were deterred by his shining reputation. At any rate, from his serene seat in the heavens, he looks down upon the pigmy population of earth with the same burning eye wherewith earth while he gazed down upon Ananias that he went in before the apostles and 'lief to the holy ghost.'"

Justice in Indiana.

Over in Indiana they do some queer things in courts of law. Justice of the peace can summon a juror for one month, he still has allowance, to hear and determine matters between warring neighbors. A case was brought before a rural squire wherein a father sued a son for a small amount. A jury was sworn to try the issue and listened with exemplary patience to the conflict of evidence and then retired to deliberate. Four hours of wrangling followed and the good people opened and bought pools on the result. When the verdict was published the bets were declared off, for nobody had guessed within two dozen points of the facts.

"We, the jury, agree to find judgment for neither the plaintiff nor defendant and find that each pay half the costs," was that that excited decided would be a fair thing, they found it and cleared away and reason had returned as the noxious came from their trance it was held by all and sundry as a piece of wisdom beside which that of the fabled Solomon is puerile.

The next case is also of Indiana, but herein no law is violated. In Hoosierdom, as elsewhere, juries do not come into decrees. This was an action for a divorce a vinculo matrimonii, as the youthful attorney put it, brought by the wife against the husband. Not to be behindhand in gallantry, the husband, through a grizzled veteran of the bar, promptly came back with a cross bill. The two of them alleged all and sundry the dry the numerous grounds in the statutes and common law which, if established, would call for a divorce. In Indiana the lawmakers decided many moons ago that if two could be married they should be able to get divorced. It is a shame to be ashamed to compel them to keep their hands off their busy and piled up the reasons for separation. No divorce but an absolute one goes over there.

The Court's Decision.

The case was heard. Witness for both sides swore with fluency. It was given and taken from the first round. No parry or duck was made by either side, the attorneys struggled rather to land a knockout blow than to do the damage done to their respective principals. The judge sat on the bench biting his finger nails and grinning grimly the while. He had tried many a case, but this one broke the record. The court broke the record by agreeing with her decision. He spoke as follows:

"This is a most remarkable case. Here is a wife who despairs of a life of harmony with her husband. She has brought a suit for a divorce a vinculo matrimonii, in support of this she has alleged all of the various grounds for divorce provided by a beneficent and considerate legislature, to say nothing of those which have come down to us through the canons and customs of the common law. If she had established in evidence one of these charges it would be my duty to grant her prayer. She has proved every one of the list, and therefore would be entitled to one divorce a year for the next fifteen years. This serves to complicate the record and aids the court little.

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cently. He was called on to pass upon the affairs of a corporation which did not survive its birth lurch. A receiver was named to wind up its earthly career. The court heard the evidence and patiently waded through a mass of figures and names of all which demonstrated that the company never should have been turned out to the tender mercies of a cruel world. The court spoke as follows:

"Some are afflicted with what may be called congenital insolvency. They are born insolvent, capitalized into insolvency at the moment of their creation and eke out a precarious existence in an apparent effort to solve the old paradox of living on the interest of their debts."

The lawyer who appeared for the man who sued another for the killing of a dog waxed truly eloquent in describing the manifold virtues of the deceased. He was no ordinary dog, as was shown by the evidence. The advocate delivered himself of the following burning words:

"Gentlemen of the court, he was a good dog, a fine appearing dog, a valuable dog, and it does not lie in the mouth of the defendant to say he was a worthless cur, because it is in evidence before you that on occasion he offered \$5 for one of his pups. After such a creature who could the jury do but find for the plaintiff and award him heavy damages?"

Queen Lavinia Hard Up.

Johnny declares with much heat that he has loaned his sister something over \$2,500. He also sues for \$2,500 which she owes him giving the receipts and doing the tom fool acts with which he is so much disgusted. He is one of the family who has not been enabled by the queen, for her other brother, Guy, is called Sir Guy by the law. He wants his money back and he is killing old man George Baker not paid their fees and they sued for the money and got judgment, only to find that the Bakers, who employed them, have no visible property subject to attachment. The Howards and Whites, the men who abundantly supplied them with guns, pistols and ammunition for their men and to provide them with provisions besides paying their wages. To equip 100 men with rifles and revolvers of 45-caliber would cost, with the necessary ammunition, not less than \$25,000. He would get three or four days, for the practice eye of the mountaineer can tell dead leaves at a great distance and thus the "blind" could be detected.

The Bakers had no money with which to pay men to engage in this sort of work. Even the Howards and Whites, who were killing old man George Baker were not paid their fees and they sued for the money and got judgment, only to find that the Bakers, who employed them, have no visible property subject to attachment. The Howards and Whites, the men who abundantly supplied them with guns, pistols and ammunition for their men and to provide them with provisions besides paying their wages. To equip 100 men with rifles and revolvers of 45-caliber would cost, with the necessary ammunition, not less than \$25,000. He would get three or four days, for the practice eye of the mountaineer can tell dead leaves at a great distance and thus the "blind" could be detected.

MYSTERIOUS PACIFIC ISLANDS.

Some of them so small they are hard to locate a second time.

Much attention has been given of late, reports the New Zealand Herald, to the discovery of the strange case of Clipperton island. It is not more than three miles in circumference and it lies in the western Pacific something like 800 miles west of Mexico. In the wide expanse of the Pacific ocean it shows like a speck, so small that it has been an elusive, seemingly, save as a refuge for a few of the army of beachcombers "who have burst all bounds of habit and wandered far away" in the course of their downward progress. But the ownership of Clipperton island has for years been the subject of a long and bitter controversy. The United States, France and Great Britain—a and when it is added that the island is a favorite haunt of sea birds and that many tons of valuable guano are waiting to be picked up the reason for this unwanted solitude, even in an era of land-grabbing, will be apparent.

Clipperton island is of interest in another direction. It is one of those numerous stretches of land set in the midst of the sea, sunny and otherwise, which after their first discovery, for many years, glide first by devious routes to the eyes of the world, and then, as it were, nailed down in one particular spot in the ocean—that is to say, its exact position has been finally determined by warships sent out for the express purpose of searching for it and settling all doubts as to its existence and location. It has now been proved that the question of ownership should be settled. It happens that there is another island about 400 miles southwest of Clipperton and rich in the same deposits that make that place worth possessing, for which adventurous miners are at this moment looking.

As late as July last a vessel named the Moonlight left Altiata, Mexico, on a voyage in search of this latest mysterious island and spent fifty-two days of fruitless labor toward this end. Her captain failed to find the place and fearing that his provisions and water were short, he turned back and reported that either the rough charts of old Captain Martin and his associates were in error or else that some strange seismic phenomenon had caused the lost isle to disappear years ago, perhaps, for all that mortal soul knows. Spice is added to this romance by the fact that the vessel was made up to report that either the rough charts of old Captain Martin and his associates were in error or else that some strange seismic phenomenon had caused the lost isle to disappear years ago, perhaps, for all that mortal soul knows. Spice is added to this romance by the fact that the vessel was made up to report that either the rough charts of old Captain Martin and his associates were in error or else that some strange seismic phenomenon had caused the lost isle to disappear years ago, perhaps, for all that mortal soul knows.

Quite a number of expeditions have of late been made with the object of wresting this valuable secret from the hands of men in whose possession it is and of participating in the spoils and one of these days will no doubt be successful. The French for the supremacy between the present colonists and a party of marauders. Although the stories told about the unknown island vary considerably, they all agree that it exists some where about 400 or 500 miles southwest of Clipperton in a low coral island covered with the richest of phosphates. The place also has its legends of pirates' treasures, which may or may not have any foundation in fact. One of the expeditions of recent date which have been fitted out to look for the island was the Vine expedition.

That vessel's owner claims to have secured his knowledge of the place from an old sea captain named Martin, above referred to, who died some years ago and left an old and gray-haired man named Tom Baker, who was a small island in the southern Pacific not down on the regular charts, enormously rich in guano.

No Trucking.

The horse thief was dealt a heavy blow by the court. He was fined \$100 and costs. The court said that the horse thief was a "happy fella" he shouted, glaring fiercely into the stern faces of the vigilantes. "I want to truckle to popular sentiment by blaming Mark Harker."

So the hardest wretch died, as perhaps he deserved to die, judged by the rugged standards that obtained in this crude western community.

Business in Chicago. Some Chicago owners claim that at the same time two or more different lines of the same name. Sometimes these combinations are laughable. Over the door of a store in the city of Chicago is a sign which reads "Wholesale Popcorn of the School of Magic." In the window of an office in Madison street, a sign reads "Books on Love and Poultry Raising." South Side humor has a place in the city of Chicago. Down which reads: "Lunches Put Up and Carpets Put Down."

Congential Insolvency. "What might have been"—if that little had been—has been suggested in the reflection of thousands of consumers: "Minute Cough Cure cures coughs and colds."

COST OF A KENTUCKY FEUD

Wads of Money Necessary for Cemetery Promotion in the Blue Grass State.

FIGHTING MEN HIRED FOR \$1 A DAY

The Baker-Howard Feud and its Extensive Ramifications—Strange Phase of Life in the Backwoods.

The Baker-Howard feud in Kentucky has now reached a stage where it is difficult to predict the outcome. A correspondent of the New York Sun reports that the Howards, with their allies, the Whites, are decidedly stronger than the Bakers, but the Bakers' friends are more numerous. The Whites and they may be able to maintain a feud war against their enemies. Such a war, however, involves the expenditure of much money. It is said on good authority that Fulton French and Joe Eversole spent about \$150,000 on the French-Eversole feud, which \$100,000 was paid out by French as he had to hire all his fighting men, while Eversole had many close relatives who fought for him without price. The wages paid these "fighting men" as the actual fighters are called, was \$1 a day and "found" is meant—rains, pistols and ammunition, with bacon and bread. These men in squads of three build "blinds" along the highways traveled by their opponents and sometimes they wait for days before any member of the opposing party should pass. It recently happened that a squad will "lay out" for a week or more and never see an enemy and they frequently have to move half a dozen times and make new "blinds" before they get a chance to fire a shot.

The "blinds" are made by cutting a pole, fanning out the sides of two trees and then cutting limbs well filled with leaves and leaning them against the upper side of the pole. These "blinds" are usually constructed about forty or sixty yards from the road and new limbs with fresh leaves are put on every three or four days. For the practiced eye of the mountaineer can tell dead leaves at a great distance and thus the "blind" could be detected.

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CHILDREN'S PLAYHOUSES.

Little houses that can be set up on the lawn without trouble.

The great modern playhouses for children's portable playhouses that can be put up on the lawn of a house in the country. One house of this sort is six feet four inches wide, nine feet six inches long, and eight feet nine inches tall from the floor to the point of the eaves. This house has one door and one window. The window is divided vertically in the middle, the two halves opening back on hinges at the side edges. The door has a glazed sash in its upper part, and it has also a lock and key.

These houses are built in sections and can be put up in different ways, that is, they can be set up with the door to the front and the window in one end of the house, or they can be set up with both the door and the window in front; the sections are interchangeable. There is provided a porch which has a veranda roof, which is made in sections of the same width as the sections of the house itself, so that these veranda sections can be put up together, making a continuous veranda along one side of the house, or they can be put up one over another, forming a window. They can also be used, for use with these playhouses, as desired, outside blinds and screens for doors and windows. The cable ends of the side walls are of matched pine, as is also the floor, which is made in two sections and can be put up and taken down in a few minutes.

A portable playhouse of this size costs \$75. There are made, also, children's portable playhouses with two rooms, the second room being a kitchen extension; and also a playhouse with two rooms, the second room being a kitchen extension; and also a playhouse with two rooms, the second room being a kitchen extension.

All sorts of furniture in suitable small sizes can be bought for the furnishing of these houses, including stoves and tables, and settees and various other articles in wood and in wickerwork, handsome little desks, and everything needed for parlor or library or dining room and there can be bought for kitchen and other uses the most complete outfit, including stoves of the most modern description and equipped with every sort of cooking utensil, and there can be had also little washing machines and ironing boards and so on.

The playhouse, in fact, whether it be of one room or more, can be furnished as completely as a house of ordinary size.

BILL NYE'S CYCLONE.

Remarks of Boomerang William After the Disturbance.

Fifteen years ago a cyclone came out of the depths of St. Croix lake, swept over New Richmond and Clear Lake, Wis., in the first week of an afternoon after it had passed the searchers found Bill Nye in the windfall of a pine forest suffering from a broken leg. He was conveyed to his home in Hudson, where his humor served to lighten the weary days of waiting for the leg to be healed.

When the storm came Nye was driving through the forest with his brother, a resident of Clear Lake, and had a very narrow escape from death. In the path of some eighty miles in length and ending with a windfall that flooded the lower of Eau Claire and Chippewa Falls, the cyclone sacrificed nearly 100 lives and removed one village temporarily from the face of the map. I found at Turtle Lake, eleven miles from Clear Lake, a portion of the church of this latter town, between New Richmond and Clear Lake at a farm house in a pine clearing I saw the body of a little girl through which had been driven by electrical force a pine splinter as long as a blade of grass and as attenuated.

The first work that I did upon the storm, says a writer in the Chicago Times-Herald, was to secure an interview from Nye, and the extracts given herewith are what he had to say of his experience. He subsequently redressed the interview and incident that it is his permanent work. At the time of the cyclone it was copied far and wide and was regarded as one of the choice bits of humor of the genre.

"I never did anything," he said, "to

of fact the Bakers and White were the best of friends ten years ago. A leading Kentucky attorney said to the Sun correspondent concerning this statement:

"The Whites and Bakers are not hereditary enemies and the feud has none of the elements of the Corsican vendetta, as so many able writers have tried to make it appear. I happen to know that the Whites and Bakers were the best of friends when Gerard Baker, a cousin to Tom Baker's father, was assassinated and killed by John Wilson ten years ago. I was employed to defend Wilson along with Judge James Black of Harboursville. We found the Whites were the best friends the Bakers had and the feeling against Wilson ran mountain high. It required the lawyers to dispose of the case in the first two jury trials. By this time every man in Clay county had formed an opinion, as the trials were largely attended. A jury had to be procured from an adjoining county for the third trial and we had the satisfaction of seeing our client acquitted of the charge of the Whites and other friends of the Bakers. Some of these men even went so far as to abuse Judge Black and myself in a violent manner and they scored the judge for sending out of the county for a jury."

Killed in a Jambush.

"The feeling against Wilson was so strong that he left Clay county and went to Madison, where he lived until last year, when he was killed in Clay county, and in less than a month he was killed from ambush, presumably by John Baker, son of the man he killed nine years before. Had he killed Wilson immediately after he was acquitted for murdering his father, he would have had a more successful career, but owing to the changes of the past year, they were so anxious to kill Bakers that when John Baker was recently waylaid and shot to pieces the crime was at once laid at the door of the Whites."

Another leading attorney, who for obvious reasons does not wish his name used, said: "The man who killed Tom Baker from Rev. White's house was the most nervous man I ever knew. He must have known that detection meant death or a life term in the penitentiary, and he did not believe a man would take such a awful risk for money. There must have been some higher controlling motive than money. Then who did it? Certainly a man who dreaded Tom Baker and who wanted to get revenge on him. Tom was the most dangerous man on the Baker section of the Whites and the Howards breathe easier. I believe the Whites are satisfied now that Tom Baker can do them no harm and will not try to kill any more Bakers unless the latter kill some member of the White faction."

An attorney who had a long talk with Tom Baker a short while before he was shot said Tom made this statement to him: "If I can get two or three of the Whites and Jim Howard I would be willing for them to burn me at the stake."

The attorney said he believed Tom Baker was the coolest man he ever saw in the presence of danger; that the Howards and Whites were aware of this fact, and for that reason the most desperate chances were taken to slay him, even while a prisoner under the protection of 100 state troops. He said he believed that the Howards and Whites were aware of this fact, and for that reason the most desperate chances were taken to slay him, even while a prisoner under the protection of 100 state troops.

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"The feeling against Wilson was so strong that he left Clay county and went to Madison, where he lived until last year, when he was killed in Clay county, and in less than a month he was killed from ambush, presumably by John Baker, son of the man he killed nine years before. Had he killed Wilson immediately after he was acquitted for murdering his father, he would have had a more successful career, but owing to the changes of the past year, they were so anxious to kill Bakers that when John Baker was recently waylaid and shot to pieces the crime was at once laid at the door of the Whites."

Another leading attorney, who for obvious reasons does not wish his name used, said: "The man who killed Tom Baker from Rev. White's house was the most nervous man I ever knew. He must have known that detection meant death or a life term in the penitentiary, and he did not believe a man would take such a awful risk for money. There must have been some higher controlling motive than money. Then who did it? Certainly a man who dreaded Tom Baker and who wanted to get revenge on him. Tom was the most dangerous man on the Baker section of the Whites and the Howards breathe easier. I believe the Whites are satisfied now that Tom Baker can do them no harm and will not try to kill any more Bakers unless the latter kill some member of the White faction."

An attorney who had a long talk with Tom Baker a short while before he was shot said Tom made this statement to him: "If I can get two or three of the Whites and Jim Howard I would be willing for them to burn me at the stake."

The attorney said he believed Tom Baker was the coolest man he ever saw in the presence of danger; that the Howards and Whites were aware of this fact, and for that reason the most desperate chances were taken to slay him, even while a prisoner under the protection of 100 state troops. He said he believed that the Howards and Whites were aware of this fact, and for that reason the most desperate chances were taken to slay him, even while a prisoner under the protection of 100 state troops.

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