

PORTALES TIMES

OFFICIAL PAPER OF ROOSEVELT COUNTY.

VOLUME IV.

PORTALES, ROOSEVELT COUNTY, NEW MEXICO, APRIL 14, 1906.

NUMBER 9.



BLUE SERGE SUITS

\$12, \$15, \$18, \$20 and up.

IF BLUE SERGE about hits your fancy for a new Spring Suit, our new "SCHLOSS SERGE" is the thing you want.

Nothing better than good Serge—Stylish and shape retaining. We warrant our fast color and all wool. The way the suits are made up will open your eyes to the possibilities of good tailoring.

Altogether Different from the Common Kind.

Single and double-breasted in four distinct models, every one brinful of style. Our Spring shipments just in. Also a splendid showing of greys and mixtures in Serges. Worsteds and Fancy Goods, Everything for Spring. Come and look.

Warren-Fooshee & Co.

PORTALES, NEW MEXICO.

...The City Drug and Furniture Store...

ED J. NEER, Proprietor.

That we carry the only complete and up-to-date line of Furniture to be found in Roosevelt County is a fact so well established that it requires no further comment. Remember that here you get "More for the Same, or the Same for Less." Everything exactly as represented, and represented exactly as it is. Also a full line of School Books and Stationery. Remember the place, stone building, opposite First National Bank.

FURNITURE.

Bedroom Suites at \$20.00 to \$50.00
Iron Beds at \$2.50 to \$20.00, Folding Beds, Chiffonieres, Dressers, Sideboards Wash Stands, Rockers, Parlor and Kitchen Chairs, Dining and Center Tables, and Undertaking Supplies.

Dr. J. R. Bryan.

Undertaking

Our Undertaking department is complete. No extra charge for disinfecting and preparing the dead for burial.

Prompt attention given to mail orders.

Dr. W. E. Patterson.

DRUGS.

Being the only registered Pharmacist in the city you will make no mistake by bringing me your prescriptions or buying your poisons here. Neer's Loadstone Liniment cures Frost Bites.

Dr. W. W. Penn.

Price Trial Ended

Elmer L. Price is Convicted of Murder in Second Degree

IS SENTENCED FOR LIFE

Defendant Does Not Weaken When Sentence is Passed

In the case of the Territory vs. Elmer S. Price, the prosecution is represented by J. M. Hervey and W. W. Gatewood, while the defense is represented by Frank Willis, of Canadian, Texas, and Sam J. Nixon, of Portales.

The case was begun Saturday night and a part of the jury secured, those passed for cause being put in charge of two balliffs and looked up until Monday morning. Up to noon Monday the following jurors had been accepted: A. R. Hoover, Geo. Connor, A. S. Bramlett, Dave English and W. King. The defendant began to show mental perturbation between two and three o'clock Monday morning, arising and pacing his cell incessantly. However, in the court room he appears to be calm and collected and is taking considerable interest in selecting the jury. The judge has been exceptionally fair with the defense thus far, and has sustained their resistance to all challenges for cause, thus compelling the prosecution to rely upon their peremptory challenges. A large number of jurors have been examined and excused for cause, and the prosecution has exhausted two peremptory challenges and the defense four.

The jury was completed Tuesday, about noon and is as follows: Ed Brown, A. B. Austin, W. J. Martin, R. F. Fisher, A. S. Hodgins, W. F. English and R. J. Noble. The first witness for the Territory was J. W. Cardwell, a cattle shipper from Amarillo, Texas, who was on the night of the homicide, en-route to Pecos, Mr. Cardwell gave a clear and concise report of the killing. His testimony is as follows: I was in the compartment occupied by the news stand and sat opposite the same. The conductor coming through the train saw the negro porter selling the stuff and ordered him to disist, saying that if "Butch" couldn't run his stand he could close it up. The negro appeared to be drunk. Shortly after this the conductor came through the train, coming from the rear. As he reached his stand to his hip pocket and taking hold of a pistol. I saw the pistol. The conductor again started to leave when the defendant reached over, caught the lapel of his coat and jerked him around facing him. The conductor as he turned, threw his arms around the defendant's body, the defendant doing the same to the conductor. They appeared to partly fall over in the seat, when the man Price drew his gun and fired the first shot, bullet entering near the left nipple and coming out a little below the right nipple. At this the conductor staggered back and attempted to leave the coach and Price fired a

second shot which entered between the sixth and seventh rib and passing through the liver. A third shot was fired which entered the back, to the left of the spinal column, ranging upward, and penetrating the left ventricle of the heart.

The witness testified only to the number of shots fired and the positions of the parties, the location of the wounds supplied by the testimony of Dr. Rushbaum, the physician who examined the corpse.

The defense failed to draw any additional from the witness and the cross examination did not weaken his testimony.

Wednesday the defense put their witnesses on the stand, their testimony was, in the main, the same as that of the territory and materially strengthened the case of the prosecution.

In the evening the defendant was put on the stand and testified that Curtis had cursed him and threatened him and grabbed him by the throat and choked him and that believing he was in imminent danger of great bodily harm, he reached into his valise, got his pistol and fired on Curtis three times in rapid succession. He positively denies ever shooting him in the back while he was retreating. Price's testimony did not strengthen his contention that he killed Mr. Curtis in self defense and was in direct contradiction of the testimony on both sides of the case. The case was argued Wednesday night by Capt. W. C. Reid, for the prosecution and Sam J. Nixon, for the defense. Thursday morning Frank Willis, of Canadian, Texas, closed for the defense and Judge W. W. Gatewood, of Roswell, closed for the territory. The argument of all the attorneys was forcible but, probably that of Judge Gatewood was the feature of the trial. He gave considerable attention to the unprotected condition of lady passengers on trains were the protection of conductors withdrawn, and demonstrated that conductors were within their duty and right in according such protection. He picked the testimony of the defendant threadbare on every material point testified to and showed the jury its inconsistency. The case went to the jury Thursday shortly after the noon hour.

Friday morning at 10-10 o'clock the jury returned a verdict of murder in the second degree and the attorneys for the defense gave notice that a motion for a new trial would be filed. The defendant showed visible signs of agitation as the jury filed in but quickly recovered himself and remained calm and collected throughout the reading of the verdict. At 2 o'clock Friday motion for a new trial was overruled and Elmer L. Price was sentenced to serve at hard labor in the penitentiary at Santa Fe for the balance of his natural life.

Sentences By the Court.
William Walker, negro was sentenced to one year in the penitentiary for drawing a deadly weapon upon another negro.
J. C. West, charged with stealing mules, was given three years and a \$500 fine. West stated that he was a deserter from the U. S. army and requested to be turned over to them for punishment.
Wm. Malone, charged with stealing in two counts was given two years on each count, the sentence to run concurrently, which means that he will serve but two years.
Oliver Larell was given three years and cost for larceny.
Frank Shultz was given four years and costs for larceny.

All the above cases are from Texico. Nels Curtis, charged with receiving stolen property was fined \$500 and costs.

Notice.
I have found the place to buy my goods. Everything kept fresh and clean, your money's worth of anything, when you buy at the Palace of Sweets.

An Open Letter.

A Memorial to the United States Senate and House of Representatives.

Whereas, Hon John H. Stephens, of Texas, has introduced a bill in Congress to survey and mark the boundary lines between the Territories of New Mexico, Oklahoma and the state of Texas, which bill asks that the lines run by John H. Clark in 1859 and 60 for the 103d meridian of longitude and for the parallels of 32 and 36: 30 degrees of north latitude be marked and established as the true boundaries, and also asks that Arthur Kedder's survey correcting said Clark's survey for the 100th meridian be marked and established as the true boundary.

Now, therefore, we, the people of New Mexico would submit the following statement of facts:

1st.—By the treaty of 1850 the United States purchased certain territory from the state of Texas, within certain stipulated boundaries, paying said territory ten million dollars.

2d.—In June 1858 congress authorized a joint survey of the boundary lines to-wit: Beginning where the 100th meridian of longitude west of Greenwich crosses Red River; north with said meridian to intersection, thence with parallel 36 deg 30'; thence west with said parallel to intersection with the 103d meridian; thence south with parallel 32 deg., thence west with parallel to Rio Grande river.

3d.—John H. Clark in 1859 and '60 surveyed 100th meridian and the parallels of 32 and 36-30 and also surveyed 24 miles on south end and 156 miles on north end of the 103d meridian leaving 140 miles unsurveyed; see pages 14 to 21 Bulletin 194 by Marcus Baker which shows that Clark's work was done with poor facilities and under great difficulties as he was forced to abandon the work three several times for want of water, and finally quit without completing the same.

J. J. Majors survey in 1874 pages 25 27 of Bulletin: R. O. Chaney's survey 1881 pages 28 and 9; Levi S. Preston's survey in 1900 pages 36 to 40 show the gross error in Clark's line run for 103d meridian, and Preston's notes show that the Texas surveyor and the Texas land office knew in 1882 of the gross error in the Clark line run for 103d meridian.

5th.—Arthur B. Kidder's report shows that the Clark lines run for the parallels 32 and 36-30 are approximately correct and that the Clark line run for the 100th meridian is about three fourths of a mile too far west, taking that much land from Texas, and that the line run for the 103d meridian is more than two miles too far west at the north end and nearly four miles too far west at the south, taking from New Mexico more than a half a million acres of land.

6th.—Laws of 51st congress, 2d session, March 1891, in appropriation bill bottom of page 971 reads "and out of the sum herein appropriated for surveying the public lands the commissioner of the general land office, with the approval of the secretary of the interior, may assign a sum sufficient to complete the survey of the public land strip, otherwise known as No Man's Land, and the boundary line between said public land strip and Texas, and between Texas and New Mexico, established under act of June 5th, 1858 is hereby confirmed.

7th.—Laws of Texas legislature March 1891, pages 193 and 4 reads "Joint Resolution, S. J. R. 12, joint resolution confirming the location of the boundary lines established by the United States commissioner between No Man's Land and Texas and between Texas and New Mexico, under act of congress 1858, sec. 1st, whereas an act of congress approved June 1855 providing for commissioners to locate and mark the boundary lines between the territories of the United States and Texas.

And whereas in accordance with said act a survey was made of the boundary line between the public land strip otherwise known as "No Man's

Land," and Texas, and between Texas and New Mexico, by John H. Clark, United States Commissioner, appointed under said act A. D. 1858.

And whereas it appears from said report of the said commissioner to the General Land Office at Washington, that said survey was carefully done, consuming over two years on the ground making the same.

And whereas said boundary as so located has been acquiesced in by the state of Texas and by the United States government by surveying up to it and selling the land so surveyed or parts thereof.

And whereas until recently no part of said boundary lines have ever been officially agreed upon or accepted by the general government or the state of Texas as contemplated by the act of congress authorizing the survey.

And whereas on the 4th day of March 1891, the congress of the United States confirmed the boundary line as surveyed by the said commissioner John H. Clark between No Man's Land and Texas and between Texas and New Mexico, section 2.

And whereas the near approach of the close of the present session of the Legislature renders it unlikely that this resolution can be passed in the regular way, and the fact that there is much uncertainty as to the location of the said boundary lines creates an emergency and an imperative public necessity which requires that the constitutional rule requiring bills to be read on three several days, be suspended and the same is suspended and this resolution take effect from and after its passage and it is so enacted.

(Note.) The foregoing joint resolution originated in the senate and passed the same, vote not given and passed the House by a vote of 71 yeas and no nays.

(Note.) The foregoing joint resolution was presented to the Governor of Texas for his approval on the 25th day of March 1891 but was not signed nor sent back to the House in which it originated with his objections thereto within the time prescribed by the constitution and thereupon became a law without his signature.

This so-called confirmation by congress in March 1891, on which Mr. Stephens places so much stress was evidently smuggled into an appropriation bill unknown to congress gener-

ally and its vague terms is in striking contrast to the full and clear statement of the joint resolution of the Texas Legislature passed under the emergency clause a few days later. We forbear further comment. We do not believe that congress or the Texas people would knowingly be guilty of such unfair methods, but believe that this under-handed attempt at injustice was instigated by claimants of Texas lands near the 103 meridian.

New Mexico is virtually without representation in the national councils only one delegate, no senator and no voice in electing the president.

For forty years she has asked and been denied admission as a state. To force this unjust settlement on her in her present defenseless condition is unworthy the great state of Texas and the glorious traditions of her past history. Give us a square deal and establish our boundary lines on the true lines as called for in the original treaty.

Floyd Items.
R. D. Atkins who has been sick for some time is now up and will soon be all right again.

Died: At the residence of her son, W. G. Bussey, Grandma Bussey passed away on the 4th inst. and was interred in the Floyd cemetery the next day. W. H. Davis and wife returned from Coke county, Texas, last Monday.

Mr. and Mrs. Loooper's little child has been quite sick for several days.

John Benson and wife of Lubbock county, Texas, came in last Sunday. Mrs. Benson is a daughter of Grandma Bussey, but got here too late to see her mother. Mr. Benson has sold his farm in Lubbock county and will return here before long and locate in New Mexico.

A good many of our citizens have been tussling with the grip, but we believe they are now about ready to turn loose.

Prospectors still keep coming and filing on Uncle Sam's land. Let 'em come.

Mrs. Etta Martin is here on a visit to her parents, Mr. and Mrs. Tom Hammond.

The Taylor Bros. are here from Miss. They are friends of the Whartons. They are looking for a home and will perhaps locate with us.

Well, now, we will quit and if you need anything more on this line just "QUIZ BOB."

To the New Settlers!

To the hundreds of new settlers who have availed themselves of present opportunities, and have secured fine homestead in Roosevelt county, we would say that we have everything that you will need in the erection of your houses and outbuildings. The quality is of the best and the prices reasonable. Estimates cheerfully furnished.

PORTALES LUMBER CO.

STATEMENT OF THE CONDITION OF
THE BANK OF PORTALES.
Portales, New Mexico.
At the Close of Business, March 15, 1906.

RESOURCES.	LIABILITIES.
Loans and Discounts	Capital Stock
Overdrafts	Surplus Account
Expense Account	Profits
Real Estate and Fixtures	Exchange Account
Cash and Sight Exchange	Due Depositors
Total	Total

The above statement is correct.
J. B. SLEDGE, PRESIDENT AND CASHIER.
J. H. GEE, Second Vice-President.
A. F. JONES, Bookkeeper.

On This, Our Fourth Anniversary. We refer with some degree of pride, to the growth of this bank, as shown by the above statement. Our efforts to build up a strong financial institution along conservative lines, have, we believe, been successful. We pledge a continuation of our conservative principles and solicit the accounts of individuals, firms and corporations desiring the service of a carefully managed bank.

Report of the Condition of the
First National Bank,
At Portales, in the territory of New Mexico, at
the close of business, April 6th, 1936.

RESOURCES.	
Assets and discounts	\$108,711.73
Overdrafts, secured & unsecured	2,520.00
U. S. bonds to secure circulation	6,250.00
U. S. bonds	503.00
U. S. Treasury notes	5,231.65
Due from national banks, not re- served agents	46,162.89
Due from other national banks	23,997.21
Checks and other cash items	2,441.45
Due from other national banks	2,220.00
Fractional currency, nickels and cis Time certificate deposits	30.42
Legal tender notes	8,001.00
Redemption fund with U. S. Treasurer	11,699.45
3 per cent circulation	312.50
Total	199,761.20
LIABILITIES.	
Capital stock paid in	25,000.00
Surplus funds	5,000.00
Unpaid profits, less expenses and taxes paid	12,650.00
National bank notes outstanding	6,250.00
Due to other national banks	1,437.72
Due from other national banks	19,997.21
Individual deposits subject to check	124,653.24
Time certificate deposits	5,570.00
Total	199,761.20

Contest Notice.
Department of the Interior, United States Land
office, Roswell, New Mexico, March 2, 1936.
A sufficient contest affidavit having been filed
in this office by Robert W. Drake, contestant,
against Homestead entry No. 3697, made Febru-
ary 5, 1903, for the southeast new quarter, sec-
tion 14, township 34 south, range 34 east, by James
M. Staley, contestant, in which it is alleged that
said James M. Staley has wholly abandoned said
tract that he has changed his residence therefrom
for more than six months since making said entry,
and next prior to the date hereof, that said tract
is not settled upon and cultivated by said party
as required by law and that due diligence personal
service of this notice cannot be given by due and
proper publication. HOWARD LELAND, Register.
Published in Portales Times March 31, 1936.

Contest Notice.
Department of the Interior, United States Land
office, Roswell, New Mexico, March 2, 1936.
A sufficient contest affidavit having been filed
in this office by Walter E. Lindsey, U. S. Com-
missioner, against homestead entry No. 4151, made May 13,
1933, for the northwest quarter of section 19,
township 2 south, range 31 east, by George N. Y.
Brown, contestant, in which it is alleged that the
said Patton T. Brown has wholly abandoned said
tract that he has changed his residence therefrom
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A sufficient contest affidavit having been filed
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against homestead entry No. 4151, made May 13,
1933, for the northwest quarter of section 19,
township 2 south, range 31 east, by Patton T. Brown,
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said Patton T. Brown has wholly abandoned said
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THE SEASON IS HERE
H. T. AHRENS, Proprietor.
WINE AND LIQUORS
Carry at all times the very best brands of
Beers and Whiskies. Try our case goods for
family medicines.
BILLIARDS AND POOL.



THE SEASON IS HERE
When property is continually
changing hands. If you need
money to invest in real estate,
call and see us. The chief func-
tion of a bank is to receive de-
posits and to make loans. These
things we are prepared to do, in
a manner acceptable to our pat-
rons. Every transaction between
the bank and its customers, we
regard as of a private nature,
not to be divulged by us. Our
methods, though conservative,
are modern and liberal. A pru-
dent, progressive policy is the
mark at which we aim.

The First National Bank,
Portales, New Mexico.

Joe Howard & Sons
Land and Immigration Agents.
We have numerous agencies established in various parts of
the south and east, thus giving us unsurpassed facilities for finding
buyers for Roosevelt county lands. If you desire quick results,
list your farm and city property with us.

Roosevelt County Realty Co.,
Immigration Agents.
We desire to inform the public that our business methods are hon-
orable, honest and liberal, that we do a strictly legitimate land
business and that our foreign agents have promised us large crowds
of homeseekers, consequently you could not do better than to list
your property with us. No matter if others have failed to sell, we
believe we can be of service to you.
JOHN W. MAXWELL, Resident Agent.

We make prices, others follow. Best hard
and soft wheat flour,
\$2.60 per
Hundred
A. C. BEDGOOD.
(Successor to John Goodwin.)
STEWART & TURNER,
LIVERY.

W. E. SCHOOLES,
Real Estate and Insurance.
Representing the Pecos Valley Immigration Company and the S.
M. Callon Land and Immigration Company. Correspondence so-
solicited. Long distance 'phone No. 18.
TEXICO, NEW MEXICO.

Portales Transfer,
WALKER & STANDRIDGE, Proprietors.
All kinds of light or heavy hauling
Load and unload Live Stock. You
patronage will be appreciated. Tele-
phone 37.
C. L. CARTER,
Surveyor.
I will survey your claim for \$5.00, and
I will take special care to make survey
to fit original survey. Phone 63.

Johnson's Photo Studio.
Beautiful Buttons
Furnished Free
With each dozen of Cabinet or half
Cabinet photos.
JOHN BANISTER, Prop.

**THE ROOSEVELT COUNTY
Abstract Company,**
Portales, New Mexico.
Here First and Ever Since.
W. E. LINDSEY, Examiner.

PROFESSIONAL CARDS.
DR. J. R. BRYAN,
Physician and Surgeon.
Calls answered day or night. Office at
Neer's drug store. Office 'phone 16.

DR. T. C. WHITE,
Physician and Surgeon.
Office at White's drug store, 'phone
No. 24.

DR. J. S. PEARCE,
Physician and Surgeon.
Office in Pearce & Dobb's drug store,
Telephone No. 1.

DR. W. E. PATTERSON,
Physician and Surgeon.
Office in Ed J. Neer's drug store, office
'phone 16, residence 'phone 65.

DR. W. W. PENN,
Physician.
Office at Neer's drug store, diseases of
eye, ear, nose and throat a specialty,
glasses accurately fitted, office phone
16, residence 49.

DR. J. E. CAMP,
Dentist.
Office in old Bank of Portales building
Portales, New Mexico

HENDRIX & REESE,
Attorneys at Law,
Practice in all the courts, office first
door east of Newsum's restaurant.

WASHINGTON E. LINDSEY
Attorney at Law,
Next Door to postoffice, Portales, New
Mexico.

AUGUSTUS S. HARRIS,
Attorney and Counselor at Law.
Office back of Portales Times,
Portales, New Mexico.

Notice for Publication.
Homestead Application No. 2303.
Department of the Interior Land Office
at Clayton, New Mexico, March 6,
1936.
Notice is hereby given that the fol-
lowing named settler has filed notice
of her intention to make final proof
in support of her claim, and that said
proof will be made before the Probate
Court of Grant County, at his office
in Santa Rosa, N. M. on April 20, 1936,
viz:
Matilde Sandoval of Fort Sumner
New Mexico, for the lots 1 and 2, and
the southeast quarter of section 19, township 2 south,
range 31 east.

Notice for Publication.
Homestead Application No. 6439.
Department of the Interior, Land Office at Ros-
well, New Mexico, March 27, 1936.
Notice is hereby given that the following named
settler has filed notice of his intention to make
final proof in support of his claim and that said
proof will be made before W. E. Lindsey, U. S.
Commissioner at his office in Portales, N. M.
on May 7, 1936, viz:
John Elliott, of Portales, New Mexico, for the
southwest quarter of section 19, township 2 south,
range 31 east.

Notice for Publication.
Homestead Application No. 5620.
Department of the Interior, Land Office at Ros-
well, New Mexico, March 27, 1936.
Notice is hereby given that the following named
settler has filed notice of his intention to make
final proof in support of his claim, and that said
proof will be made before W. E. Lindsey, U. S.
Commissioner at his office in Portales, N. M.
on May 7, 1936, viz:
Edward W. Doss, Bradford B. Barr, Jacob
Pitts and Owen E. Martin, all of Portales, N. M.
Published in Portales Times, Mar. 31, 1936.

Notice for Publication.
Homestead Application No. 6629.
Department of the Interior, Land Office at Ros-
well, New Mexico, March 27, 1936.
Notice is hereby given that the following named
settler has filed notice of his intention to make
final proof in support of his claim, and that said
proof will be made before W. E. Lindsey, U. S.
Commissioner at his office in Portales, N. M.
on May 7, 1936, viz:
Edward W. Doss, Bradford B. Barr, Jacob
Pitts and Owen E. Martin, all of Portales, N. M.
Published in Portales Times, Mar. 31, 1936.

Notice for Publication.
Homestead Application No. 2366.
Department of the Interior, Land Office at Ros-
well, New Mexico, March 27, 1936.
Notice is hereby given that the following named
settler has filed notice of his intention to make
final proof in support of his claim and that said
proof will be made before W. E. Lindsey, U. S.
Commissioner at his office in Portales, N. M.
on May 7, 1936, viz:
Bert R. Clayton of Portales, New Mexico, for the
northwest quarter of section 15, township 2
south, range 34 east.

Notice for Publication.
Homestead Application No. 2881.
Department of the Interior, Land Office at Ros-
well, New Mexico, March 27, 1936.
Notice is hereby given that the following named
settler has filed notice of his intention to make
final proof in support of his claim and that said
proof will be made before W. E. Lindsey, U. S.
Commissioner at his office in Portales, N. M.
on May 7, 1936, viz:
Ira Sweeney, of Portales, New Mexico, for the
northeast quarter of section 21, township 2 south,
range 34 east.

Notice for Publication.
Homestead Application No. 4629.
Department of the Interior, Land Office at Ros-
well, New Mexico, March 27, 1936.
Notice is hereby given that the following named
settler has filed notice of his intention to make
final proof in support of his claim and that said
proof will be made before W. E. Lindsey, U. S.
Commissioner at his office in Portales, N. M.
on May 7, 1936, viz:
Bert R. Clayton, Royal J. Noble, Herman
Clark and Noah W. Clayton, all of Portales, New
Mexico.
Published in Portales Times March 31, 1936.

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D. W. Pinkston, Prop'r.

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Both papers 1 year.....\$1.75.

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