CHAPTER NO. 203

A BILL ENTITLED

AN ACT to authorize the creation of a State debt in the aggregate amount of three million one hundred and fifty thousand dollars ($3,150,000), the proceeds thereof to be used for the construction of rural post roads, lateral roads and bridges, and the extension of the State roads system of Maryland, with the assistance of funds from the United States Government and the several counties of the State, providing generally for the issue and sale of certificates of indebtedness evidencing such loan, and providing the means for the several counties to raise funds by bond issues, special assessments or otherwise, to meet the funds to be contributed by the State.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That in order to provide for rural post roads, lateral roads and bridges for the extension of the State Roads System of Maryland, a loan is hereby created to be known as the "Lateral, Post Road and Bridge Loan of 1922" to the amount of three million one hundred and fifty thousand dollars ($3,150,000). One million five hundred thousand ($1,500,000) dollars of such loan shall be dated on the 15th day of June, 1922, and the remaining one million six hundred and fifty thousand ($1,650,000) dollars of said loan shall be dated the 15th day of June, 1923. Said loan shall bear interest at a rate to be fixed by the Governor of the State, the Comptroller of the Treasury and the Treasurer of the State, or a majority of them, not to exceed four and one-half (4½%) per centum per annum, and the said interest shall be paid semi-annually, and the said loan and every part thereof, and the interest payable thereon, shall be and remain exempt from State, county and municipal taxation, and the principal amount of said loan shall be paid upon the serial annuity plan hereinbelow specified, all within fifteen years after the issuance thereof.

SEC. 2. *And be it further enacted*, That in issuing the certificates of indebtedness for said loan as herein provided in Section 1, the Governor, the Comptroller of the Treasury and the Treasurer of the State, or a majority of them, shall issue said certificates according to what is known as a serial annuity plan, and the series as issued shall be lettered beginning with the letter "A" and so on down the alphabet, until the said amount of three million one hundred and fifty thousand dollars ($3,150,000) shall have been issued, so that the entire principal sum shall be redeemable as follows:

One million five hundred thousand thousand dollars of said loan, bearing date the 15th day of June, 1923, shall be redeemable as follows:

Series.	*Amount.*	*Redeemable.*
"A"	87,000.00	June 15, 1925
"B"	90,000.00	June 15, 1926
"C"	96,000.00	June 15, 1927
"D"	99,000.00	June 15, 1928
"E"	104,000.00	June 15, 1929
"F"	109,000.00	June 15, 1930
"G"	114,000.00	June 15, 1931
"H"	120,000.00	June 15, 1932
"I"	125,000.00	June 15, 1933
"J"	131,000.00	June 15, 1934
"K"	136,000.00	June 15, 1935
"L"	142,000.00	June 15, 1936
"M"	147,000.00	June 15, 1937

One million six hundred and fifty thousand dollars of said loan, bearing date the 15th day of June, 1923, shall be redeemable as follows:

"N"	96,000.00	June 15, 1926
"O"	101,000.00	June 15, 1927
"P"	106,000.00	June 15, 1928
"Q"	109,000.00	June 15, 1929
"R"	114,000.00	June 15, 1930
"S"	120,000.00	June 15, 1931
"T"	125,000.00	June 15, 1932
"U"	130,000.00	June 15, 1933
"V"	137,000.00	June 15, 1934
"W"	143,000.00	June 15, 1935
"X"	149,000.00	June 15, 1936
"Y"	157,000.00	June 15, 1937
"Z"	163,000.00	June 15, 1938

SEC. 3. *And be it further enacted*, That the Governor, Comptroller of the Treasury, and Treasurer, constituting the Board of Public Works, or a majority of them, are hereby authorized and directed to have prepared proper certificates of indebtedness of the State in good and sufficient form to aggregate the amount of three million one hundred and fifty thousand dollars ($3,150,000) as evidence of such loan; such certificates of indebtedness shall bear date as of the time of their issue, as provided in Section 1 of this Act, and shall not be issued in less sums than one hundred ($100.00) dollars, but may be issued in sums of one hundred ($100.00) dollars or any multiple thereof. Each of said certificates shall be signed by the Treasurer of the State and countersigned by the Comptroller of the Treasury, and shall bear interest at the rate fixed by resolution of the said Board of Public Works, payable semi-annually; and any portion or all of said certificates may be registered, or not registered, and the said certificates, or any portion thereof, shall have interest coupons attached, or said certificates, or any portion thereof, shall not have interest coupons attached, all as the Governor, Comptroller of the Treasury and Treasurer, or a majority of them, shall determine.

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SEC. 4. *And be it further enacted*, That in order to provide for the selling of the certificates of indebtedness aforesaid, to be issued under the provisions of this Act, the Governor, Comptroller of the Treasury and the Treasurer of this State, or a majority of them, are hereby directed to advertise twice a week for four successive weeks before the said certificates of indebtedness, or any part thereof, shall be issued, in two newspapers published in the City of Baltimore, that the Treasurer of this State will be in readiness at a time within fifteen days after the expiration of said notice to receive bids at such place or places as may be named in said respective advertisements for bonds or certificates of indebtedness issued under the provisions of this Act, under such regulations as may be made in the discretion of the Governor, Comptroller of the Treasury, and Treasurer, or a majority of them; and the accrued interest between the date of the bonds or certificates of indebtedness and the time of sale and delivery of any payment for said bonds or certificates of indebtedness shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the Governor, Comptroller of the Treasury, and Treasurer, or a majority of them; and upon the day mentioned in said advertisement as the day for opening the bids for the proposals thereby called for they shall receive such sealed proposals for the purchase of as many of such bonds or certificates of indebtedness as may be mentioned or designated in said advertisement; and on the opening of such sealed proposals, as many of said bonds or certificates of indebtedness as have been so bid for shall be awarded by the Governor, Comptroller of the Treasury, and Treasurer, or a majority of them, to the highest responsible bidder or bidders therefor for cash, if the prices bid are adequate, in the judgment of the Governor, Comptroller of the Treasury, and Treasurer, or a majority of them, and when two or more bidders have made the same bid, and such bid is the highest and the certificates so bid for by the highest responsible bidders are in excess of the whole amount of the certificates so offered for sale, such bonds or certificates of indebtedness shall be awarded to such highest responsible bidders bidding the same price in a ratable proportion, and if any of said certificates so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Governor, Comptroller of the Treasury, and Treasurer, or a majority of them, at a private sale upon the best terms they can obtain for the same; provided they shall not be sold at private sale for less than par and accrued interest.

SEC. 5. *And be it further enacted*, That the sum of ten thousand ($10,000) dollars, or so much thereof as may be necessary, shall be paid by the Treasurer of this State upon the warrant of the Comptroller out of the proceeds of the sale of bonds or certificates of indebtedness for the payment of the expense of engraving, printing and other outlays connected with the issue of the loan hereby authorized, and for the payment of the advertising directed by this Act, and all other incidental expenses connected with the execution of its provisions in connection with said loan.

SEC. 6. *And be it further enacted*, That the actual cash proceeds of the sale of the certificates of indebtedness to be issued under this Act shall be used exclusively for the following purposes, to wit:

The Comptroller shall, immediately upon the sale of and payment for said bonds or certificates of indebtedness, first return to and credit the Treasury with whatever advances or payments may have been made as provided for by Section 5 of this Act. The remainder of the proceeds of said loan shall thereupon be turned over to the State Roads Commission and used by it from time to time, as and when the same shall become necessary, for the following purposes: Said proceeds shall be used and expended by the State Roads Commission, first, one hundred and fifty thousand dollars ($150,000) as hereinafter directed, for the construction of such bridges in the several counties of the State as may be selected by the State Roads Commission; second, one-half of the residue of the net proceeds received from the sale of said bonds or certificates of indebtedness, with the aid of Federal funds appropriated for such purpose by any Act or Acts of Congress, for the construction, in the several counties of the State, of such rural post roads as may be selected by the State Roads Commission; and third, the remaining one-half of the net proceeds derived from the sale of such bonds or certificates of indebtedness shall be used, with an equal sum to be raised by the several counties of the State, for the purpose of building such lateral roads, in the several counties of the State, as may be selected by the State Roads Commission. The money expended for such post and lateral roads in each of said counties to be determined according to the respective road mileage of said counties.

SEC. 7. *And be it further enacted*, That the State Roads Commission shall, immediately after the going into effect of this Act, and not later than May 1, 1922, by using the same ratio which the public road mileage of the respective counties bears to the entire public road mileage in the counties of

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the State, ascertain each county's proportionate part of the proceeds to be derived from the sale of the bonds or certificates of indebtedness to be dated June 15, 1922, and herein appropriated for the construction of lateral roads, and shall immediately and not later than May 1, 1922, notify the County Commissioners of the several counties of the amount, thus ascertained, which has been appropriated from the proceeds of the sale of bonds to be dated June 15, 1922, to each of the counties, respectively for lateral road purposes. It shall thereupon be the duty of the proper authorities of each county to provide, by assessing a tax upon the taxable basis of said county or by borrowing upon the faith and credit of said county or by special assessments and benefits assessed upon the property especially benefited by said road, or by levying a tax upon the property within a special assessment district created for the purpose, or by a combination of two or more of these methods, or by any manner which in their discretion is lawful and equitable for the raising, during said year, of a sum of money equal to the proportionate amount appropriated to said county as aforesaid. The duty of raising the said amount to be furnished by each of said counties is hereby made mandatory upon the proper authorities of the respective counties and subject to enforcement by mandamus at the instance of the State Roads Commission. Full power and authority is hereby granted to the County Commissioners or other lawfully constituted authorities of each and every county to raise said money in any of the ways hereinbefore set out, and in case they decide to raise the same by borrowing upon the credit and faith of the county, they are authorized to issue the bonds or certificates of indebtedness of said county to the extent of the amount so needed, upon such terms and conditions and with such rate of interest, and with such dates of maturity as to them may seem best. The Lateral road money raised by each and every county as hereinbefore provided shall be paid to the State Roads Commission at such times and in such amounts, and under such guarantees as the State Roads Commission shall from time to time determine. If the County Commissioners of any county shall have fixed the county tax levy for such county for the year 1922 prior to May 1, 1922, and said Board of Commissioners shall desire to raise the whole or any part of such county's share of said lateral road money for the year 1922 by assessing a tax upon the taxable basis of said county, the said Board of County Commissioners are hereby authorized and empowered to borrow such amount as shall be required for said purpose for the year 1922, and issue their scrip as evidence of the obligation, and to include in the next succeeding tax levy the amount necessary to repay such loan or loans.

SEC. 8. *And be it further enacted*, That the State Roads Commission shall, on or before January 15, 1923, after first setting apart therefrom the sum of one hundred and fifty thousand ($150,000) dollars, to be used as hereinafter provided, ascertain, on the same basis as hereinbefore set forth, the amount to which each county will be entitled in the balance of the proceeds to be derived from the sale of bonds to be dated June 15, 1923, and shall immediately and not later than January 15, 1923, send notice thereof to the County Commissioners of the respective counties, and it shall thereupon become the duty of the proper authorities in each county, during the year 1923, to provide, by any of the methods hereinbefore set forth, an equal amount to represent the said county's share of said lateral road fund for 1923, and the same powers and duties shall rest upon the Boards of County Commissioners of the several counties and the State Roads Commission with reference to said funds to be raised and used during 1923 as those hereinbefore conferred for 1922. The sum of one hundred and fifty thousand ($150,000) dollars to be set apart from the proceeds of the sale of the bonds to be dated June 15, 1923, as hereinbefore provided, shall be used in the construction of such bridges in the various counties of the State as may be selected by the State Roads Commission, and the same rights and powers are hereby conferred upon the said State Roads Commission in connection with the building of such bridges as are herein conferred upon said Commission in connection with the building of the roads herein authorized.

SEC. 9. *And be it further enacted*, That one-half of the cost of construction of all lateral roads which shall be built in pursuance of the provisions of this Act, shall be paid by the State out of the proceeds from the sale of bonds set apart in the manner hereinbefore provided, to the Counties in which such roads are respectively located, and the remaining one-half with the funds to be provided by said Counties, respectively, as herein directed.

SEC. 10. *And be it further enacted*, That those portions of the proceeds from the sale of the bonds or certificates of indebtedness herein authorized, which are herein appropriated to meet obligations imposed upon the State by its assent to any Act or Acts of Congress appropriating Federal aid to the several States in the construction of rural post roads, shall be used by the State Roads Commission, subject to the conditions and provisions contained in said Act or Acts of Congress, in the construction of rural post

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roads throughout the State, provided, however, that said funds shall be expended in the several Counties of the State in the same ratio as the County road mileage of each County bears to the entire County road mileage of the State.

SEC. 11. *And be it further enacted*, That if the Congress of the United States shall fail on or before December 15, 1922, or December 15, 1923, respectively, to pass legislation appropriating from the Federal Treasury funds for the construction during said years 1922 and 1923, respectively, of rural post roads in the various States sufficient to equal the amounts herein respectively appropriated for said purpose in Maryland, then, and in that event the money herein appropriated to be used in connection with said Federal appropriations for the building of rural post roads, or so much thereof as shall not be matched by Federal appropriations, shall on and after December 15, 1922, and December 15, 1923, respectively, become available, in the discretion of the State Roads Commission, for use by said State Roads Commission in the construction of roads in the various Counties of the State, said money to be appropriated by the State Roads Commission to the various Counties of the State in the same ratio which the public road mileage of each County bears to the total public road mileage of the several Counties of the State, and it shall not be necessary for the various Counties to add to such monies any County funds whatever.

SEC. 12. *And be it further enacted*, That the State Roads Commission is hereby authorized and directed to ask for bids and enter into contracts in the usual form for the construction of such rural post roads or lateral roads as it may from time to time under the provisions hereof determine to construct, said contracts to be made in the name of the State Roads Commission, and to contain the same provisions now required by law for contracts of such roads. The term "rural post road" as used herein, provided it shall not be contrary to the Act or Acts of Congress appropriating Federal aid therefor, and the term "lateral road" as used herein shall include bridges, and authority is hereby given to the State Roads Commission to build such bridges as it may decide to be a proper part of the rural post road and lateral road system, as herein described; such bridges, if upon lateral roads, to be charged against the Counties in which the same are located, in the same manner as are lateral roads, and to be paid for by said Counties to the same extent.

SEC. 13. *And be it further enacted*, That the County Commissioners of the several Counties of the State, and the Mayor and City Council of Baltimore are hereby respectively directed to levy state taxes for the year 1923 at 9/20 of one cent on each one hundred dollars of assessable property; for the year 1924 at 19/20 of one cent on each one hundred dollars of assessable property; for the year 1925 at 1½ cents on each one hundred dollars of assessable property, for the year 1926, and annually thereafter, to and including the year 1938, 2 1/7 cents on each one hundred dollars of assessable property, to be collected according to law, to meet the interest on the amount of said certificates outstanding and also to meet and redeem so much of the principal in each of said years as will be represented by certificates redeemable in each year, respectively, as herein specified in Section 2 of this Act.

SEC. 14. *And be it further enacted*, That this Act is an emergency law and necessary for the immediate preservation of the public health and safety, and having been passed by a yea and nay vote by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved April 13, 1922.

CHAPTER NO. 231.

A BILL ENTITLED

AN ACT to repeal Sections 252, 254, 255 and 257 of Article 43 of the Annotated Code of Public General Laws of Maryland (Volume 3), title "Health," sub-title "Optometry," as said sections were enacted by Chapter 652 of the Acts of the General Assembly of Maryland of 1914, as Sections 1, 3, 4 and 6 of said Chapter 652, and Section 259 of said Article, as said section was re-enacted by Chapter 132 of the Acts of the General Assembly of Maryland of 1920, as Section 8 of said Chapter 132, and Sections 264 and 266 of said Article, as said sections were enacted by said Chapter 652 of said Acts of the General Assembly of Maryland of 1914, as Sections 13 and 15 of said Chapter 652, and to re-enact said sections with amendments.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 252, 254, 255 and 257 of Article 43 of the Annotated Code of Public General Laws of Maryland (Volume 3), title "Health," sub-title "Optometry," as said sections were enacted by Chapter 652 of the Acts of the General Assembly of Maryland of 1914 as Sections 1, 3, 4 and 6 of said Chapter 652, and section 259 of said Article as said section was re-enacted by Chapter 132 of the Acts of the General

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Assembly of Maryland of 1920, as Section 8 of said Chapter 132, and Sections 264 and 266 of said Article, as said sections were enacted by said Chapter 652 of said Acts of the General Assembly of Maryland of 1914, as Sections 13 and 15 of said Chapter 652, be and said sections are hereby repealed and re-enacted with amendments, so as to read as follows:

Section 252. Within thirty days after April 13, 1914, the Governor shall appoint a Board of Examiners in Optometry for the State of Maryland. The board shall consist of five persons, not more than two of whom may be, but not necessarily, physicians. The board shall be selected from a list of ten names endorsed by the Maryland Association of Optometrists. No person shall be eligible to appointment as a member of said board unless he has been engaged in the actual practice of optometry or opthalmology in the State of Maryland continuously for five years last past, and a resident thereof. A vacancy from any cause shall be filled by the Governor for the unexpired term from a list of three names submitted by the Maryland Association of Optometrists. Each member of said board shall hold office for a term of two years and until his successor is duly appointed and qualified, except as hereinafter provided.

In the year 1922, of the five persons appointed upon the expiration of the terms of the members appointed in the year 1920, two shall be appointed for a term of two years and until their successors shall respectively be duly appointed and qualified and three shall be appointed for a term of four years and until their successors shall respectively be duly appointed and qualified. In the year 1924 and every four years thereafter two persons shall be appointed to said board from a list of six names endorsed by the Maryland Association of Optometrists; and in the year 1926 and every four years thereafter three persons shall be appointed to said board from a list of nine names endorsed by the Maryland Association of Optometrists. Every member of said board appointed subsequent to the above mentioned appointments of the year 1922, except those appointed to fill vacancies, shall hold office for a term of four years and until his successor shall be duly appointed and qualified.

Section 254. Said board shall meet within ten days after their appointment has been made and choose a president, secretary and treasurer from the members thereof and adopt a common seal, and biennially thereafter shall elect such officers. Each member shall have the power to administer oaths and take affidavits concerning all matters properly cognizable by said board, certifying thereto under the hand and seal of the board. Said board shall meet in the City of Baltimore at least twice a year and as often thereafter as may be necessary, and in addition thereto whenever and wherever the board shall call a meeting. A majority of said board shall at all times constitute a quorum. The secretary of said board shall keep a full record of the proceedings of said board, which shall at all reasonable times be open to public inspection. The treasurer shall receive from the secretary all fees paid for licenses and certificates and shall keep a record thereof, and of all disbursements of said board in a book to be kept for that purpose. All moneys paid to the board shall be deposited by the treasurer in some safe banking institution, and all moneys paid out shall be approved by said board and be made by check signed by both the president and the treasurer. The treasurer shall be required to give such bond as the board may exact, and the said board shall make an annual report of its proceedings to the Governor, which report shall contain an account of all moneys received and disbursed by them pursuant to this sub-title.

Section 255. Out of the funds coming into the possession of said board, each member thereof attending the meetings for examination and registration may receive as compensation the sum of three dollars for each applicant that may be examined; and, further, each member may receive as compensation a sum to be determined by said board which shall not exceed ten dollars for each day actually engaged in necessary duties of his office in connection with the examination of any applicant, and the actual amount of traveling expenses of such member incident to attending said meetings of the board. In addition to any amounts which may be allowed by way of per diem and traveling expenses, as above provided, all hotel and incidental expenses which any member may incur when attending to the necessary duties of his office shall be allowed to such member. All expenses shall be paid from the fees and moneys received by the board under the provisions of this sub-title, and no moneys shall ever be paid to said board out of the State treasury. All moneys received in excess of said compensation and mileage as before provided for shall be held by the treasury as a special fund for meeting expenses of said board and carrying out the provisions of this sub-title.

Section 257. No person shall hereafter practice optometry, or use the title optometrist in the State of Maryland unless he shall first have obtained a certificate of registration or one of examination, and filed the same for record or a ceratified copy thereof with the clerk of the county or city of his residence, as herein provided in Section 263. It shall be construed as practicing optometry for any person

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to prescribe, give directions or advise as to the fitness or adaptation of a pair of spectacles, eyeglasses or lenses for another person to wear for the correction or relief of any condition for which a pair of spectacles, eyeglasses or lenses are used, or to use or permit or allow the use of instruments, test cards, test types, test lenses, spectacles or eyeglasses or anything containing lenses, or any device for the purpose of aiding any person to select any spectacles, eyeglases or lenses to be used or worn by such last mentioned person or by any other person.

Section 259. Every person, not exempt by Section 7, Chapter 652 of the Acts of the General Assembly of Maryland of the Session of 1914, as codified in the Annotated Code of Maryland (Volume 3), Article 43, Section 258, desiring to begin the practice of optometry in this State shall pass an examination before said Board of Examiners, in such subjects and under such rules and regulations as shall from time to time be adopted by said board. Such examination may in the discretion of said board, embrace all subjects relative to optics and optometry contained in text-books or that are now or may hereafter be taught in high-grade educational institutions teaching optics and optometry and kindred subjects, and shall include the anatomy, physiology and pathology of the eye, the use of all instruments used in making examination of the eye, and such other subjects as said board may deem advisable. Any applicant for examination must not be under twenty-one years of age, and must be of good moral character, and must give evidence which shall be satisfactory to the Board of Examiners of having had preliminary scholastic and professional education equal to such standard as may be adopted by said board. Such scholastic and professional standards may, in the discretion of said board, be changed from time to time to meet the demands of the profession. Information as to the scholastic and professional standard adopted by said board shall be furnished to any person upon his written request and shall include any change made in such standard prior to the receipt of such request. Any person applying for examination shall be required to furnish satisfactory proof to said board of scholastic and professional education equal to the standard in force at the time of such application for examination, and, upon furnishing such proof, shall be examined before said board at such time and place as said board may designate. Each person shall pay at the time of filing his application the sum of twenty dollars to the secretary of the board for the use of said board, and if he shall pass said examination he shall pay to the secretary, for the use of said board, a further sum of five dollars on the issuance to him of a numbered certificate of examination which shall constitute a license to practice optometry; provided, however, that any applicant for a certificate of licensure who has been examined by the State board of another State which, through reciprocity, similarly accredits the holder of a certificate issued by the board of this State to the full privileges of practice within such State may, with the approval and consent of said board, on the payment of a fee of twenty-five dollars to the said board and on filing in the office of the board a true and attested copy of the said license, certified by the president or secretary of the State board issuing the same and showing also that the standard of requirements adopted and enforced by said board is equal to that provided for by this Act may, without further examination, receive a certificate of licensure, provided that such applicant has not previously failed at an examination held by the board of this State. All persons passing such examinations shall be registered in the board register, which shall be kept by the secretary and shall also receive a numbered certificate of such registration, signed by at least three members of the board making such examination of said applicant, which shall be recorded in the clerk's office of the Superior Court of Baltimore City, or the clerk's office of the Circuit Court of any county in the State. If any applicant be rejected he shall be entitled to another examination not earlier than six months thereafter for the first fee paid, but for subsequent examinations he shall pay a fee of fifteen dollars. Said examinations are not to occur within six months of the preceding one.

Section 264. The board may revoke any certificate of registration or examination granted by it under this subtitle because of wilful misrepresentation, illegal practice, conviction of crime, whether in this State or elsewhere, habitual drunkenness for six months preceding the charge, gross incompetency to practice optometry, the employment of other persons as solicitors of business, obtaining any fee by fraud or misrepresentation, employing directly or indirectly any person other than the holder of a certificate of registration or examination granted in accordance with the provisions of this sub-title, to perform any act for which such certificate is required, making use of or authorizing any advertisement containing untruthful or misleading statements, or any other unprofessional conduct; and the board may refuse to grant a certificate to any person guilty of fraud in passing the examination or guilty at any time of felony or gross immorality or addicted to the liquor or drug habit to such a degree as to render him unfit to prac-

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