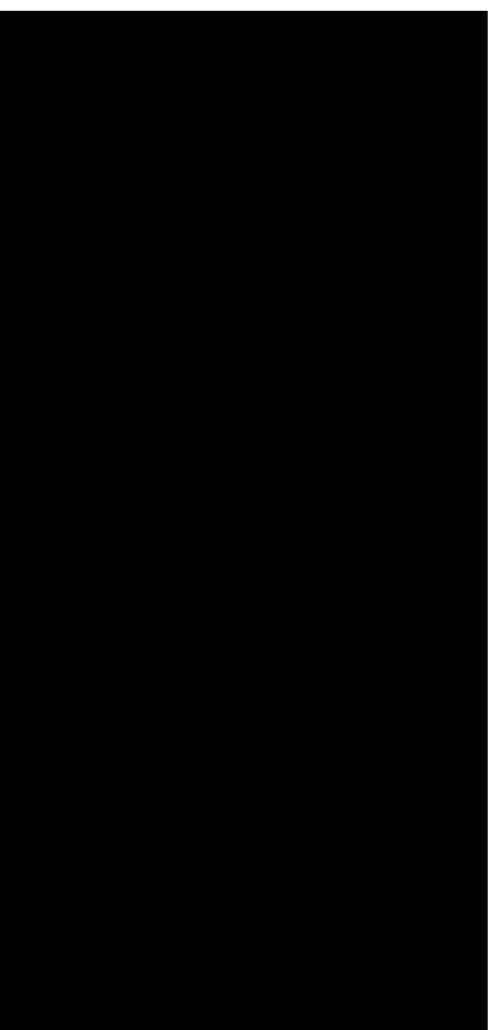
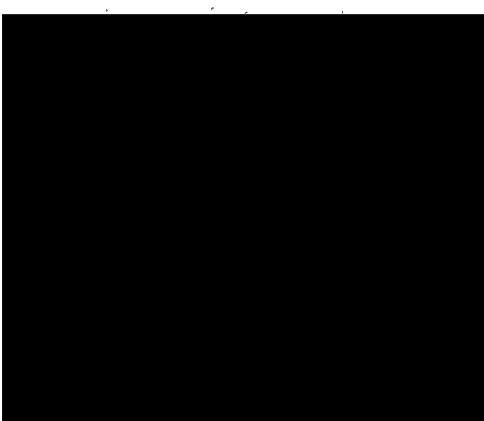
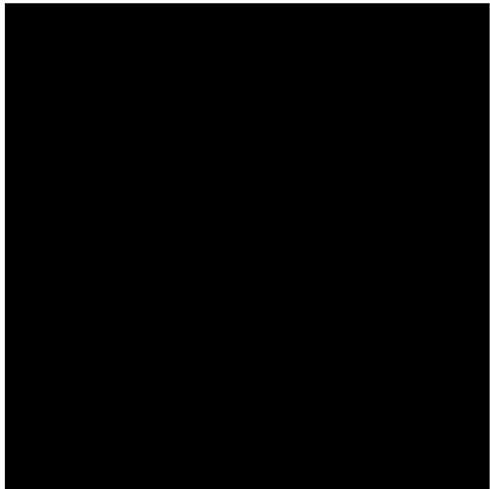
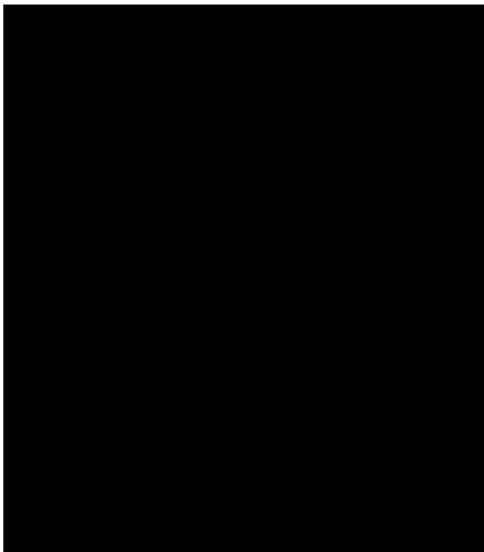


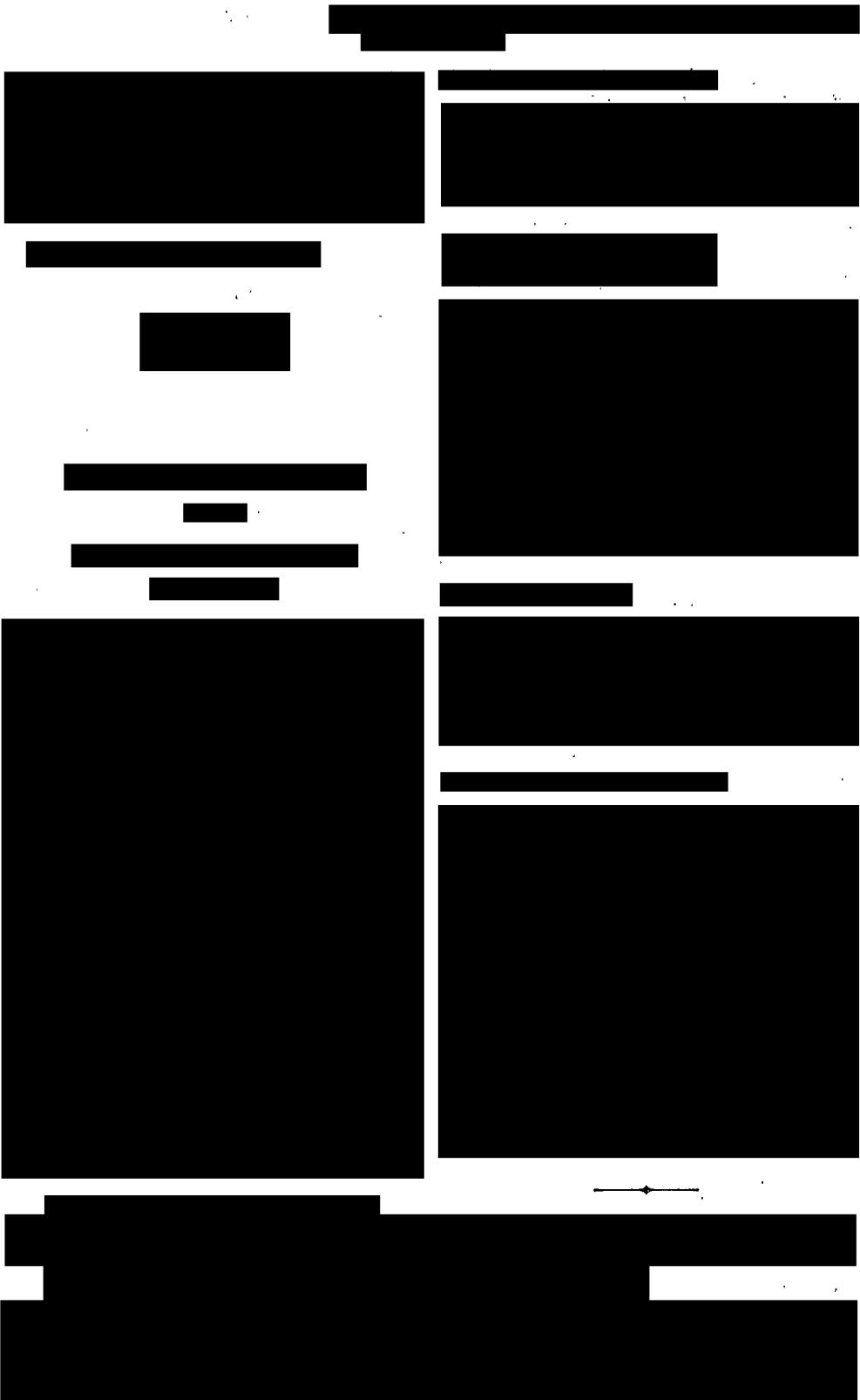
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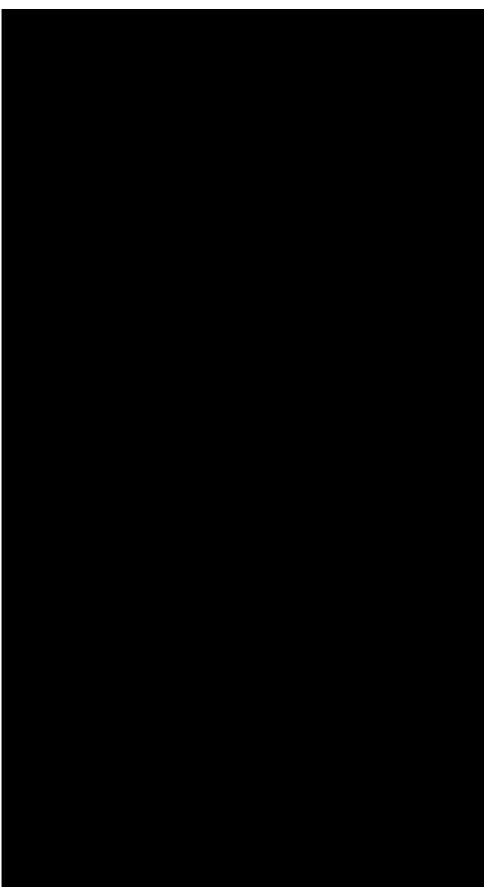
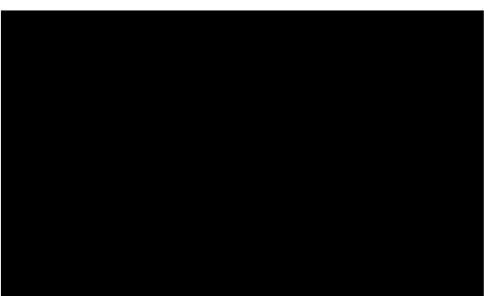
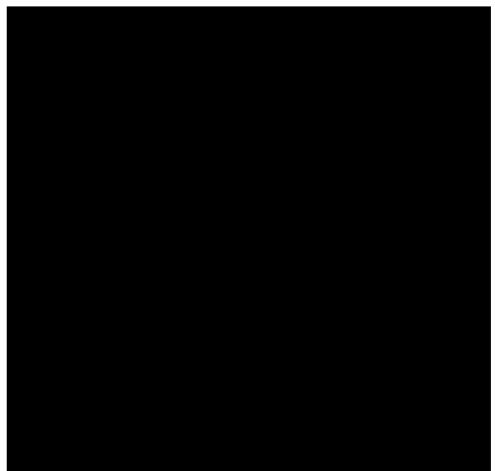
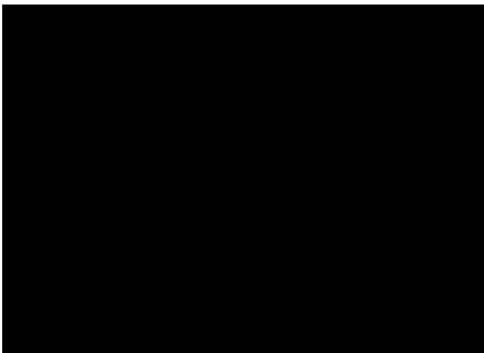
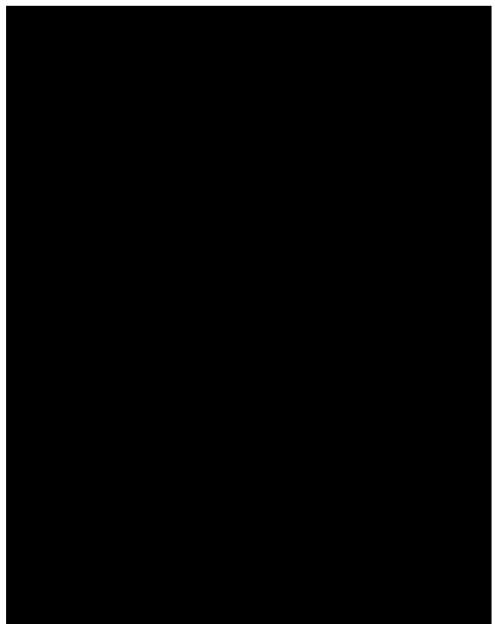
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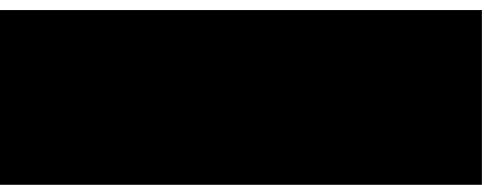
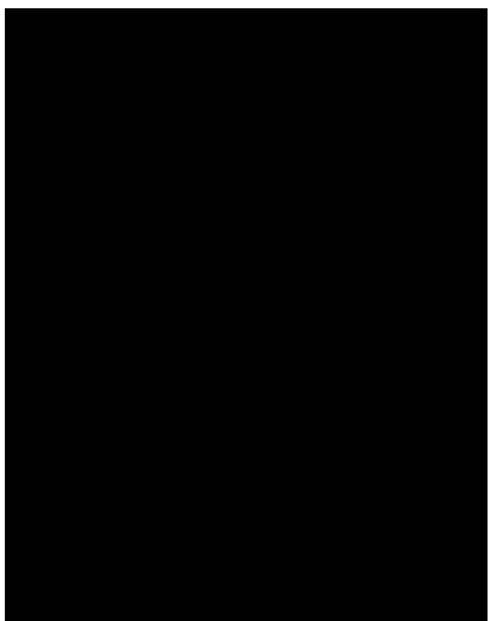
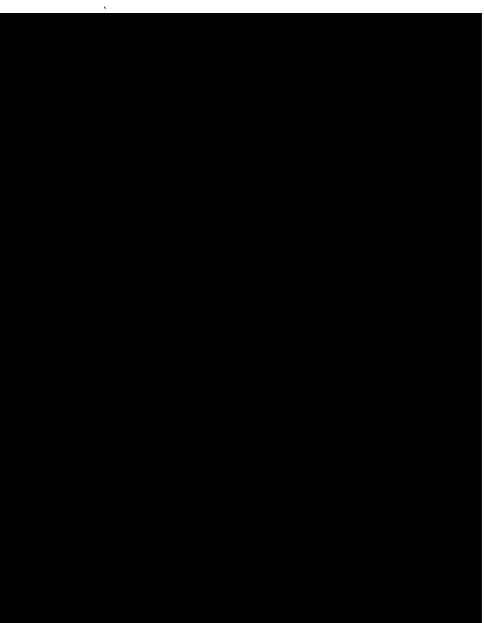
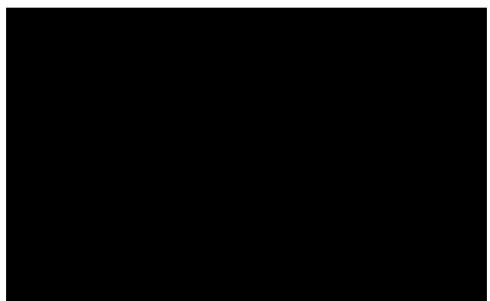
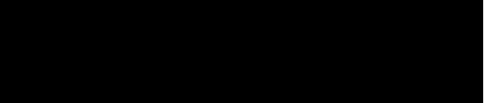
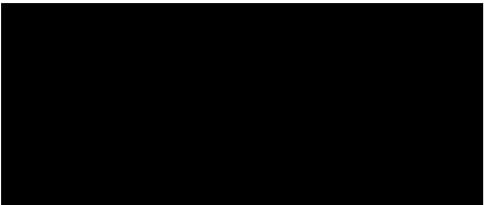
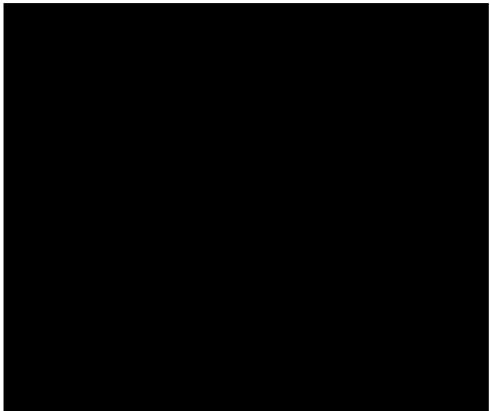
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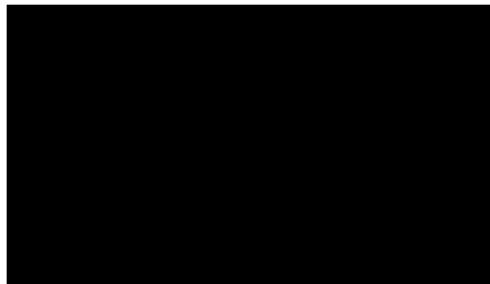
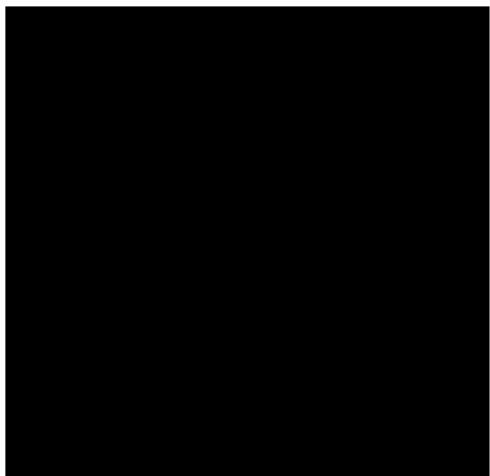
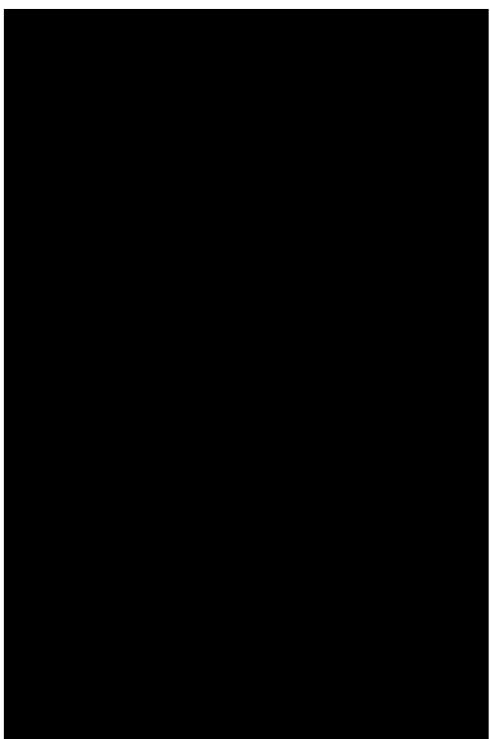
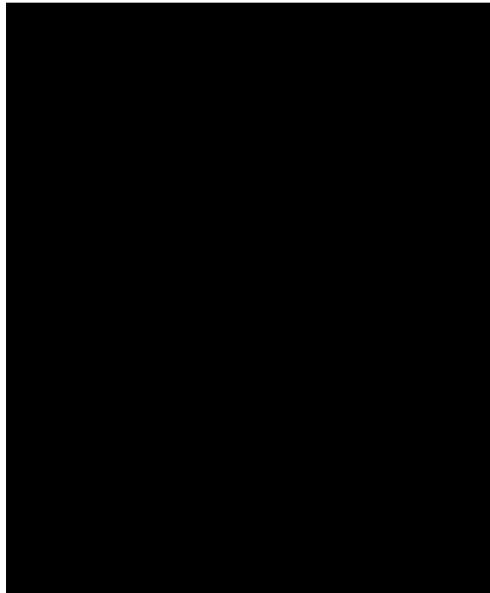
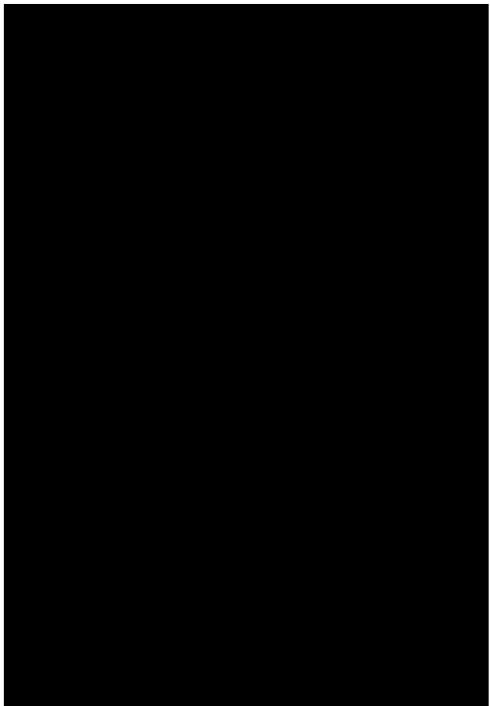
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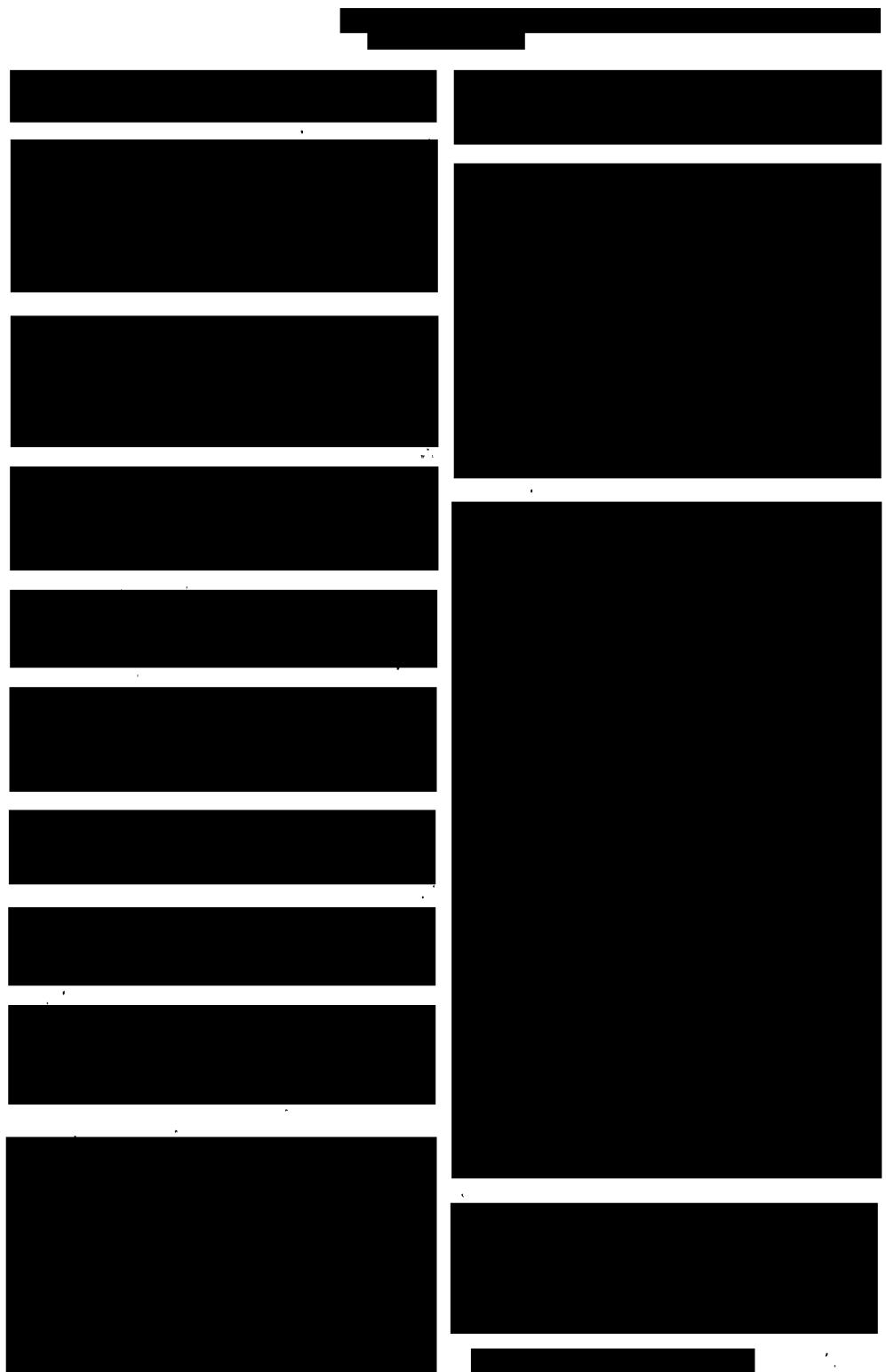
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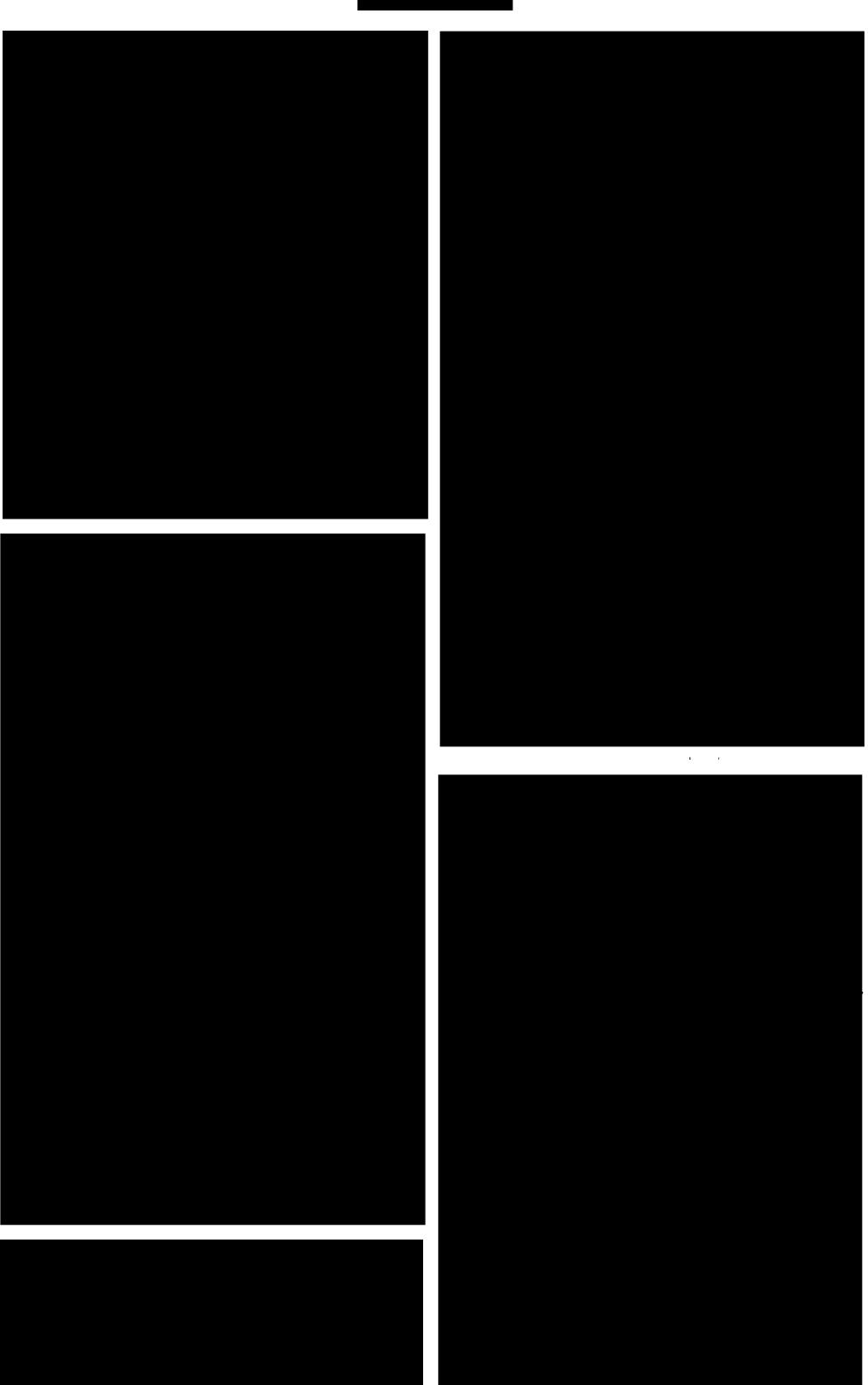
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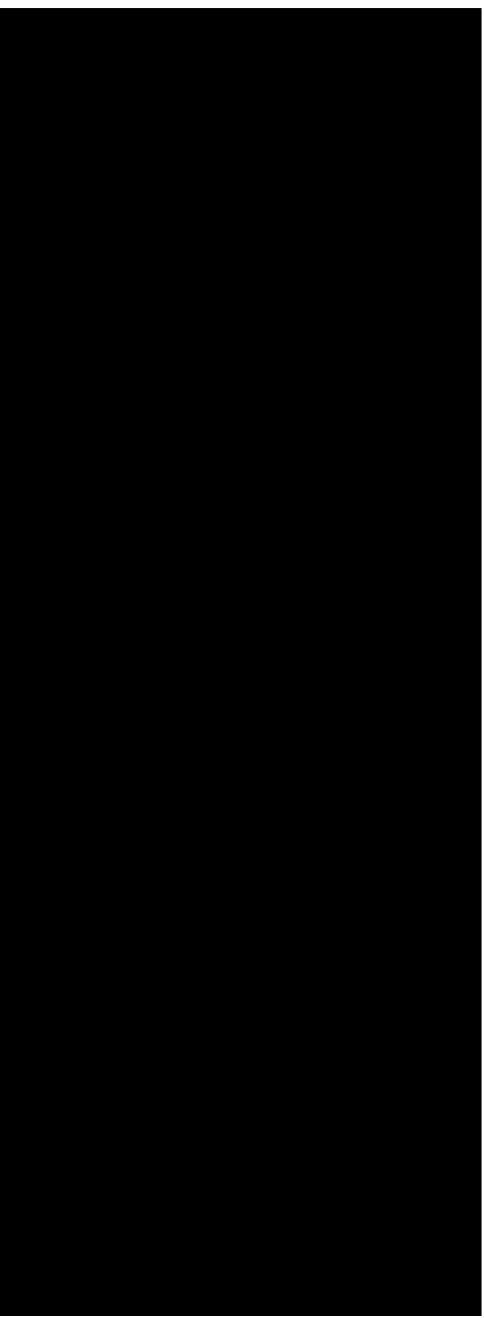
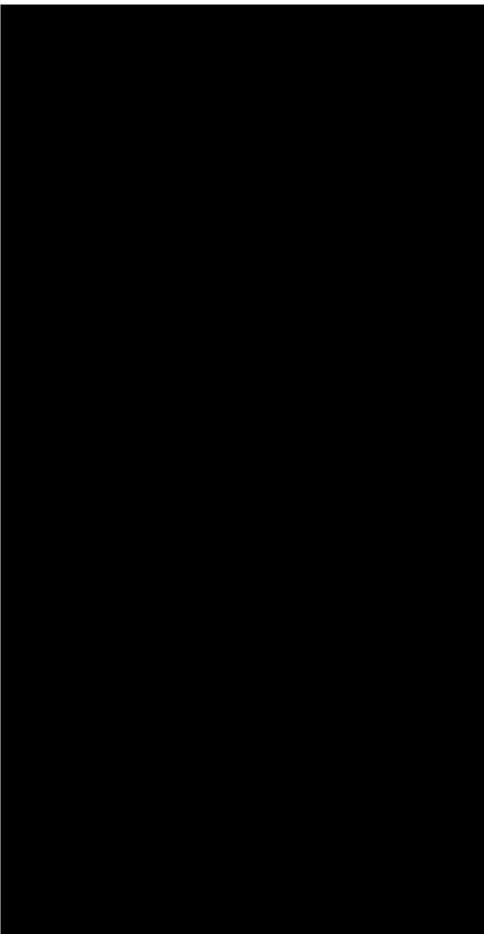
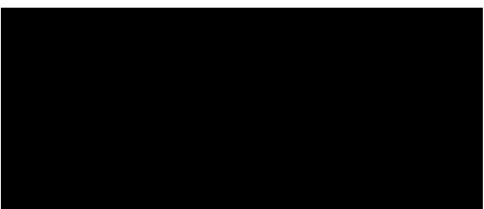
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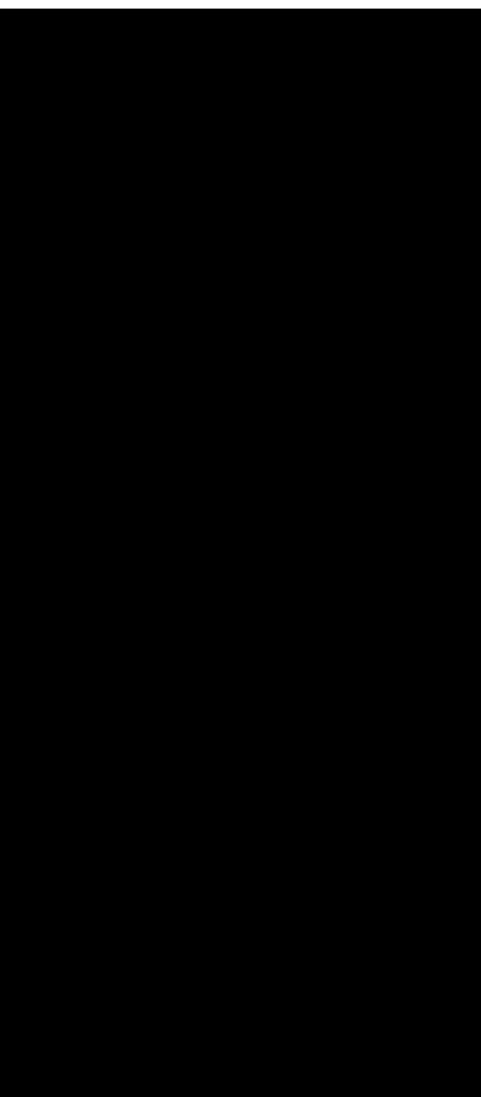
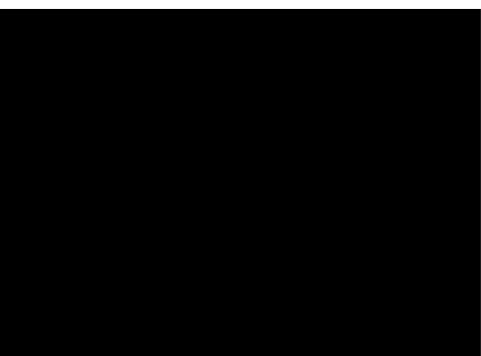
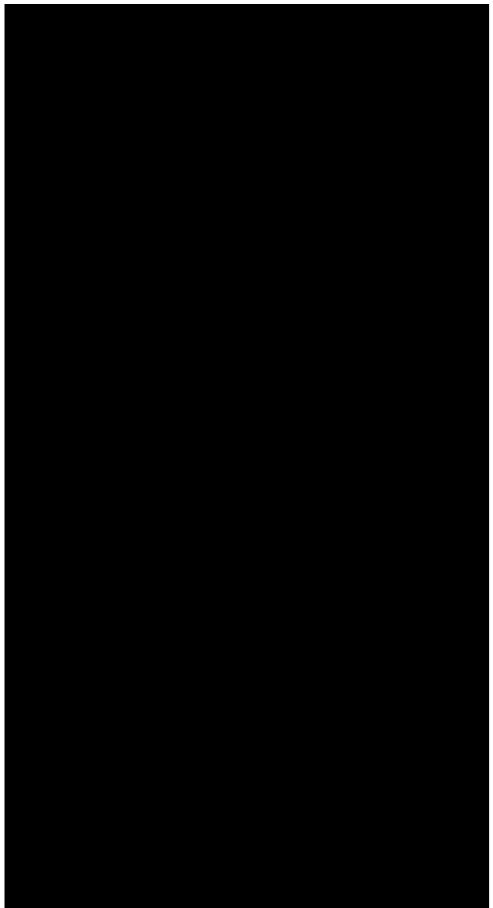
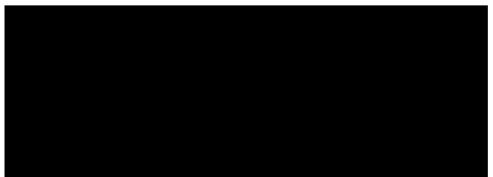
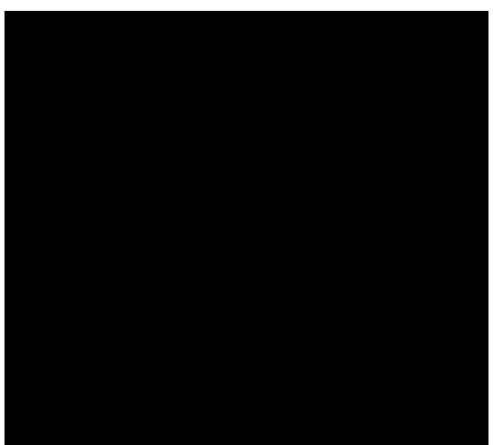
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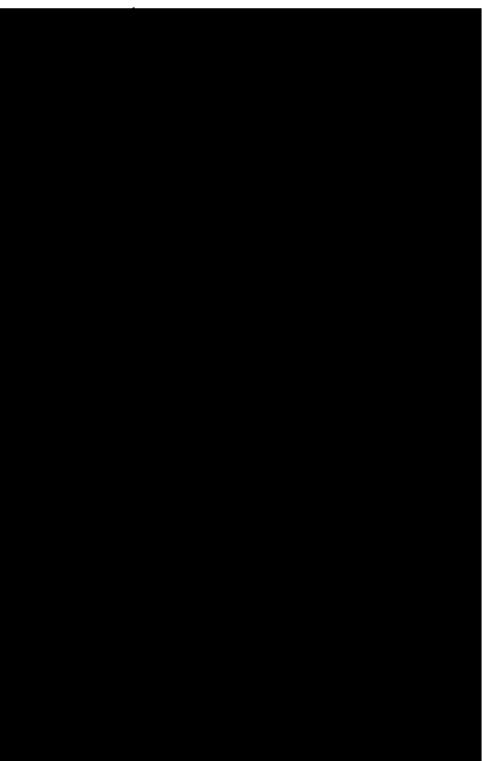
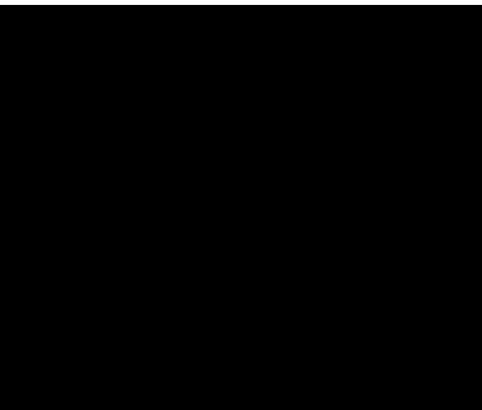
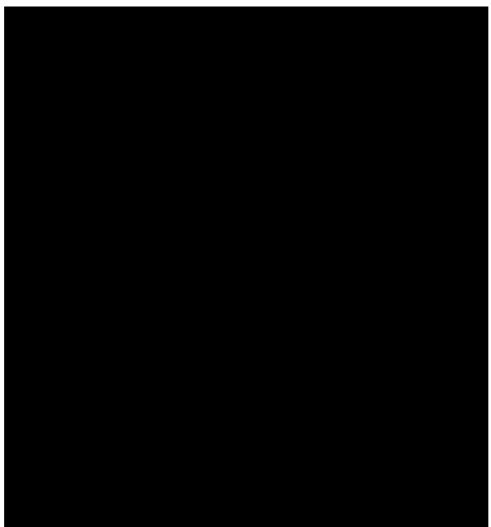
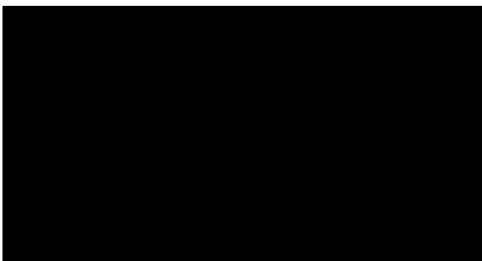
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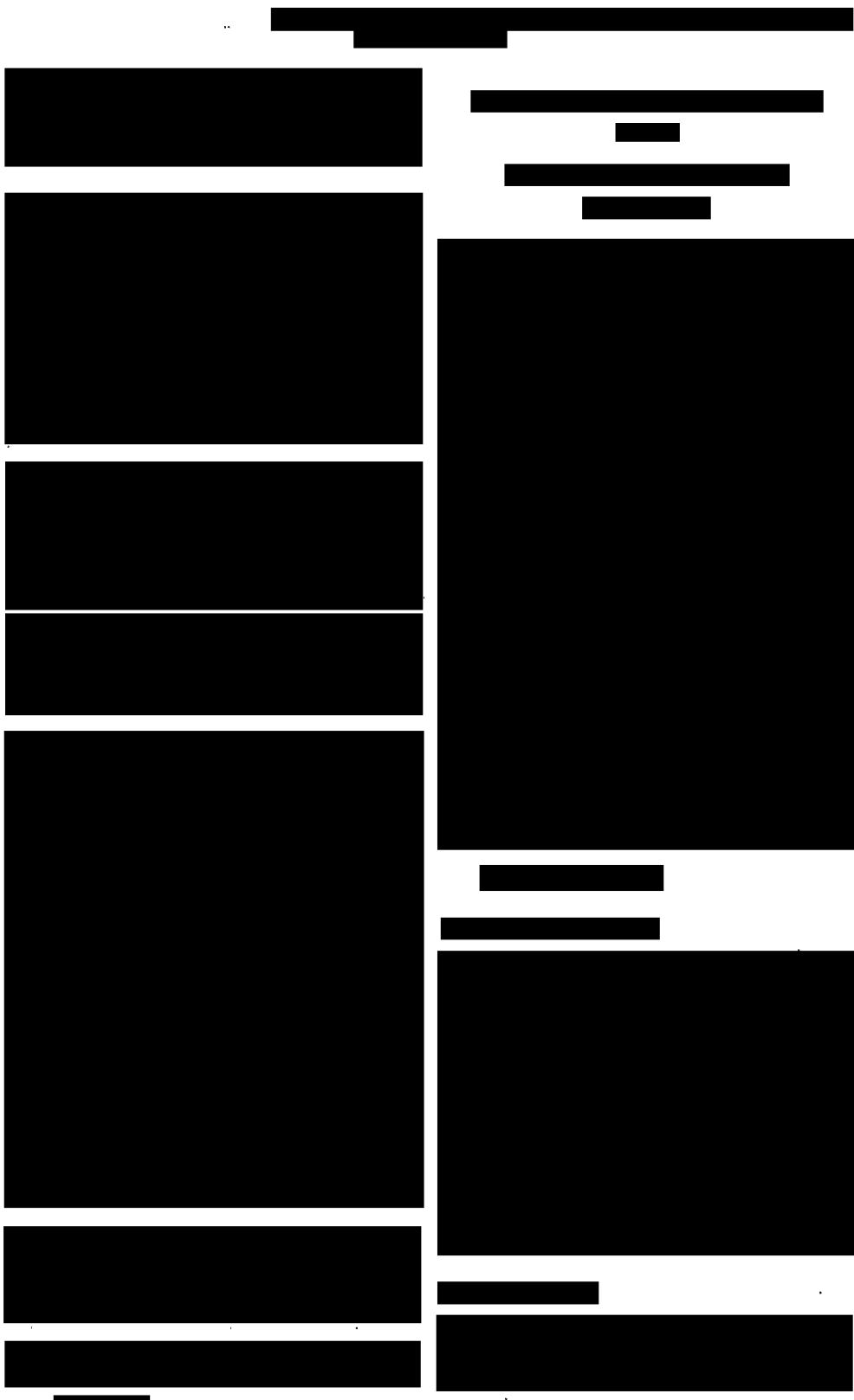
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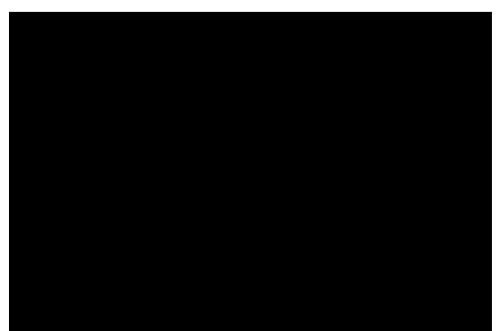
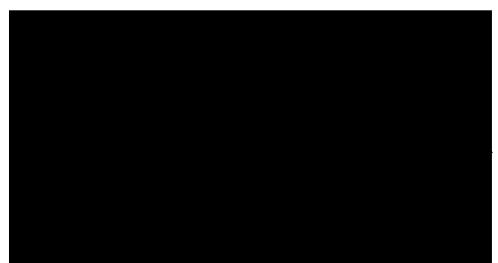
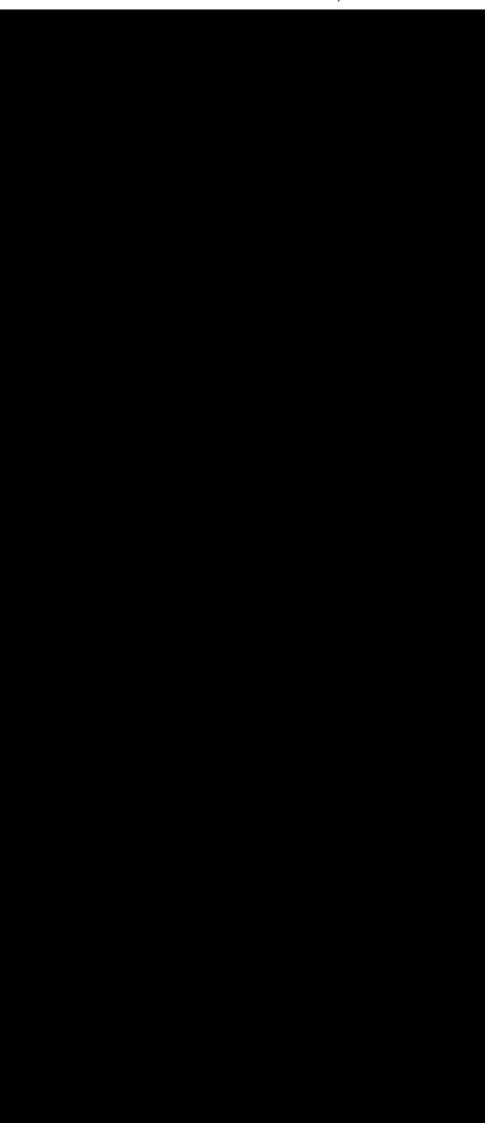
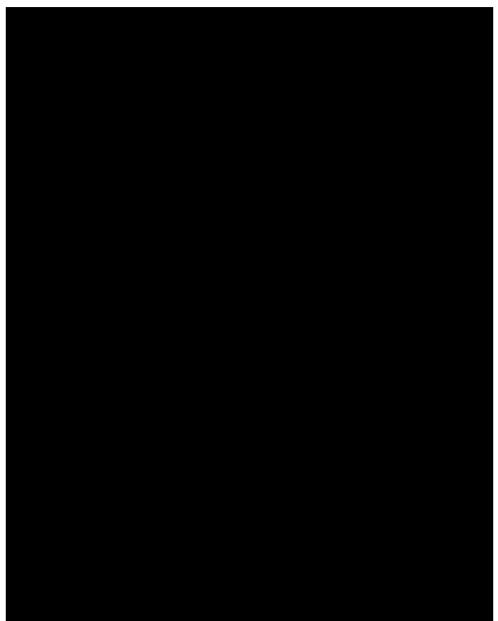
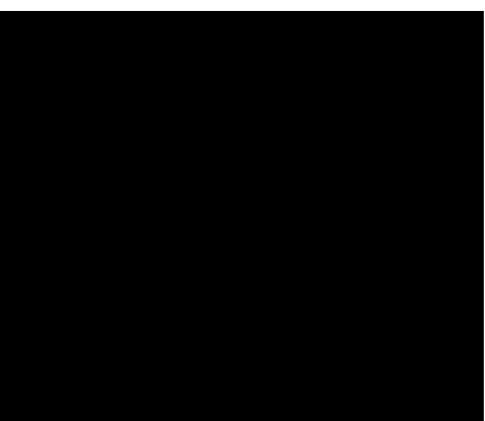
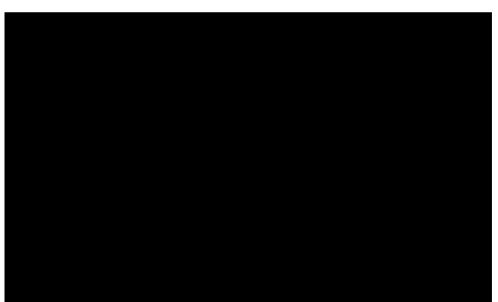


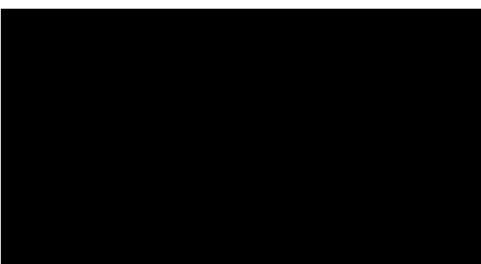
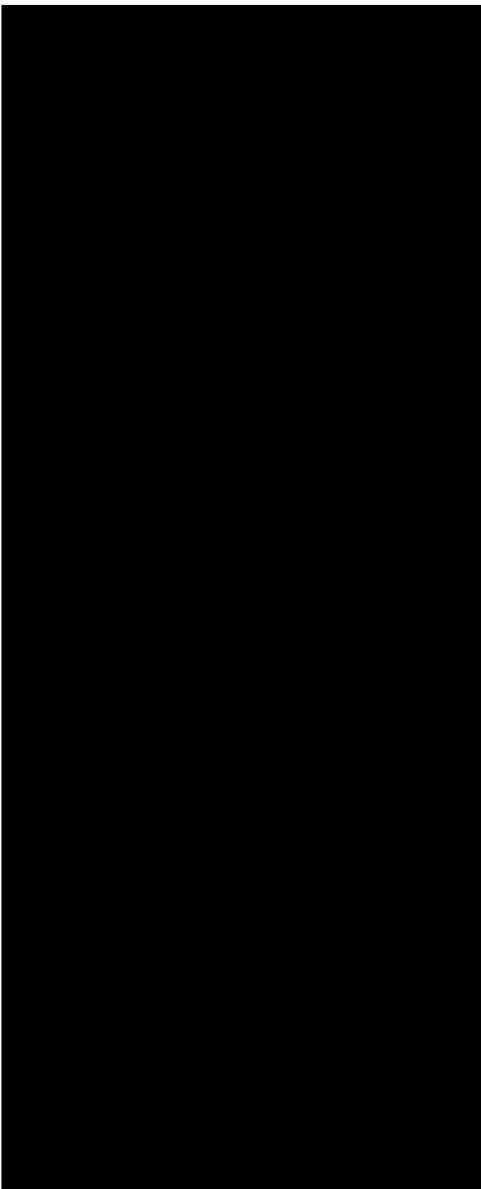


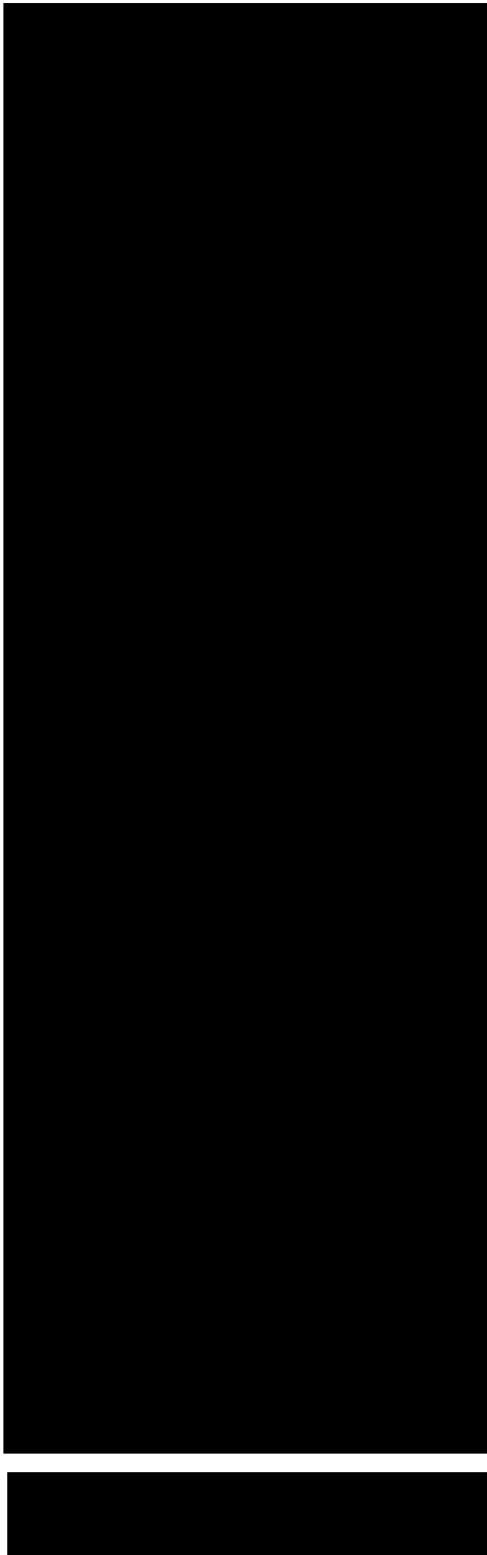
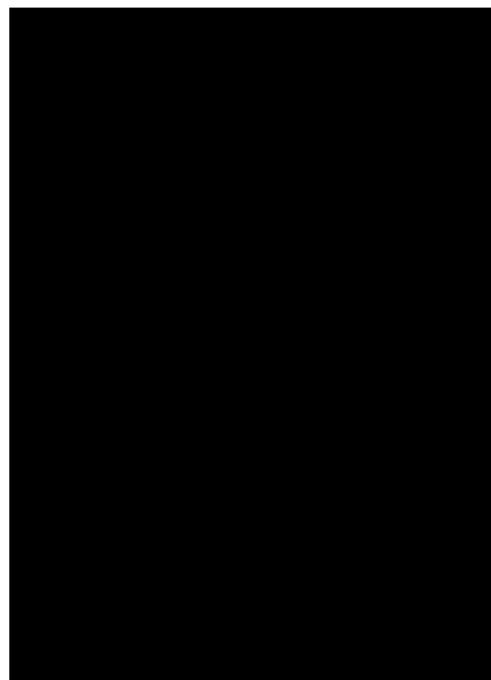
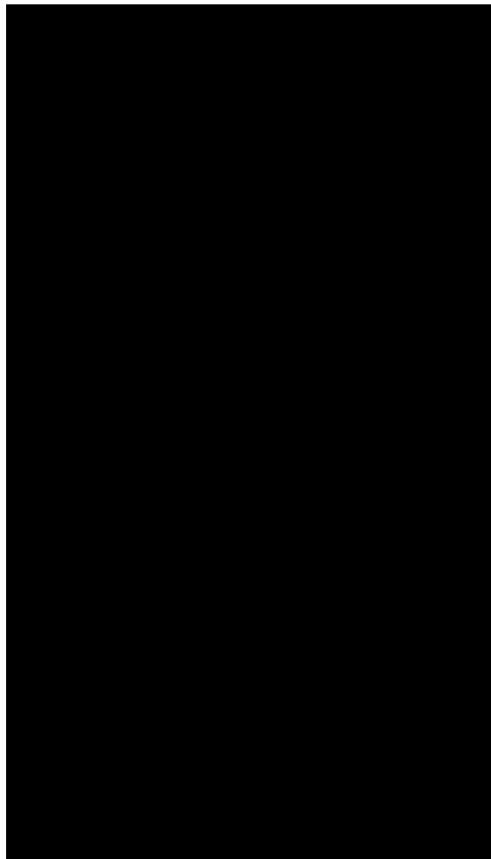


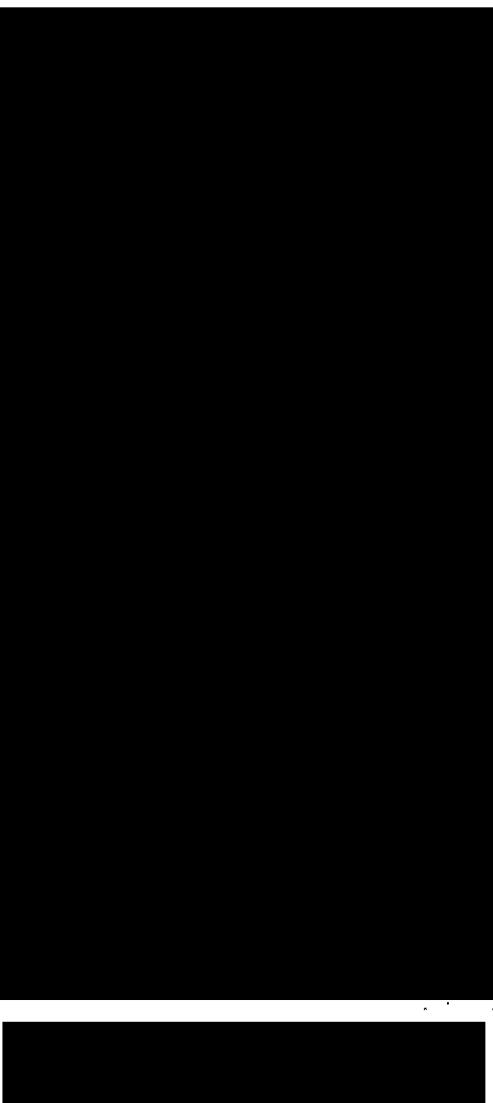
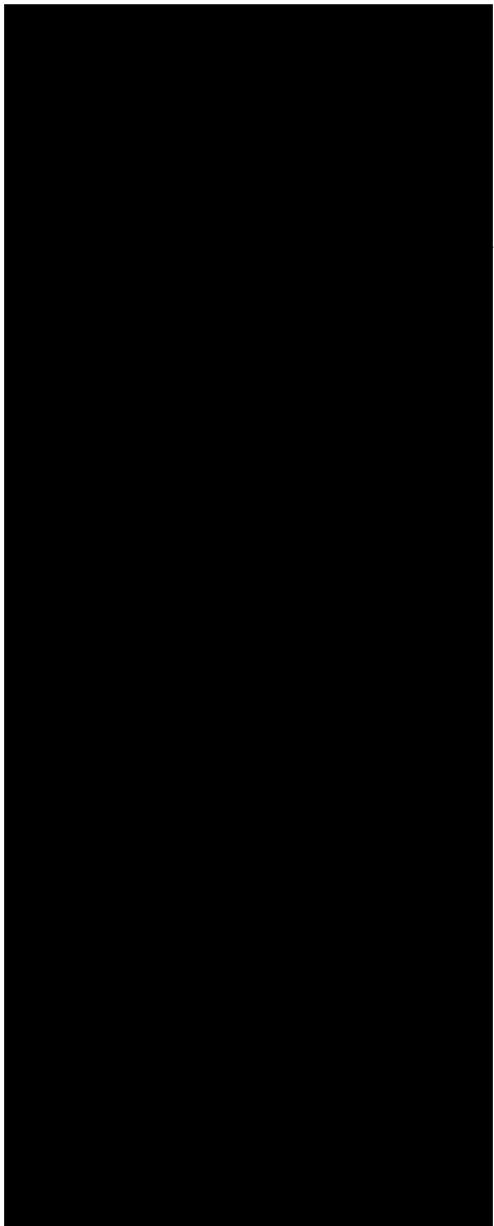
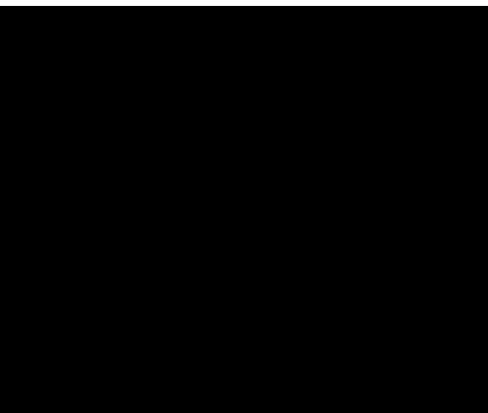
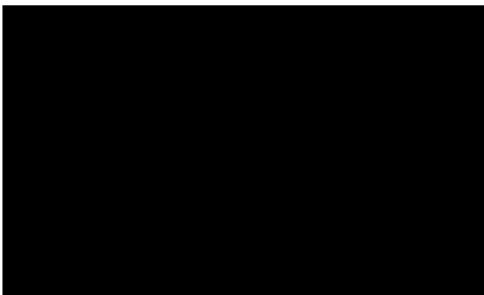


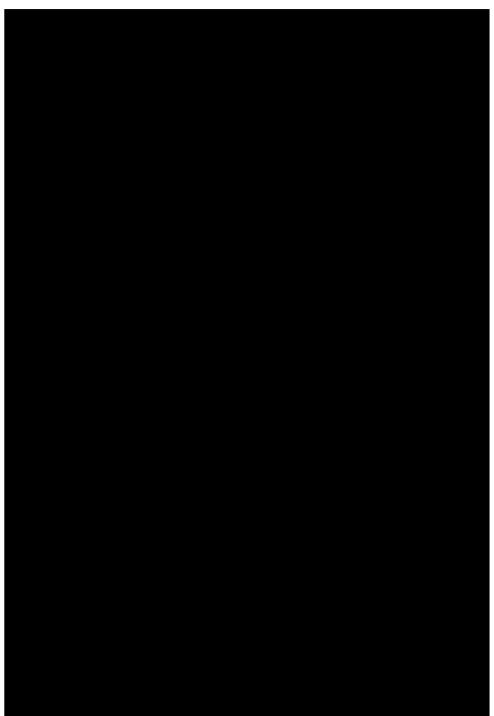
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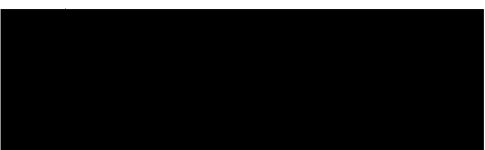
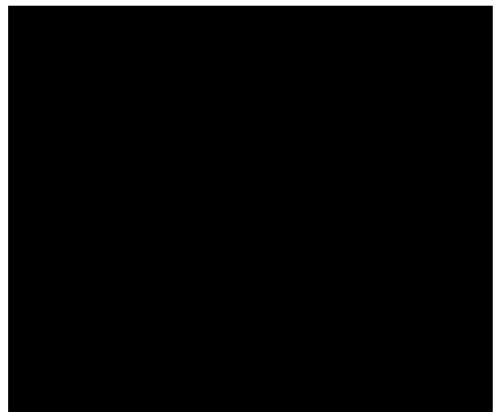
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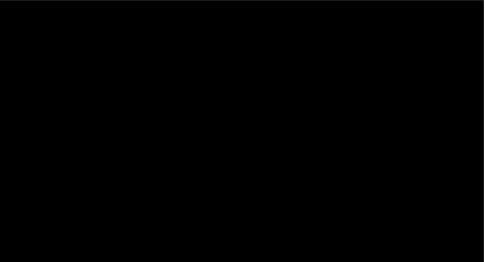
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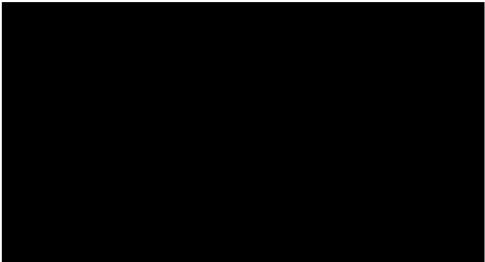
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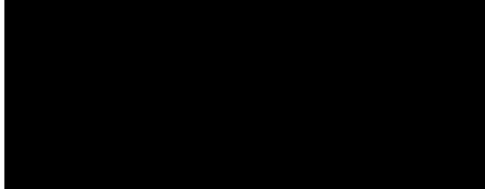
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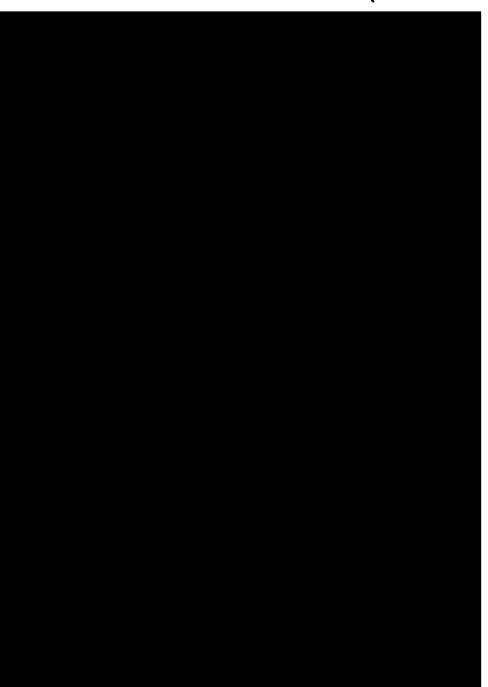
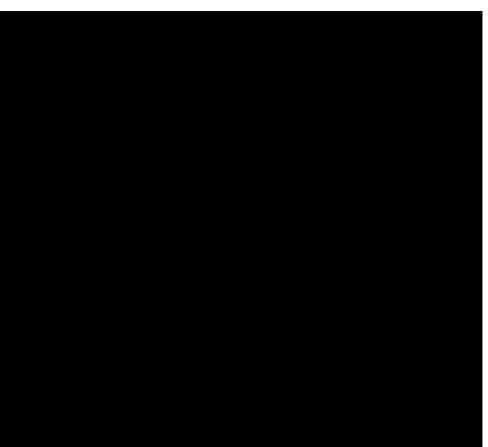
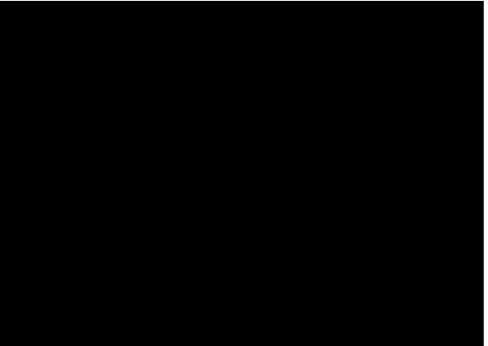
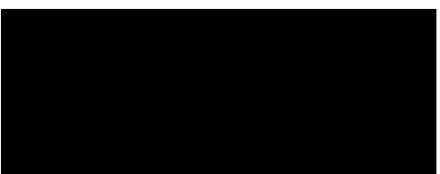
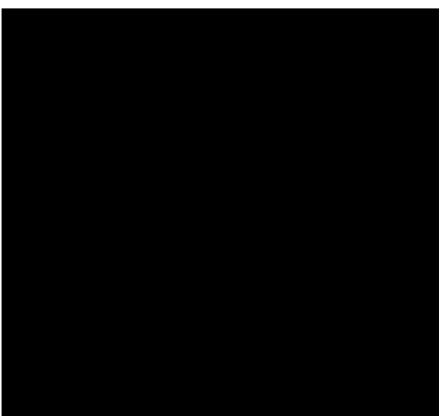
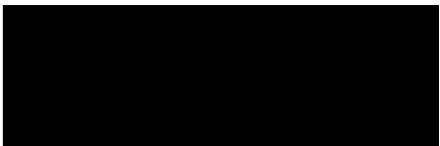
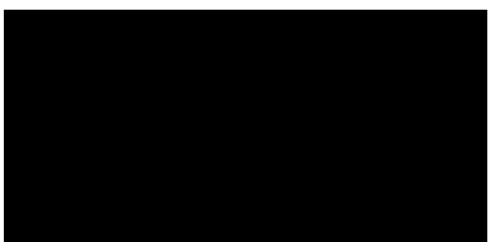
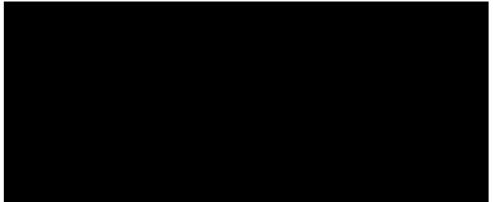
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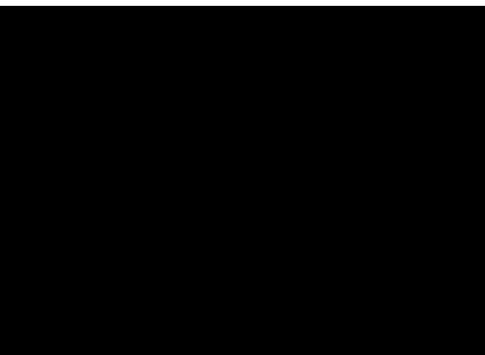
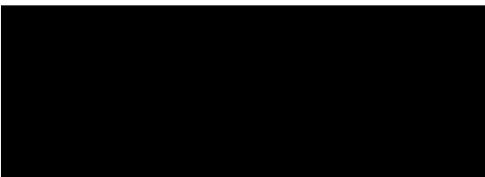
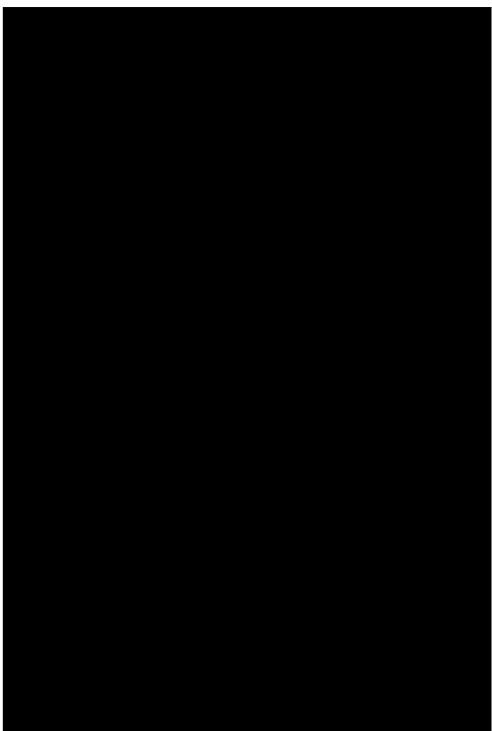
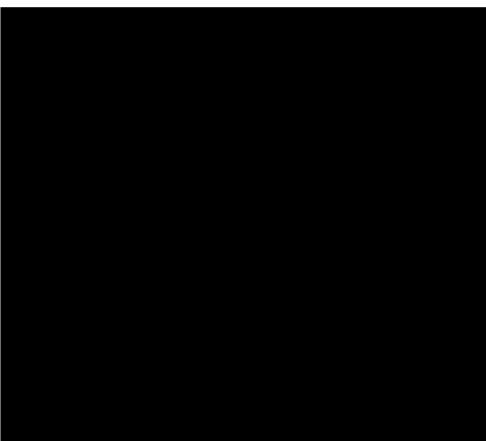
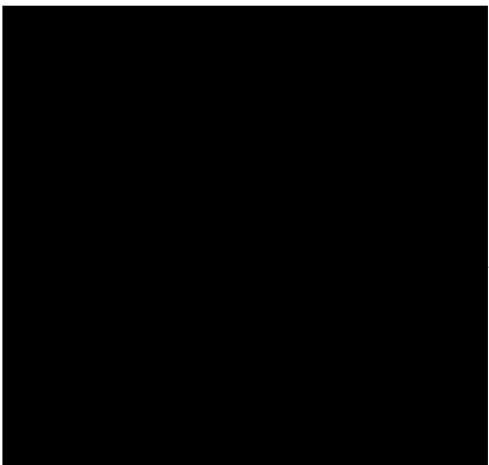
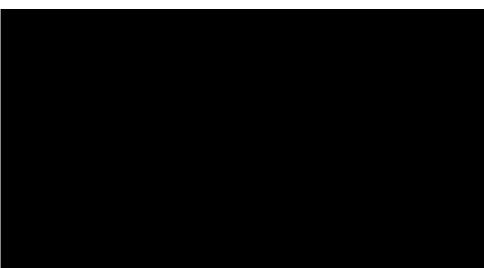
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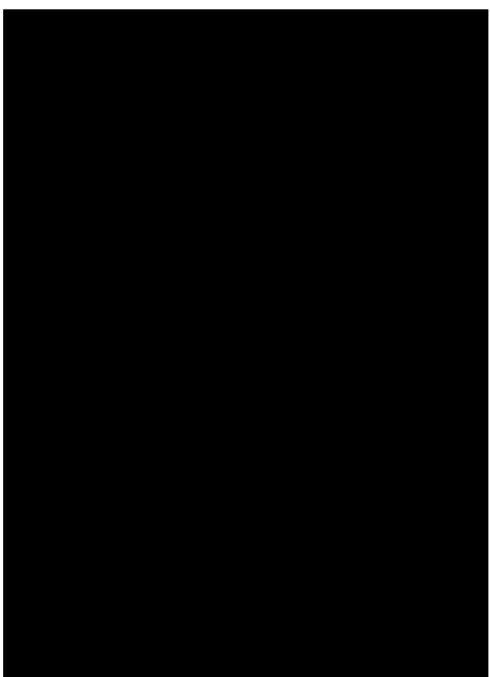
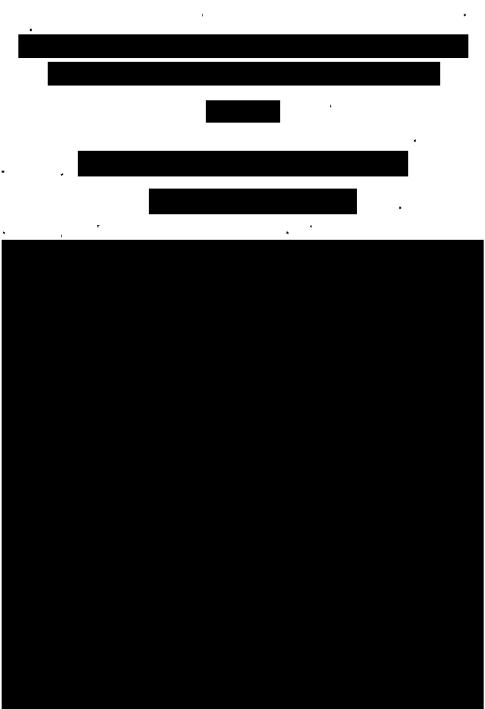
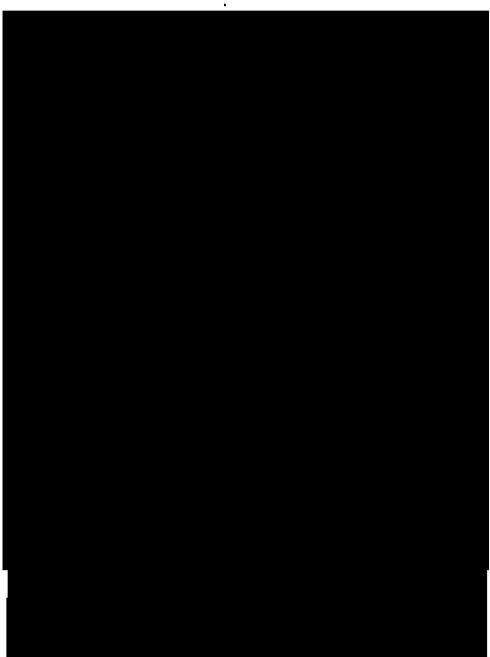
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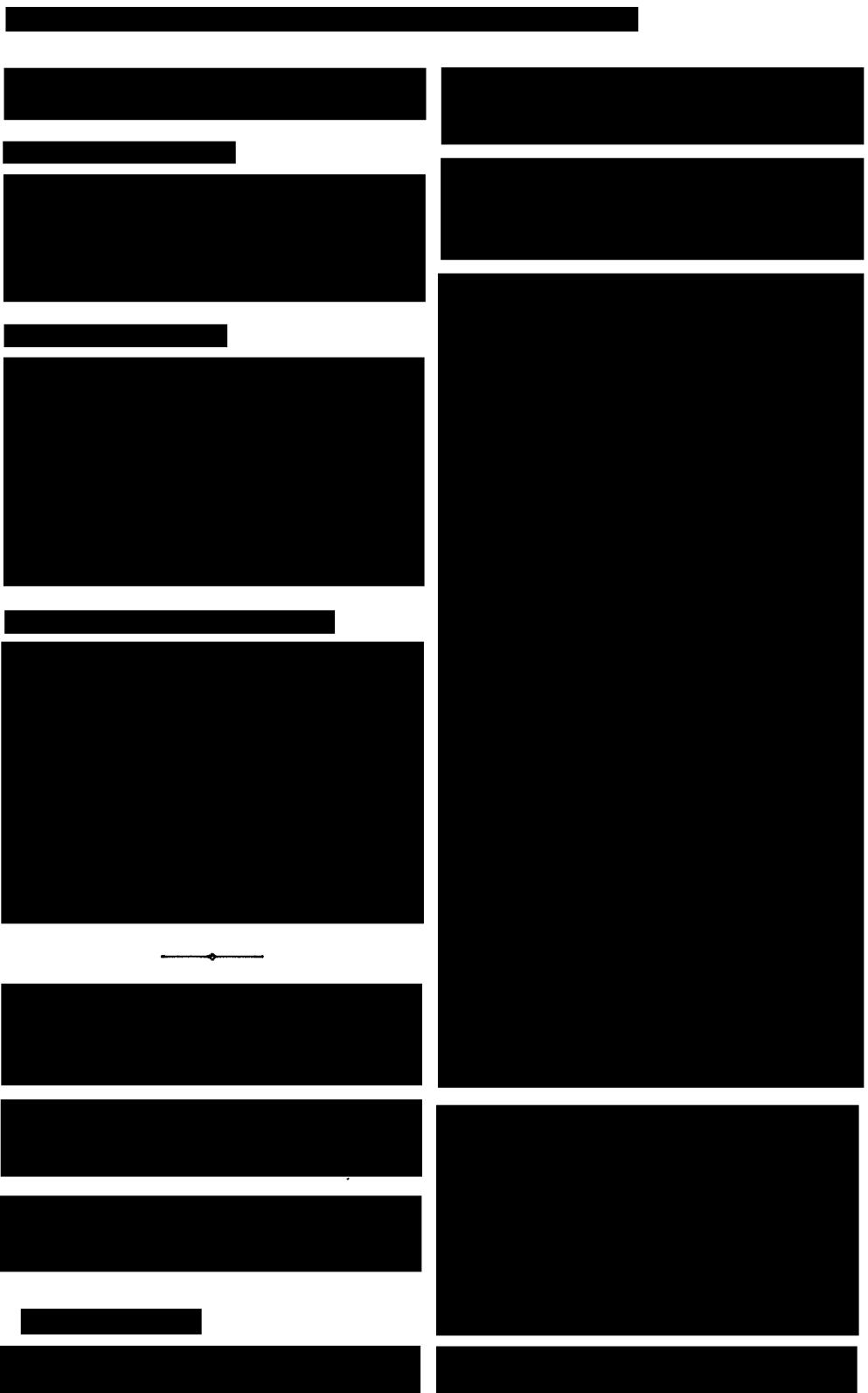
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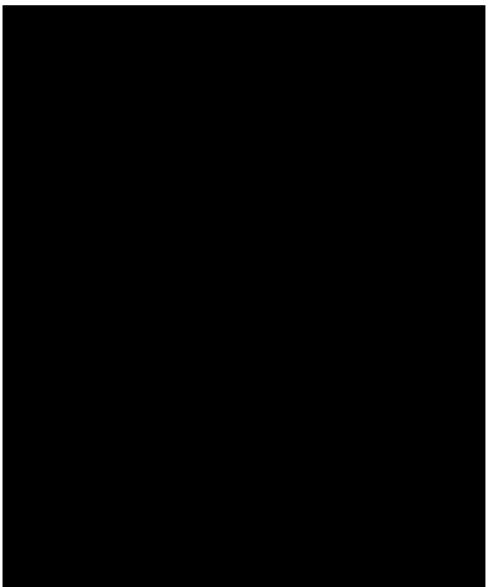
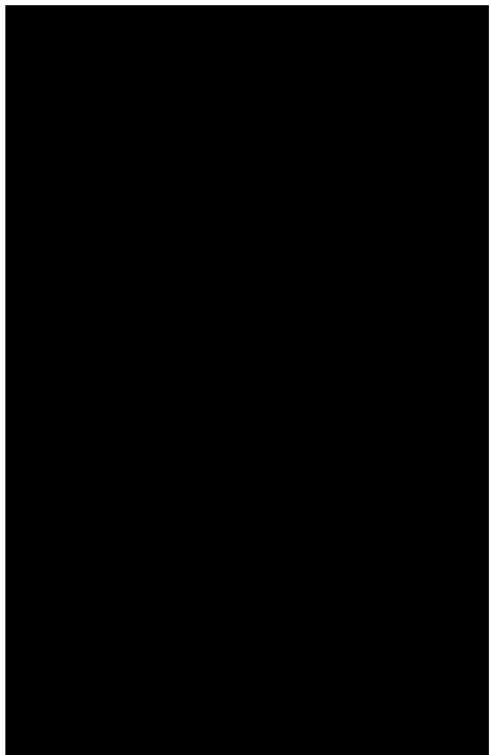
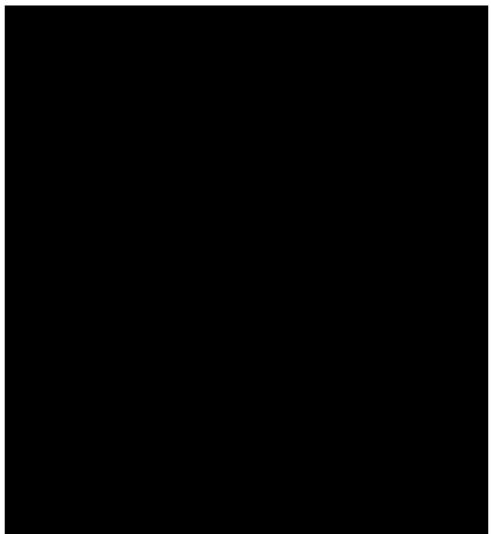
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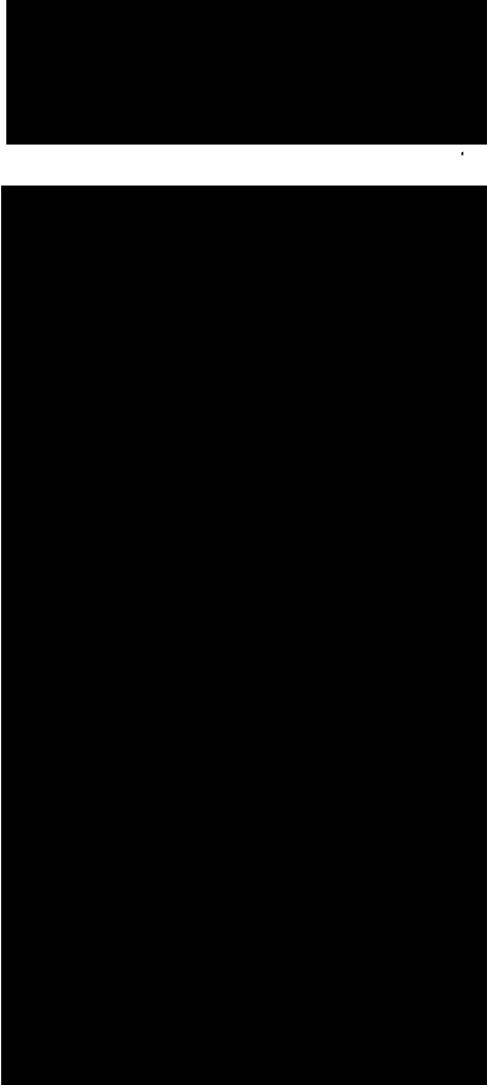
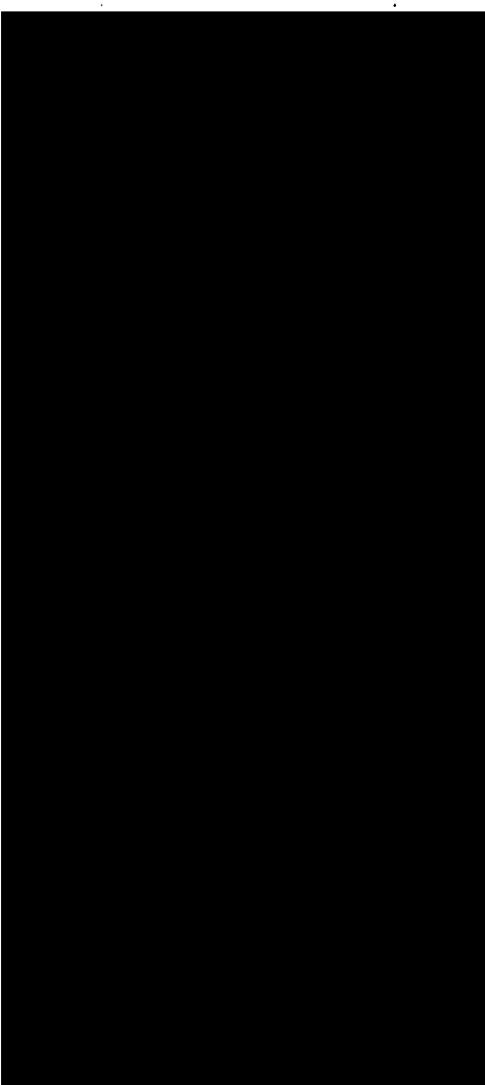
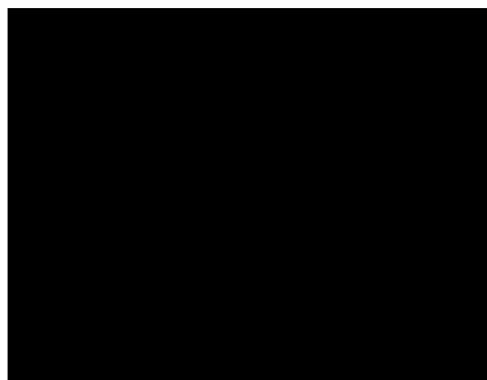
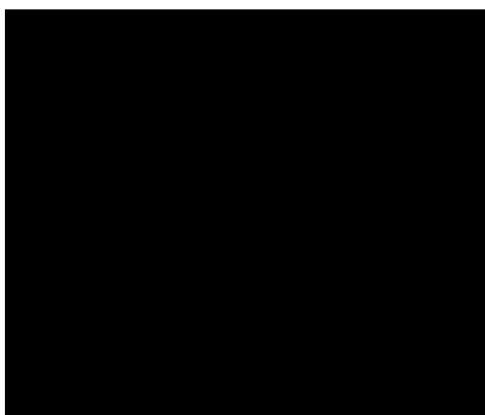


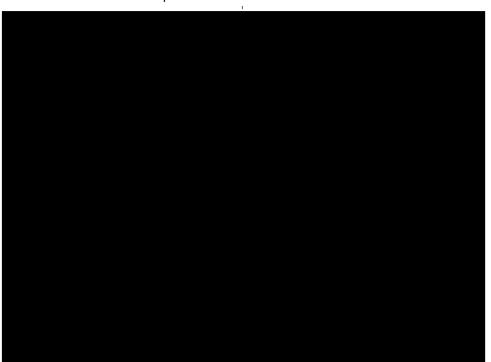
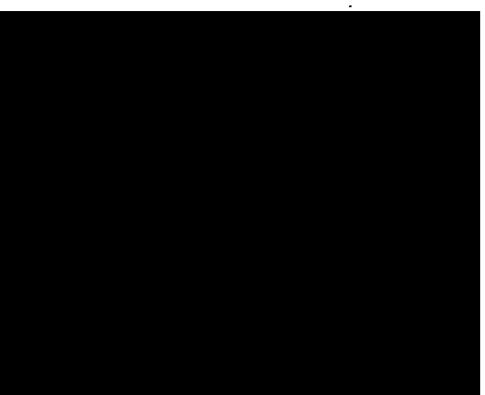
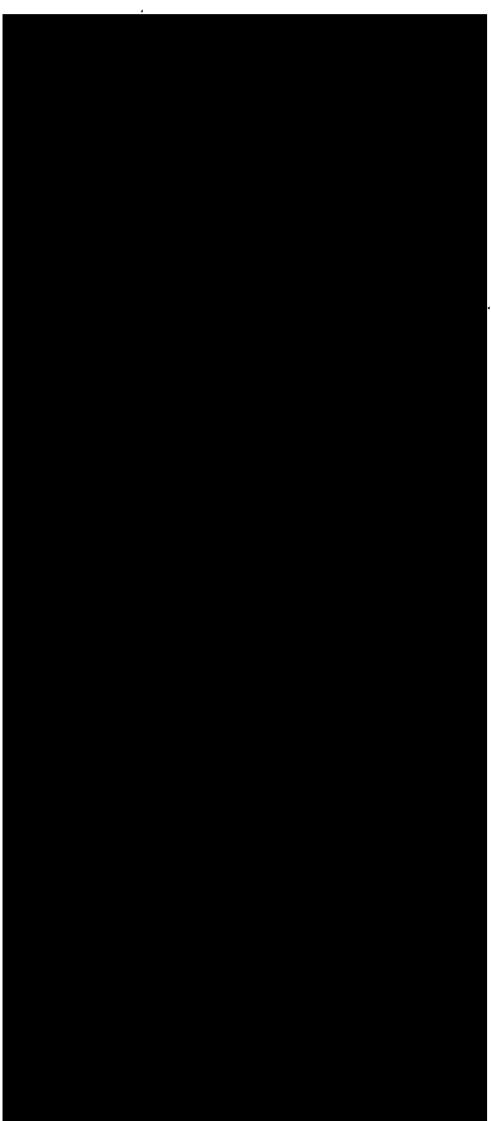












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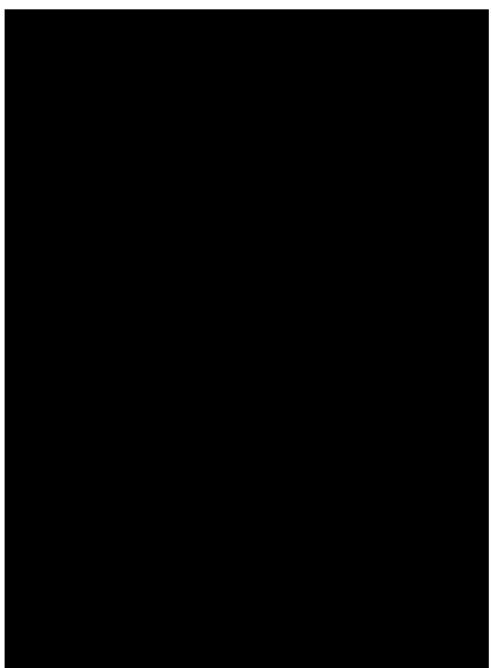
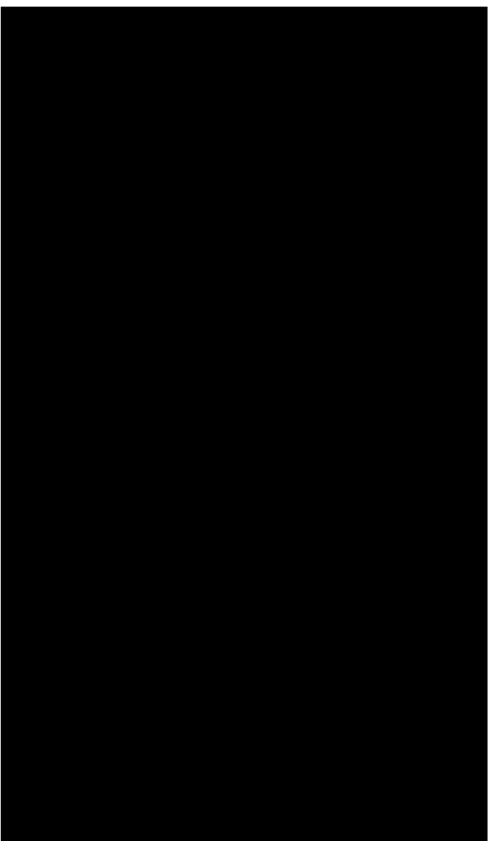
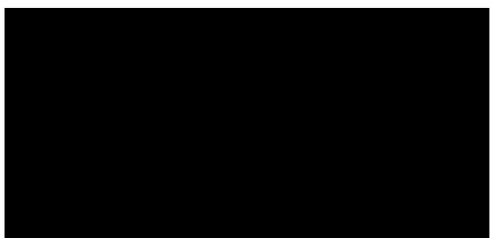
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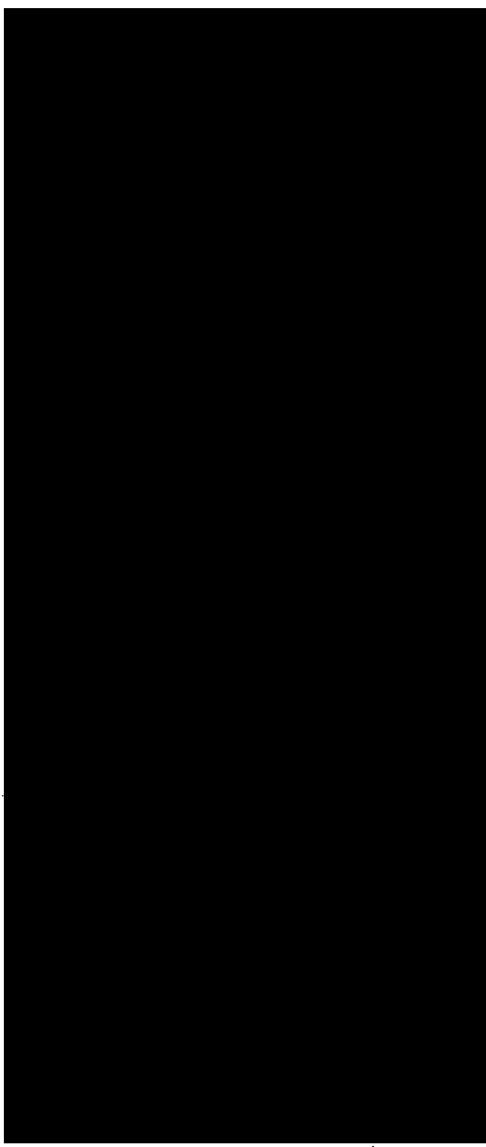
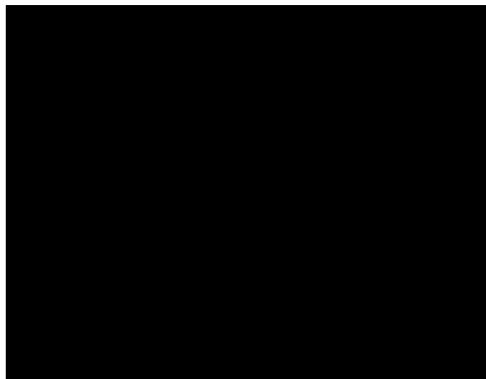
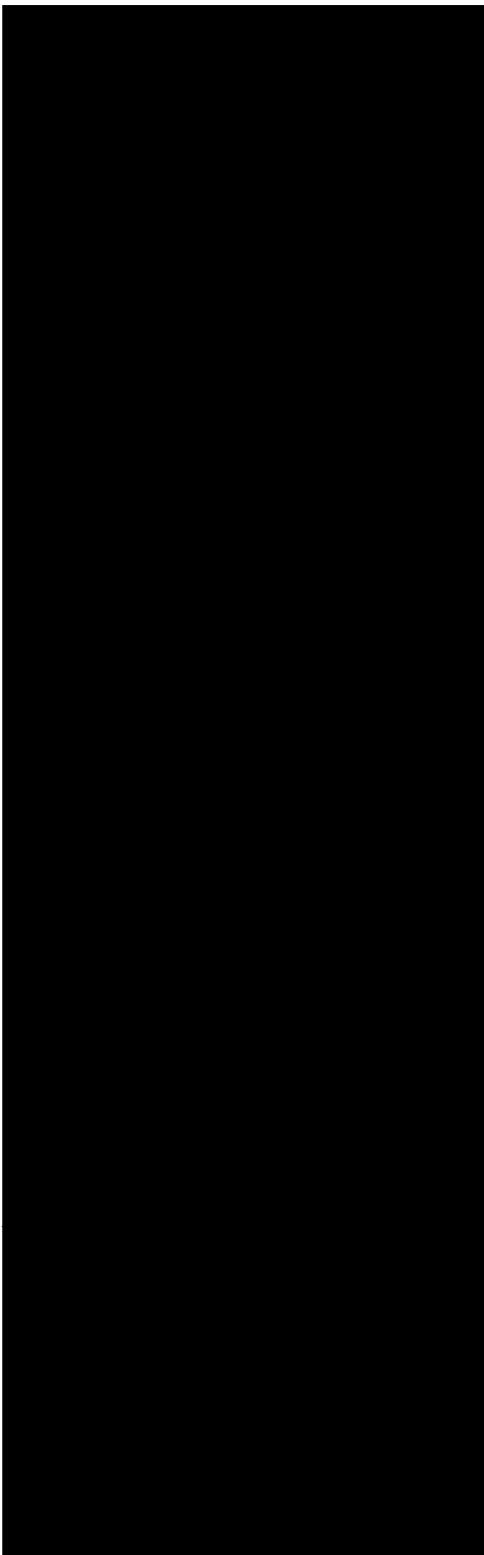
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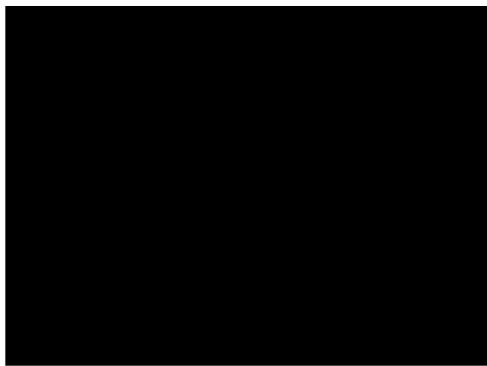
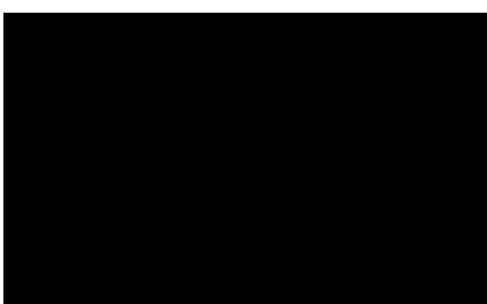
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**PEYTON v. DISTRICT OF COLUMBIA.**

No. 1389.

Municipal Court of Appeals for the  
District of Columbia.

Argued Oct. 19, 1953.

Decided Nov. 6, 1953.

William C. Gardner, Washington, D. C., with whom Joseph C. Waddy, Washington, D. C., was on the brief, for appellant.

Hubert B. Pair, Asst. Corporation Counsel, Washington, D. C., with whom Vernon E. West, Corporation Counsel, Chester H. Gray, Principal Asst. Corporation Counsel, and Harry L. Walker, Asst. Corporation Counsel, Washington, D. C., were on the brief, for appellee.

Before CAYTON, Chief Judge, and HOOD and QUINN, Associate Judges.

QUINN, Associate Judge.

Defendant was convicted by the court of making an obscene and indecent exposure in a public place.<sup>1</sup>

The facts brought out at trial were as follows: On the afternoon of June 23, 1953, defendant was seated in his automobile parked on the right side of a road bordering the Anacostia River. The right door of his car was open. On defendant's left was a golf course, and parked in front of him were two other cars, the occupants of which were either seated in their cars or on the grass nearby. To the right of defendant's car was a group of rather dense, low-hanging trees, and a few feet beyond them was the river. A group, including an adult woman, two teen-age girls, and the woman's two young children, was walking on the lawn between the trees and the river. Intending to cross the road, they went between the trees, pushing aside the low-hanging branches. As they emerged they were standing within a few feet of the open door of defendant's car. Defendant was sitting in the driver's seat with his private parts exposed. The group immediately passed by; no words were spoken between them and the defendant.

At trial defendant was his only witness. He denied any intention to expose himself.

1. Code 1951, 22-1112.
2. D.C.Mun.App., 56 A.2d 851, and cases cited therein. See also Case v. Commonwealth, 313 Ky. 374, 231 S.W.2d 86.
3. Davenport v. United States, *supra*.

He further said that when the Government's witnesses saw him exposed he was merely adjusting his undershorts. On cross-examination defendant admitted that he had previously been convicted for committing the same offense at the same location.

On this appeal it is contended that the trial court erred in finding defendant guilty because (1) there was no showing of any criminal intent on defendant's part, or that the exposure was intentional; (2) the finding was against the weight of the evidence; and (3) the trial judge considered defendant's prior conviction for the purpose of finding defendant guilty of the offense charged in the present case.

We agree that a criminal intent must be shown in a prosecution under this statute before a conviction can be upheld. That principle was clearly set out in Davenport v. United States.<sup>2</sup> While the exposure must be intentional and not accidental, the intent required is only a general one, and need not be directed toward any specific person or persons.<sup>3</sup> An exposure becomes indecent when the defendant exposes himself at such a time and place, where as a reasonable man he knows or should know his act will be open to the observation of others.<sup>4</sup> The required criminal intent is usually established by some action by which the defendant draws attention to his exposed condition or by his display in a place so public that it must be presumed that it was intended to be seen by others.<sup>5</sup> The intent can also be inferred from the recklessness of defendant's conduct in exposing himself.<sup>6</sup>

In this case defendant contends that he had no intention of being seen by others, and that as a matter of law no such intent was shown by the Government. The basis of this argument is that it was highly im-

4. State v. Martin, 125 Iowa 715, 101 N.W. 687.
5. State v. Peery, 224 Minn. 346, 28 N.W.2d 851.
6. Truet v. State, 3 Ala.App. 114, 57 So. 512.

probable that anyone would see defendant through the overhanging trees, or that anyone would be walking between these trees, as there was no walking path on the other side. Because of the unlikelihood of anyone seeing him, it is argued that intent was not shown beyond a reasonable doubt. We cannot agree with this argument. The photographs of the scene introduced into evidence by defendant clearly show that it was not unlikely that he saw the group of walkers approaching him and was aware of their presence. Nevertheless the issue of intent in a case such as this is basically a question of fact. We think there was substantial evidence to support the court's finding on that question. The scene of defendant's act was certainly public enough, and his conduct sufficiently reckless to support the lower court's finding that the requisite criminal intent was present.

Nor can we say that the finding of defendant's guilt was against the weight of the evidence. There was substantial evidence to support the finding, and we may only set aside a judgment on a factual issue when it is plainly wrong or without evidence to support it.<sup>7</sup>

The contention that the trial judge improperly considered defendant's prior conviction is not supported by the record. It is well settled that a defendant's prior convictions may be brought out on cross-examination for the purpose of affecting his credibility.<sup>8</sup> And it is equally well settled that evidence of such convictions must be restricted to the question of defendant's credibility and may not be considered for the purpose of determining his guilt or innocence of the offense charged.<sup>9</sup> The trial judge when announcing his decision commented that it was an unusual case to have the same man previously convicted of the same act at the very same place. In view of the judge's ruling at the time the question was asked, that such evidence

could only be introduced for the purpose of affecting defendant's credibility, we do not feel that his remark at the conclusion of the case indicated that he improperly considered this evidence in arriving at a finding of guilty.

Affirmed.

**BRANSON v. HARRIS.**

No. 1379.

Municipal Court of Appeals for the District of Columbia.

Argued Oct. 12, 1953.

Decided Nov. 6, 1953.

7. *Davis v. Professional Building Corp.*, D.C.Mun.App., 99 A.2d 754, decided Oct. 29, 1953.

8. *Code 1951*, 14-305; *Goode v. United States*, 80 U.S.App.D.C. 67, 149 F.2d 377.

9. *Mostyn v. United States*, 62 App.D.C. 22, 64 F.2d 145.

strength of the judgment in her favor appellee was enabled to have title registered in her name alone. After the death of Branson and the appointment of his widow as executrix of his estate, the executrix brought the present action. She appeals from an adverse judgment.

The complaint, entitled as one for a declaratory judgment, specifically states that it was brought under "the Declaratory Judgments Act, 28 U.S.C.A. Sec. 2201." The act referred to, commonly called the Federal Declaratory Judgments Act, confers jurisdiction to render such judgments on "any court of the United States". The term "court of the United States" is defined in 28 U.S.C.A. § 451 to include "any court created by Act of Congress the judges of which are entitled to hold office during good behavior." The Municipal Court for the District of Columbia was created by Act of Congress, but its judges hold office for limited terms. It follows that the Federal Declaratory Judgments Act confers no jurisdiction on the Municipal Court to render a declaratory judgment.<sup>1</sup> There is no local statute conferring such jurisdiction and we must rule that the Municipal Court lacks jurisdiction to grant a declaratory judgment.<sup>2</sup>

At oral argument before us appellant contended that if the trial court was without power to grant the relief asked, it nevertheless was not bound by the prayer for relief and should have awarded the relief to which appellant was entitled. Municipal Court Civil Rule 54(c), although based on Fed.R. Civ.P. 54(c), 28 U.S.C.A., has certain limiting words not contained in the Federal rule. It provides: "Except as to a party against whom a judgment is entered by default, every final judgment shall *upon request of the party* grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleadings." The italicized words are not in the Federal

- See *Reese v. Fultz*, D.C.Alaska, 96 F. Supp. 449, where the same conclusion was reached regarding the District Court for the District of Alaska.

2. Willing v. Chicago Auditorium Ass'n, 277 U.S. 274, 48 S.Ct. 507, 72 L.Ed. 880.

rule. The weakness in appellant's argument is that the record fails to disclose that she ever asked the trial court for any other type of relief. Her complaint requested a declaratory judgment, specifically asking the court to "determine the true construction, right to possession, and title of the said motor vehicle." In her brief here appellant says she was entitled "to a judgment equal to one-half of the market value of the said motor vehicle at the time of the death of the appellant's testate," but no claim for a money judgment was made below and no evidence of market value was offered to support it. It is difficult to understand whether appellant now claims she was entitled to partition, to an accounting or to a money judgment for damages. Since the only relief she clearly asked of the trial court was a judgment "by way of a declaration of the rights of the parties," and the court had no power to enter such a judgment, the court properly denied relief. Since our decision is based on lack of jurisdiction in the trial court, we do not consider the merits of the controversy between the parties.

Affirmed.

**UNITED STATES v. LEWIS.**

No. 1387.

Municipal Court of Appeals for the  
District of Columbia.

Argued Oct. 5, 1953.

Decided Nov. 6, 1953.

Lewis A. Carroll, Asst. U. S. Atty., Washington, D. C., with whom Leo A. Rover, U. S. Atty., William J. Peck and Kenneth D. Wood, Asst. U. S. Attys., Washington, D. C., and Alexander L. Stevas, Asst. U. S. Atty., Arlington, Va., were on the brief, for appellant.

Walter E. Gallagher, Washington, D. C., with whom Myron G. Ehrlich and Joseph Sitnick, Washington, D. C., were on the brief, for appellee.

Before CAYTON, Chief Judge, and HOOD and QUINN, Associate Judges.

CAYTON, Chief Judge.

Frank Lewis was charged by information with having engaged in the business of accepting wagers without paying the occupational tax imposed by Chapter 27A of the Internal Revenue Code, 26 U.S.C. § 3285 et seq. (Supp. V, 1952). He moved to dismiss the information and the trial court granted his motion, holding in a written opinion that Chapter 27A is unconstitutional because it compels a defendant to give self-incriminating information and imposes a penalty in the guise of a tax. From that decision the United States has brought this appeal.

Determination of the constitutionality of an act of Congress is, as the Supreme Court has said, one of the most serious responsibilities of the judiciary. "It is always an exceedingly grave and delicate duty to decide upon the constitutionality of an act of the congress of the United States. The presumption, as has frequently been said, is in favor of the validity of the act, and it is only when the question is free from any reasonable doubt that the court should hold an act of the lawmaking power of the nation to be in violation of that fundamental instrument upon which all the powers of the government rest. This is particularly true of a revenue act of congress. The provisions of such an act should not be lightly or inadvisedly set aside, although, if they be plainly antagonistic to the Constitution it is the duty of the court to so declare." Nicol v. Ames, 173 U.S. 509, 514, 19 S.Ct. 522, 525, 43 L.Ed. 786.

Much greater has been the unwillingness of courts of first instance to strike down acts of Congress. Out of an awareness of the serious nature of such a procedure and out of a concern for uniform

1. La Croix v. United States, D.C.W.D. Tenn., 11 F.Supp. 817, appeal dismissed, 6 Cir., 85 F.2d 569; Bemis Bro. Bag Co. v. Feidelson, D.C.W.D.Tenn., 13 F.Supp. 153; In re Moore, D.C.E.D.Pa., 8 F. Supp. 393; Mather v. MacLaughlin, D.

enforcement of federal laws has grown more than a rule of law: a sound and well-defined public policy has been established among the United States District Courts of resolving every intendment in favor of acts of Congress and refraining from nullification of such acts unless some plain mandate of the constitution is clearly shown to have been violated.<sup>1</sup> Thus it has been said: " \* \* \* before pronouncing an act of Congress unconstitutional and unenforceable, a District Court should be even more carefully deliberate and firmly convinced beyond a reasonable doubt of its unconstitutionality than would be necessary on the part of a Circuit Court of Appeals or of the Supreme Court of the United States. A District Court is a one-man court. There are numerous District Courts; and the result of conflicting views of individual District Judges as to the unconstitutionality of acts of Congress leads to a frequently confusing status in the enforceability of national laws. Wherefore District Courts should be most reluctant to pronounce acts of Congress void. The soundest public policy is conserved when District Courts do not interfere with the operation of acts of Congress. Pending the final decision of the Supreme Court of the United States, nullification of laws in some districts and their enforcement in other districts leads to much confusion and inequality."<sup>2</sup>

To this we would add that a still greater duty of self-restraint rests on courts of limited jurisdiction like the Municipal Court. Such a court should not challenge the right of Congress to make a law unless unconstitutionality is glaring and it is manifest that Congress has exceeded its grant of power.

In applying this test we note first that the wagering tax act here involved has been held valid by a three-judge federal court in this jurisdiction. Combs v. Snyder, D.C. D.C., 101 F.Supp. 531, affirmed without

C.E.D.Pa., 57 F.2d 223; United States v. 458.95 Acres of Land, D.C.E.D.Pa., 22 F.Supp. 1017.

2. La Croix v. United States, supra, 11 F. Supp. at page 820.

opinion, 342 U.S. 939, 72 S.Ct. 562, 96 L.Ed. 698. Six other district courts have likewise upheld the constitutionality of the same act.<sup>3</sup> And in the only case in which a district court held the act invalid there resulted a reversal by the Supreme Court. United States v. Kahriger, 345 U.S. 22, 73 S.Ct. 510, rehearing denied 345 U.S. 931, 73 S.Ct. 778. There the highest Court held that the act did not prescribe a penalty or require self-incriminating revelations in violation of the fifth amendment.

Discussing the Kahriger decision at length in his opinion, the trial judge found the present case distinguishable. He held compliance with the act would involve self-incrimination, because registration is required only after wagers have been accepted. Therefore, he said, since District of Columbia laws make the acceptance of wagers a crime,<sup>4</sup> and since such laws are federal laws, one who registers under the act, giving his name and address, and his employees' names and addresses, would necessarily be giving evidence tending to incriminate himself of a violation of federal law. This position is directly contrary to the Supreme Court's ruling in the Kahriger case, where it was said: "Since appellee failed to register for the wagering tax, it is difficult to see how he can now claim the privilege even assuming that the disclosure of violations of law is called for. \* \* \* Assuming that respondent can raise the self-incrimination issue, that privilege has relation only to past acts, not to future acts that may or may not be committed. \* \* \* If respondent wishes to take wagers subject to excise taxes under § 3285, supra, he must pay an occupational tax and register. Under the registration provisions of the wagering tax, appellee is not compelled to confess to acts already committed, he is merely informed by the statute that in order to en-

gage in the business of wagering in the future he must fulfill certain conditions."<sup>5</sup>

Thus the Kahriger opinion construed the act to require registration before entering the business of accepting wagers, and held that such was valid and proper. It was not open to the Municipal Court to adopt a different construction.

The trial court also said "even assuming that the payment of the tax and registering would not compel a confession of past illegal substantive acts, nevertheless if two or more persons conspired to violate any of the antigambling provisions of the District of Columbia and in pursuance of that conspiracy one of the conspirators applied for a tax stamp such an act would be an overt act in furtherance of the conspiracy and sufficient to sustain a conviction." That statement is answered in the words we have already quoted from the Kahriger decision to the effect that one who has not registered has no right to claim the constitutional privilege.

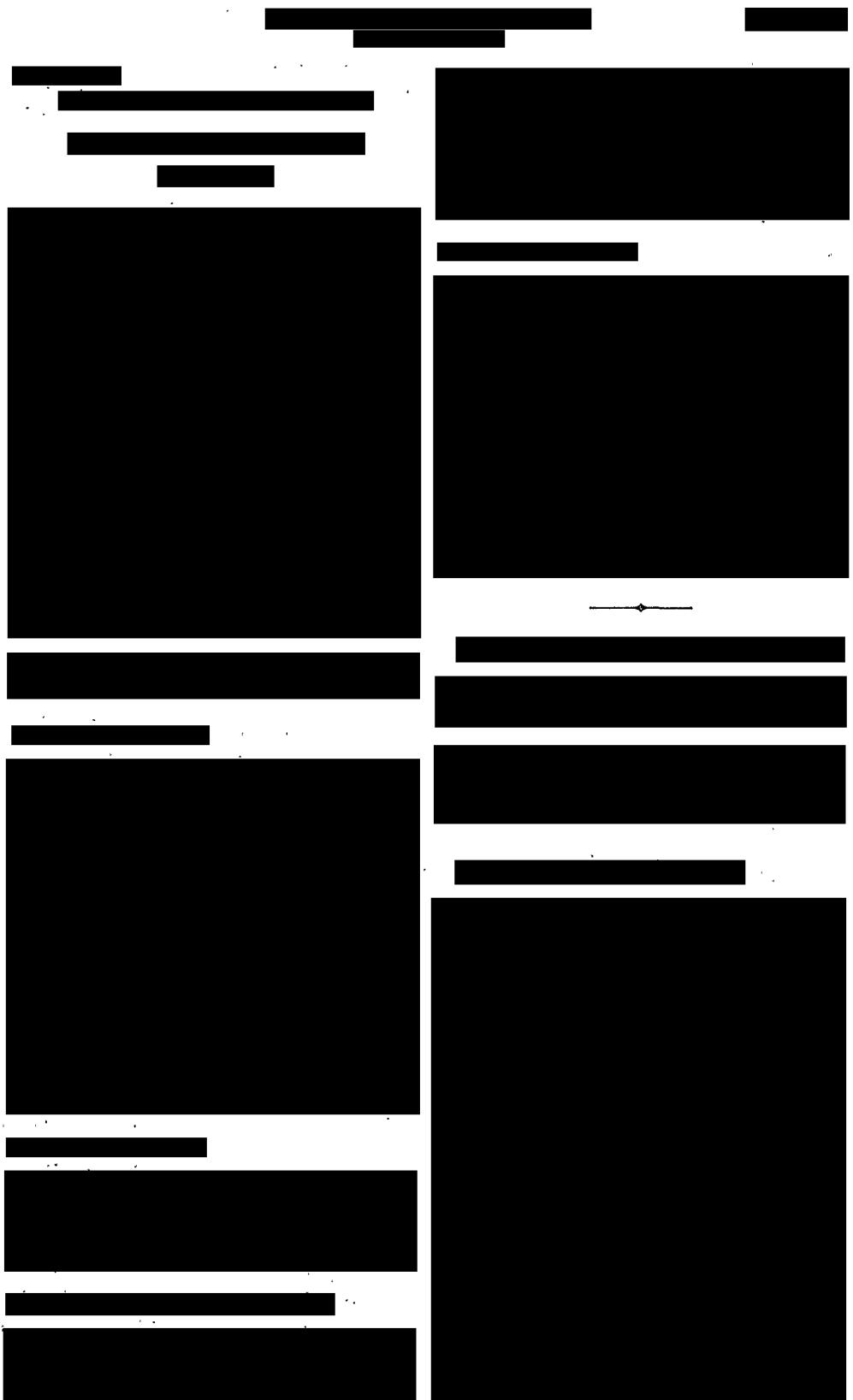
The second basis for the decision of the trial court, i. e., that the act imposes a penalty in the guise of a tax, is likewise contrary to the holding in Kahriger, which, as we have just said, validates the requirement that registration and payment of the tax are necessary before the named business is entered into.

Various other matters and contingencies are discussed in the opinion below, and urged upon us in appellee's brief here, some by way of speculation and others in the form of predictions in terrorem. We consider them to be subordinate to the vital issues we have discussed, and wholly insufficient to support the ruling of unconstitutionality.

Reversed.

Wingate, E.D.Va., (No. 478 decided Sept. 18, 1952).

3. United States v. Penn, D.C.M.D.N.C., 111 F.Supp. 605; United States v. Robinson, D.C.E.D.Mich., 107 F.Supp. 38; United States v. Smith, D.C.S.D.Cal., 106 F.Supp. 9; United States v. Nadler, D.C. N.D.Cal., 105 F.Supp. 918; United States v. Forrester, D.C.N.D.Ga., 105 F.Supp. 136; United States v. Arnold, Jordan &
4. Code 1951, § 22-1501 through § 22-1508; 18 U.S.C. § 371 (Supp. V, 1952).
5. United States v. Kahriger, *supra*, 345 U.S. at page 32, 73 S.Ct. at page 515.



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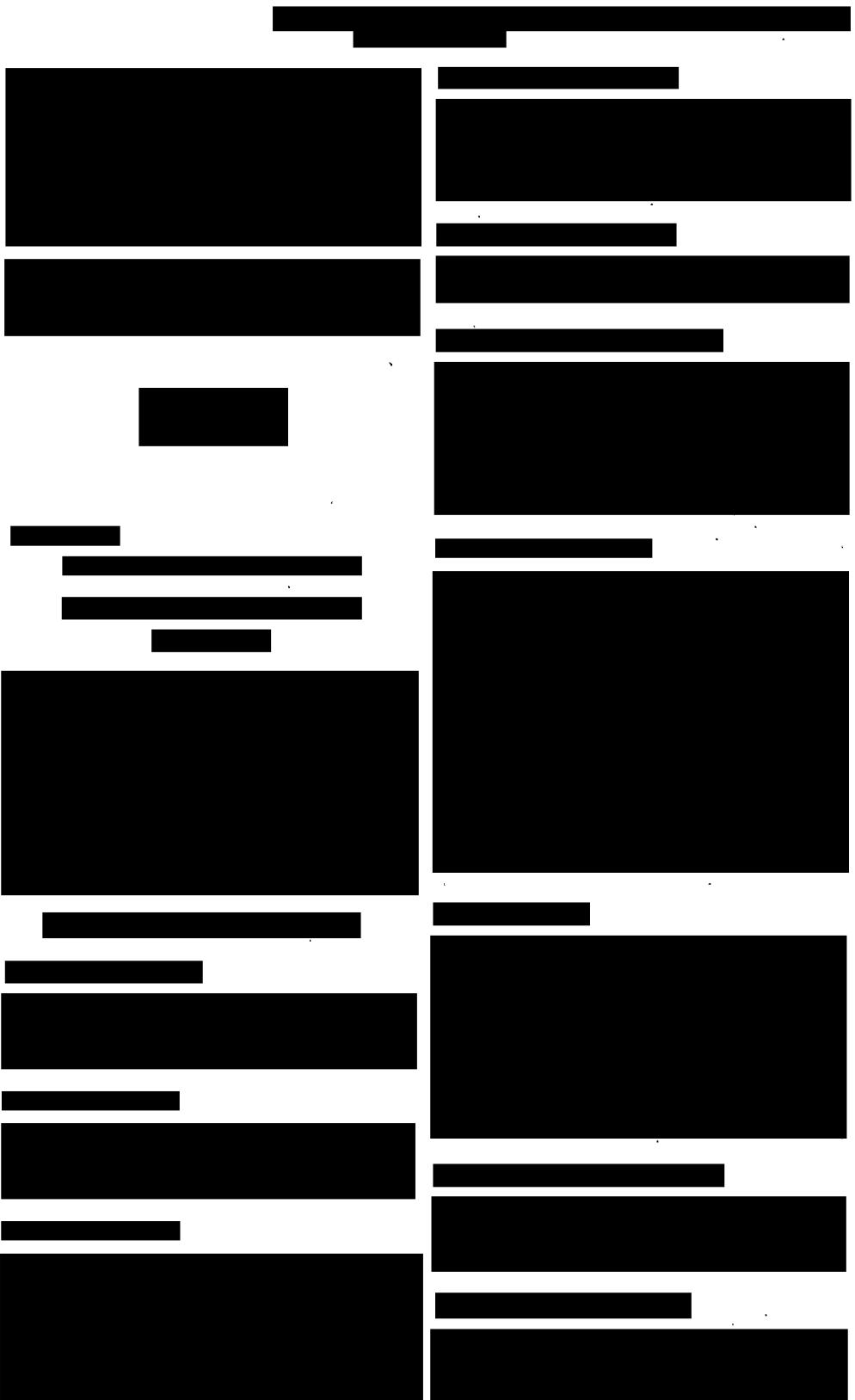
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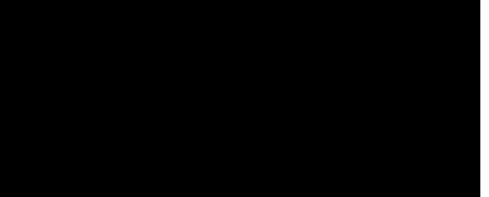
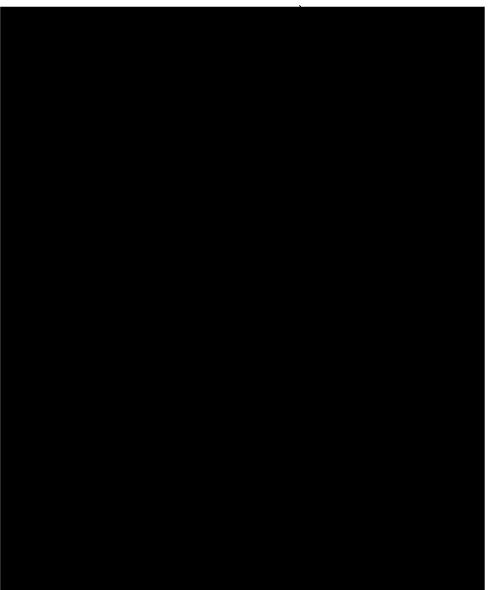
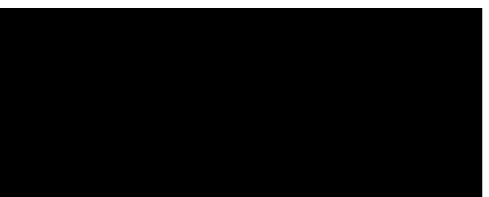
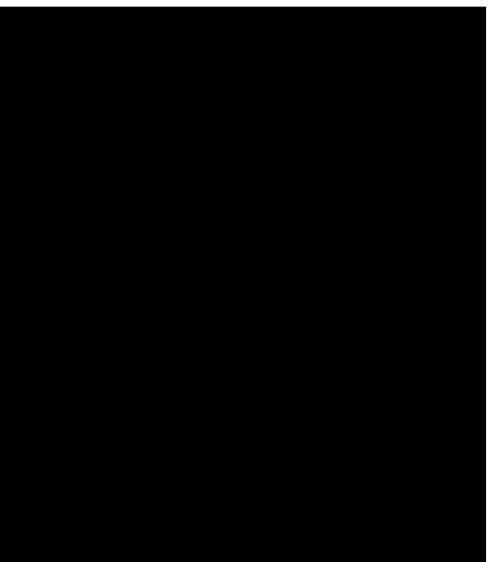
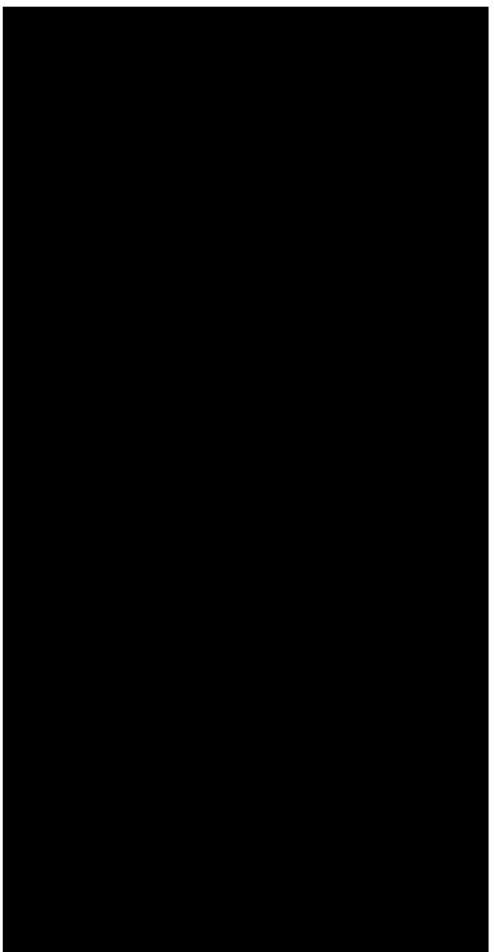
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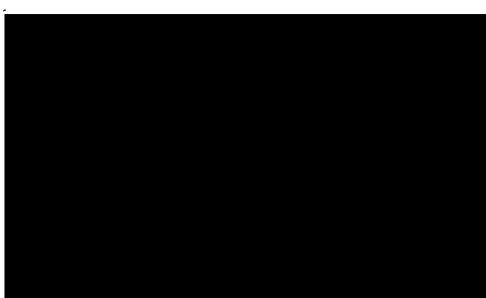
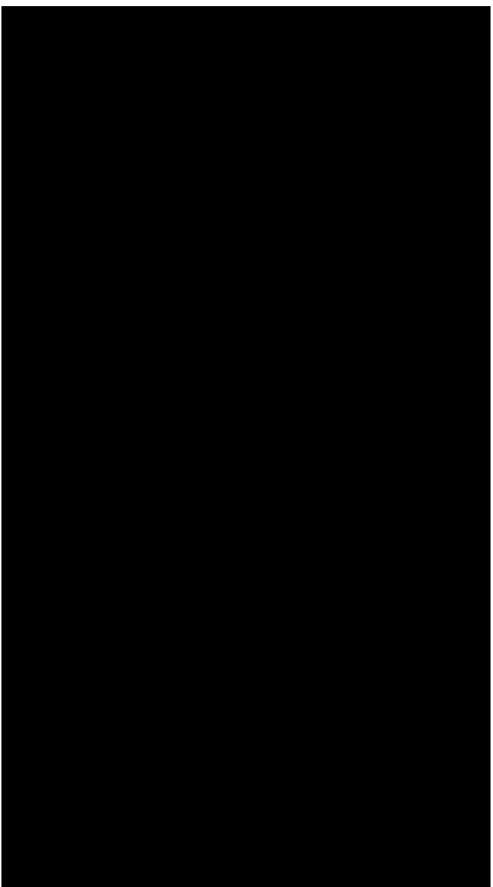
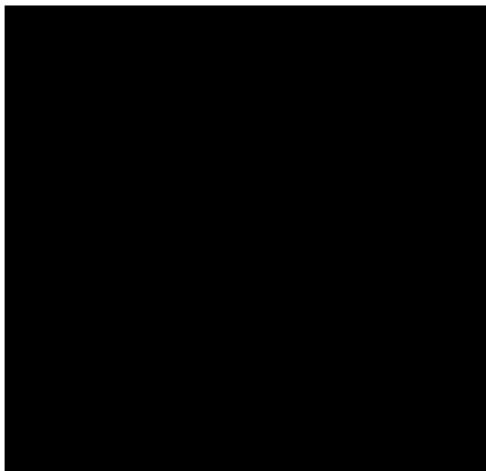
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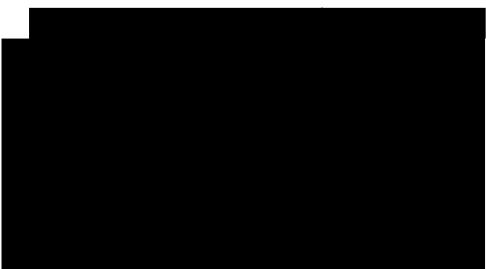
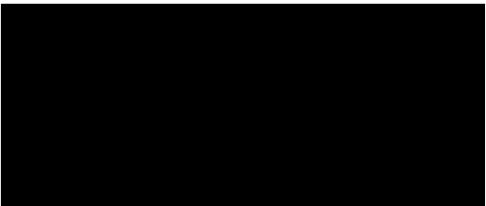
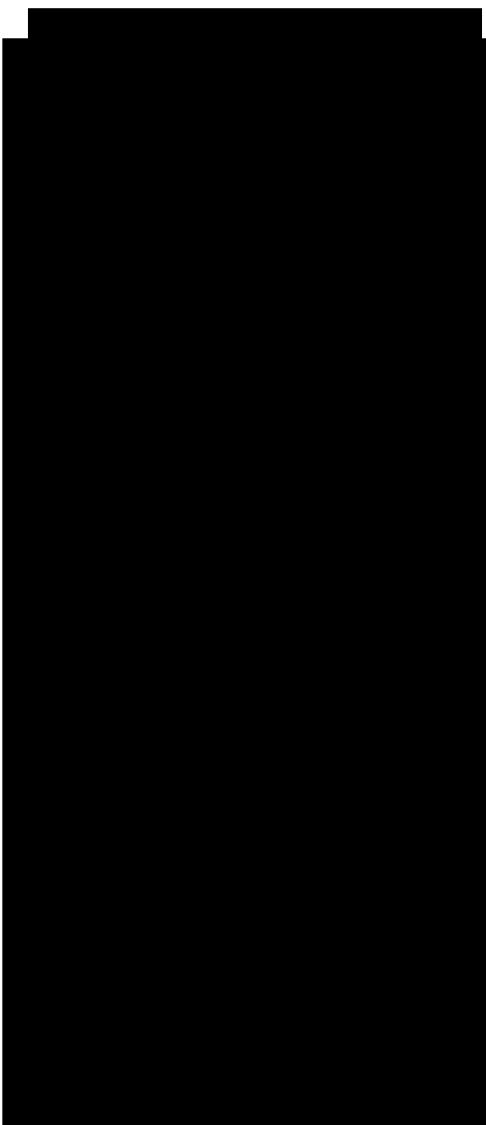
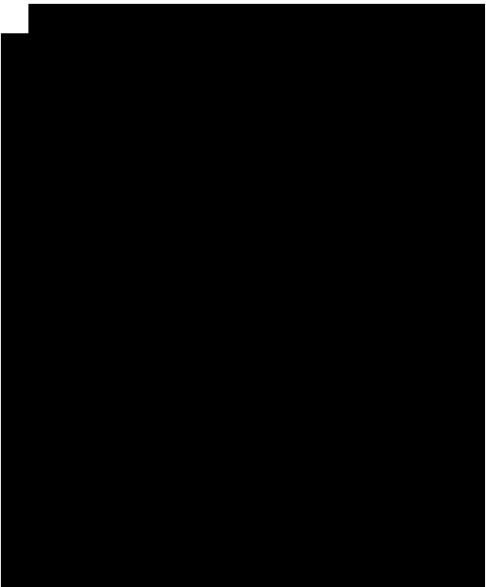
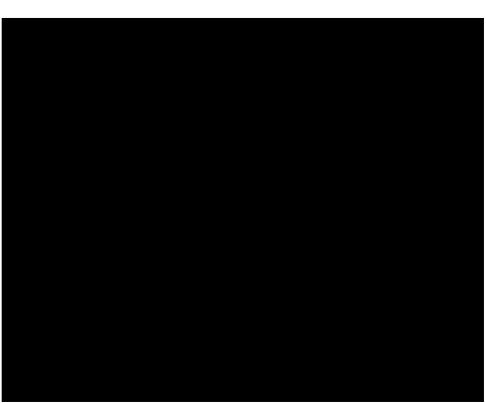
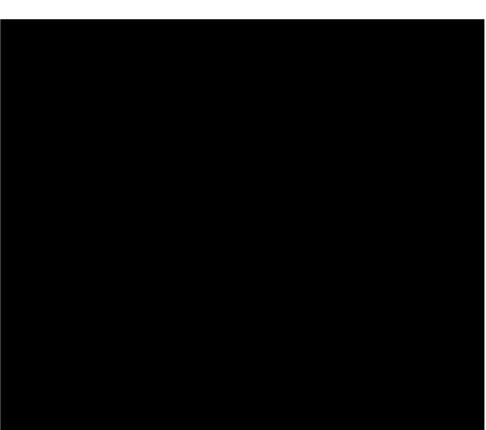
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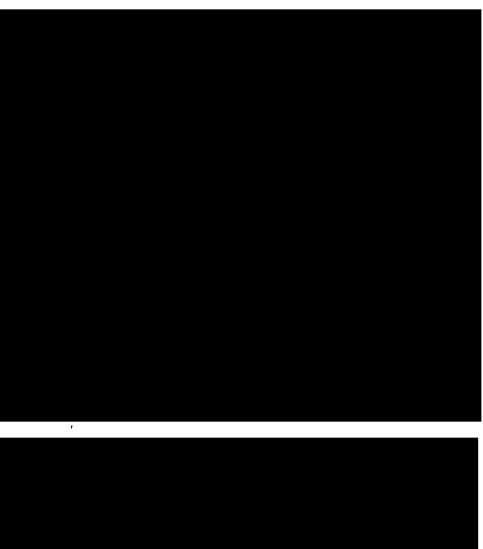
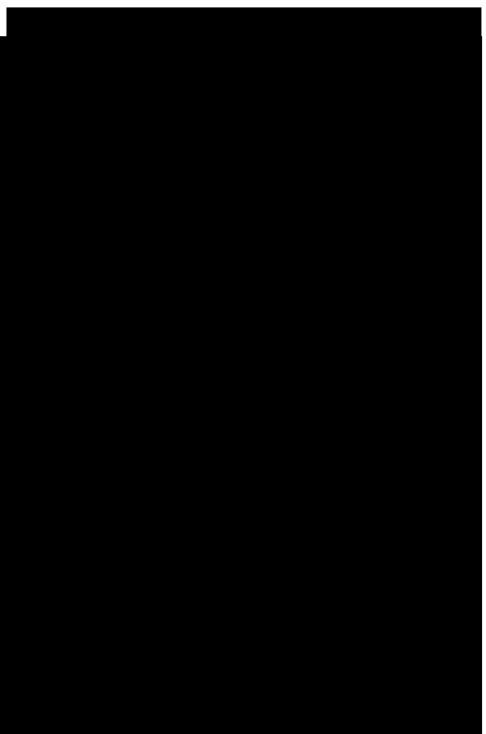
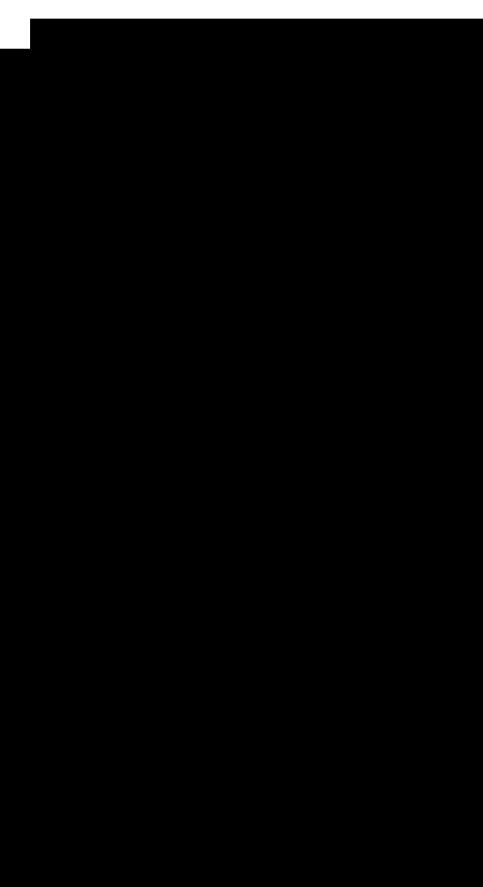
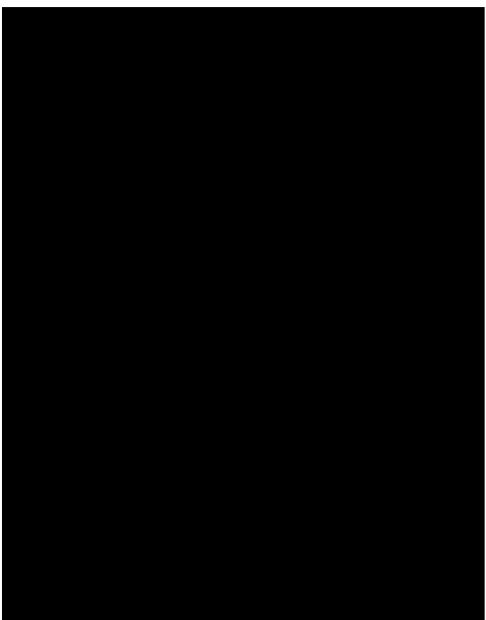
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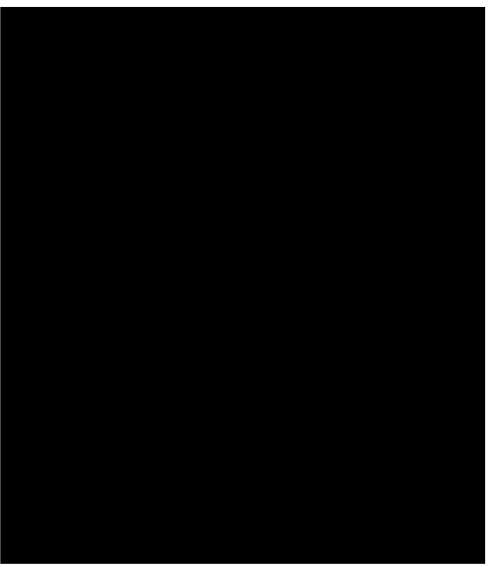
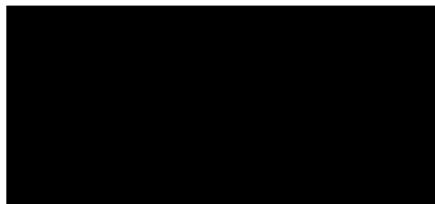
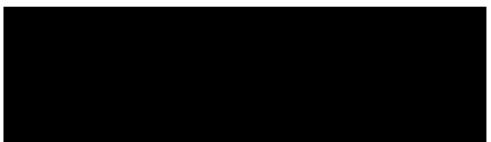
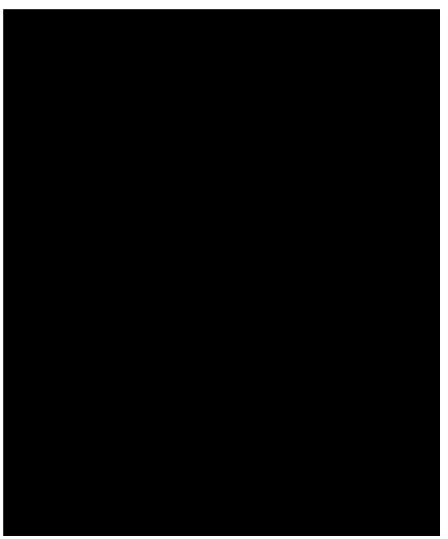
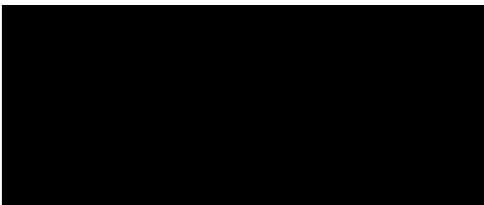
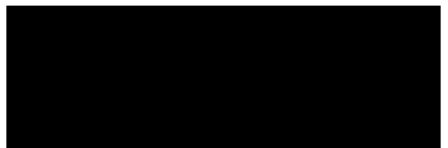
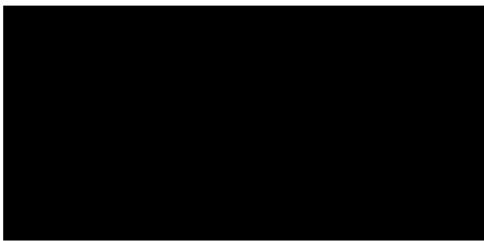


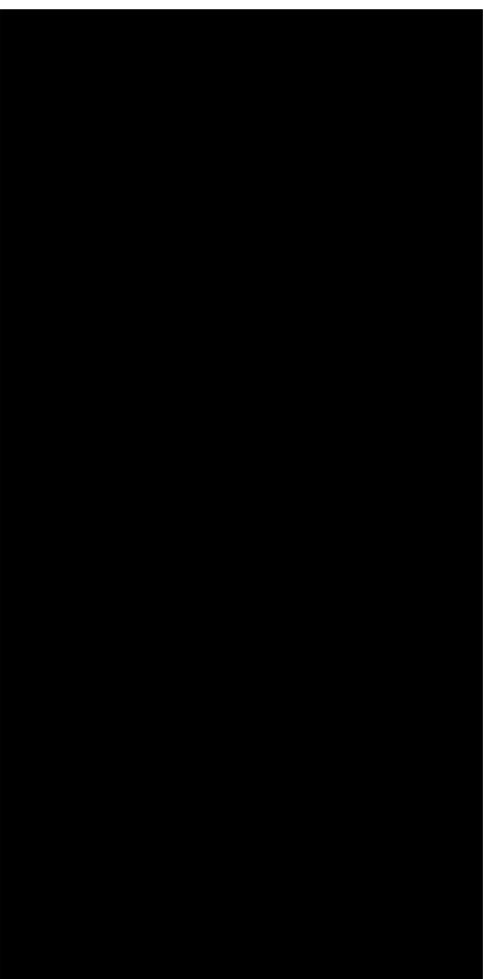
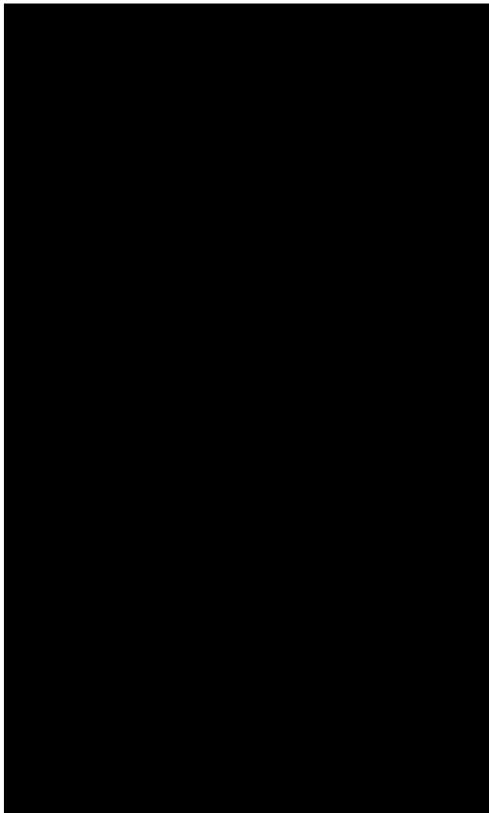
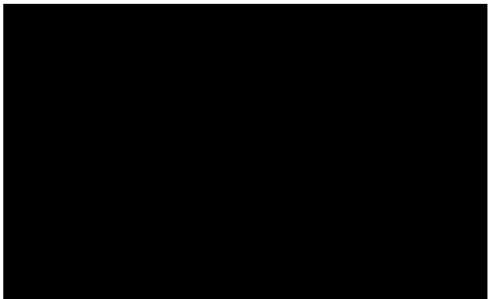
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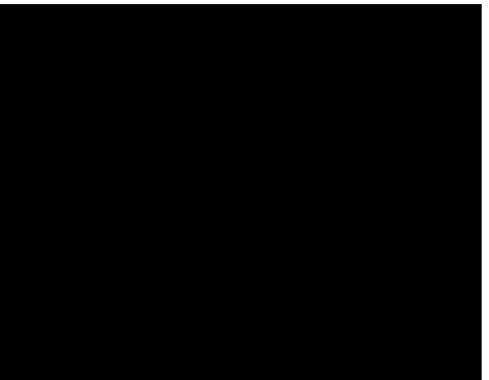
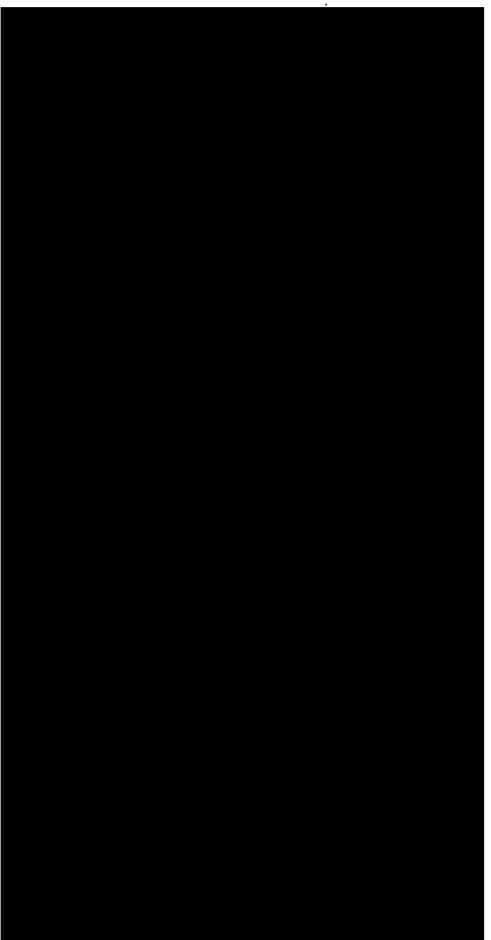
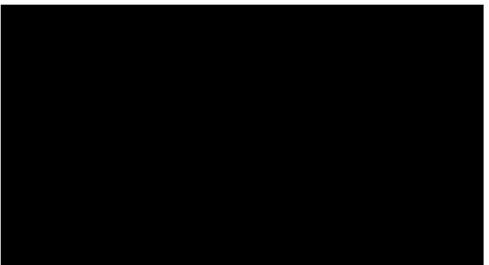
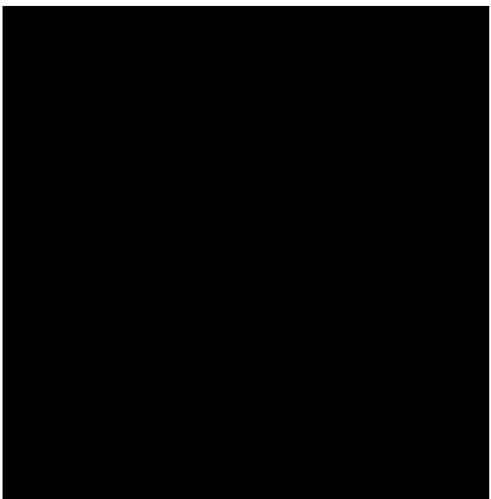




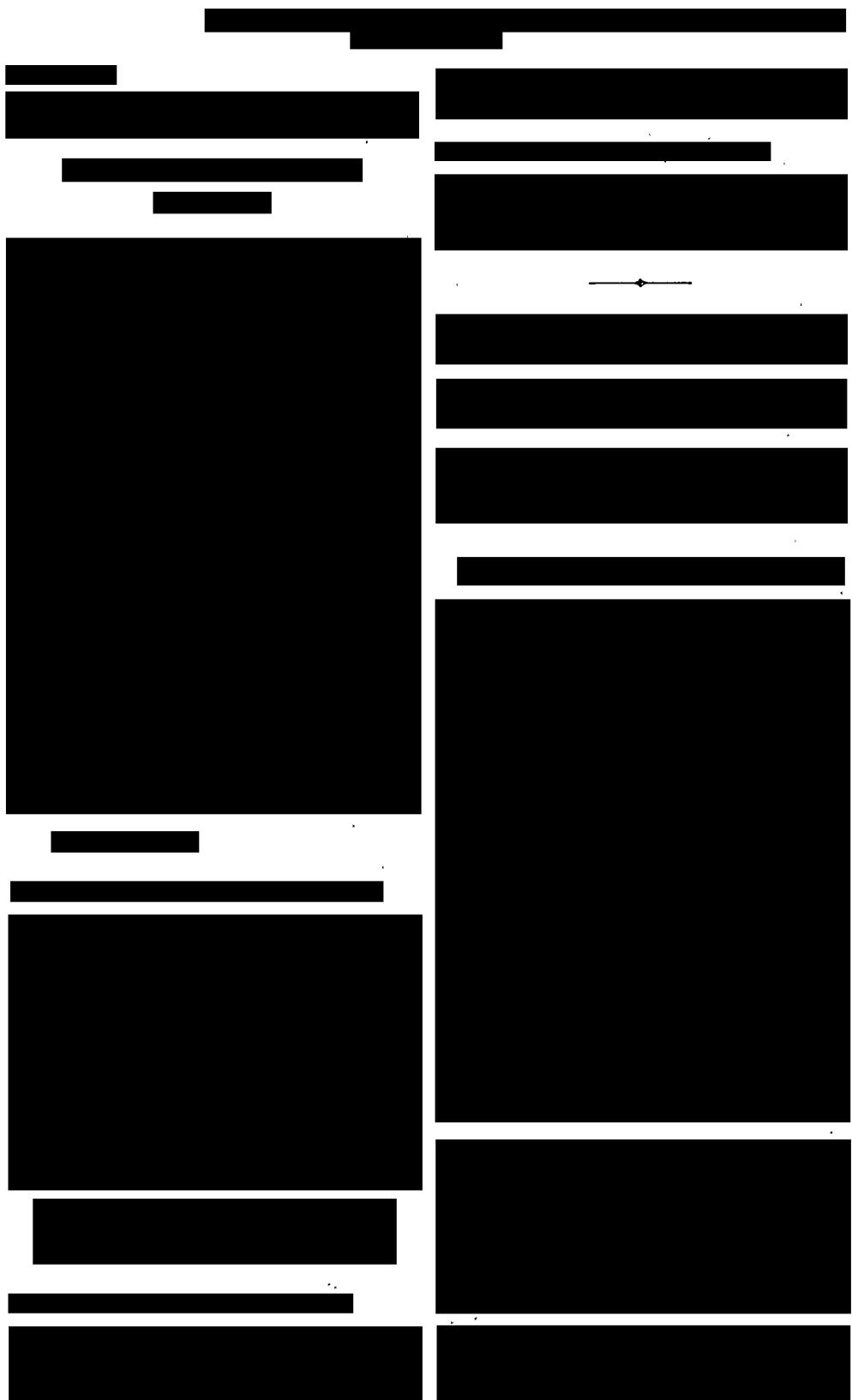


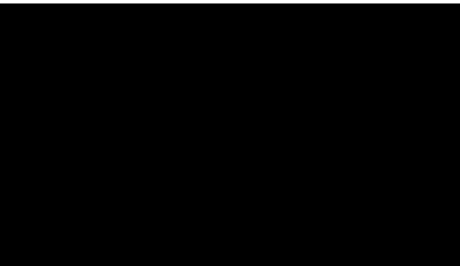
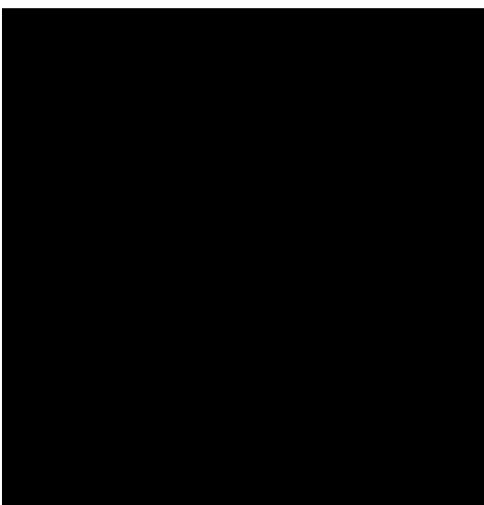
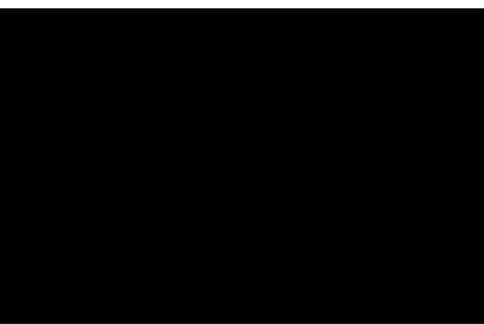
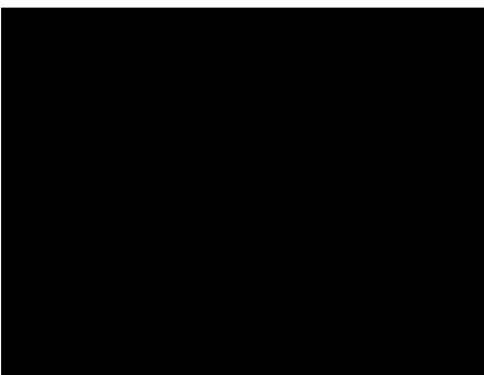
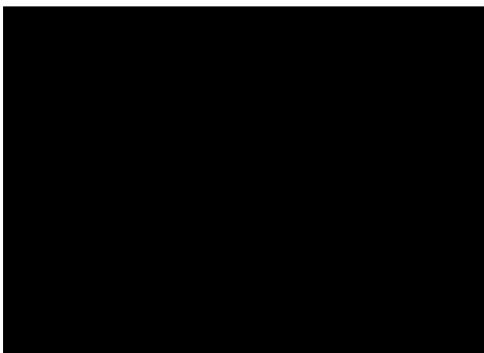
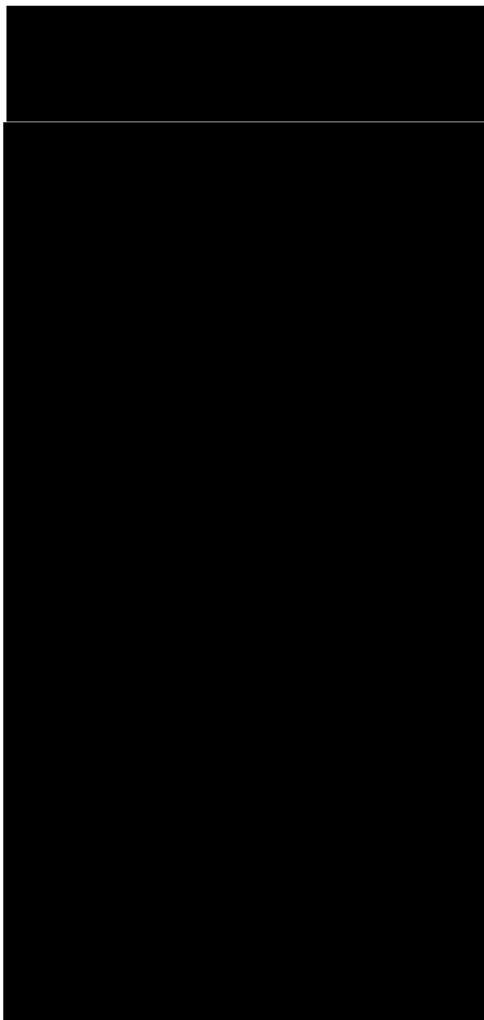


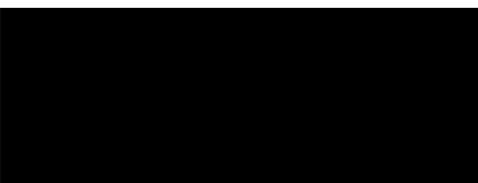
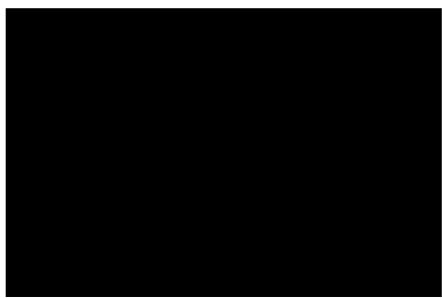
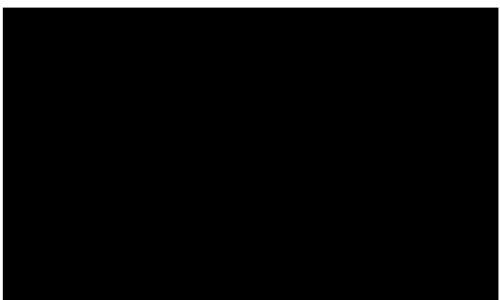
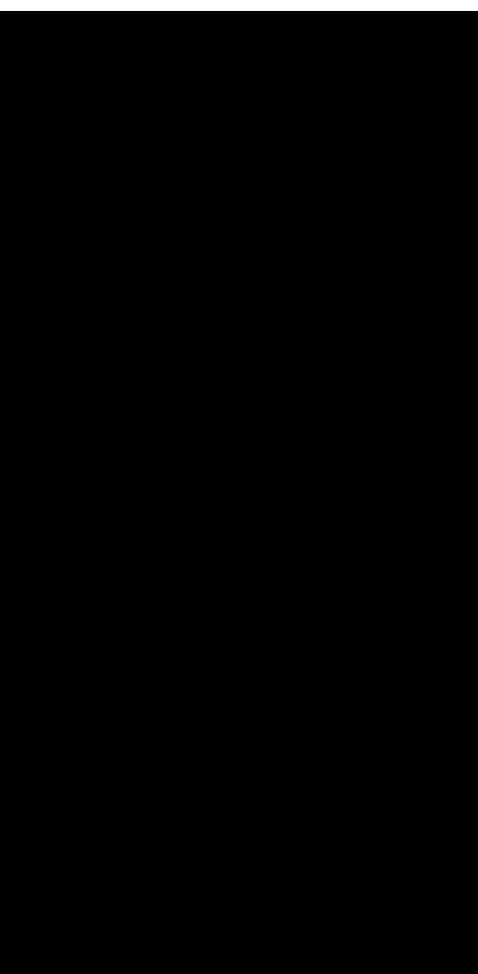
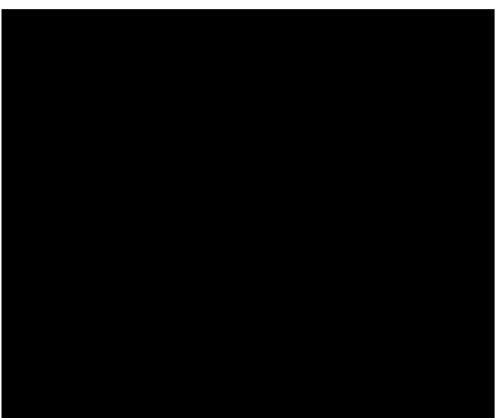
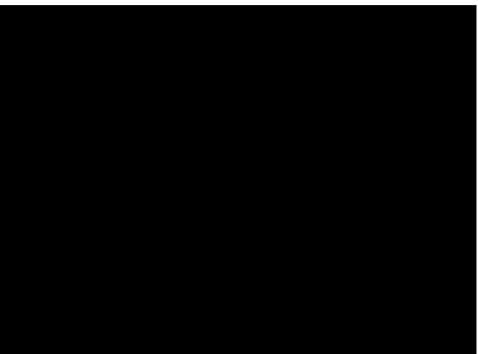
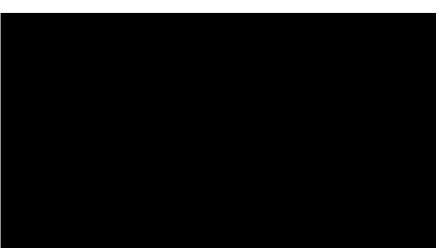
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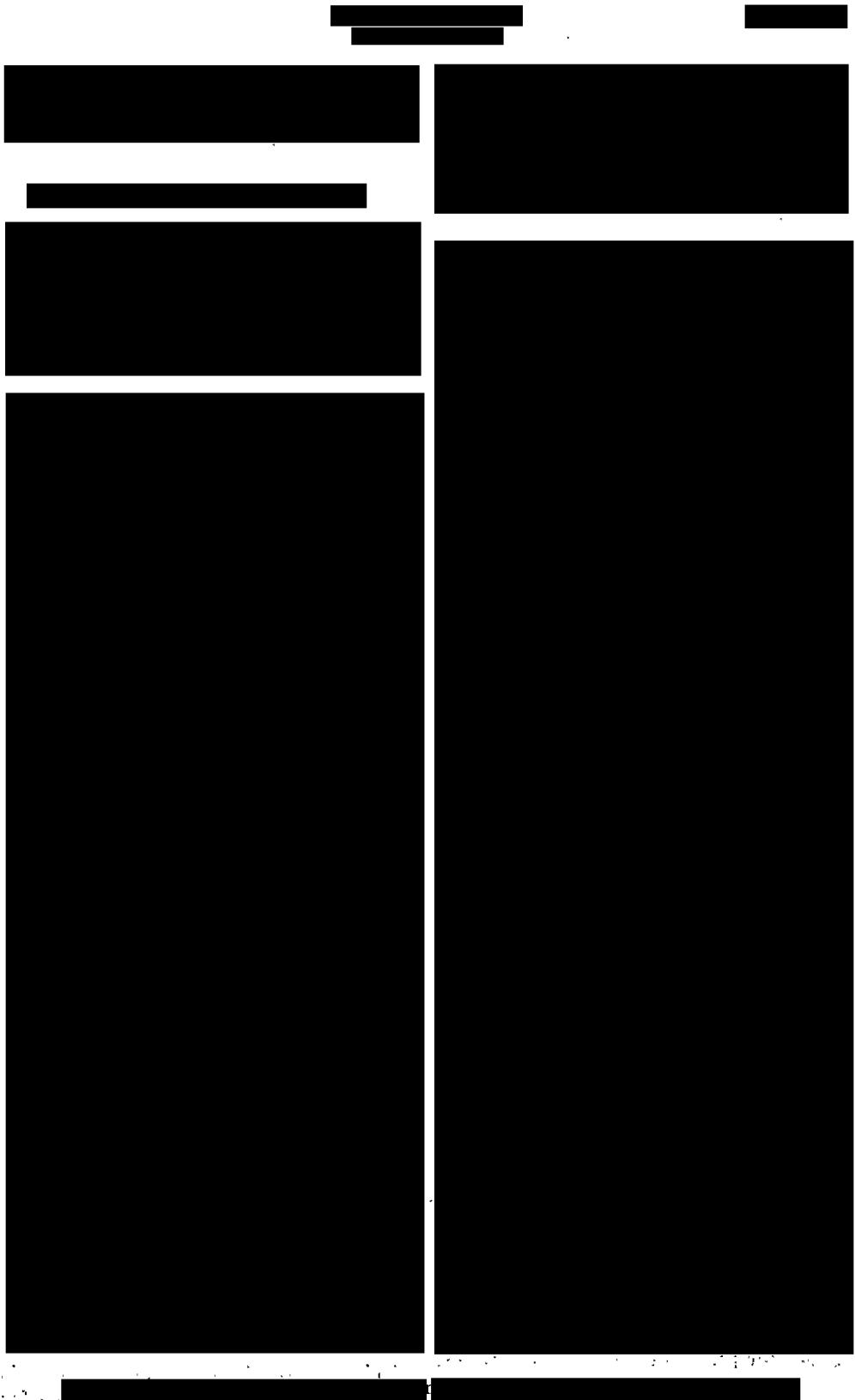
2025 RELEASE UNDER E.O. 14176





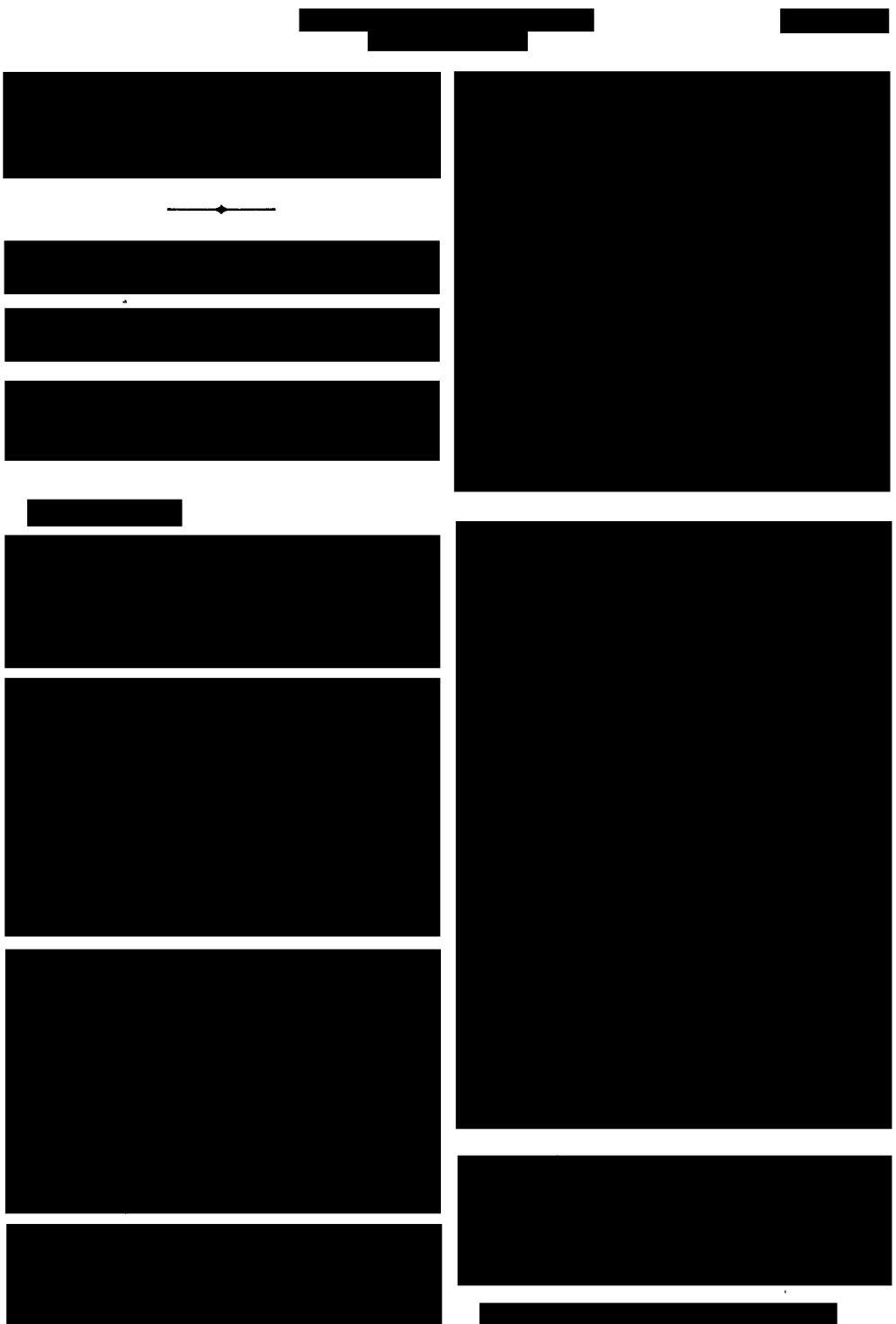






[REDACTED]





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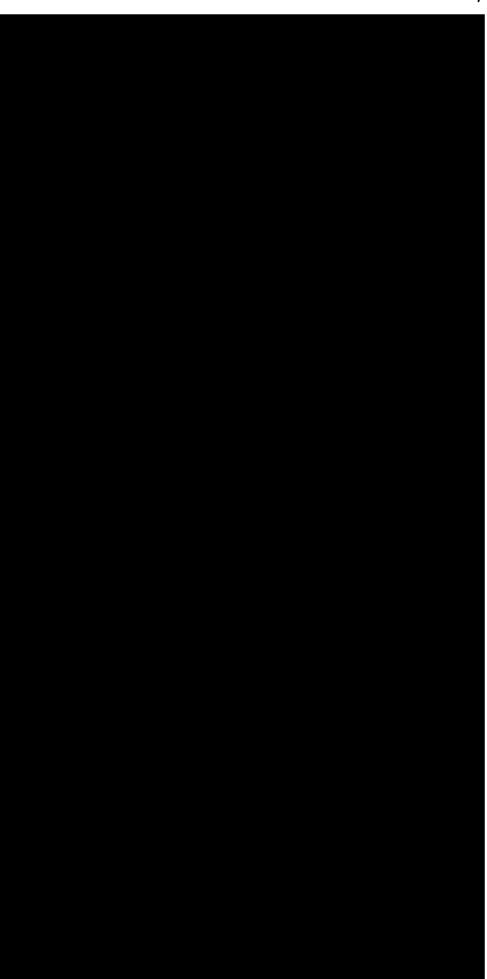
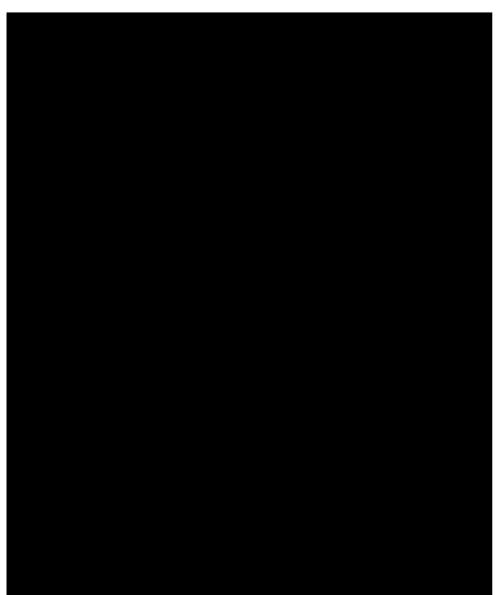
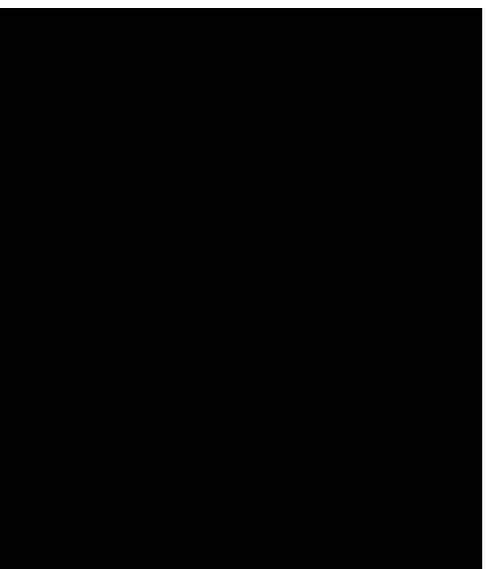
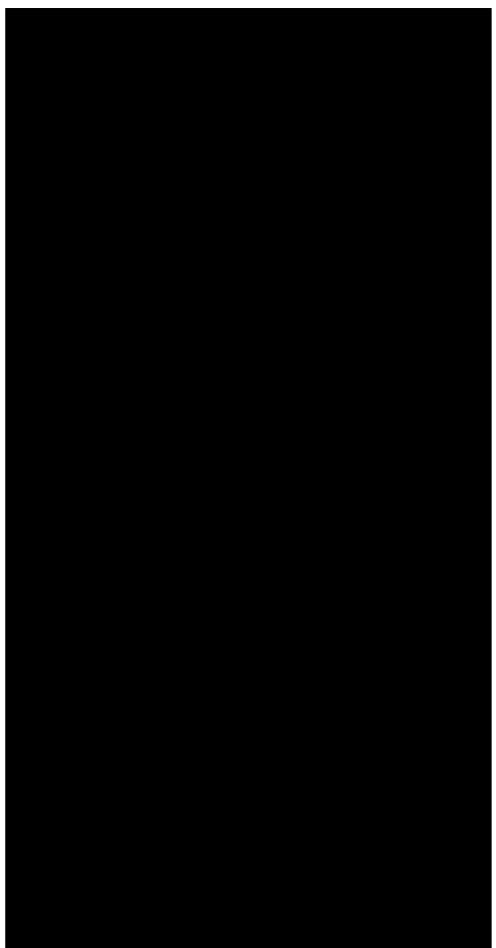
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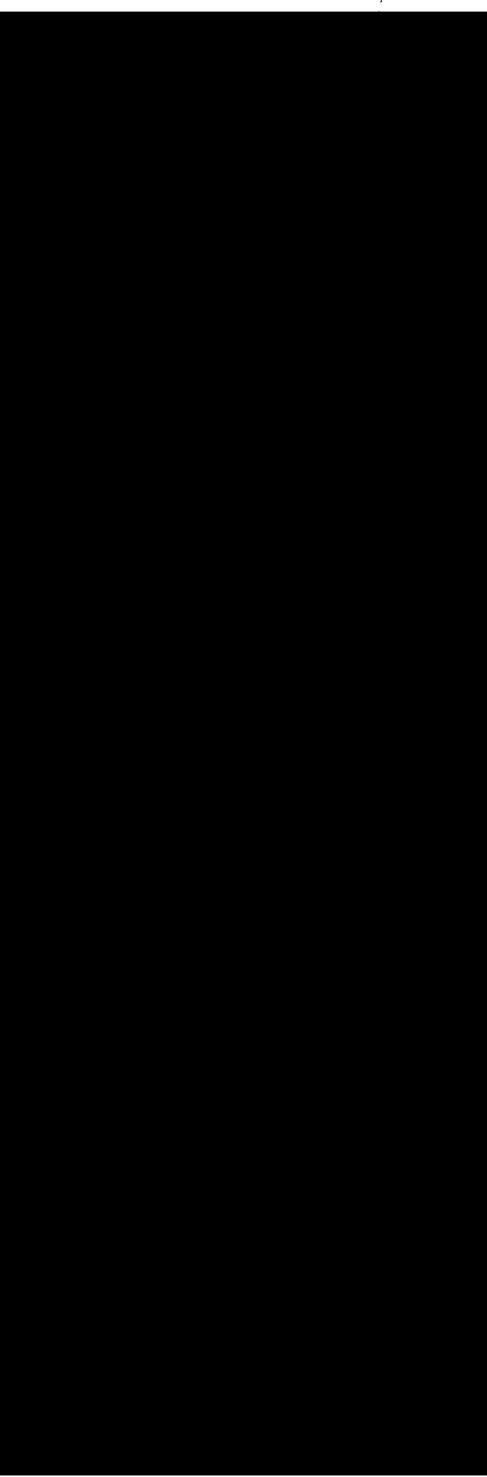
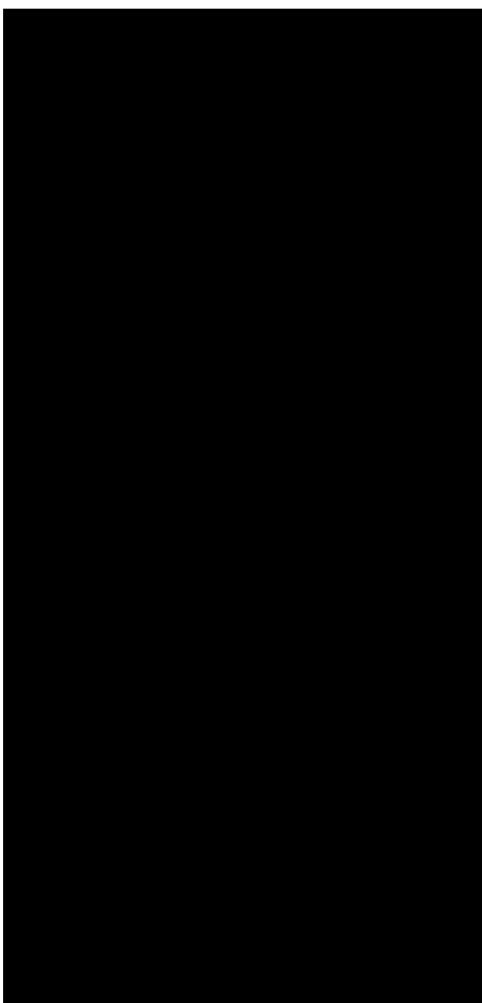
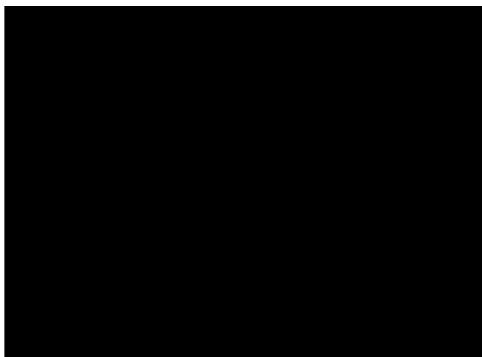
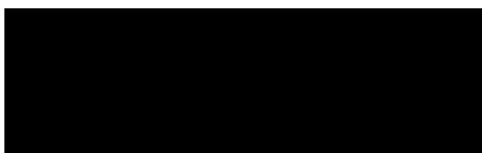
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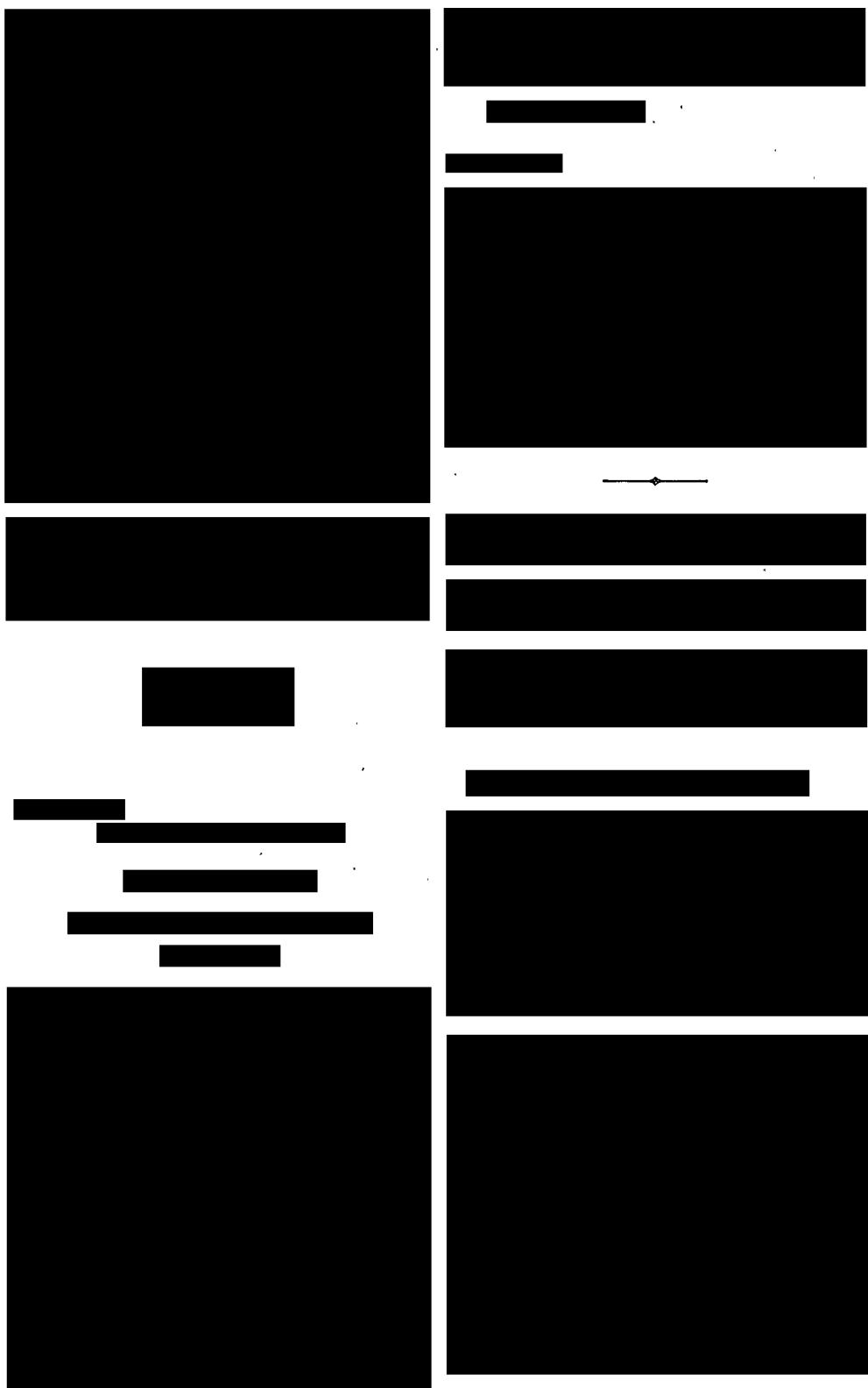
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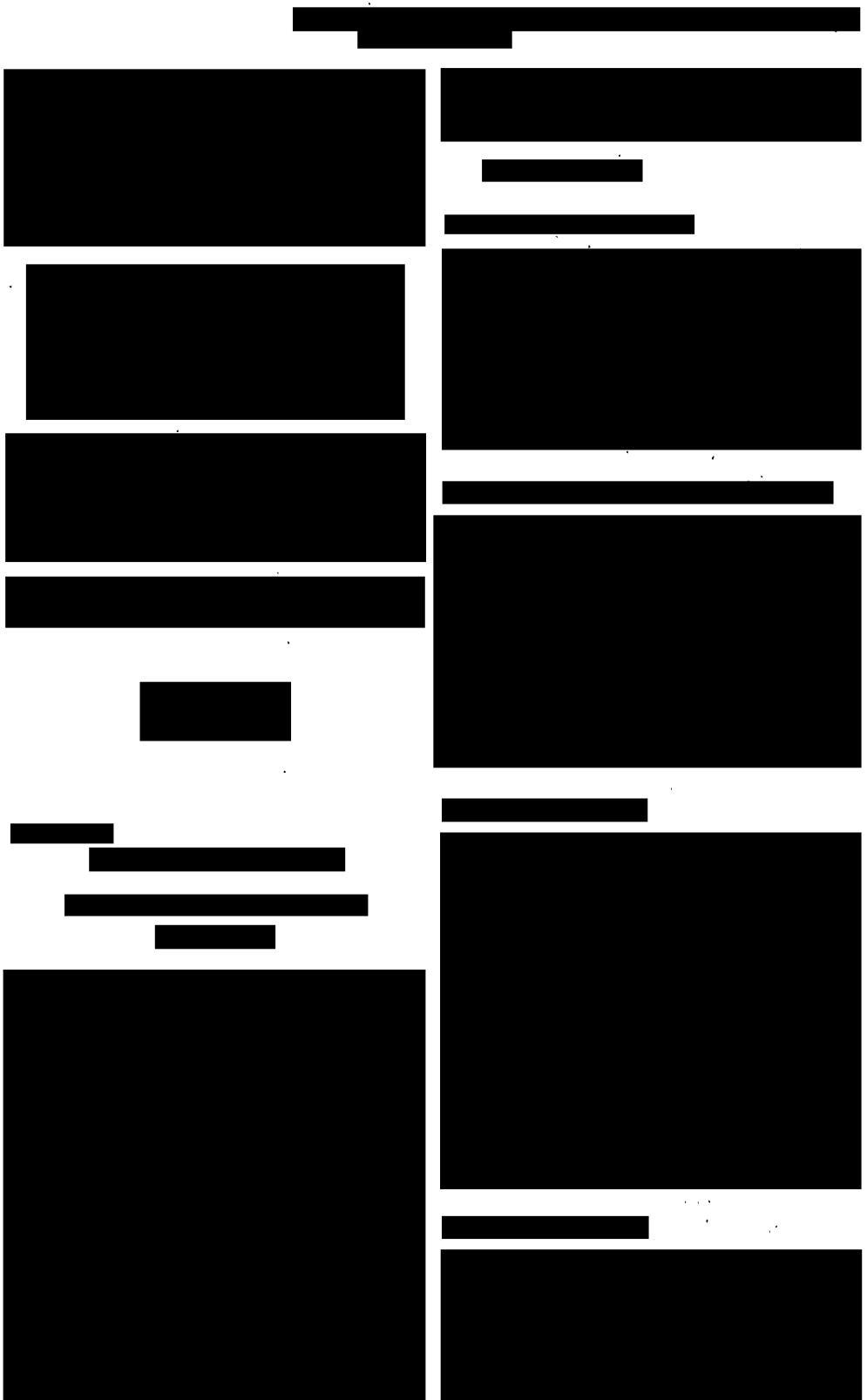
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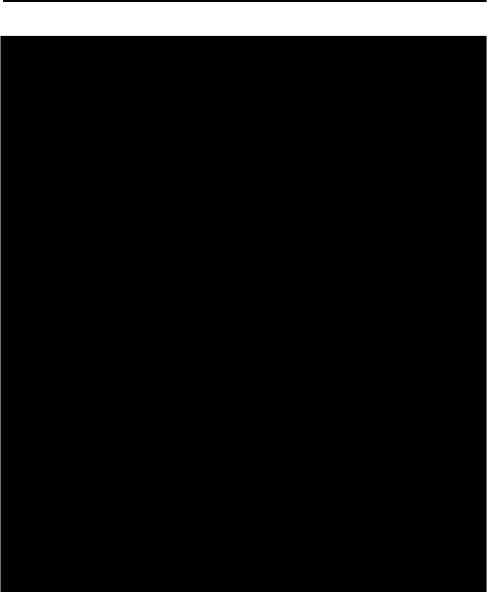
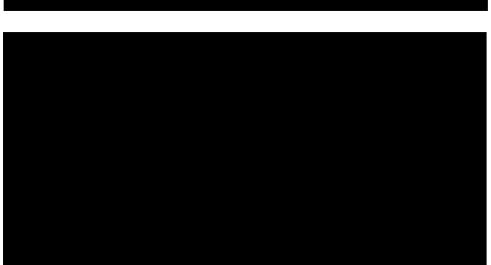
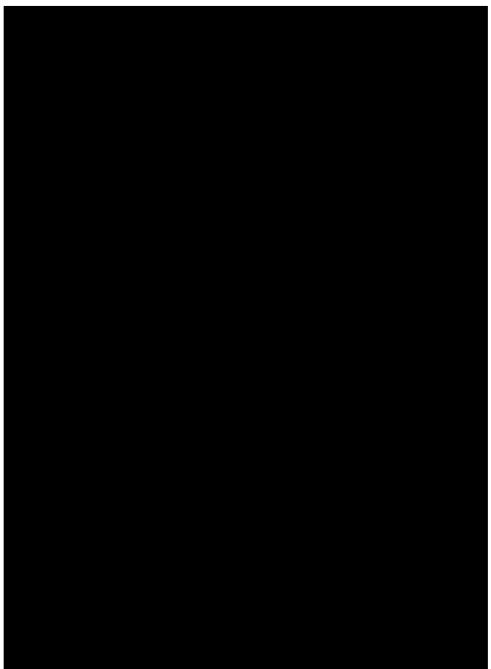
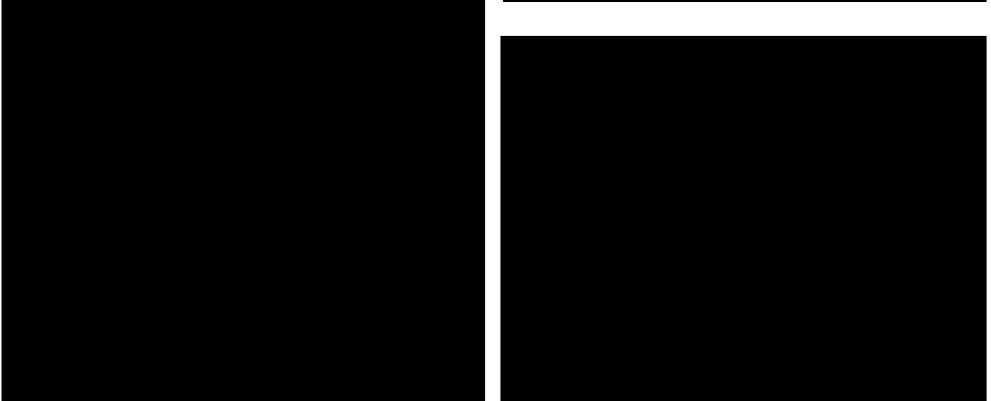
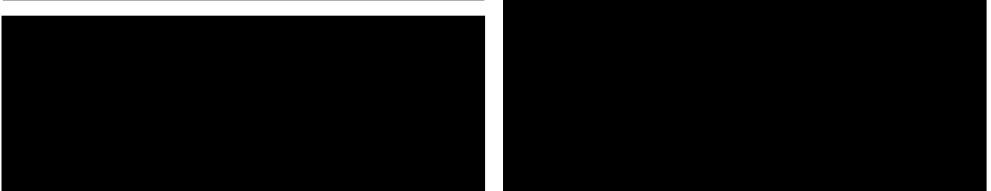
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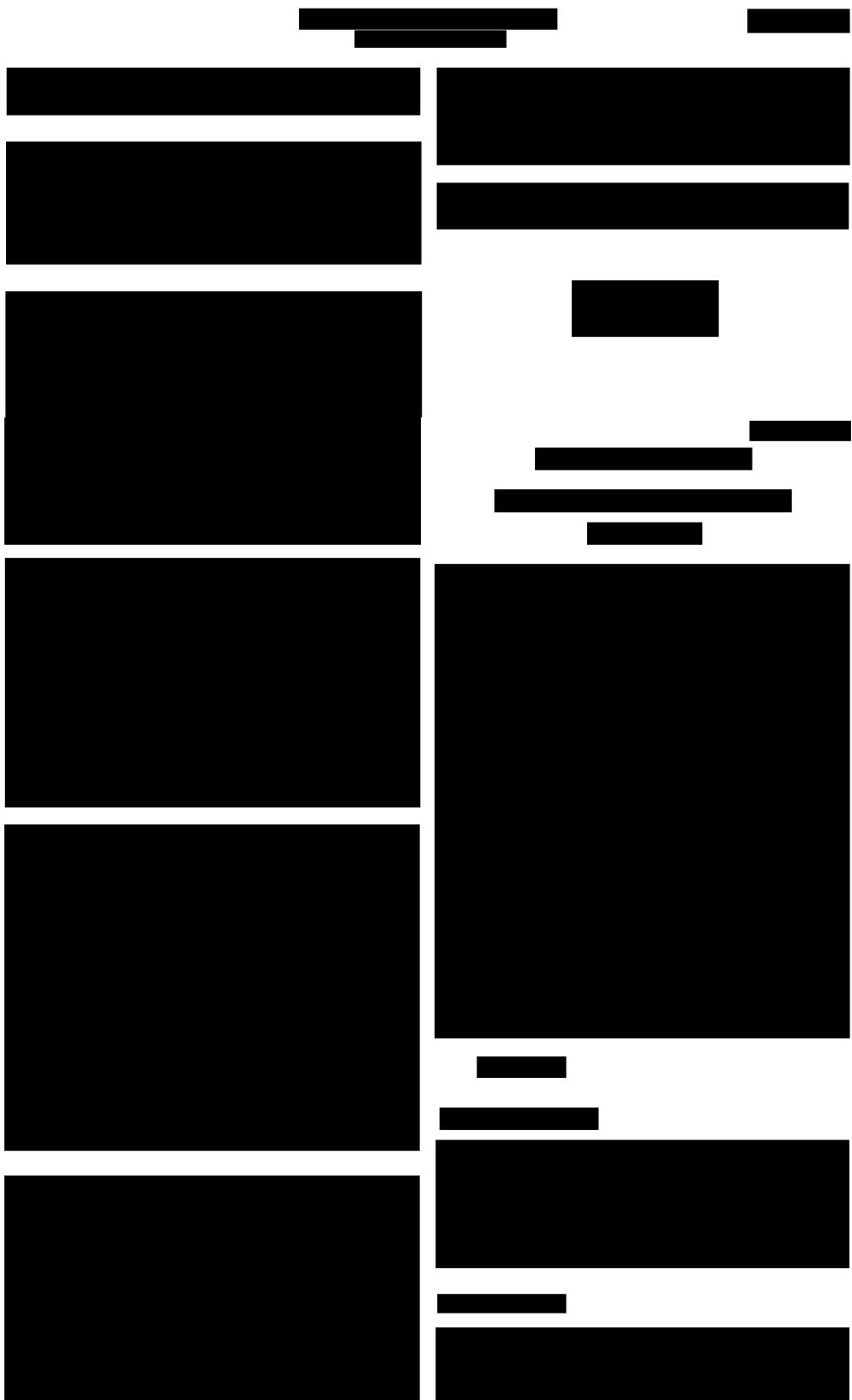
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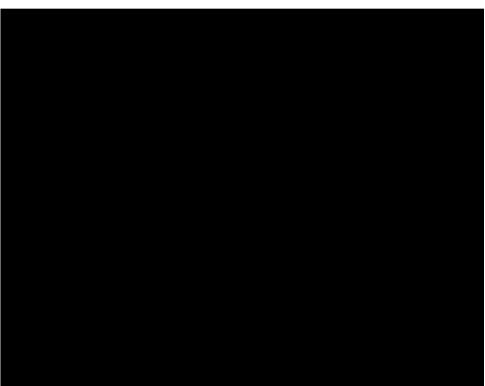
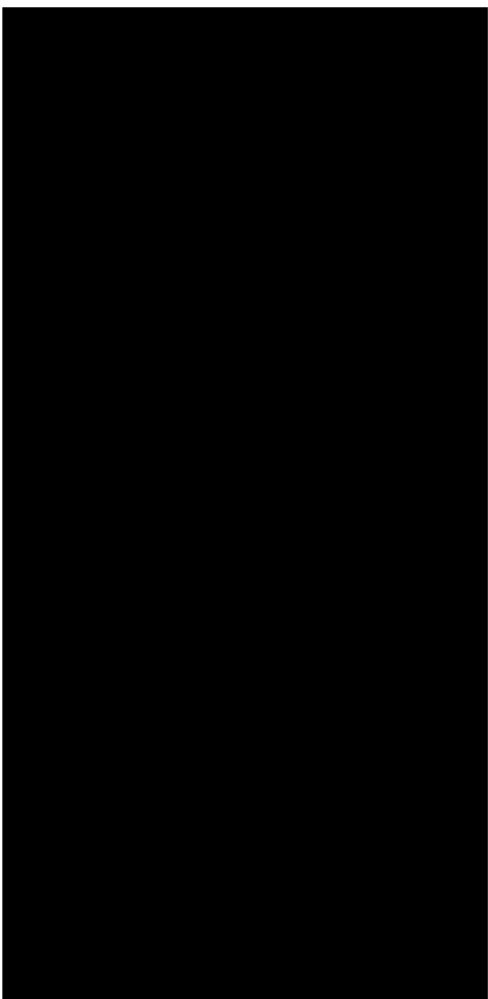
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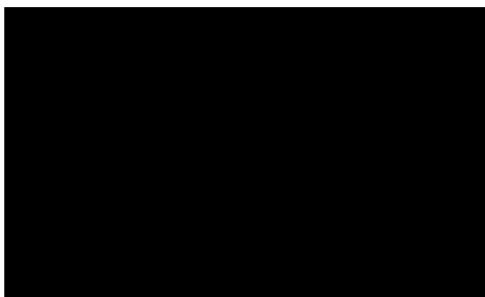
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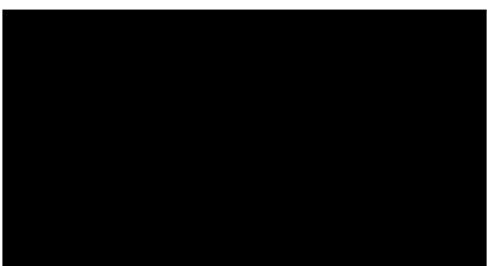
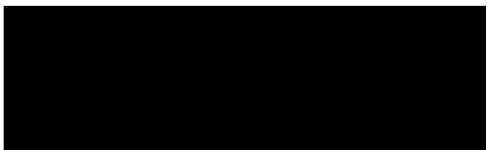
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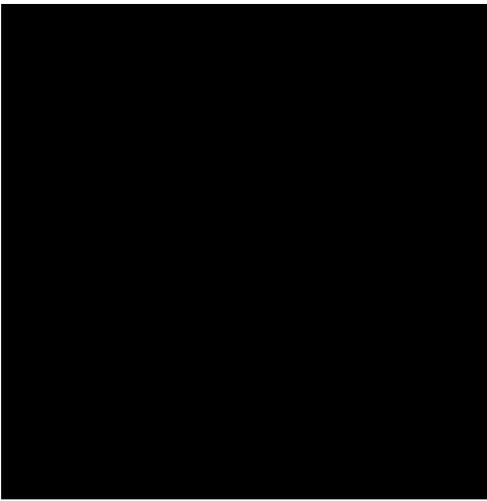
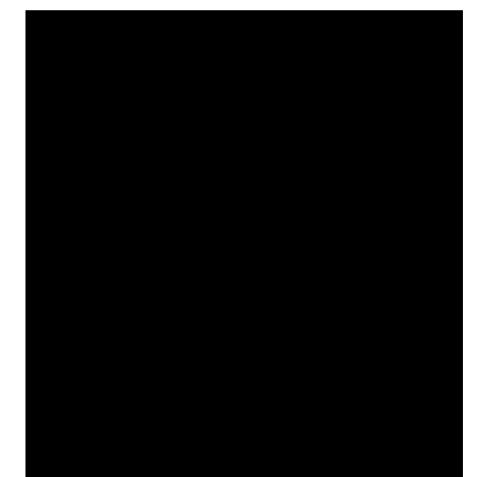
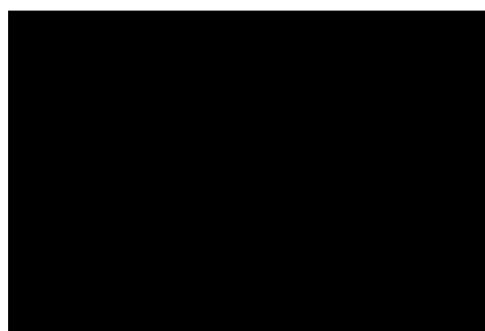
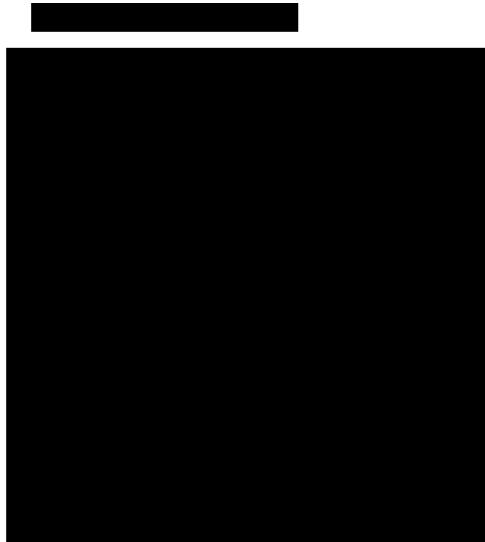


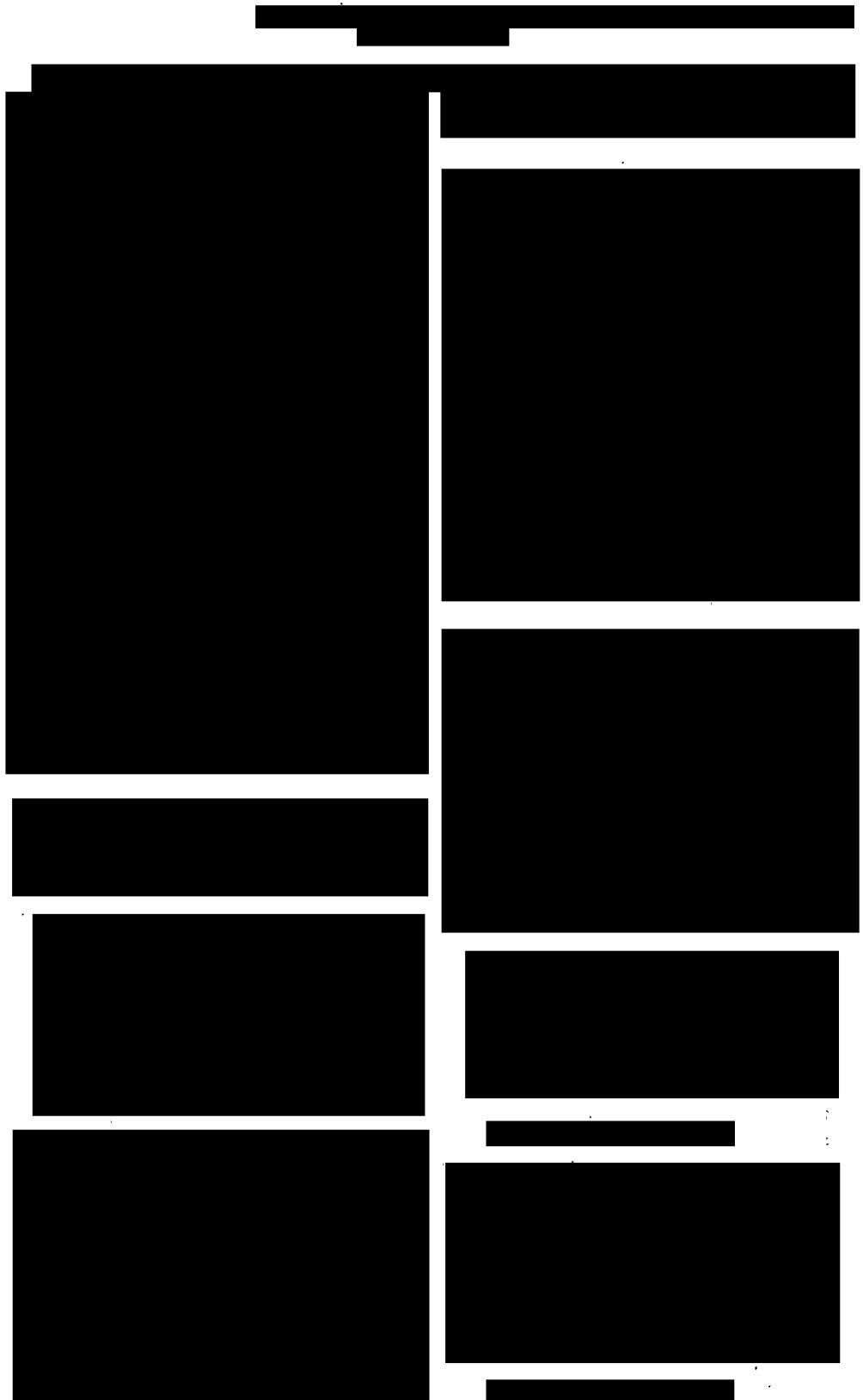


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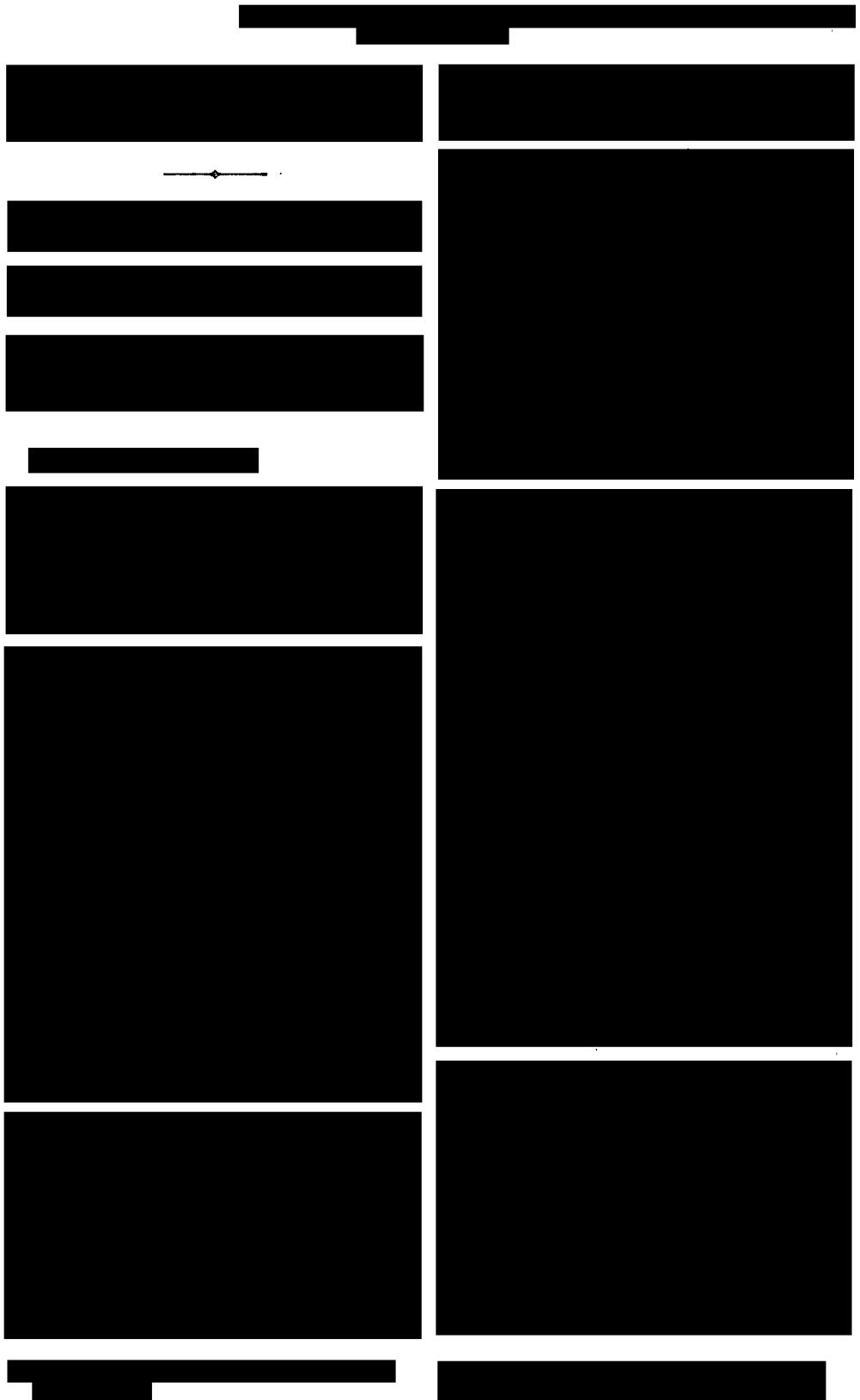


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[REDACTED]



[REDACTED]





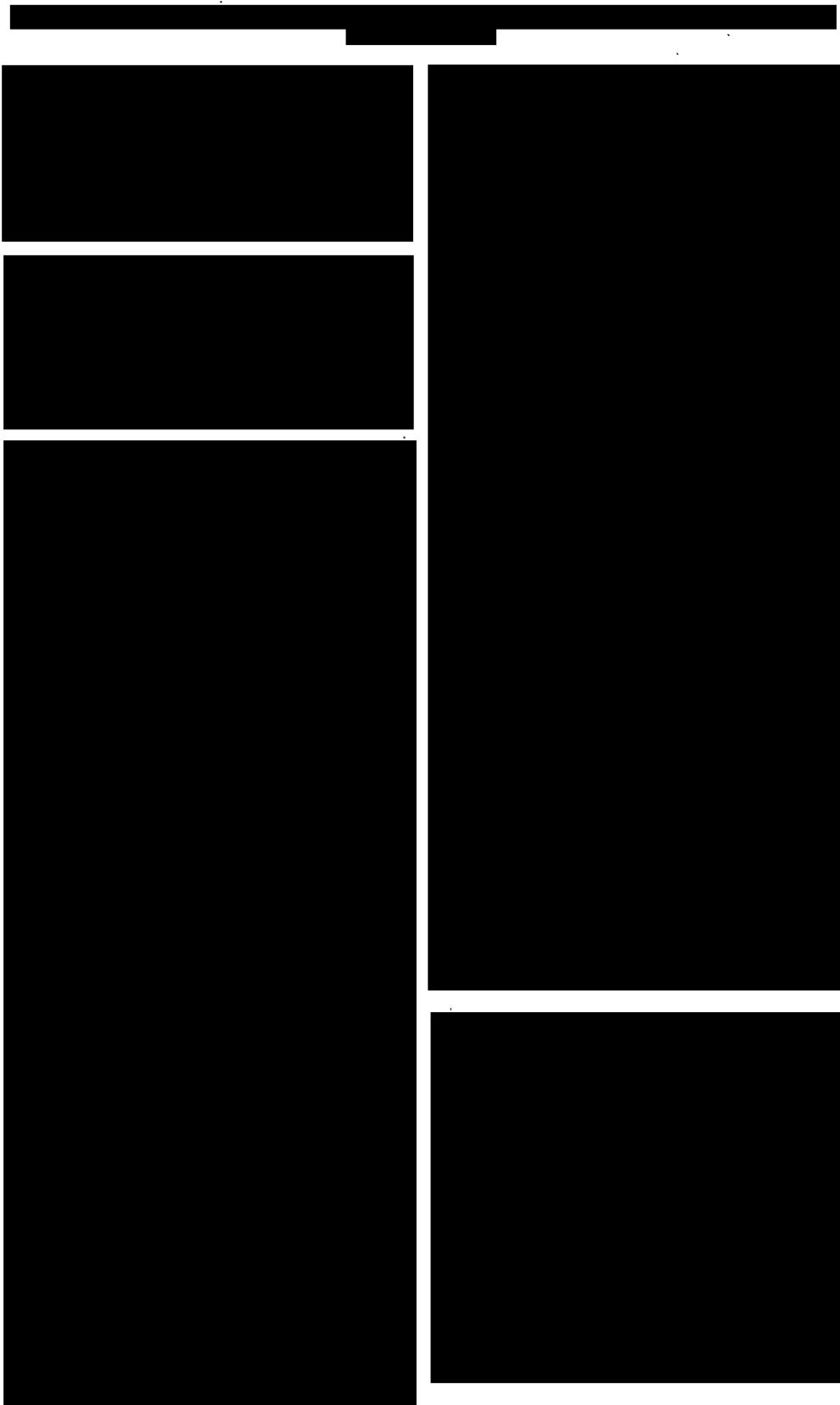
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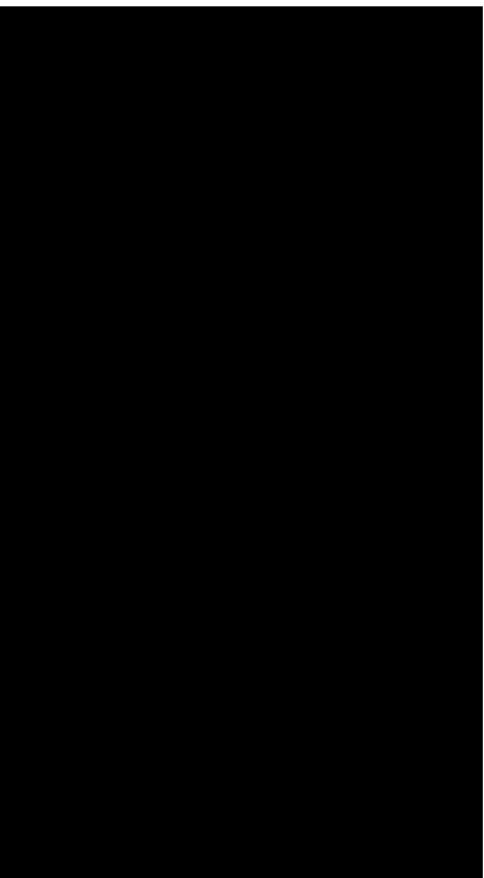
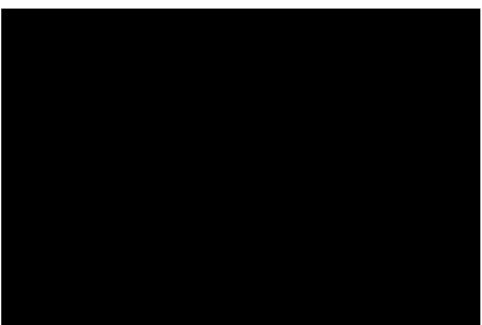
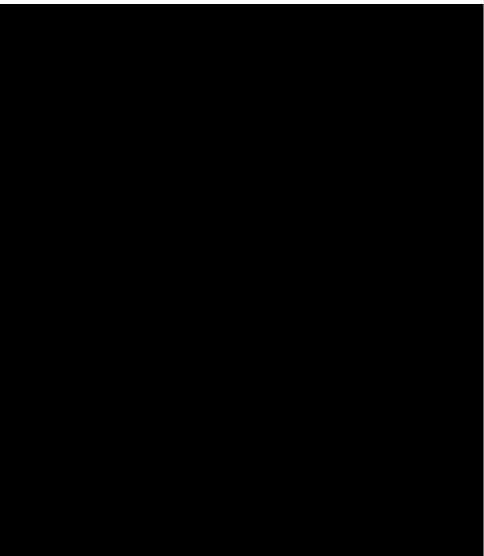
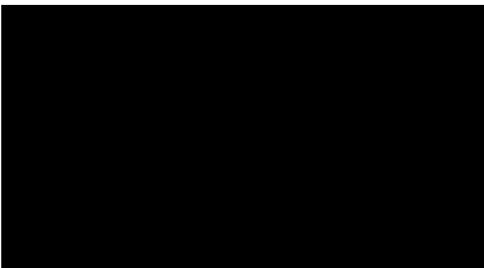
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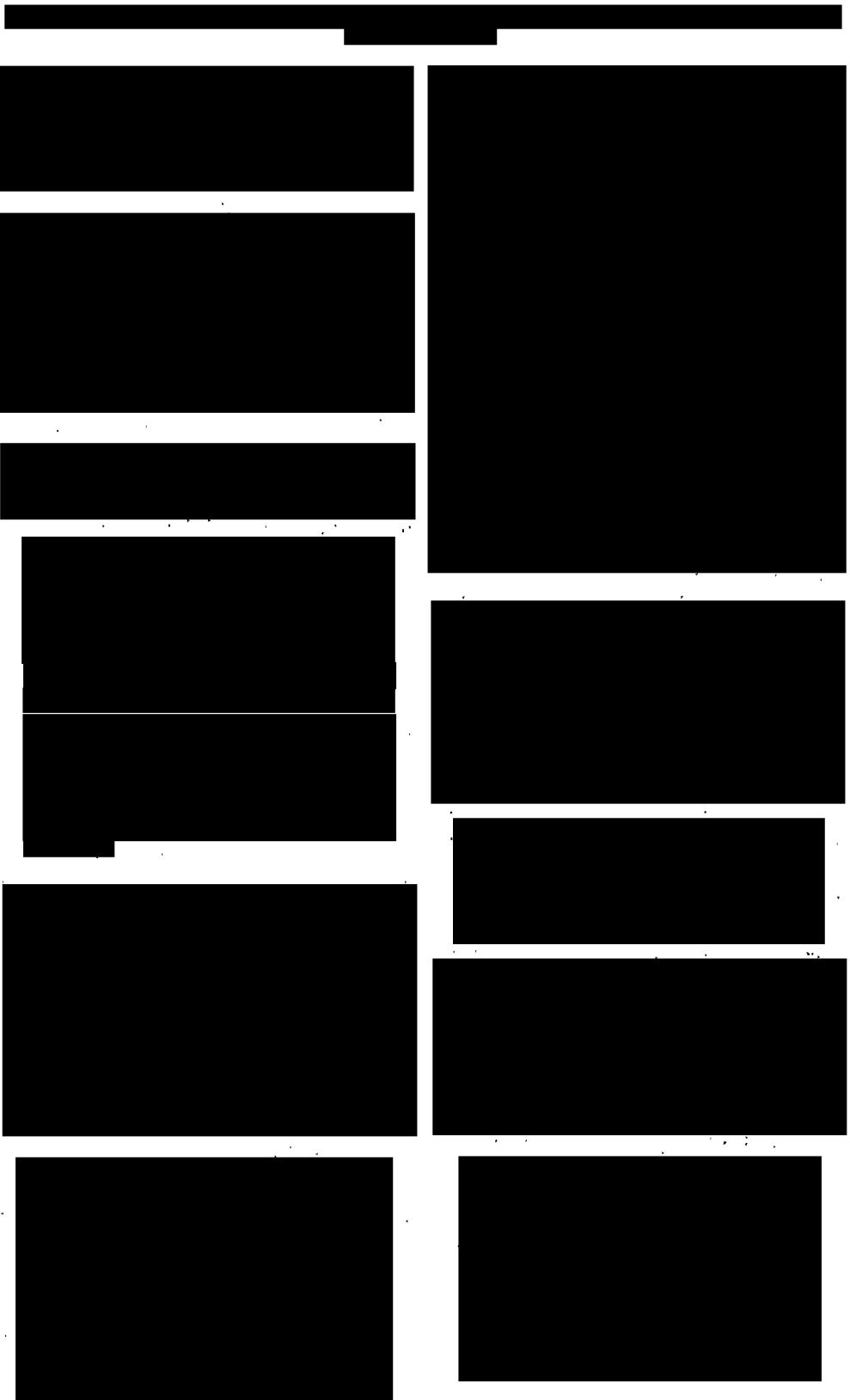
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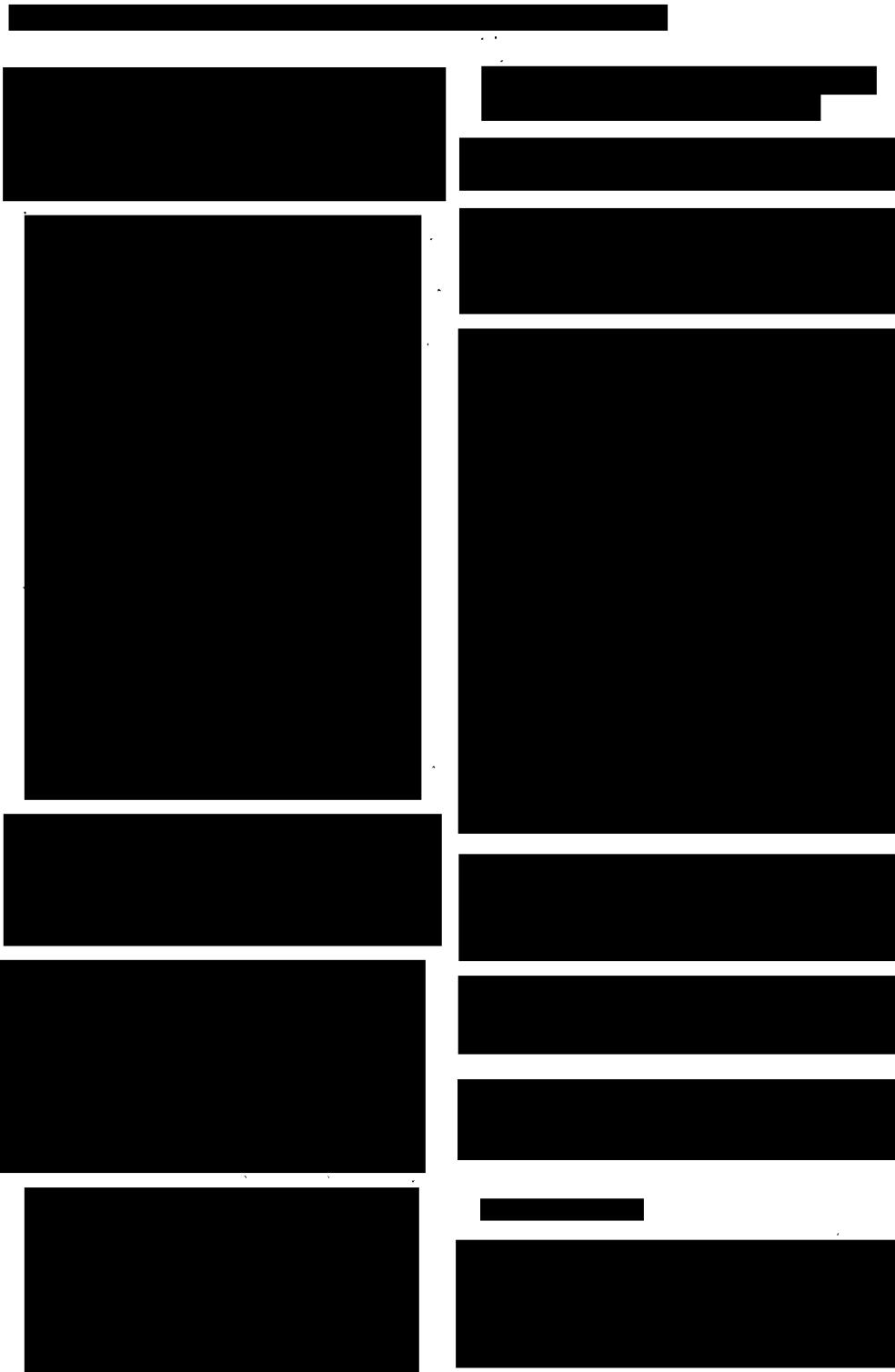
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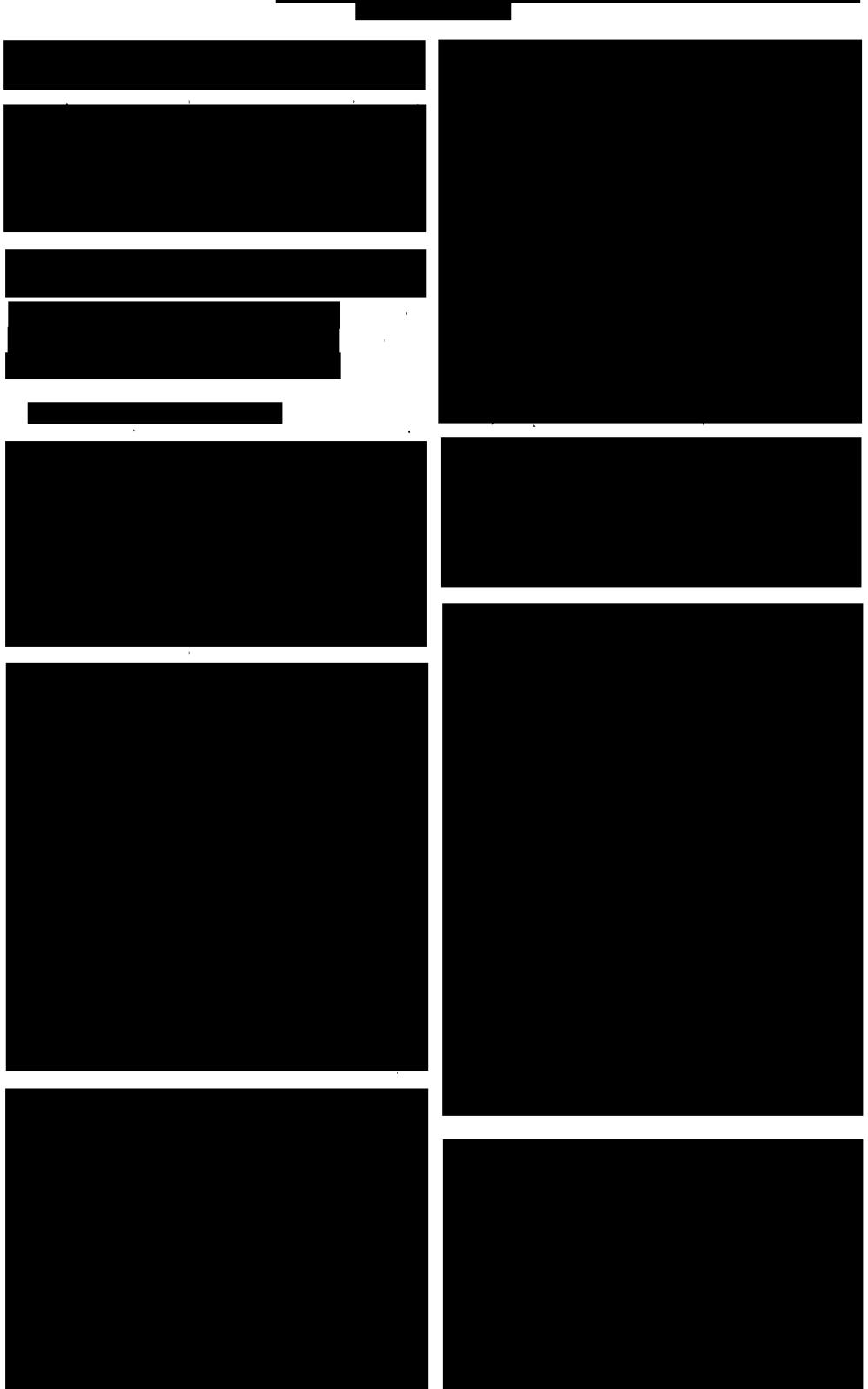


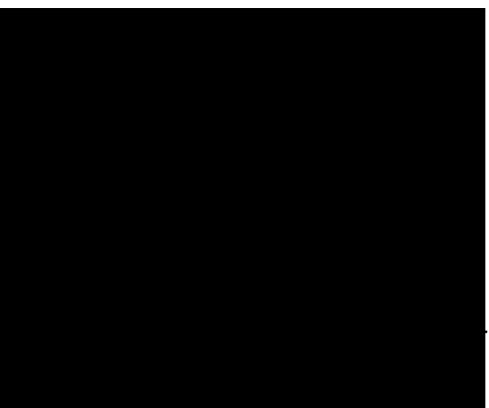
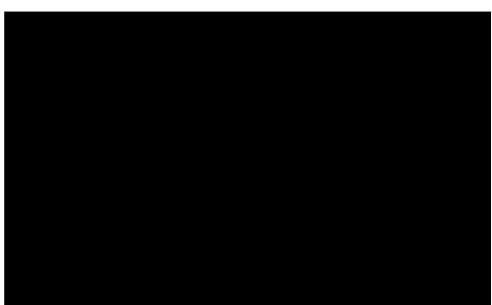
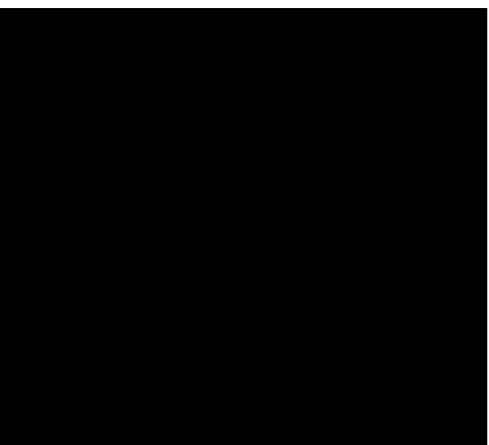
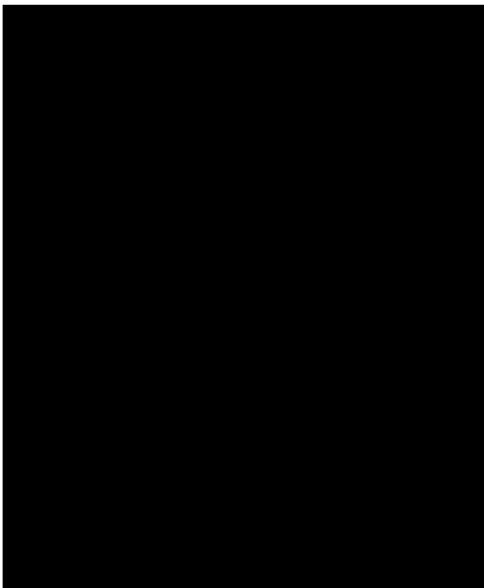
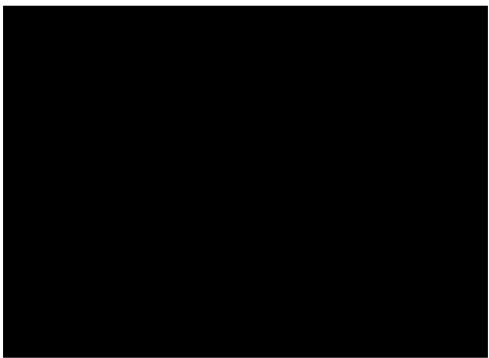
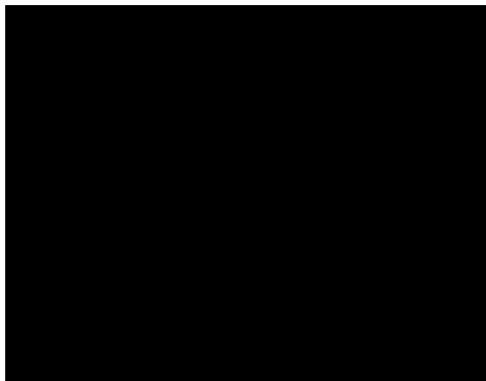
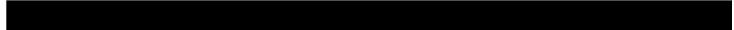


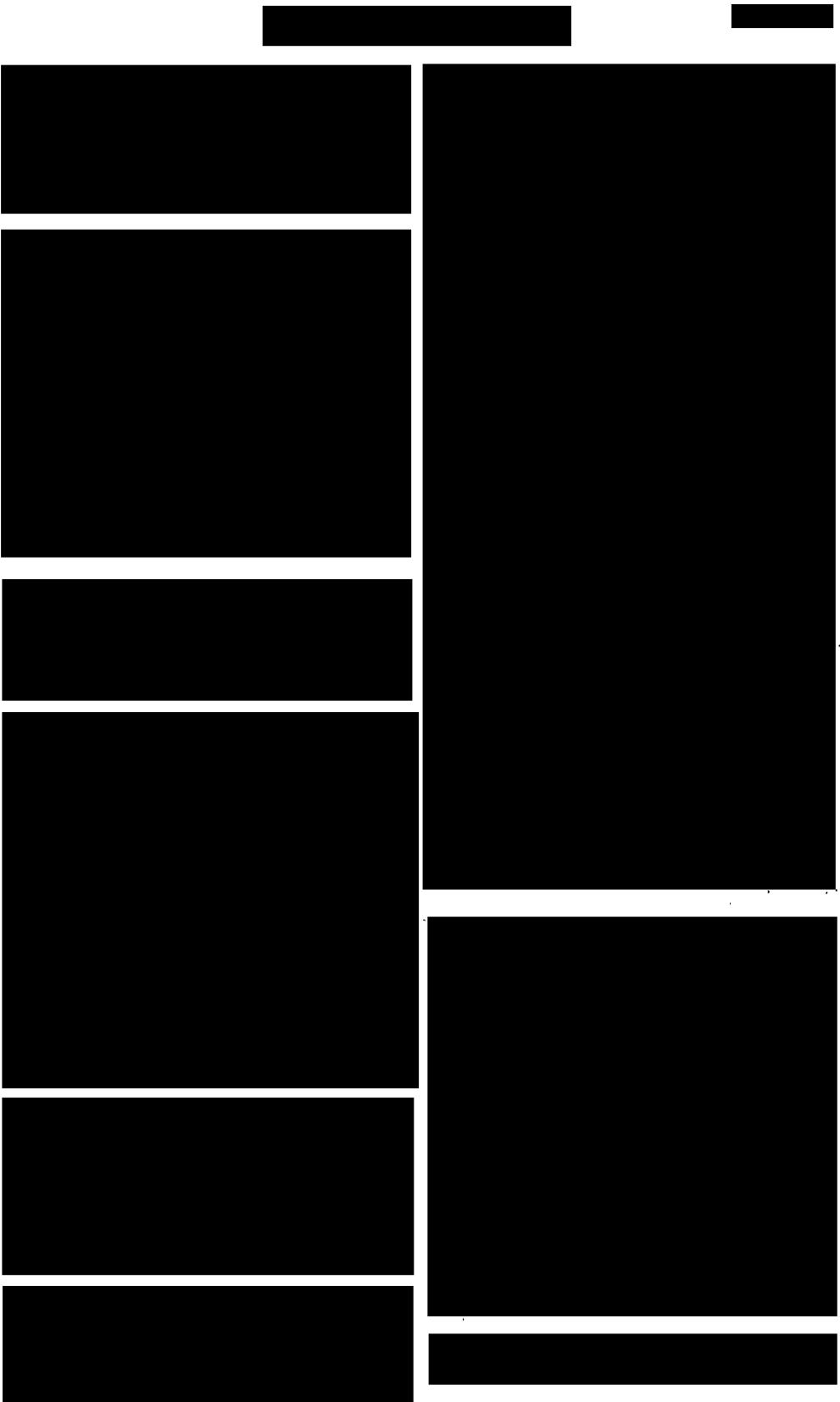


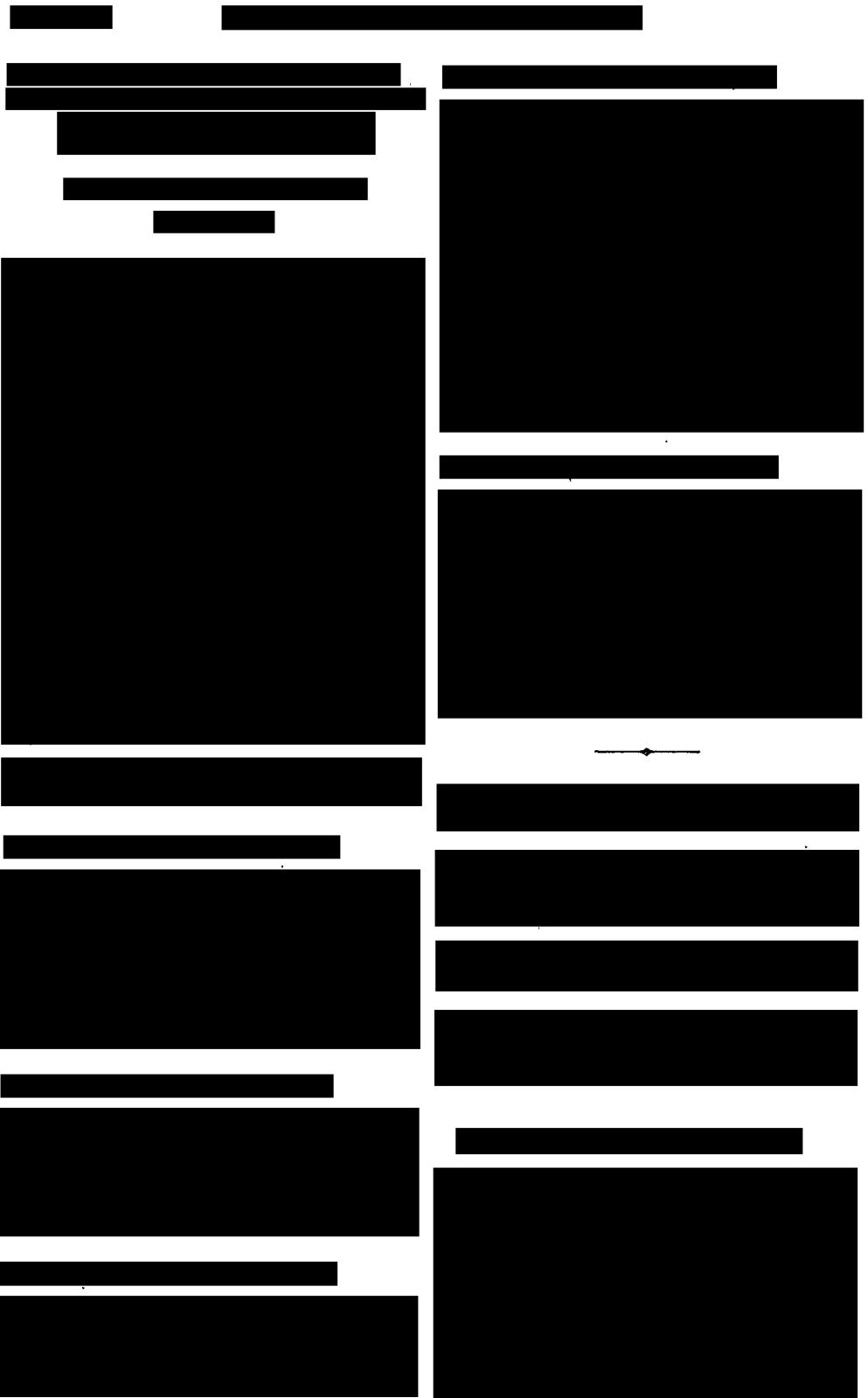


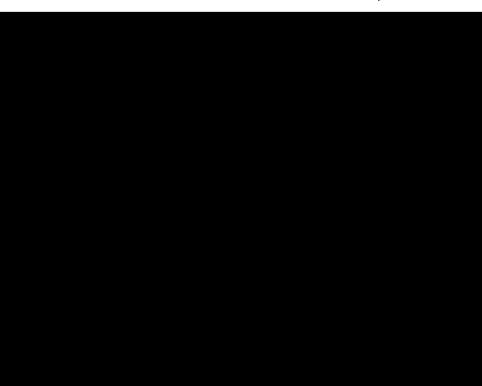
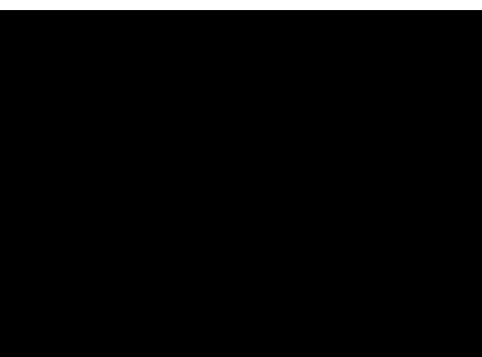
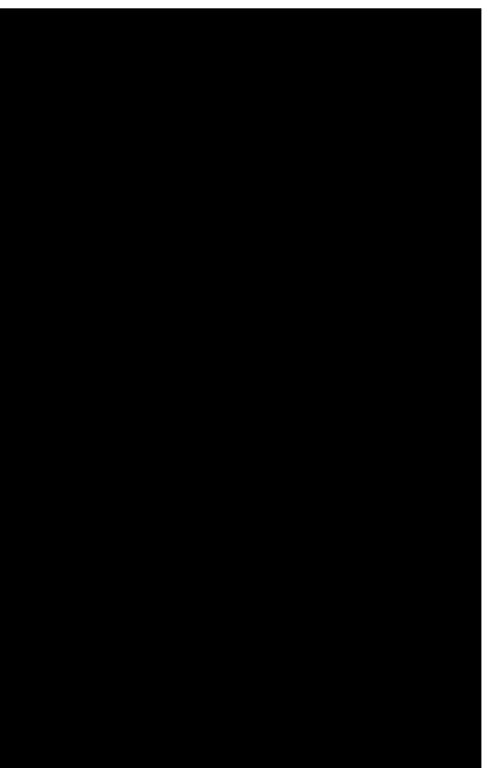
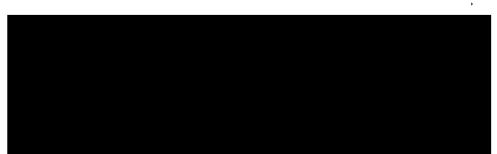
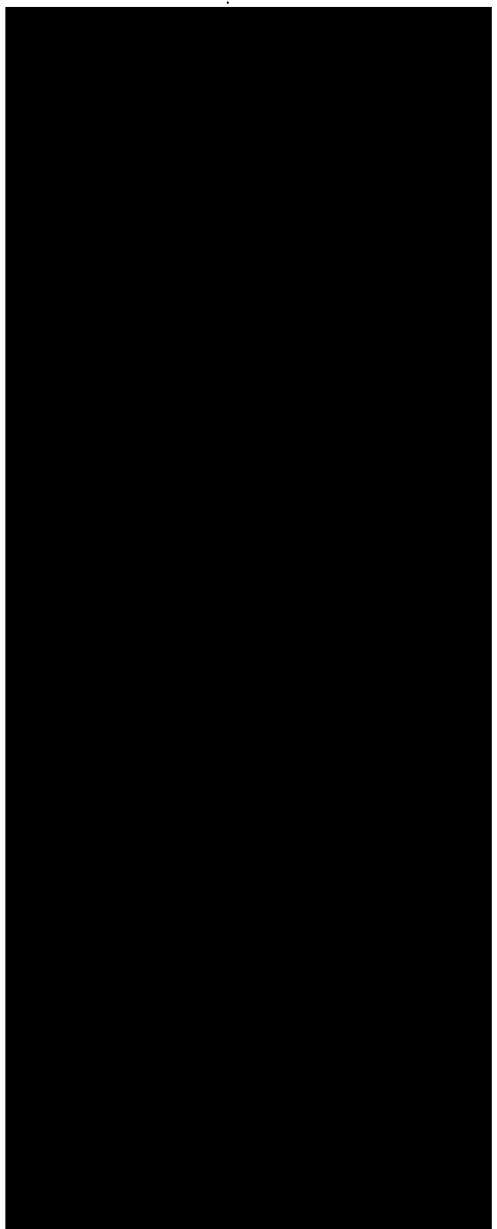
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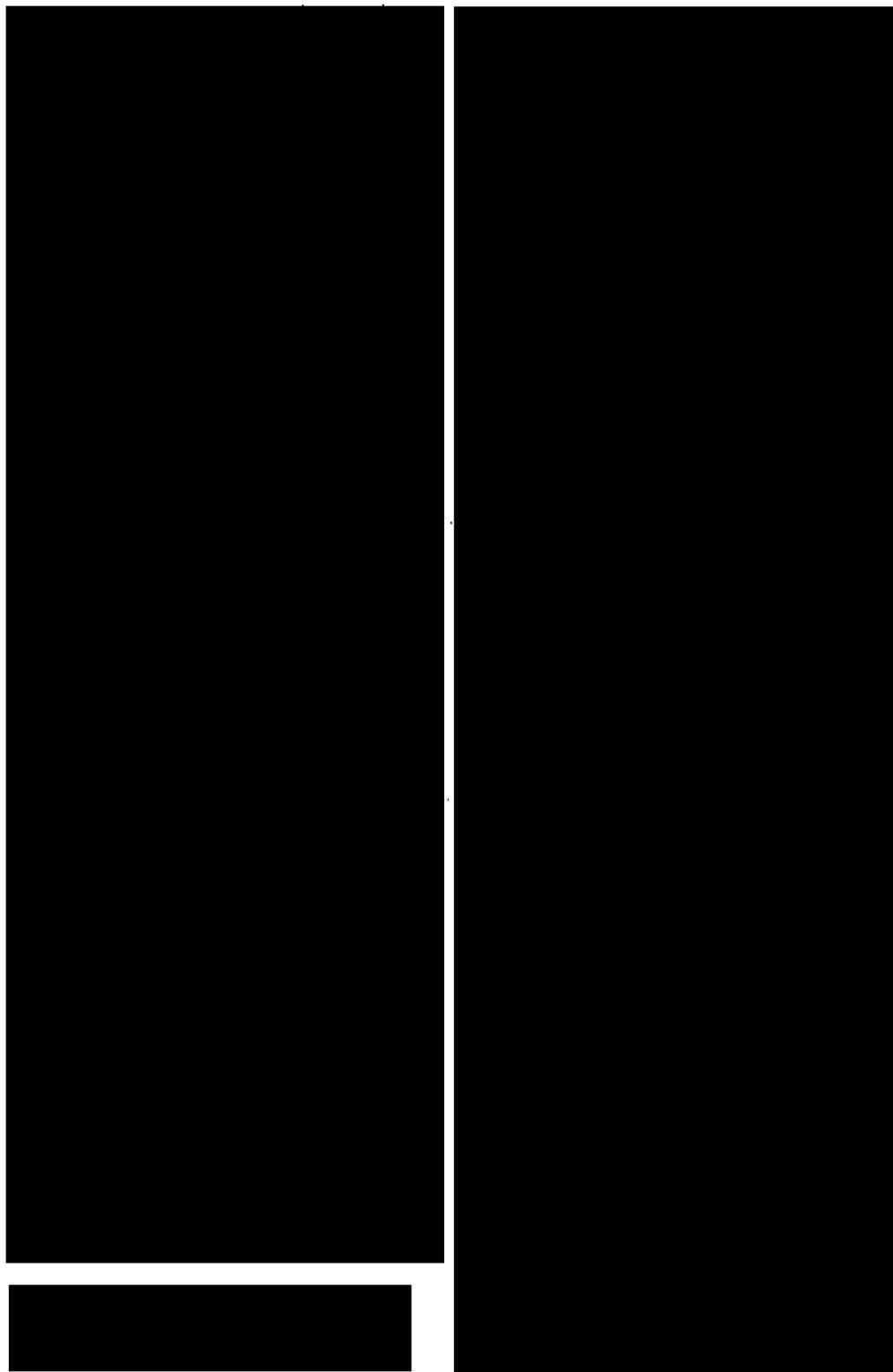


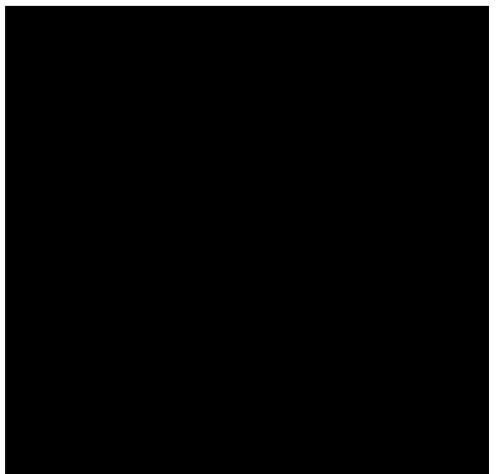
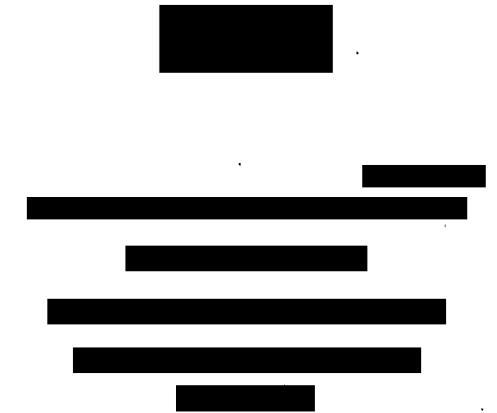
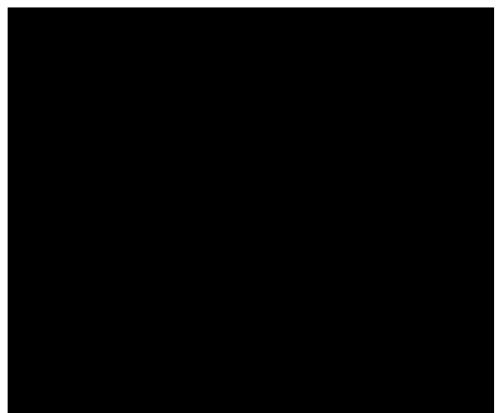
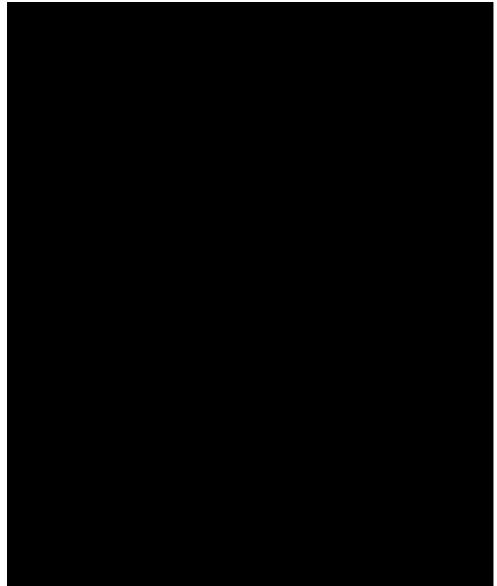
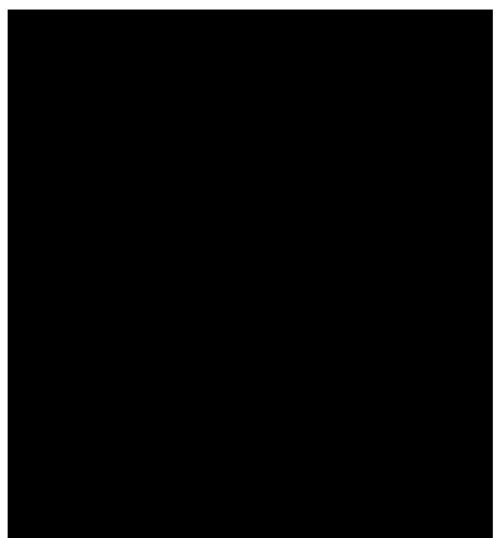






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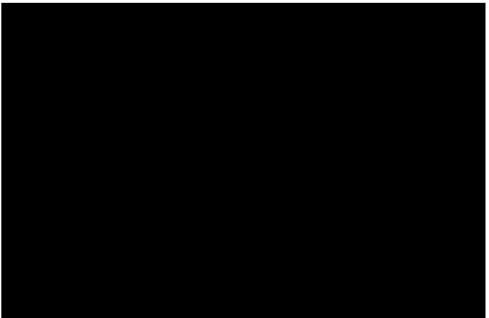
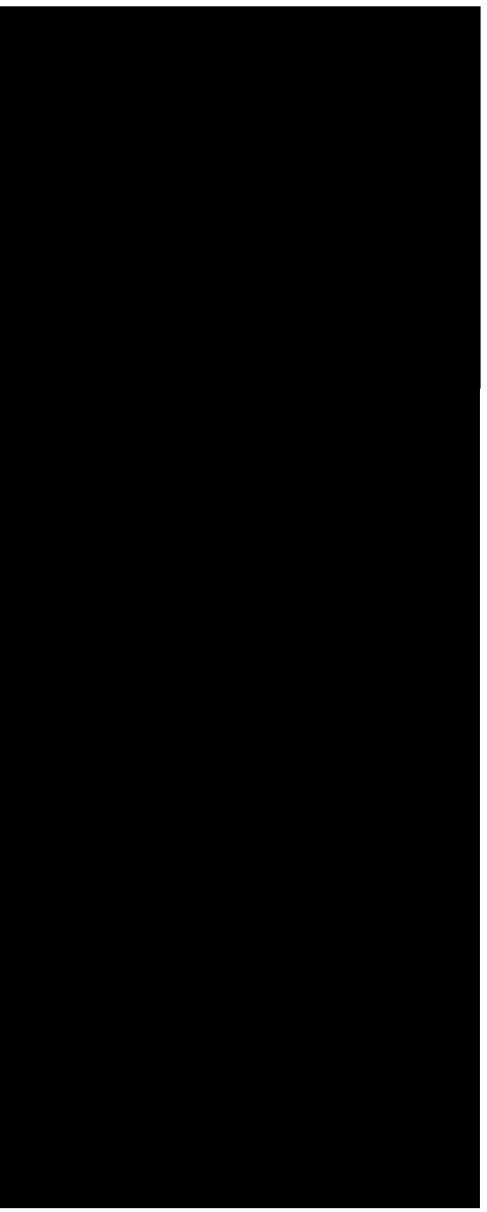
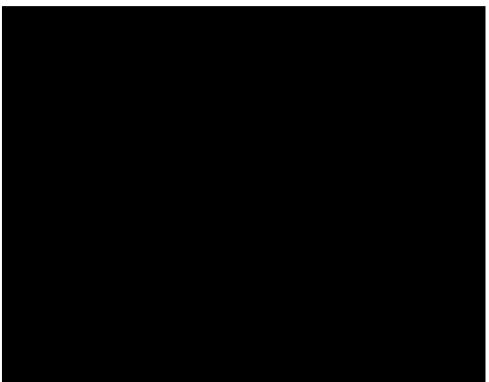
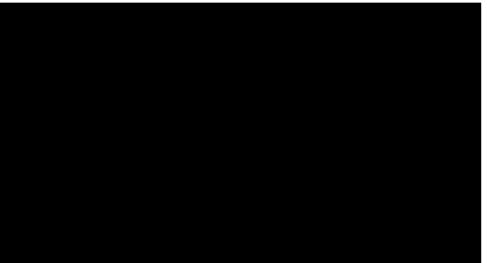
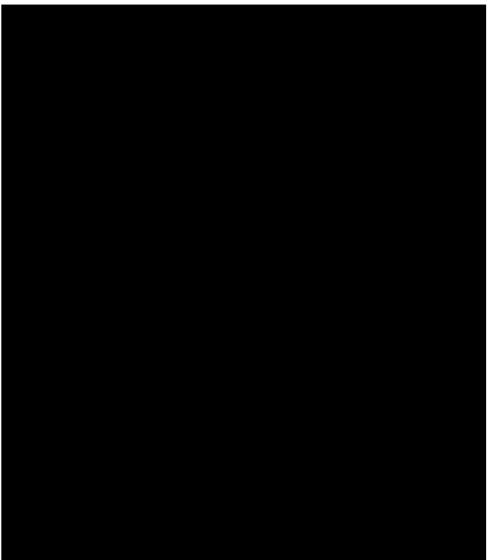


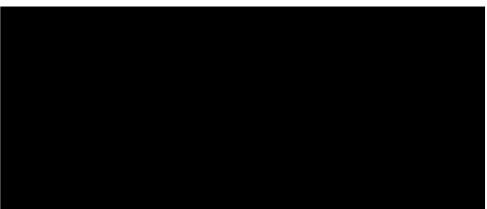
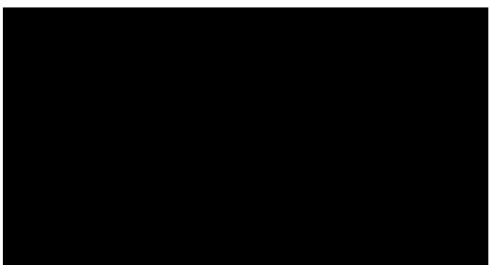
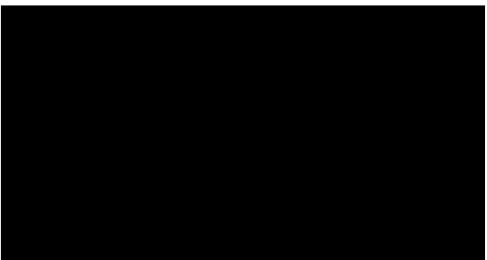
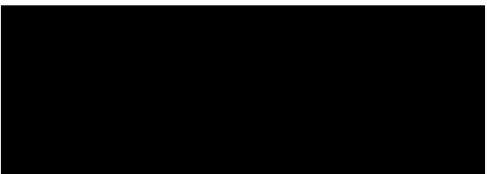
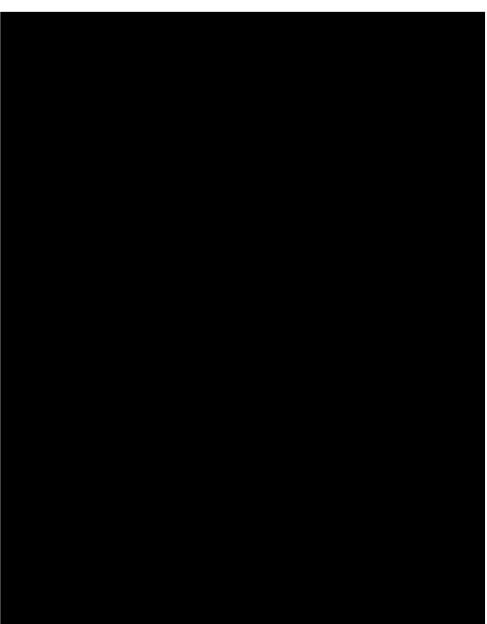
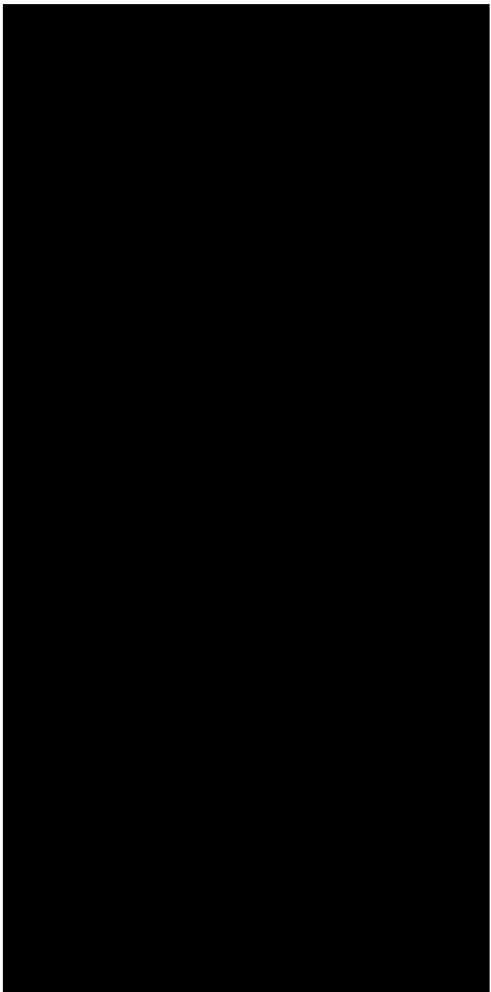
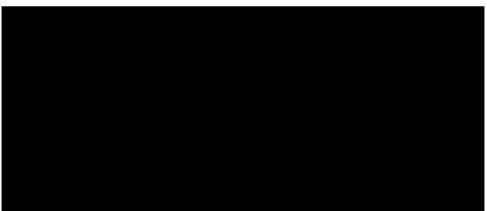
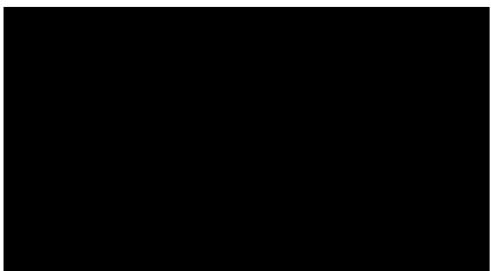


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[REDACTED]



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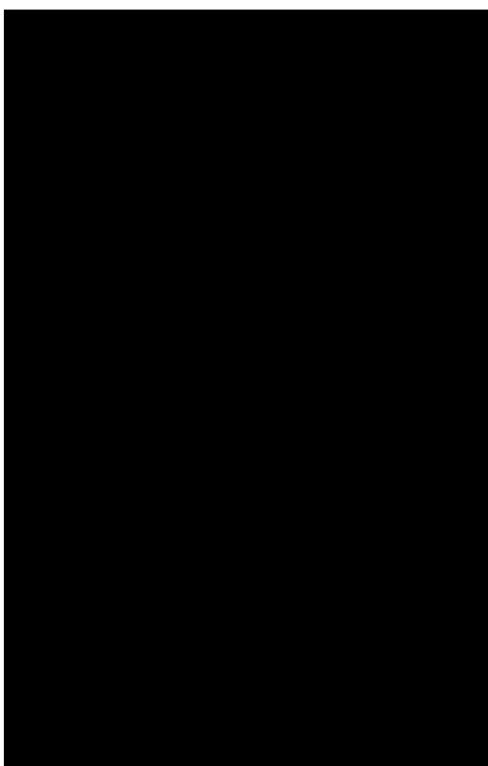
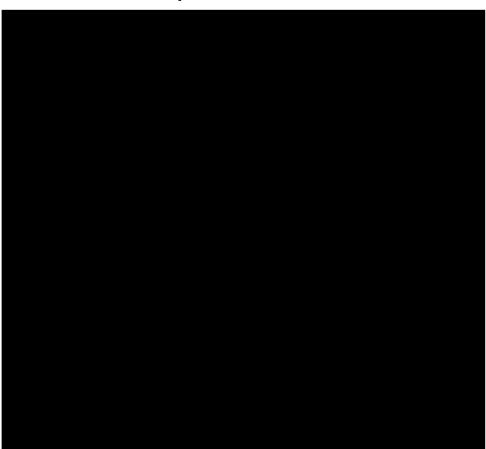
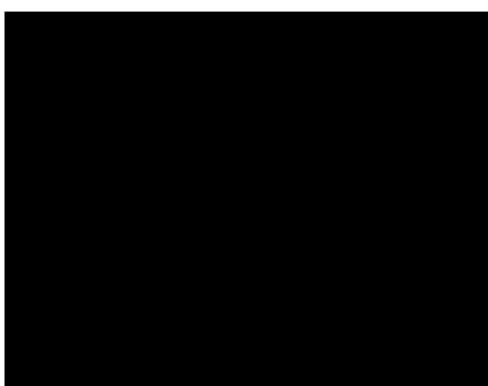
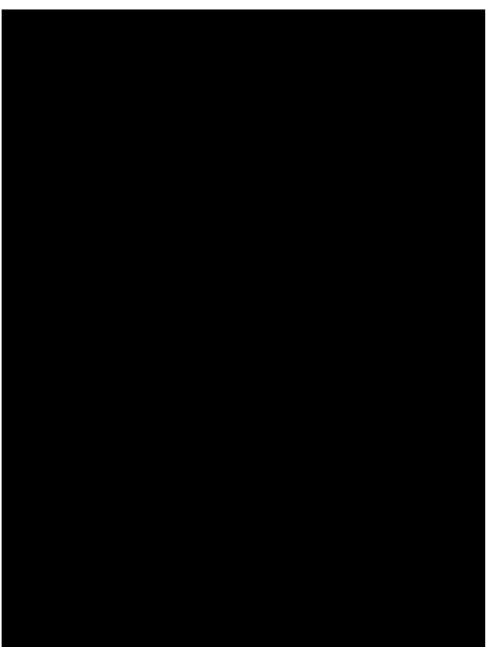
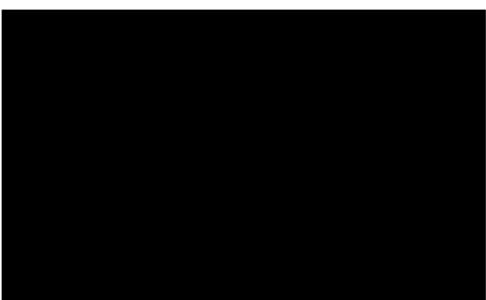
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Pa.





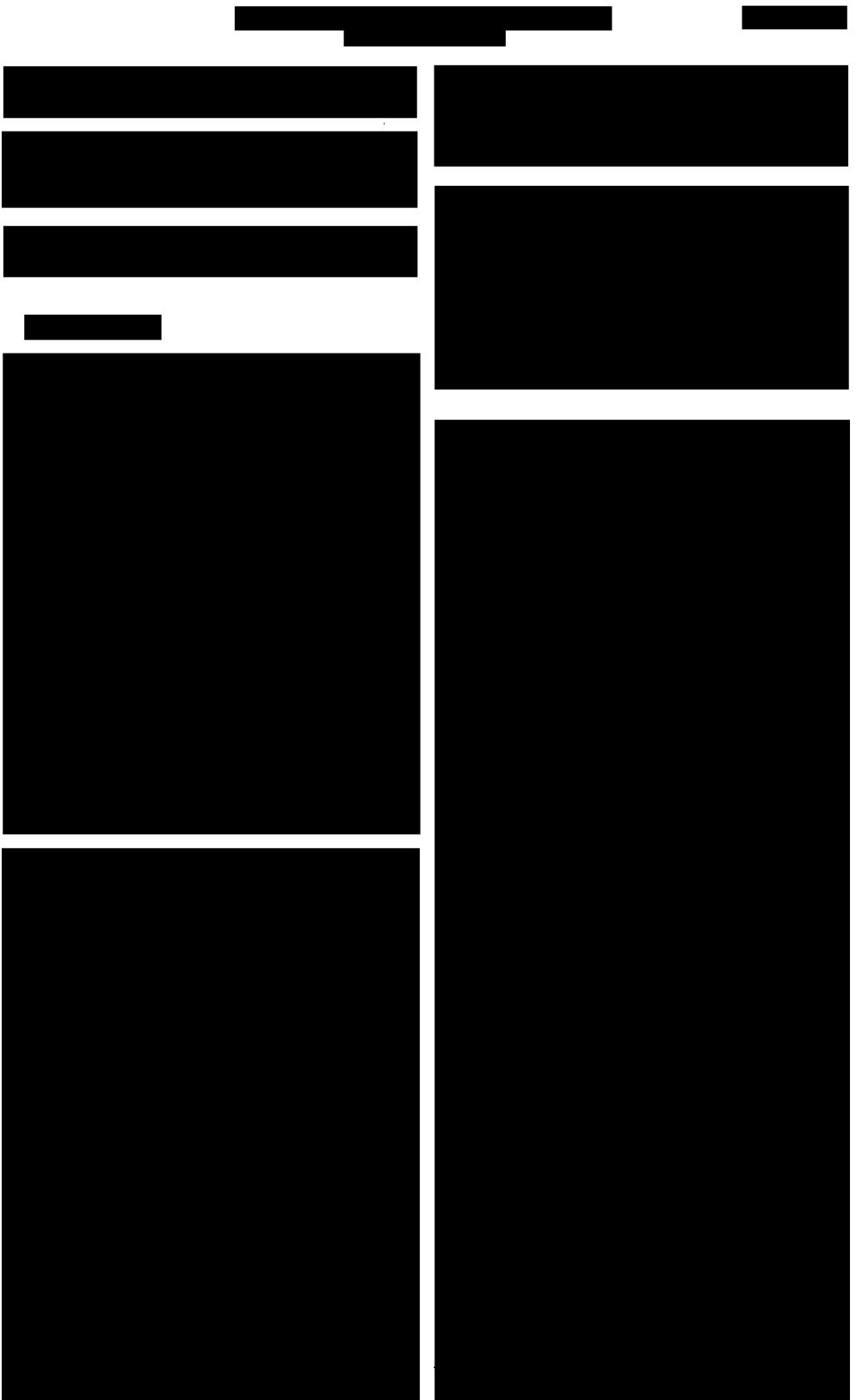
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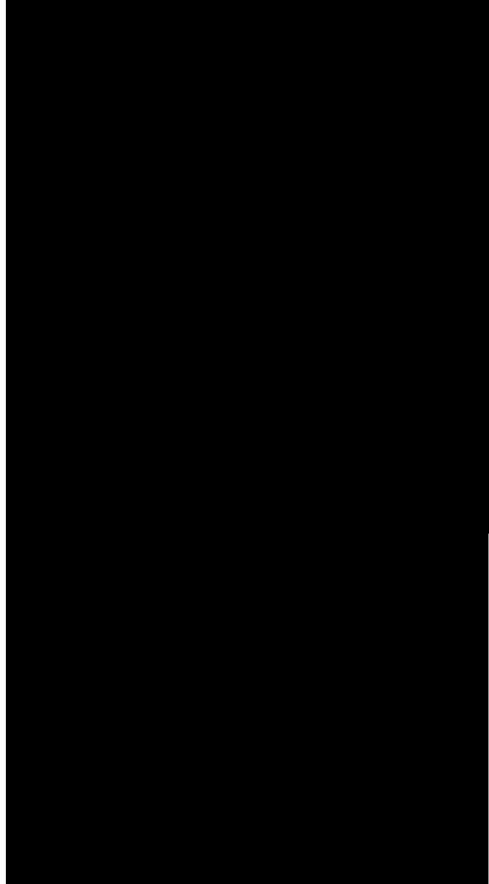
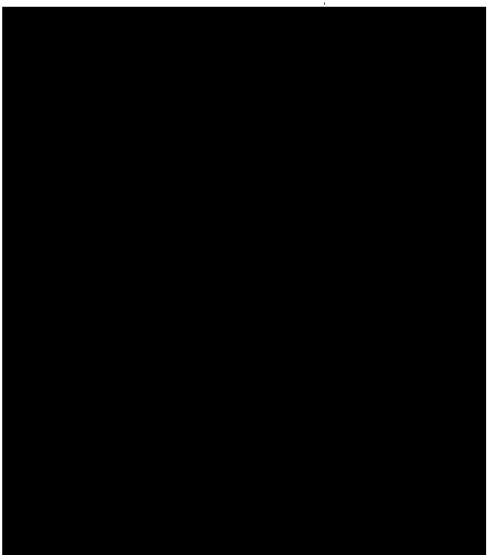
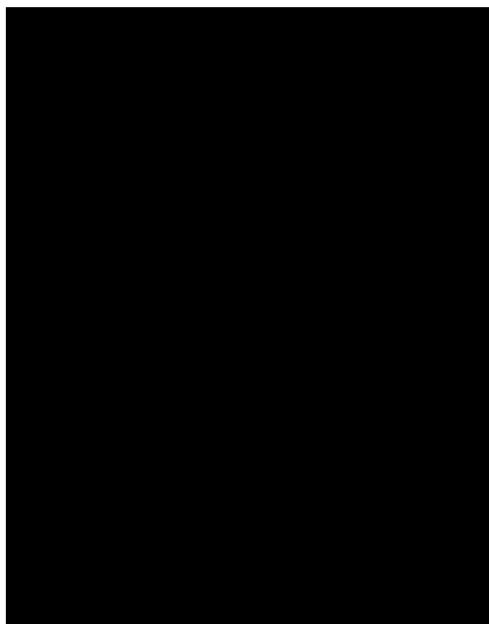
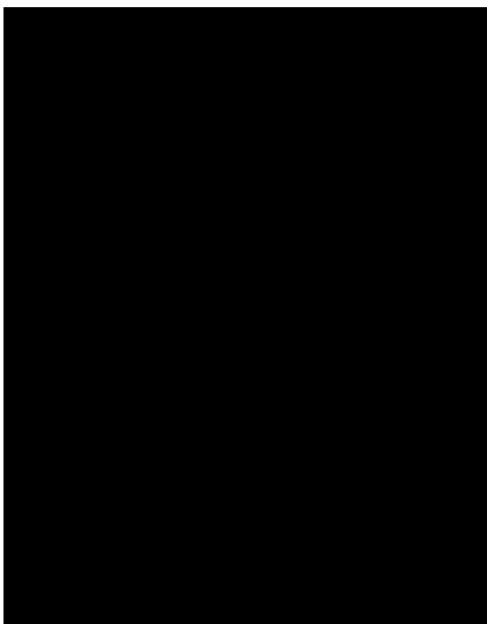


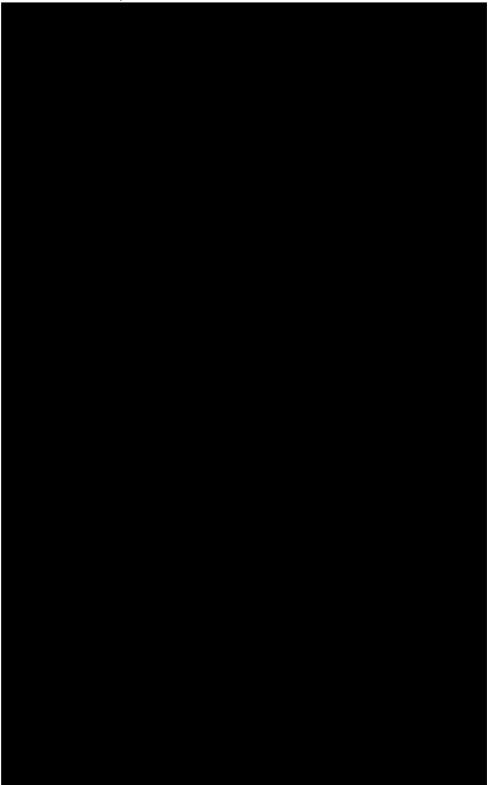
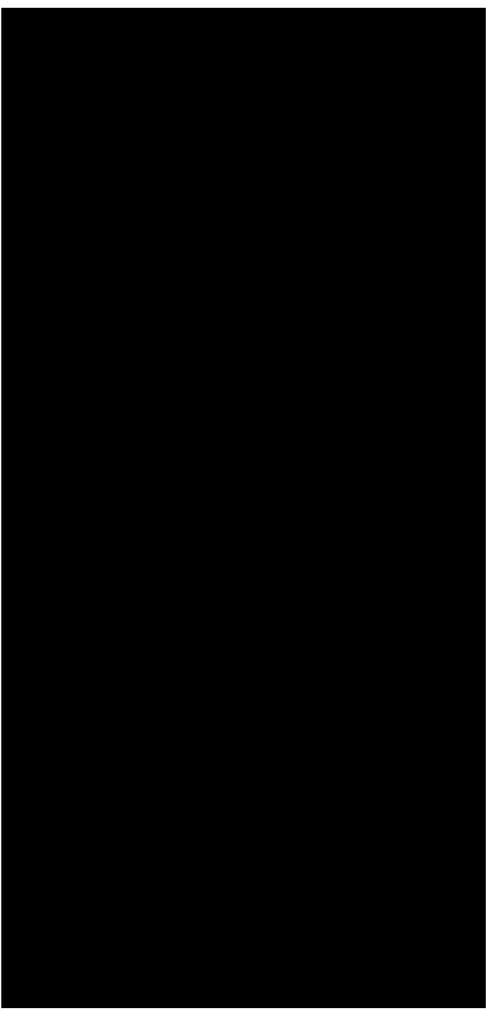
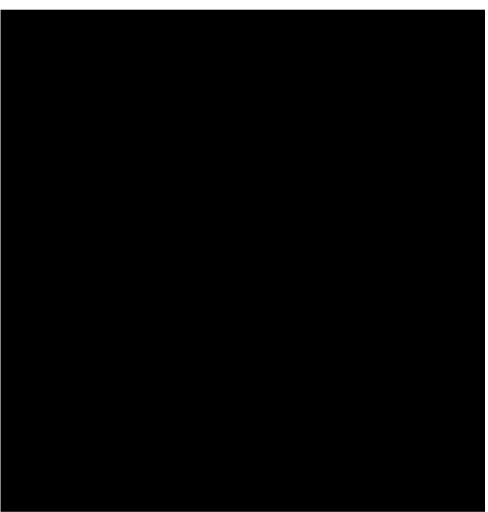


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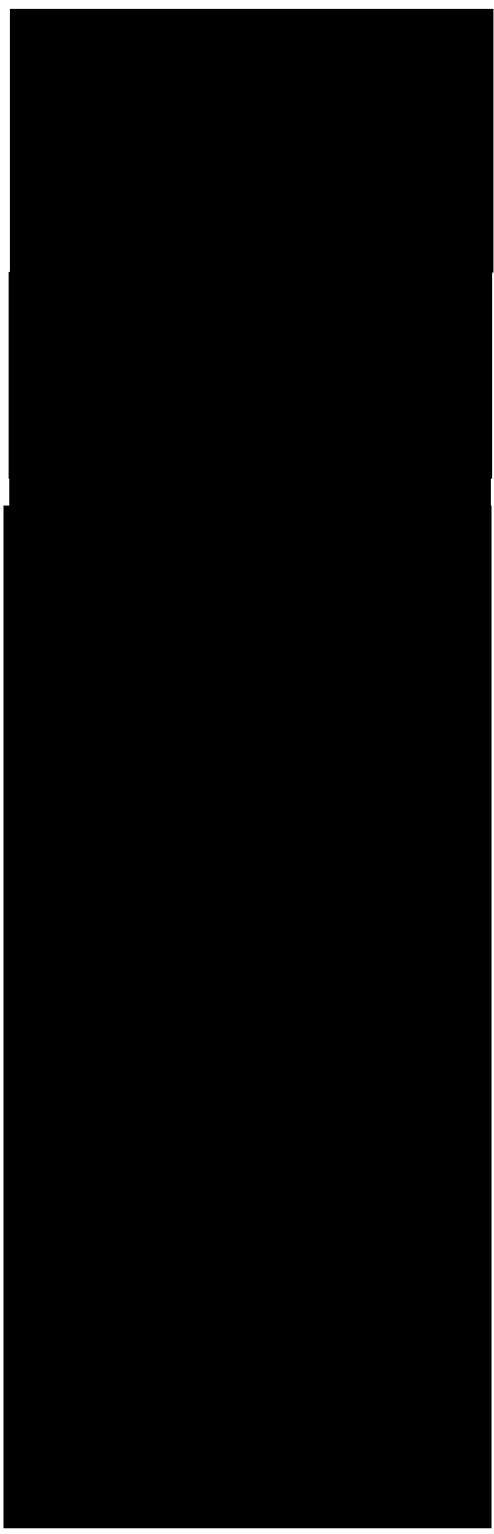
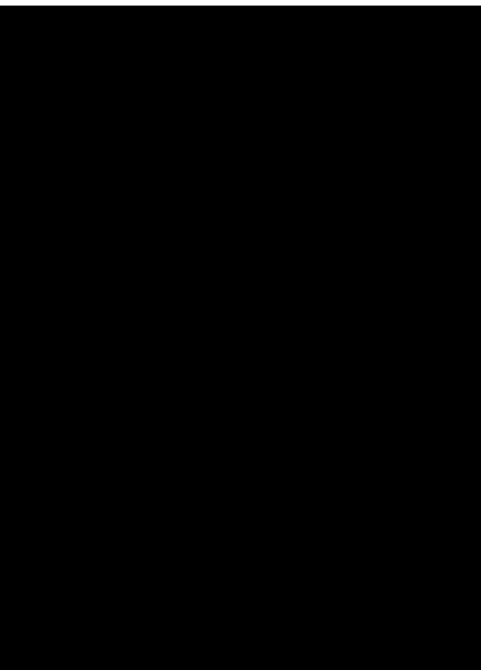
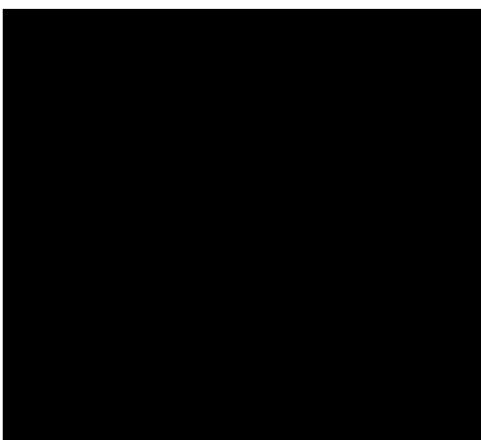


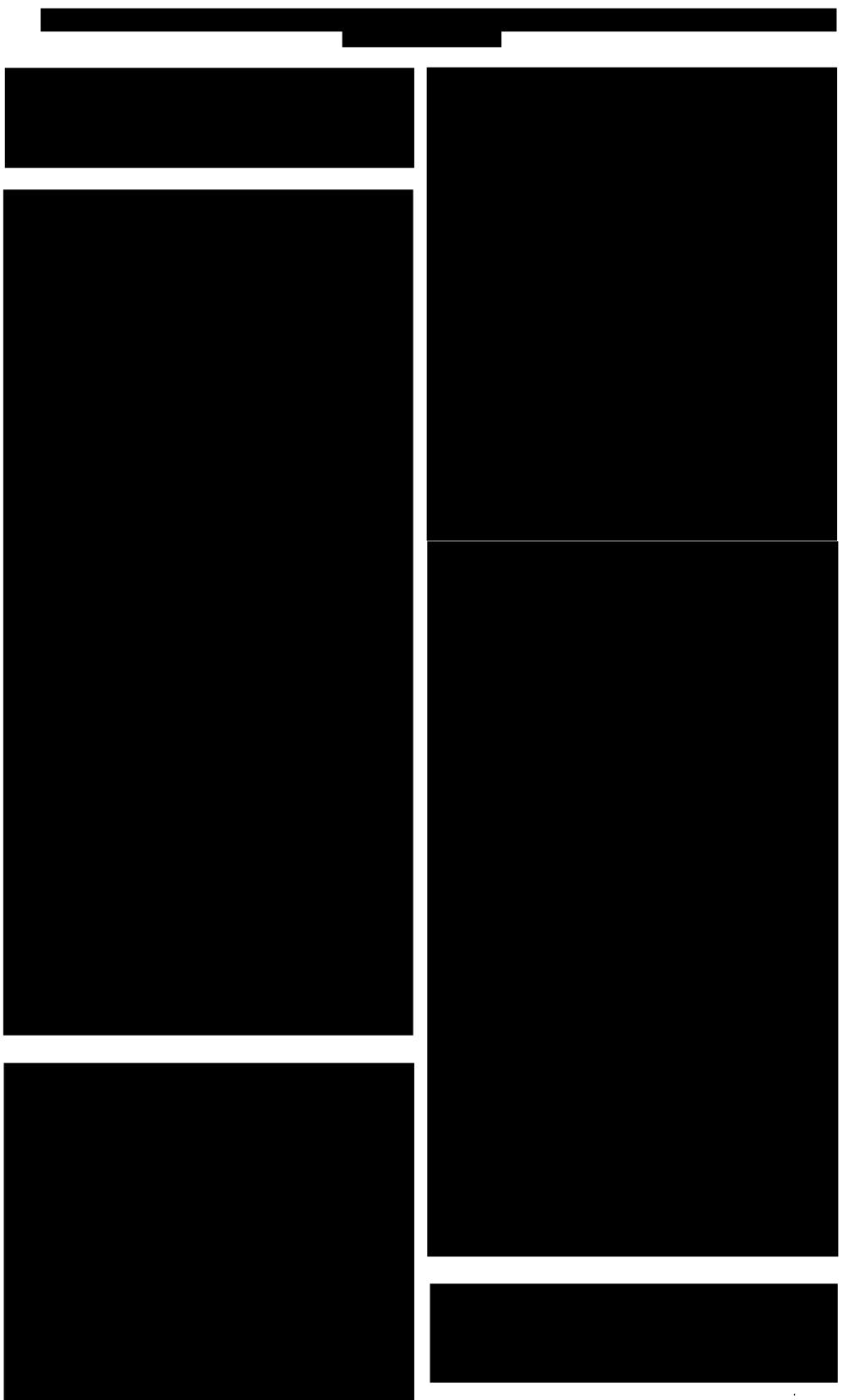


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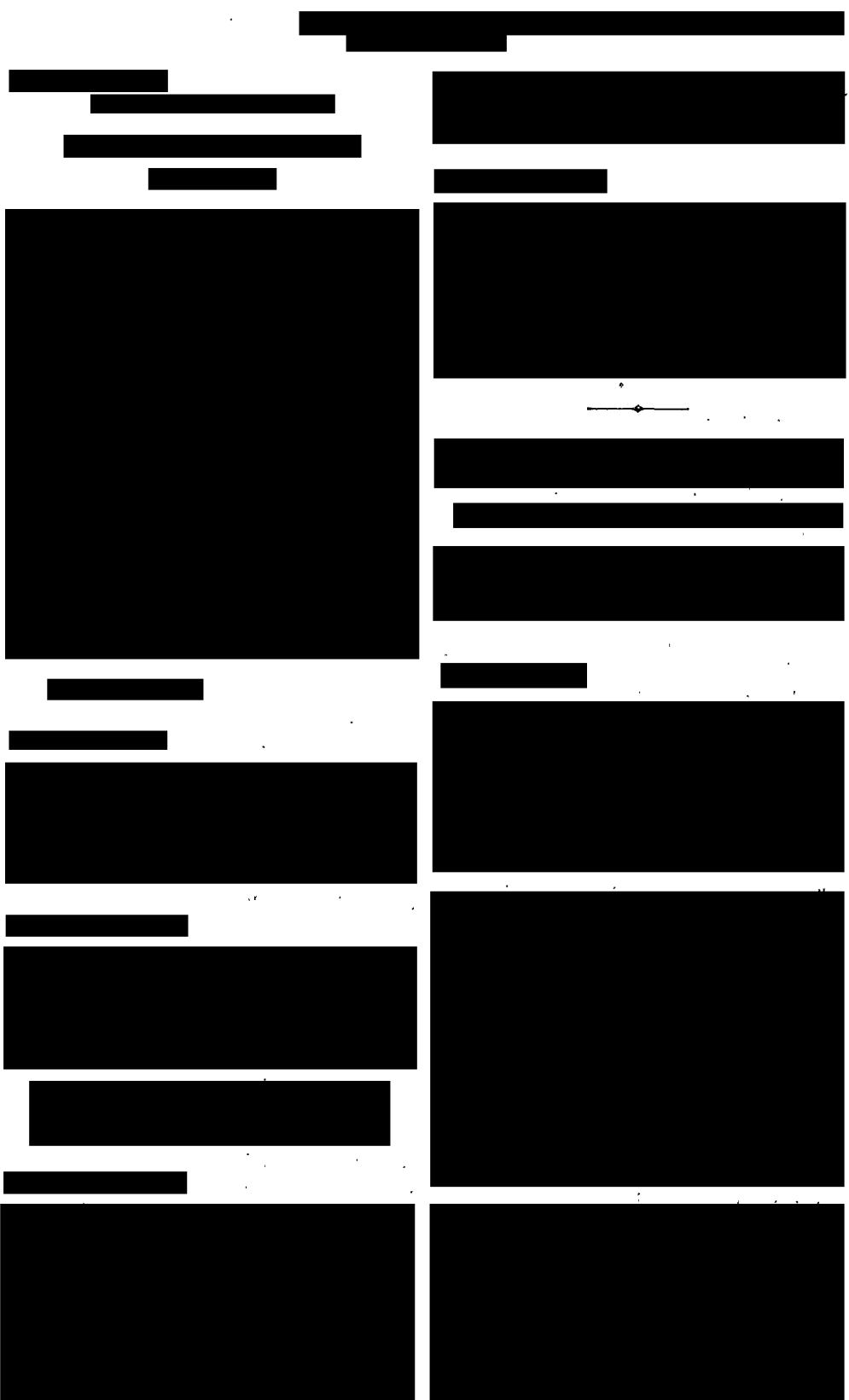








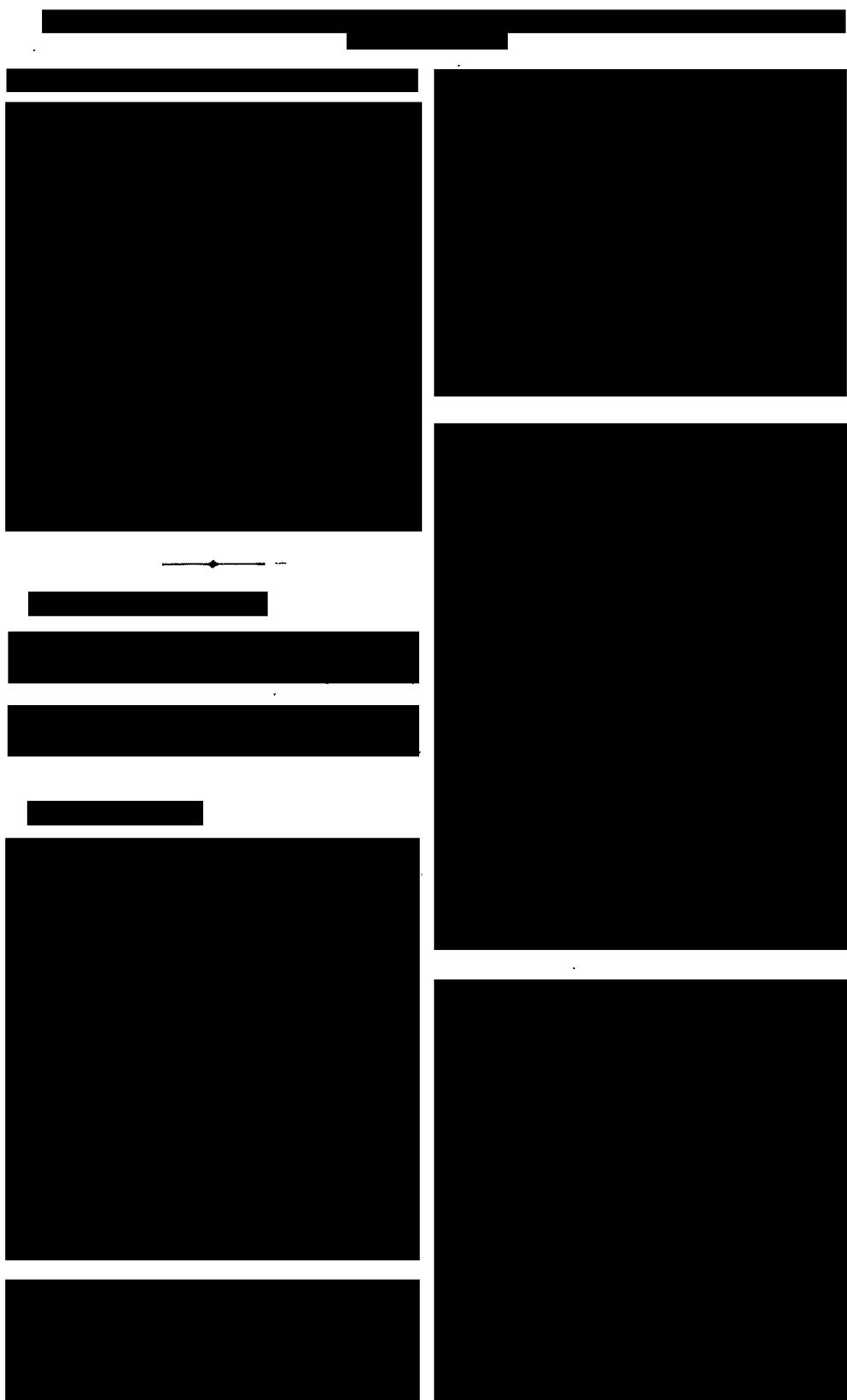




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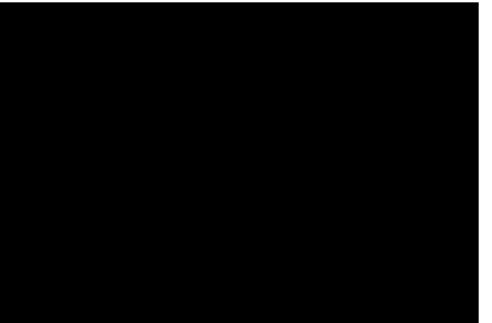
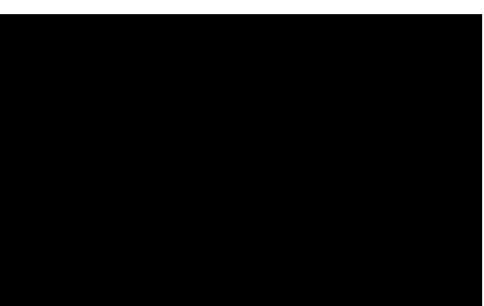
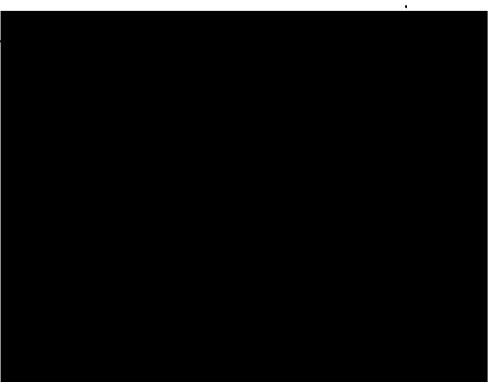
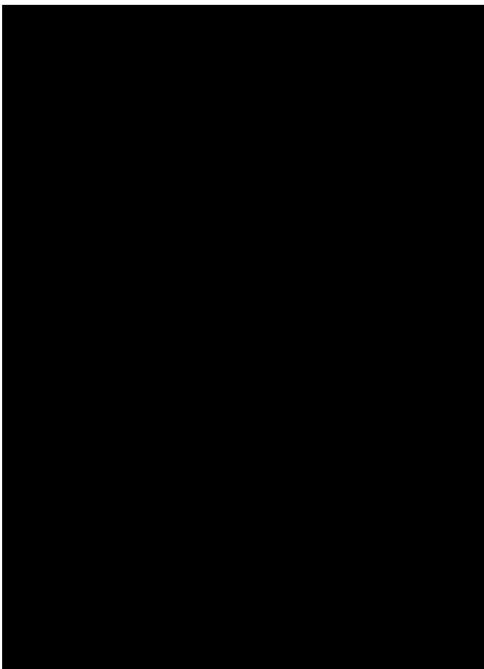
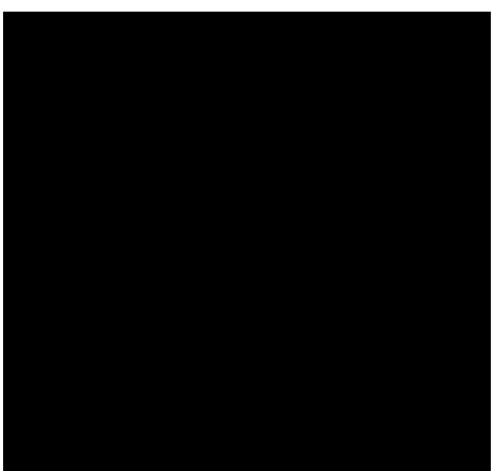
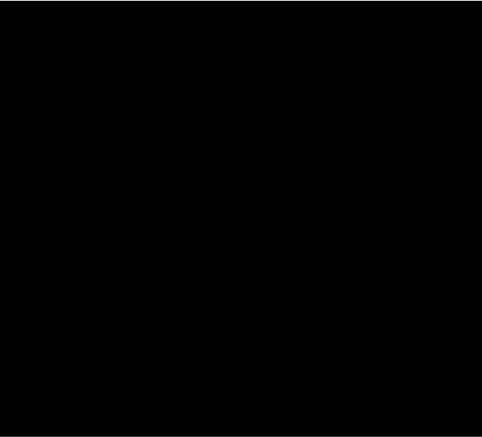
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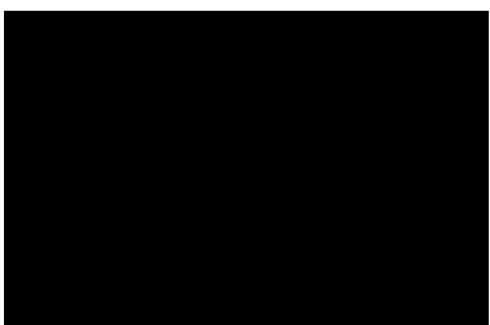
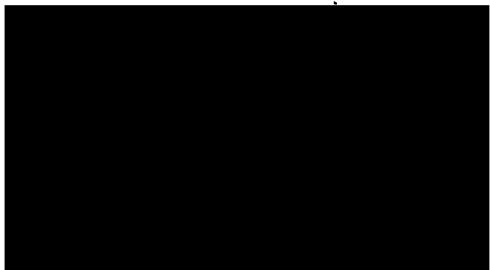
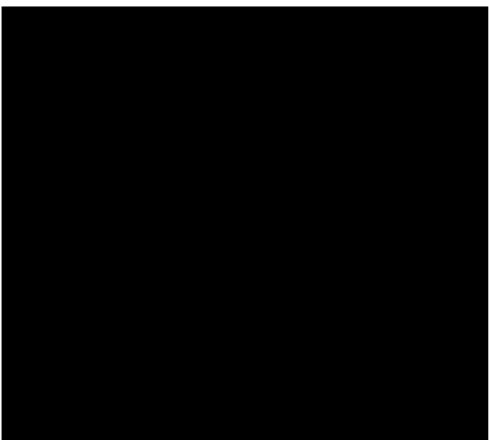
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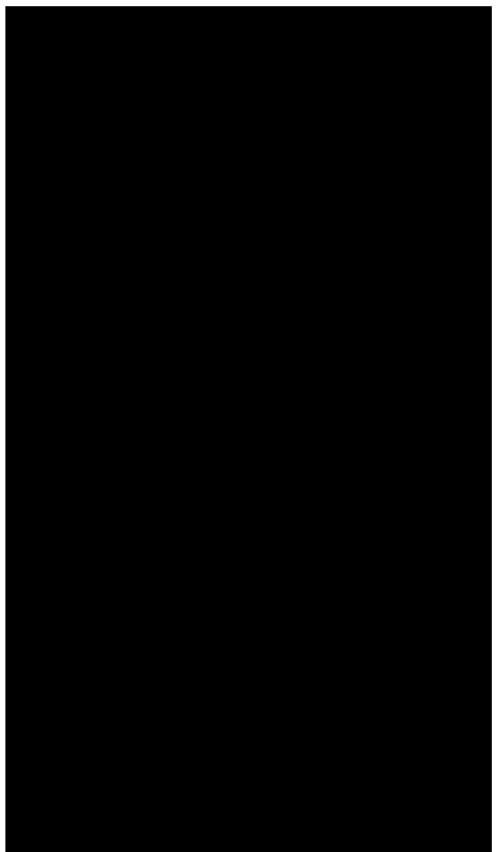
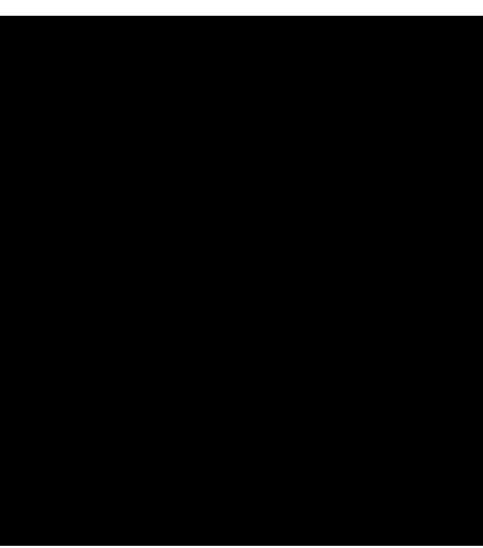
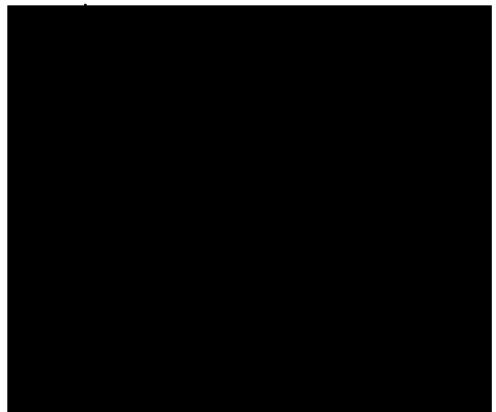
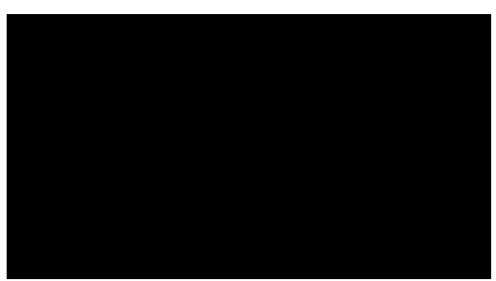
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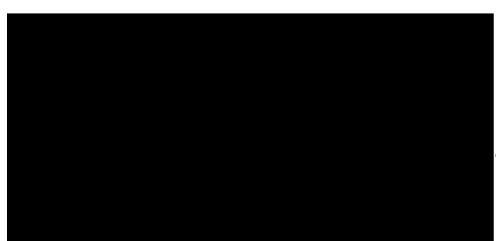
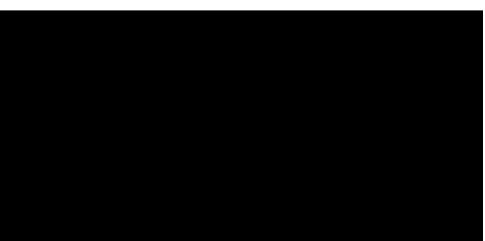
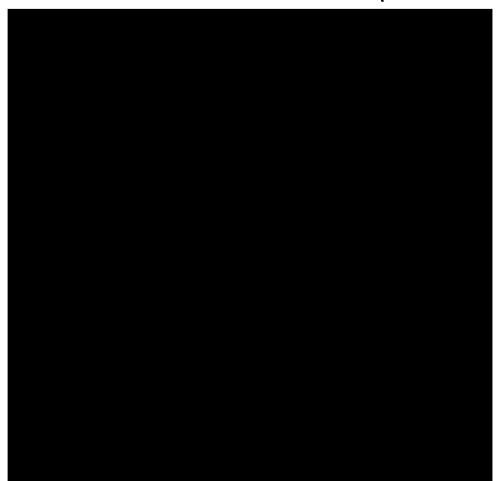
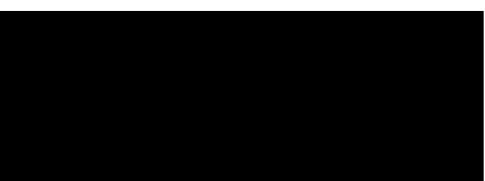
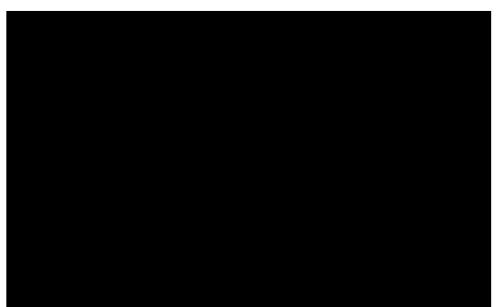
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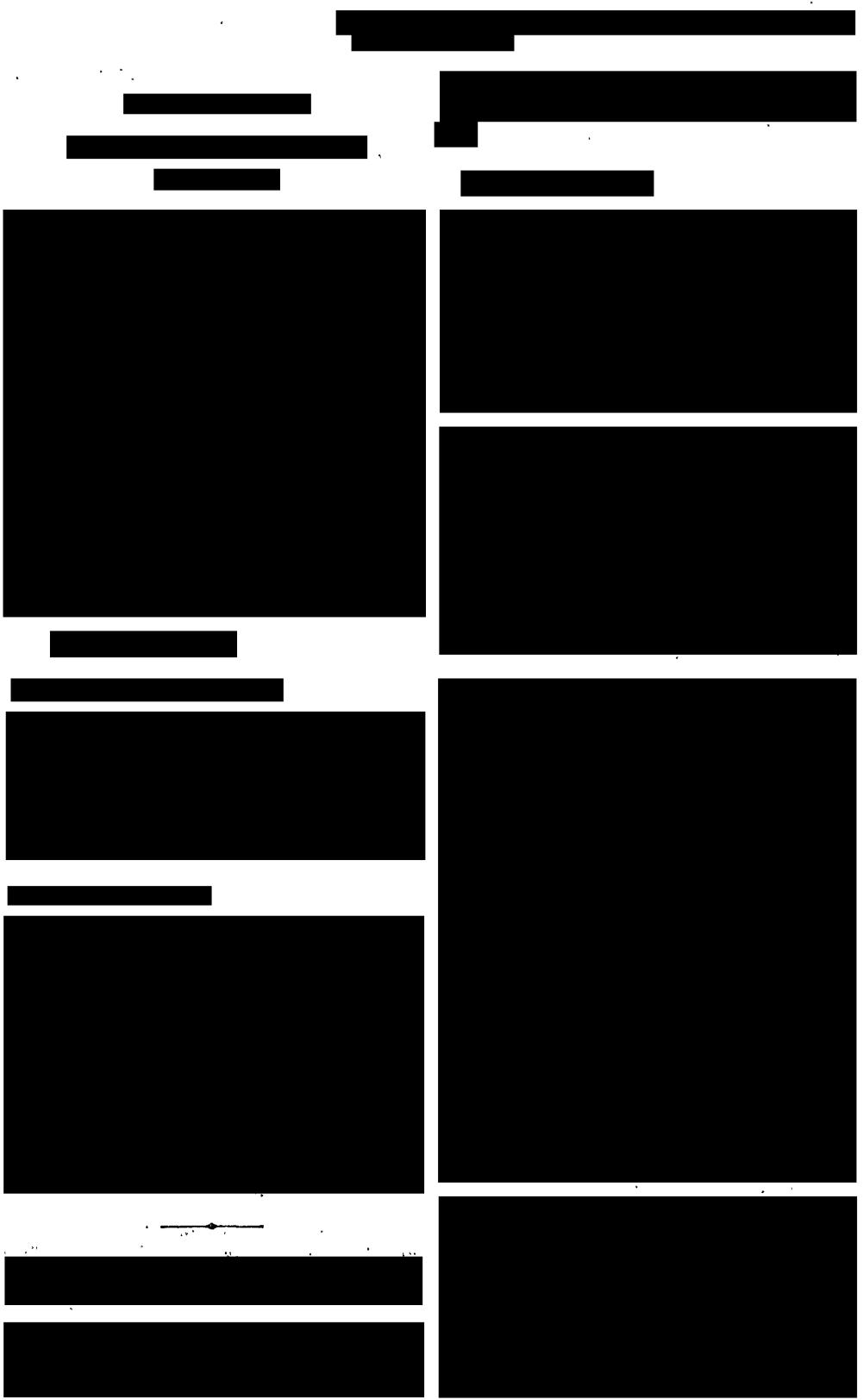
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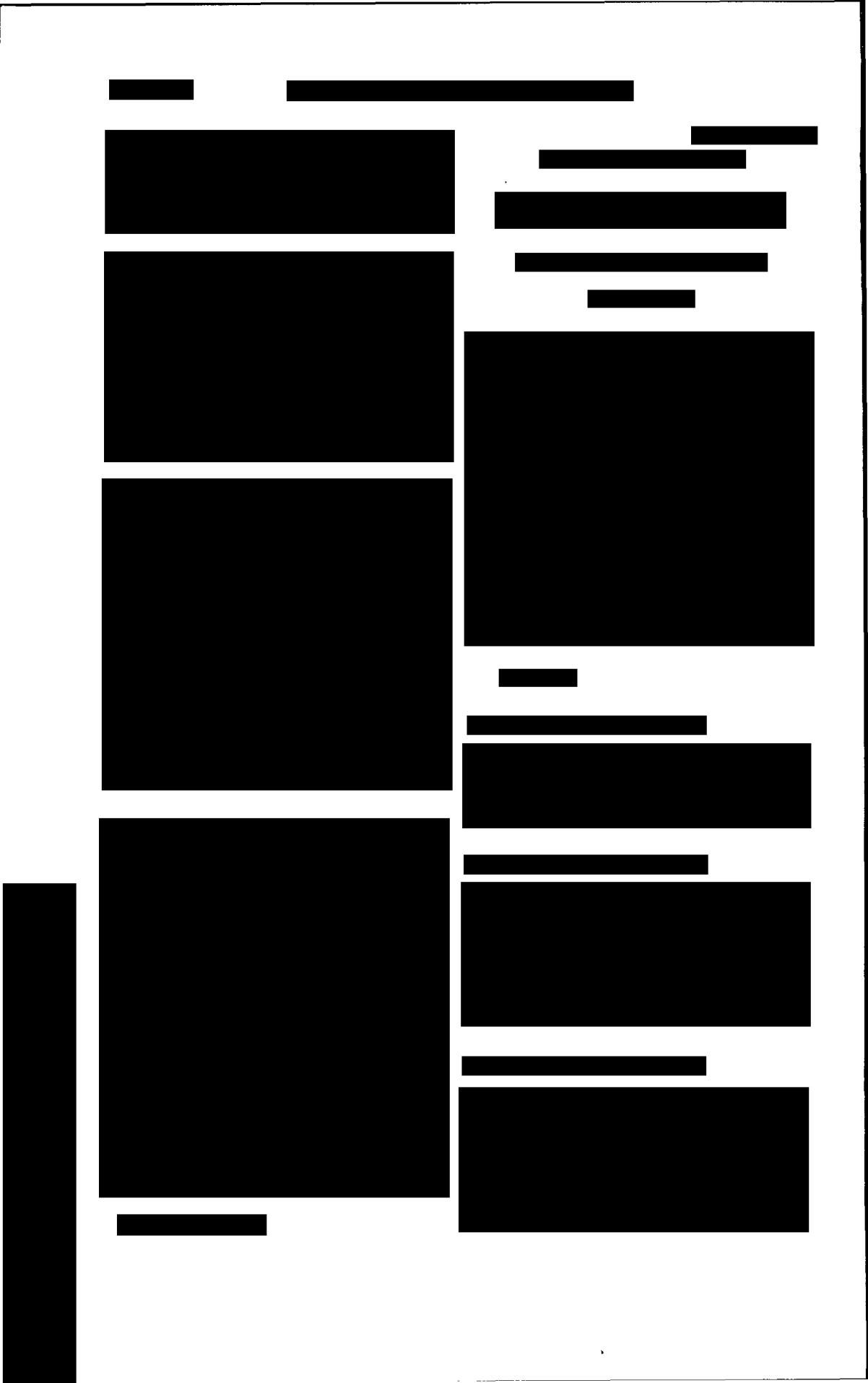
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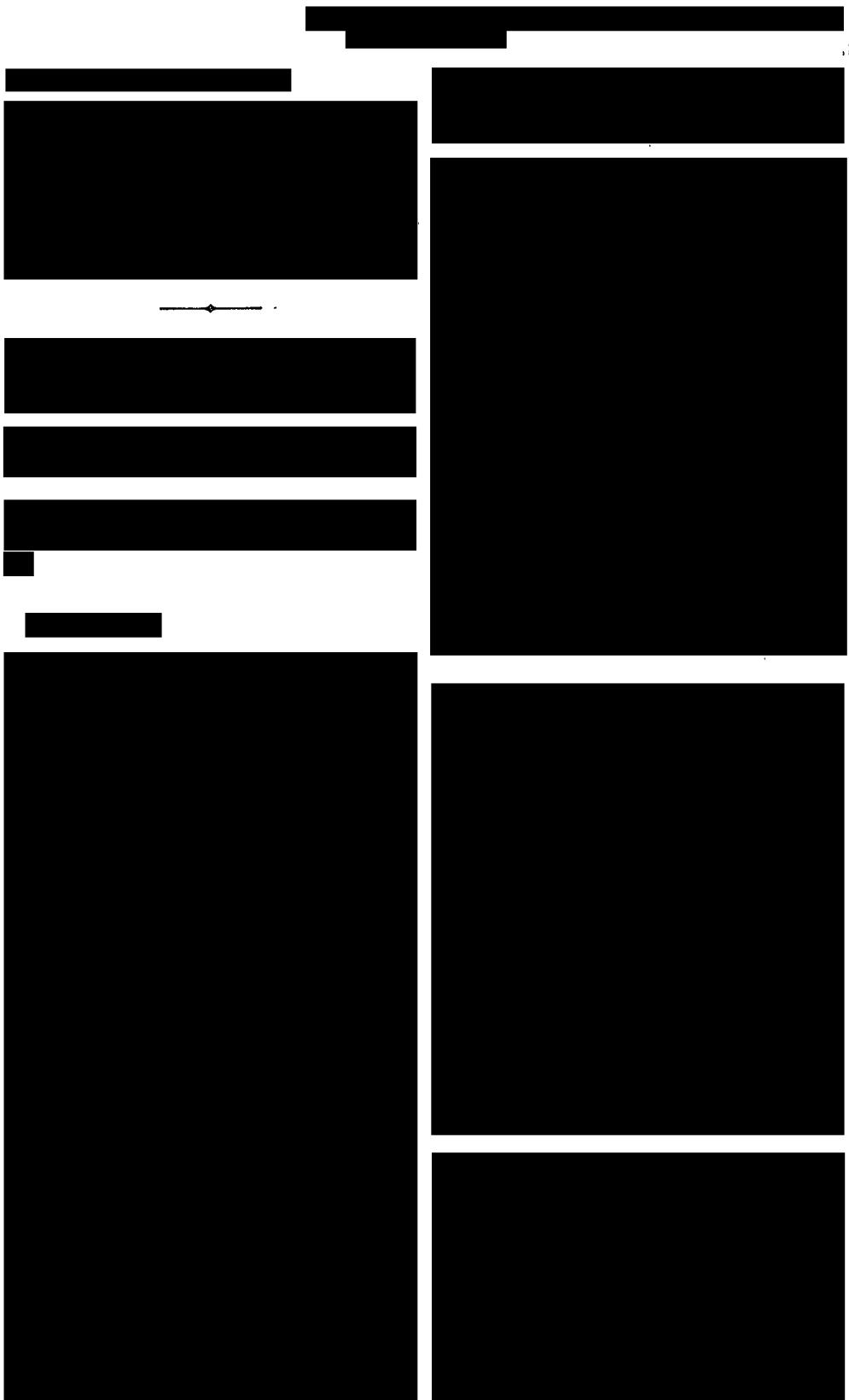




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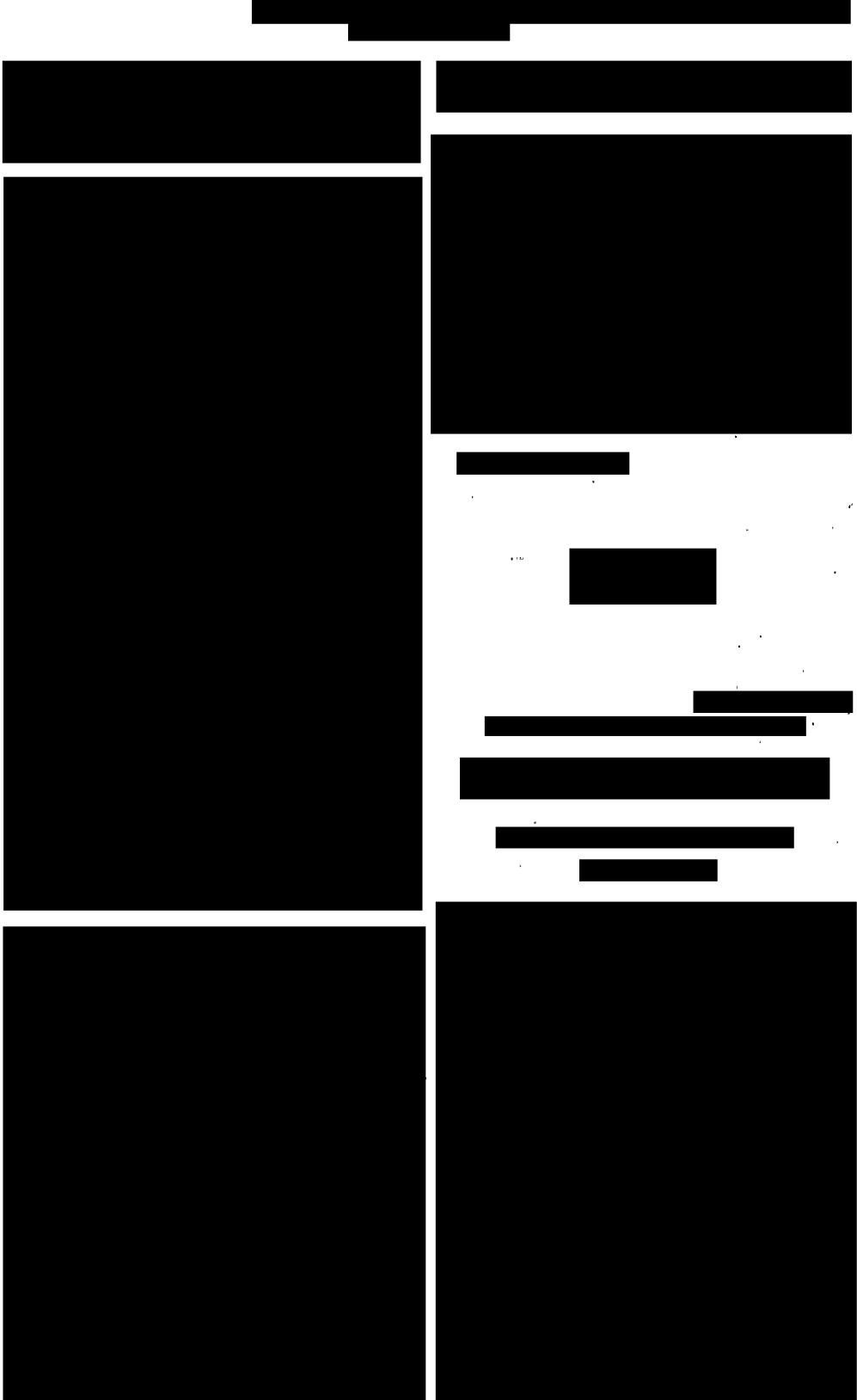
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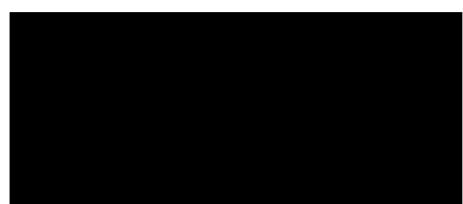
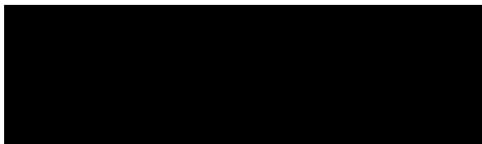
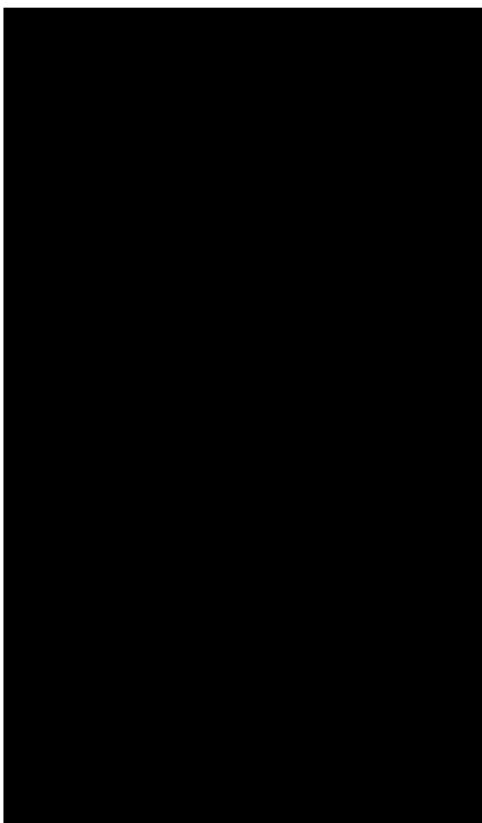
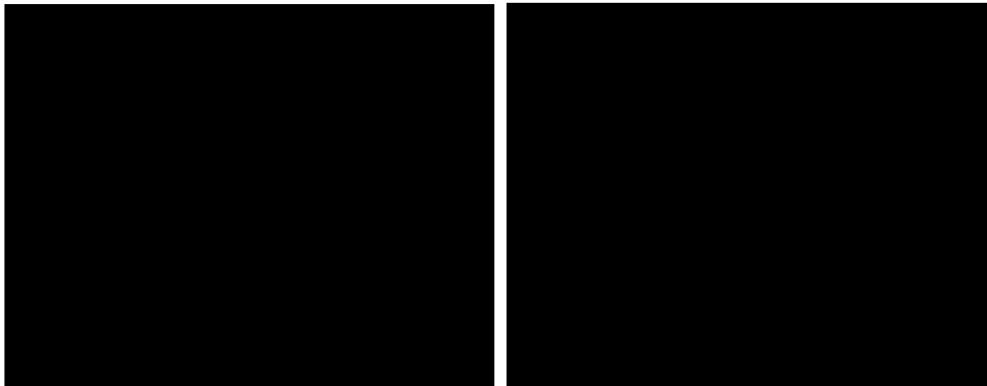
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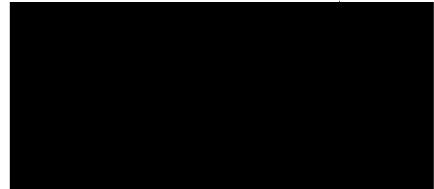
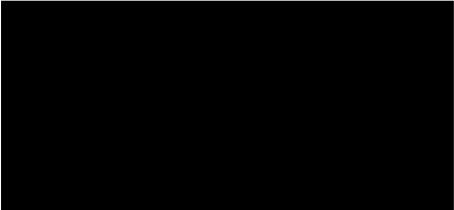
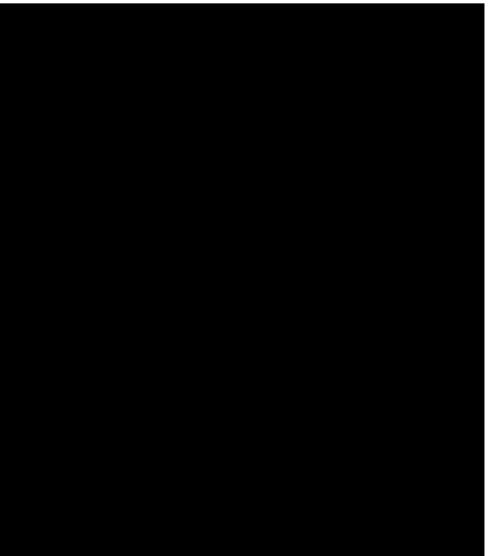
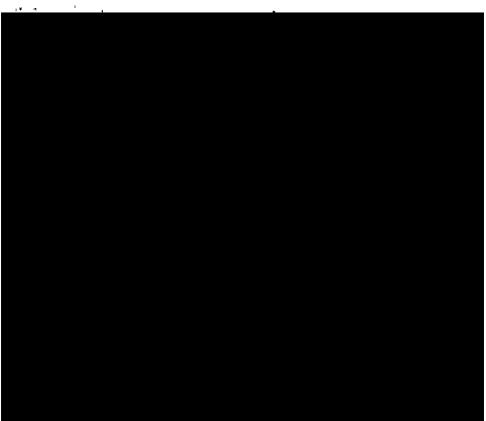
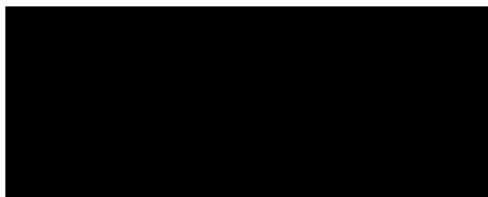
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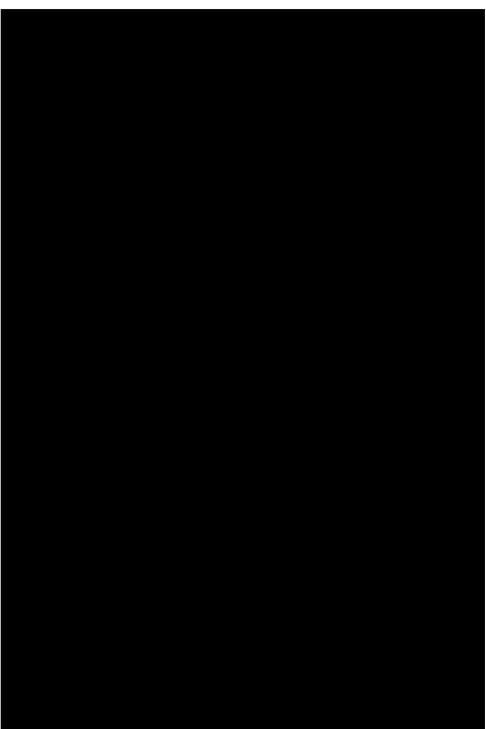
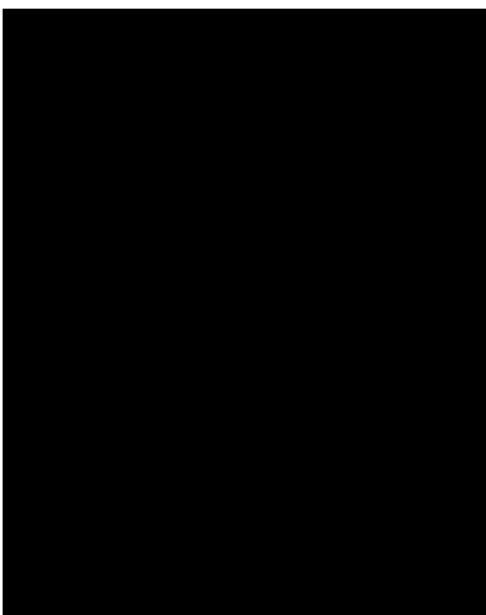
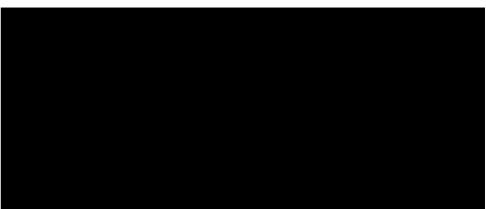
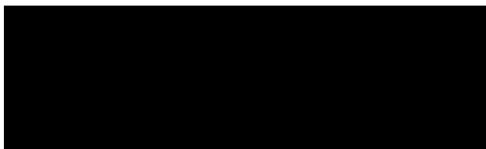
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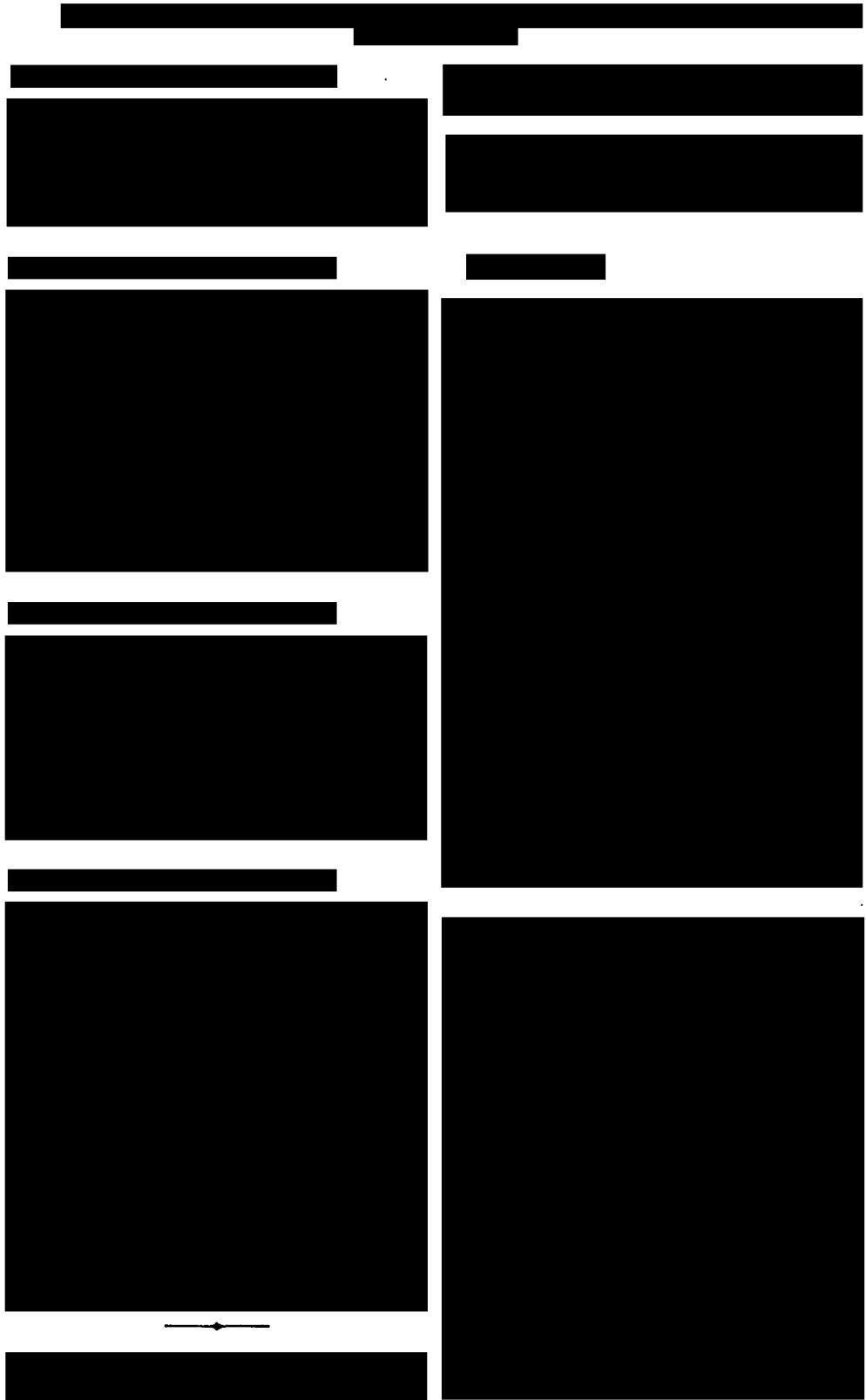
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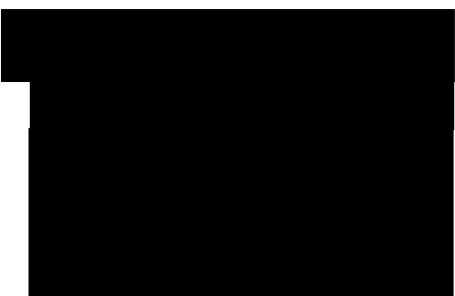
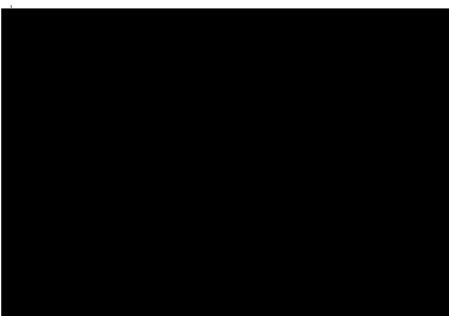
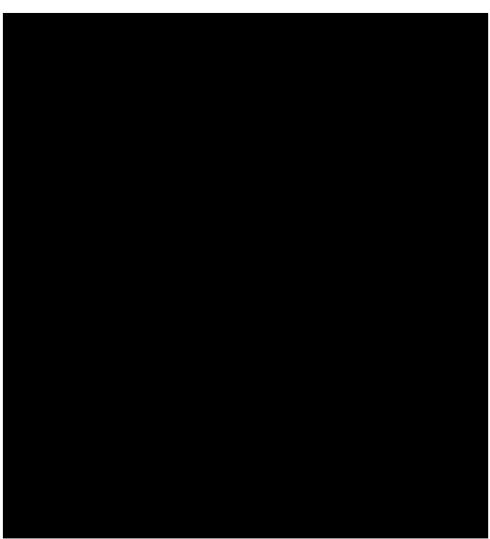
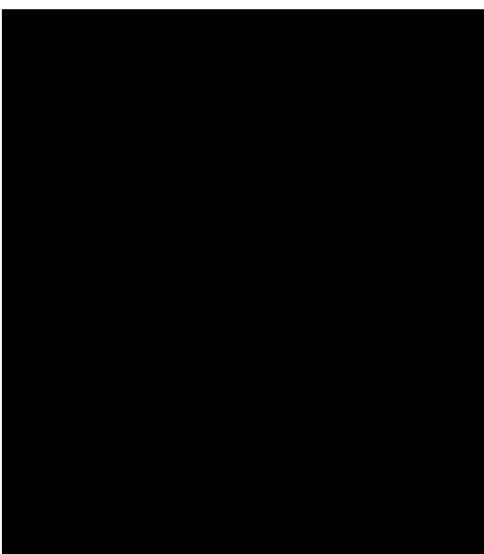
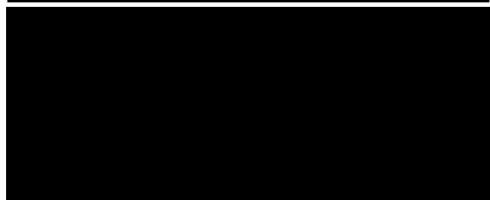
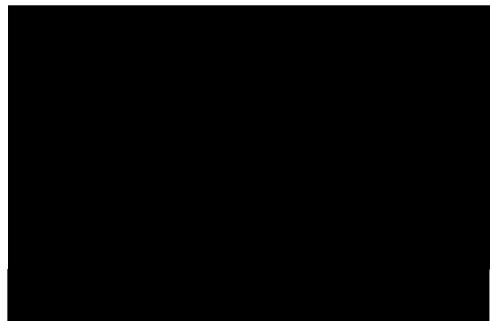
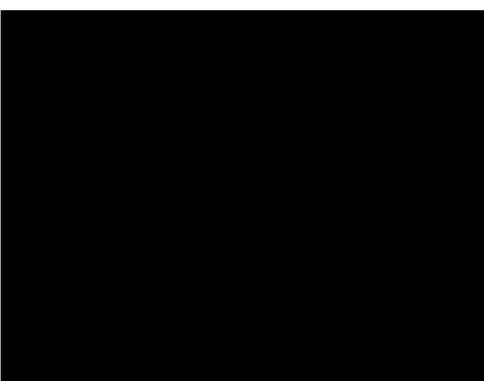
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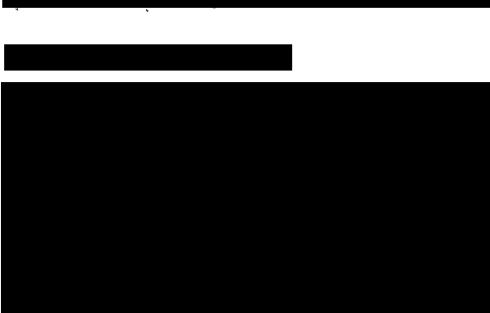
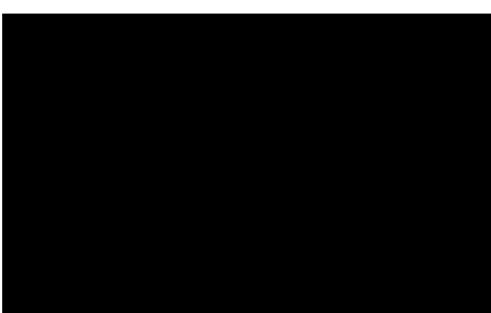
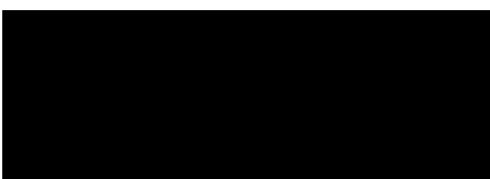
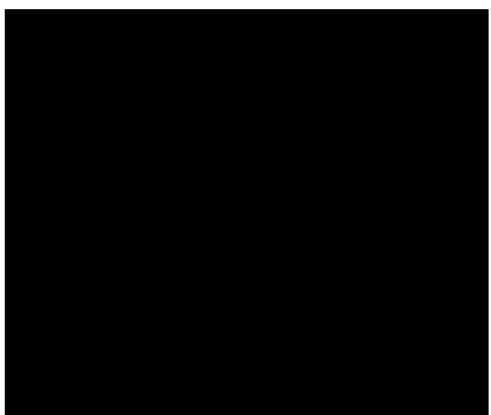
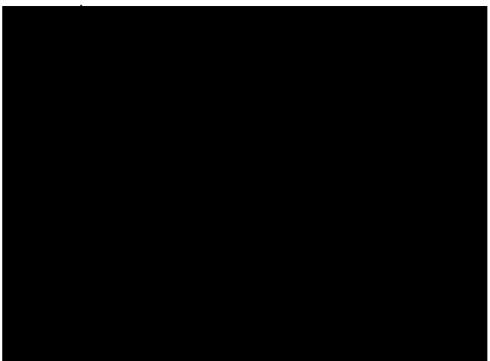
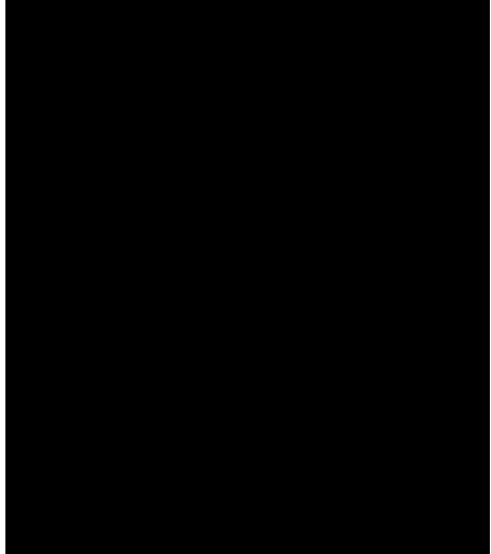
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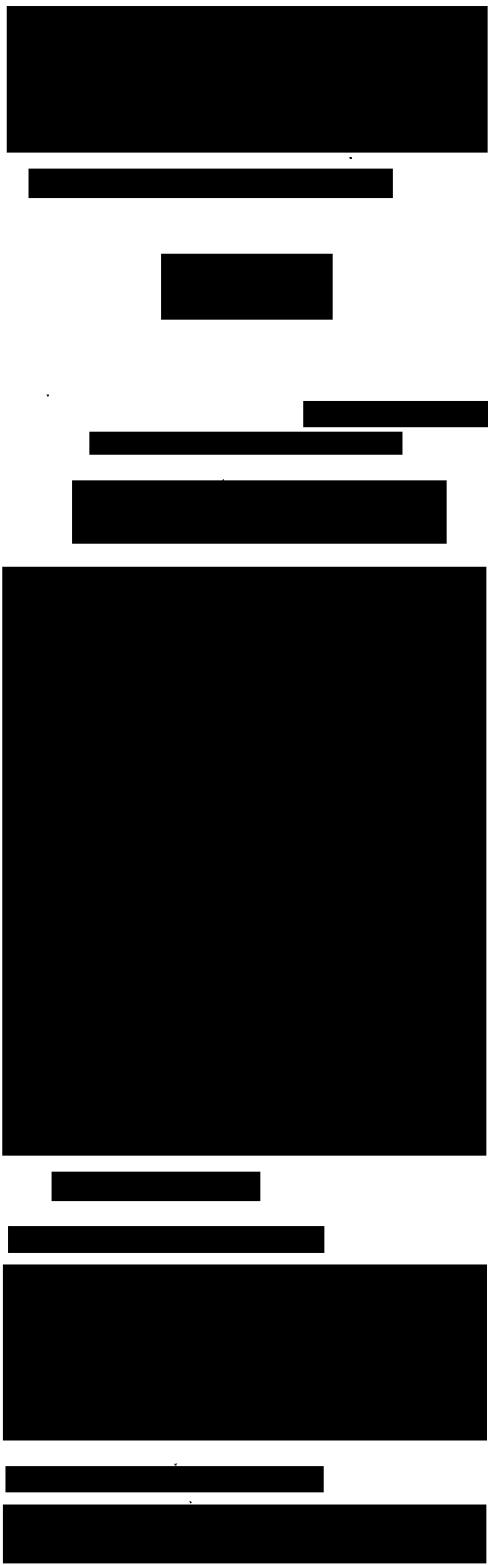
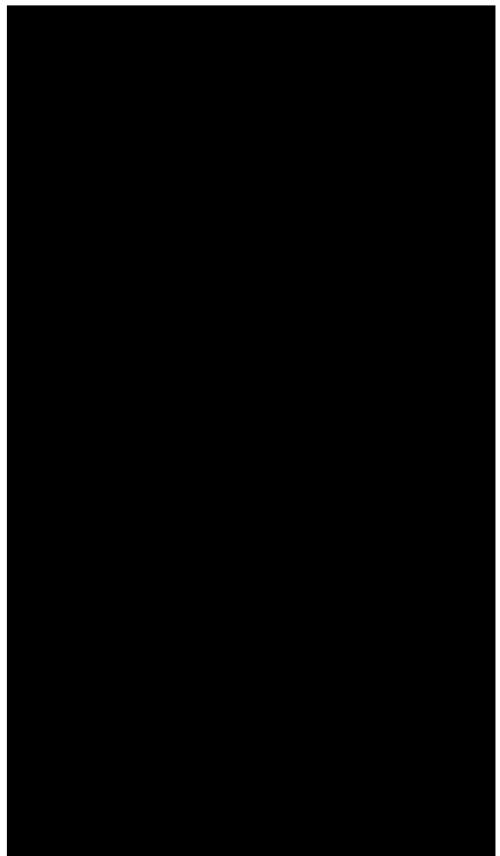
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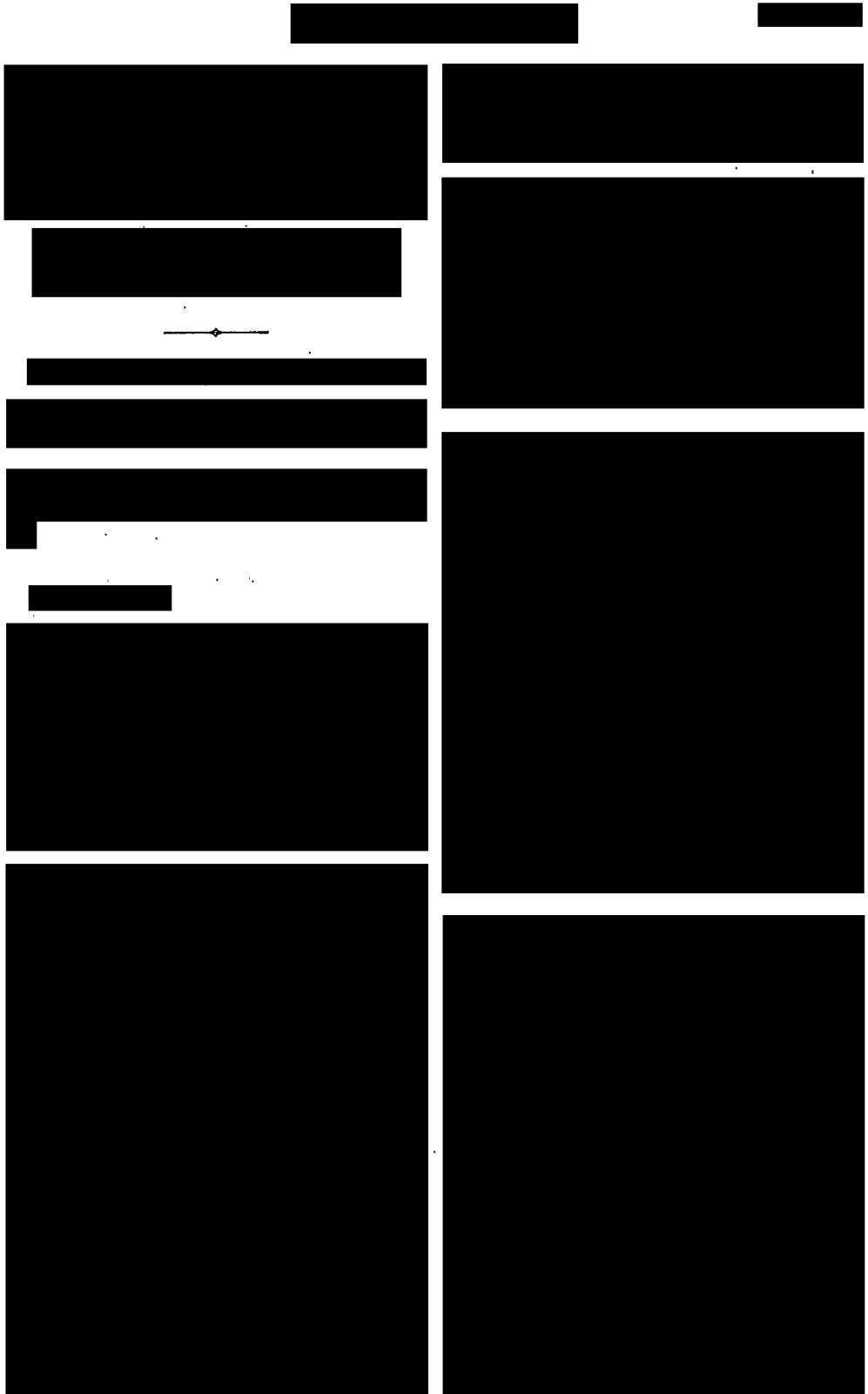
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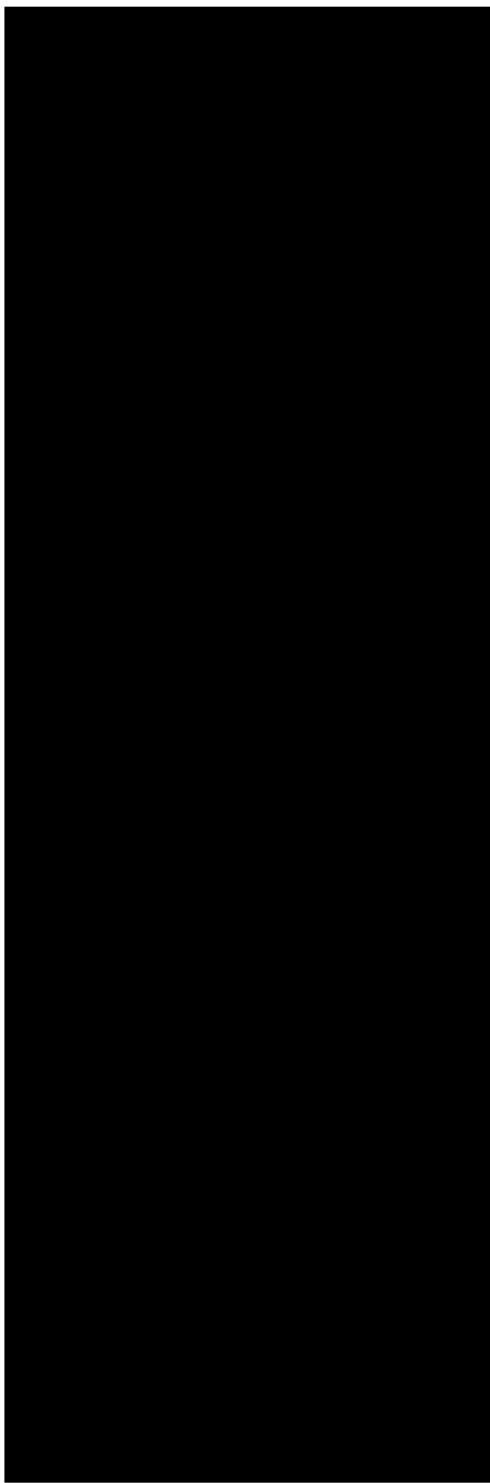
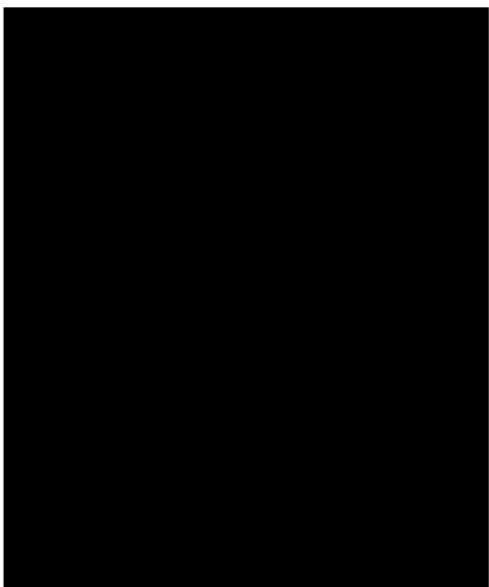
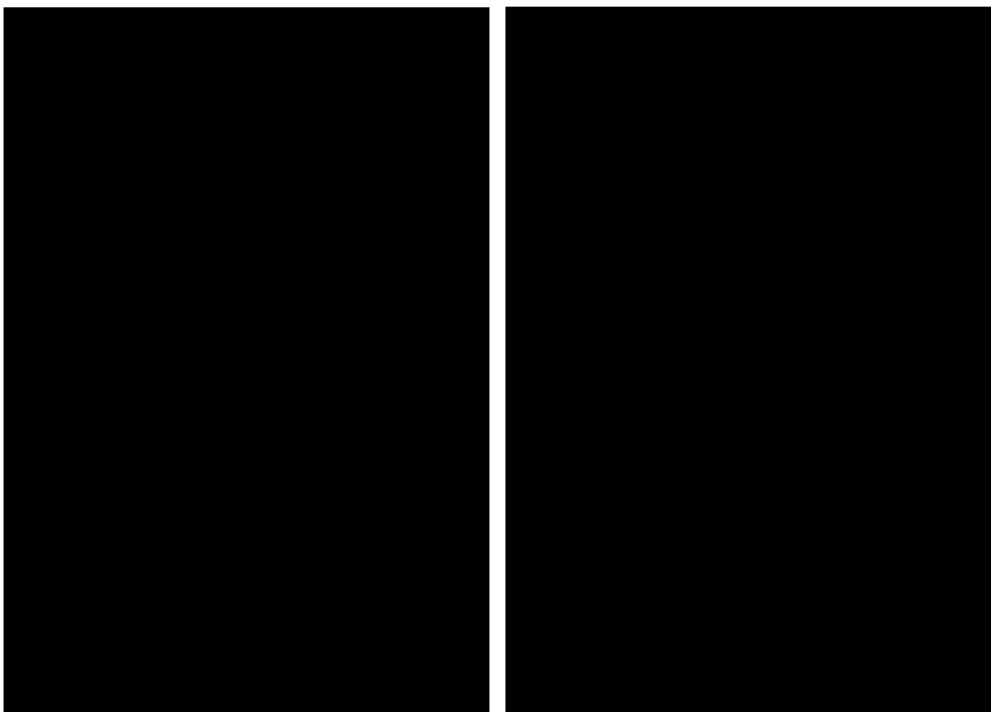
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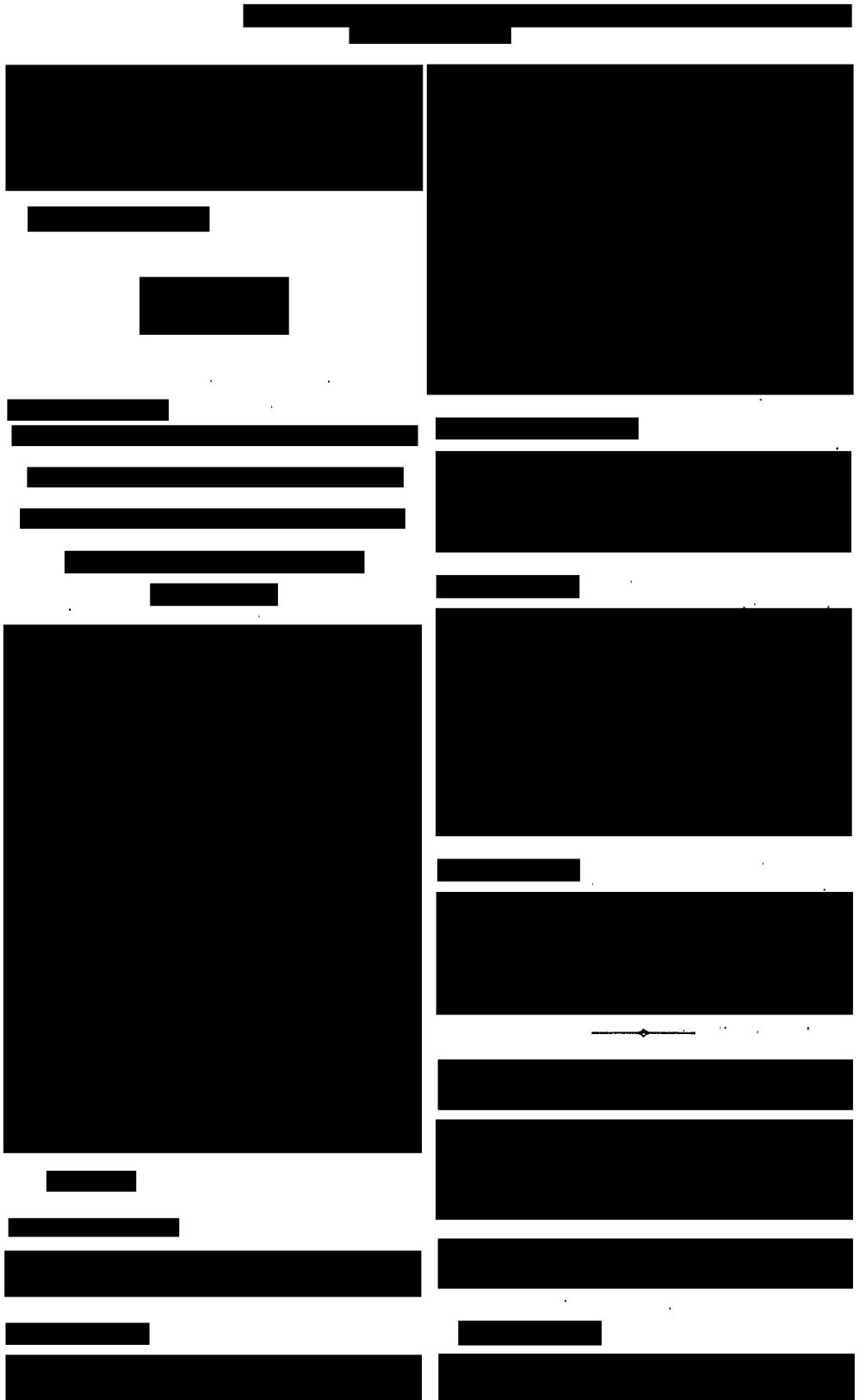
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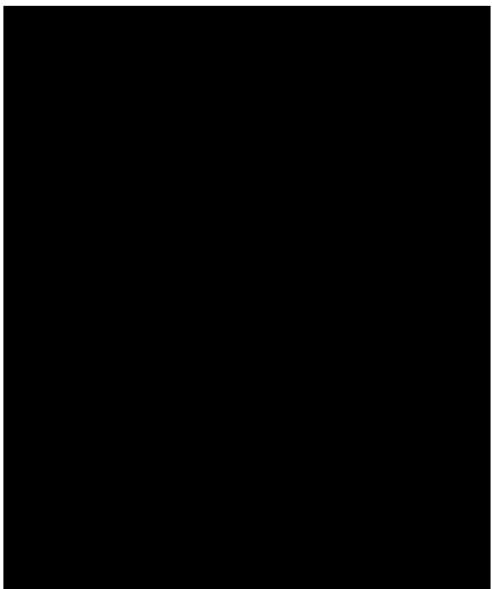
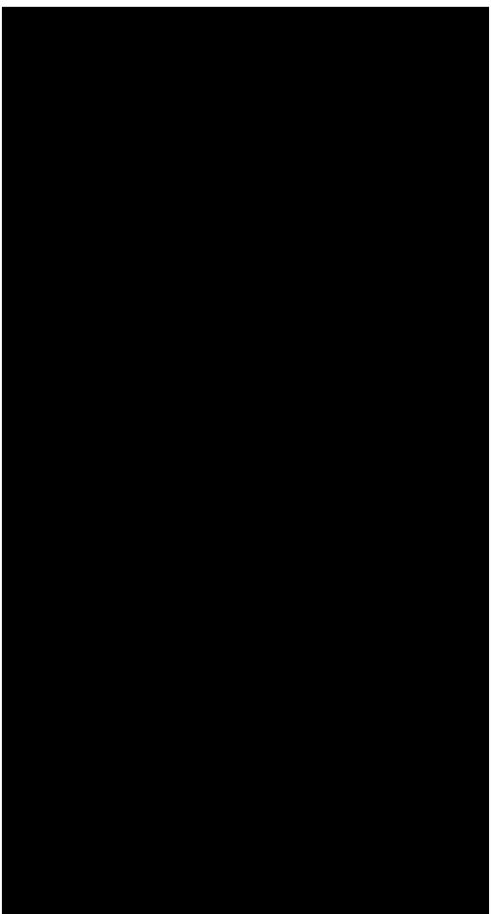
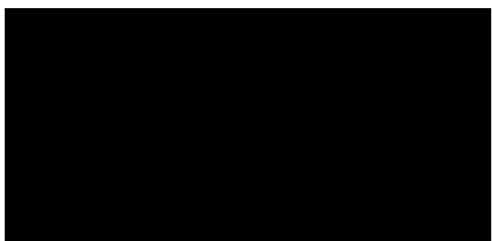
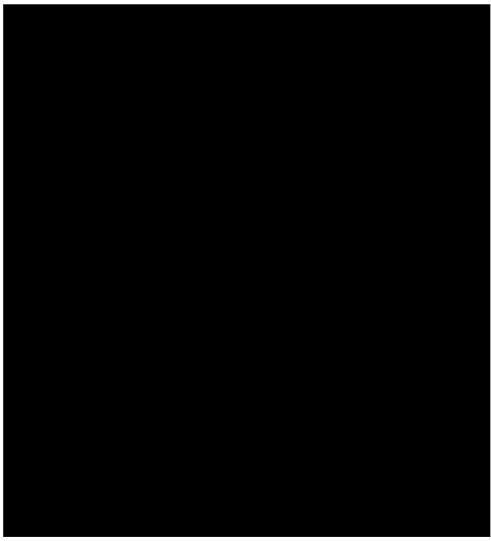
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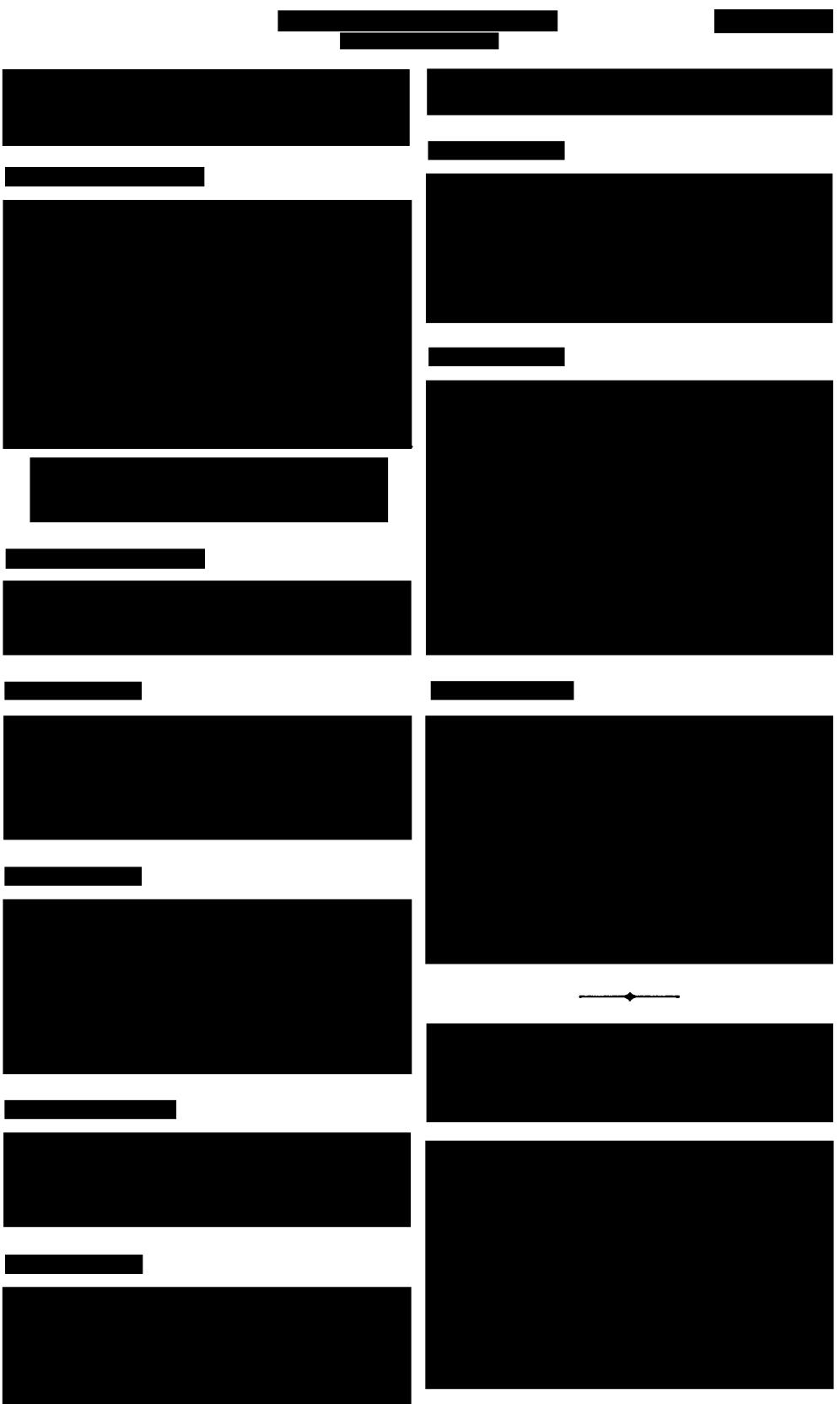
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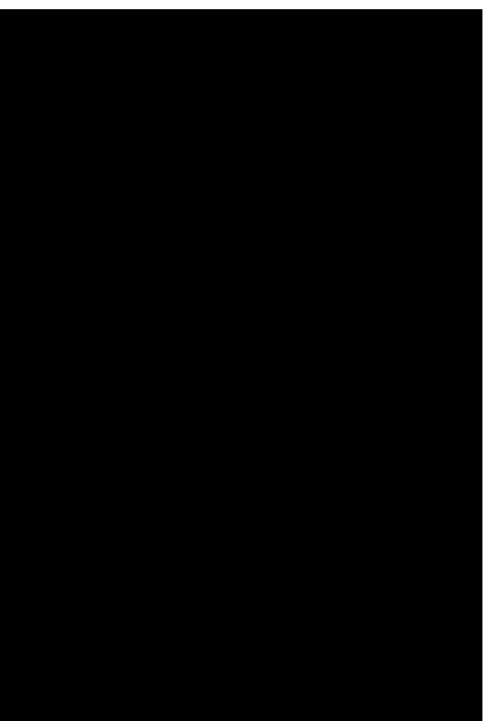
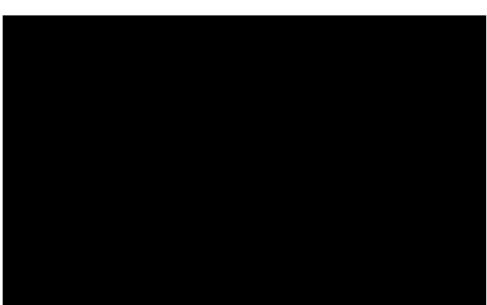
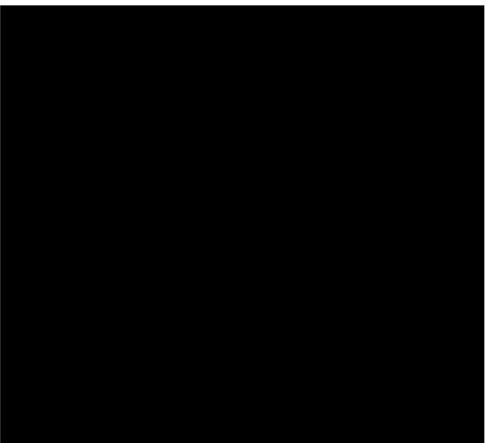
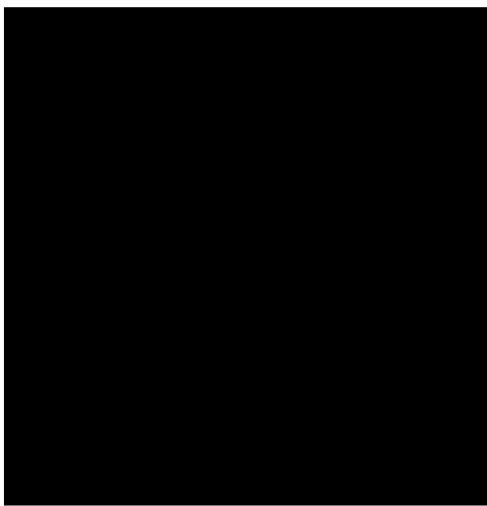
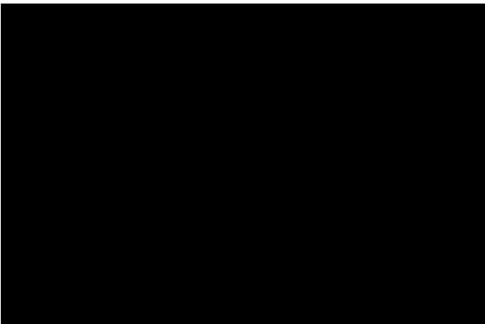
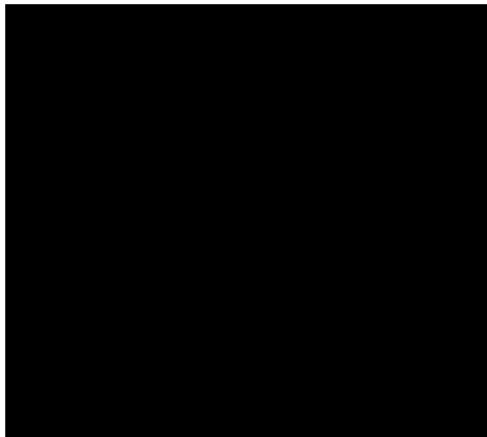
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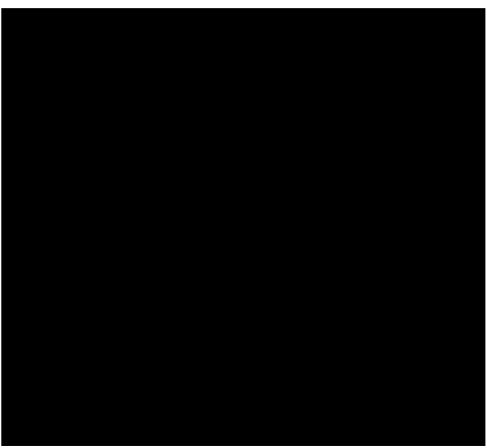
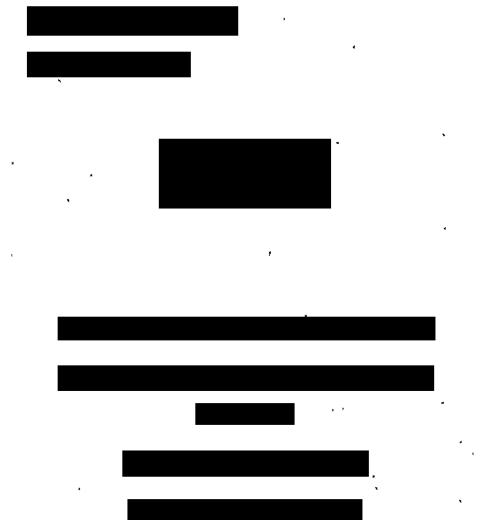
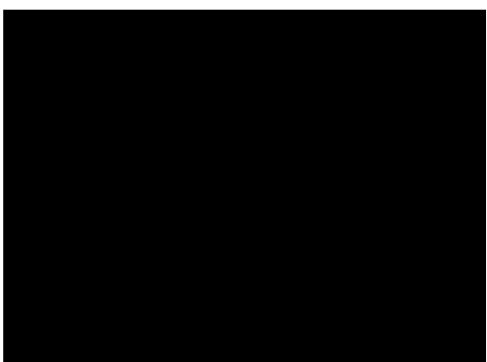
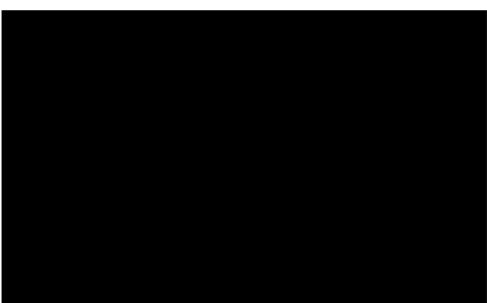
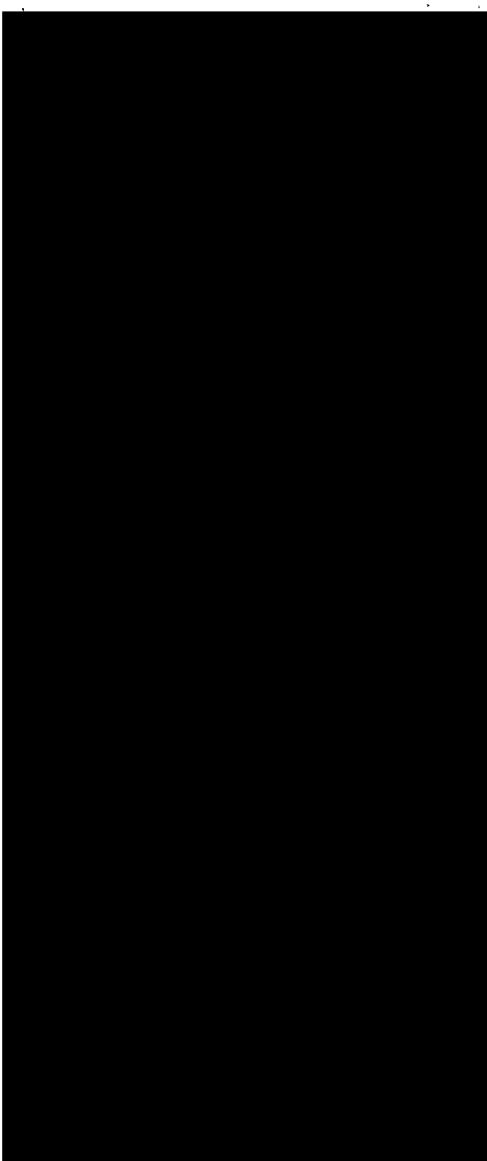
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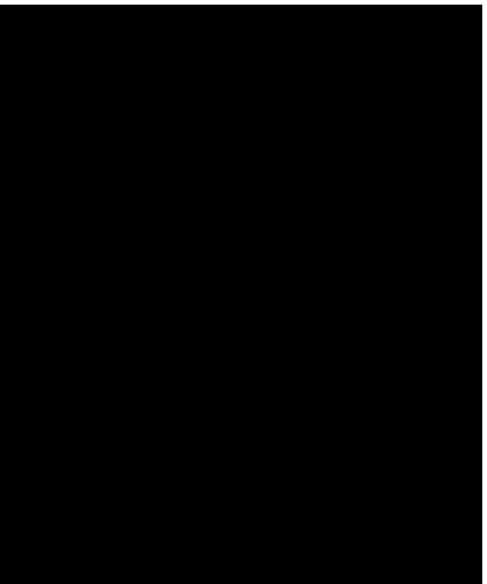
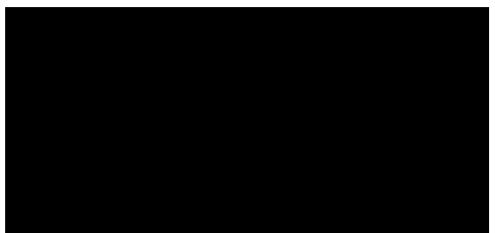
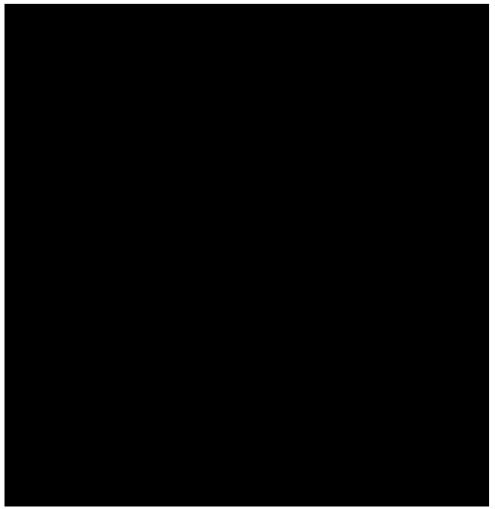
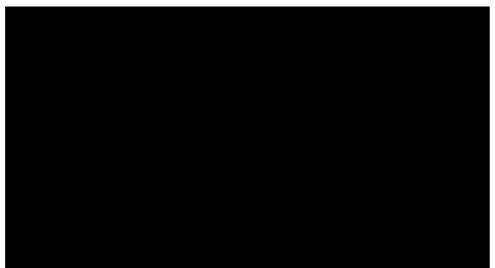
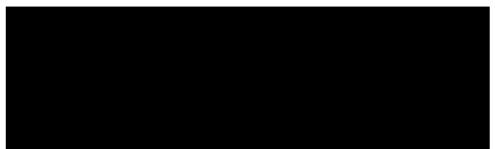
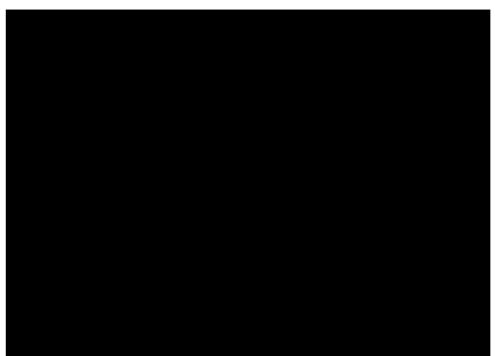
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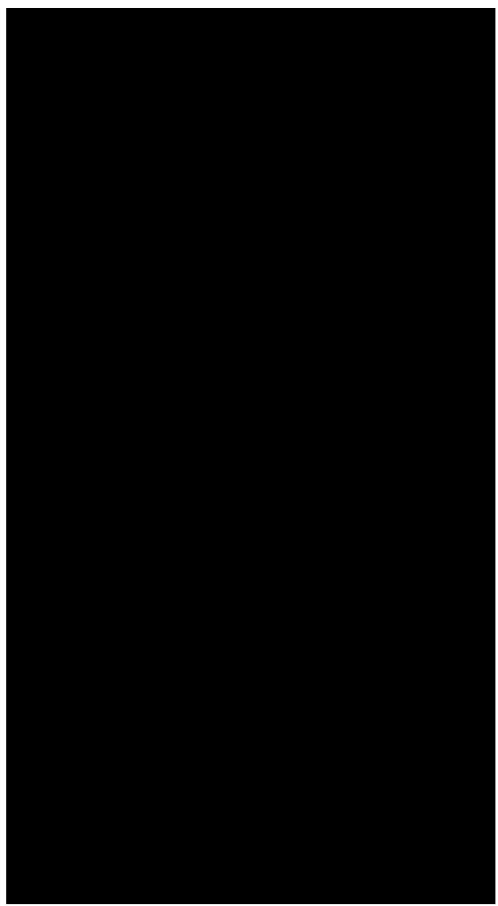
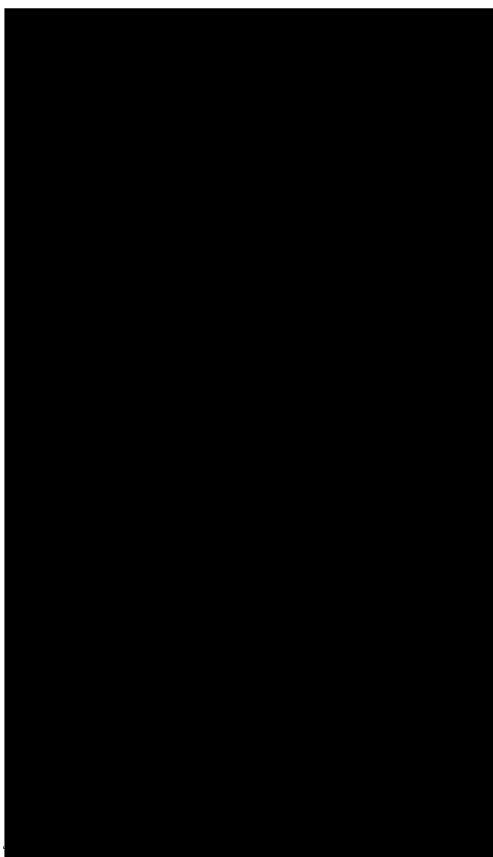




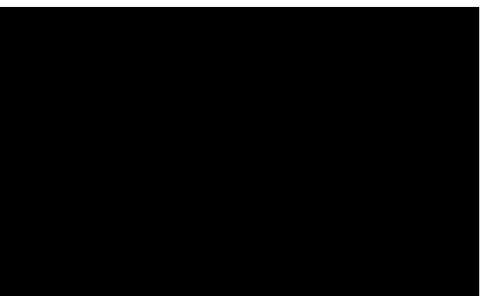
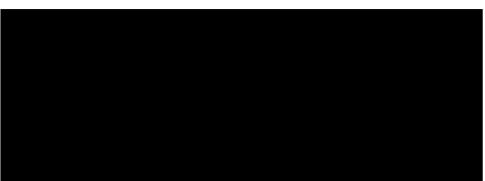
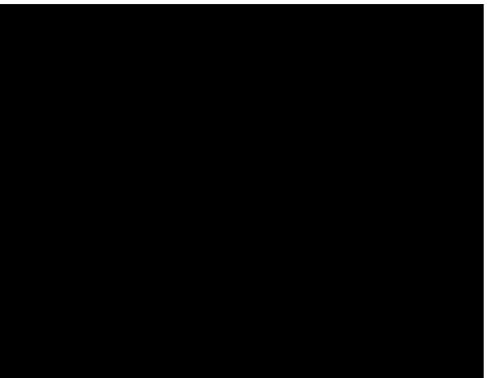
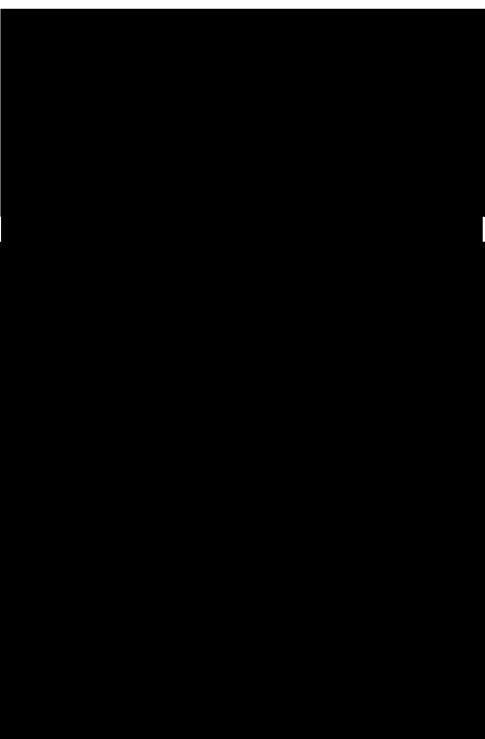
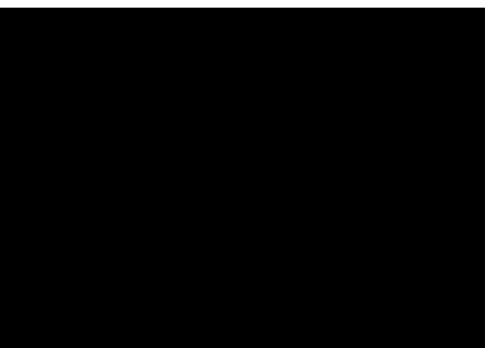
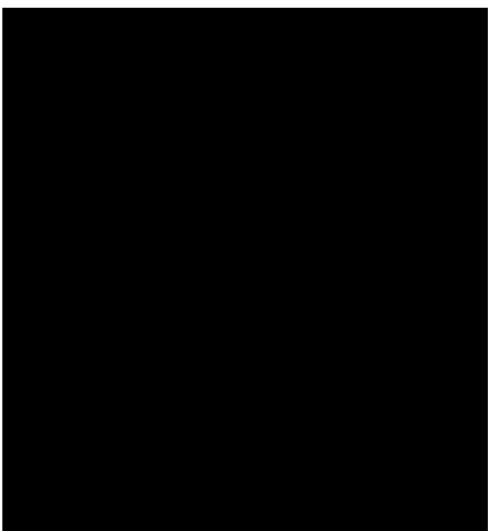




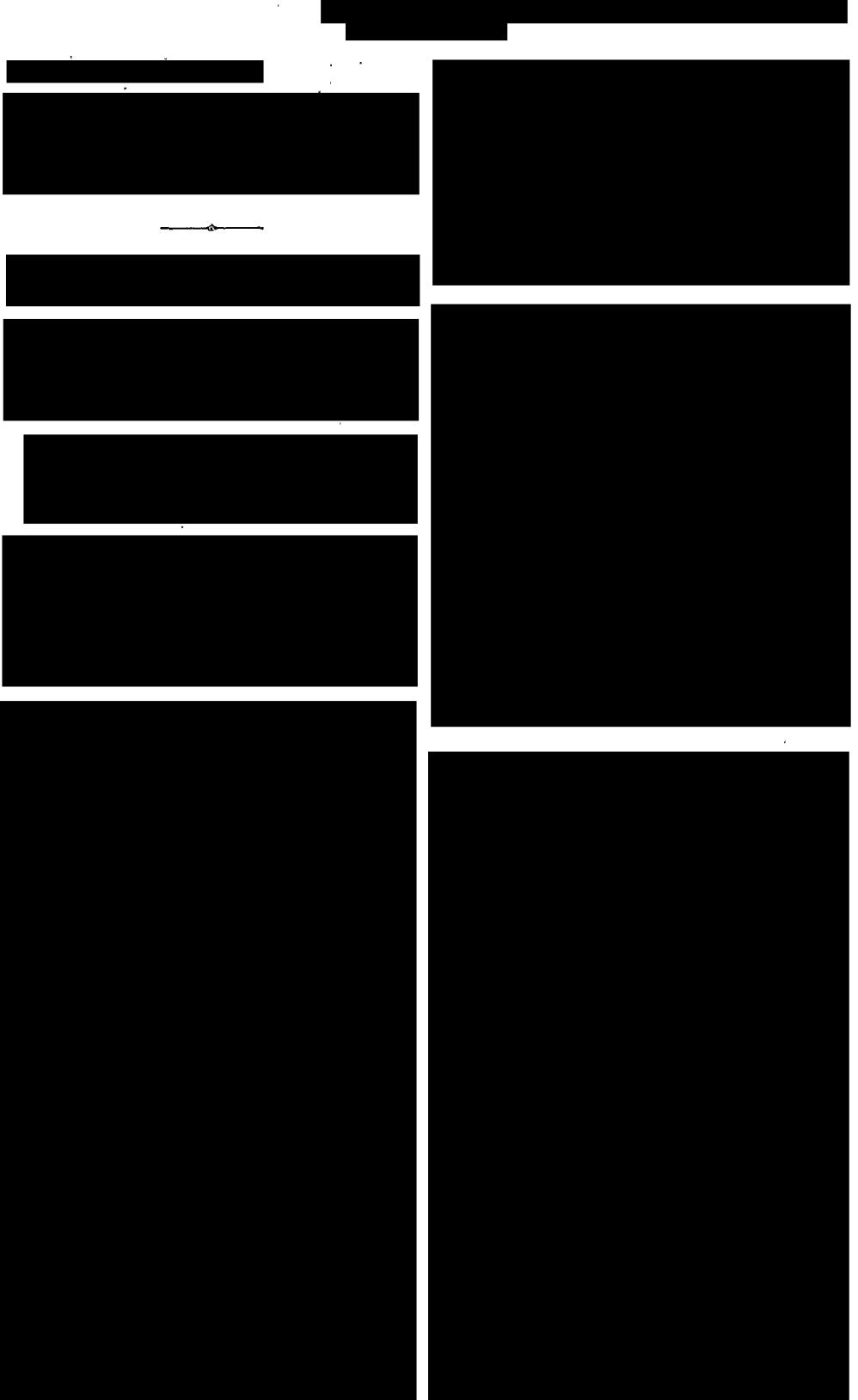


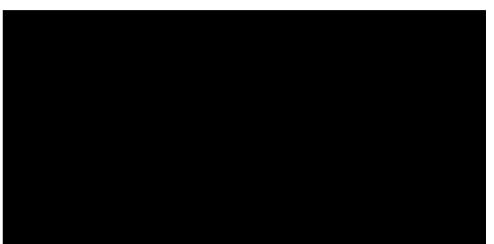
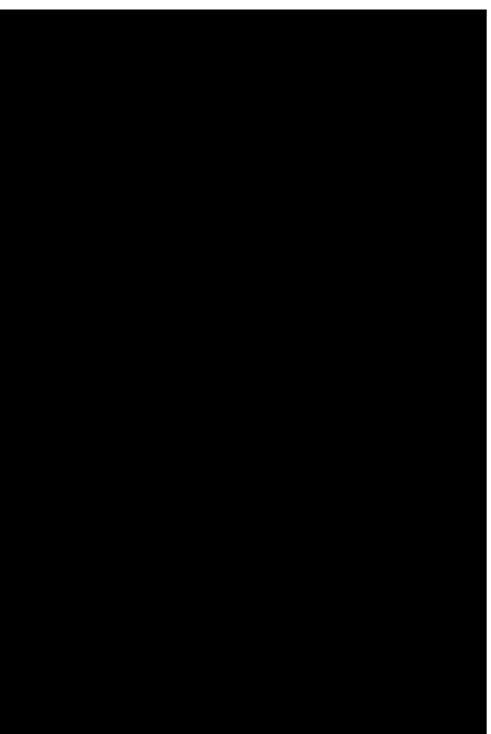
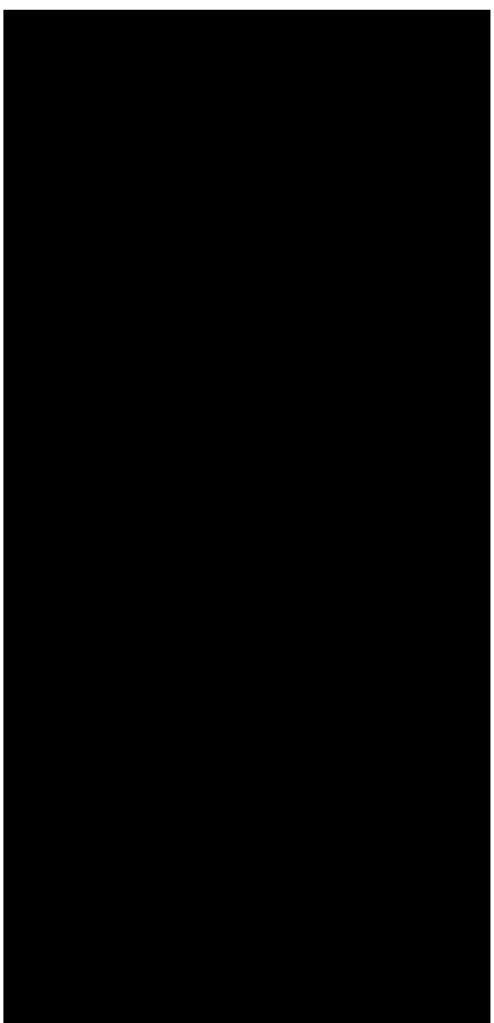
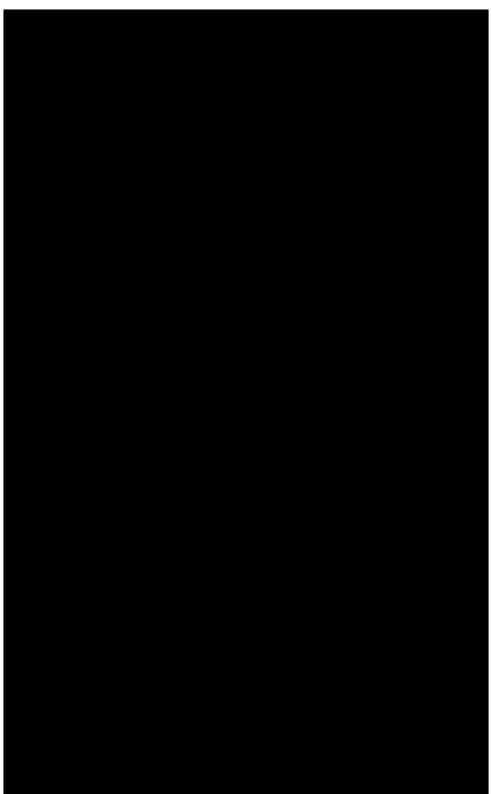
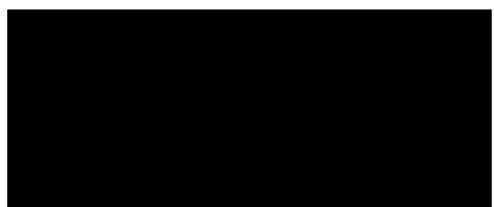






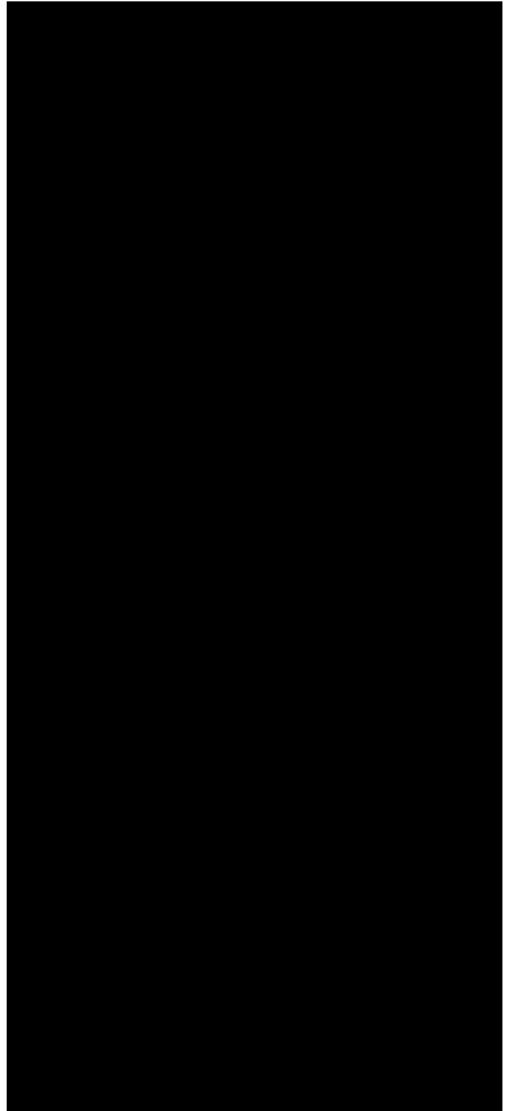
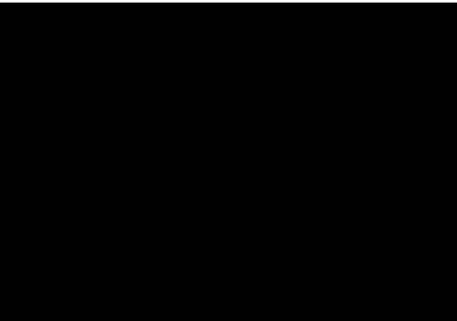
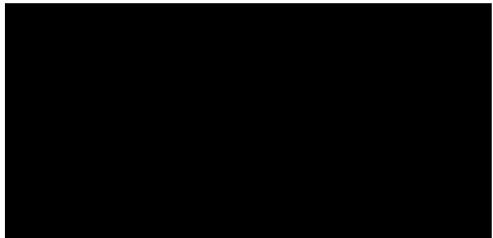
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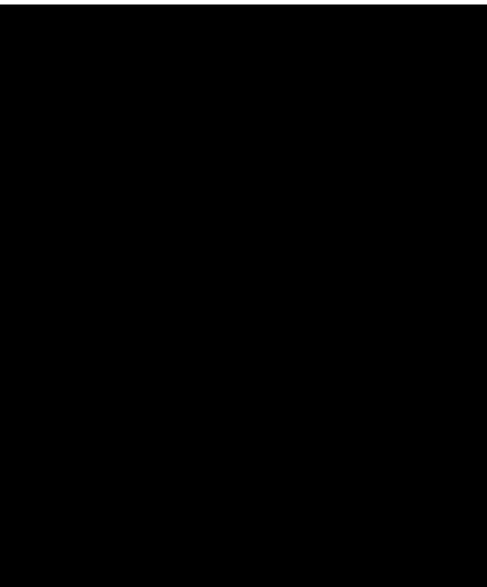


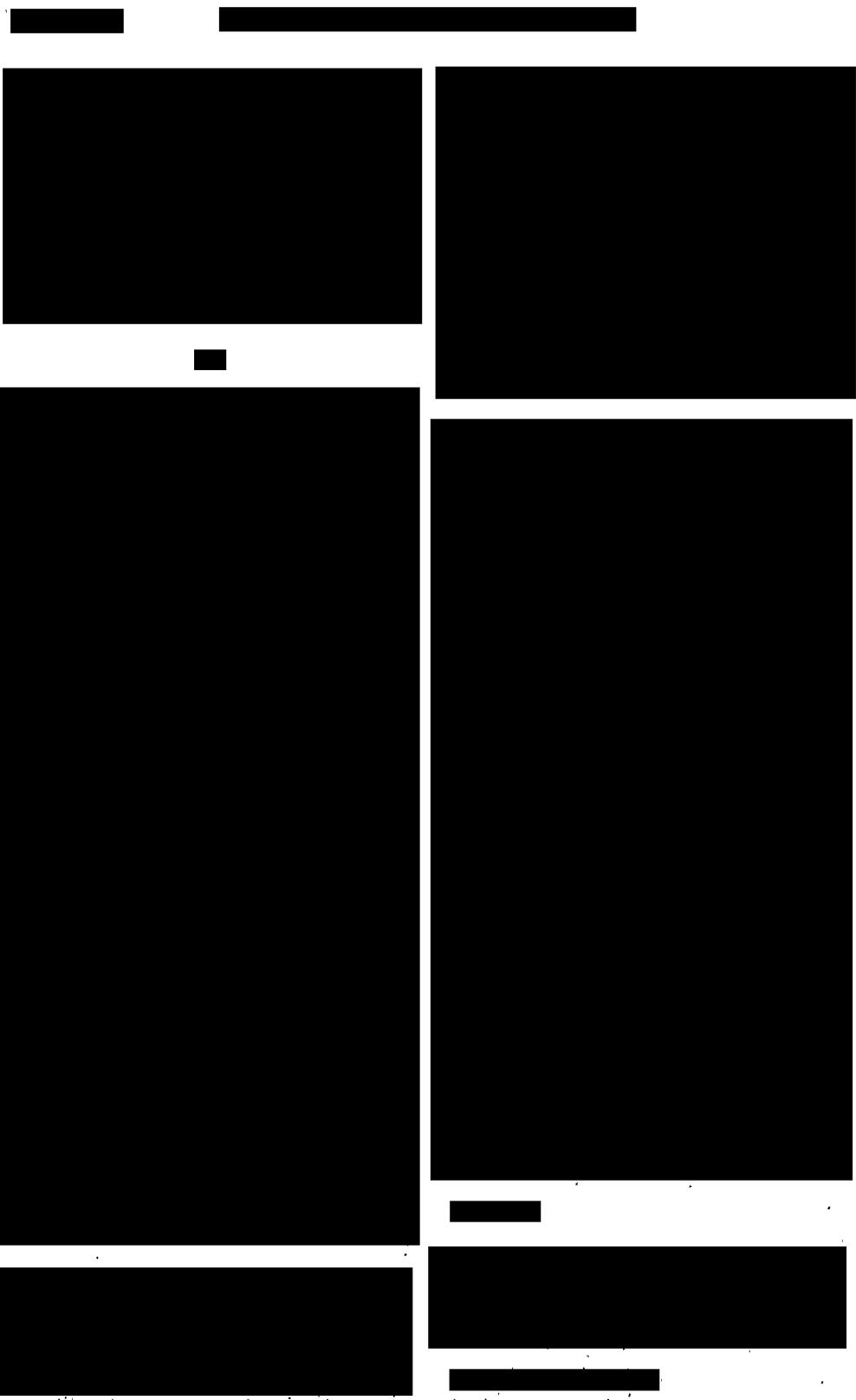
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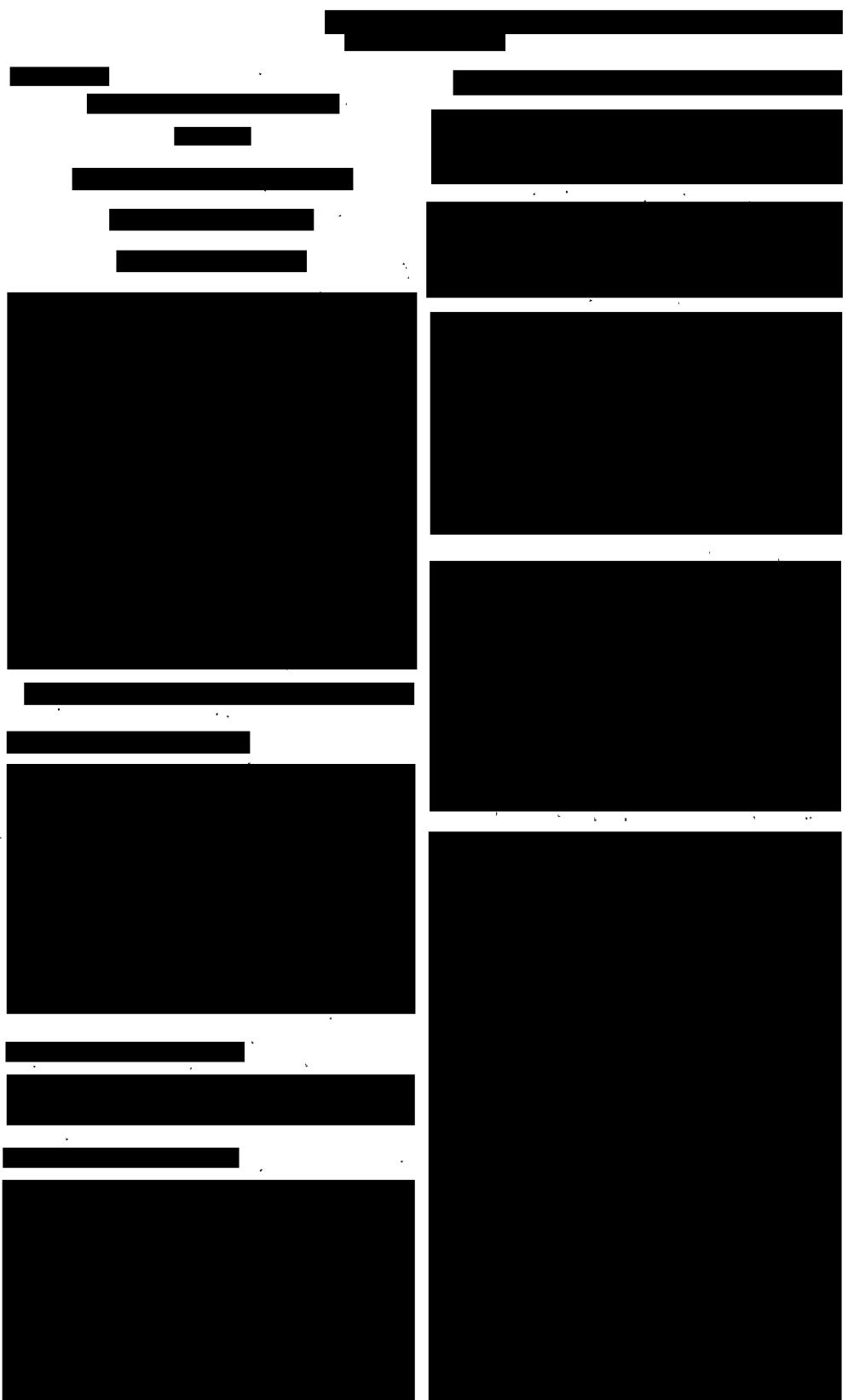


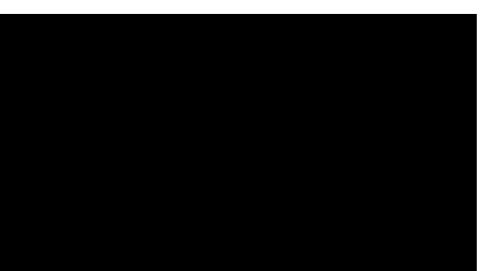
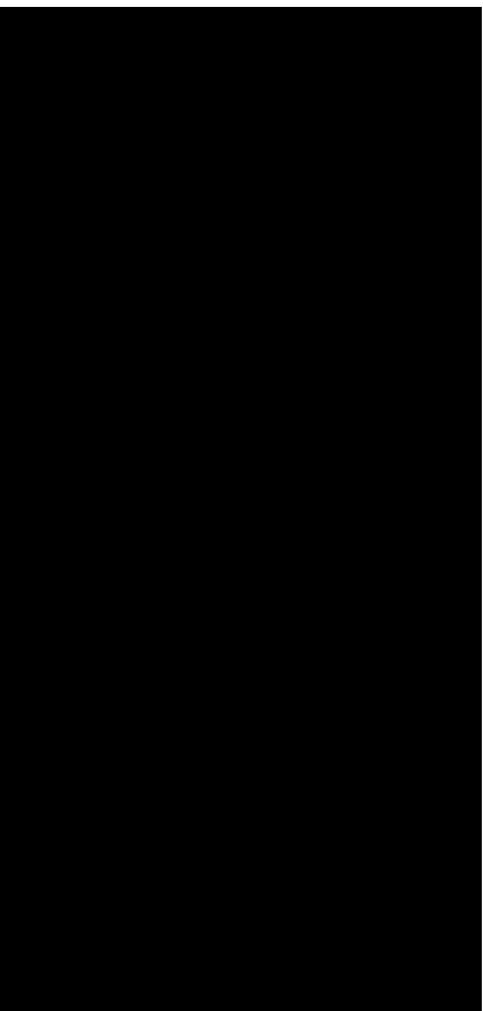
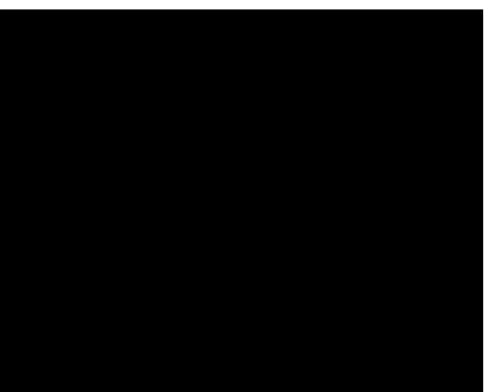
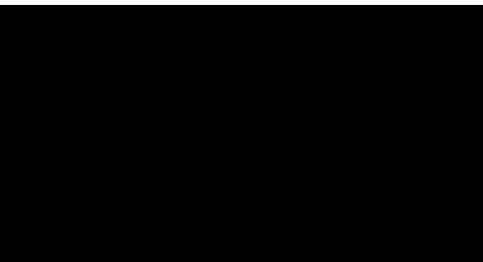
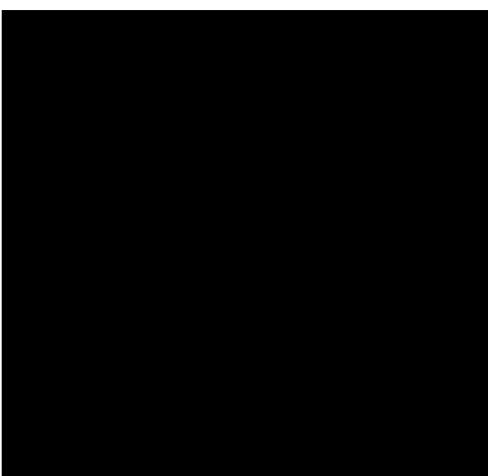
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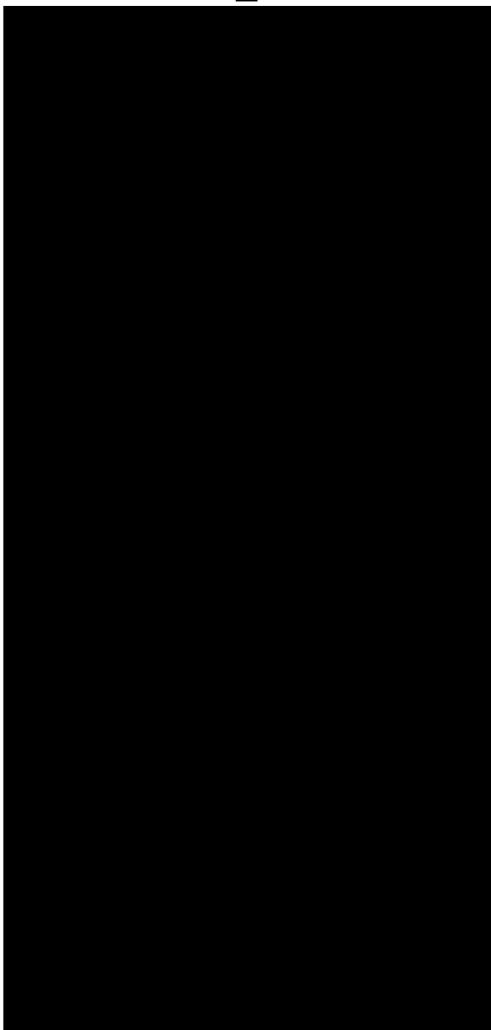
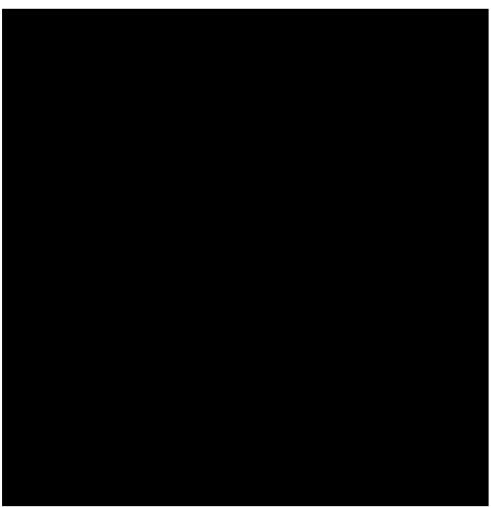
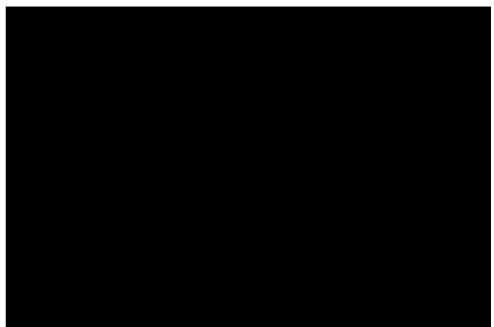
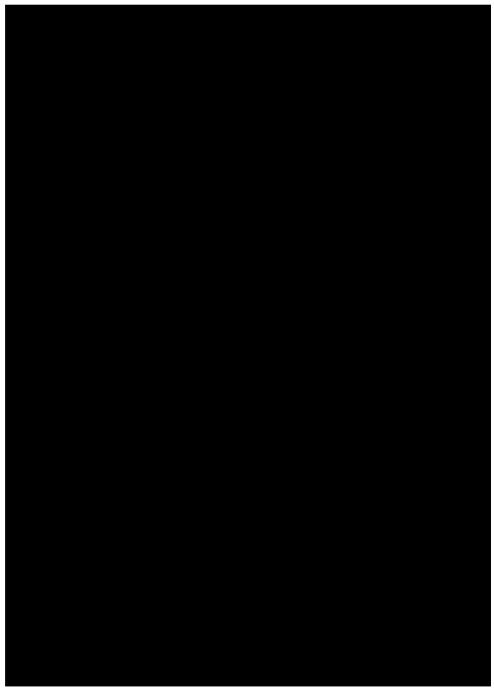
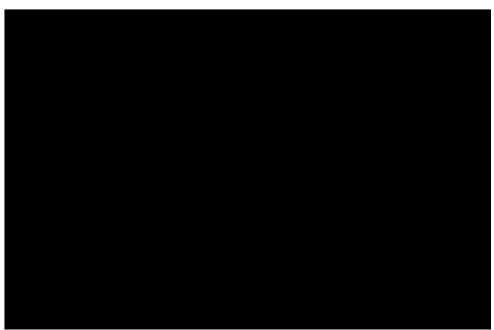


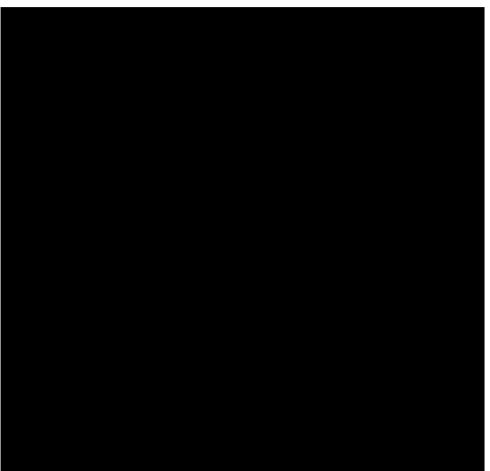
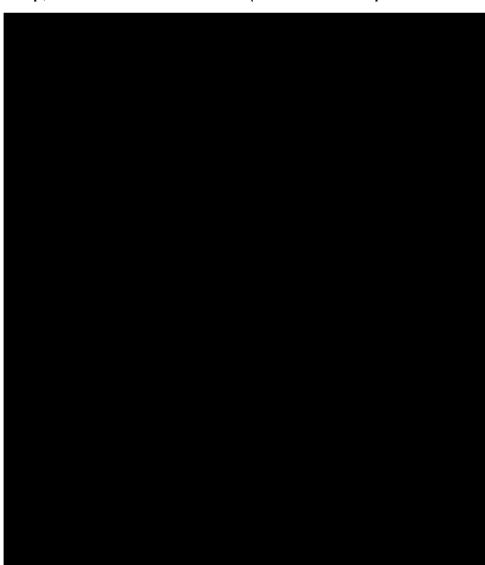
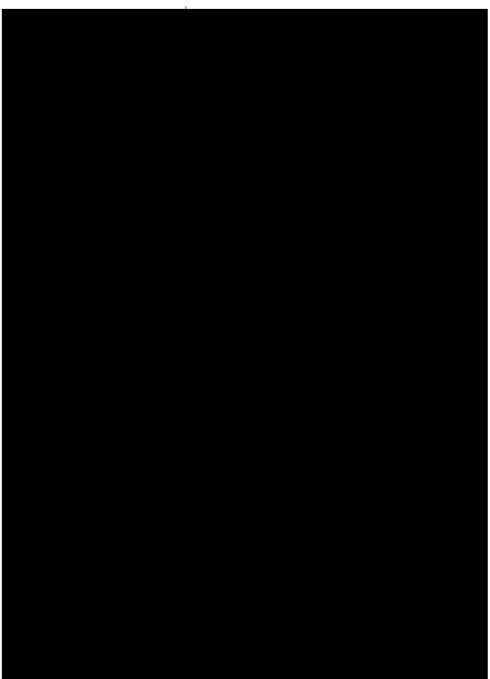
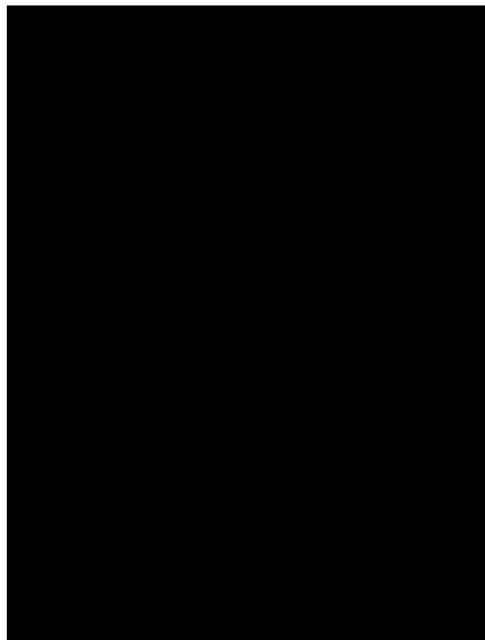
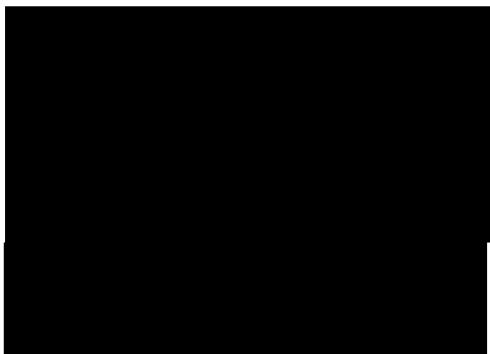


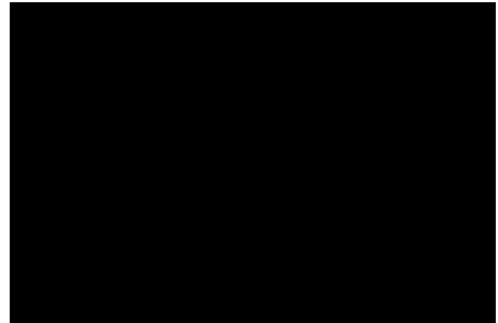
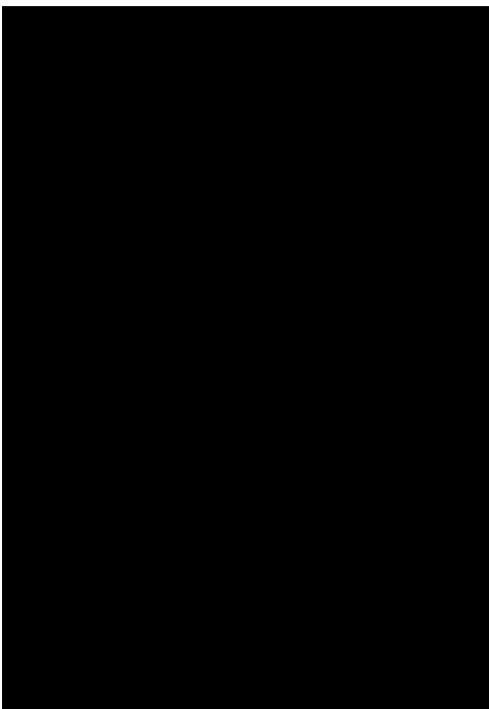
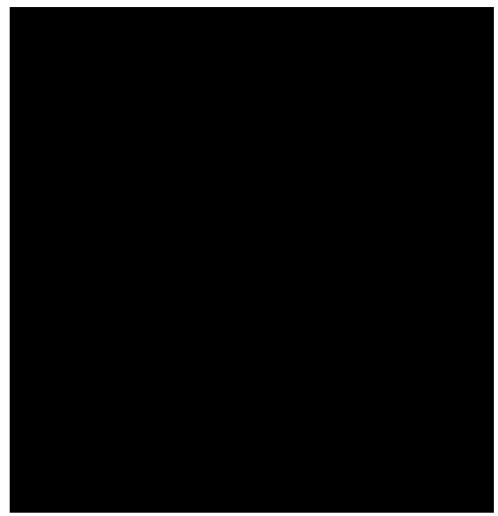
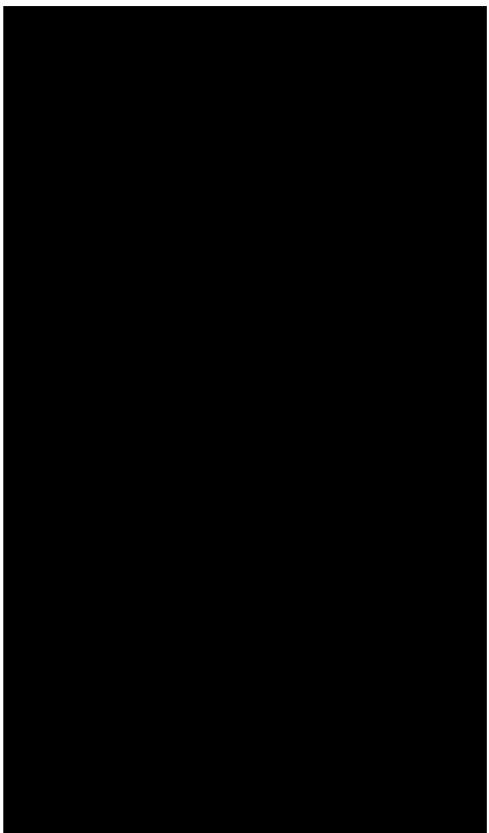
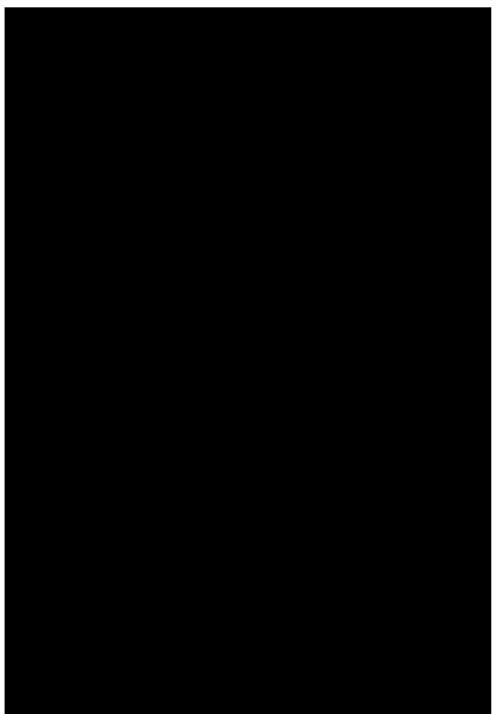
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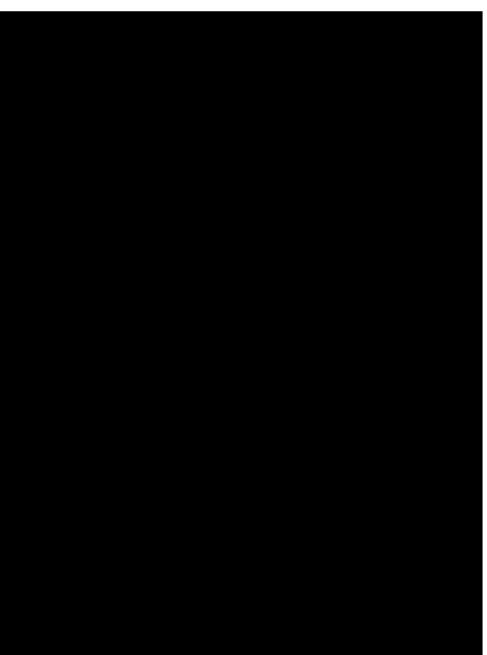
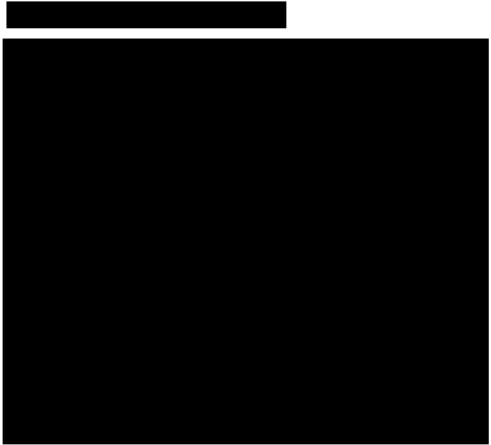
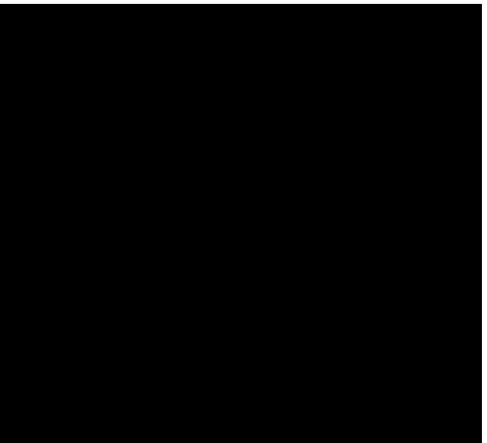




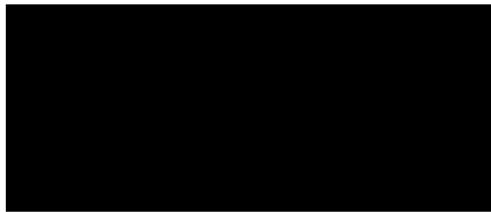
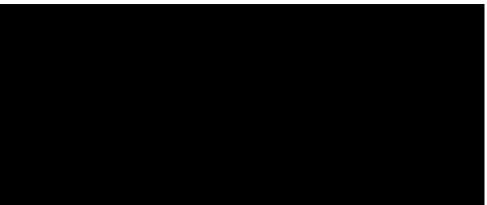




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[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

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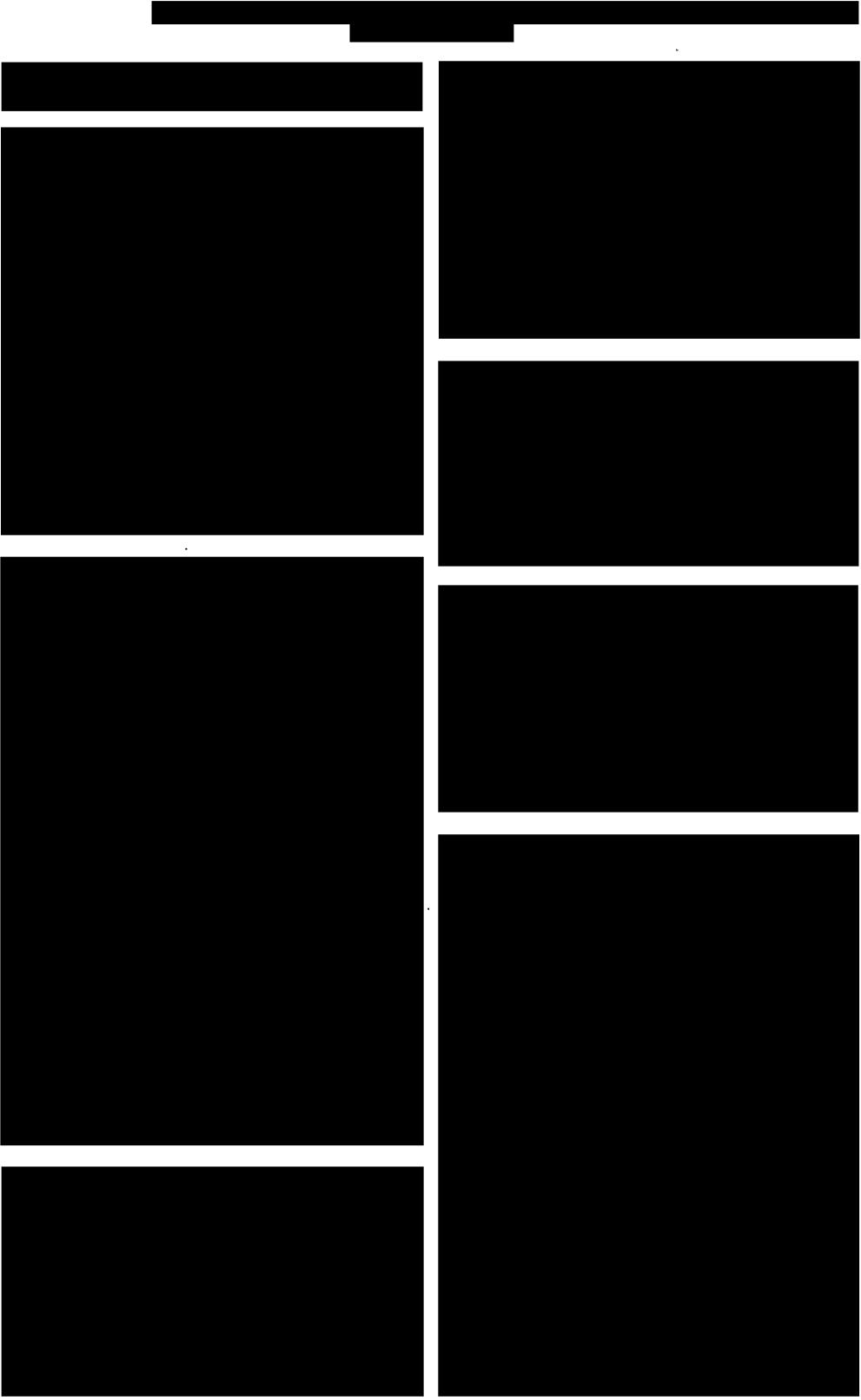
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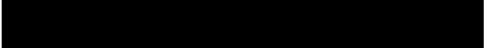
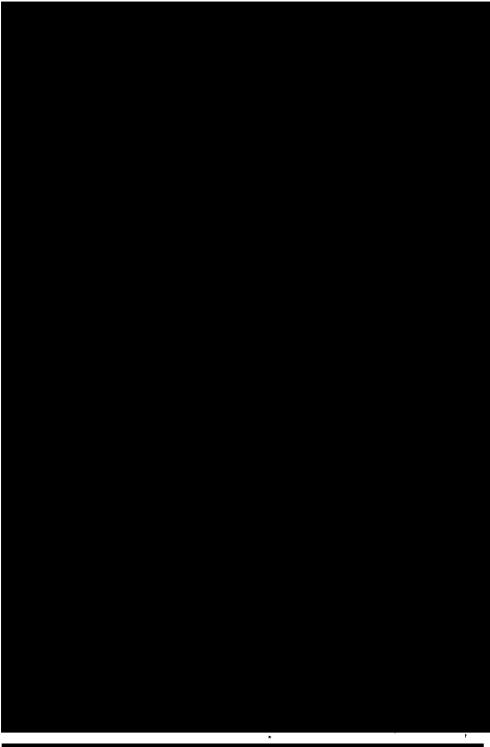
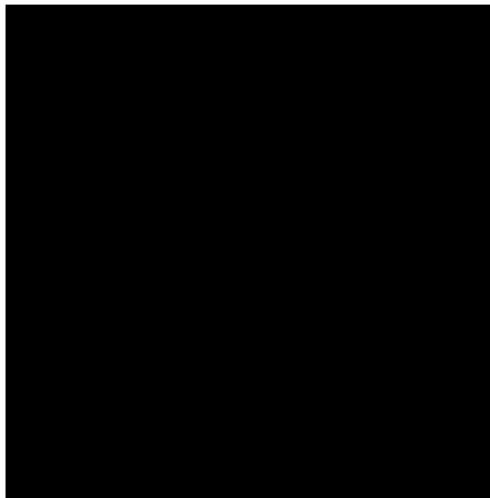
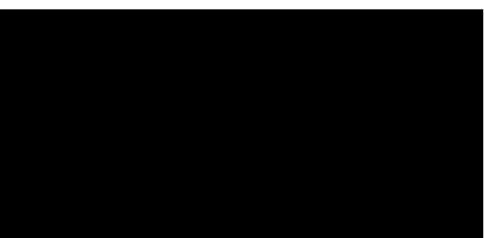
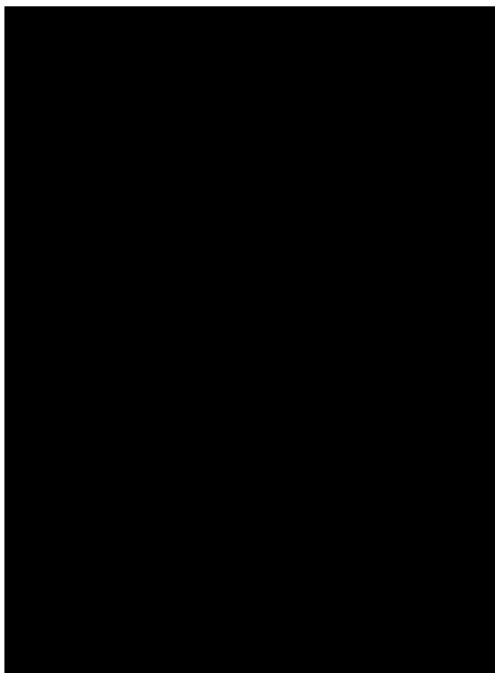
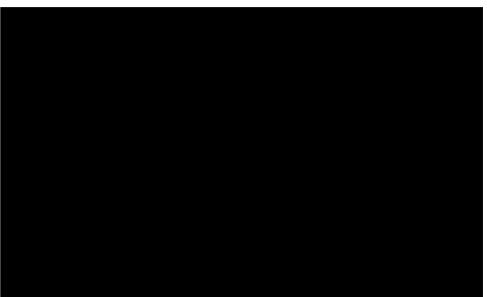
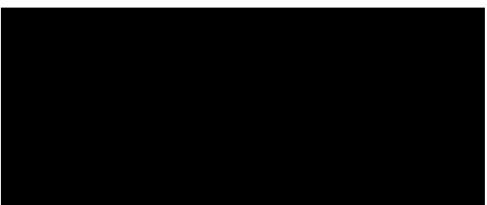
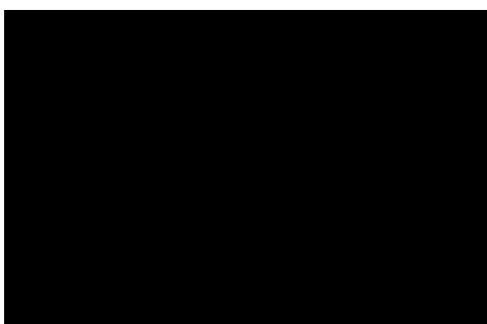
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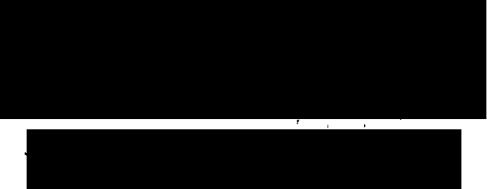
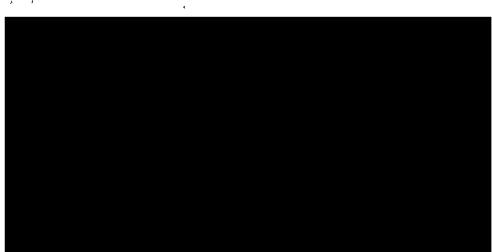
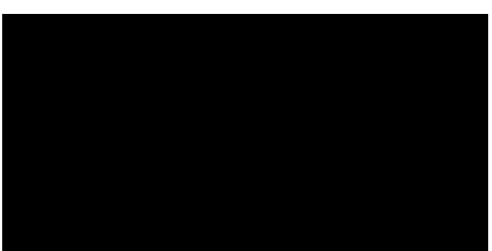
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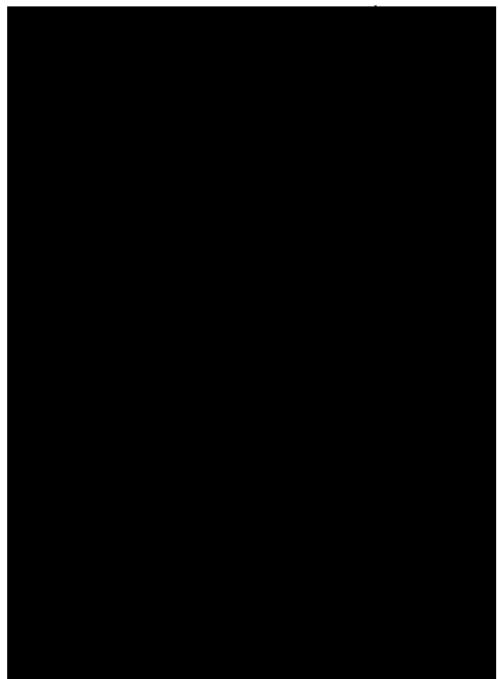
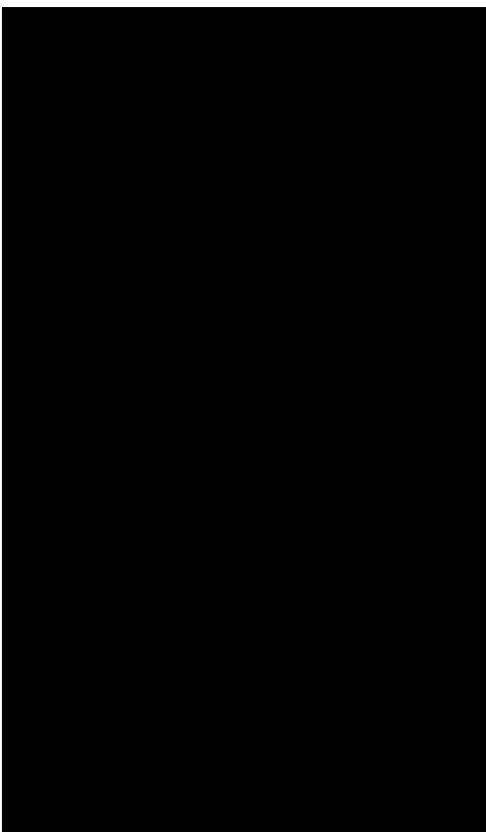
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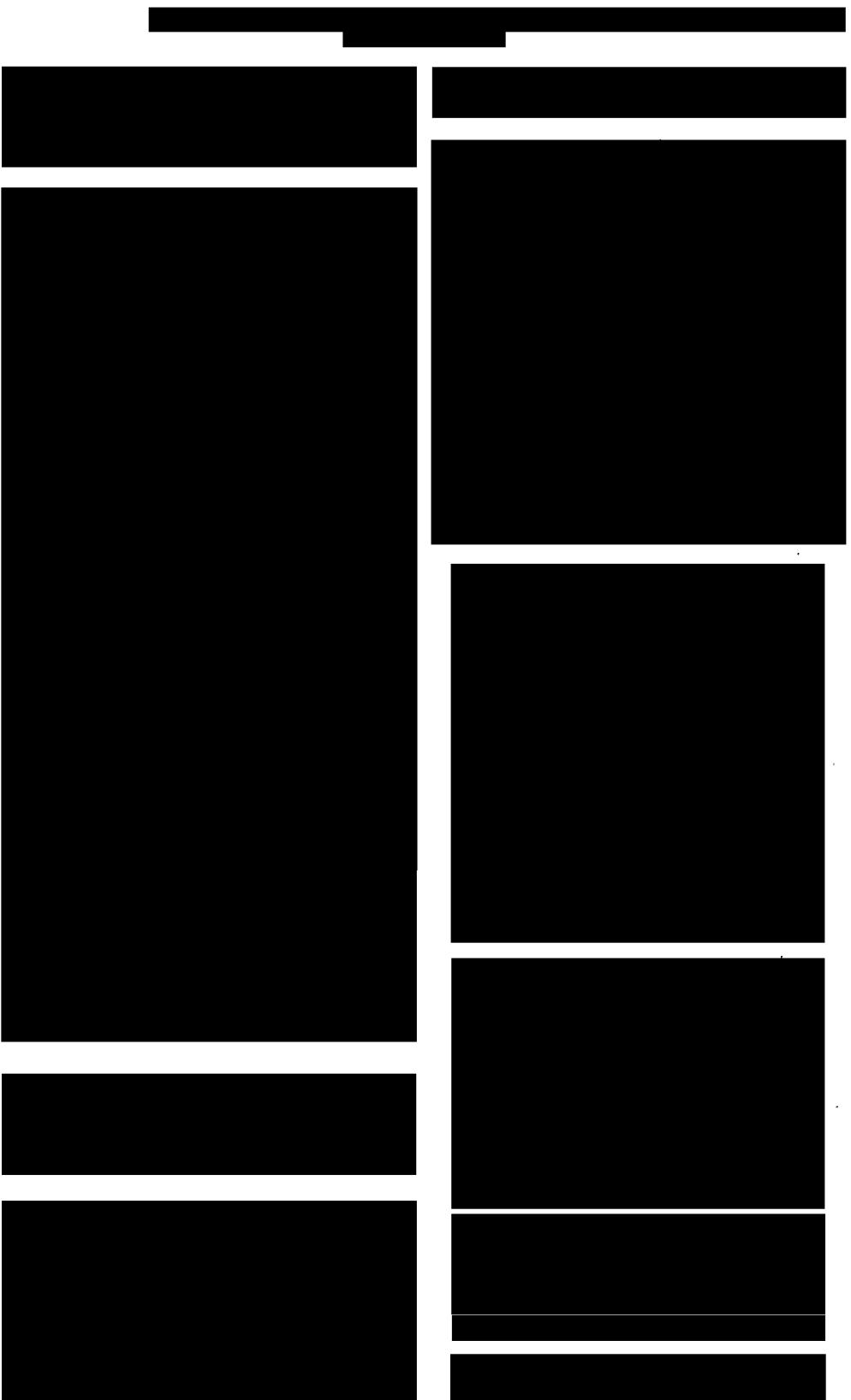
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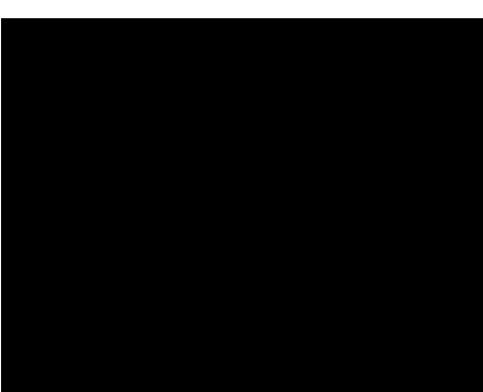
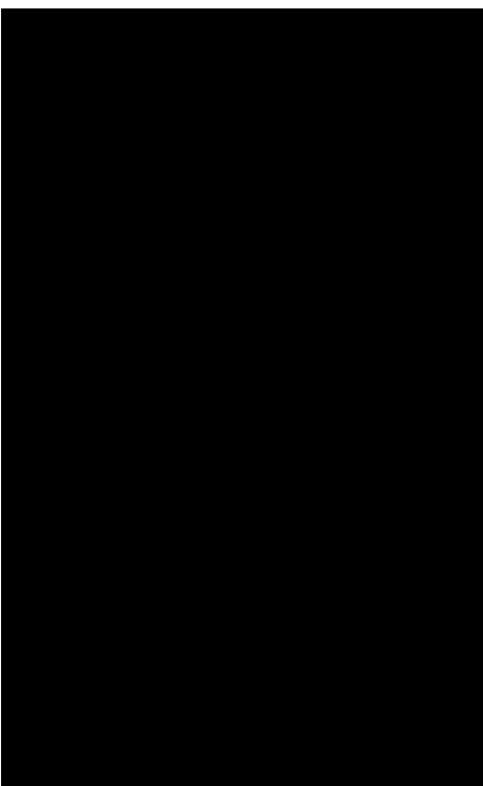
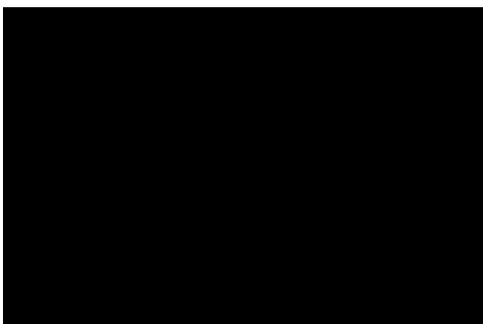
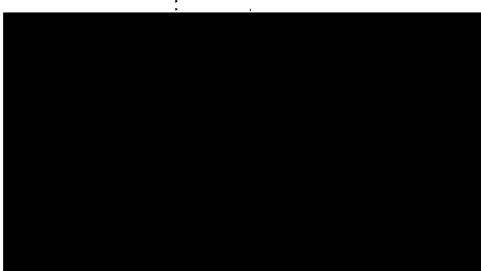
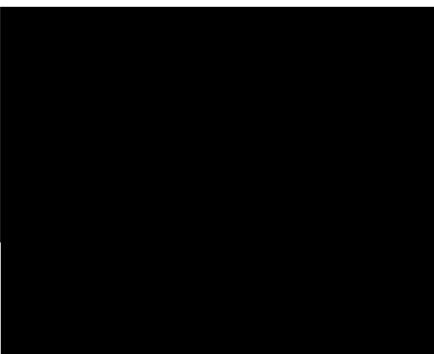
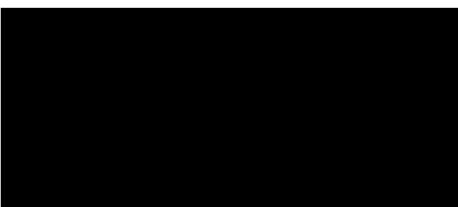


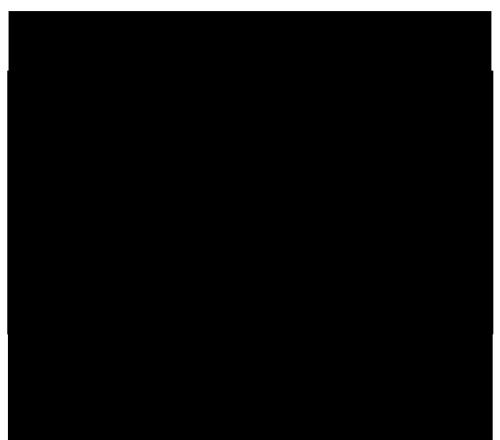
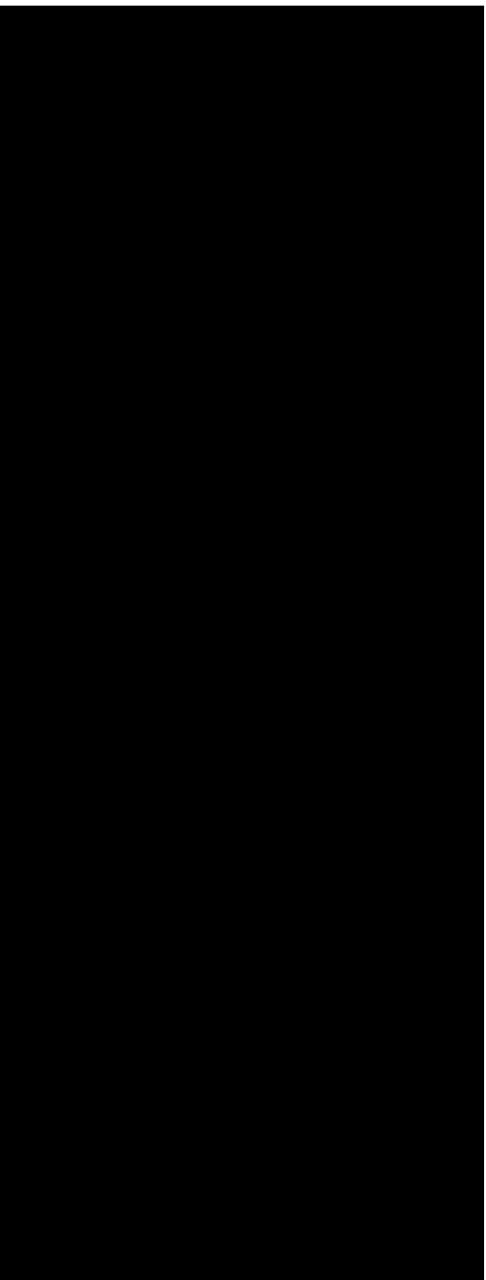
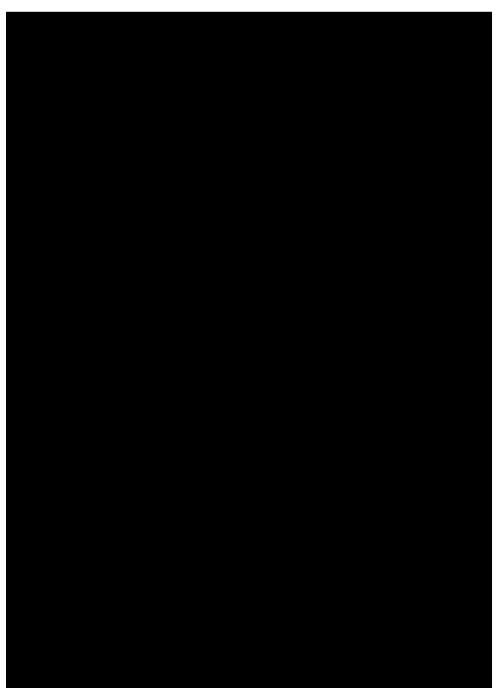
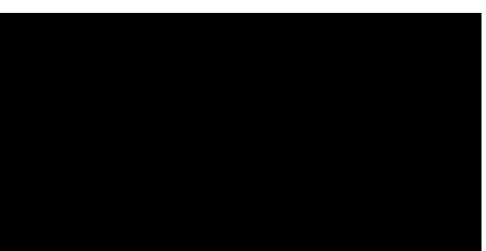
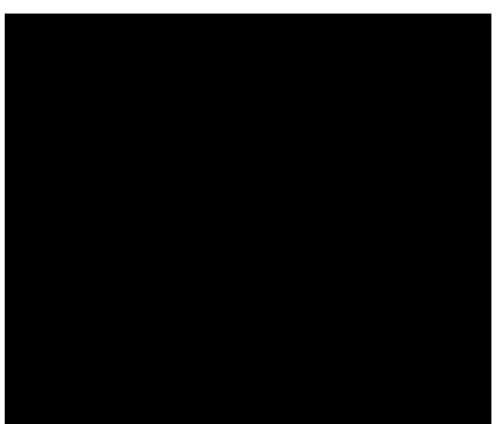












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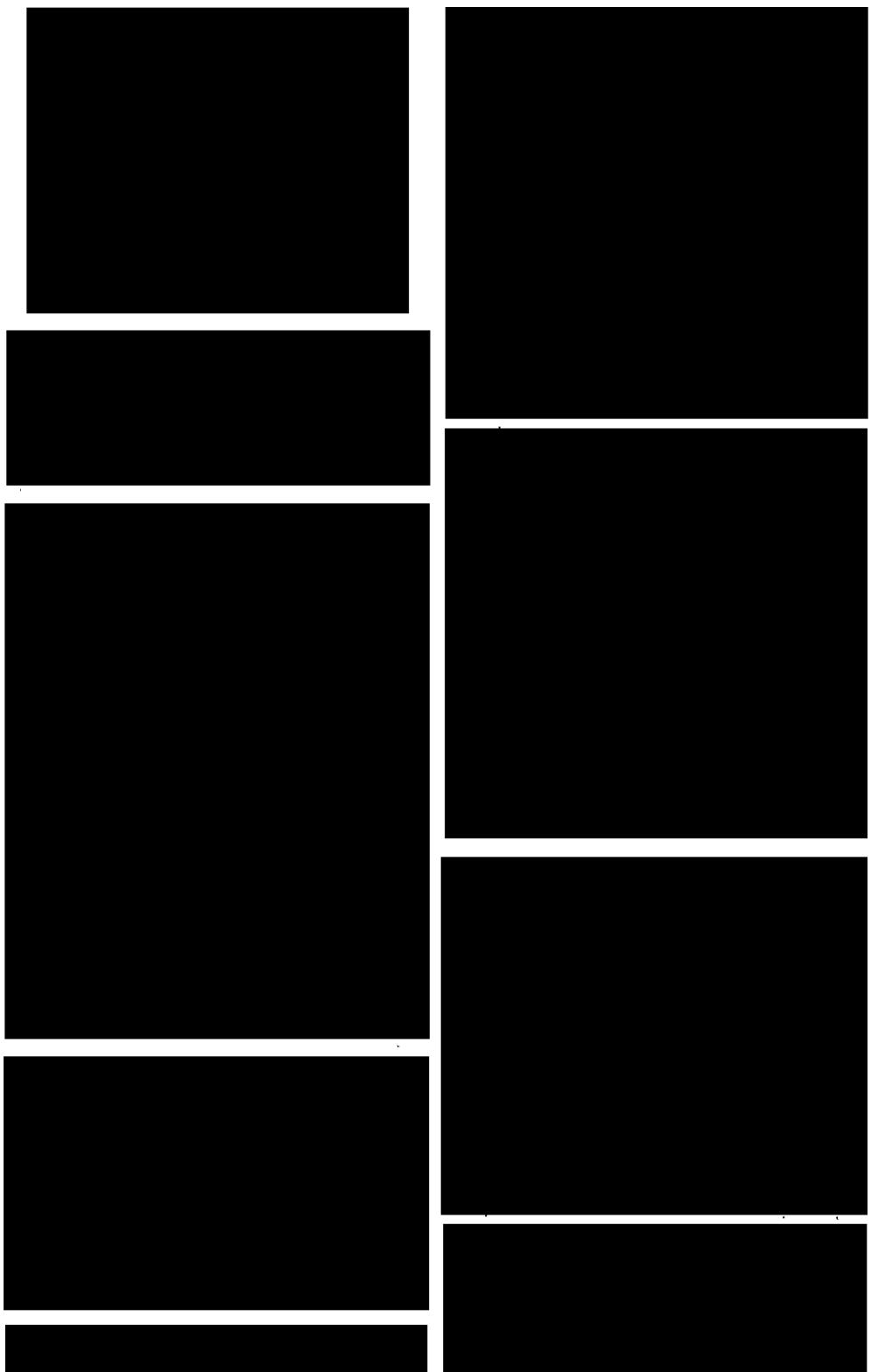
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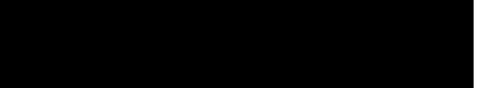
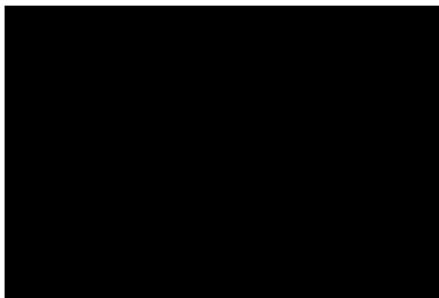
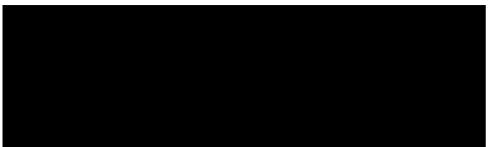
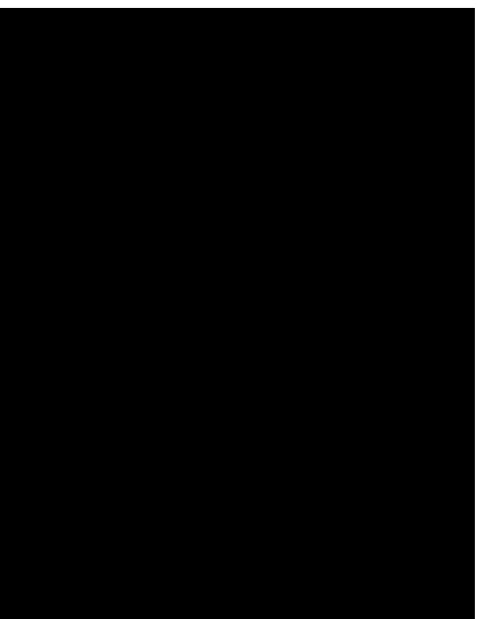
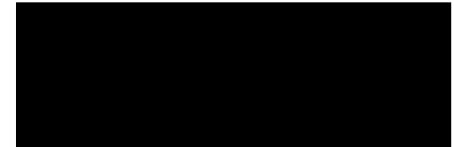
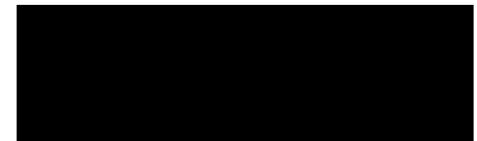
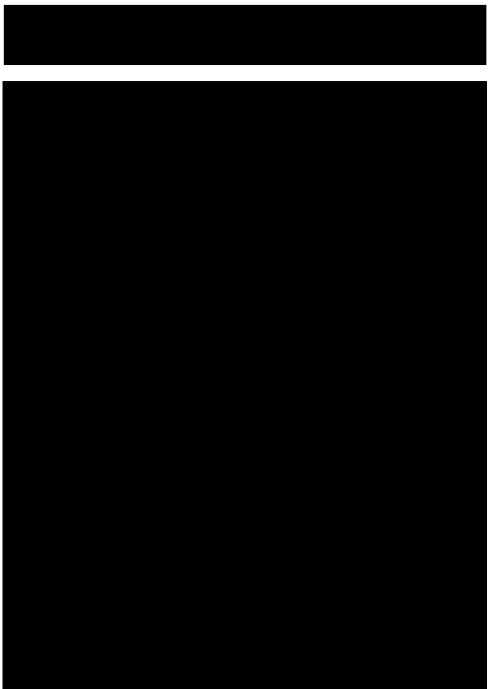
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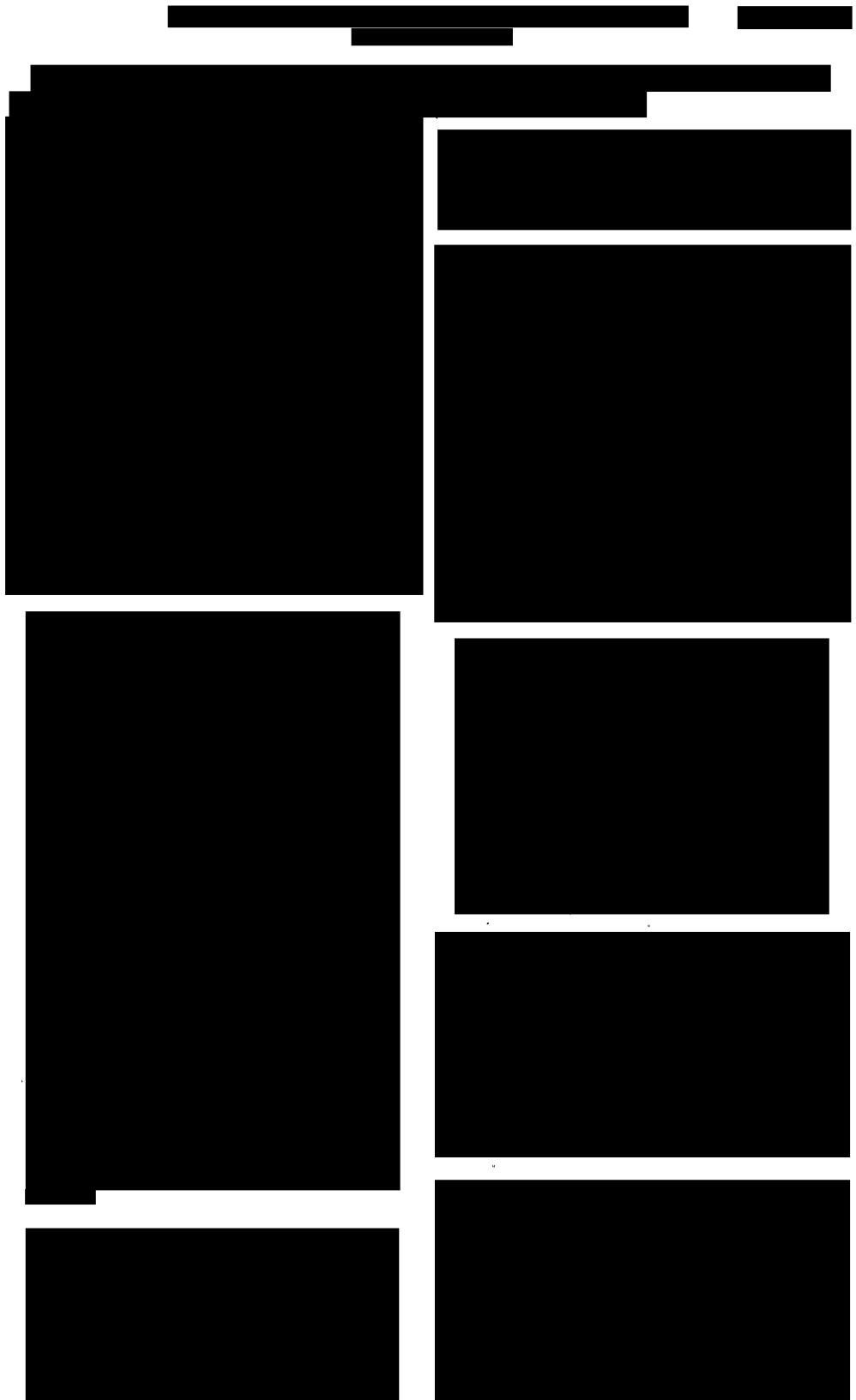
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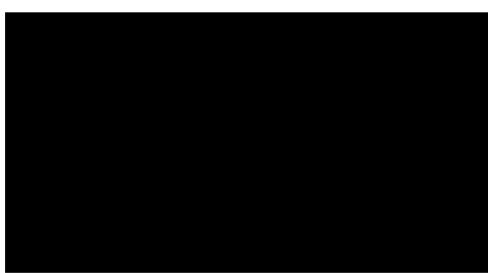
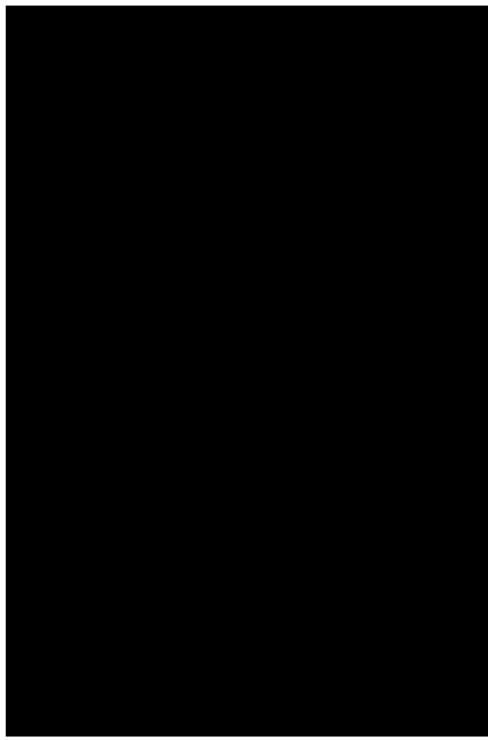
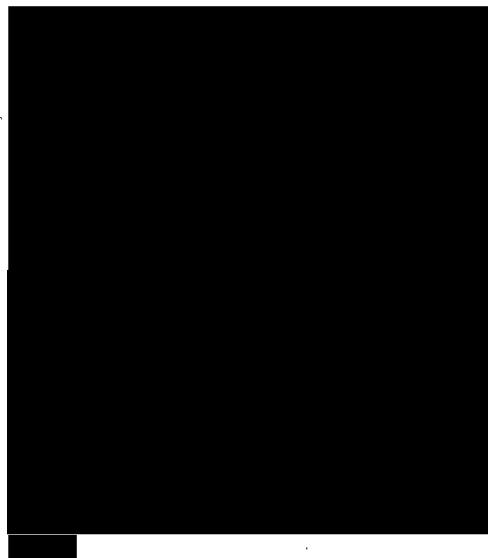


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[REDACTED]



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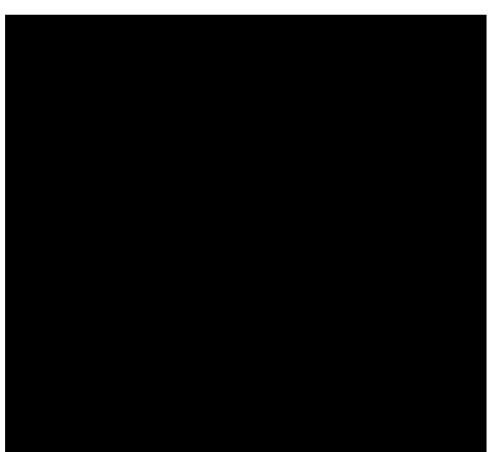
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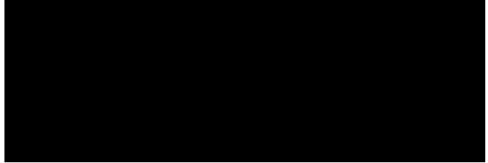
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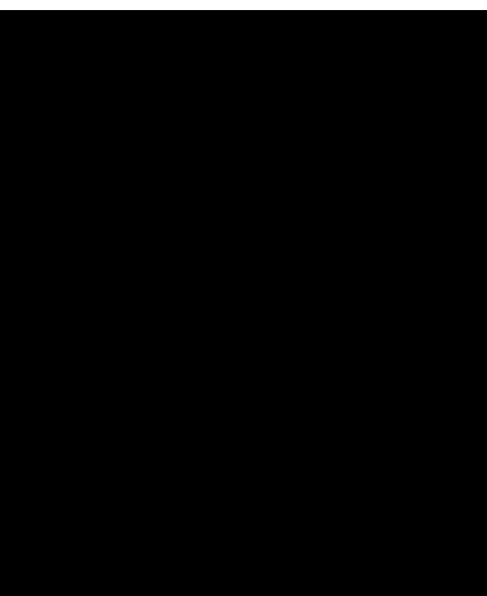
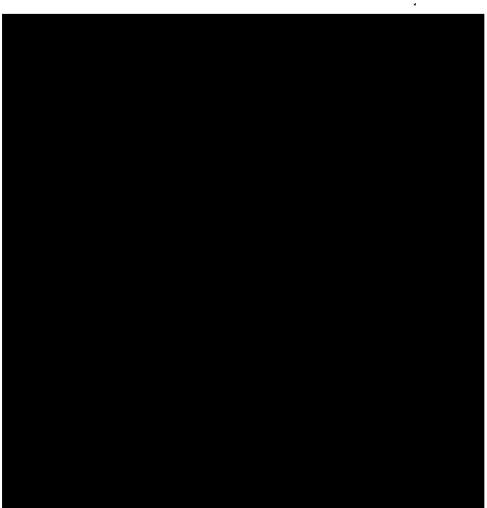
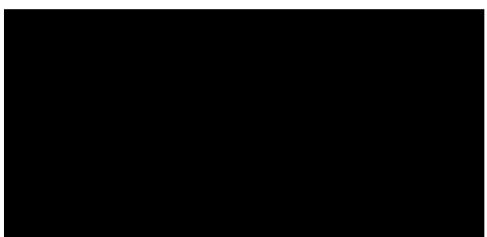
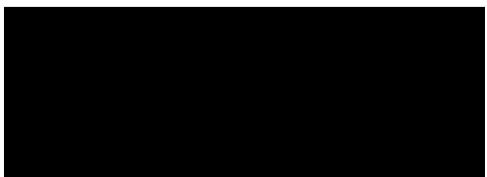
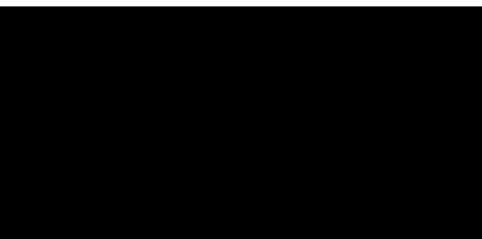
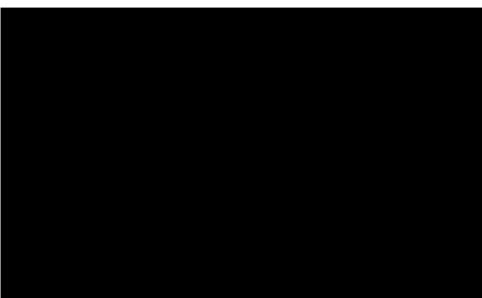
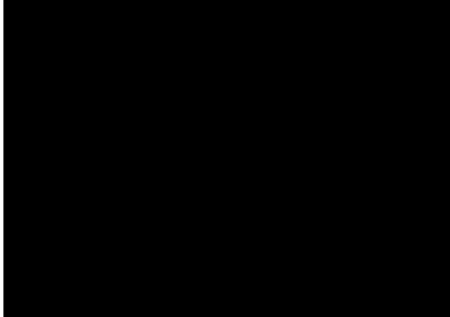
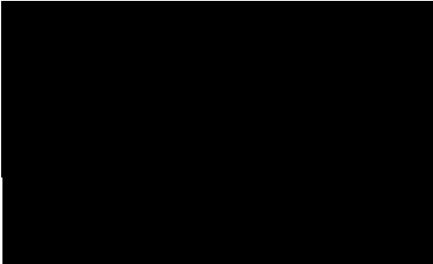
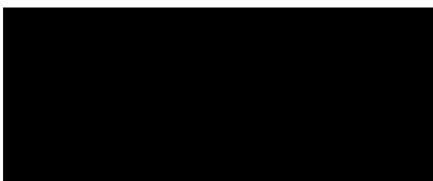
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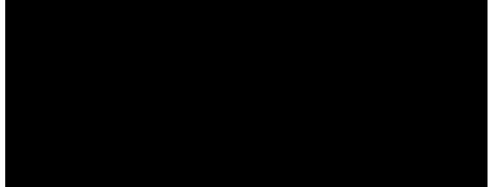
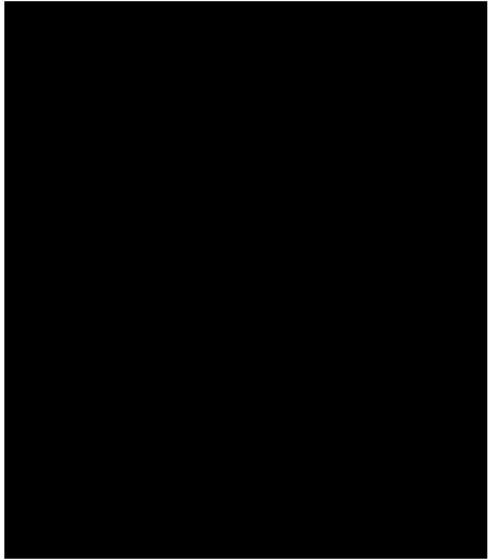
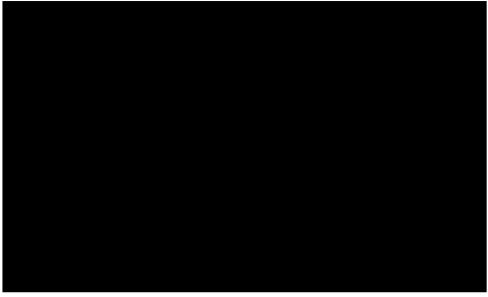
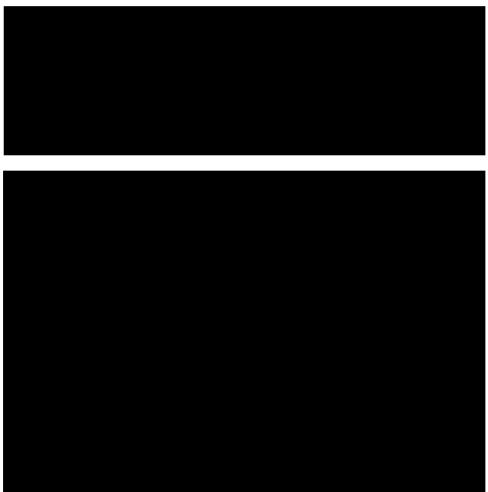
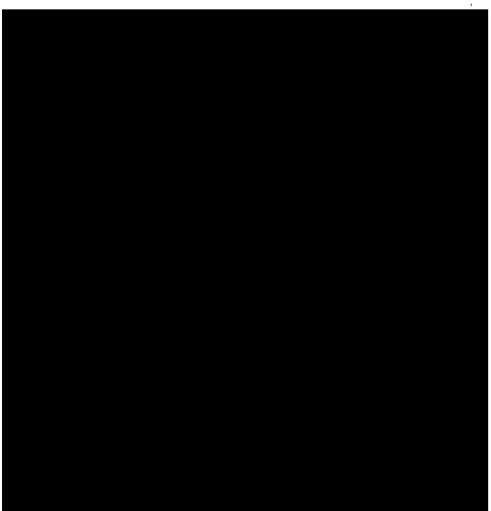


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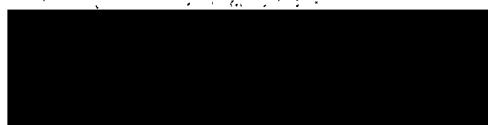
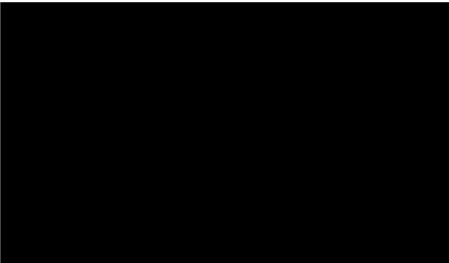
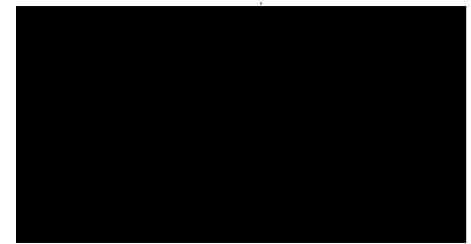
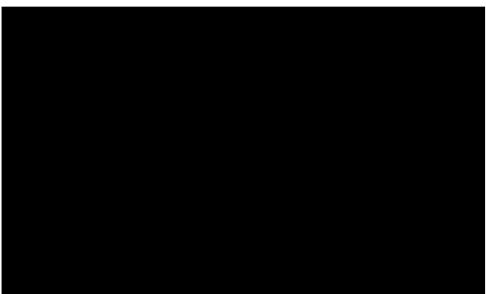
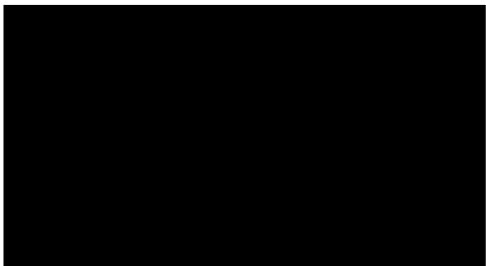
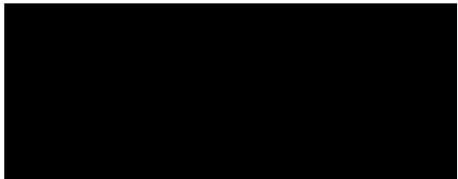
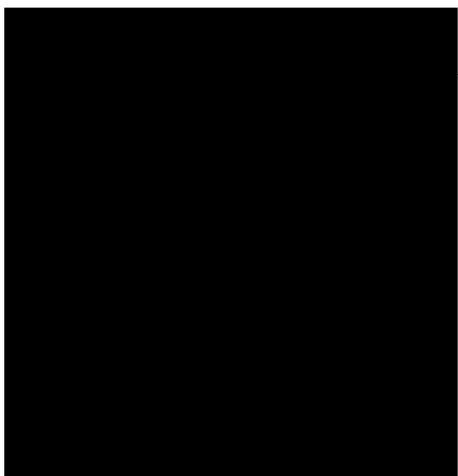
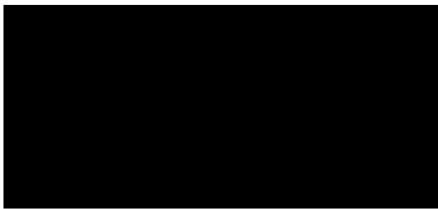




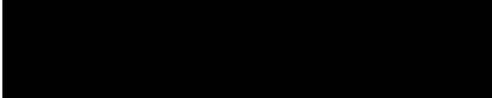
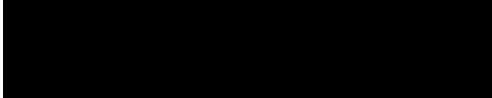
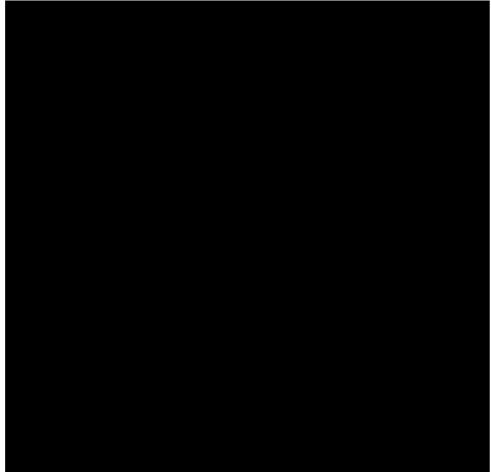


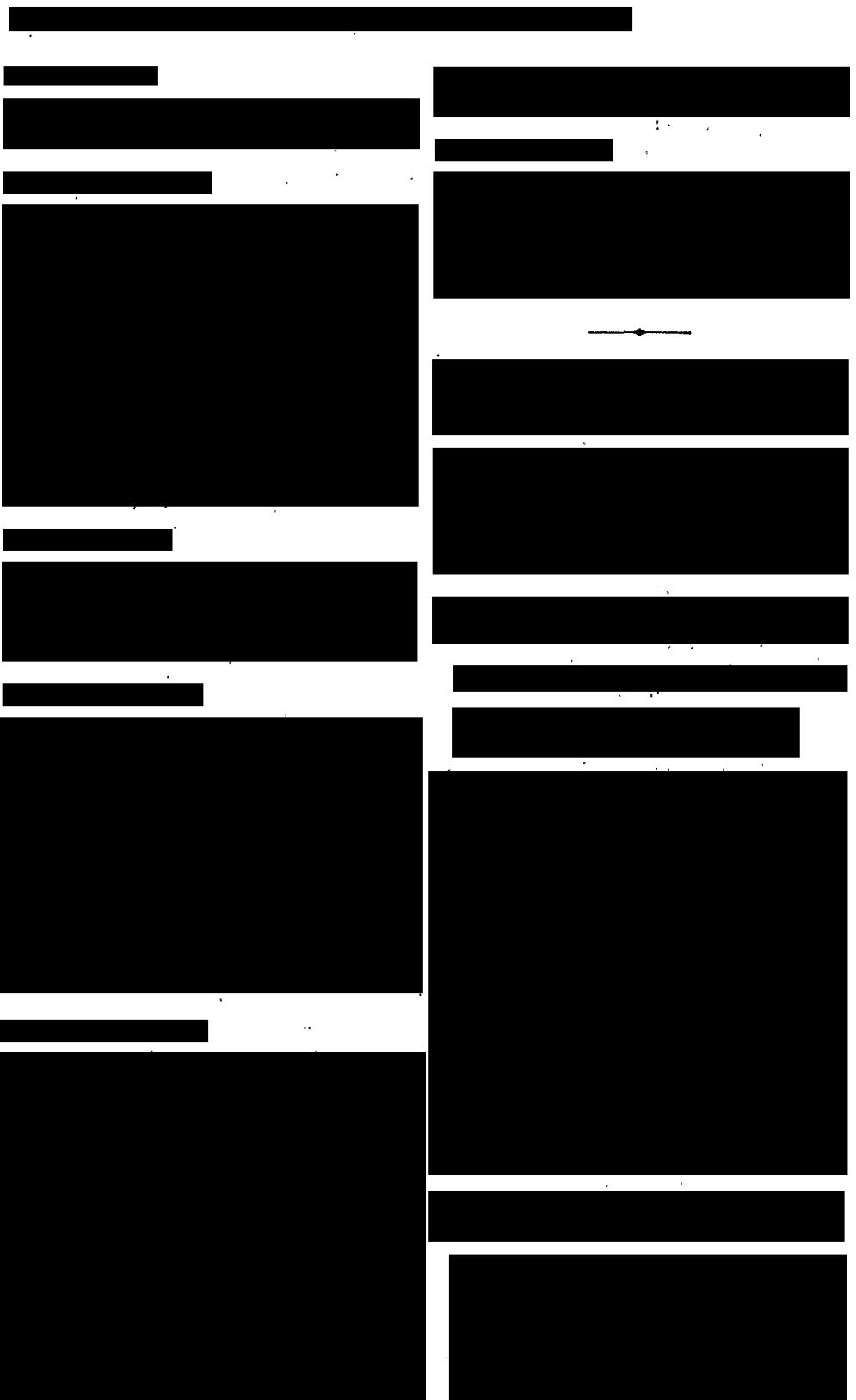


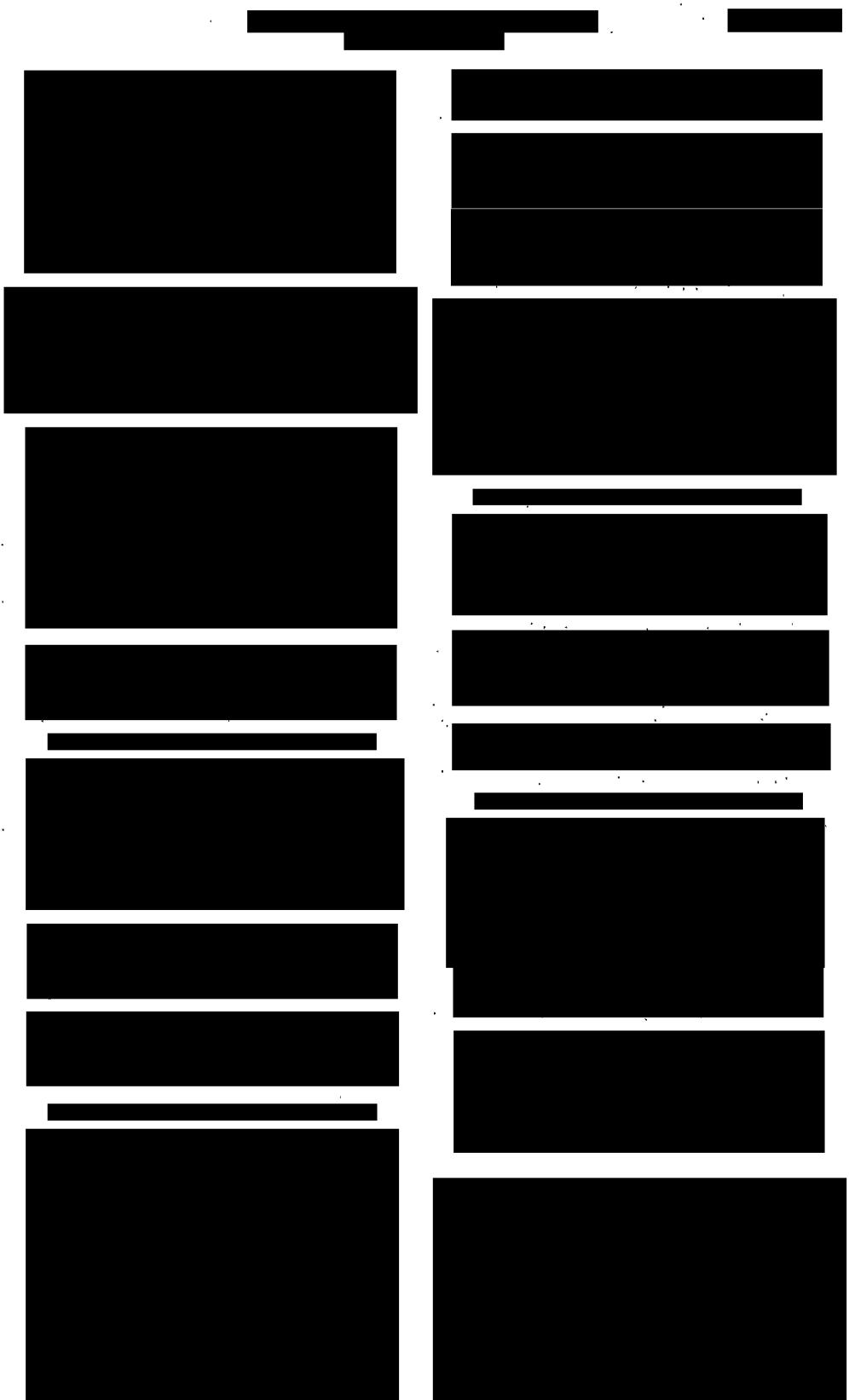
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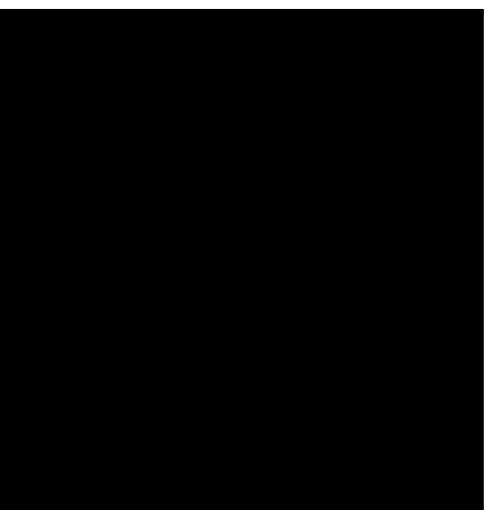
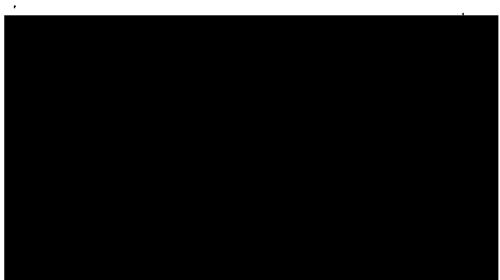
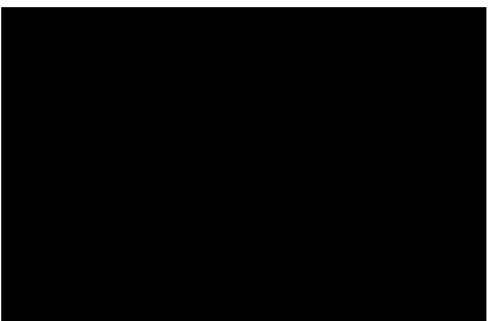
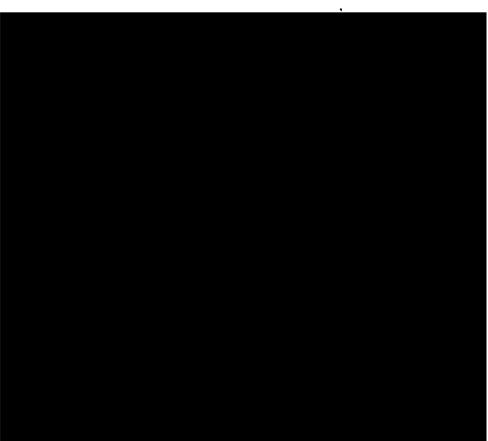
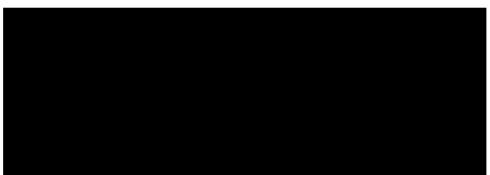
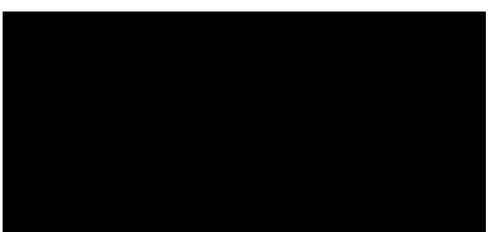
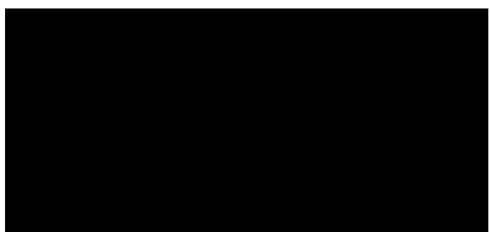
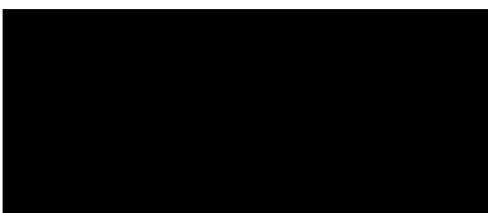


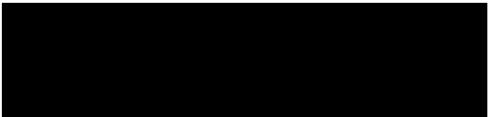
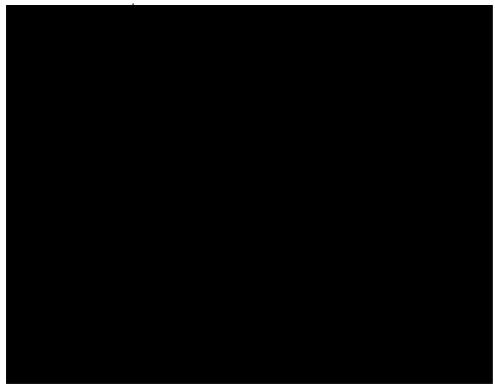
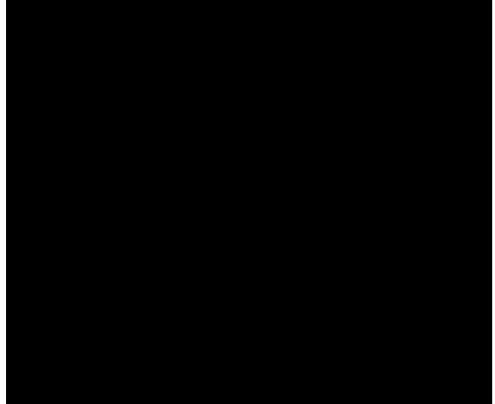
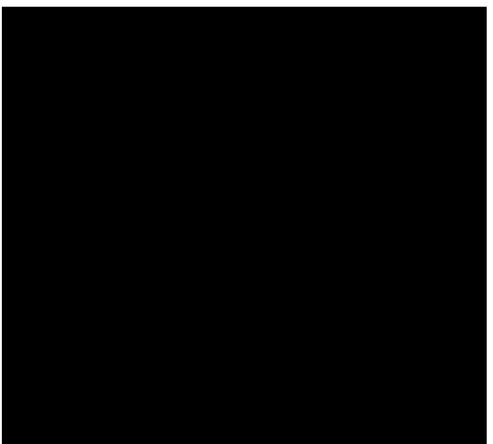
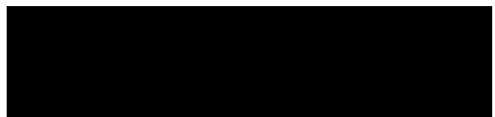
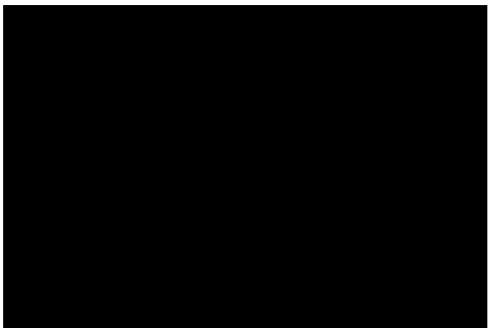
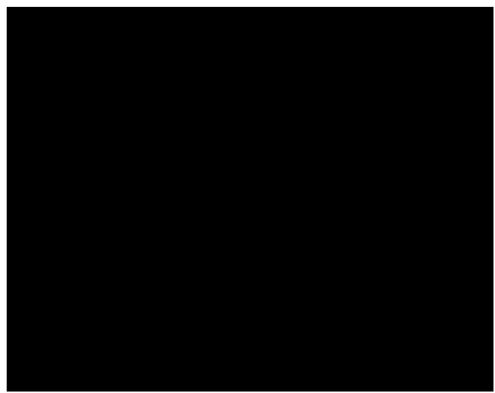
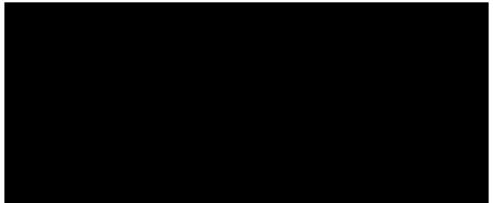
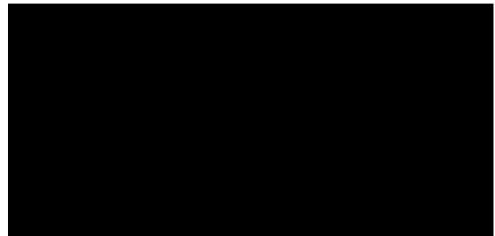
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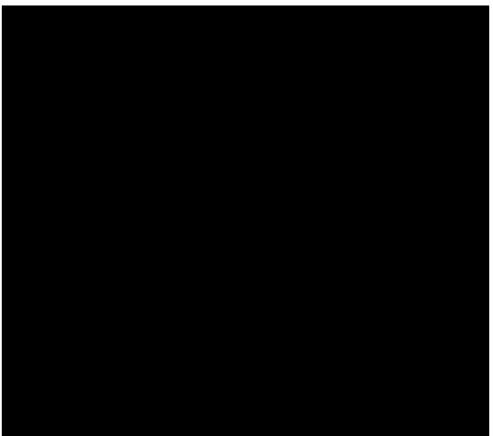
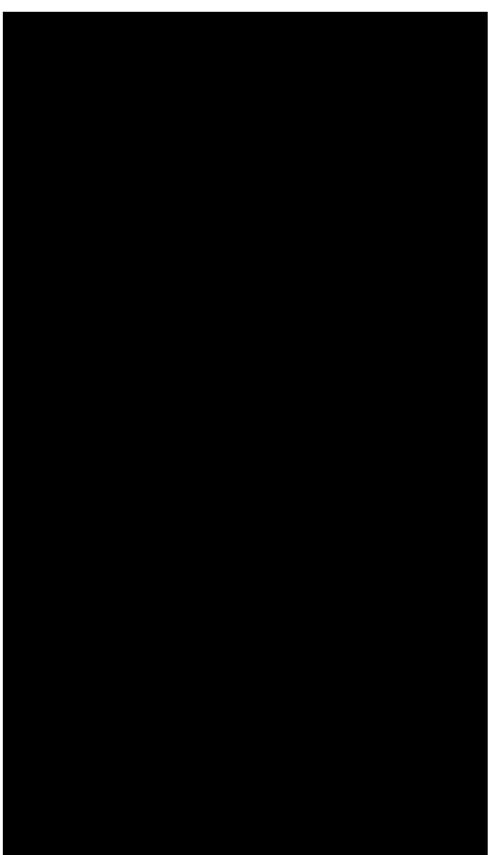
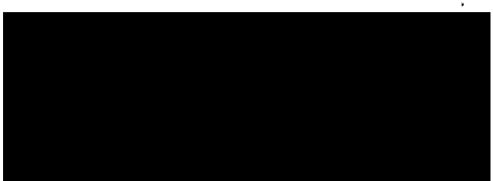
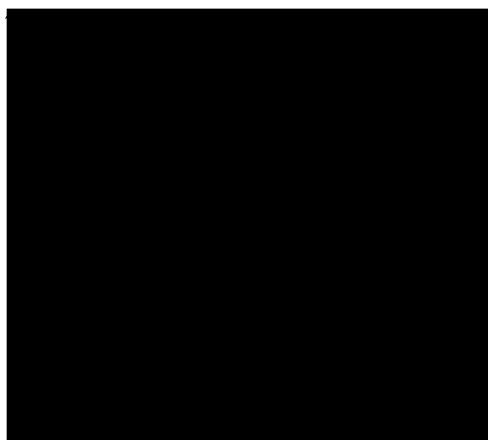














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[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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**ANSWER**

Page 1 of 1

the first time in the history of the world, the people of the United States have been called upon to determine whether they will submit to the law of force, or the law of the Constitution. We consider the contest as open, and are prepared to meet it at any point where it may occur.



[REDACTED]



[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]



[REDACTED]  
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[REDACTED]  
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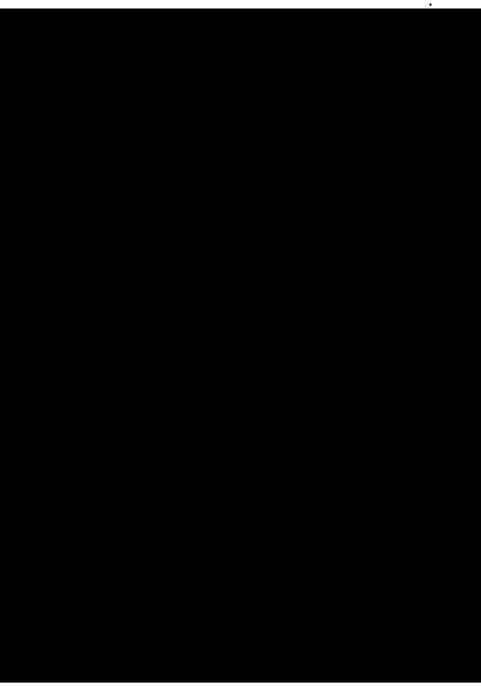
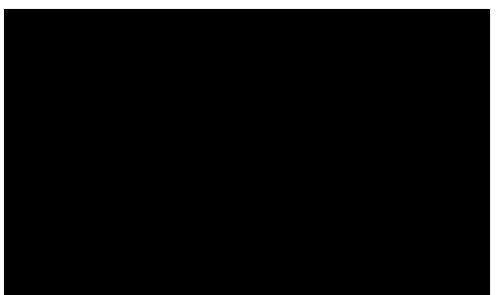
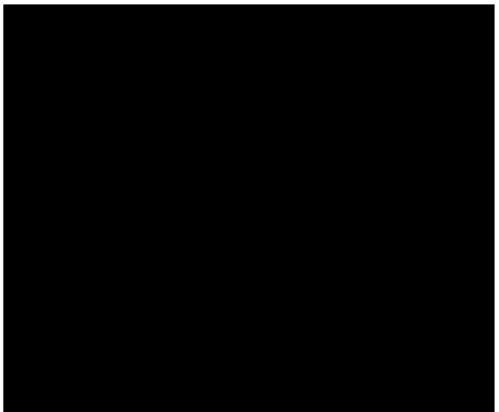
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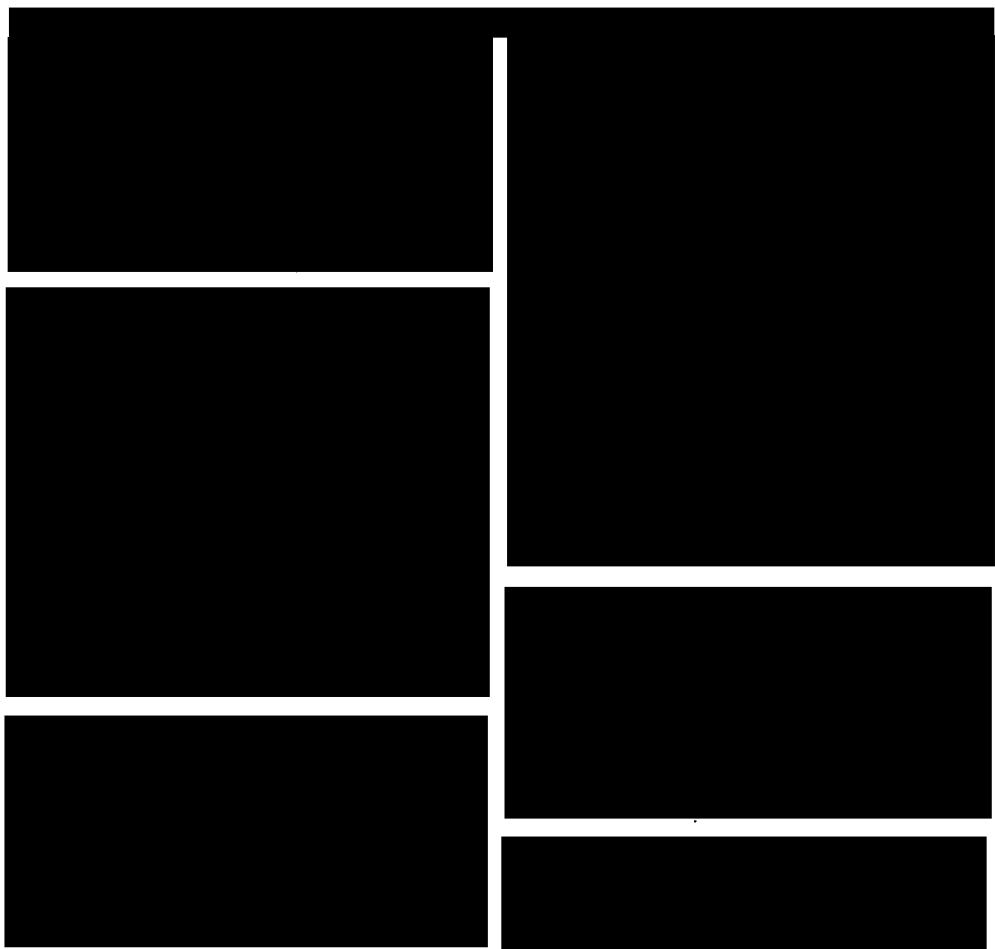
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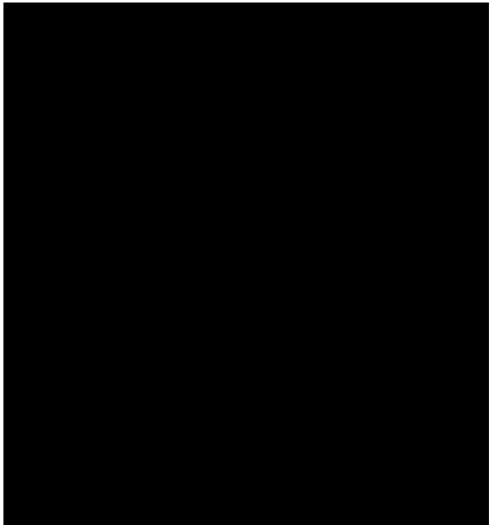
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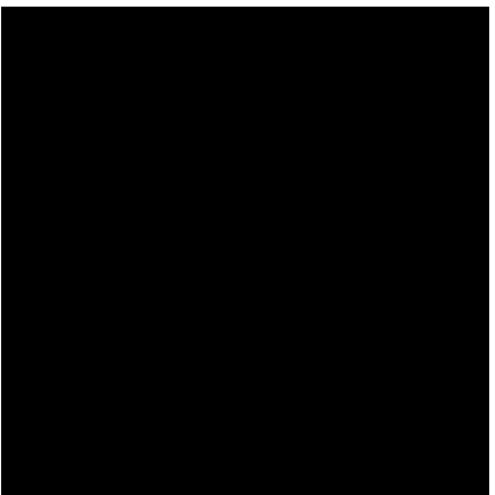
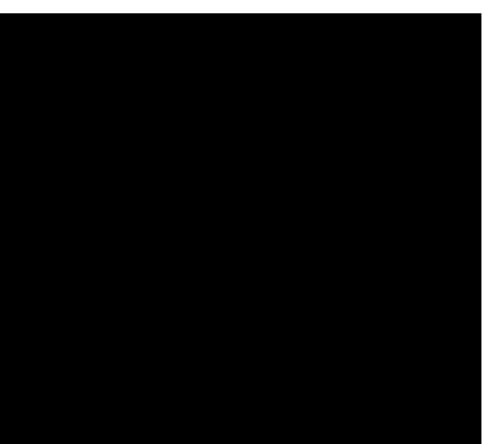
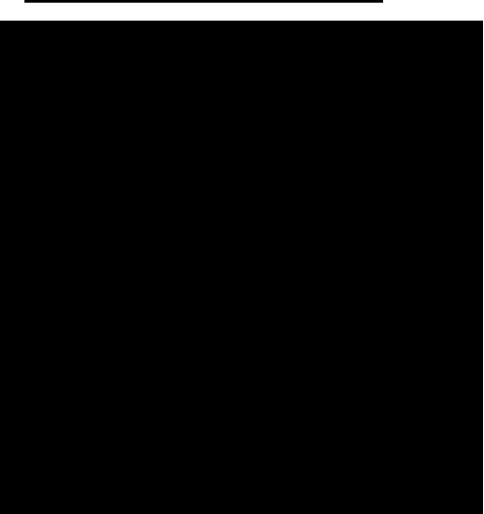
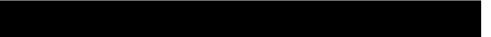
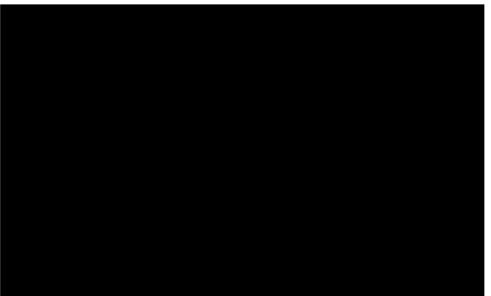


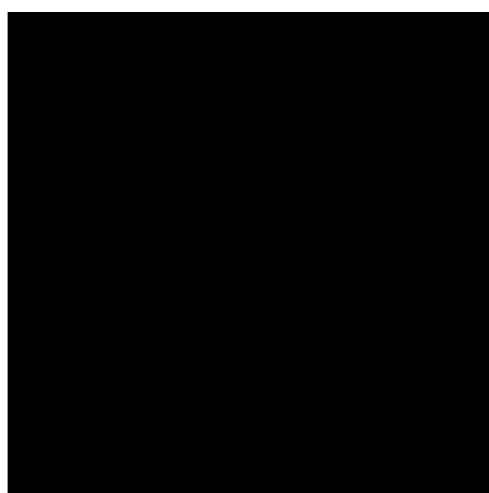
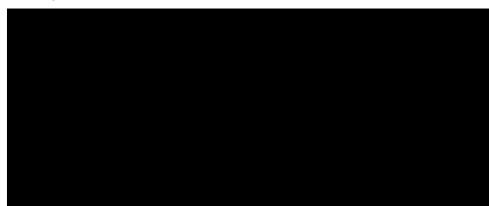
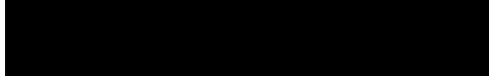
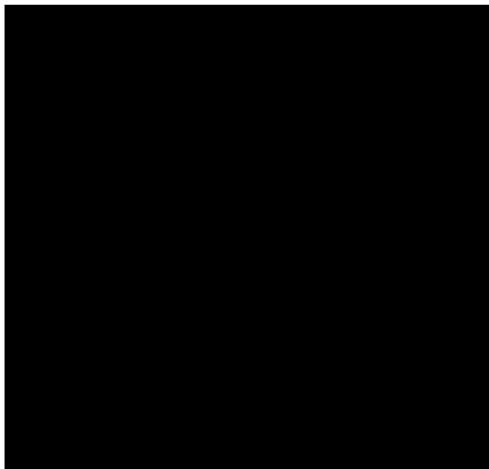
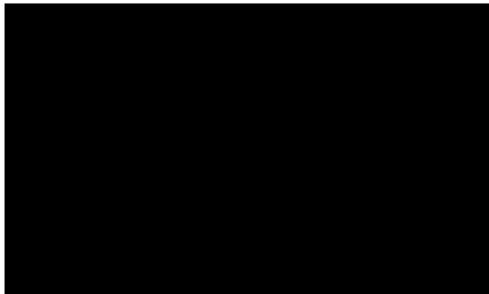
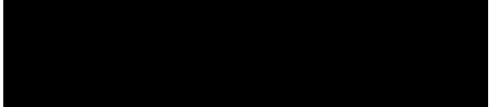


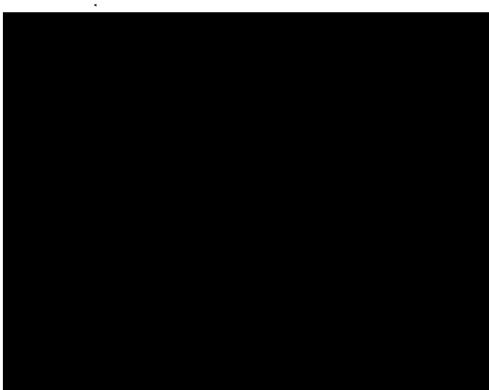
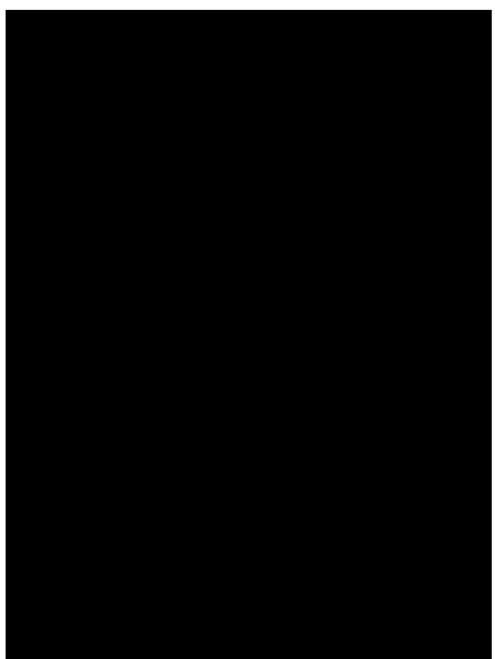
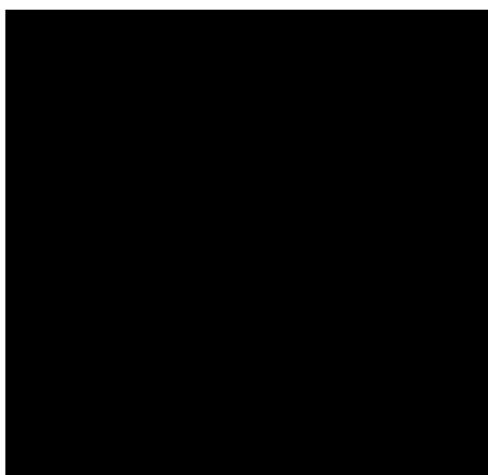
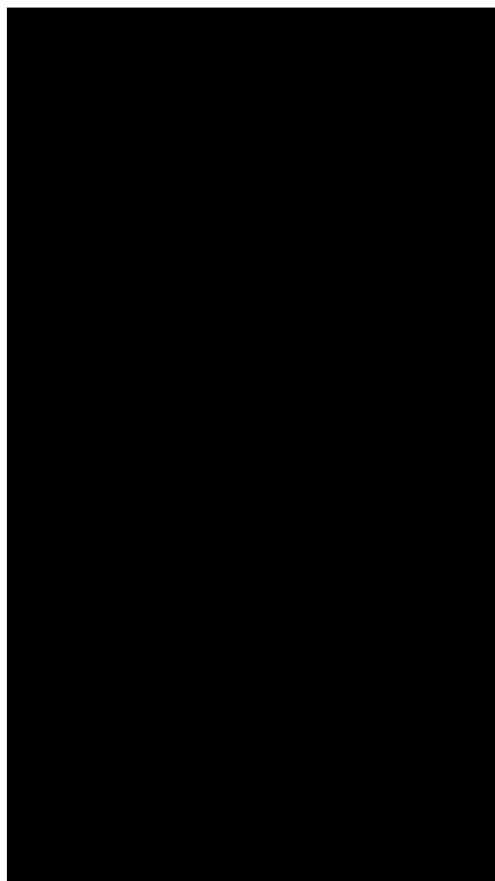


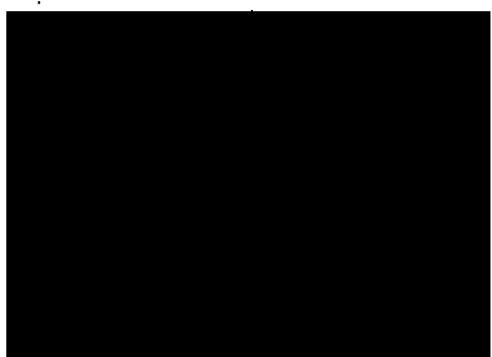
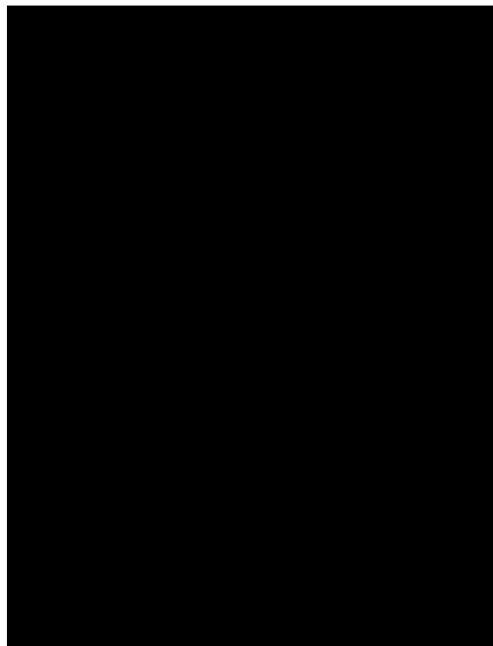
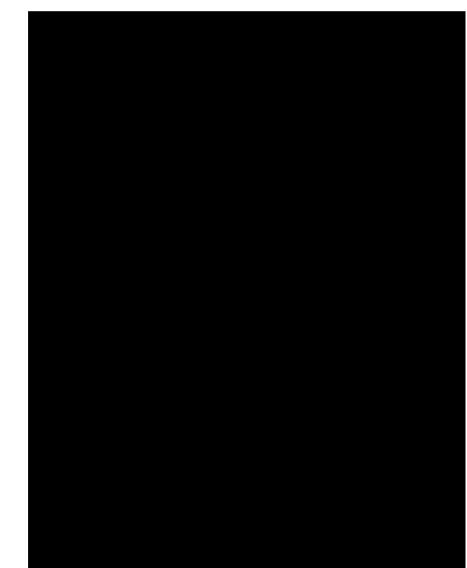
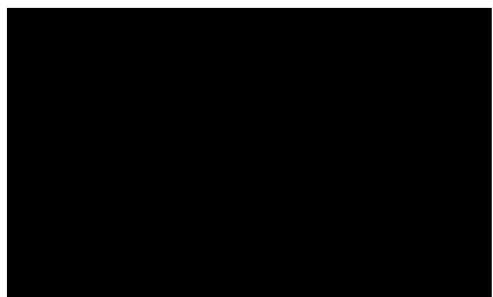
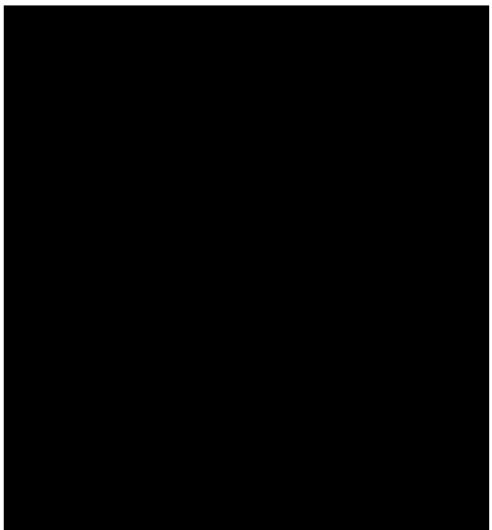
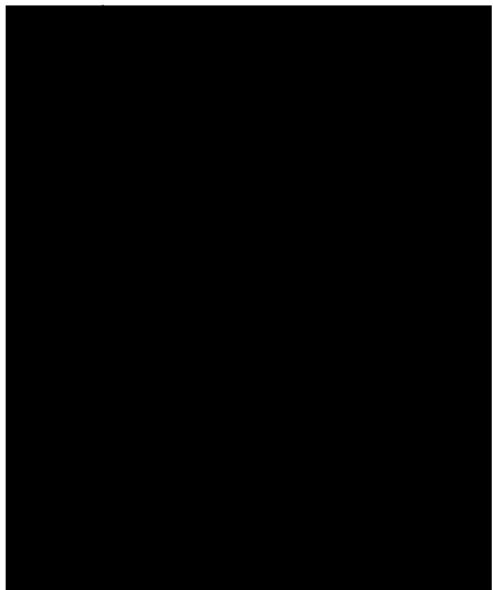


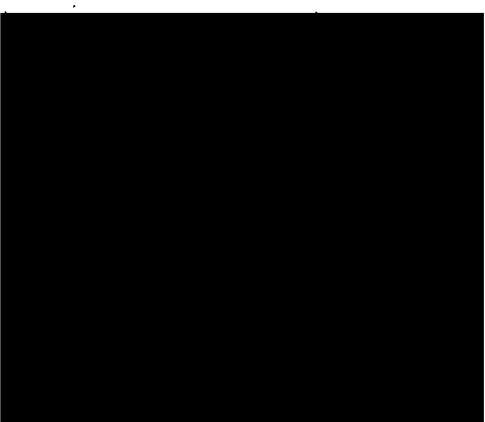
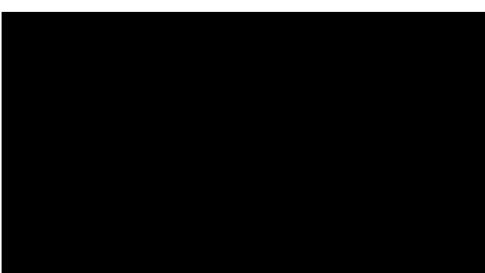
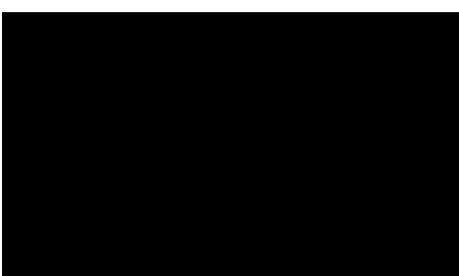
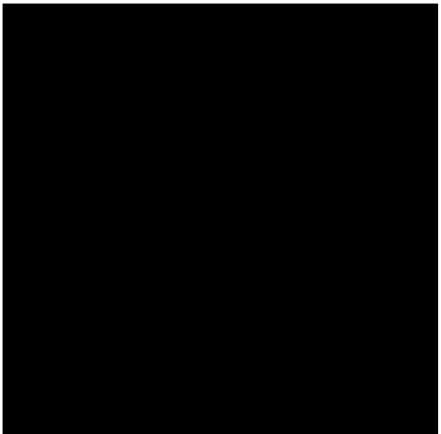
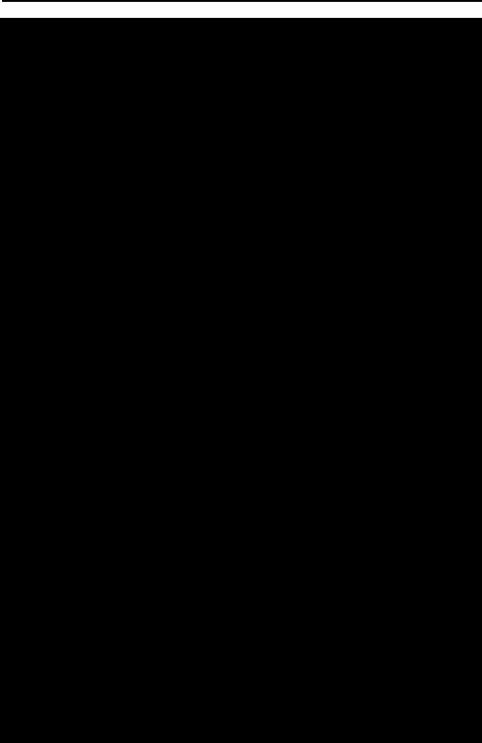
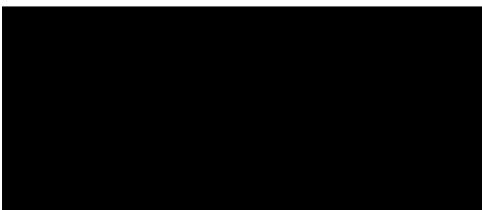
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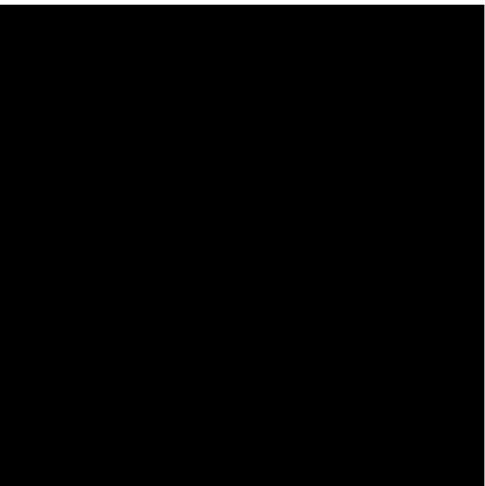
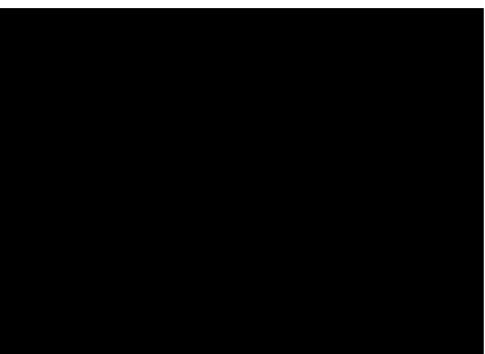
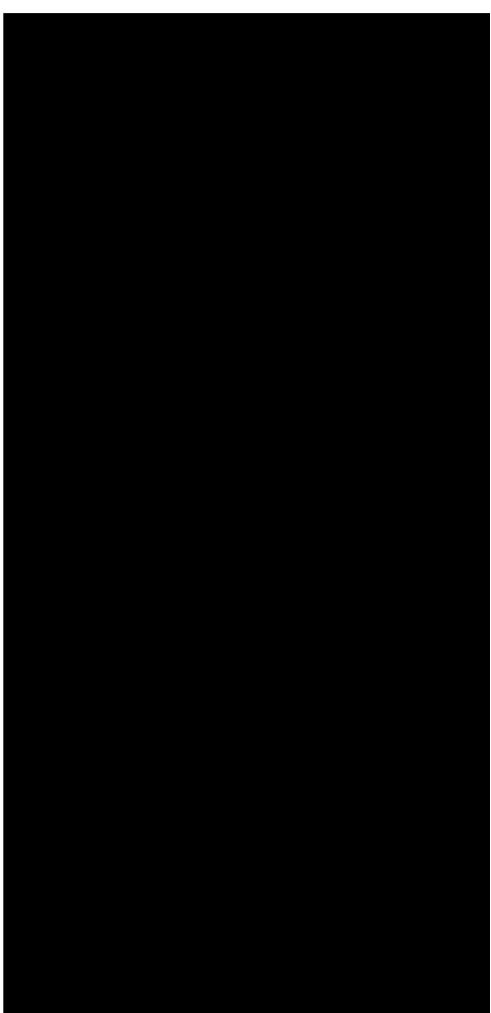
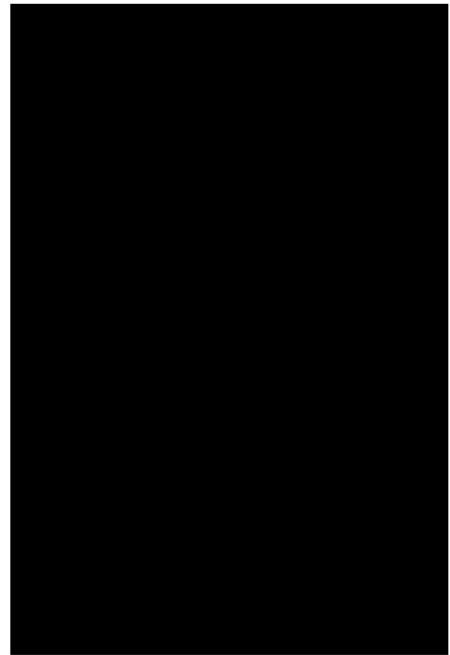
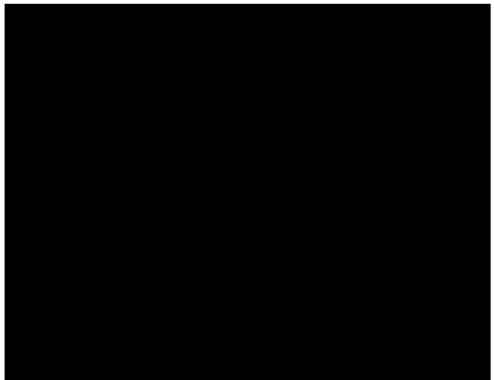


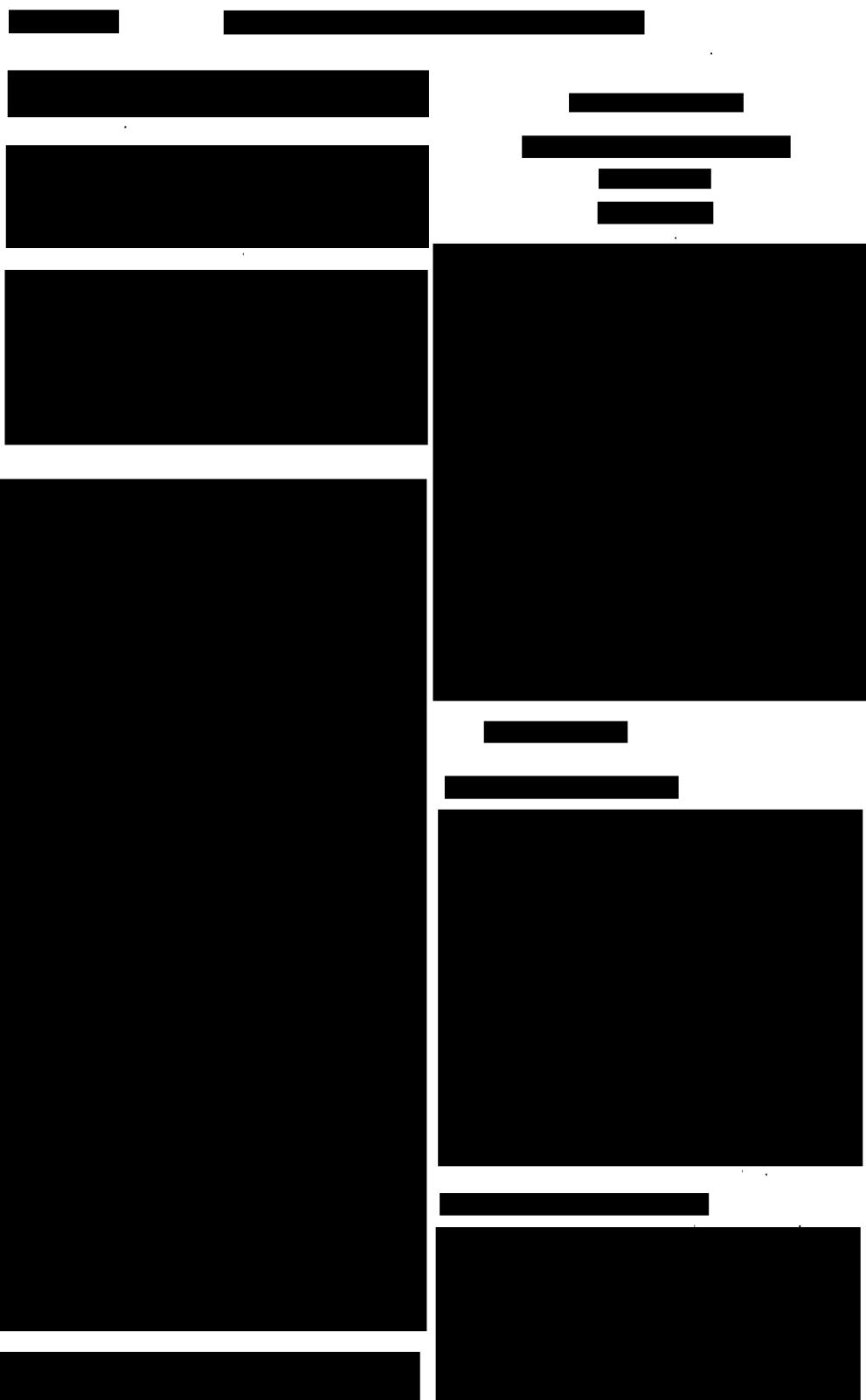


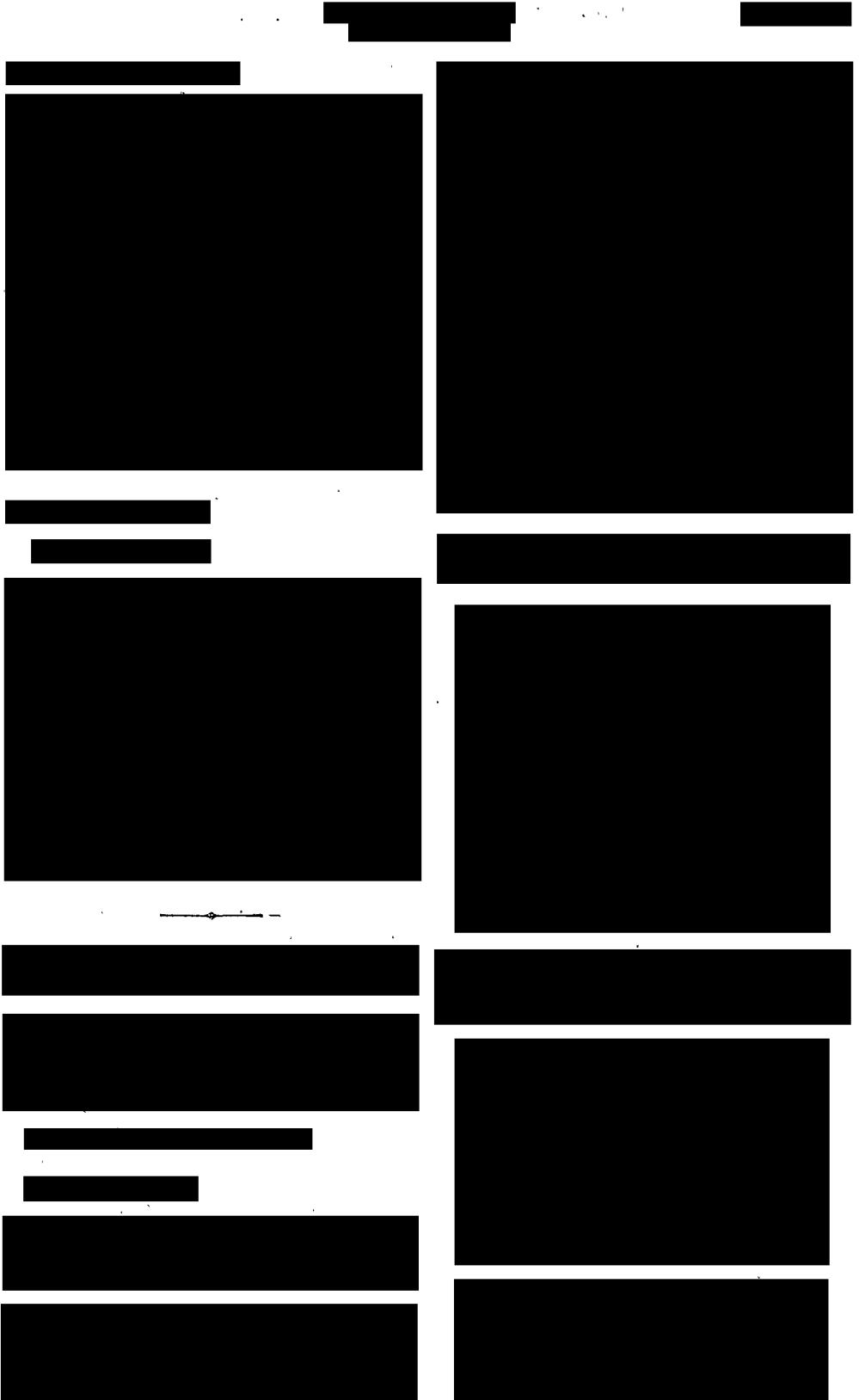


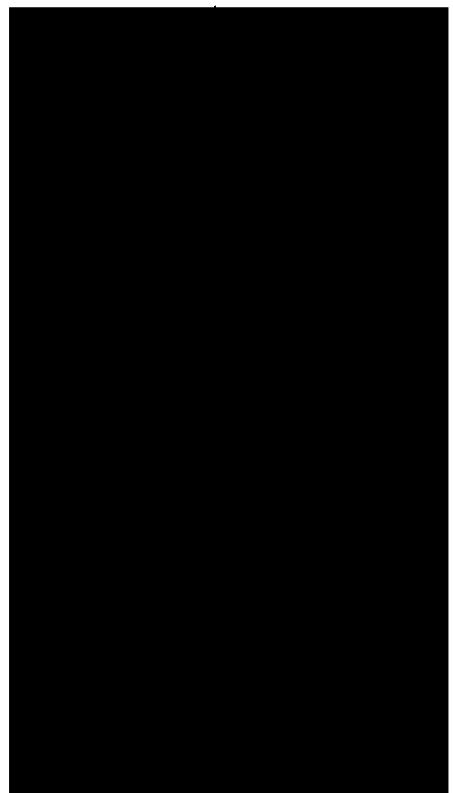
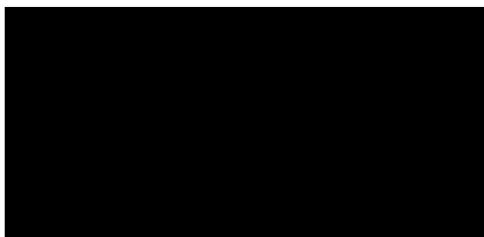
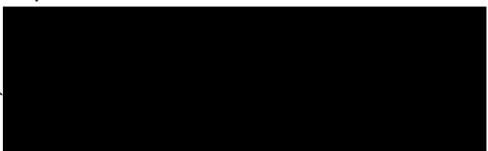
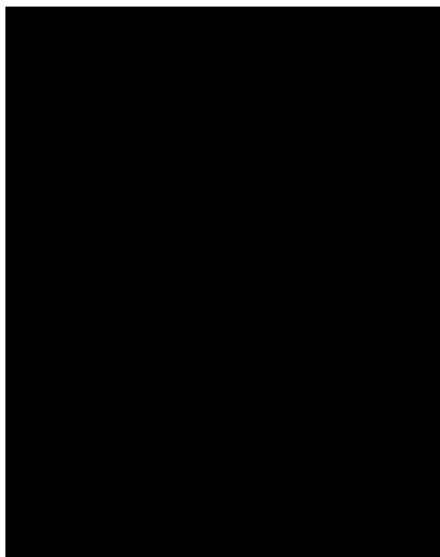


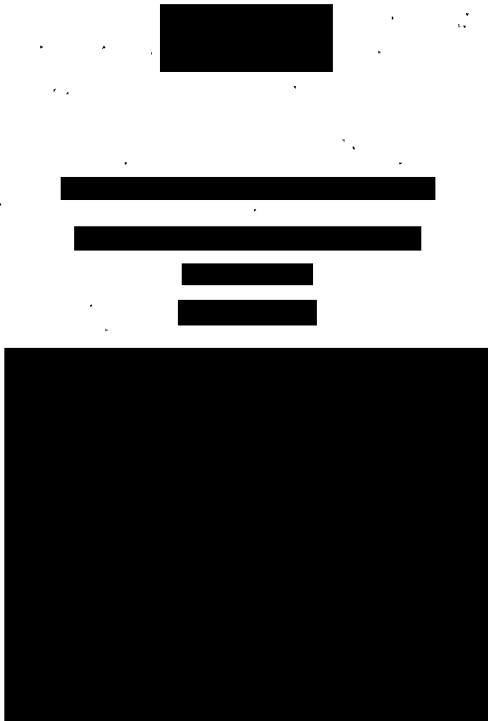
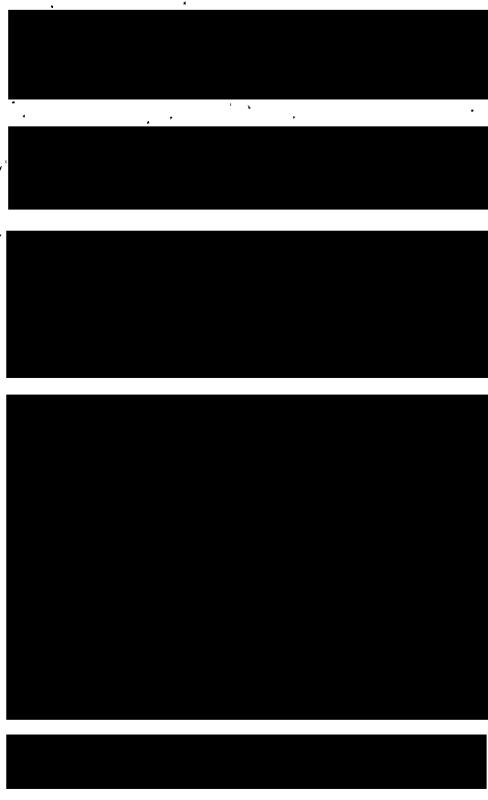












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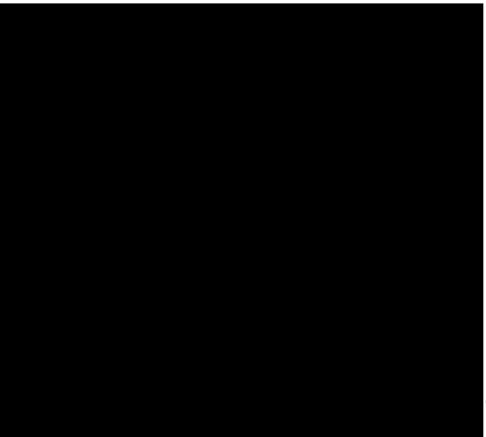
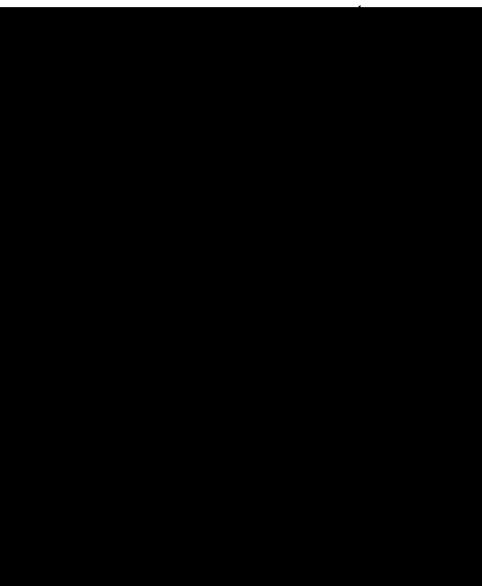
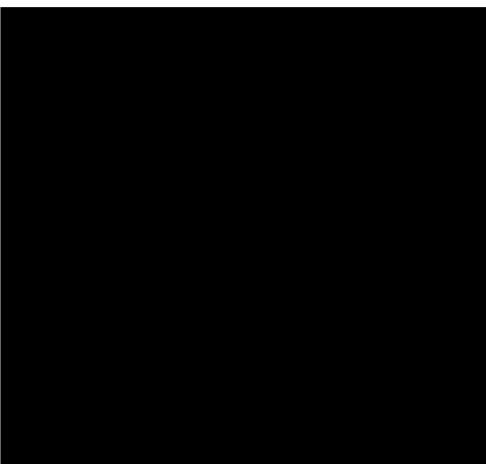
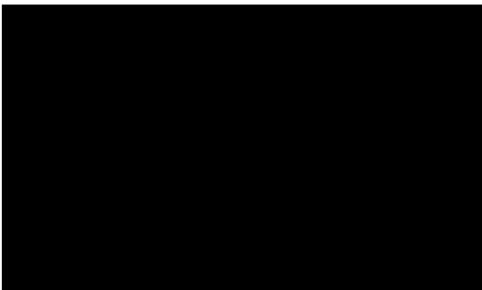
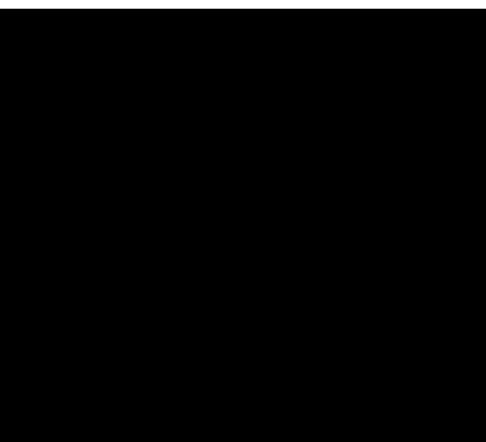
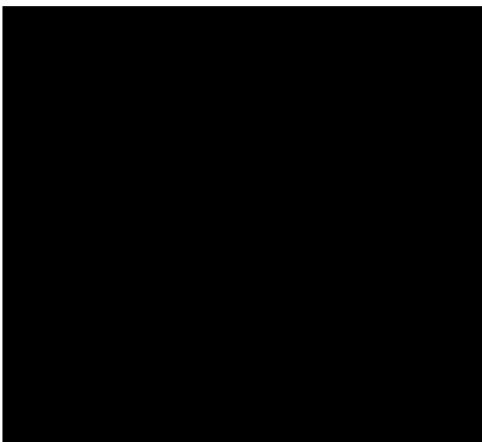
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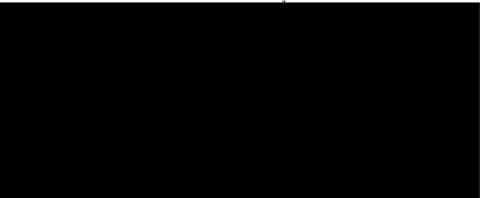
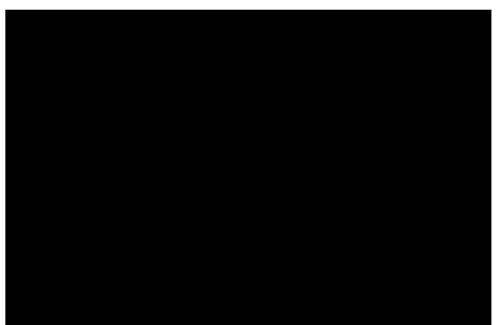
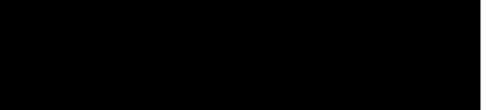
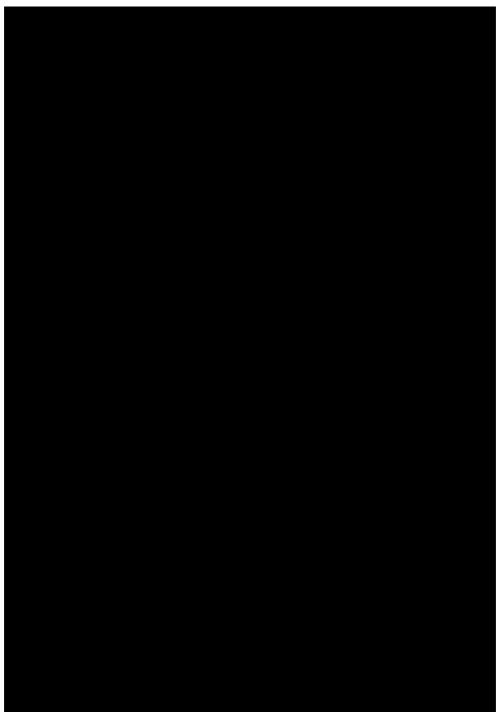
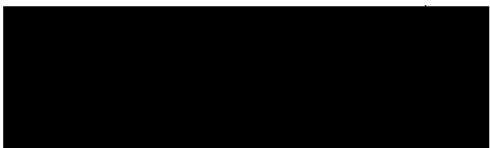
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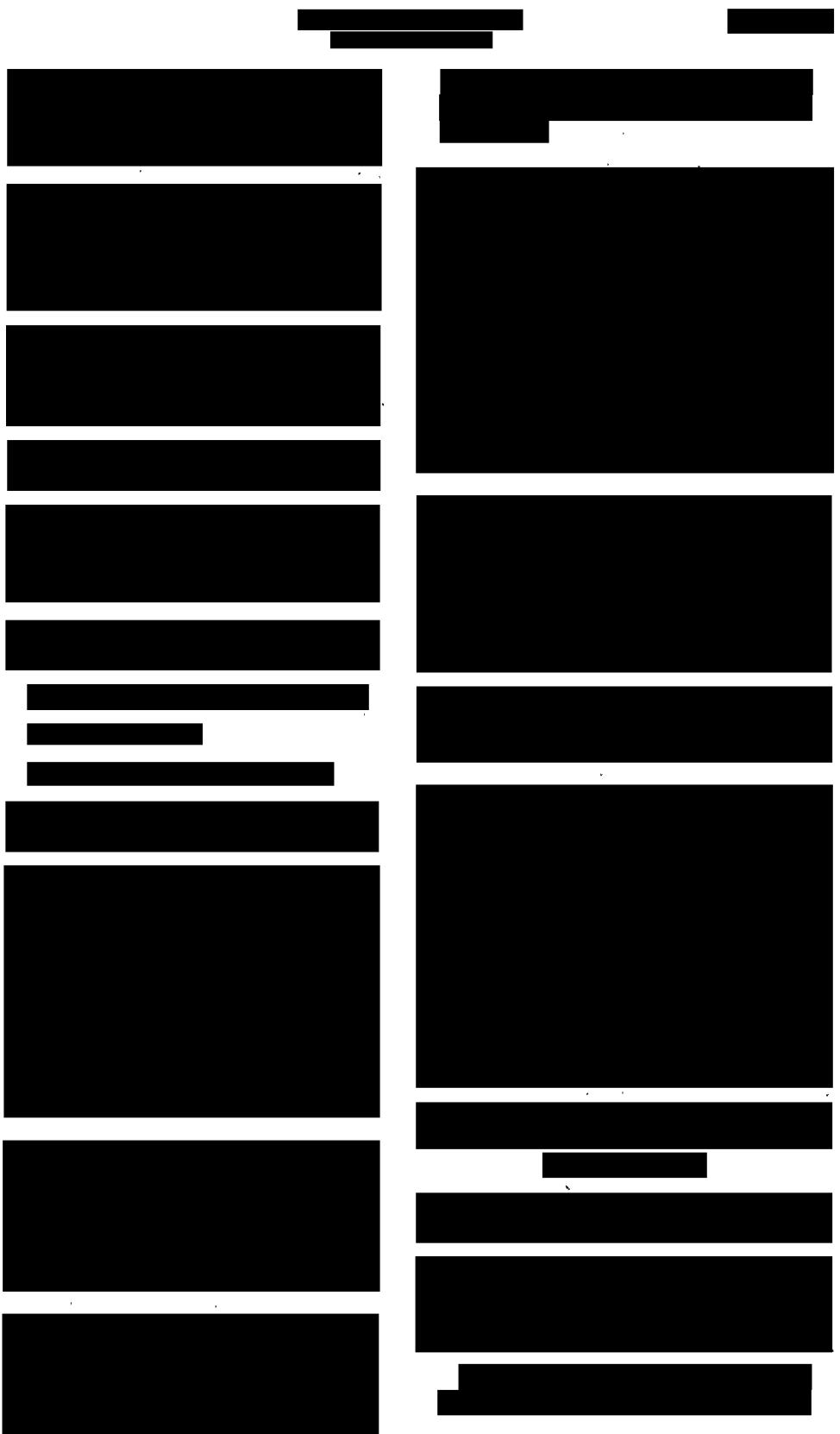
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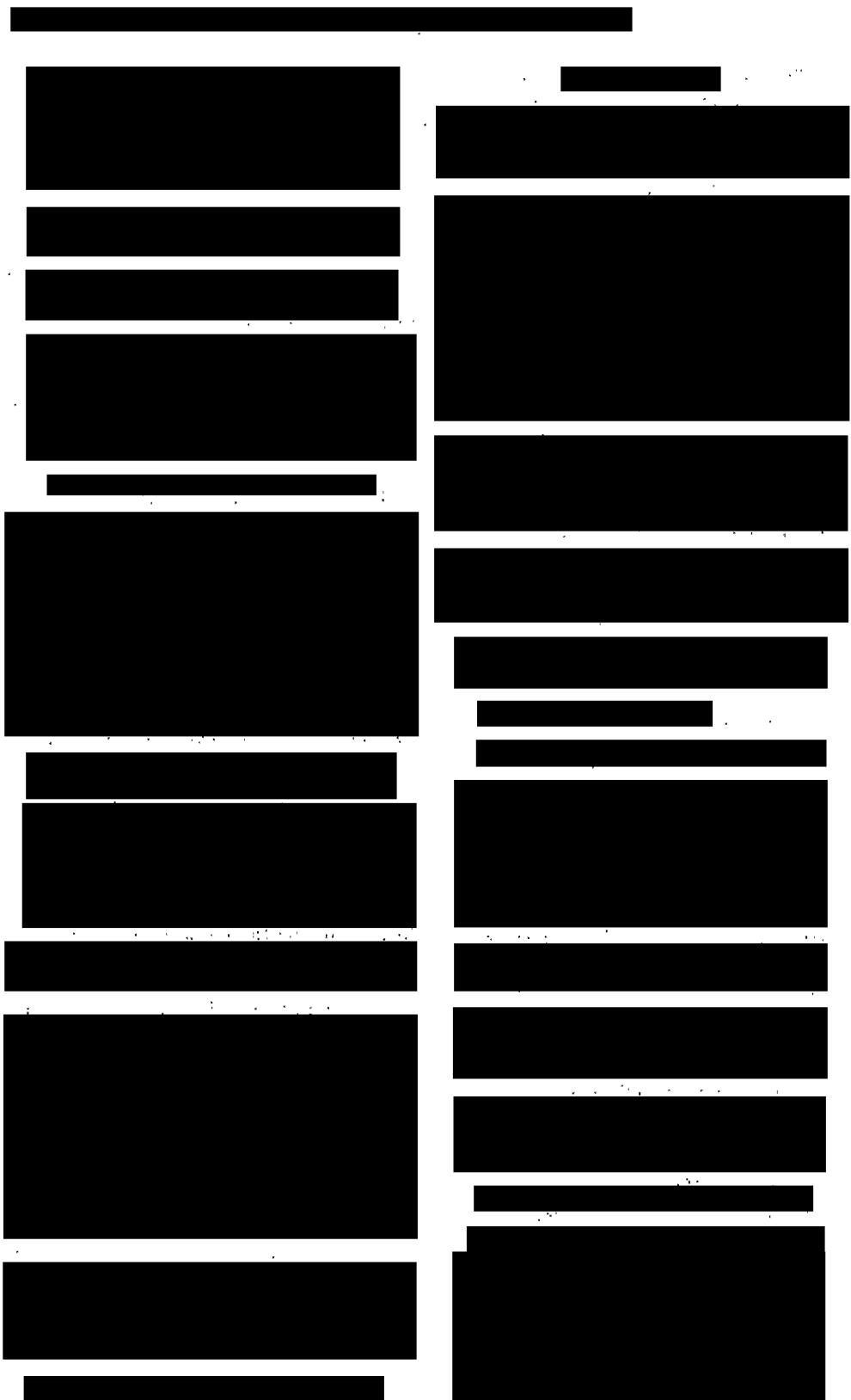


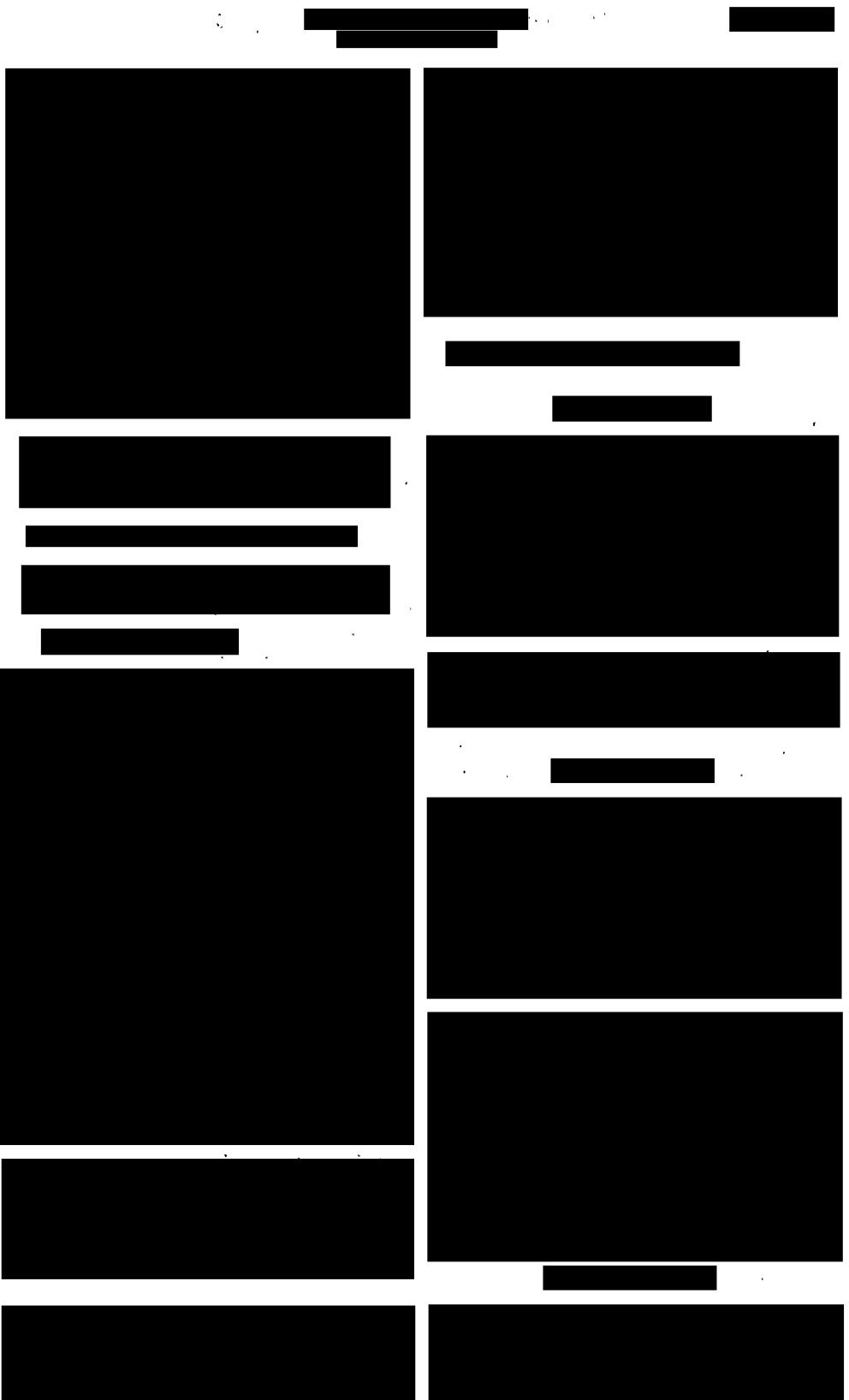
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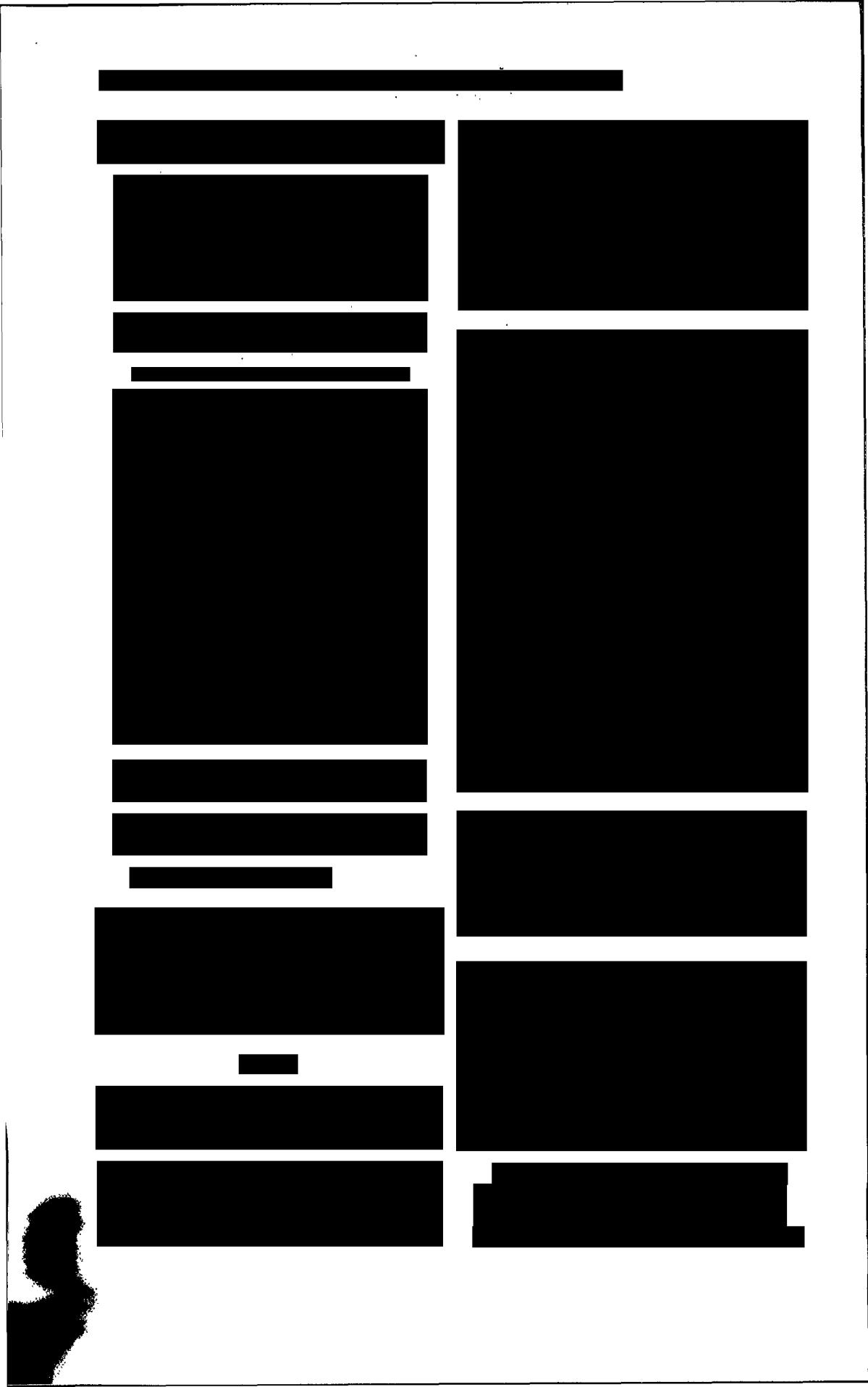


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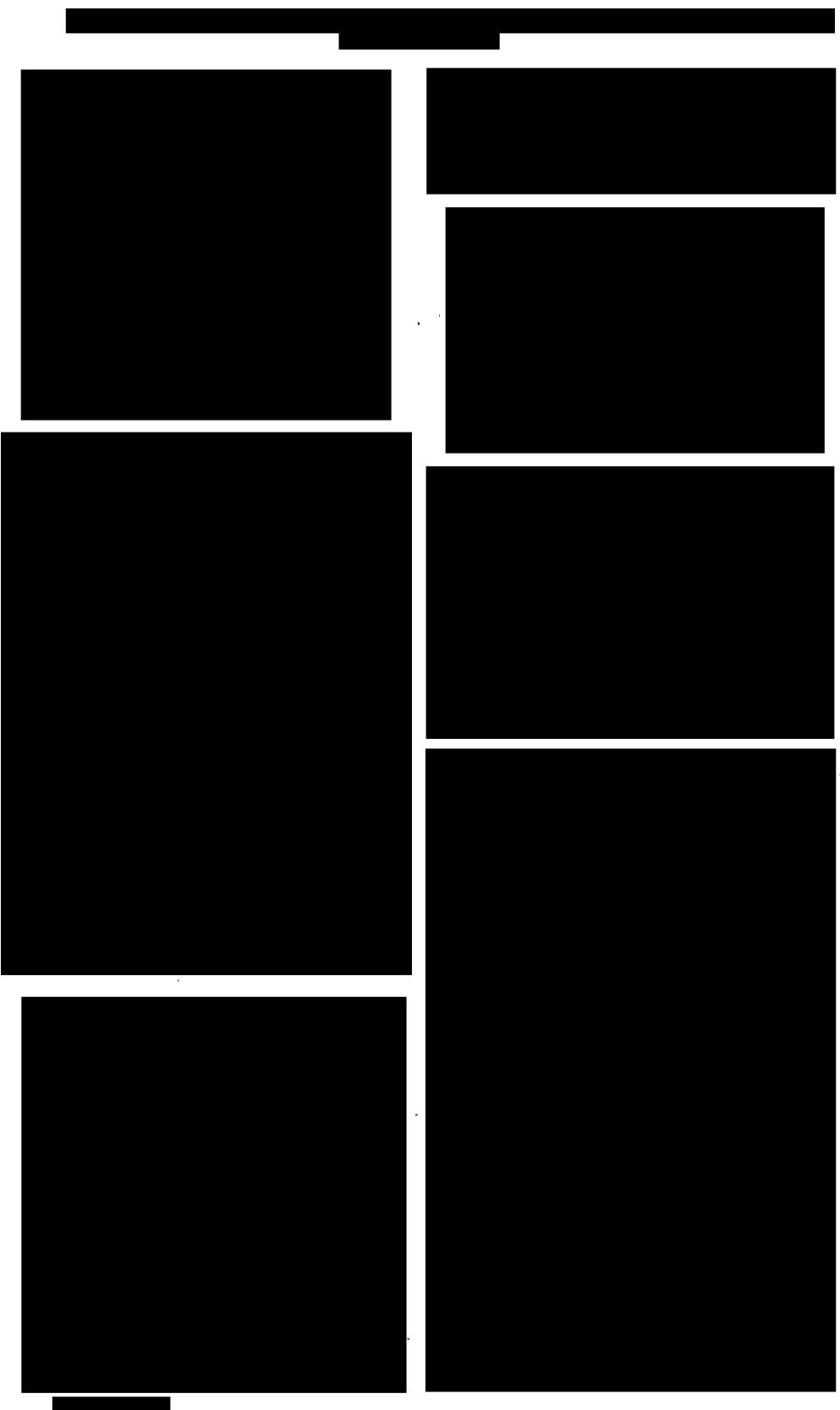
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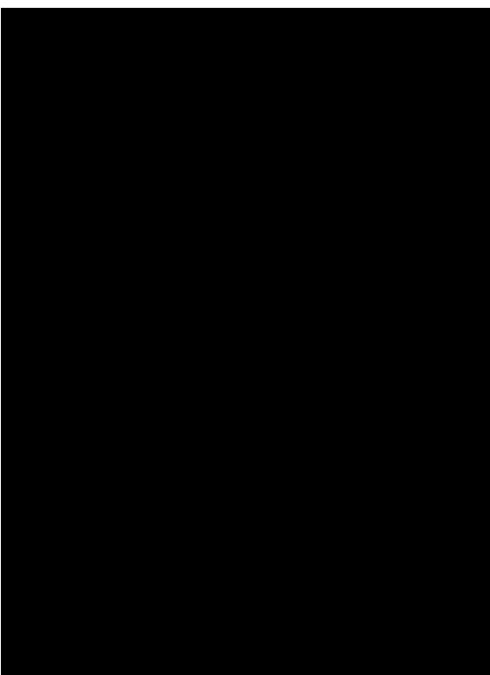
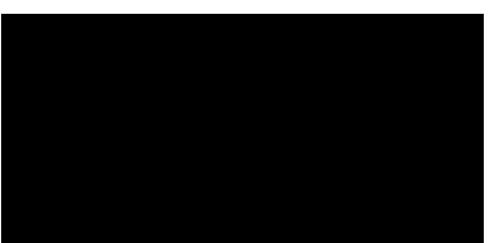
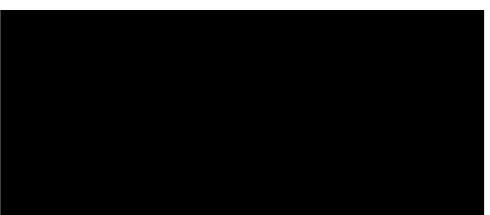
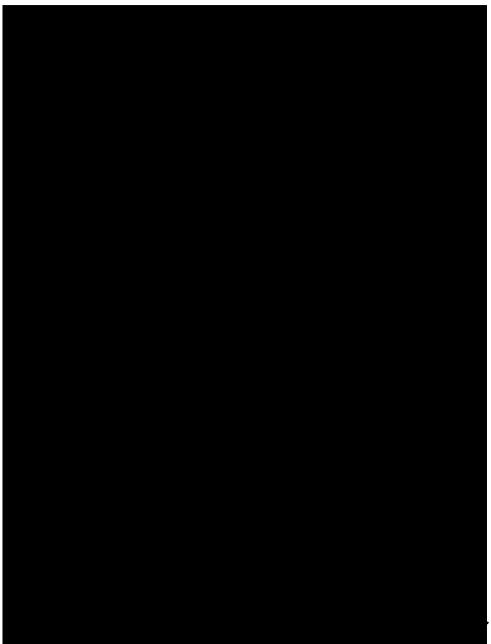
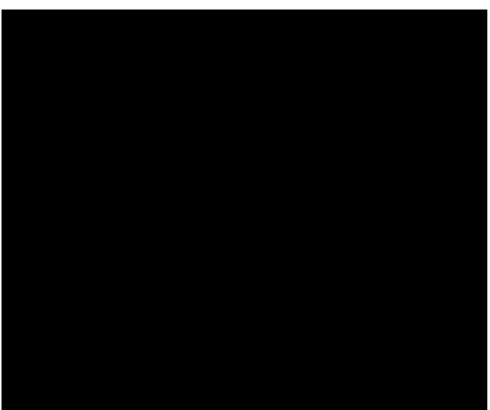
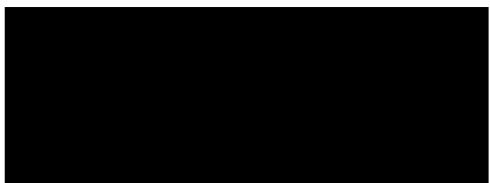
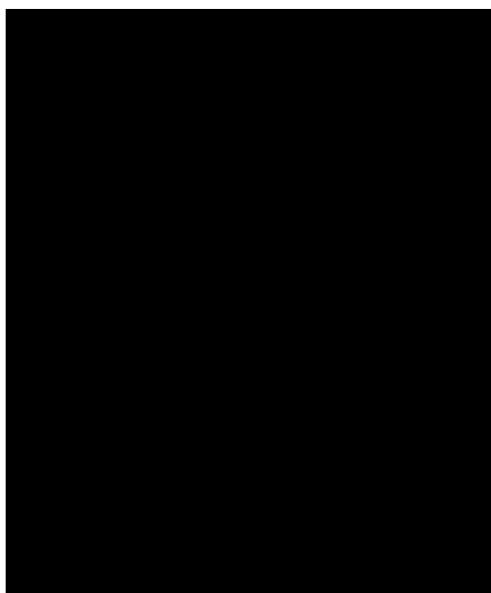


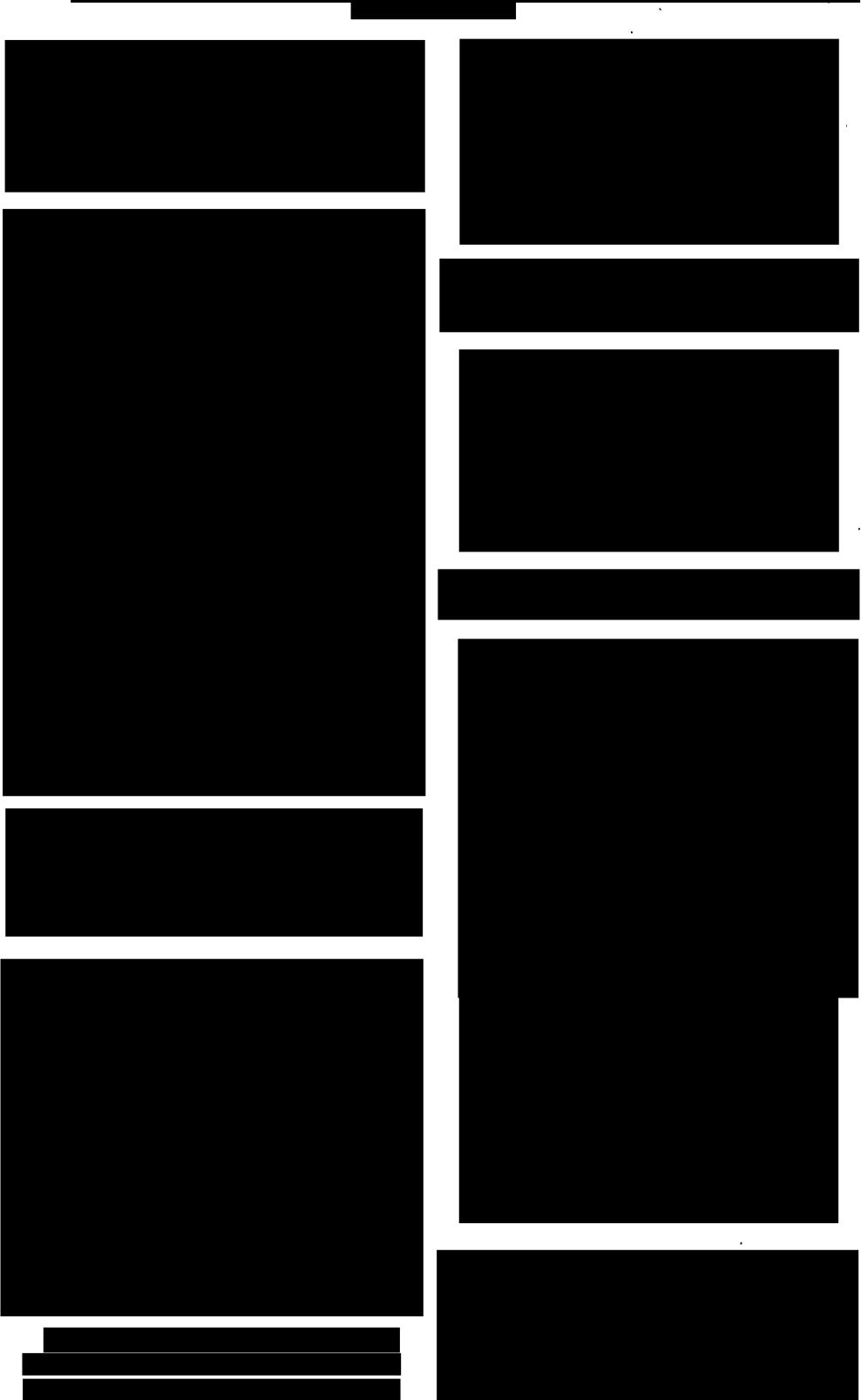


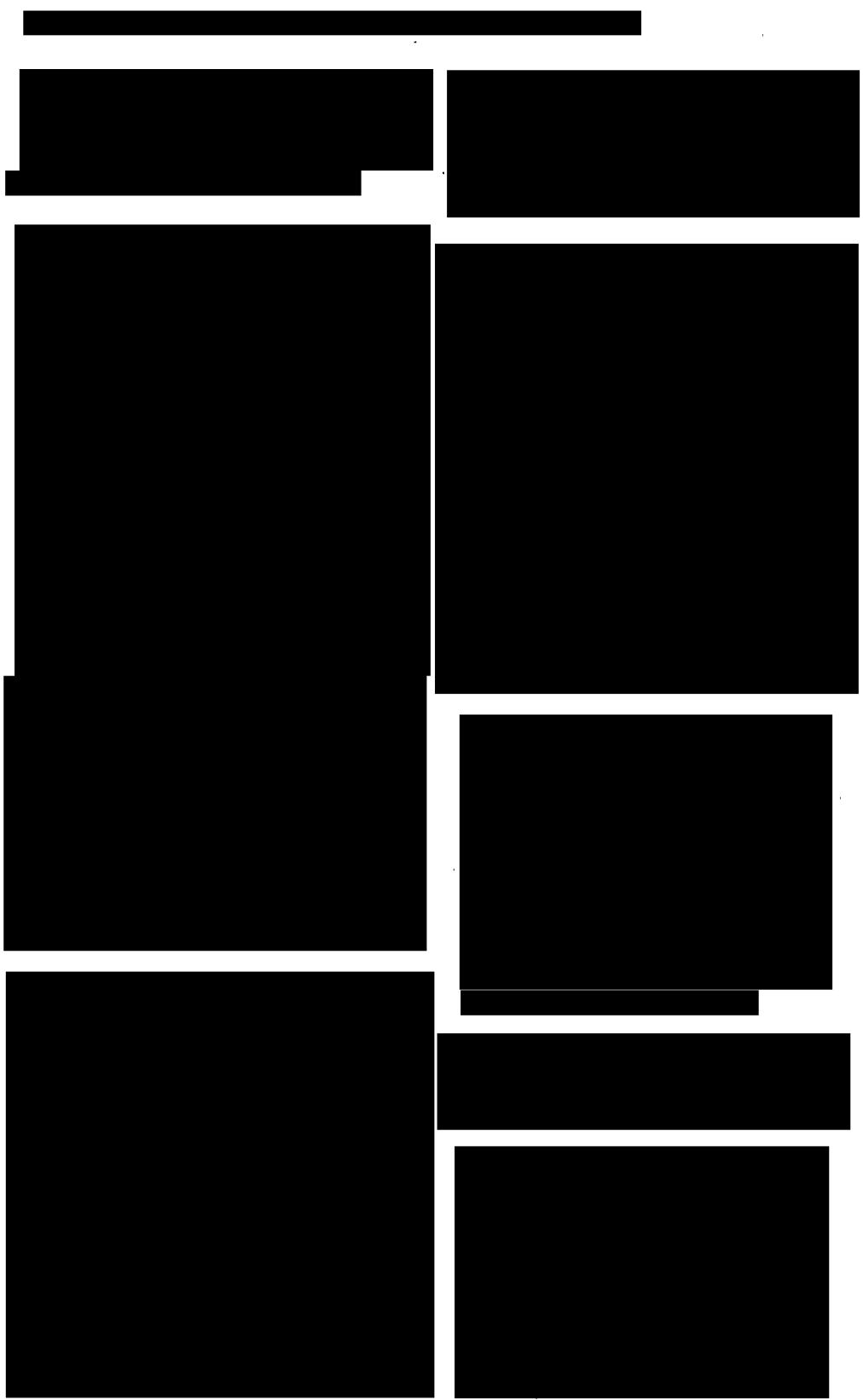
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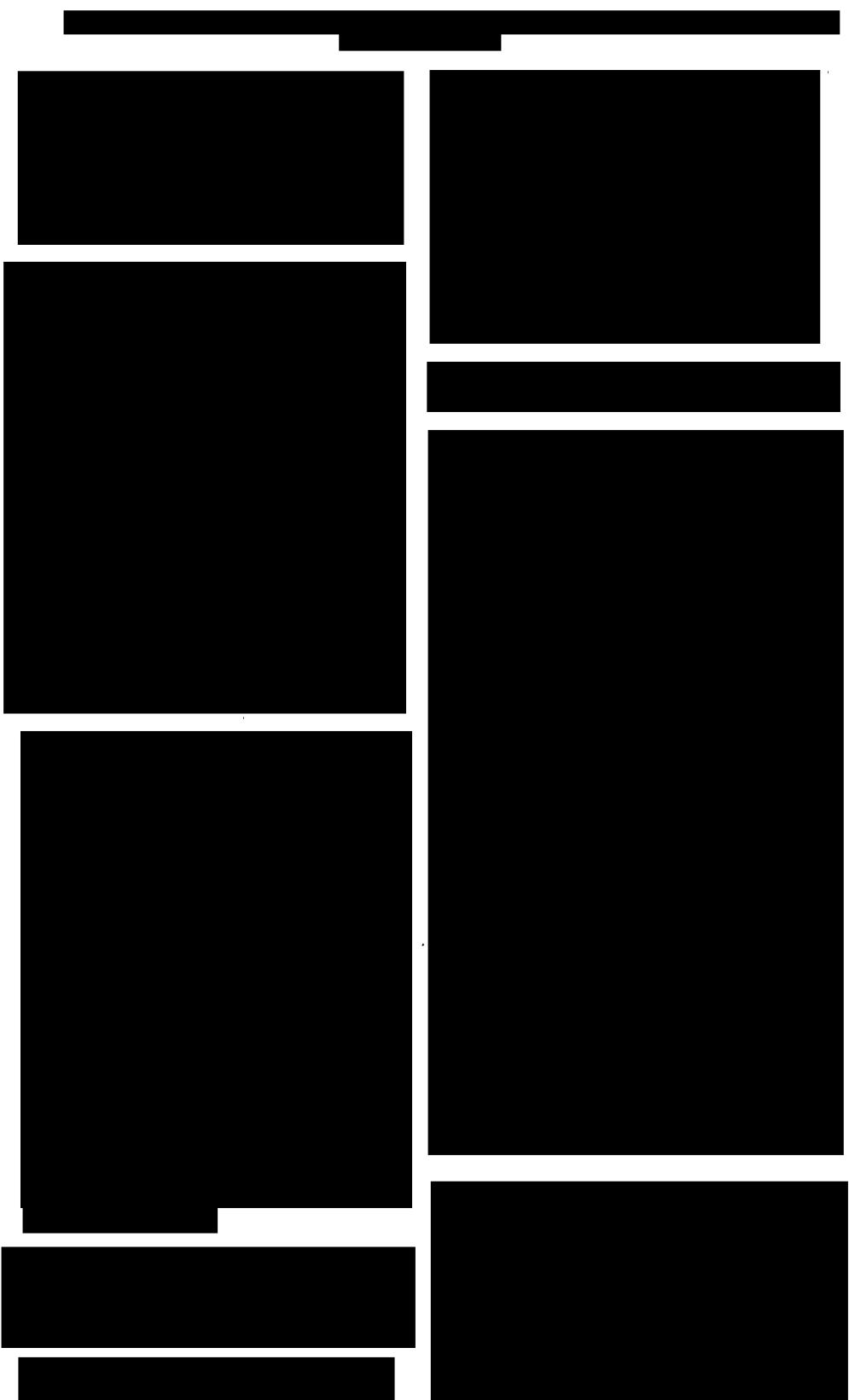


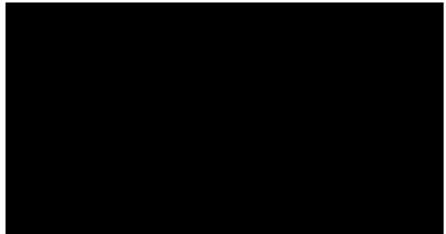
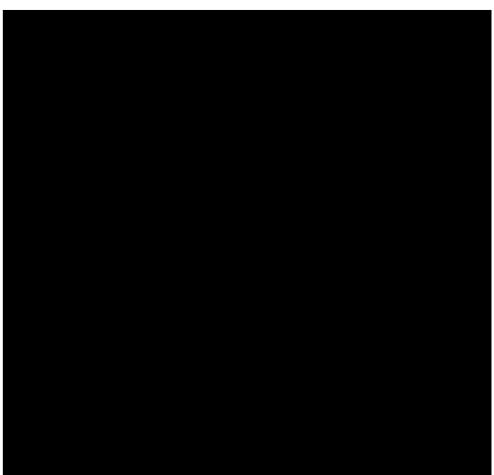
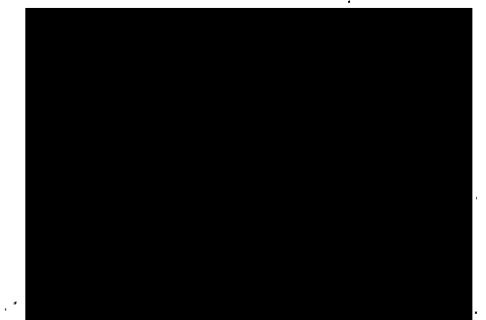
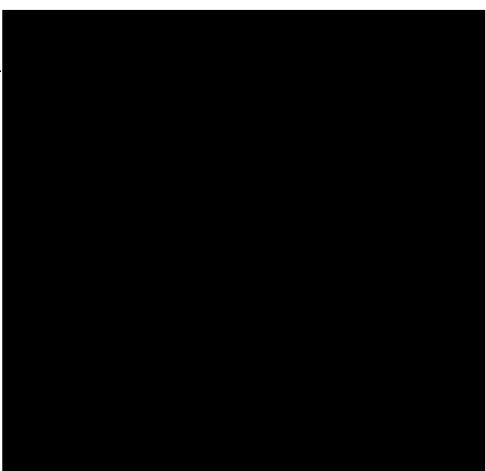
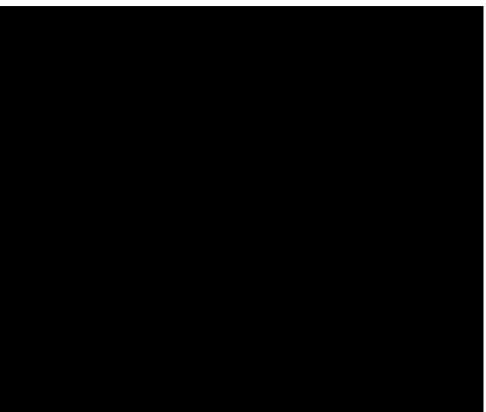
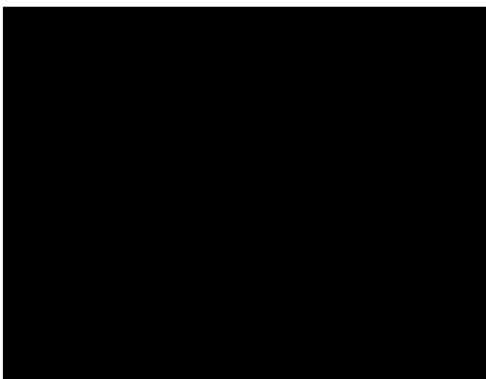














2

the first time in history that the United States has been involved in a war of aggression against another nation. The United States has been involved in wars of aggression before, but this is the first time that it has been involved in a war of aggression against another nation.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

—♦—

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

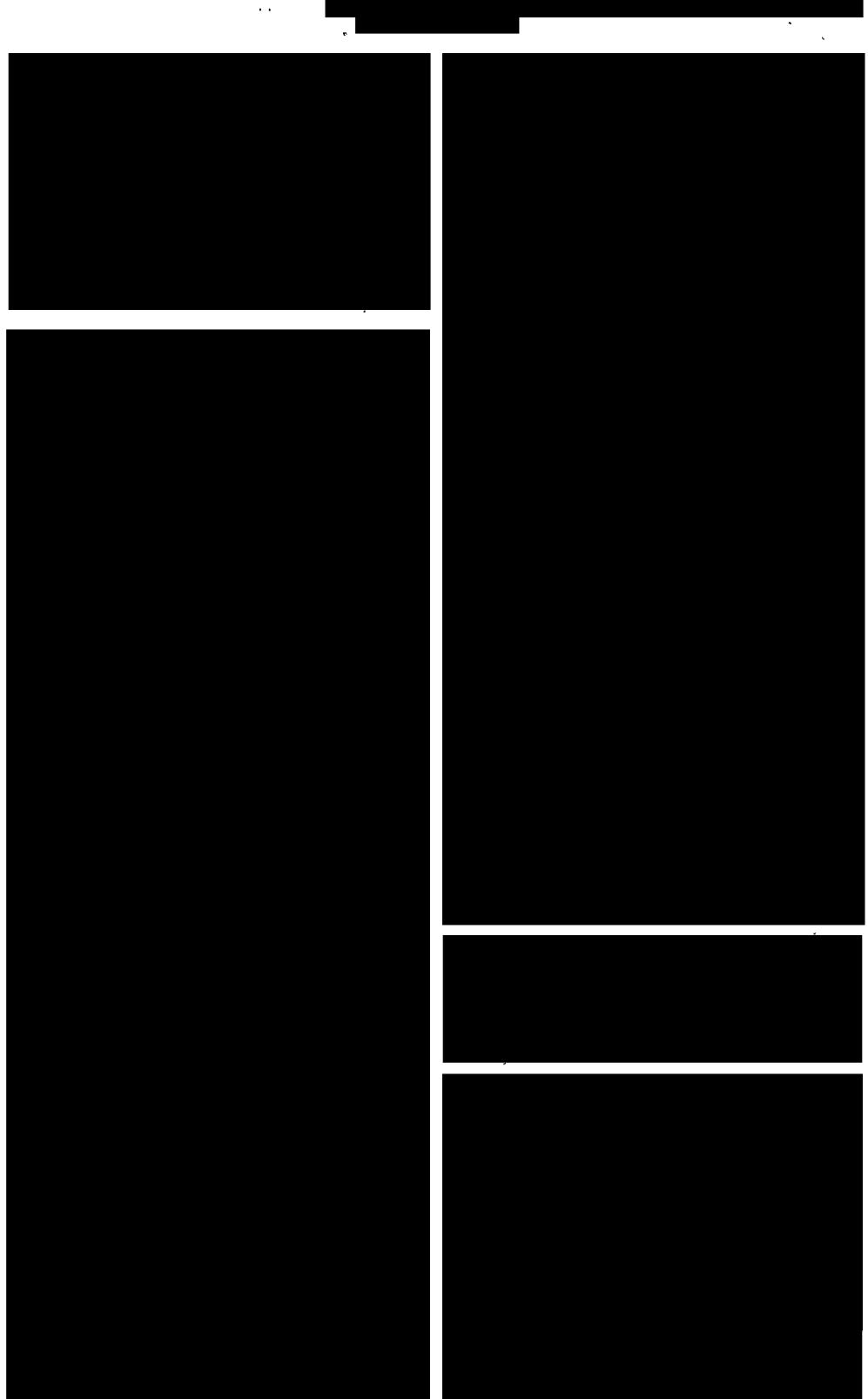
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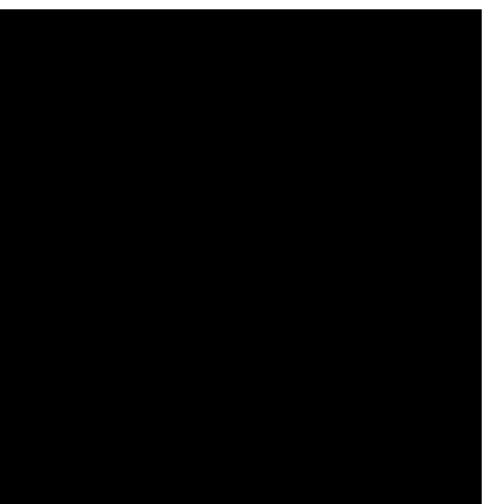
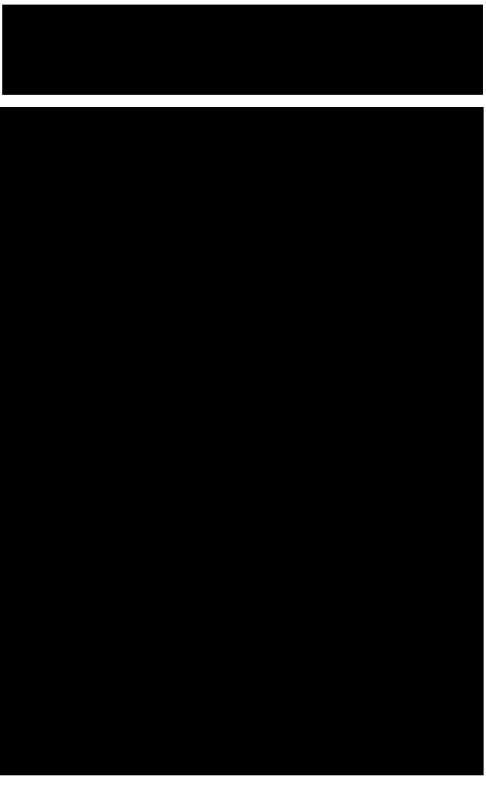
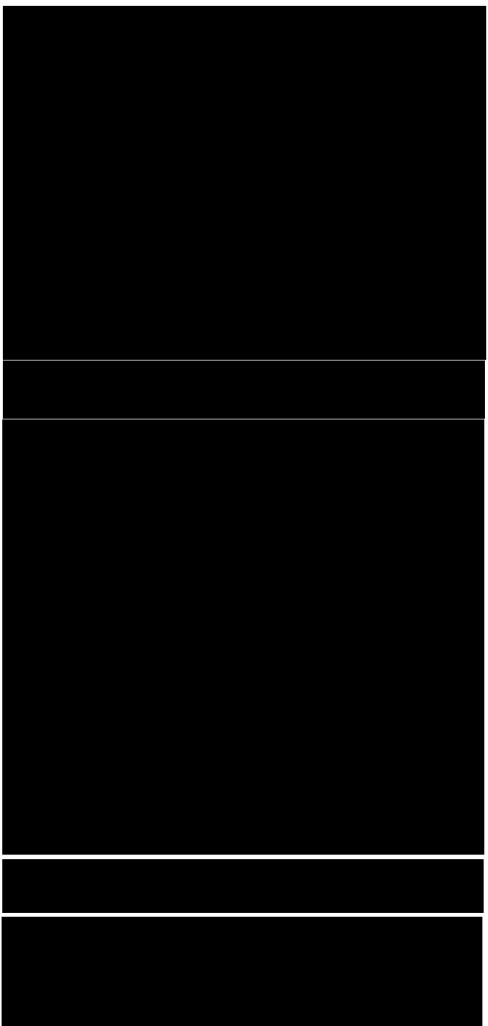
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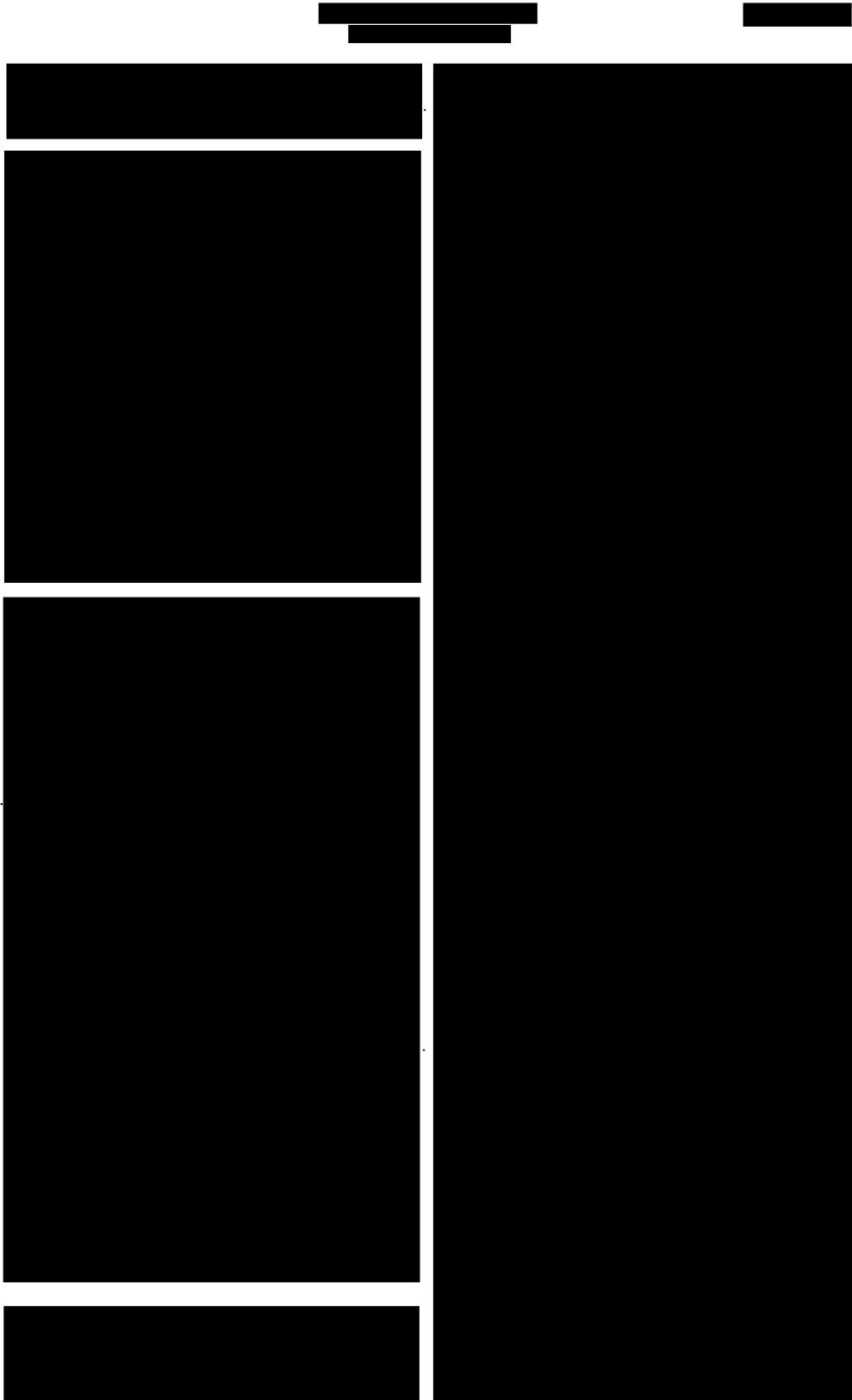
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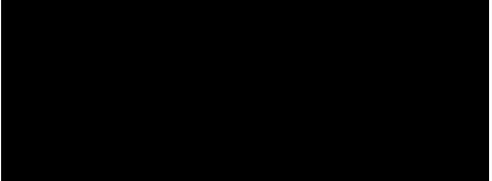
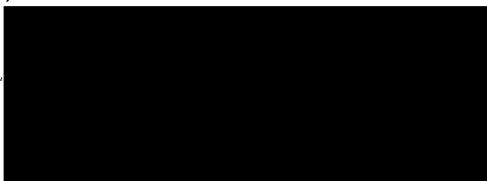
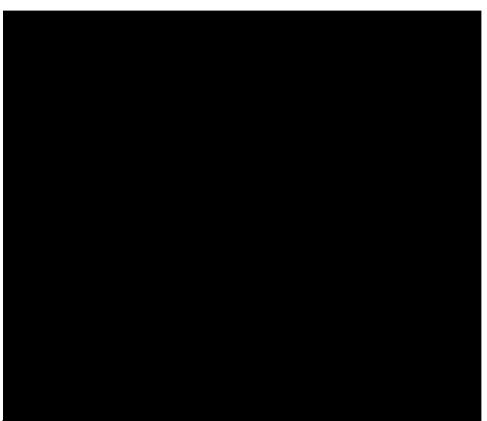
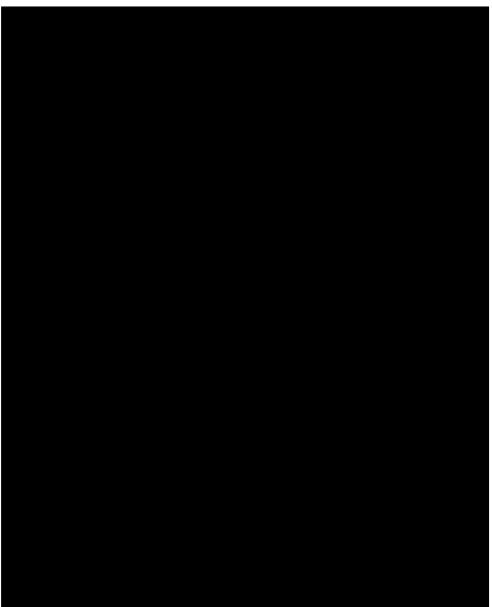
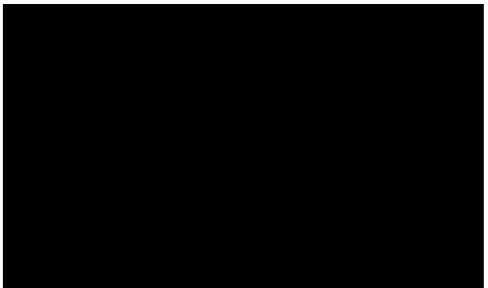
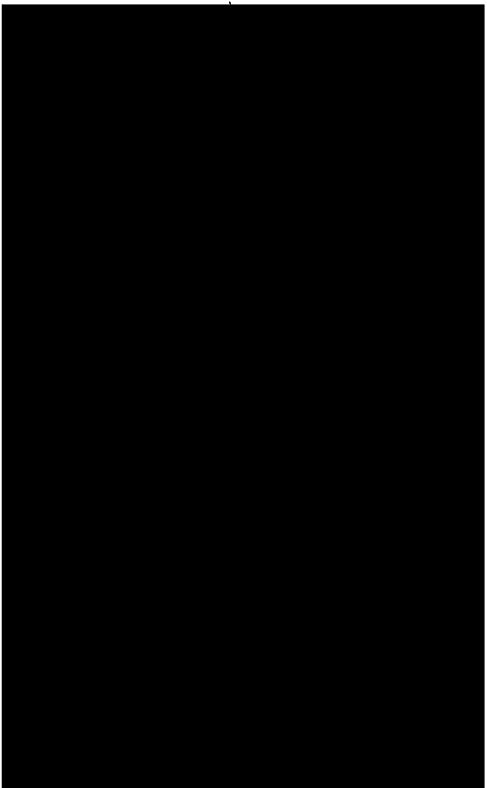
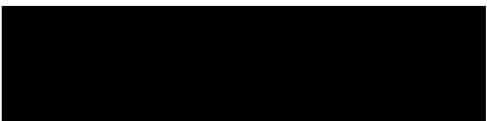
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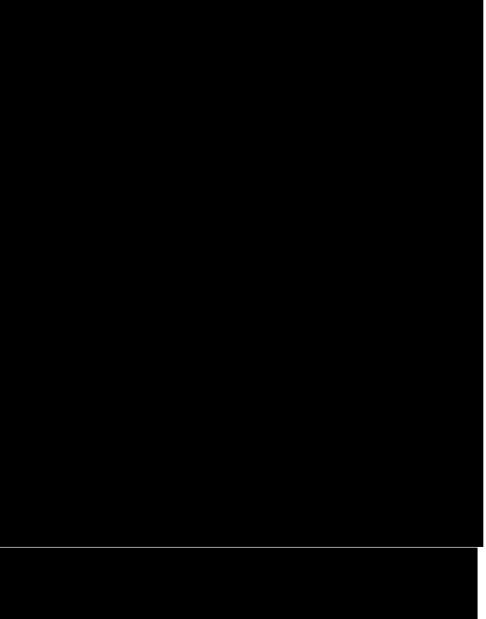
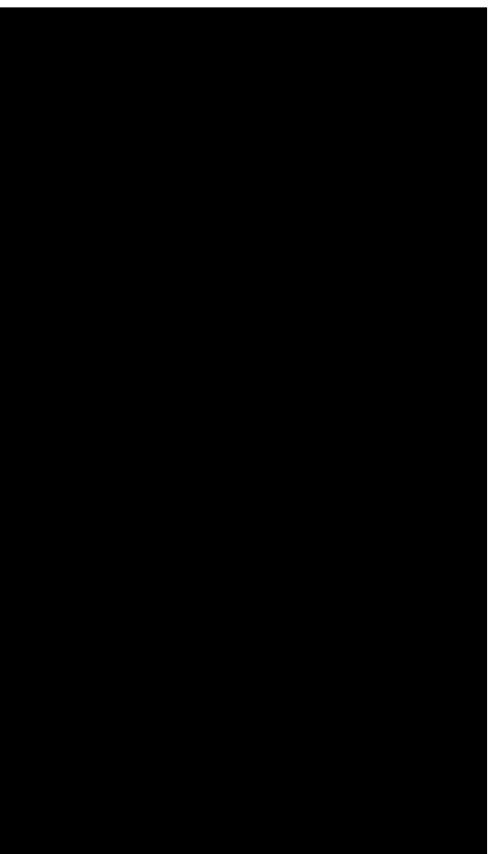
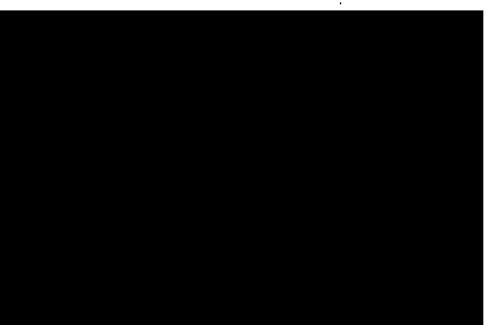
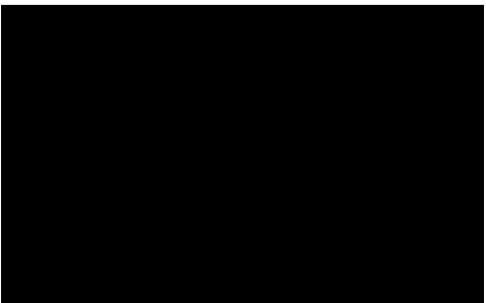
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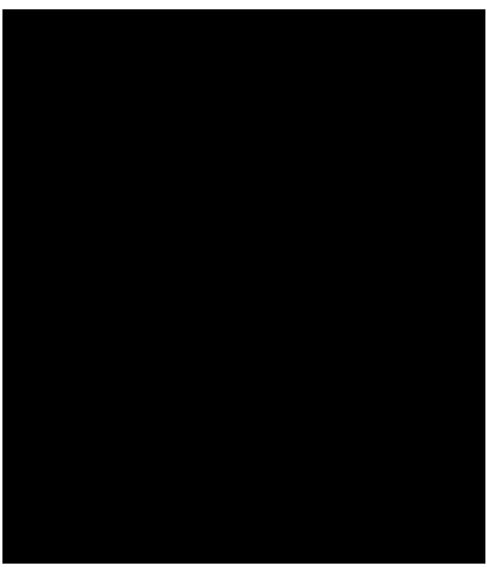
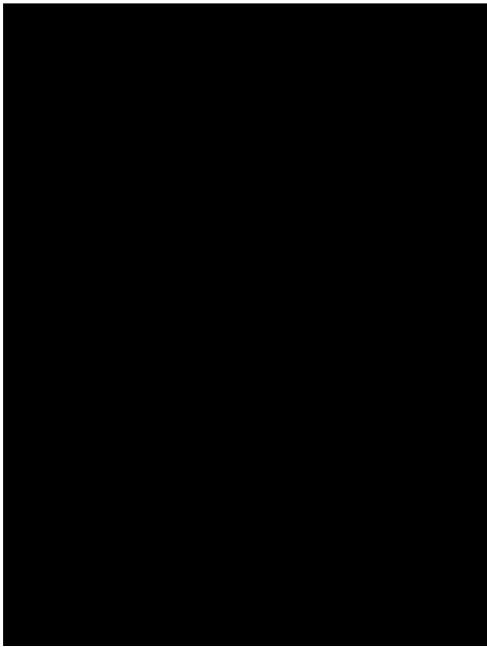
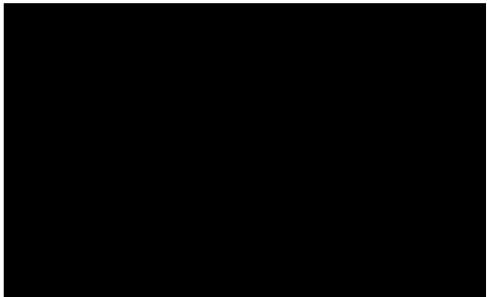
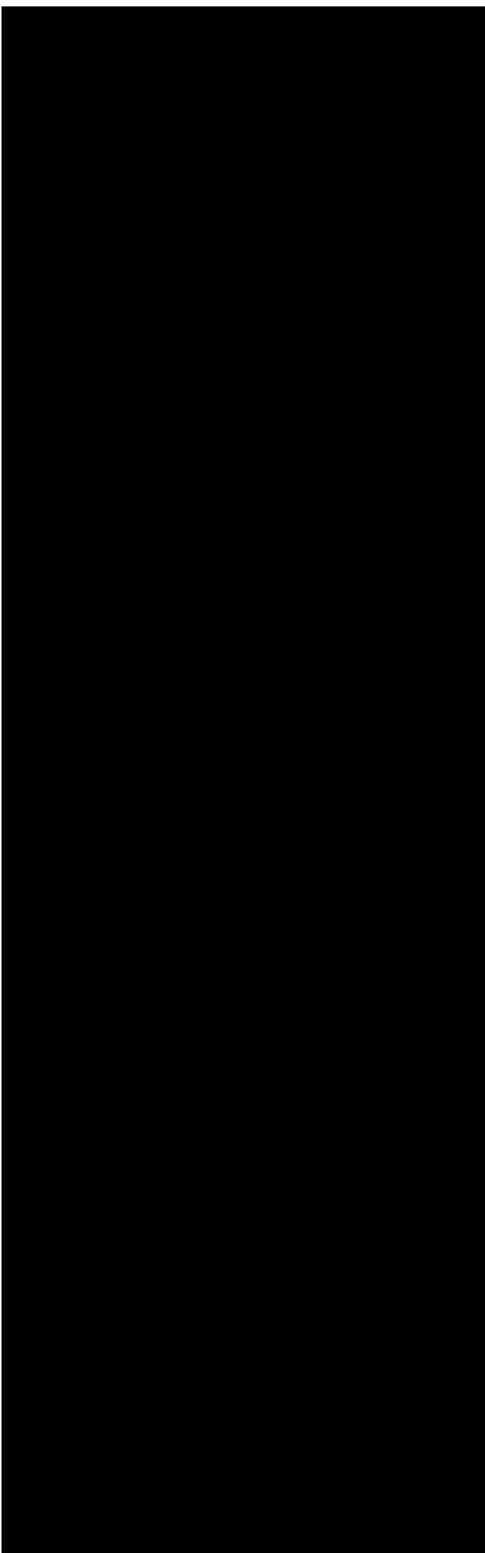


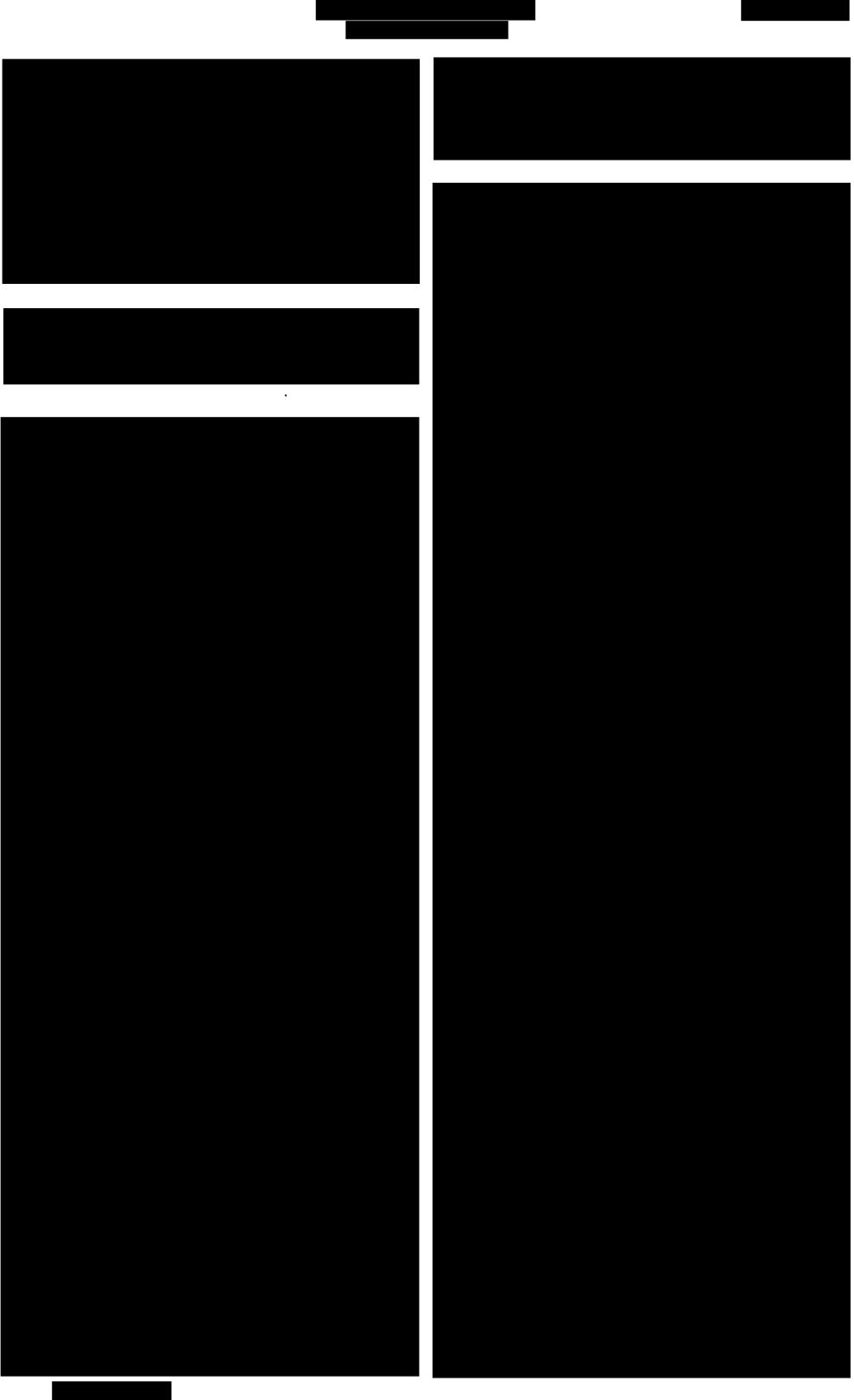


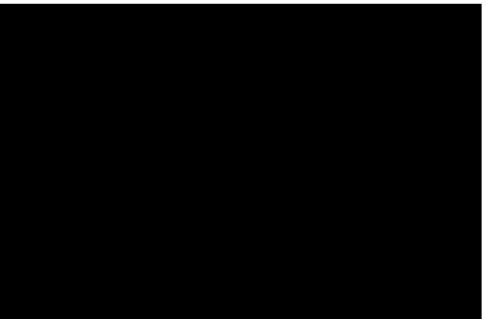
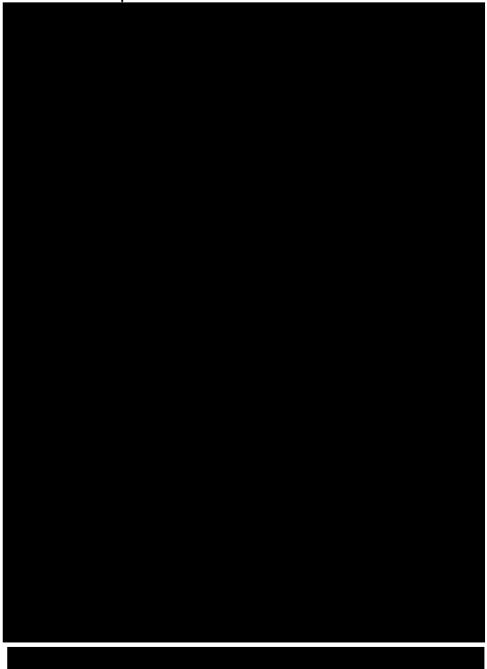
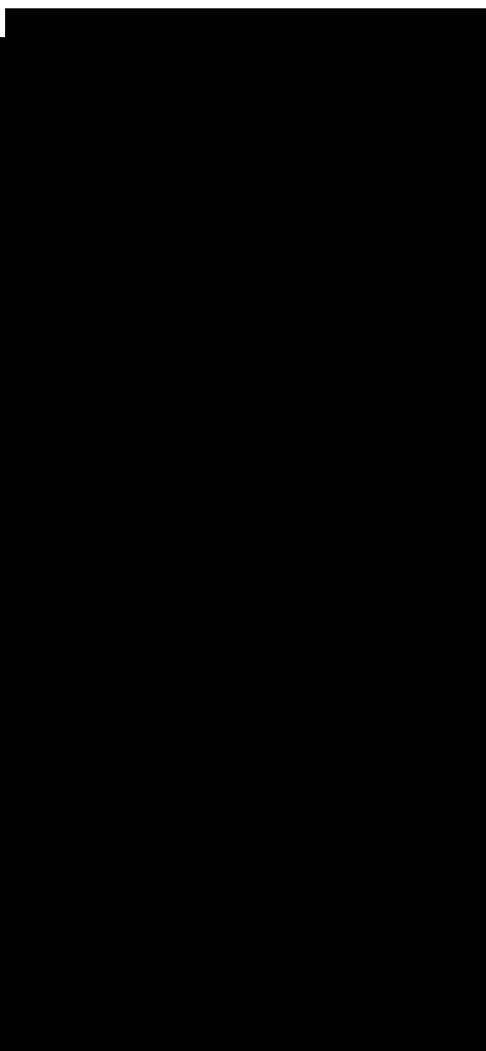
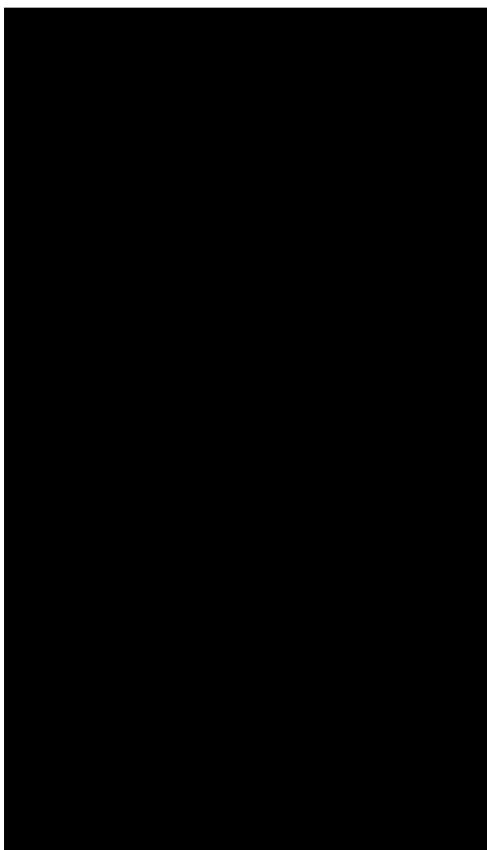












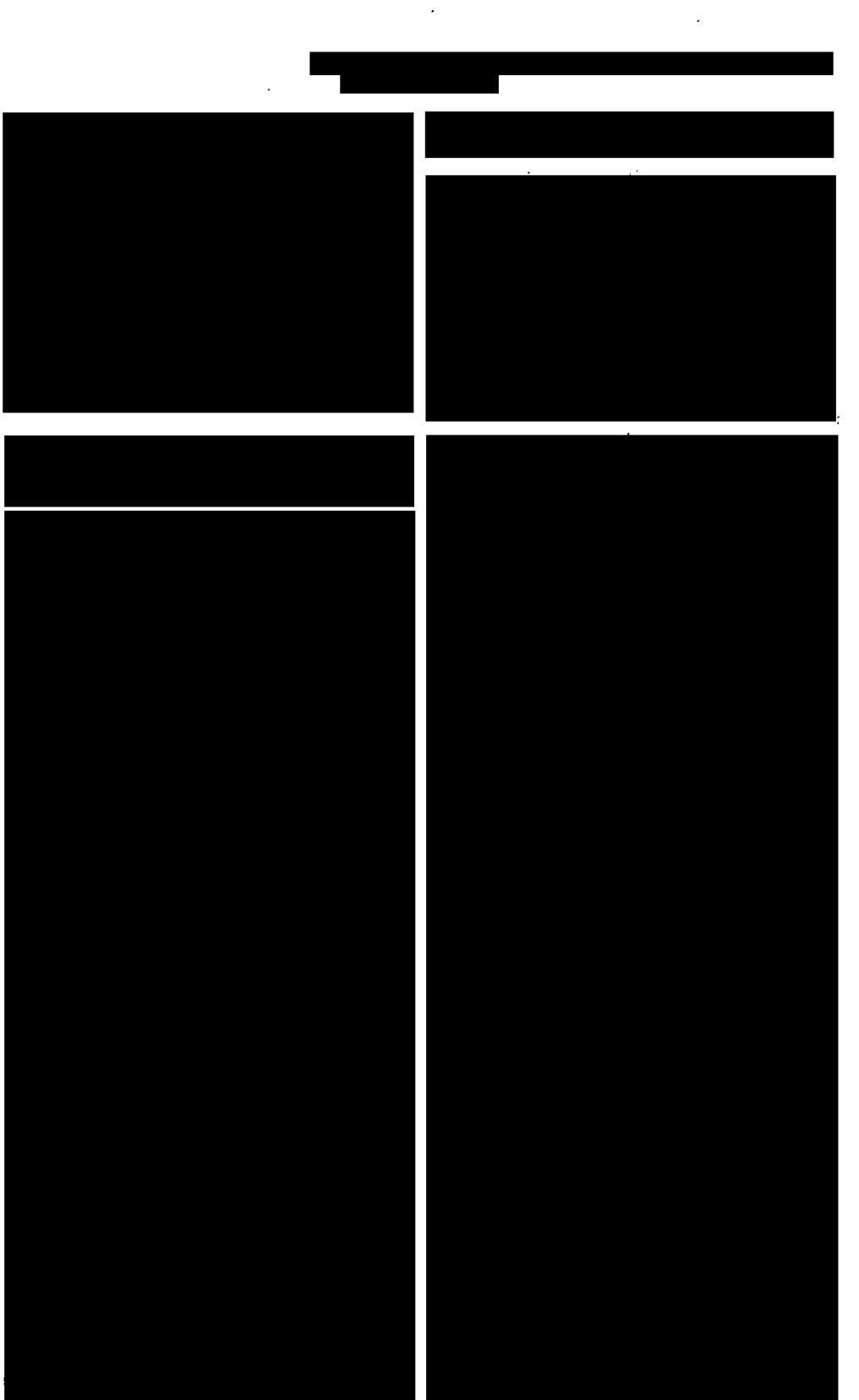
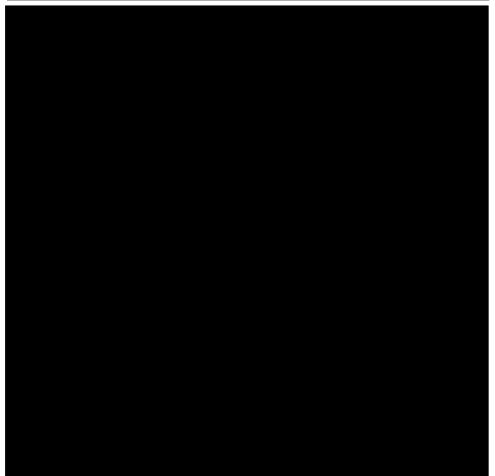
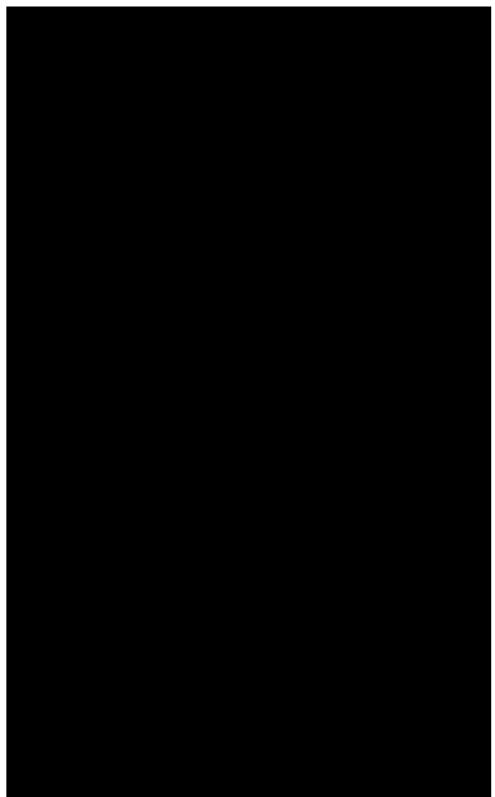
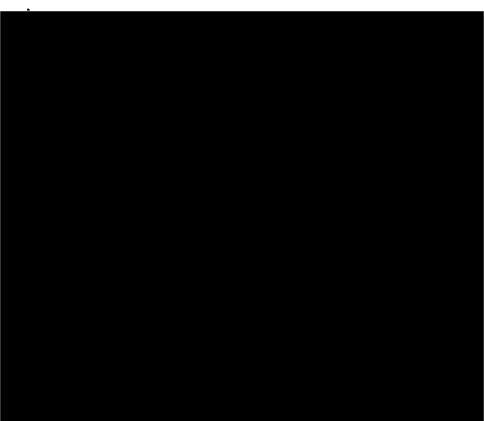
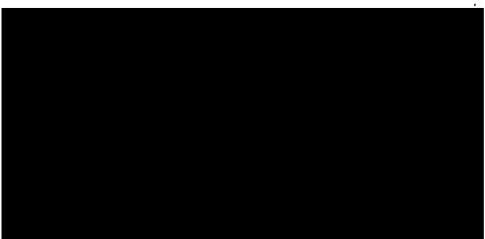


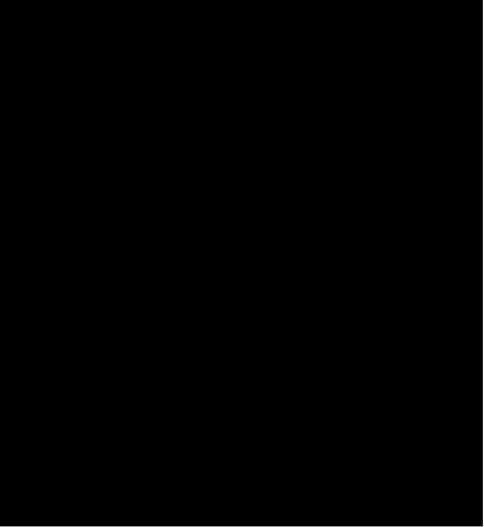
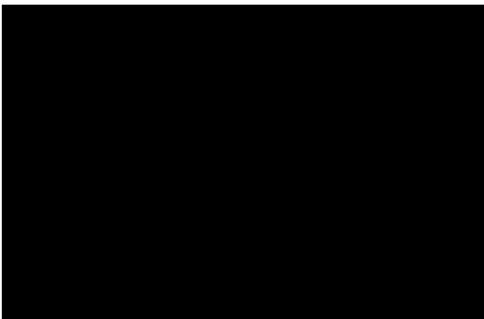
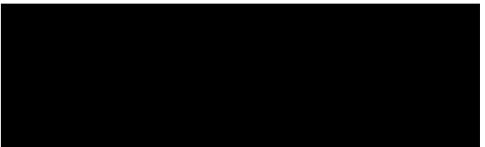
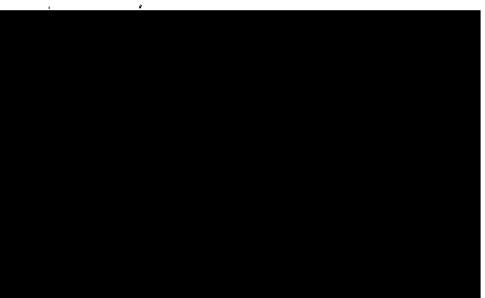
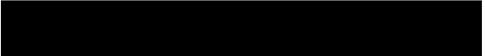
Figure 1. A 2x2 grid of four black rectangular panels. The top-left panel has a small white horizontal bar near its top edge. The other three panels are solid black.

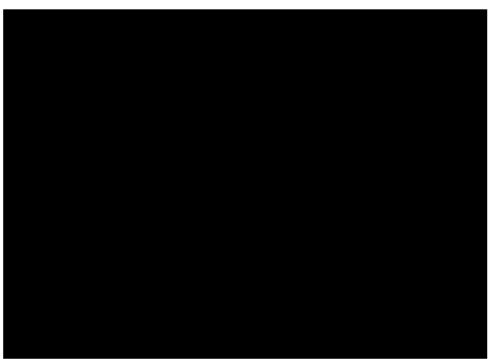
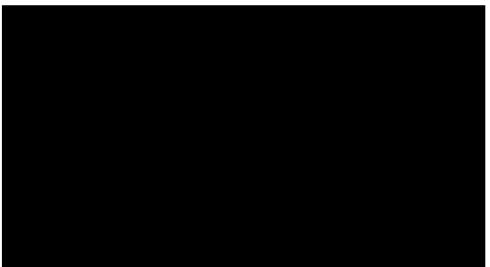
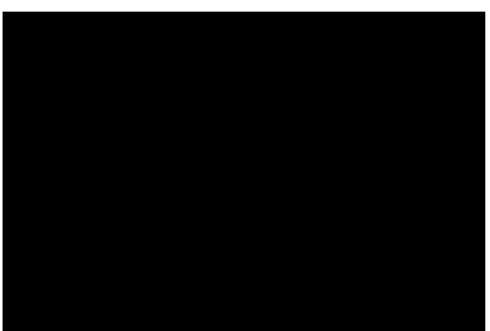
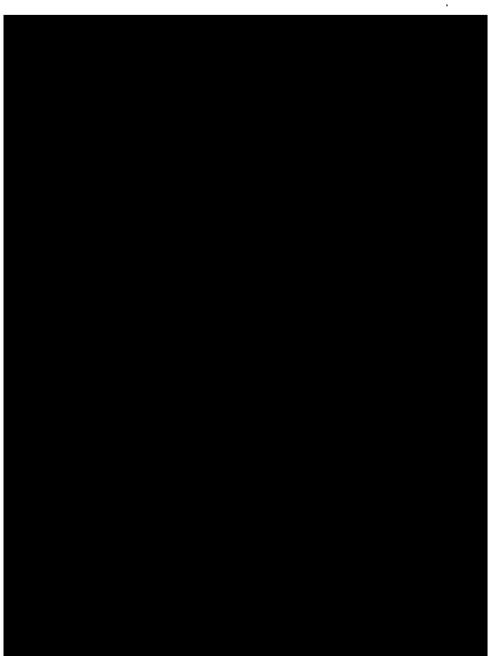
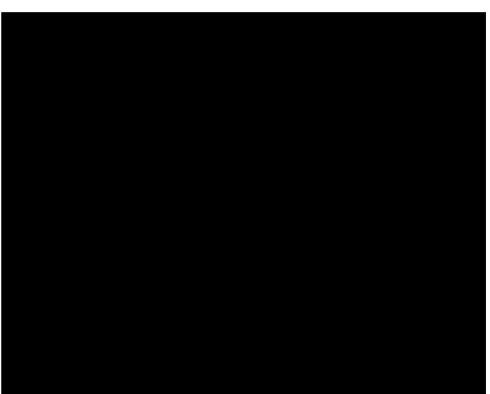
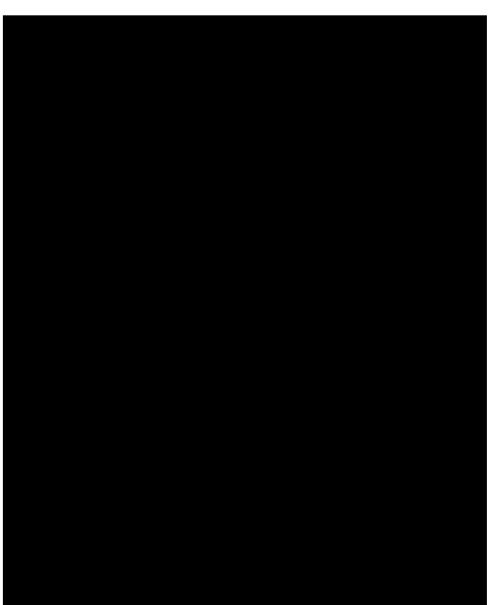


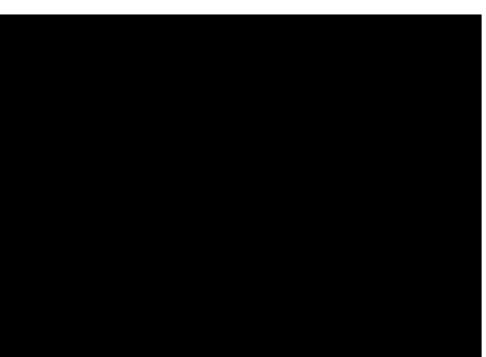
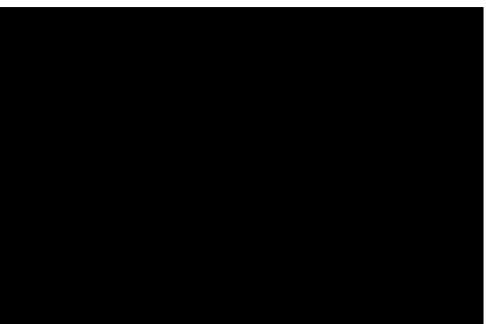
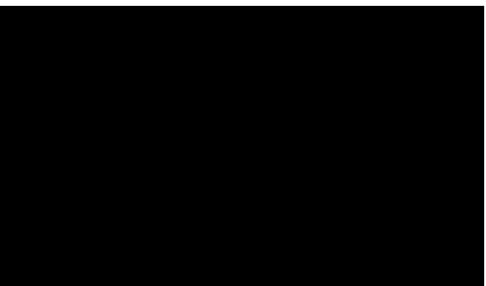
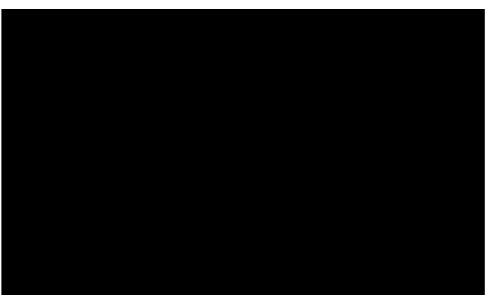
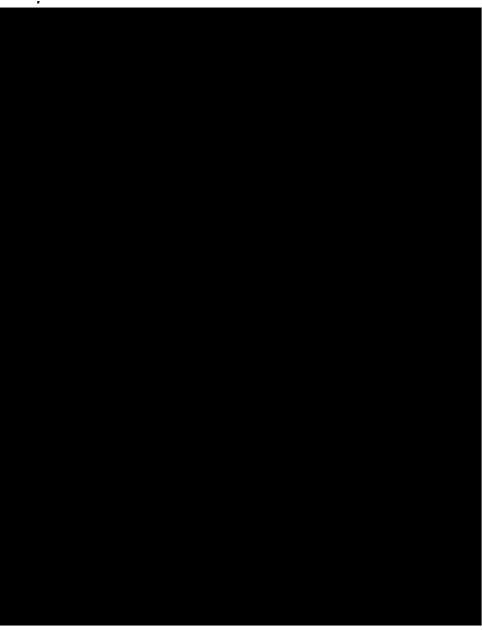
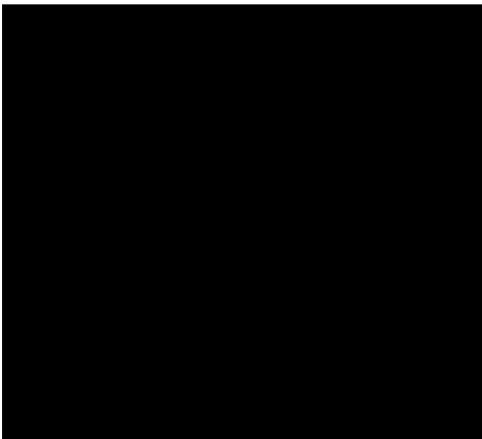
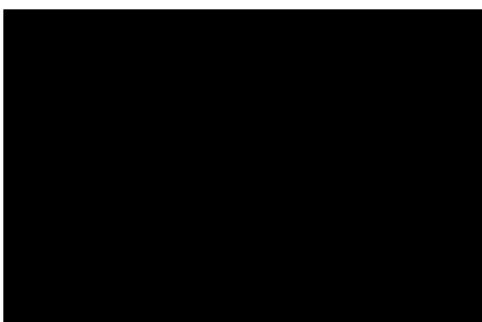




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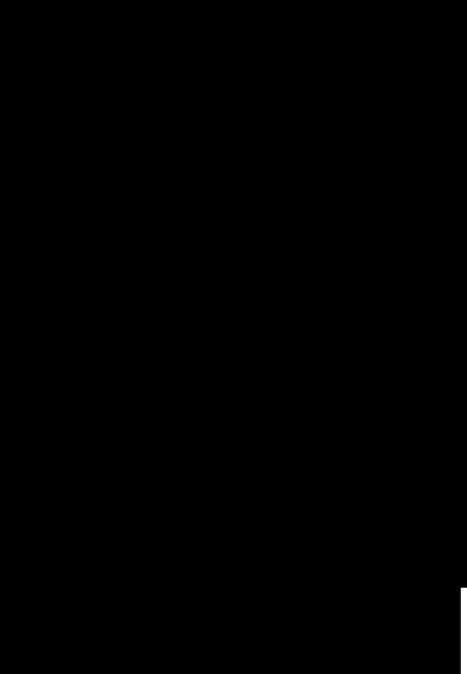
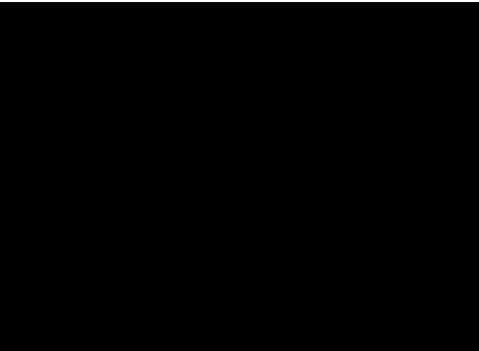
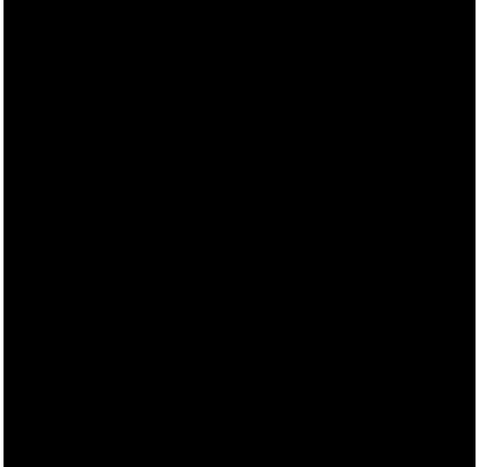
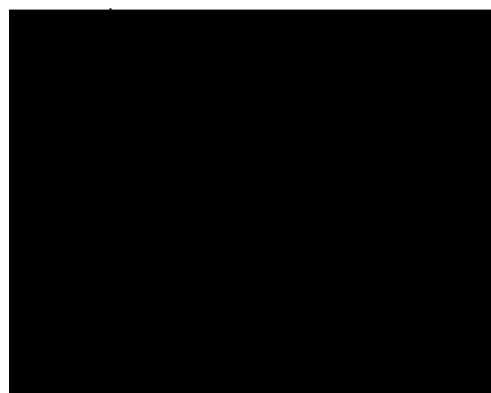
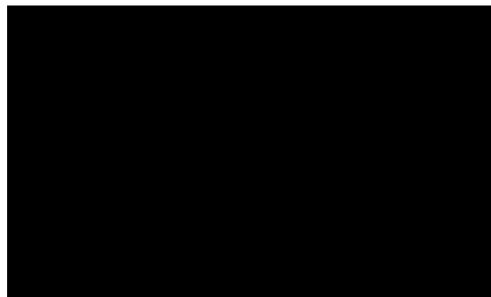
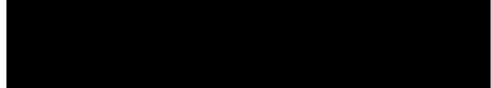
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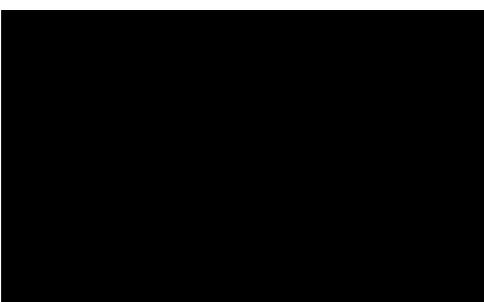
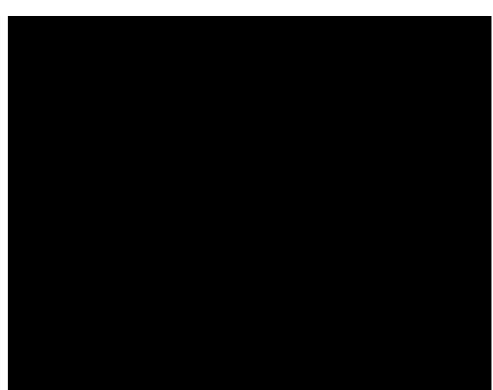
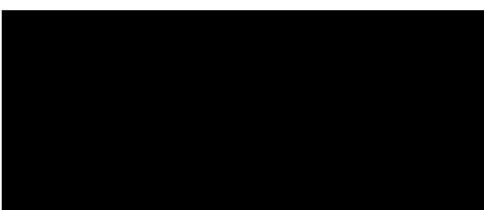
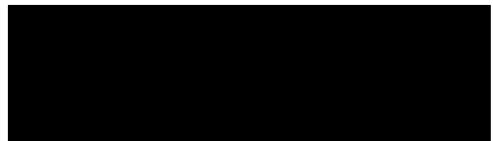
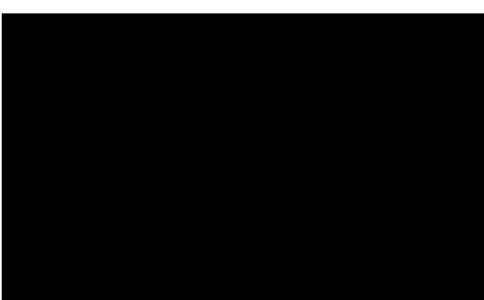
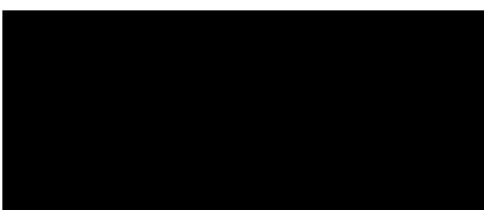
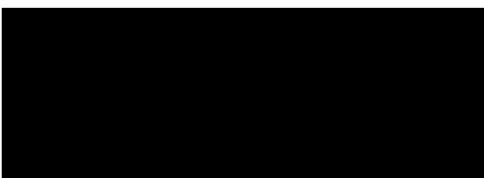
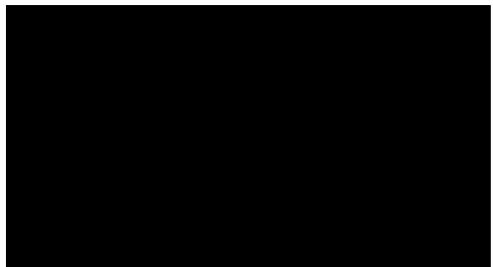
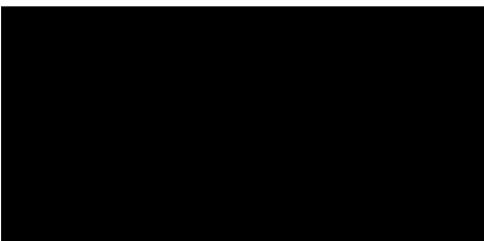
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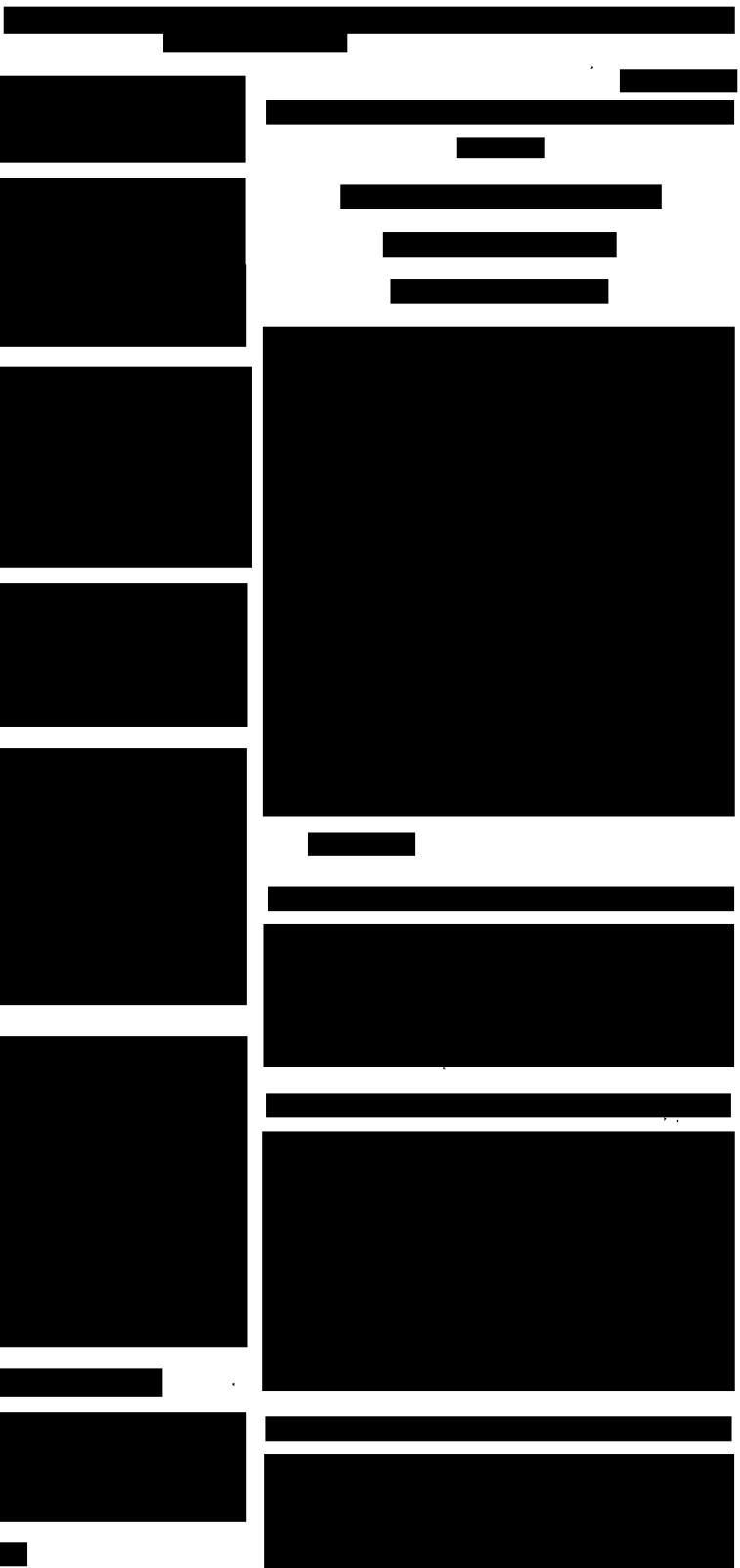
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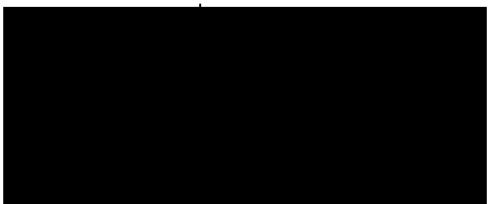
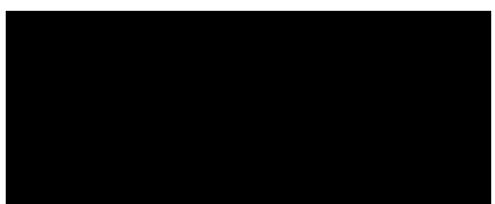
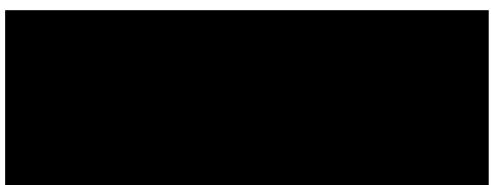




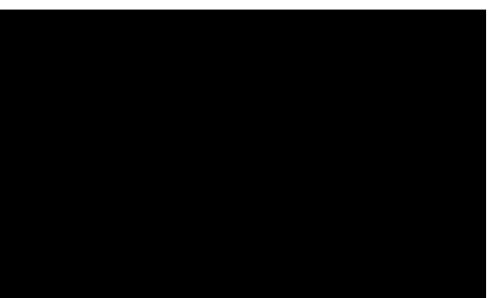
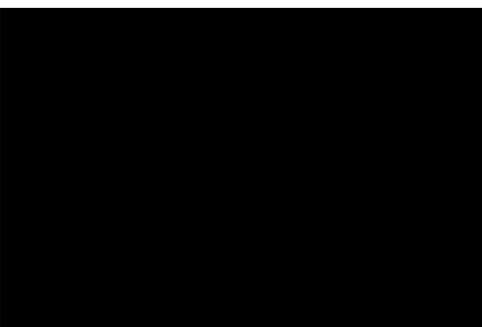
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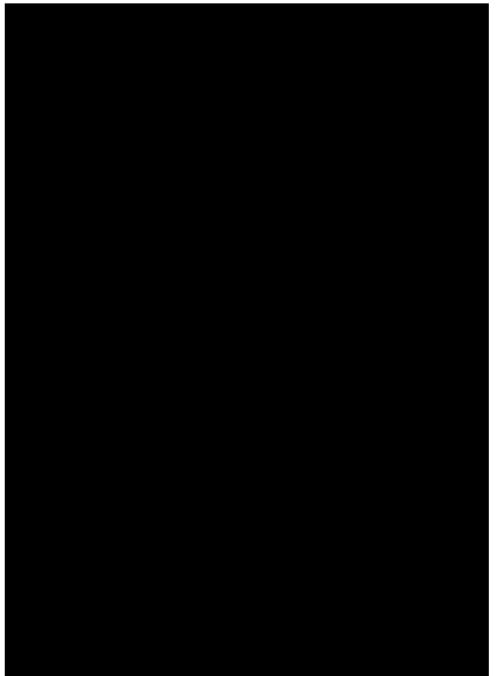
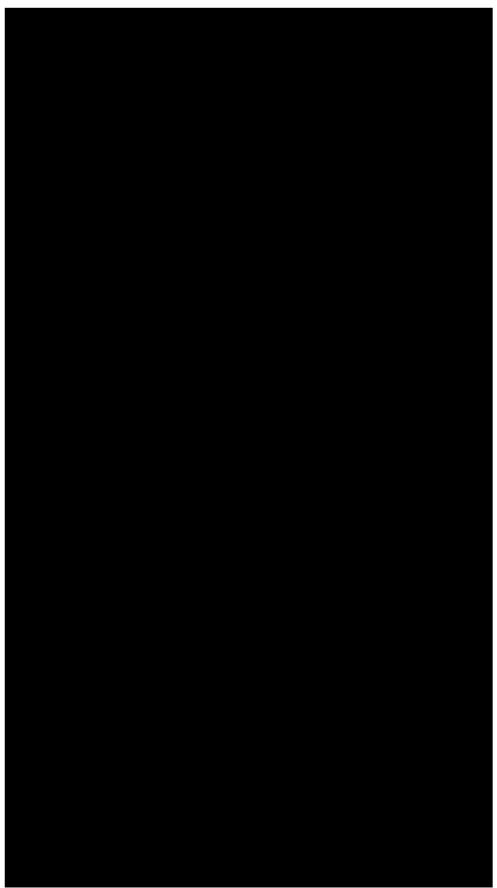


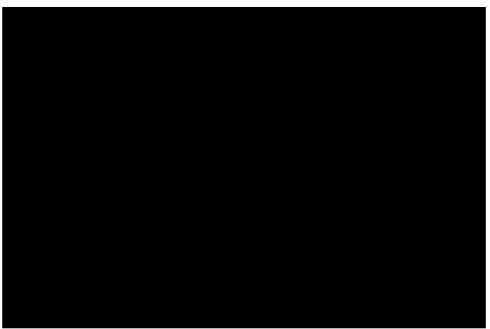
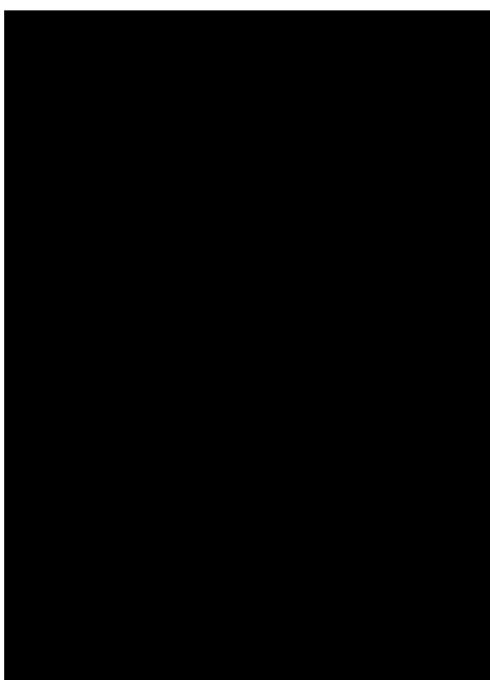
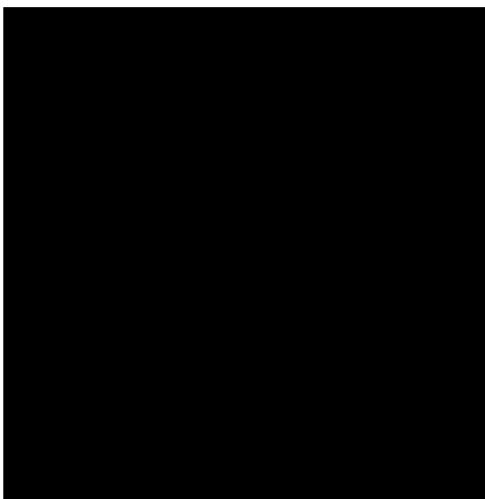
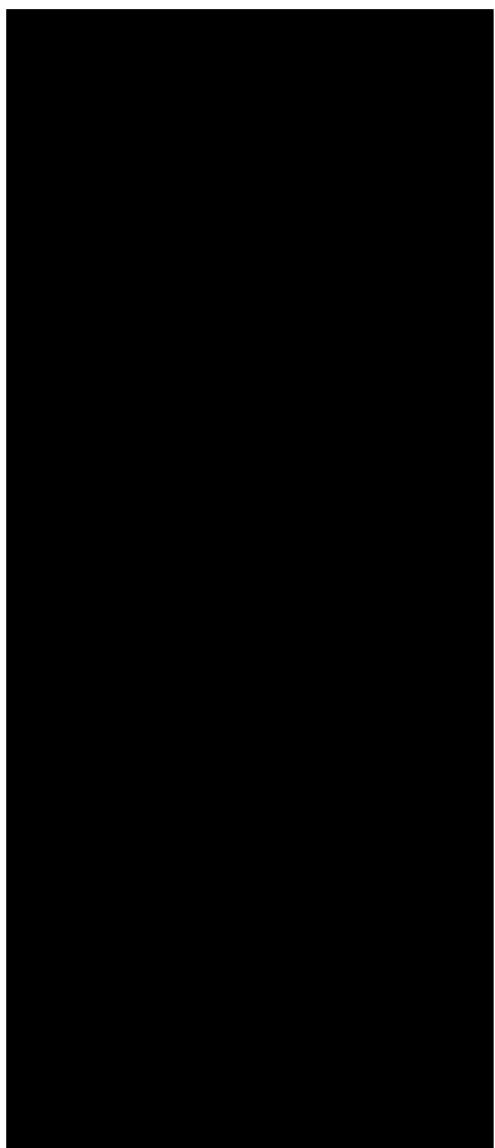
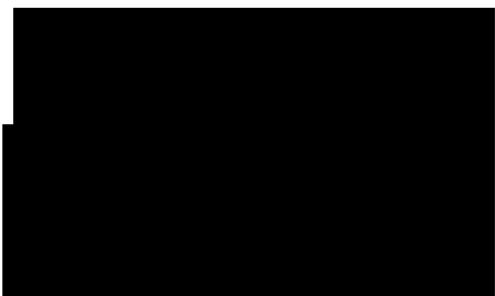


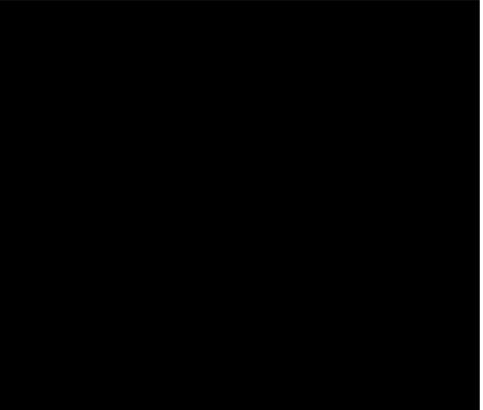
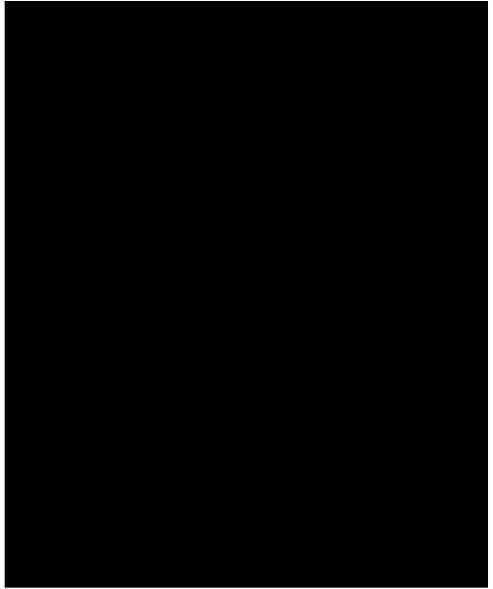
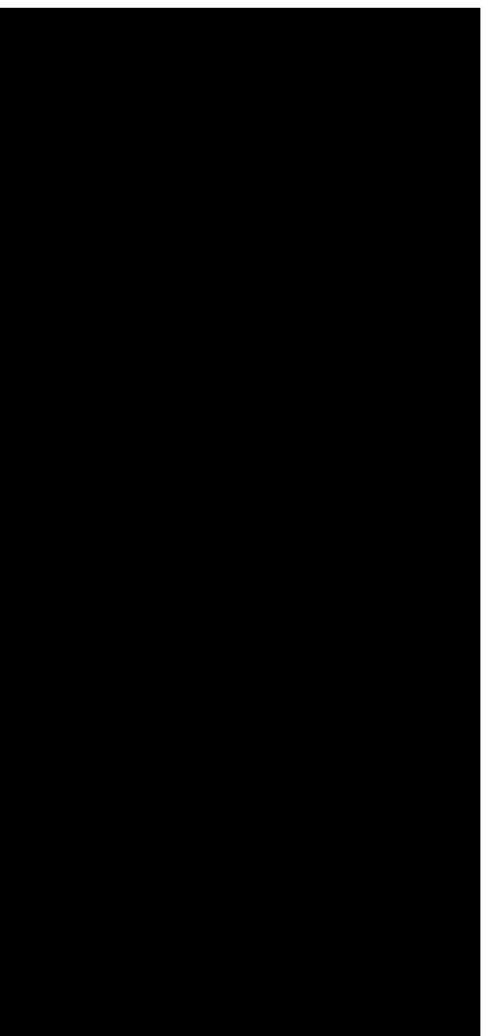
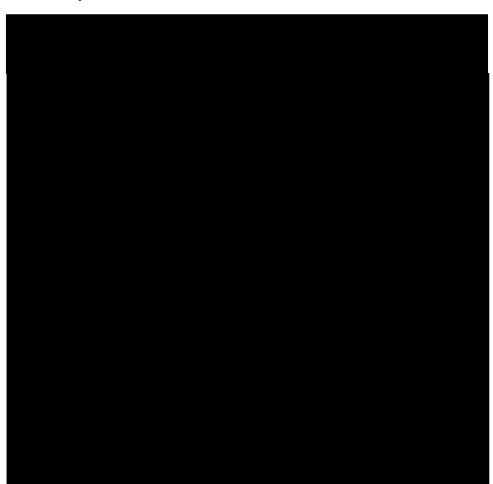


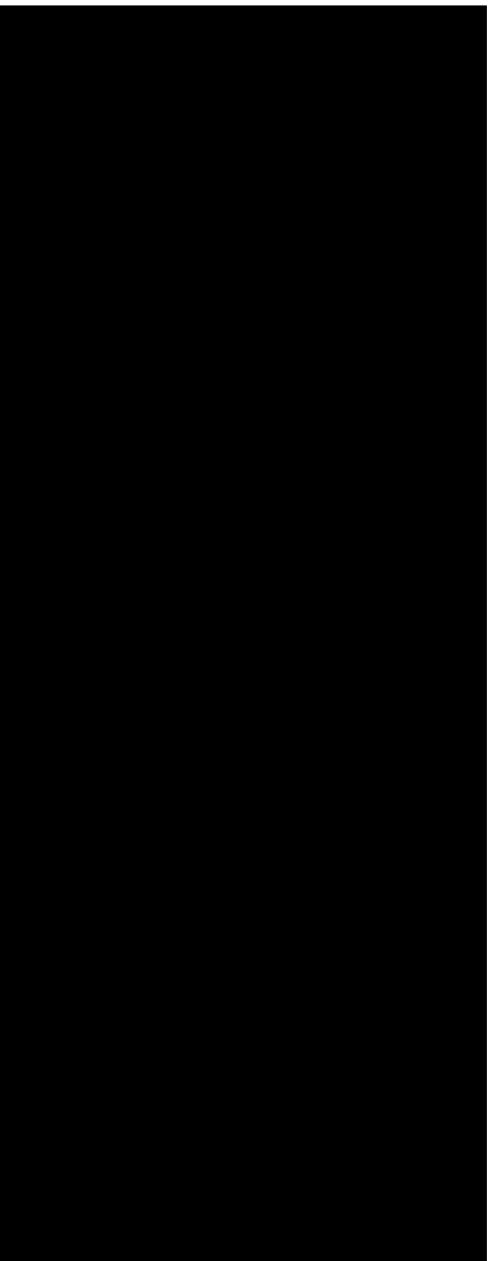
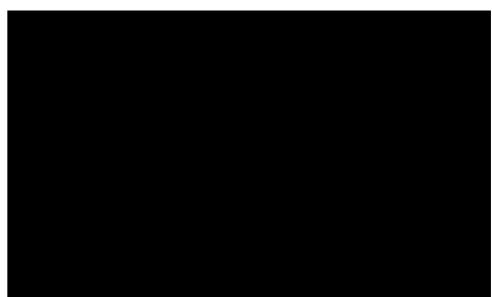
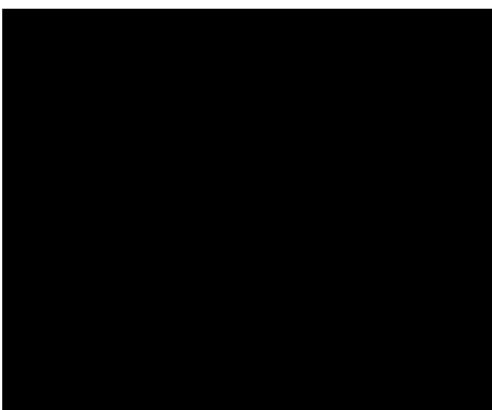
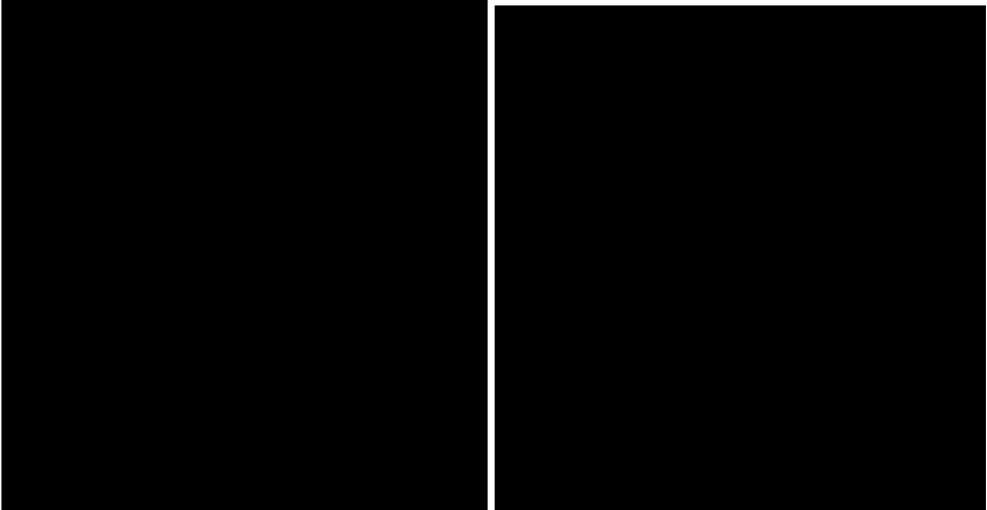
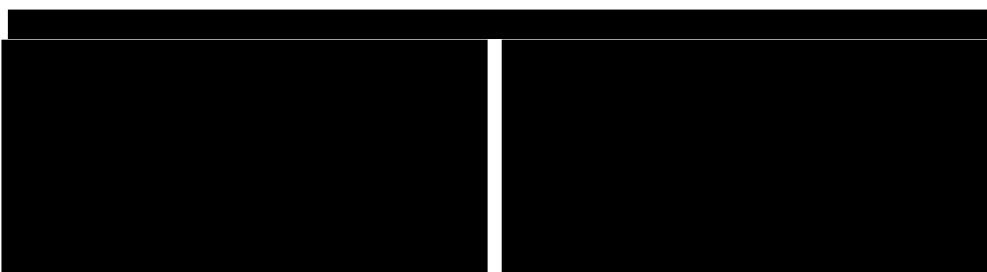
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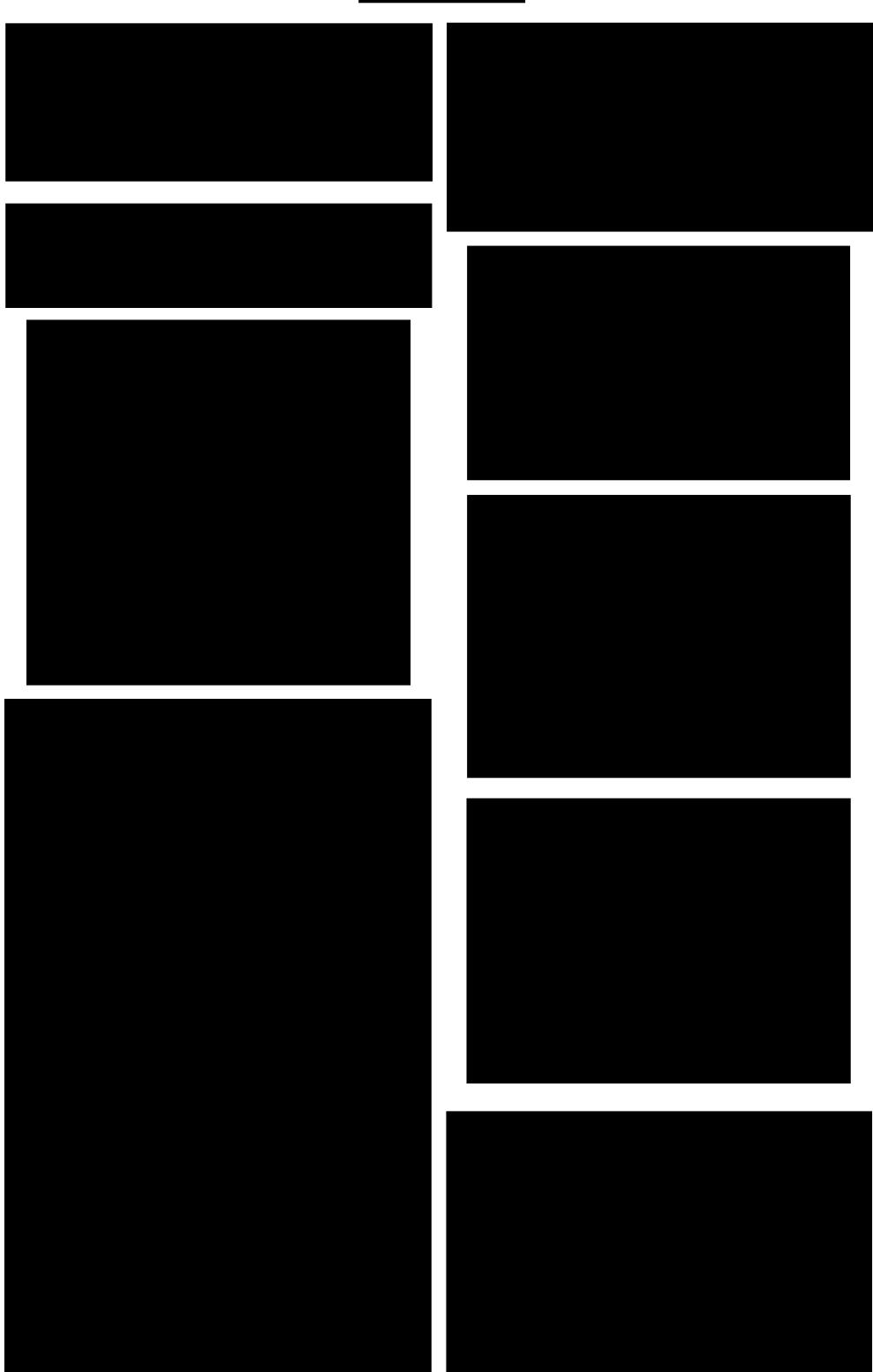


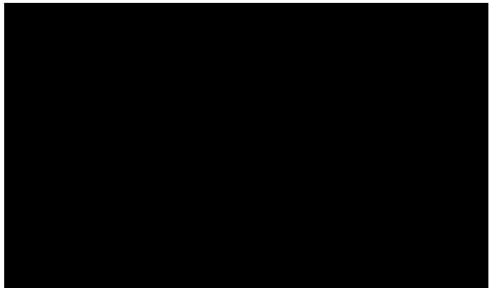
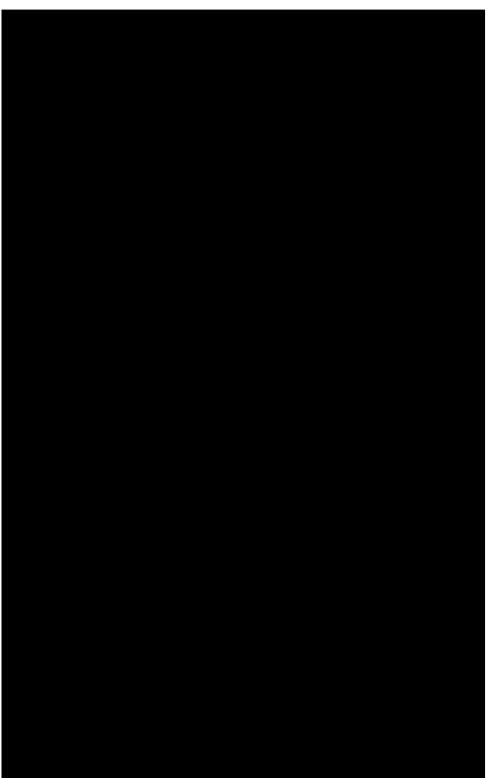
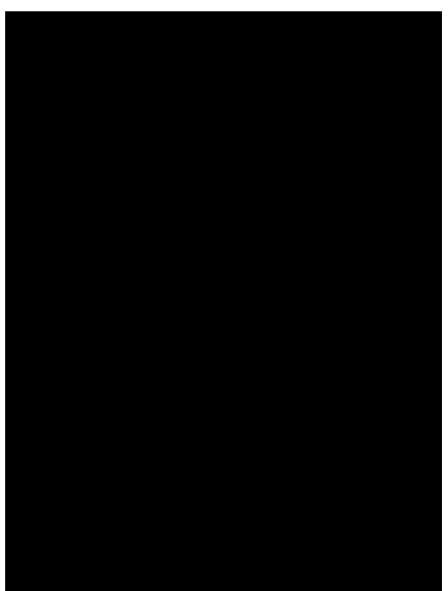
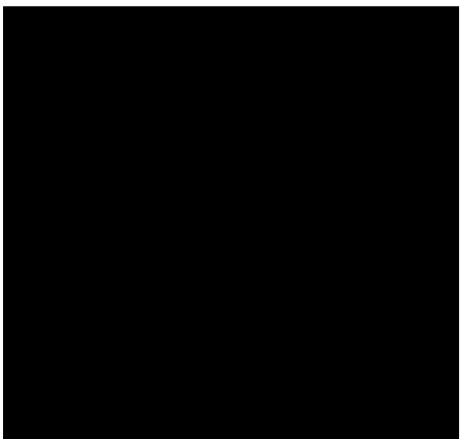
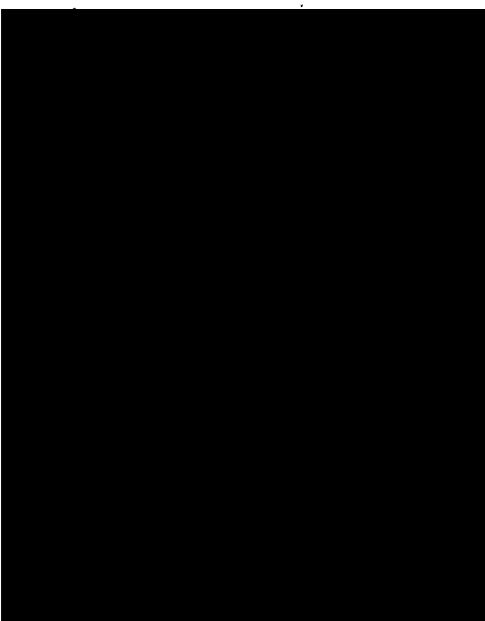




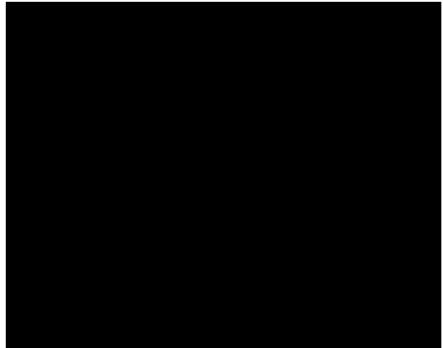
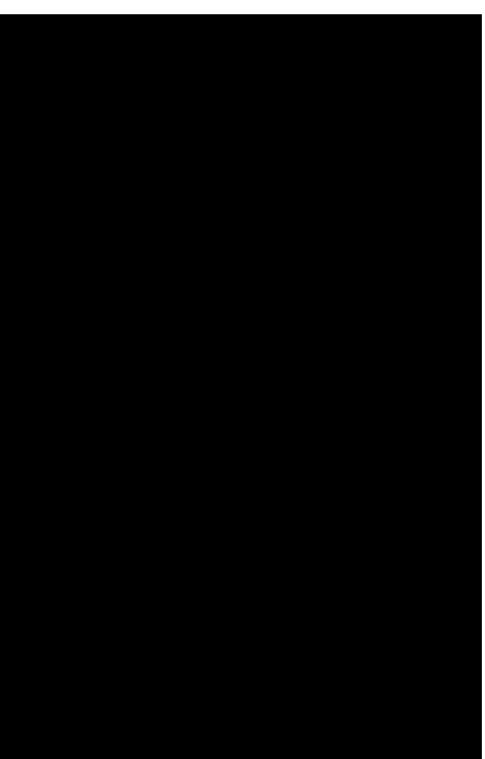
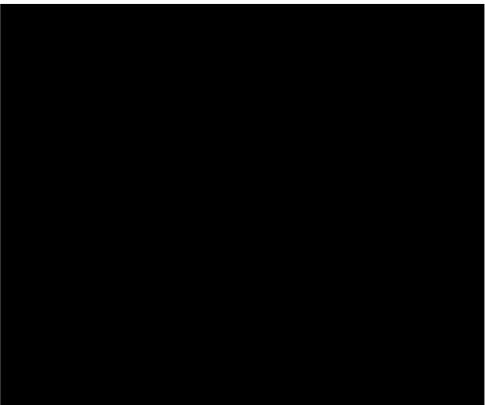
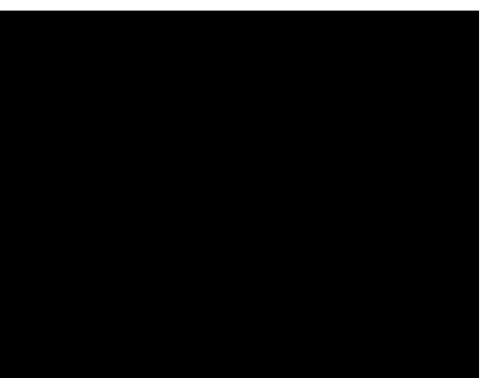
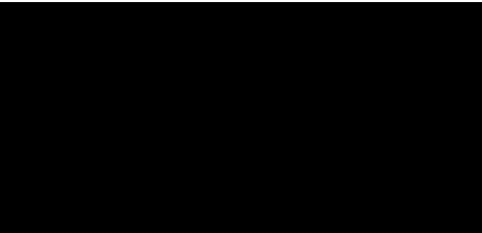
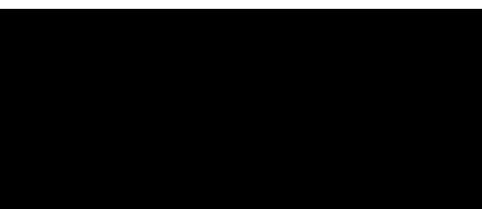




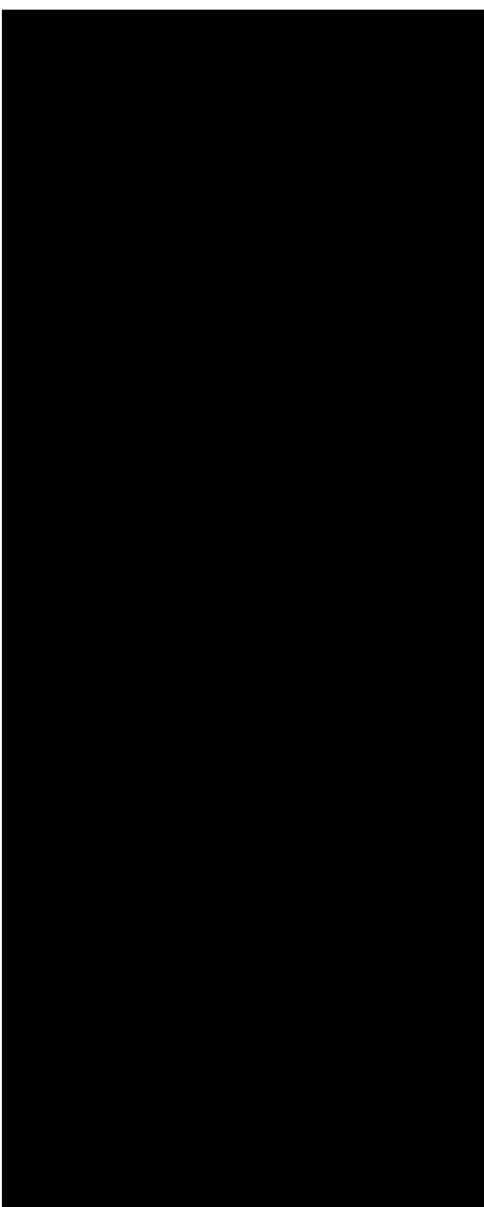
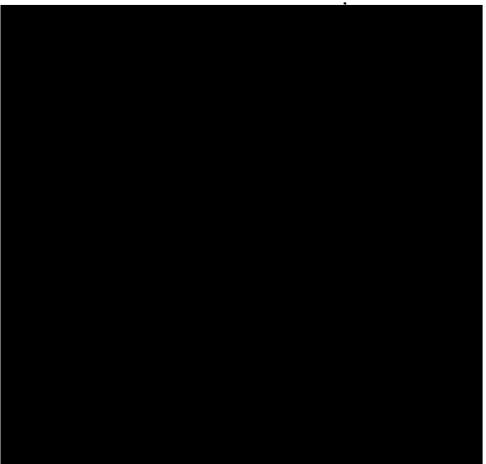
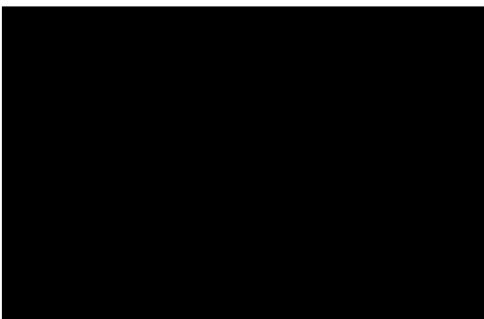
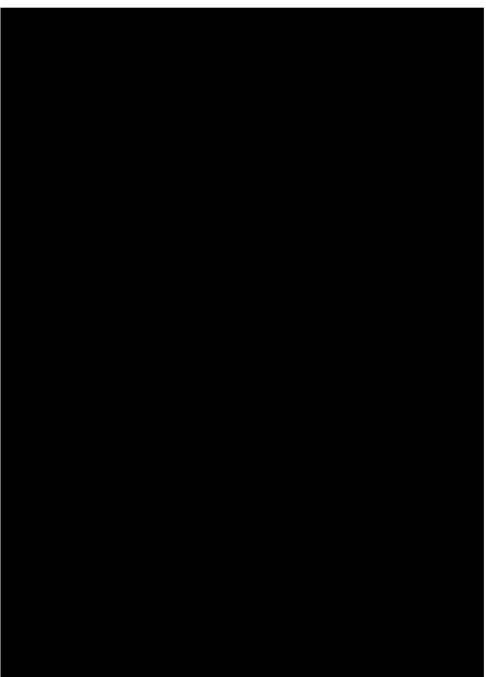






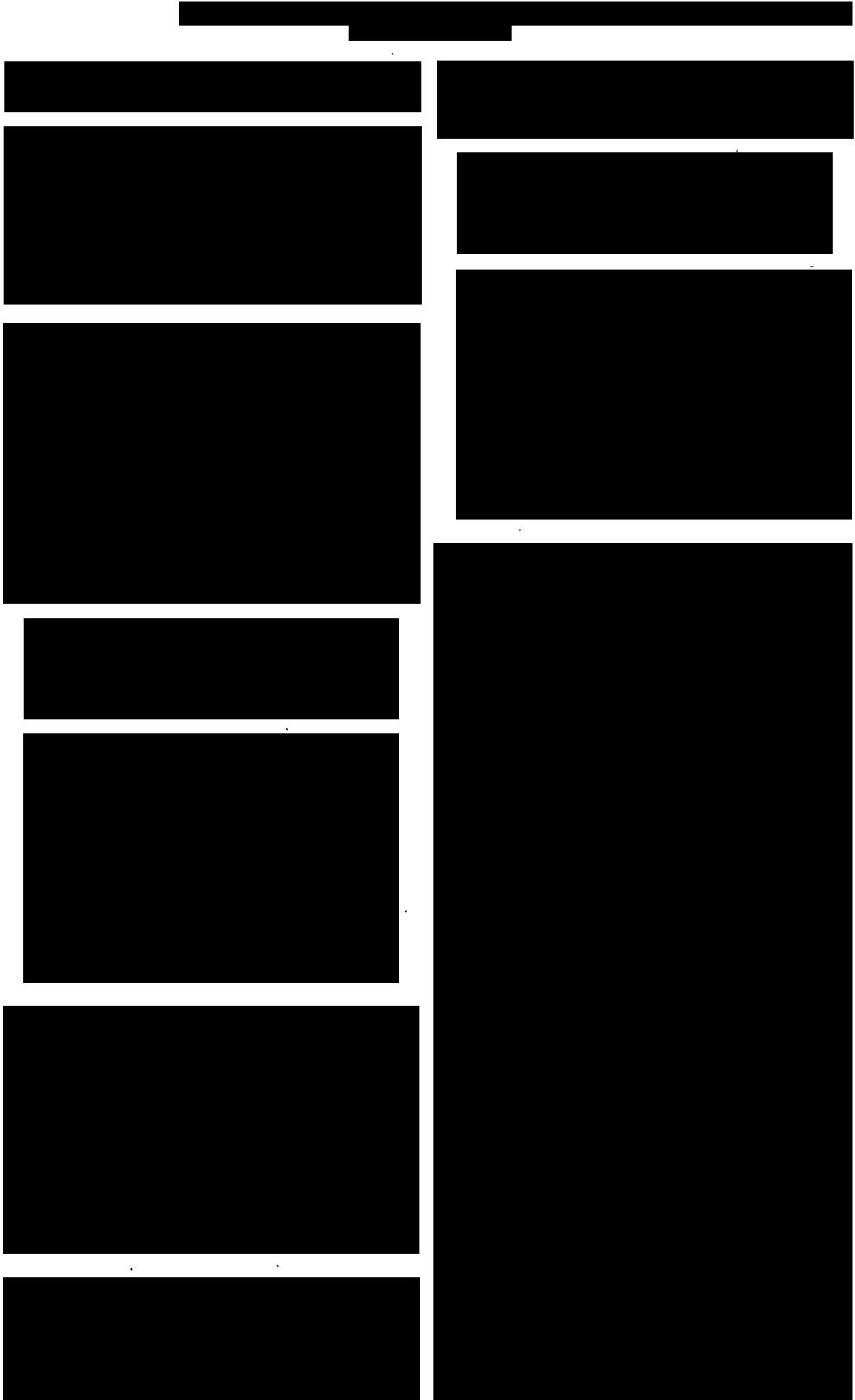


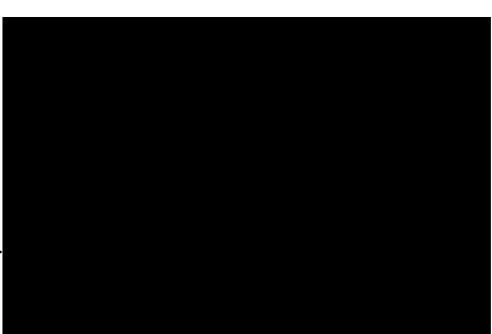
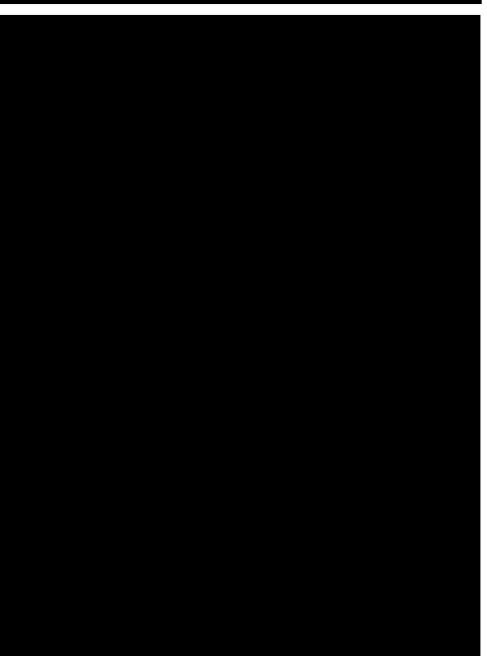
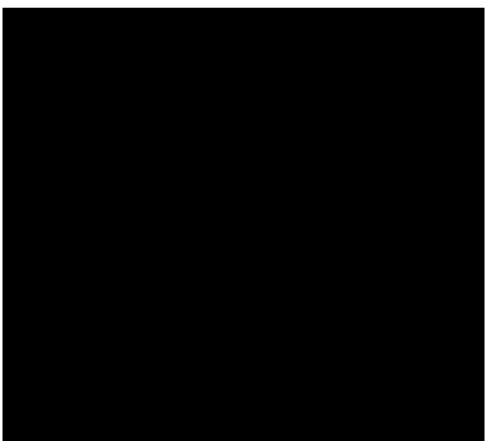
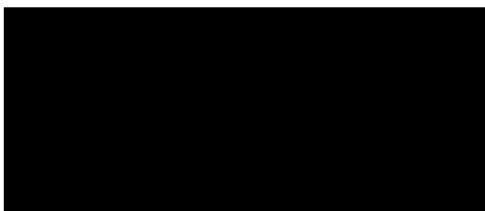
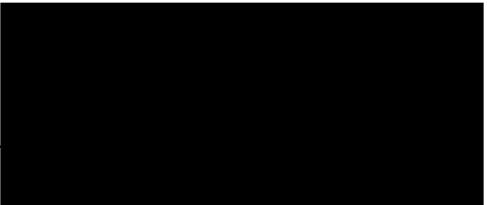
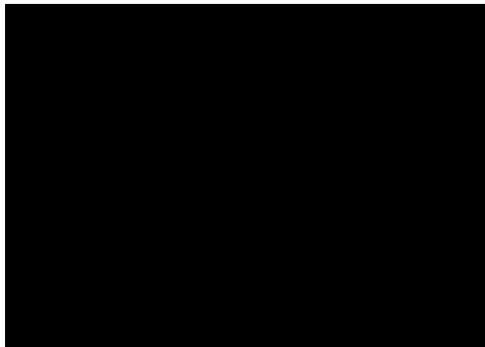
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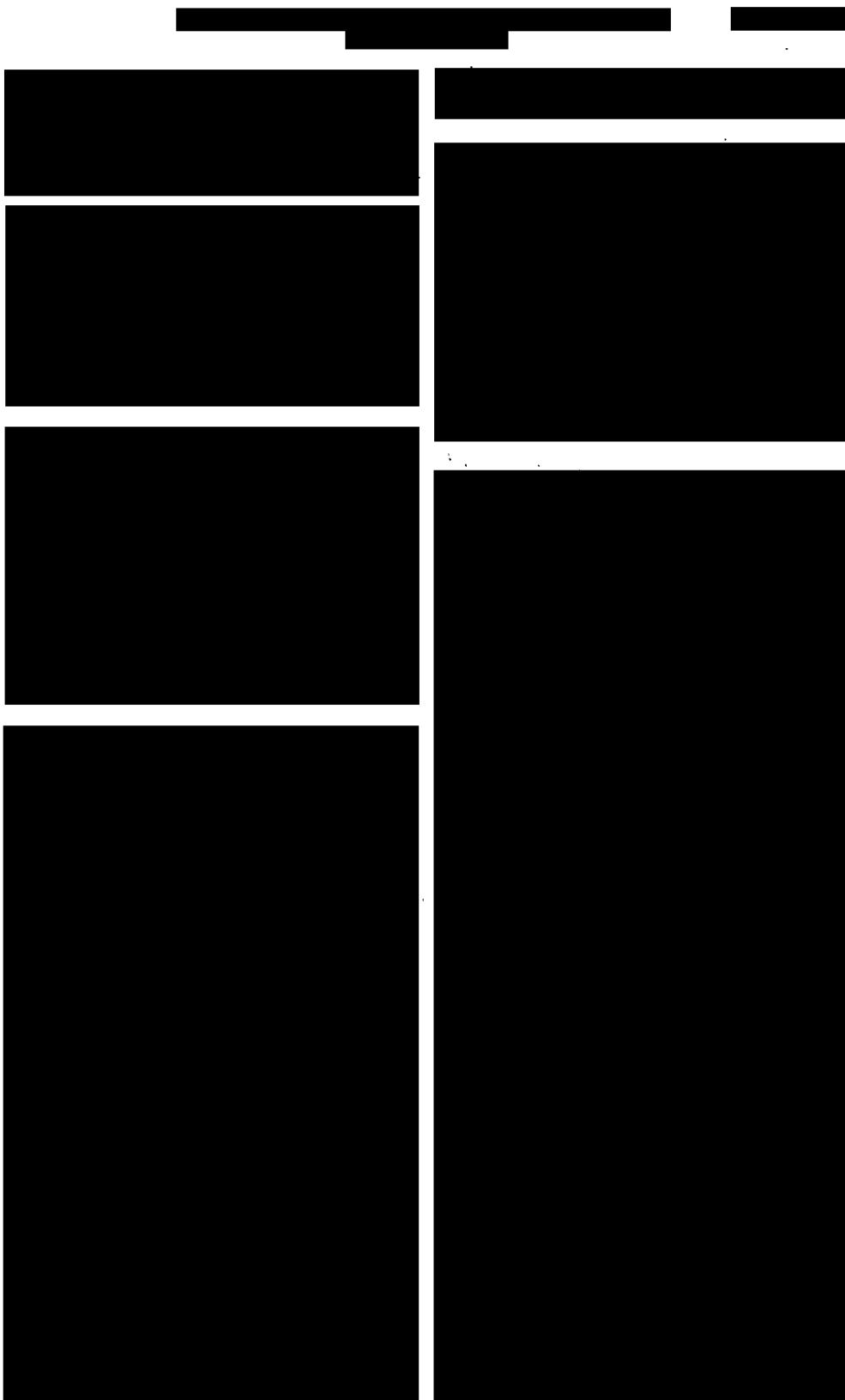


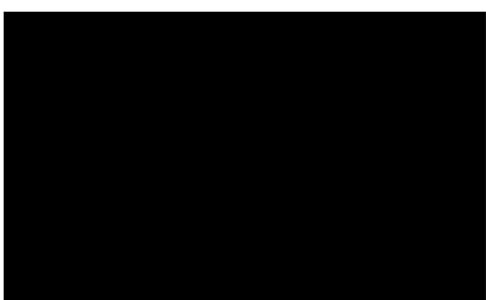
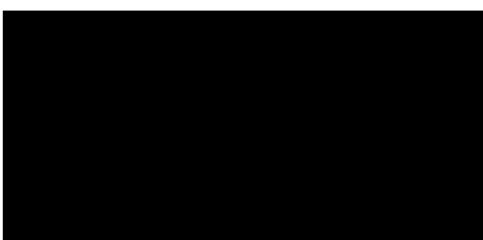
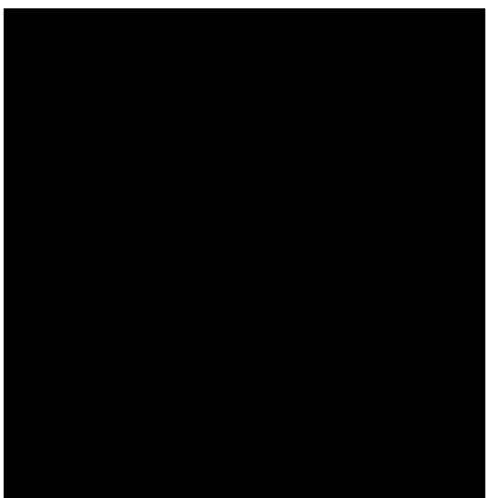
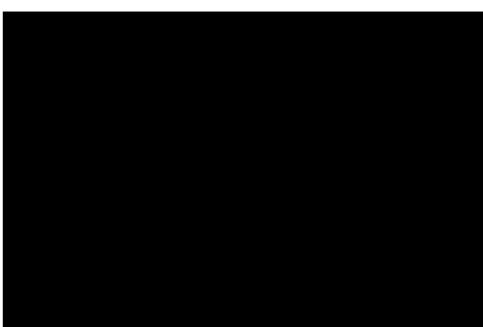
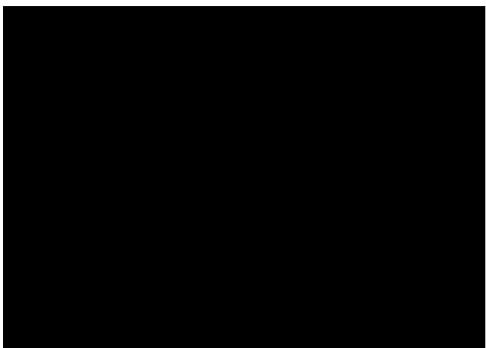
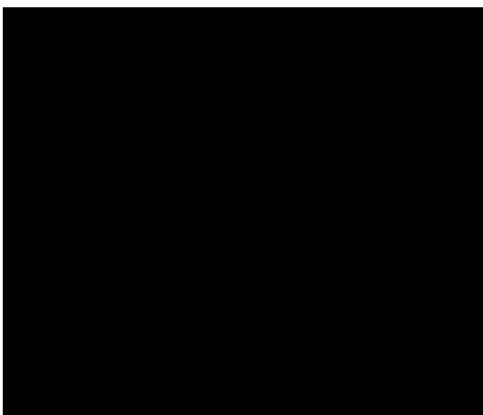
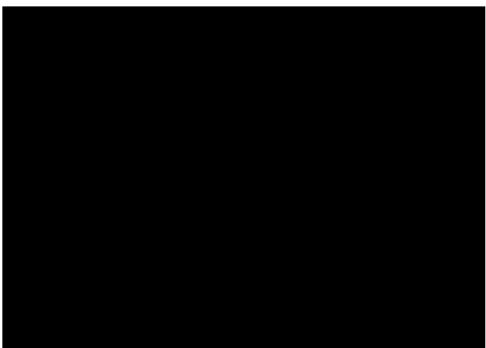
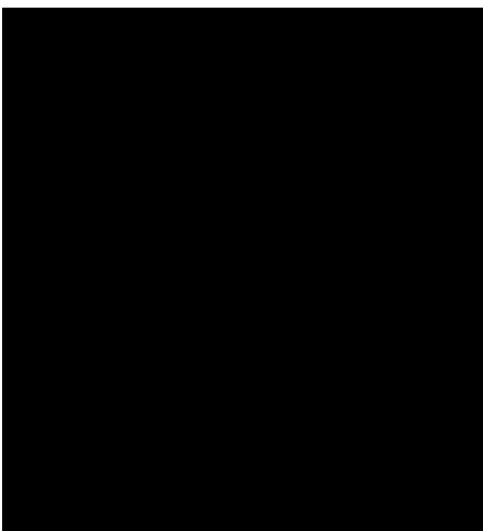
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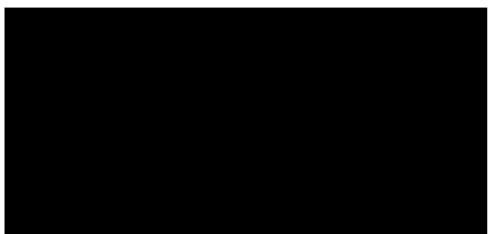
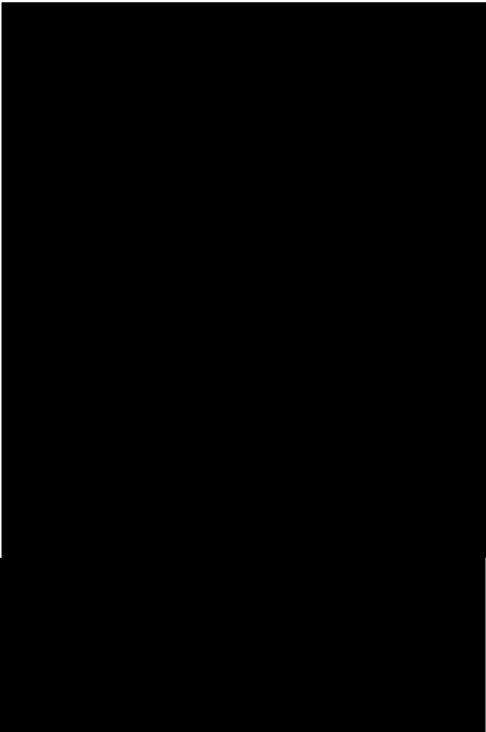
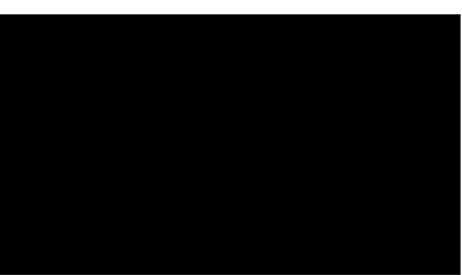
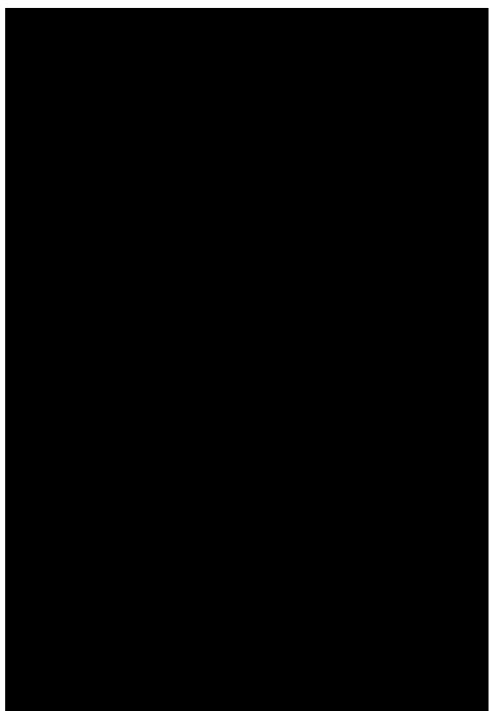
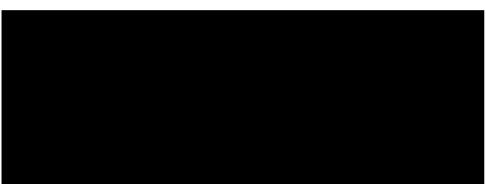
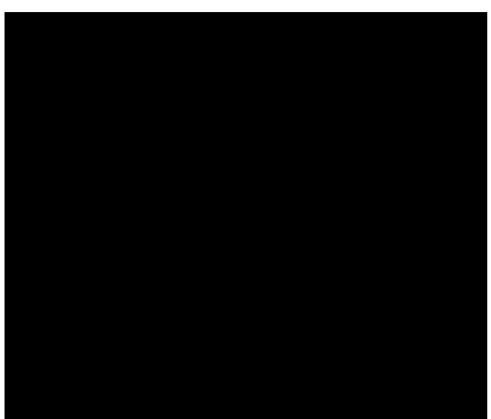




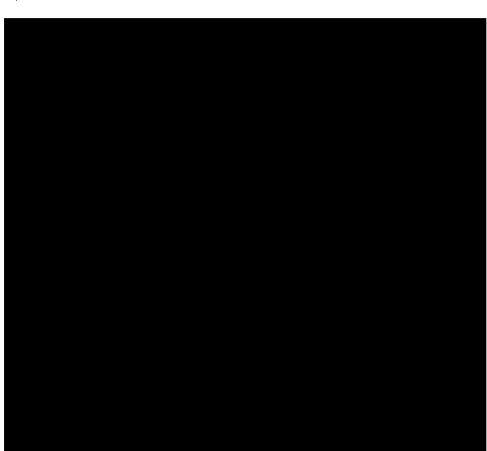
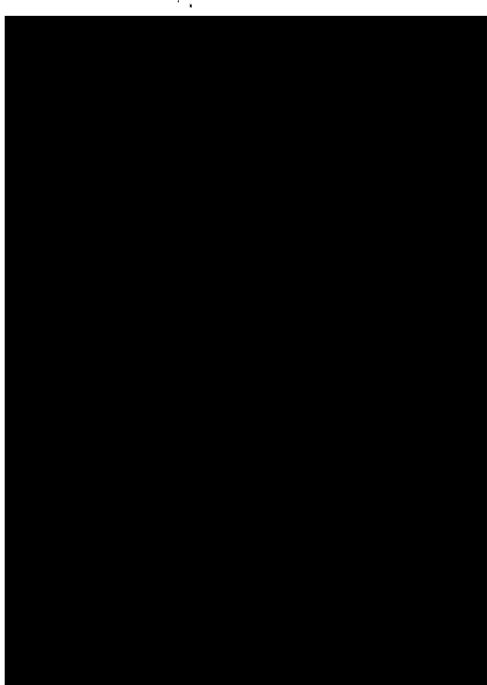
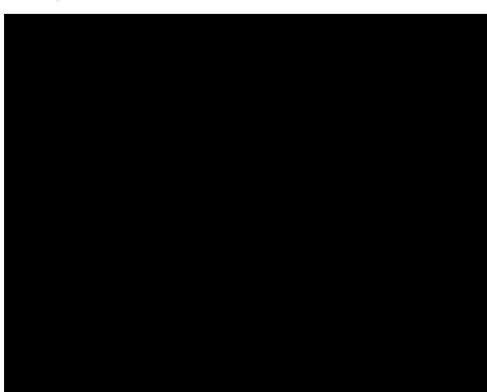
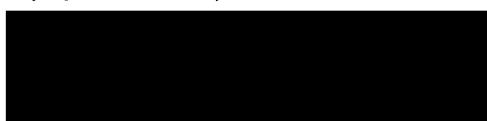
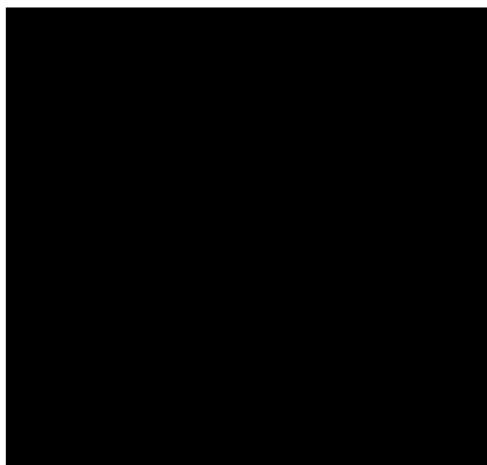
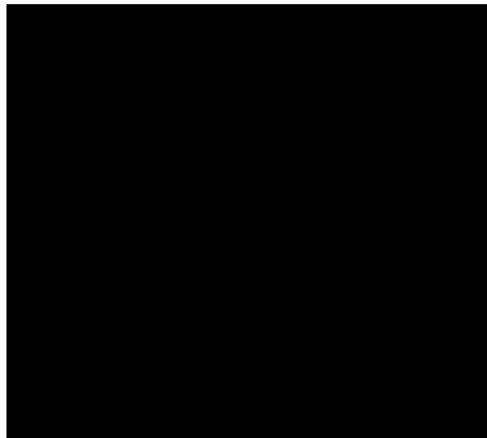


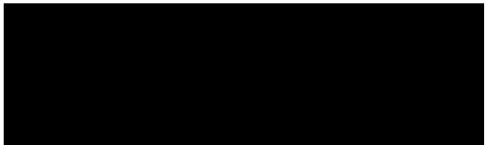
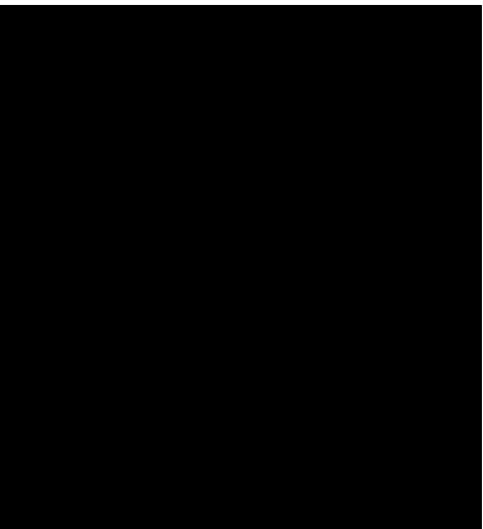
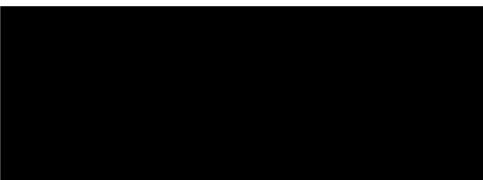
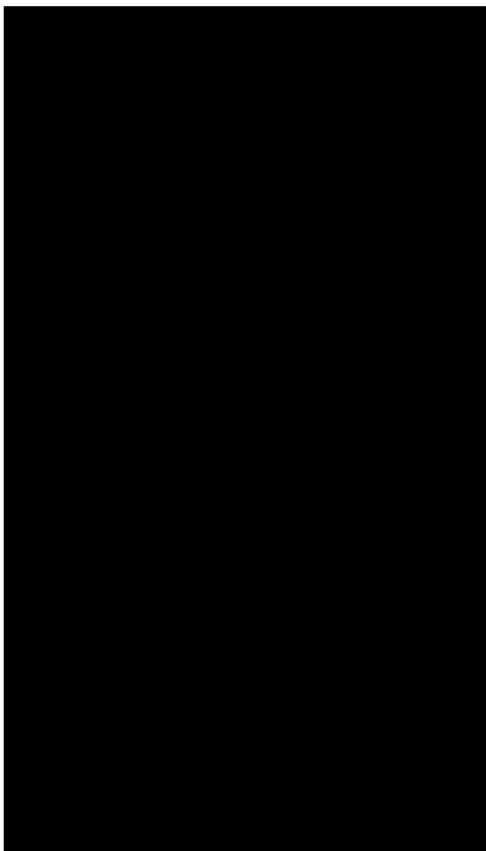




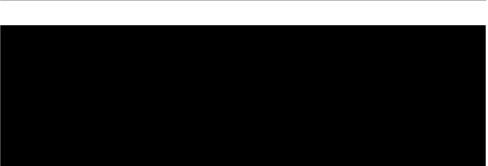
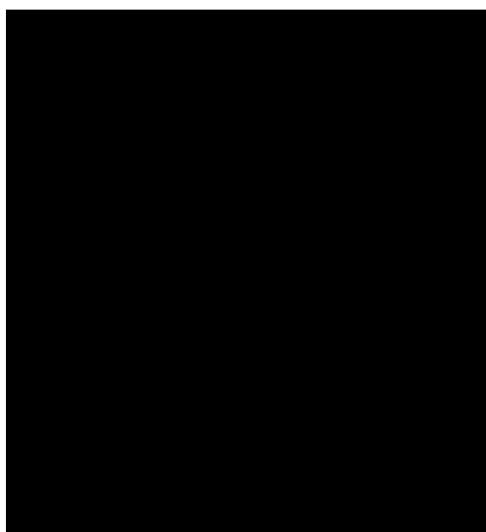
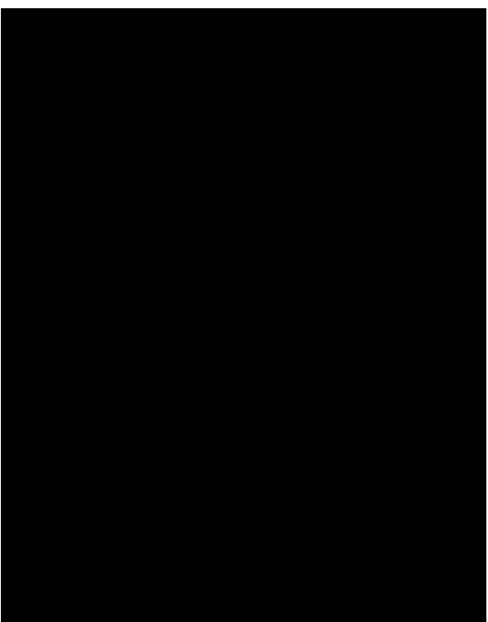
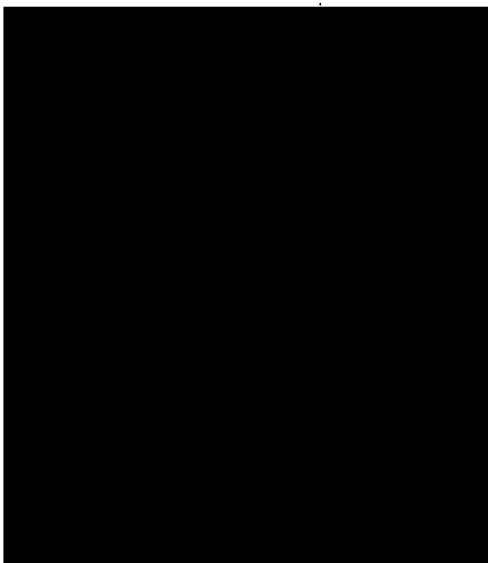
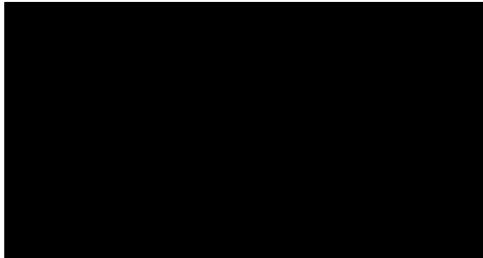
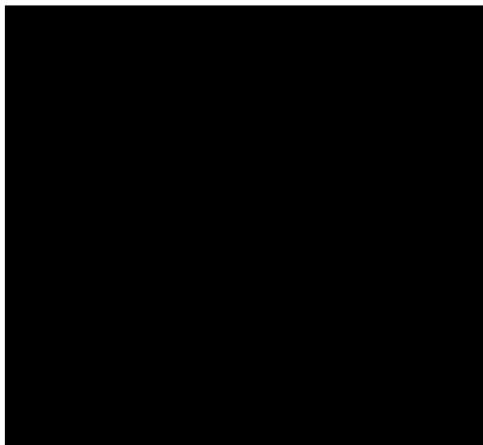
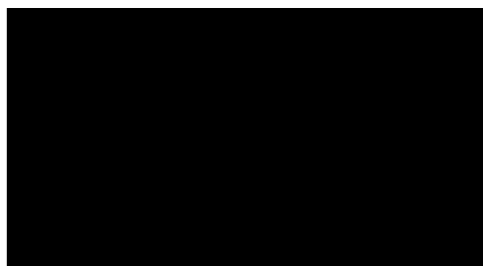


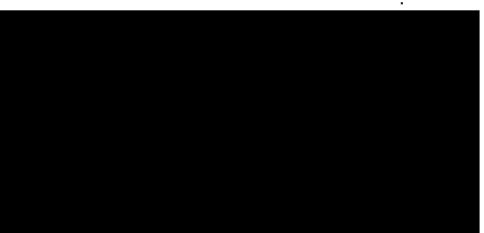
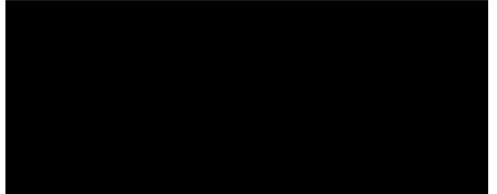
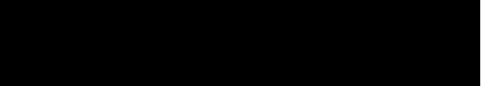
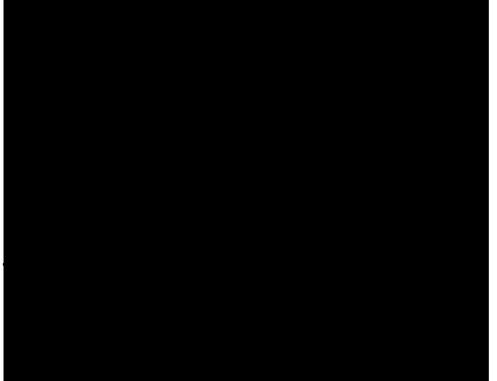
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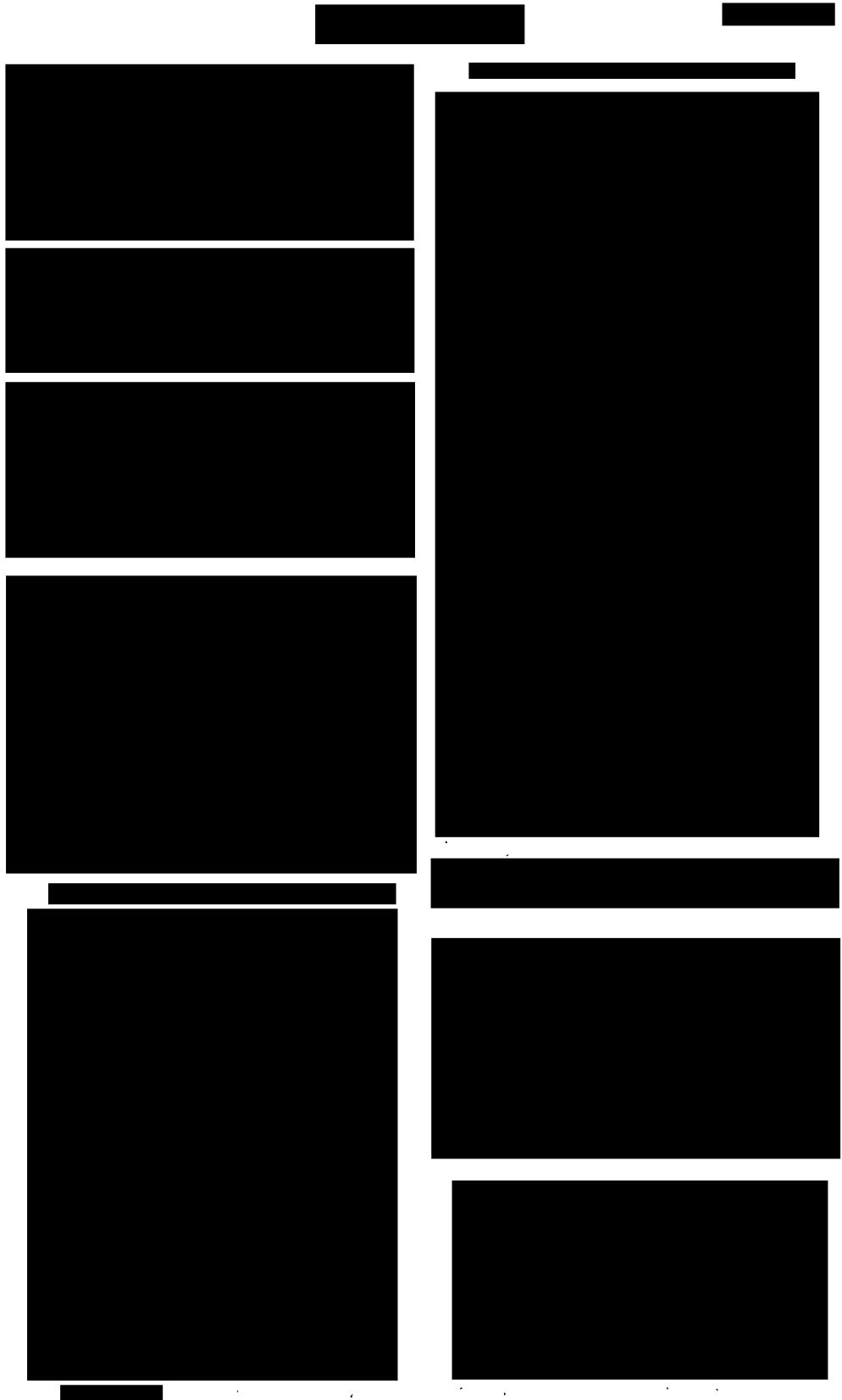








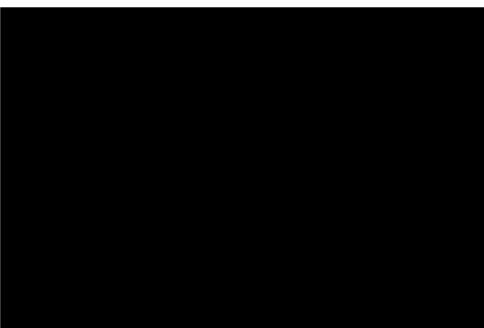
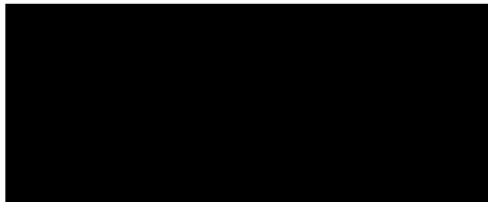
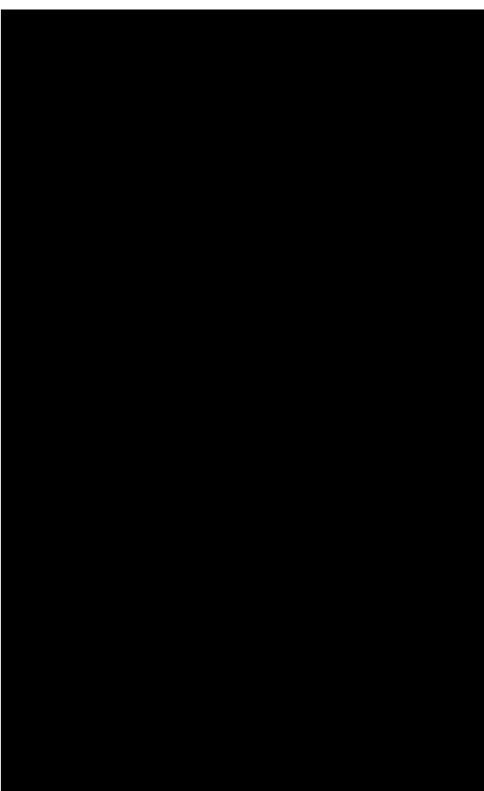
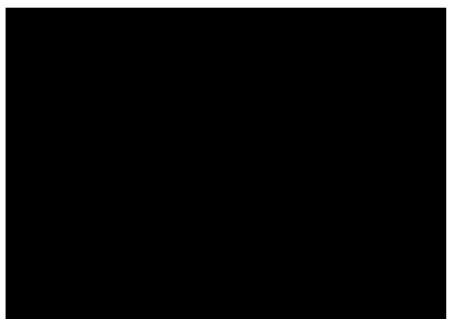


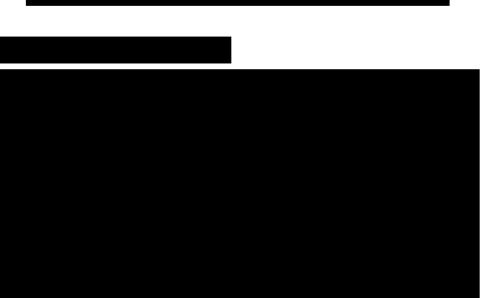
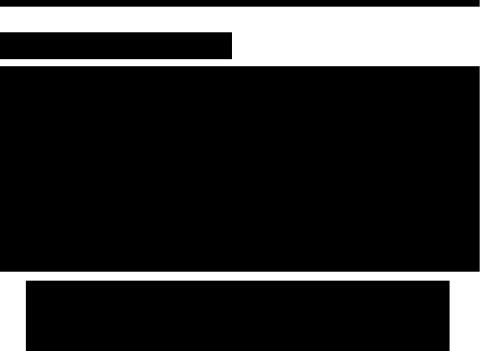
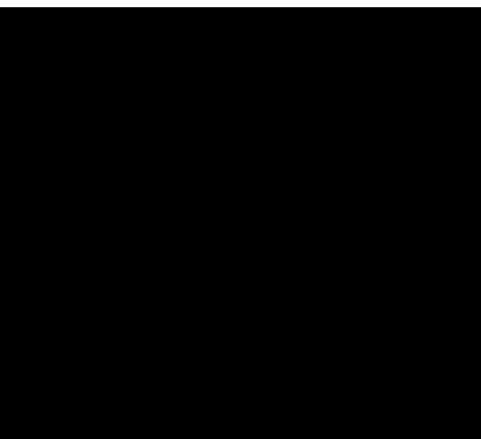
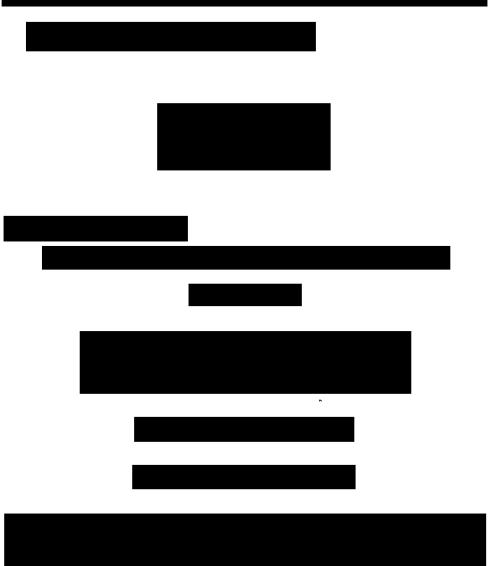
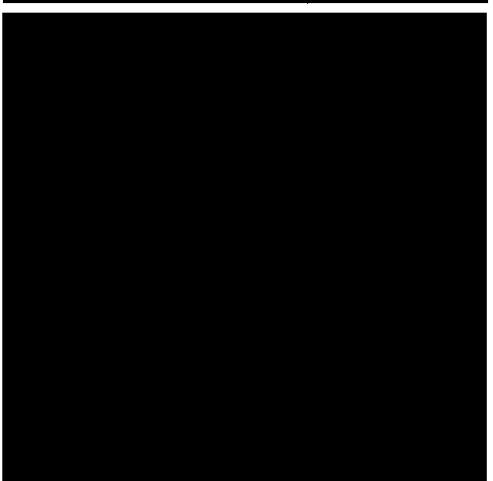
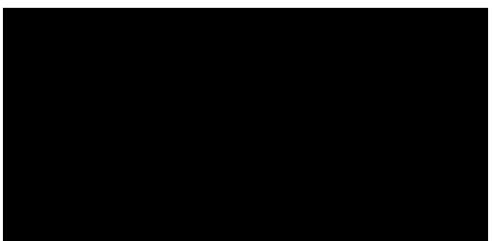


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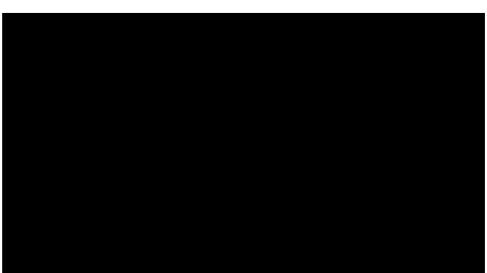
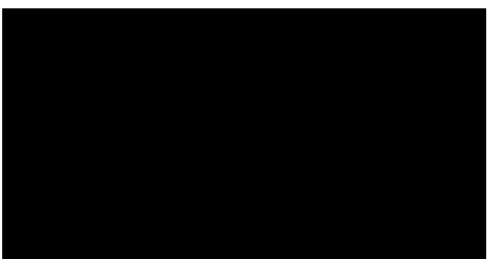
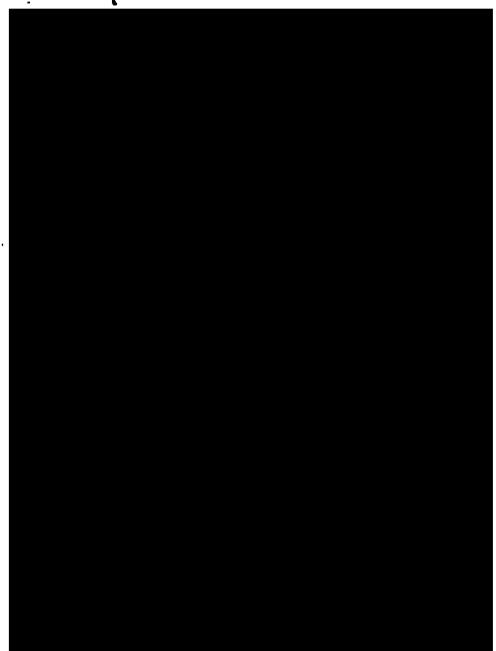
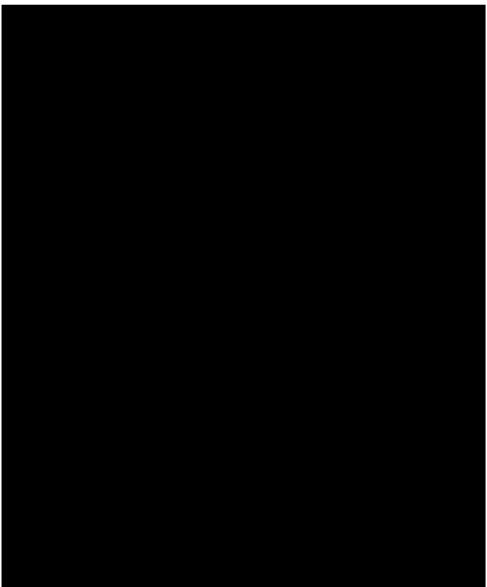
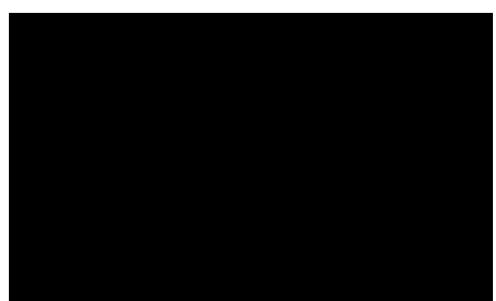
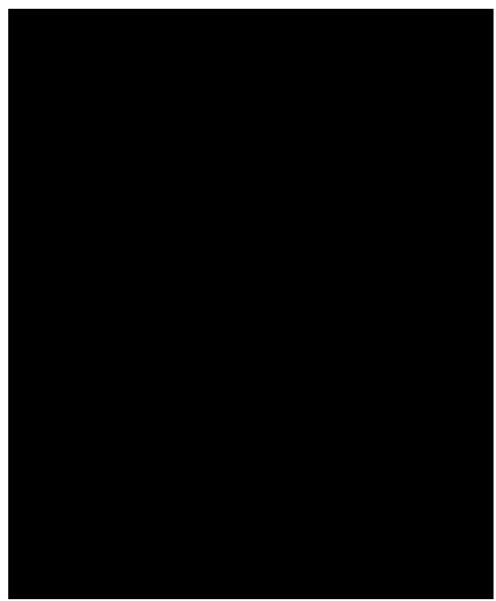


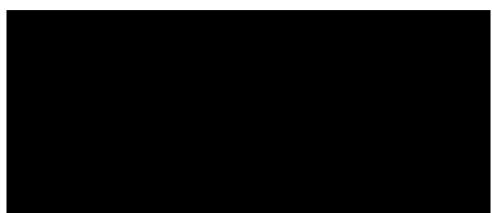
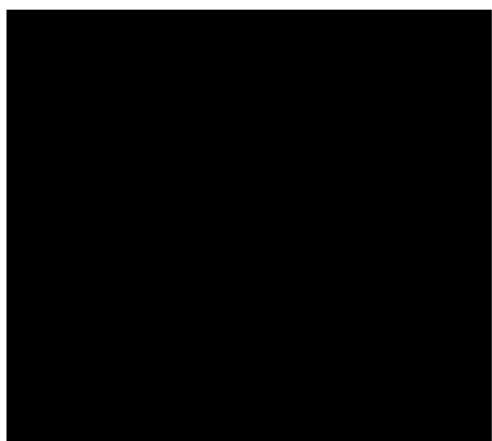
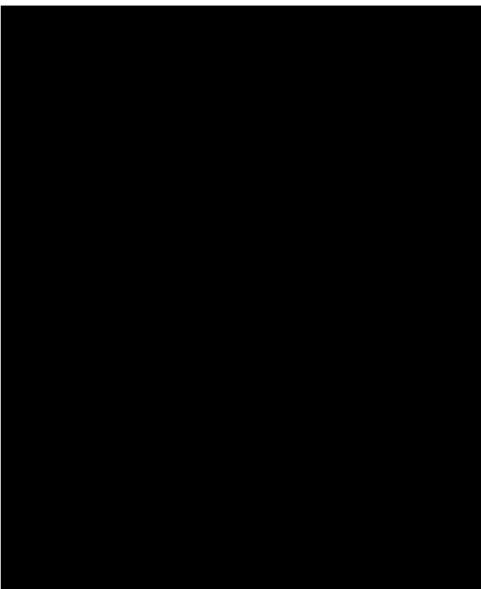
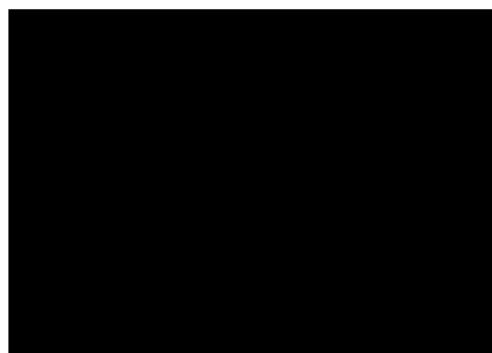
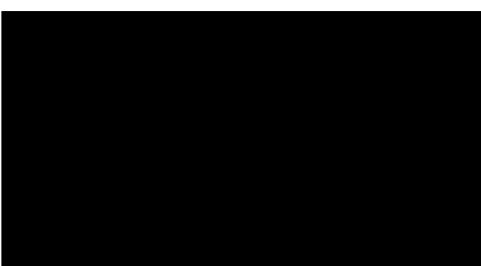
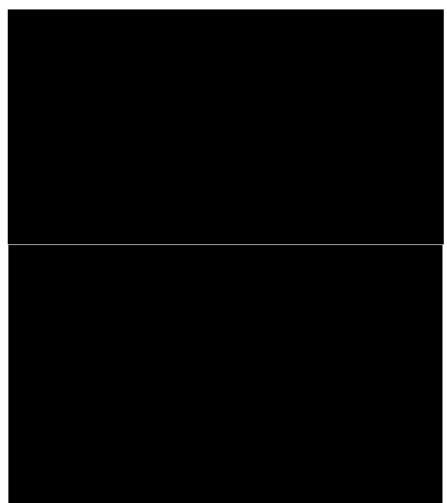
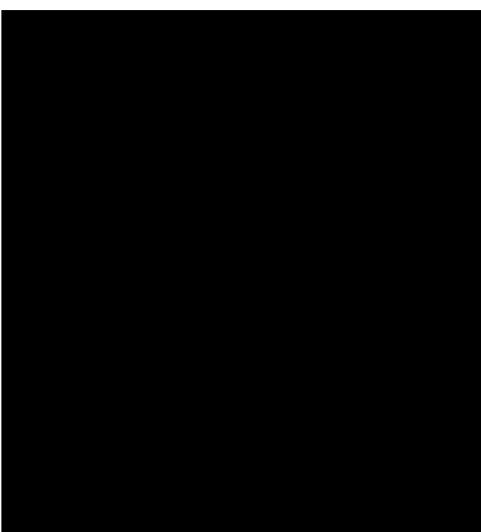
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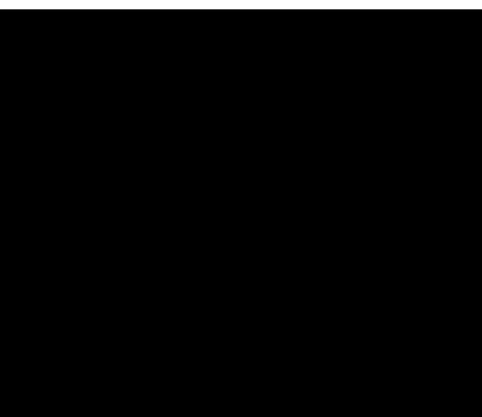
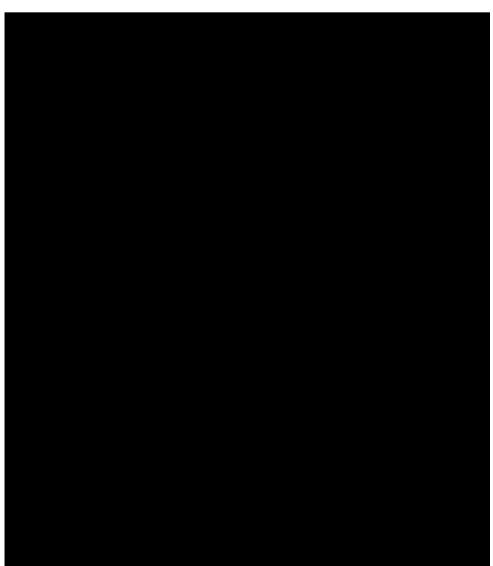
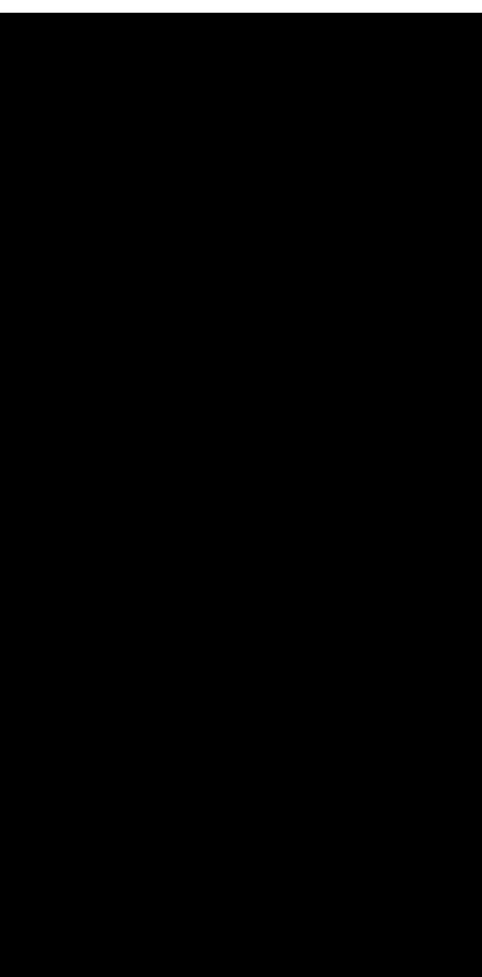
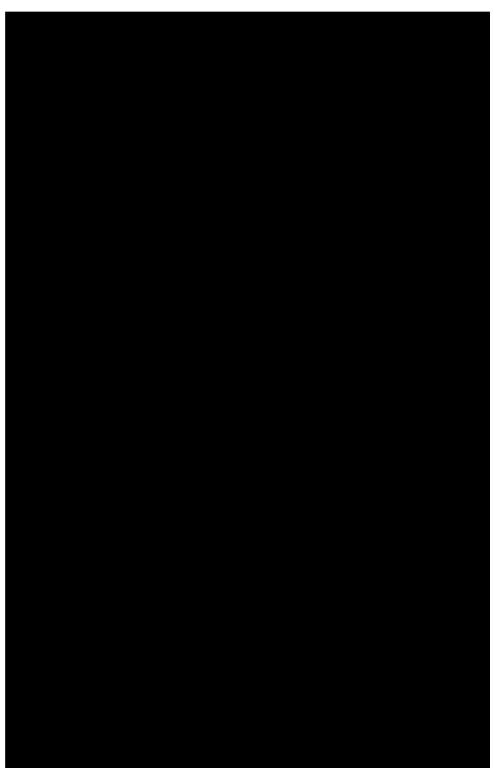
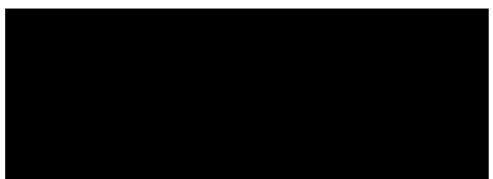
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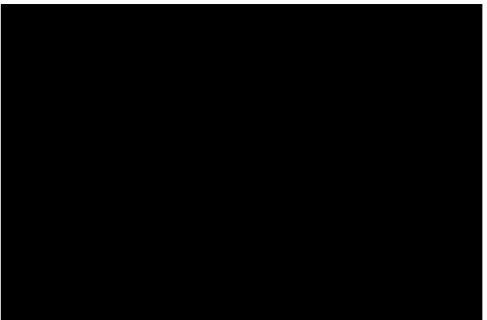
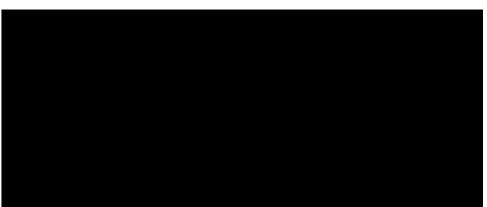
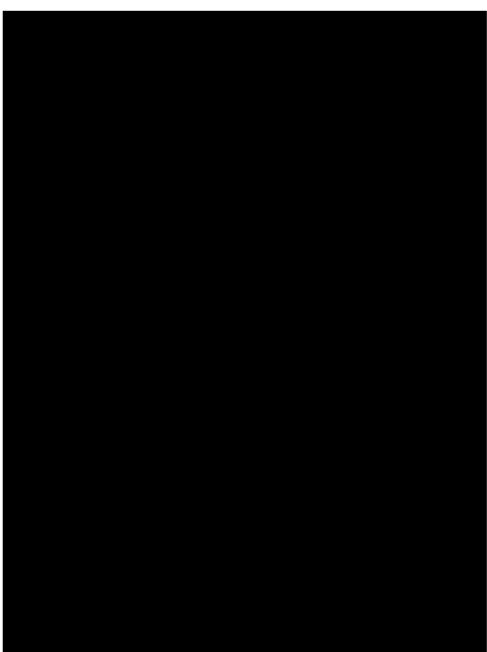
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[REDACTED]

[REDACTED]

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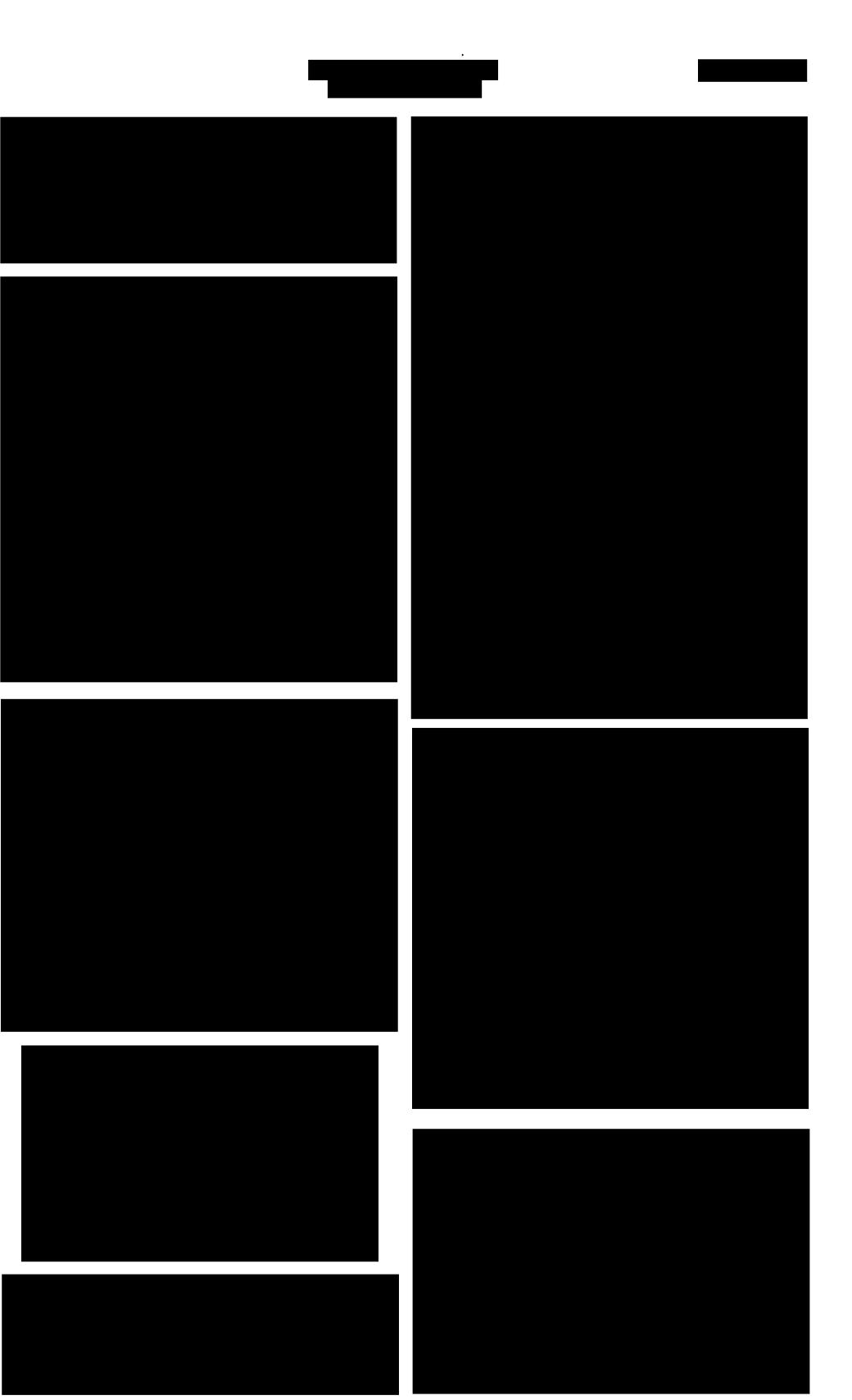
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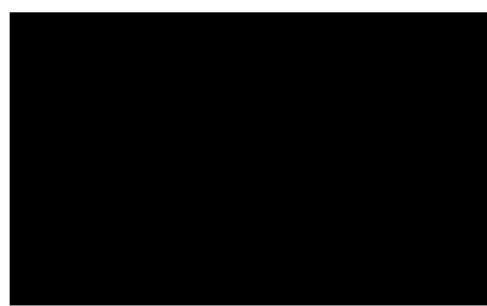
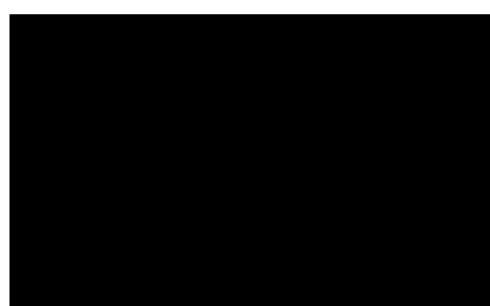
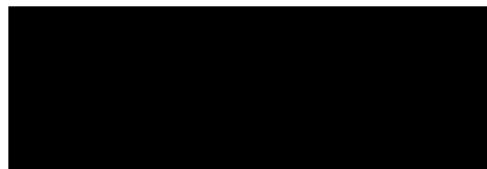
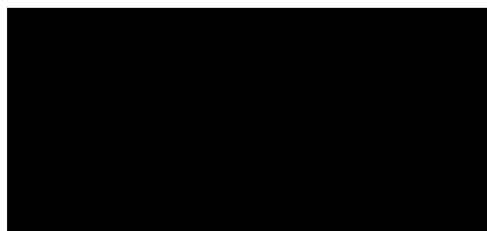
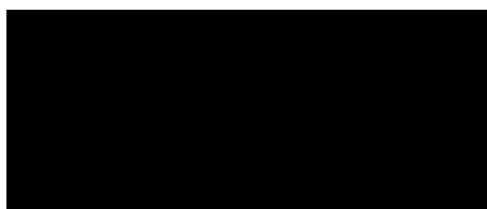
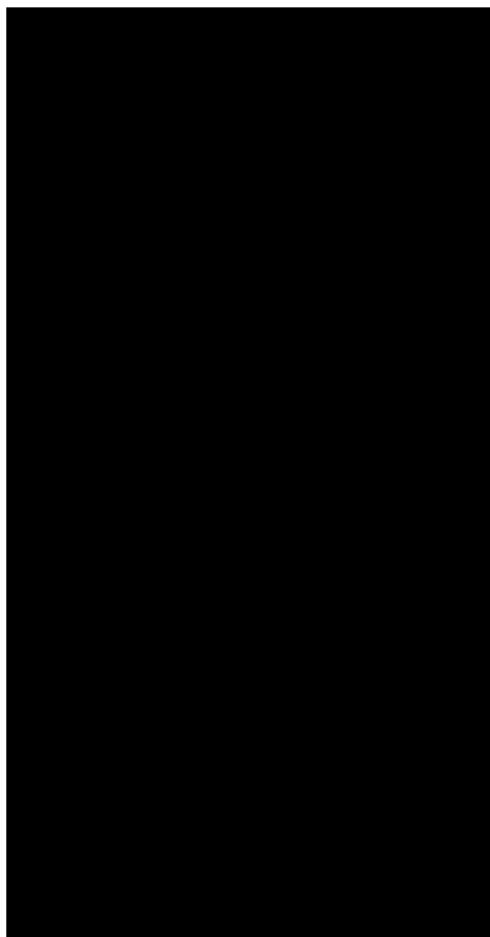
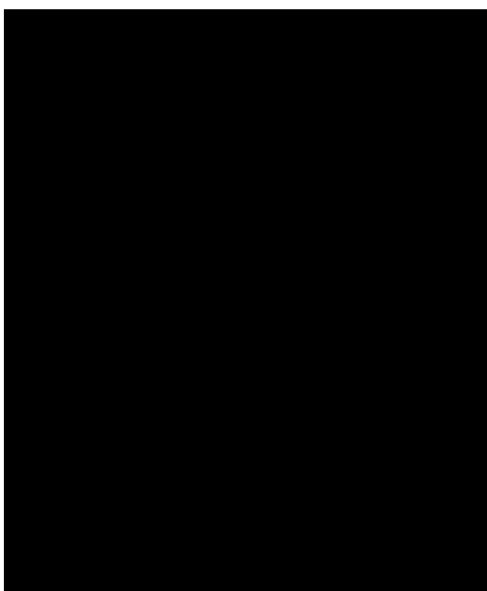
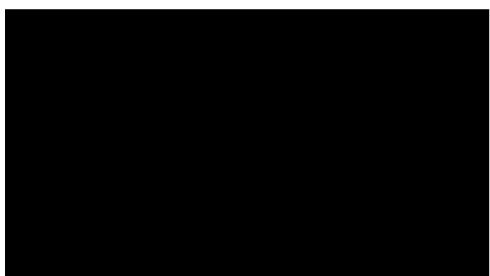
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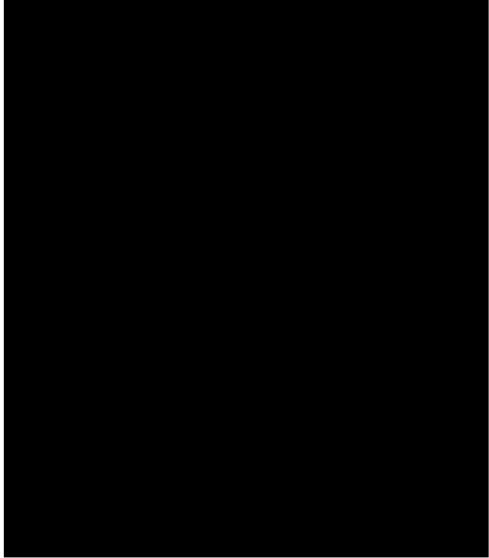
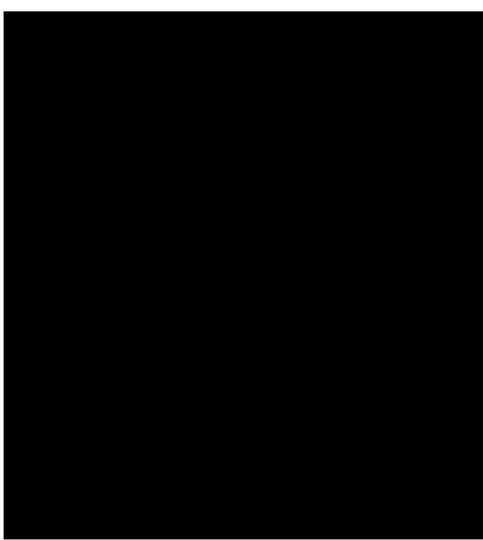
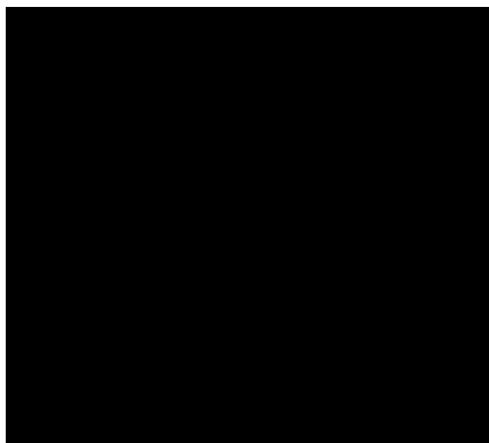
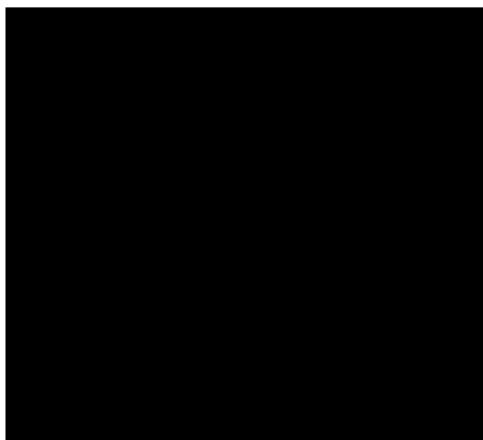
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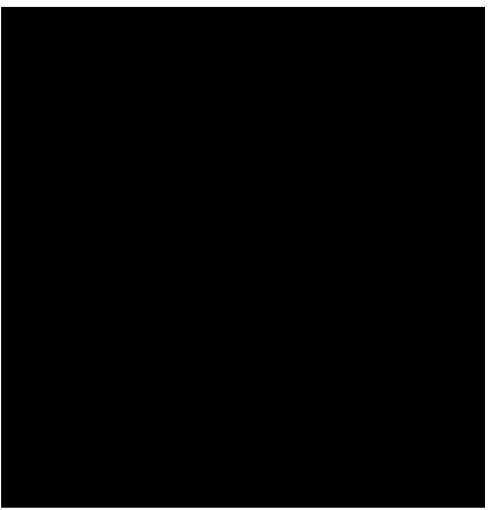
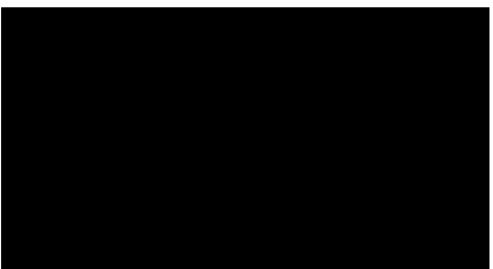
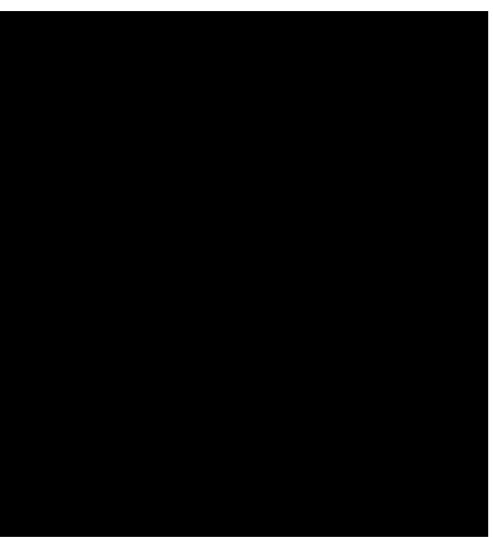
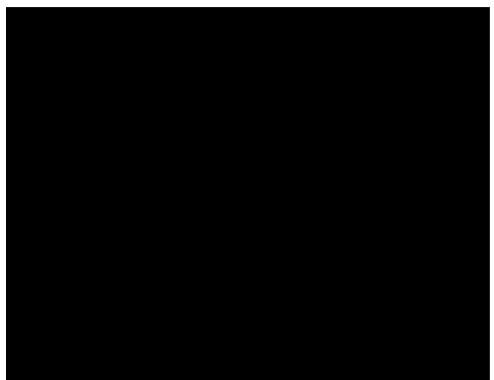
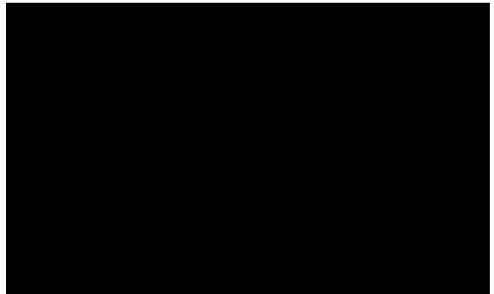
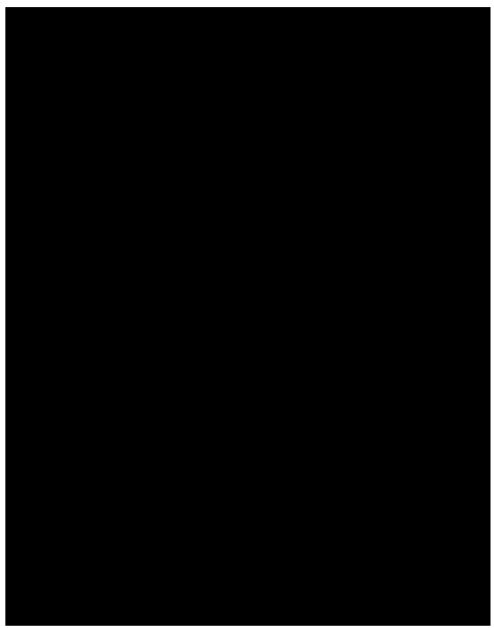


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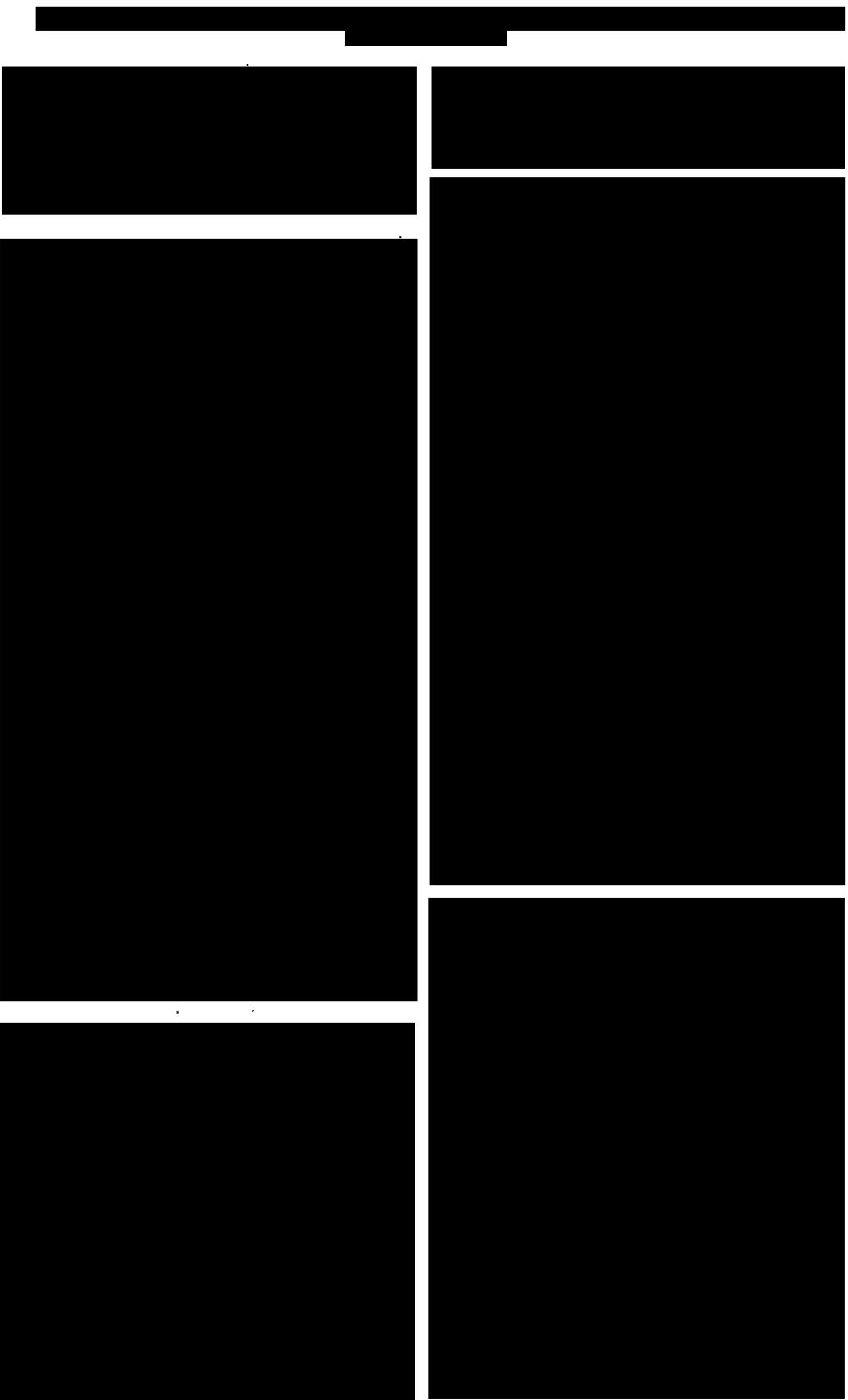


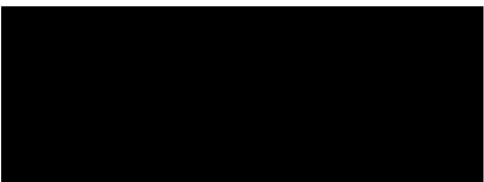
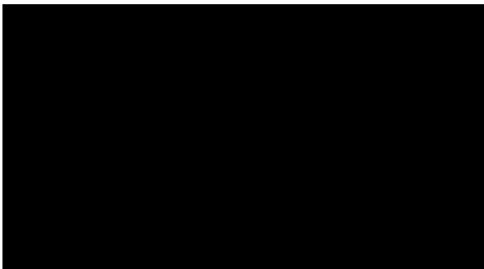
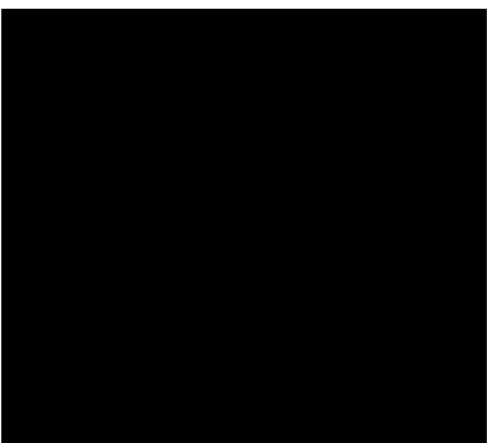
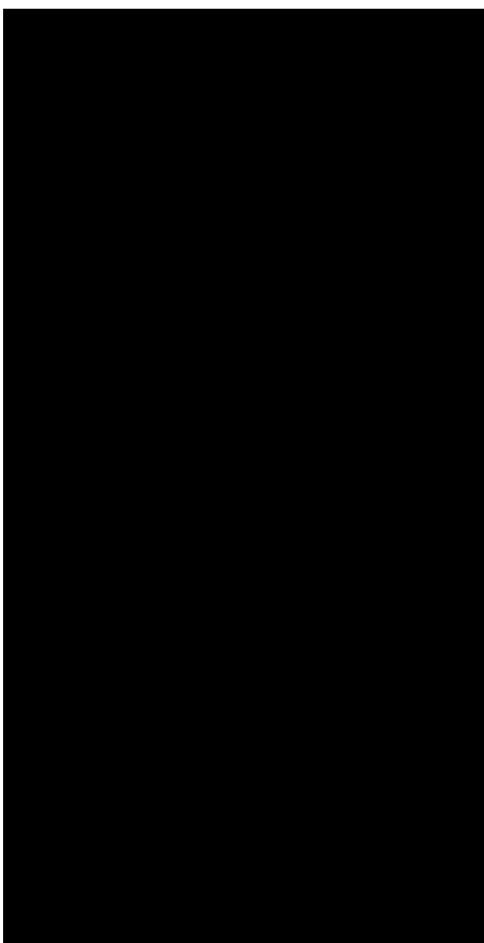


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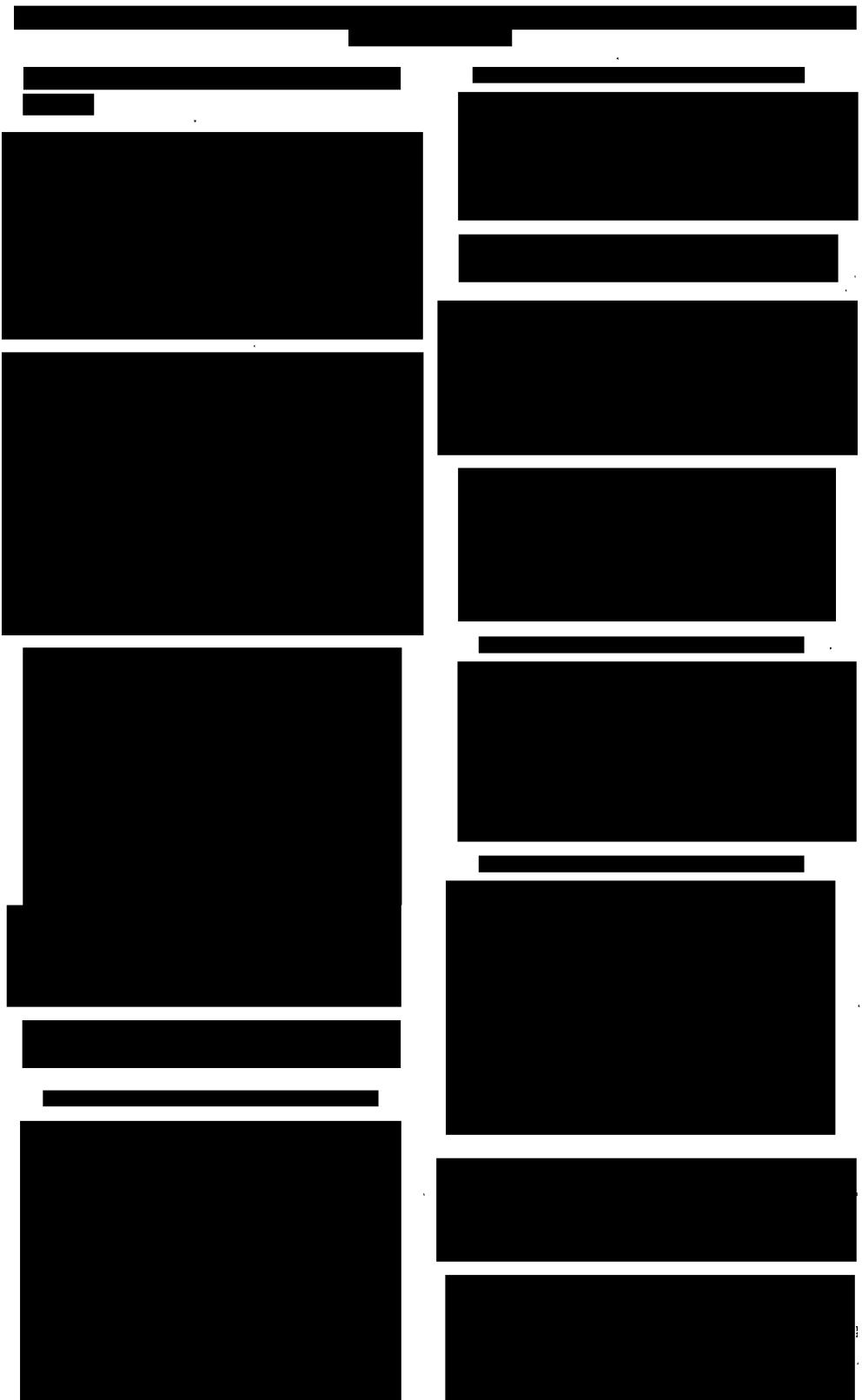
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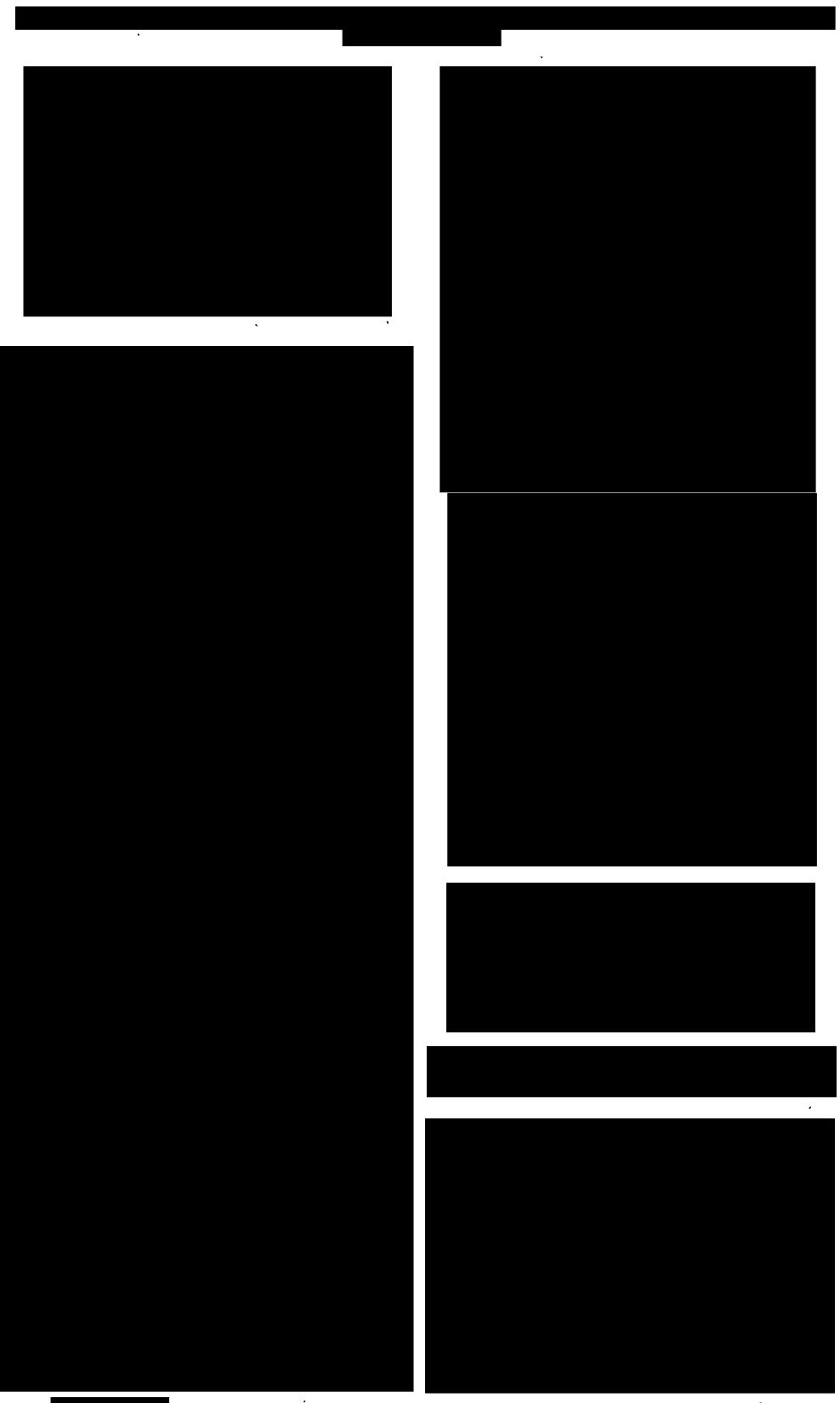


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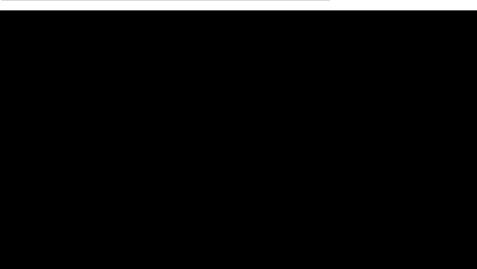


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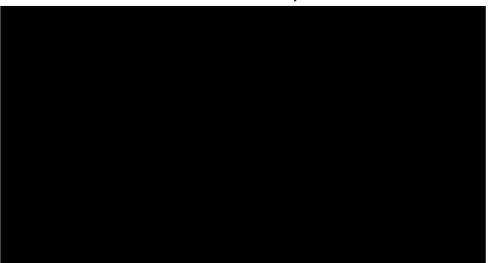
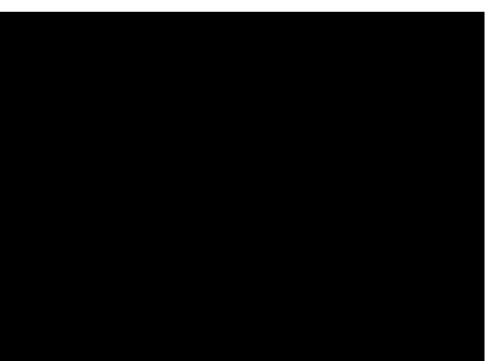
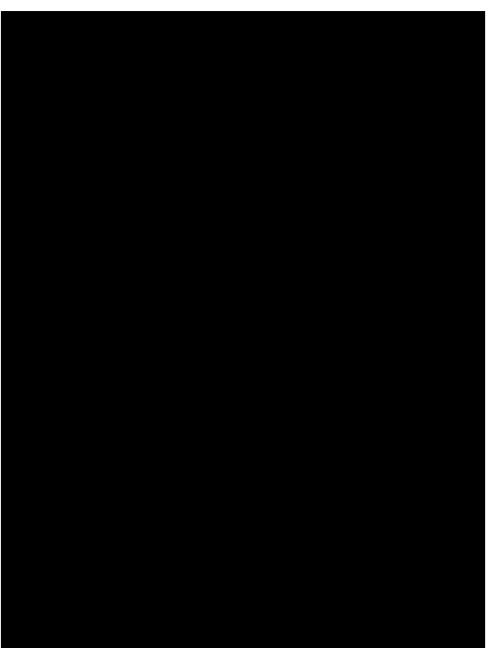
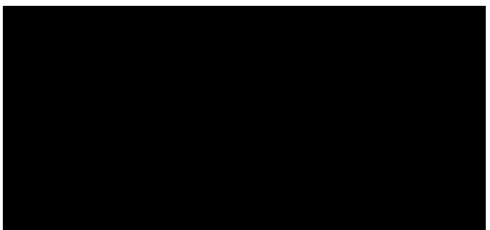
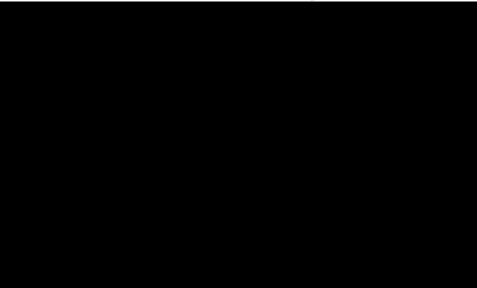
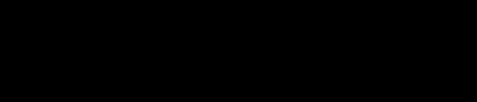
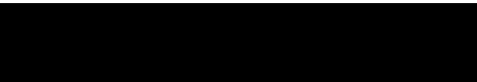


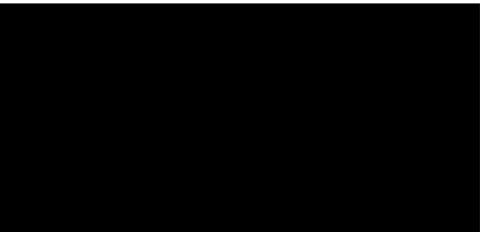
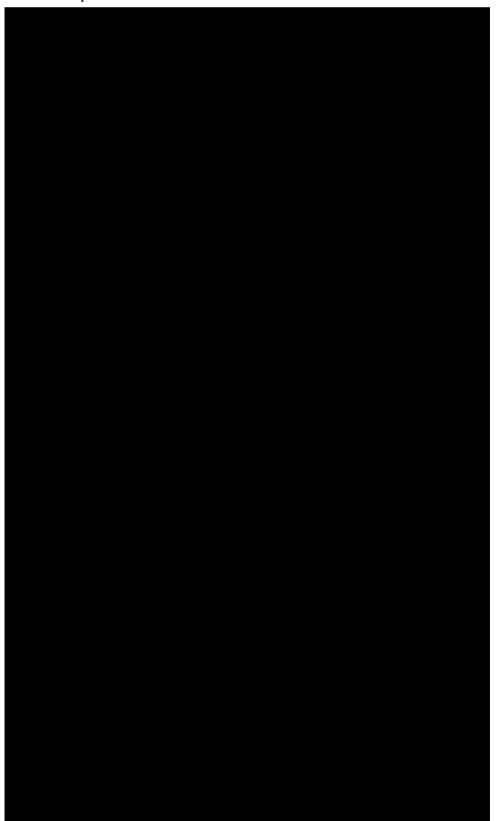
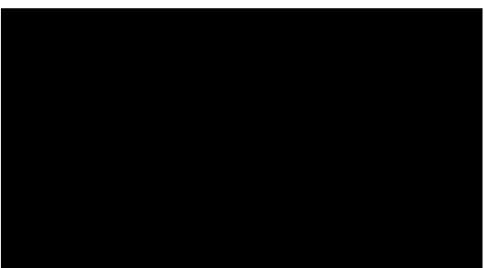
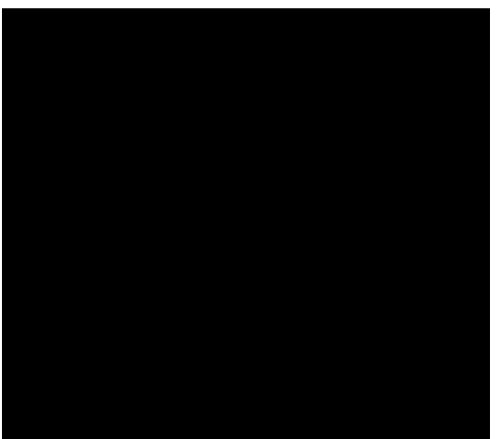
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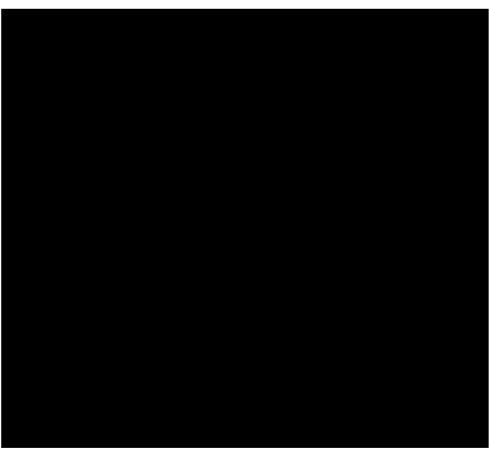
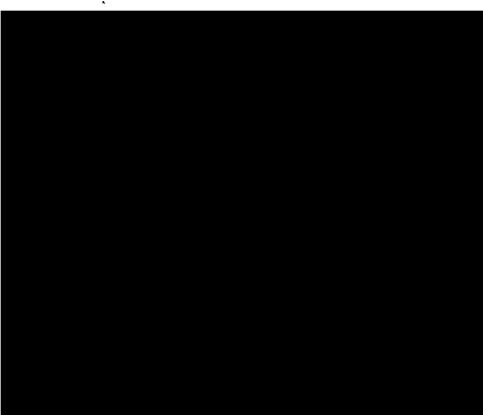
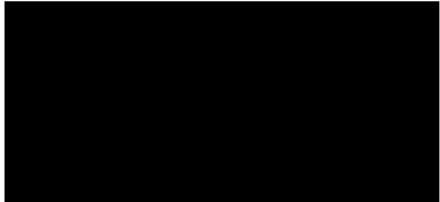
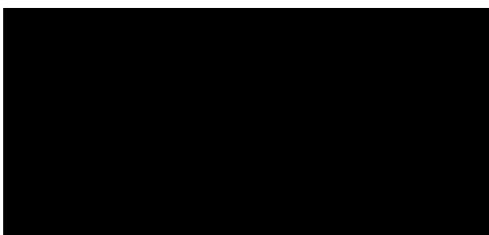
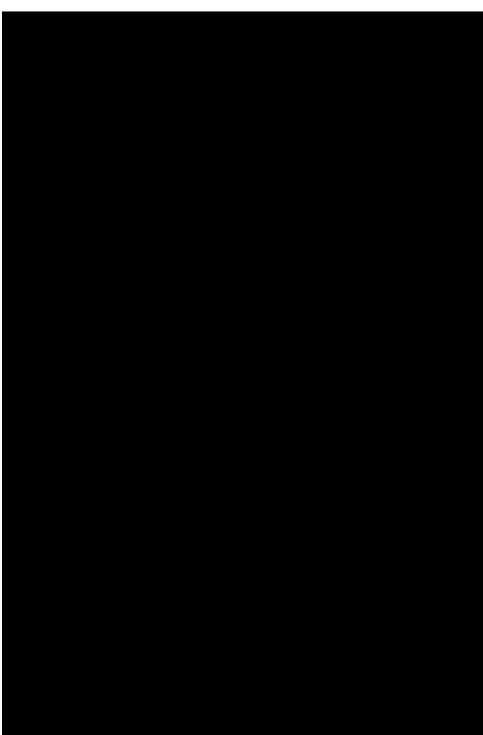




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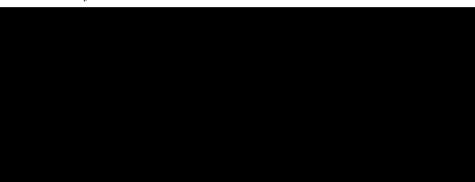
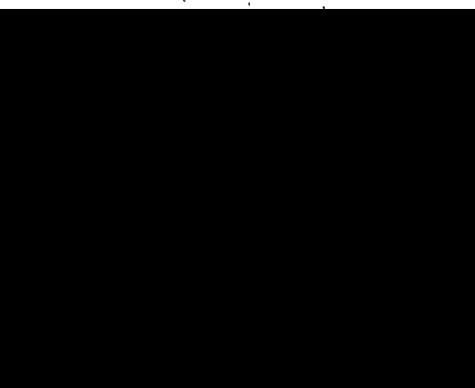
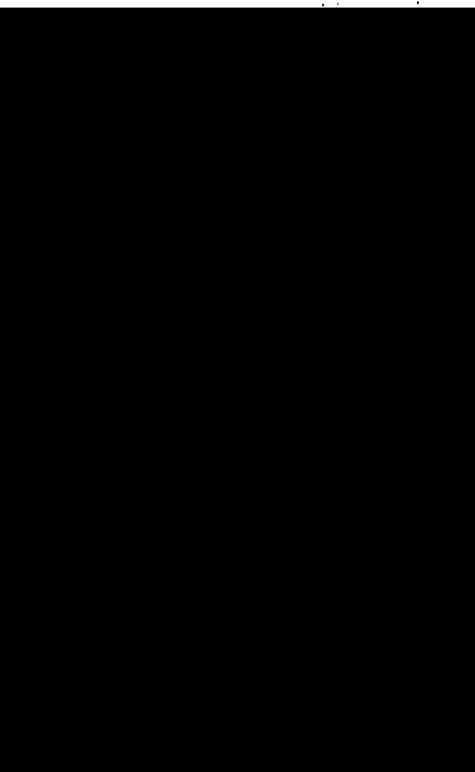
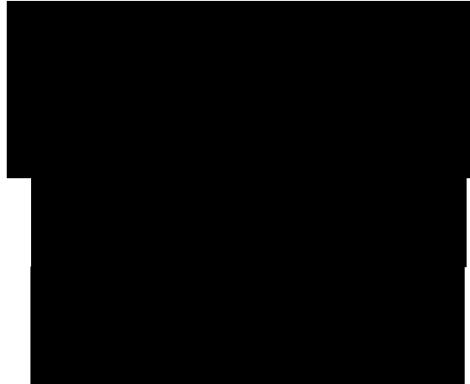
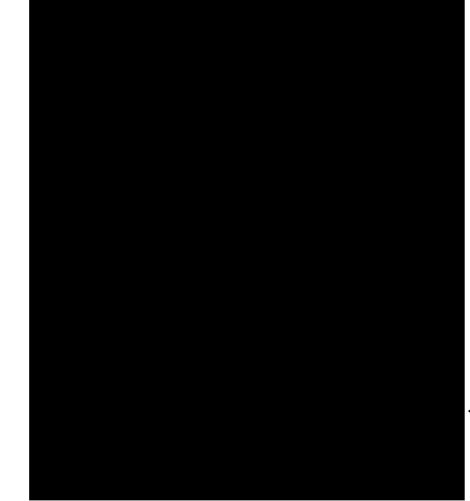


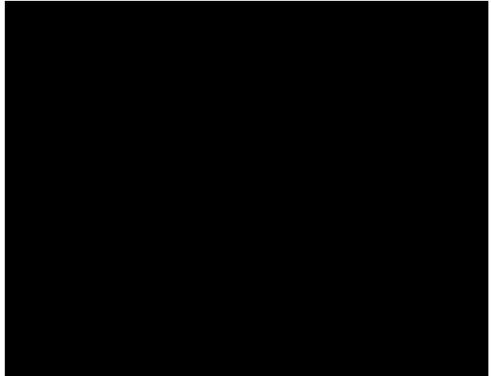
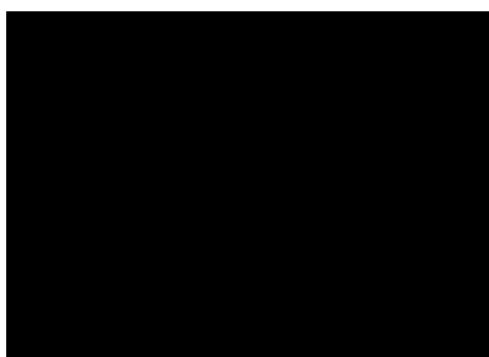
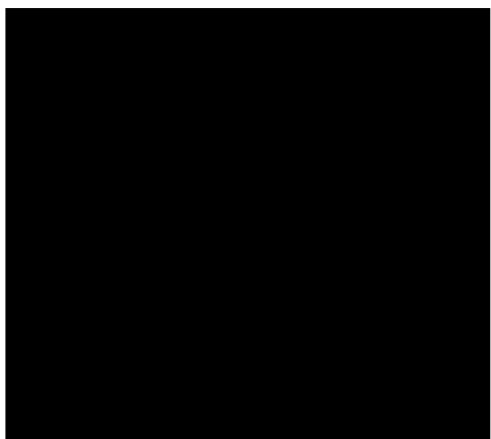
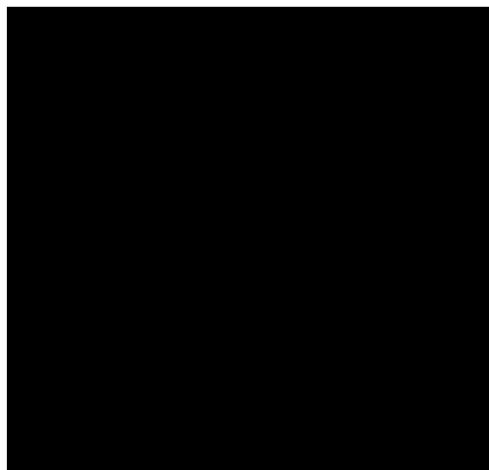
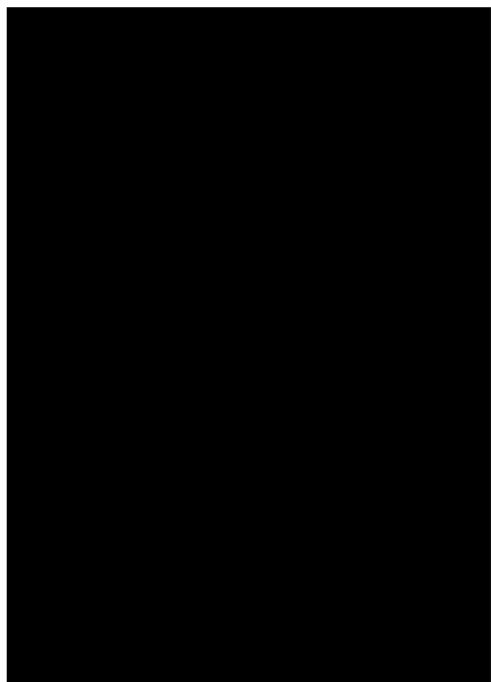
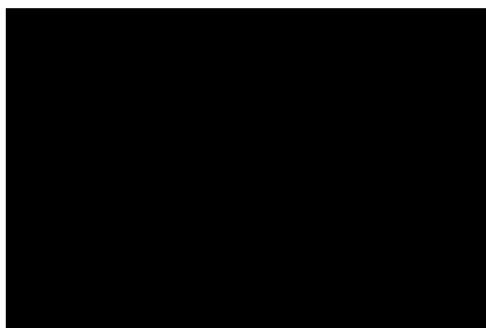
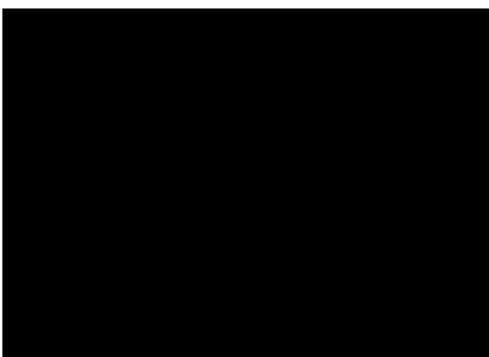






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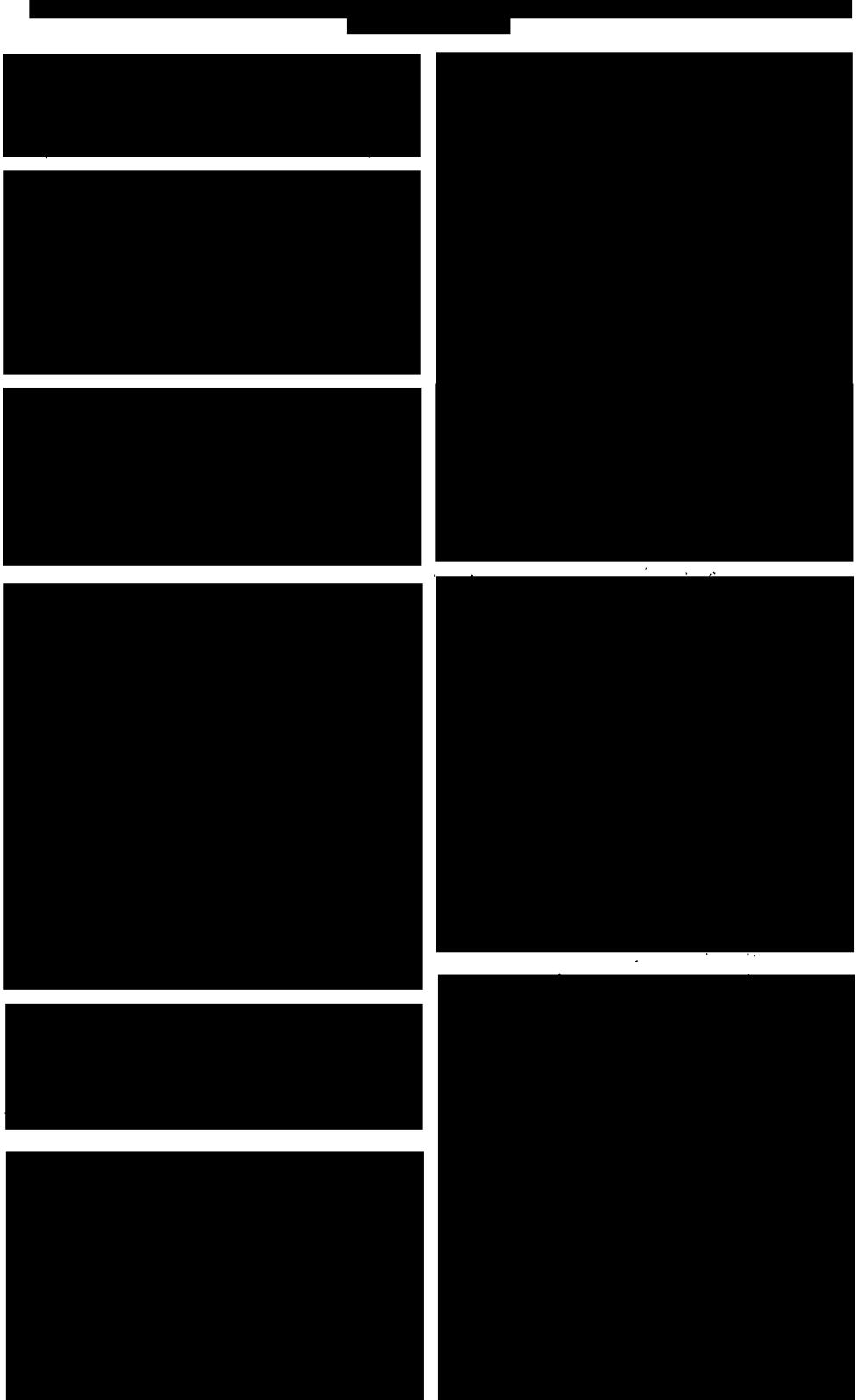
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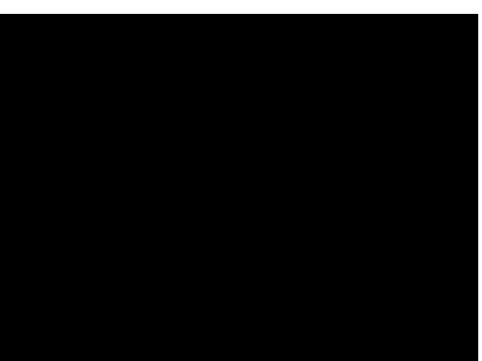
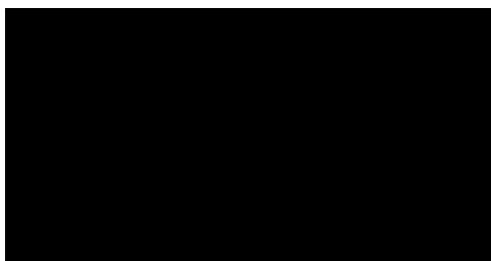
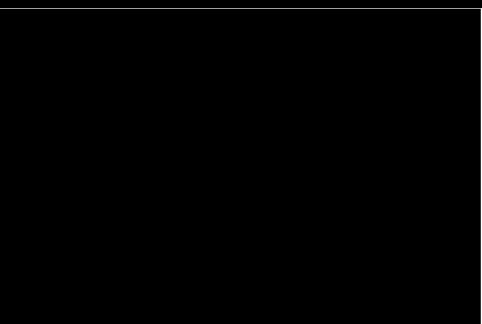
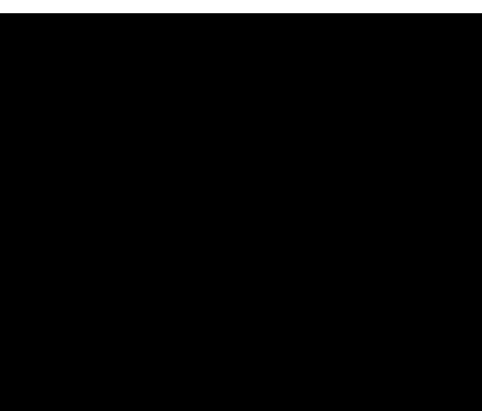
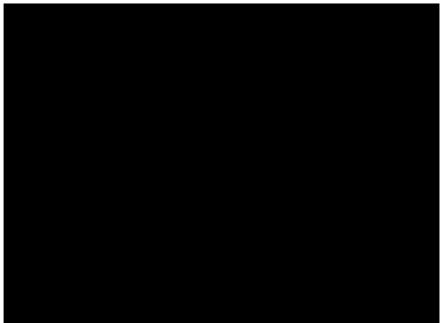
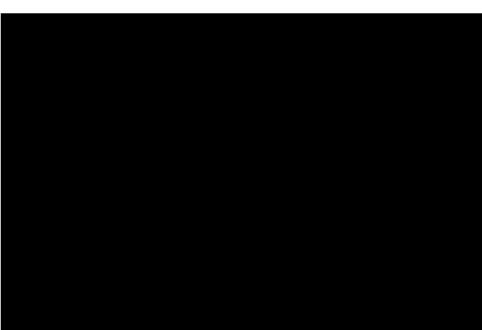
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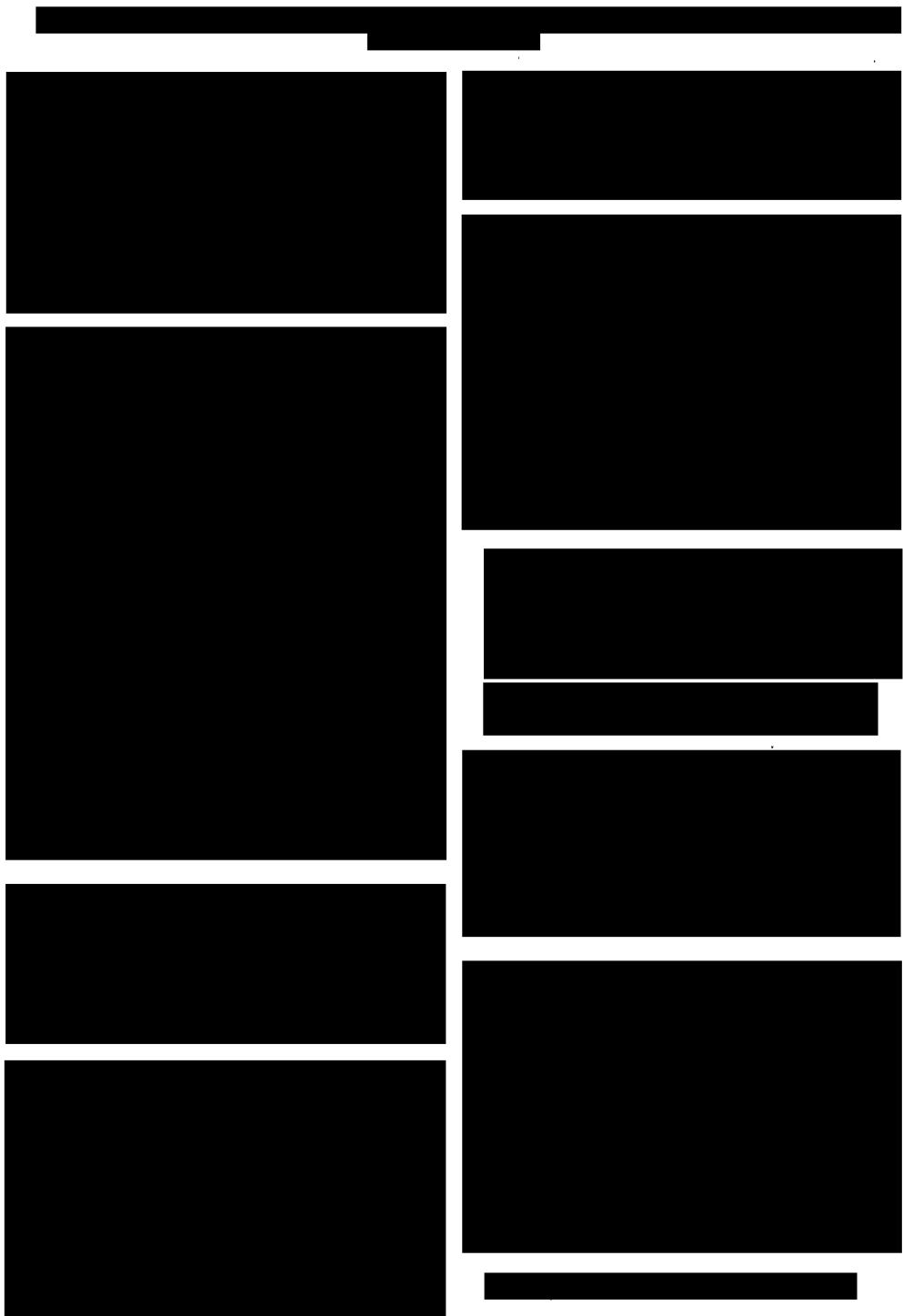
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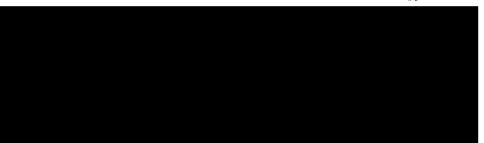
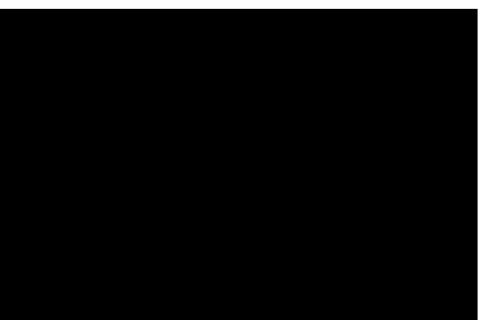
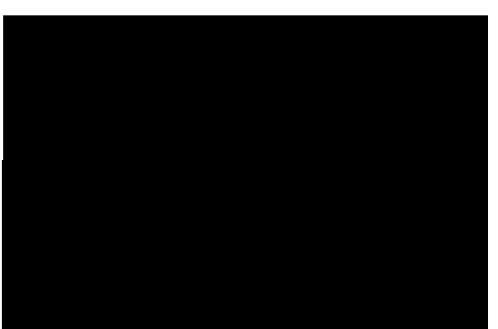
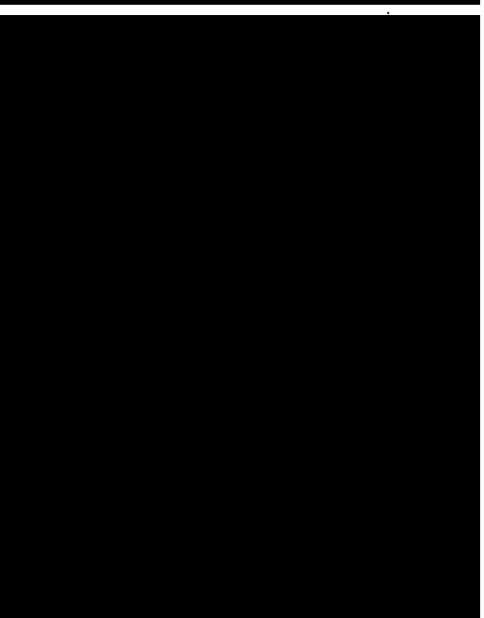
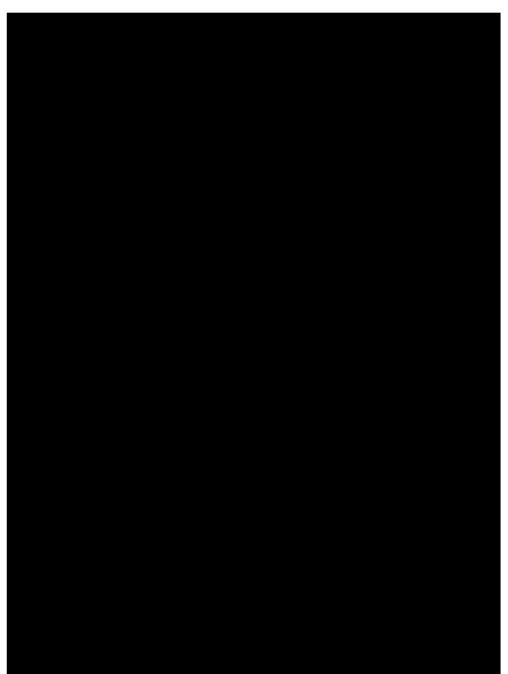
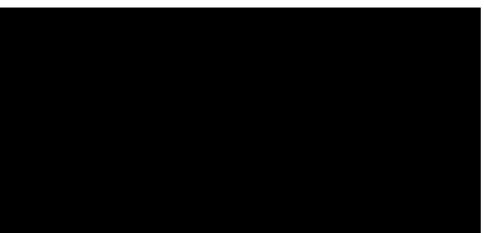
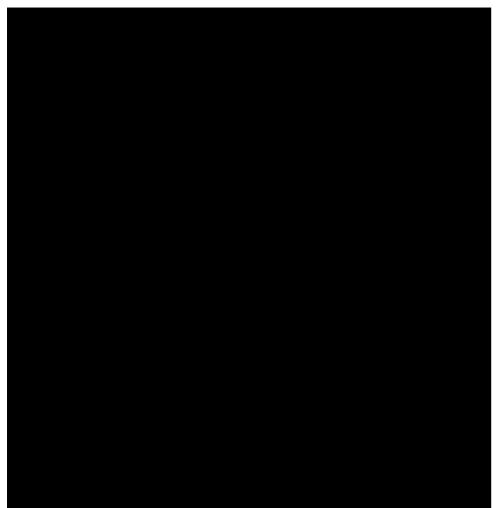
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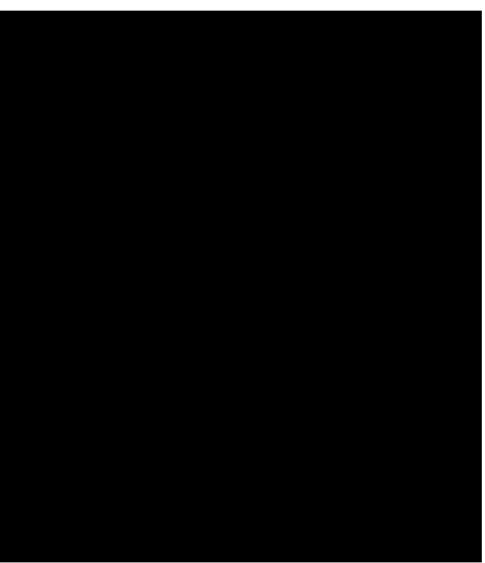
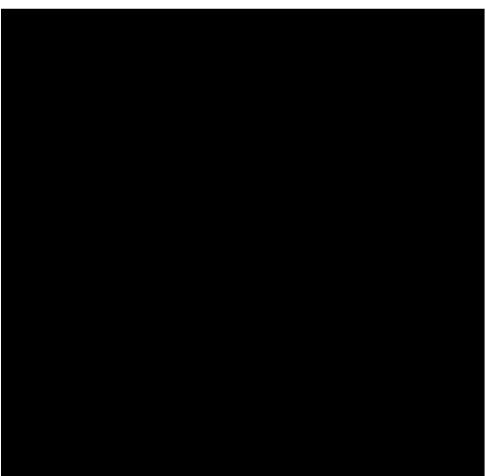
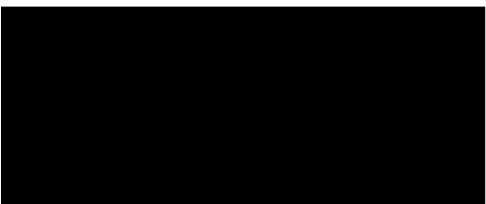
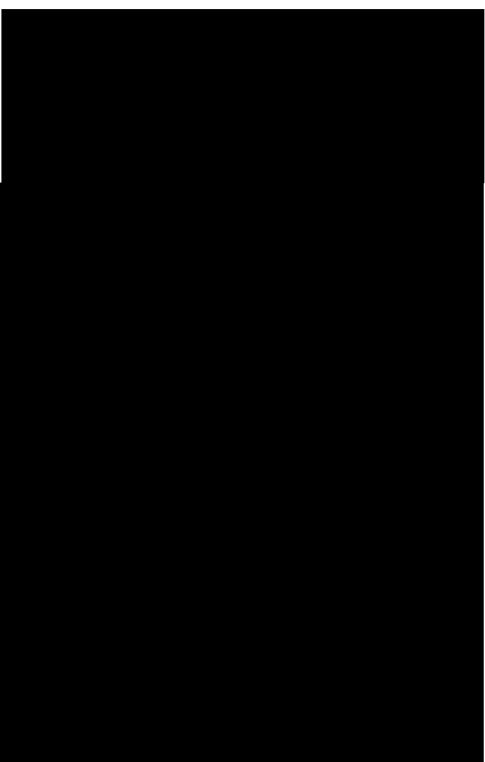
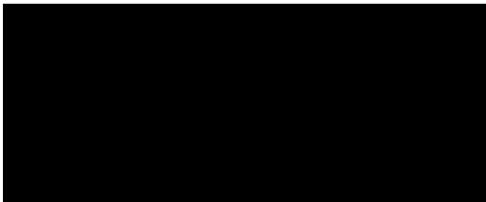
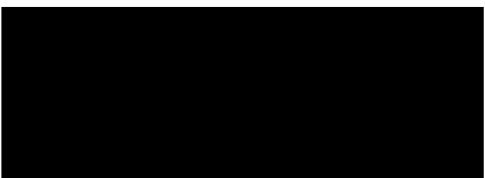
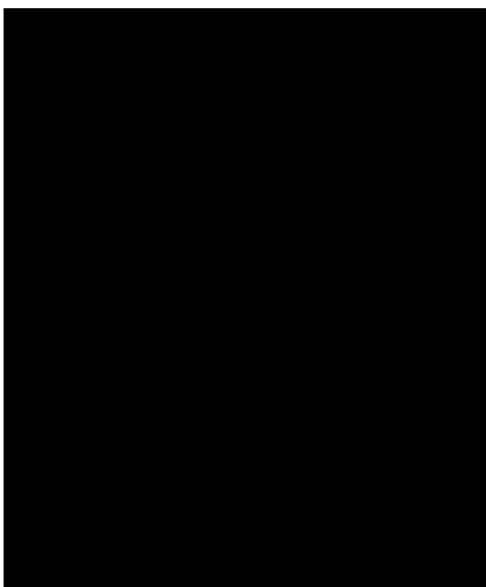


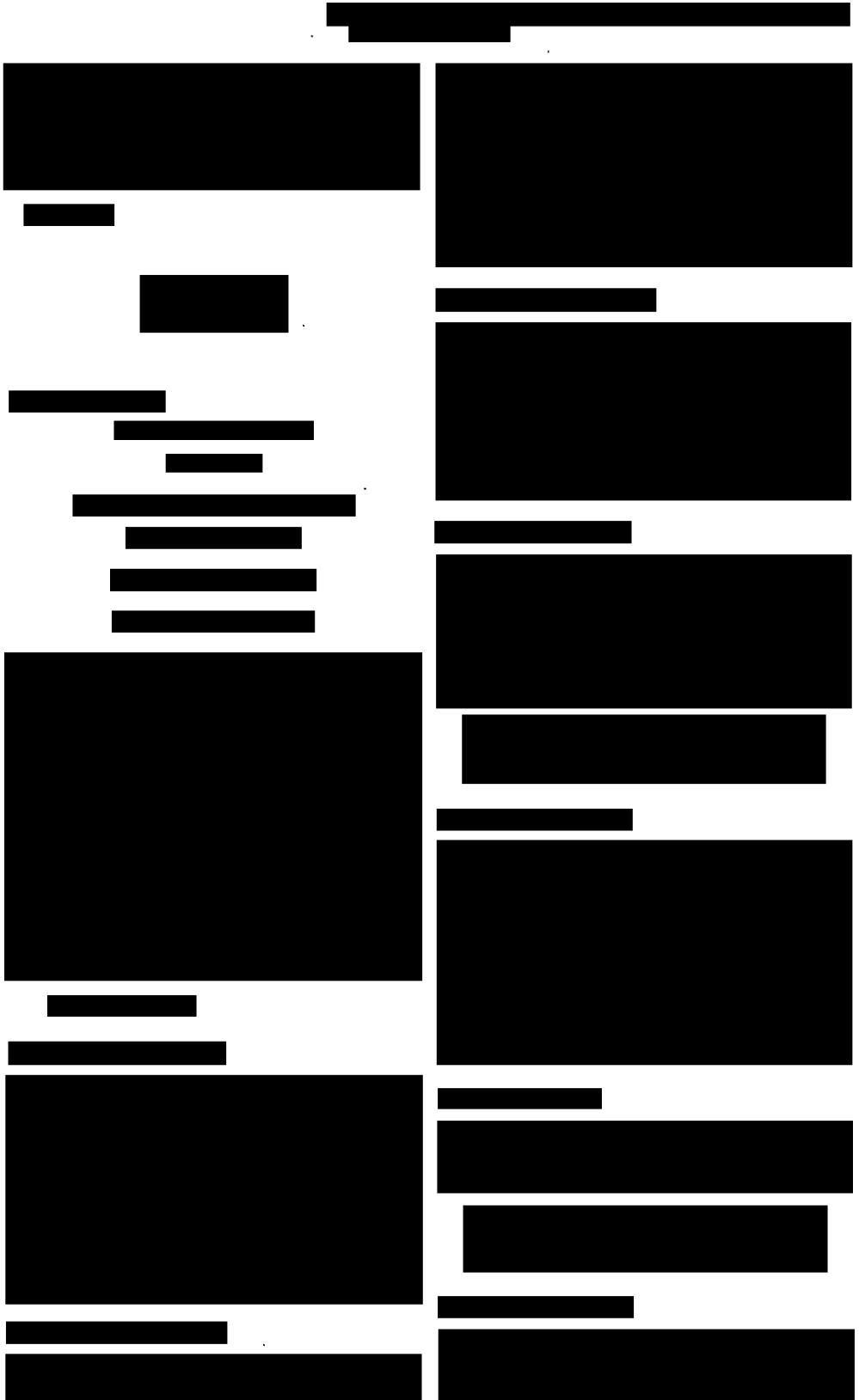












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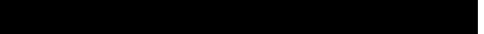
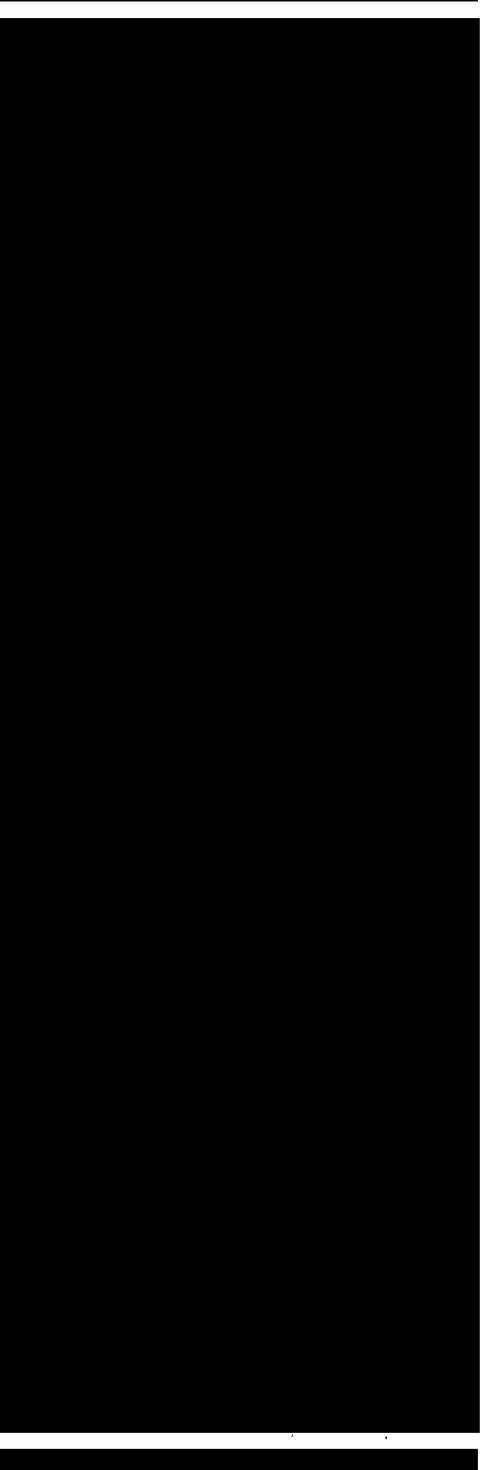
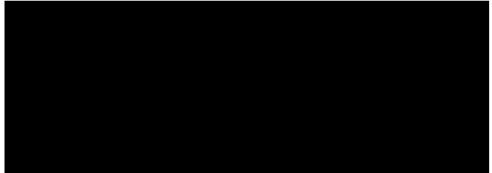
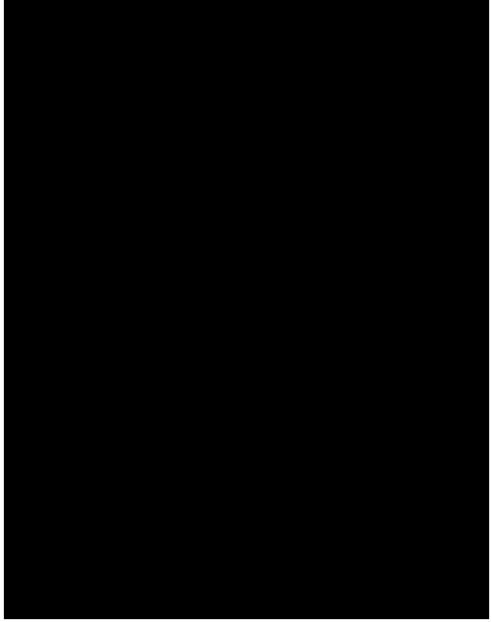
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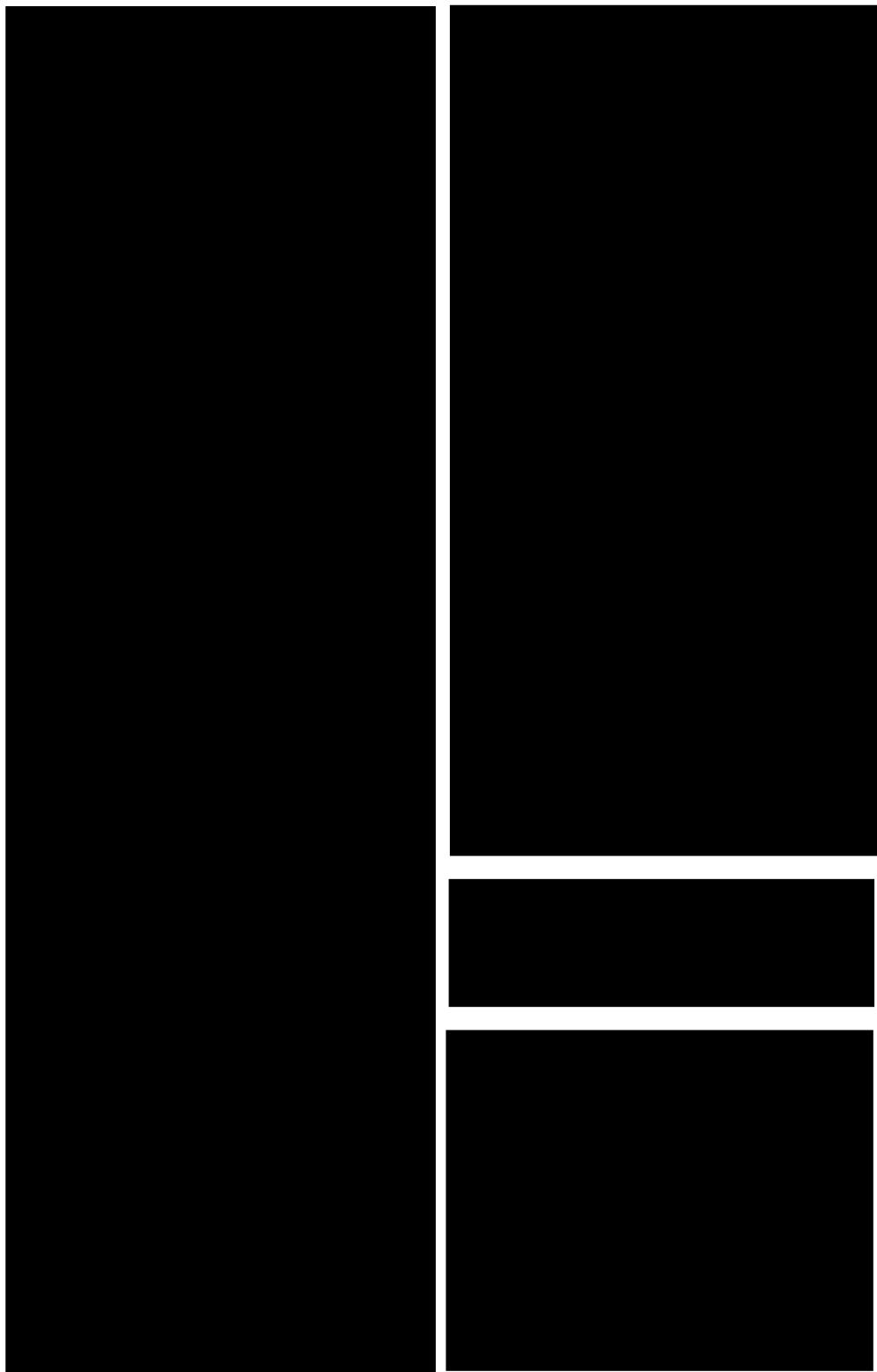
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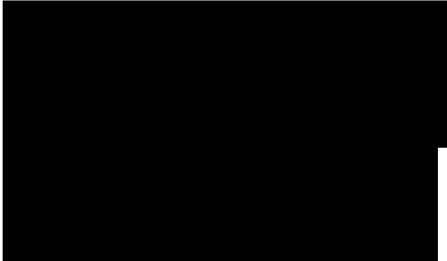
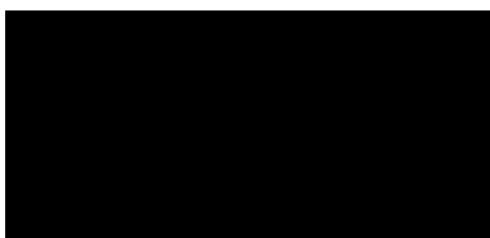
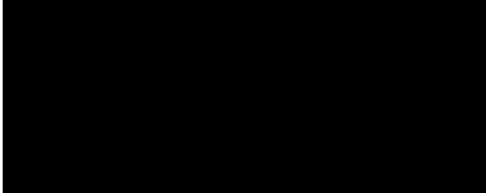
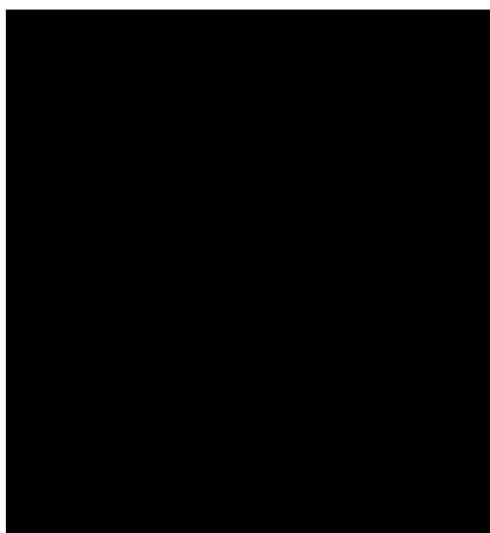
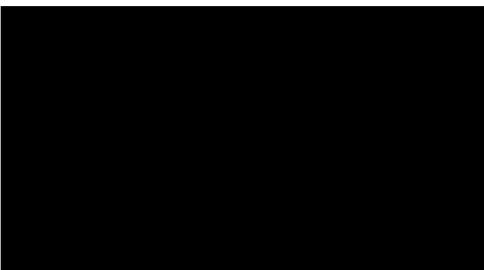
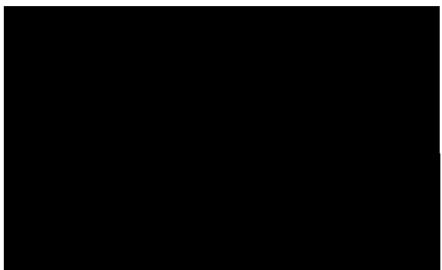
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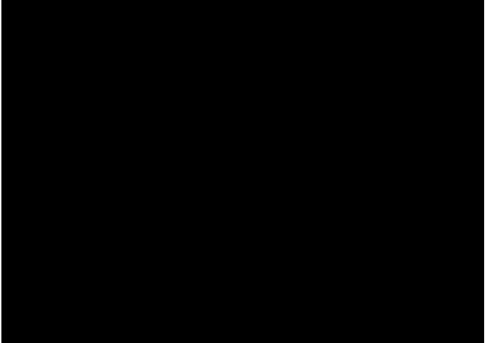
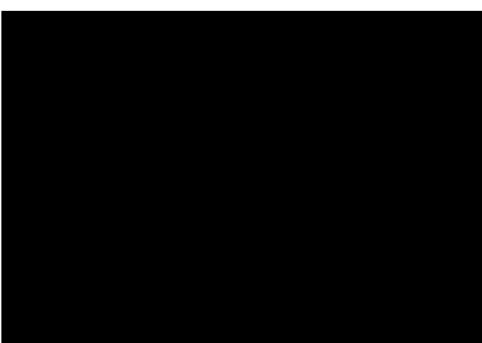
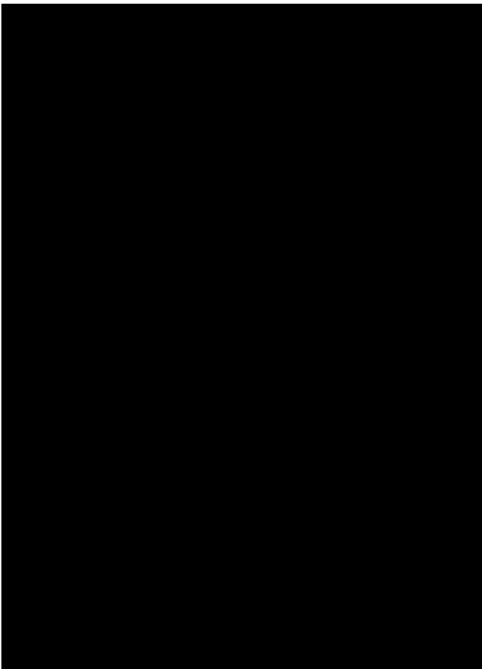
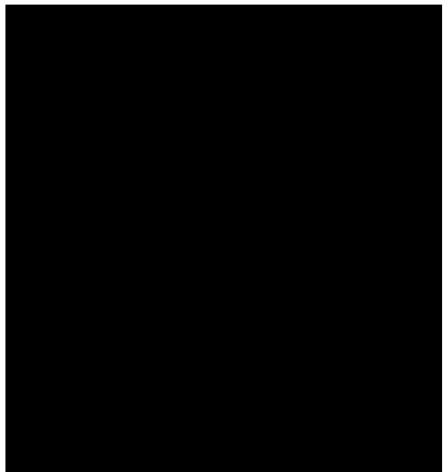
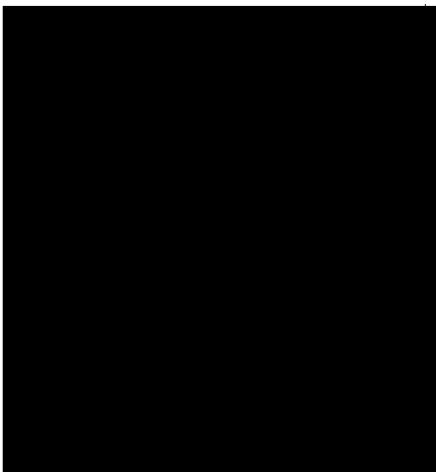
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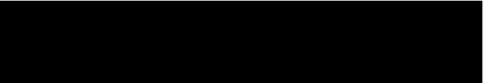
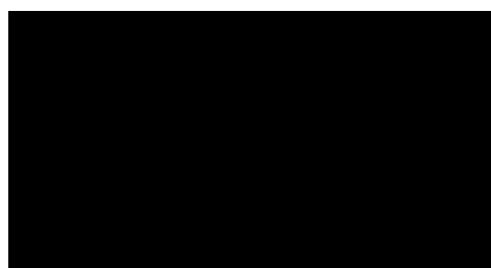
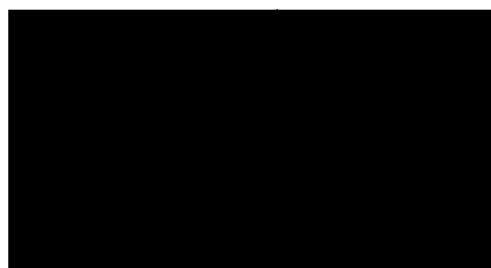
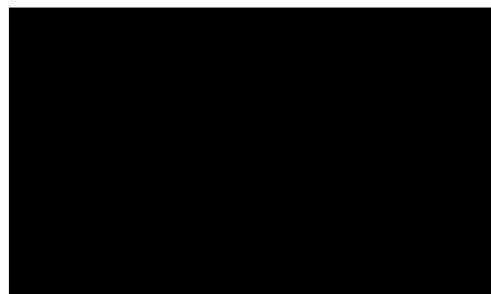
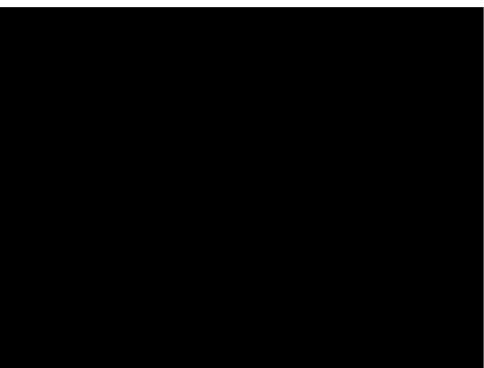
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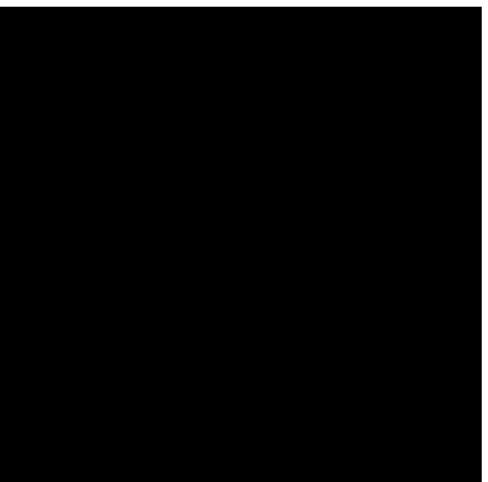
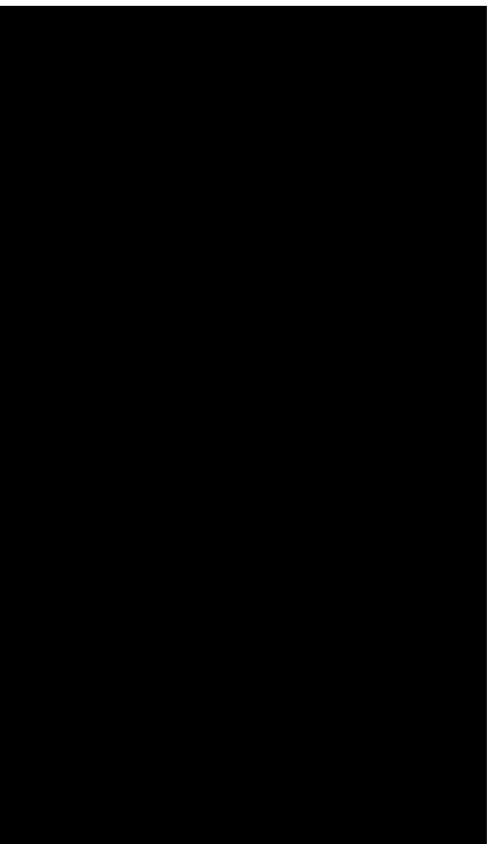
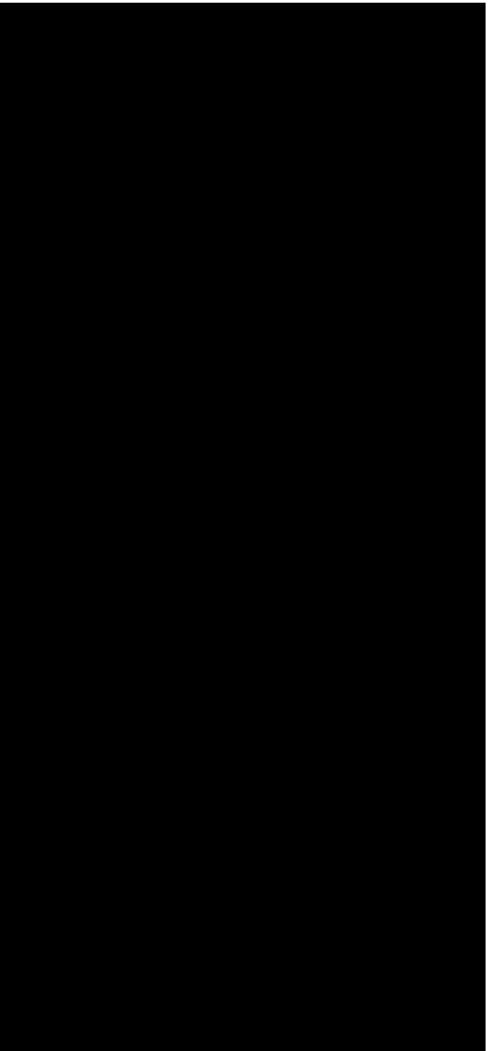
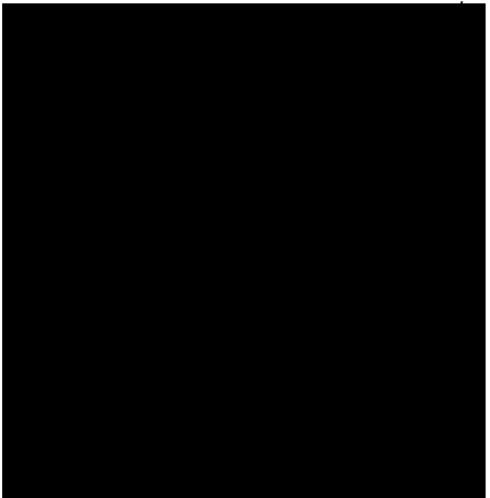














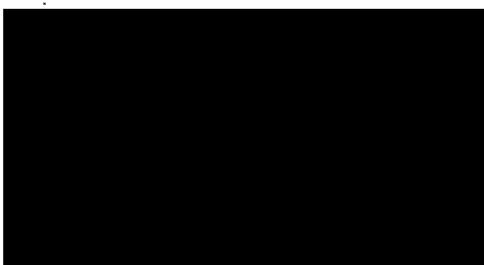
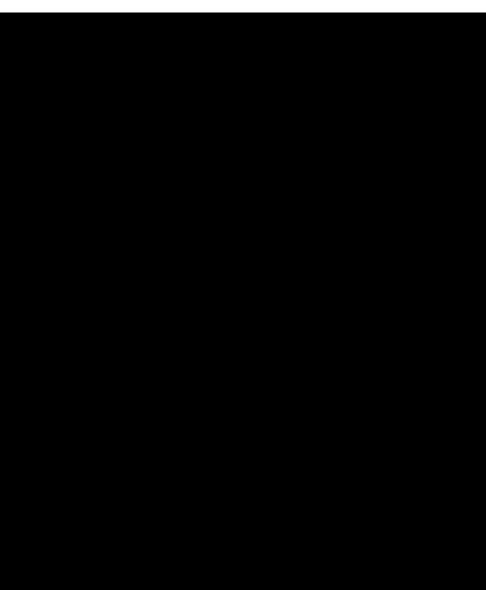
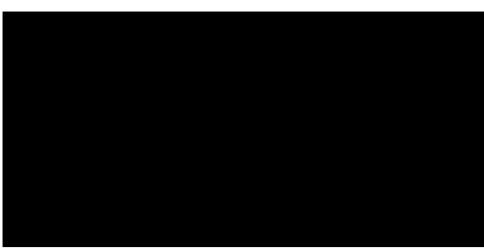
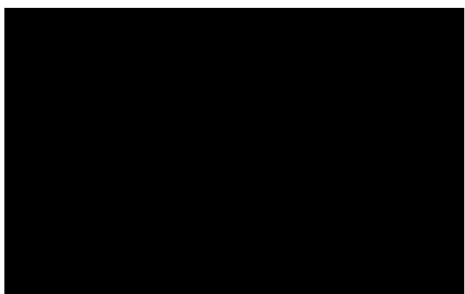
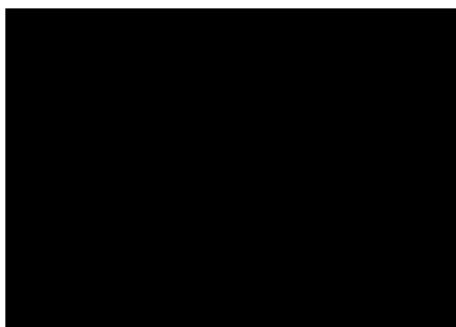
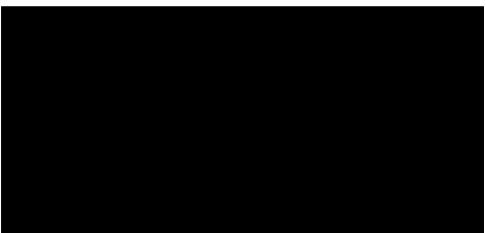
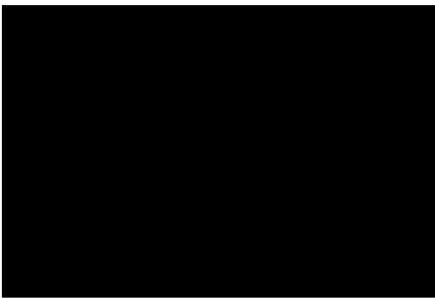
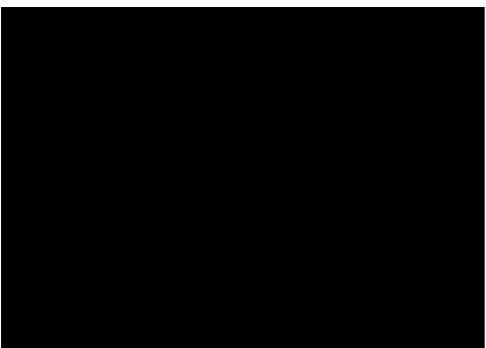
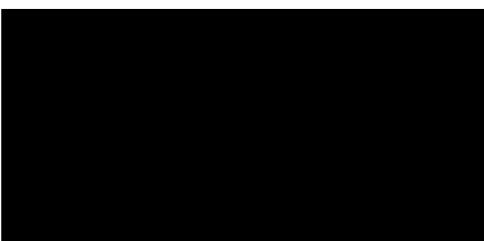
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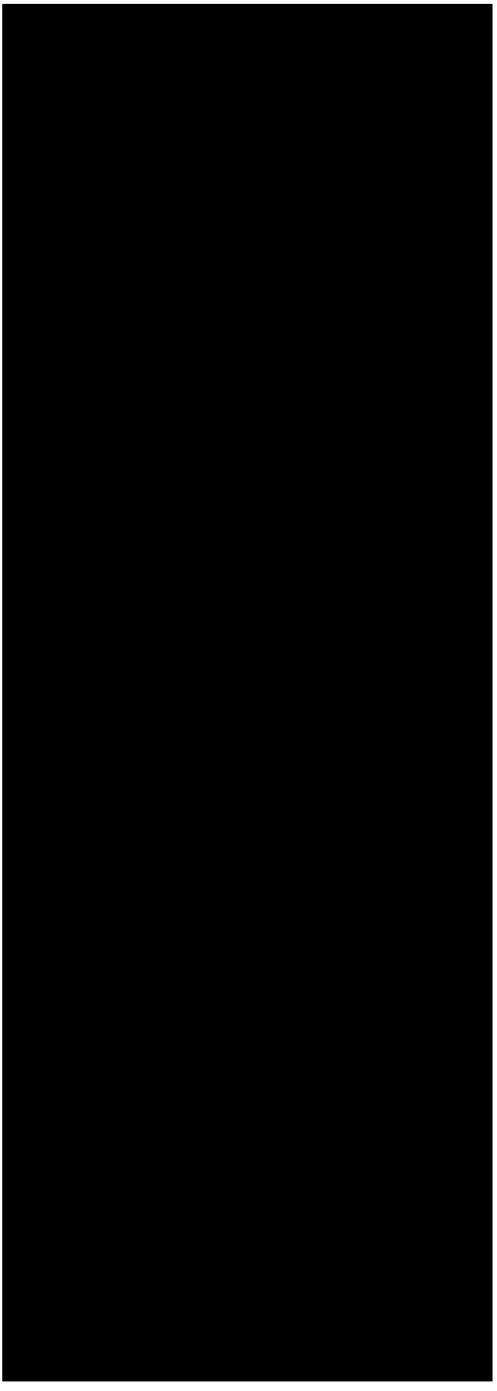
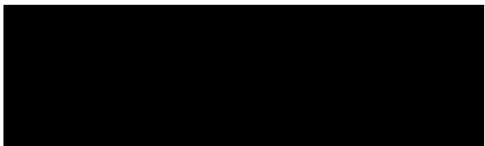
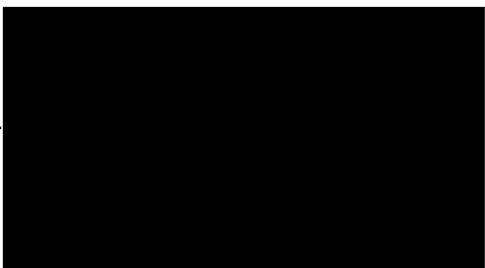
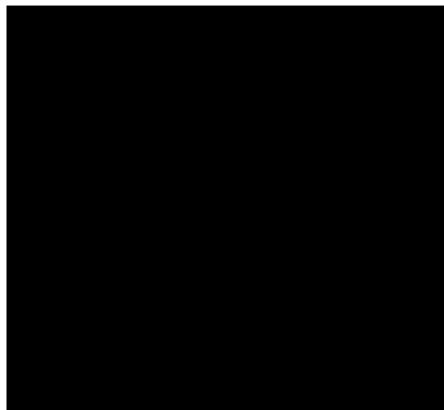
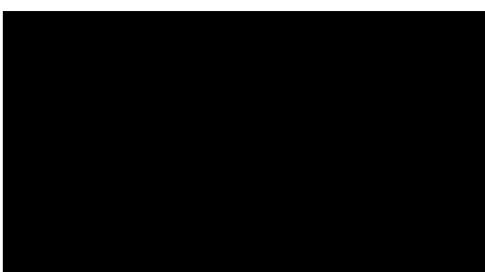
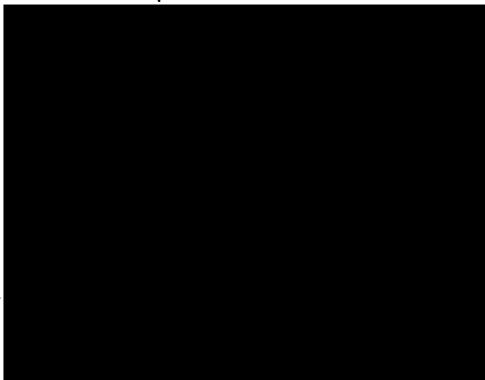


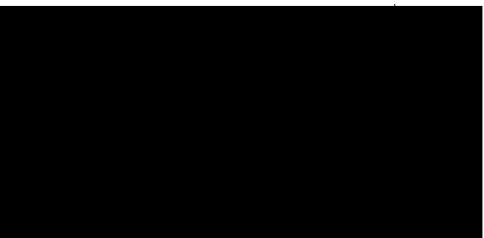
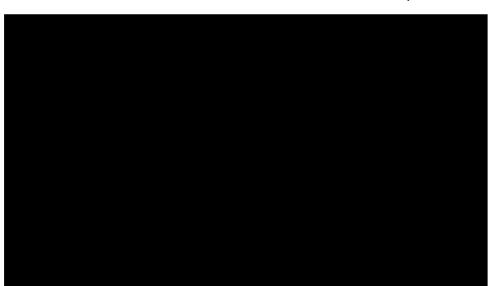
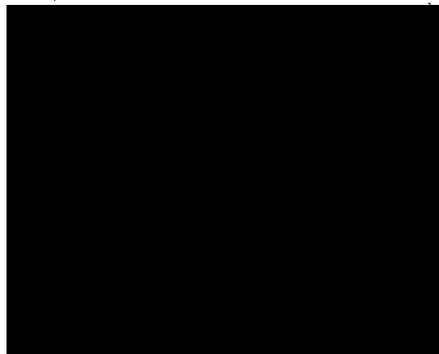
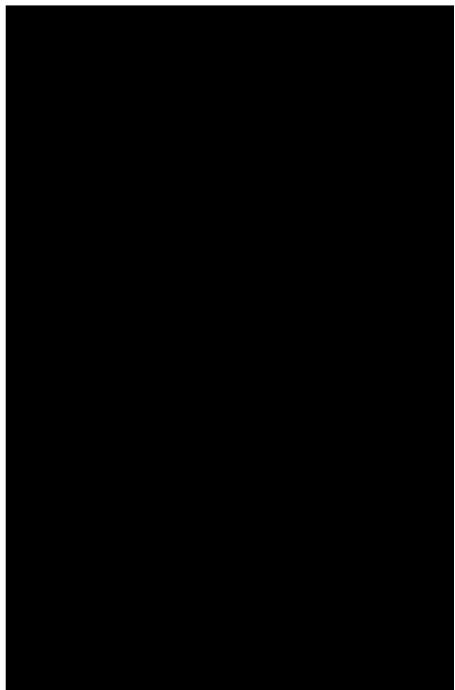
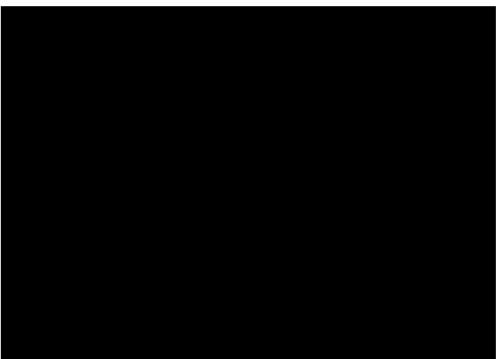
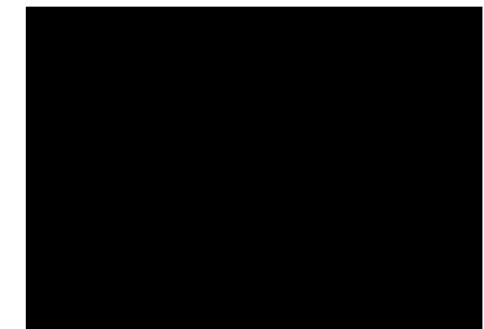
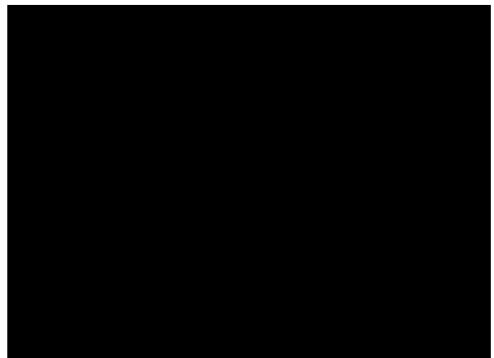
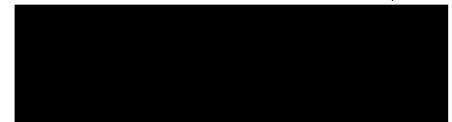
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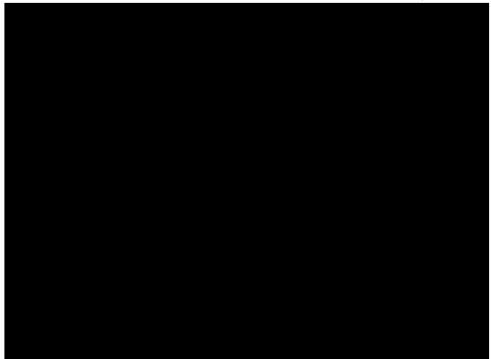
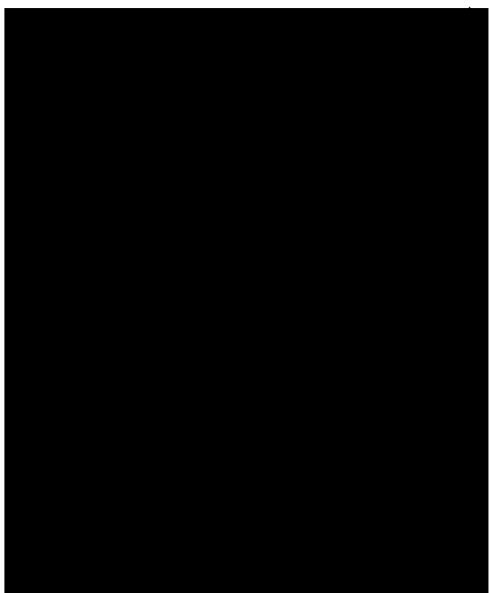
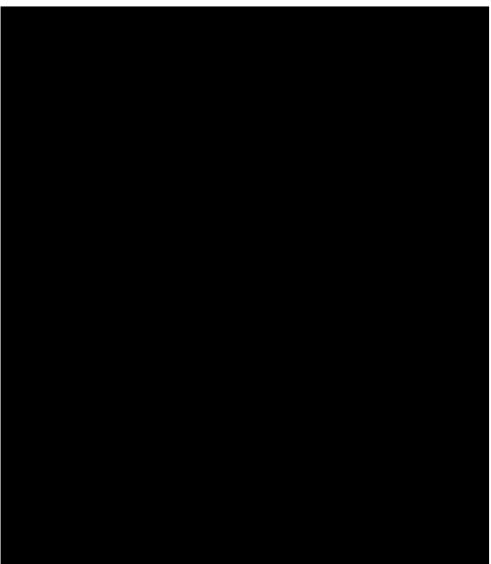
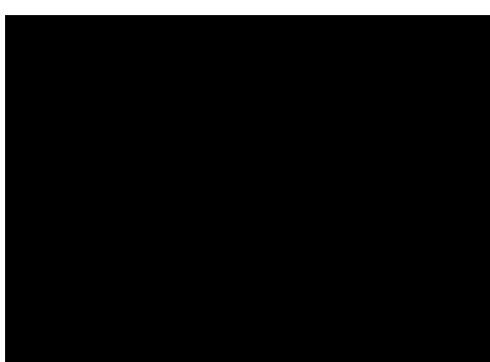
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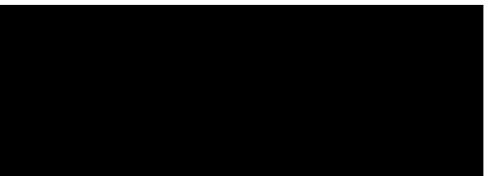
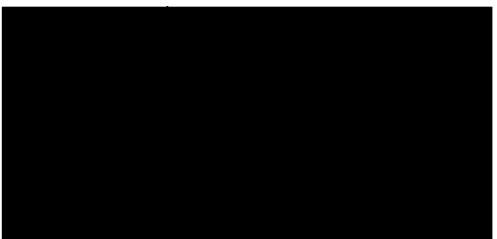
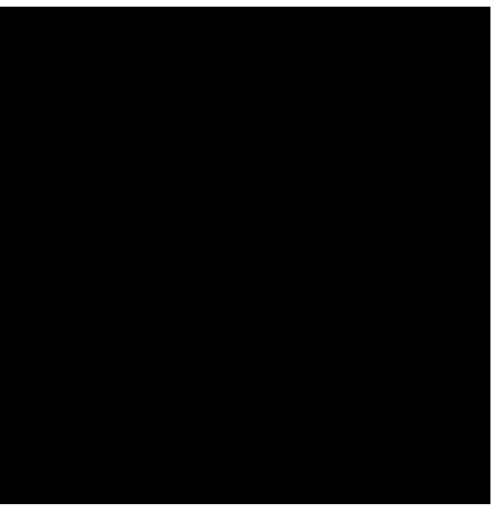
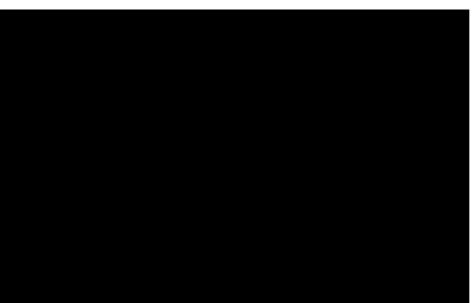
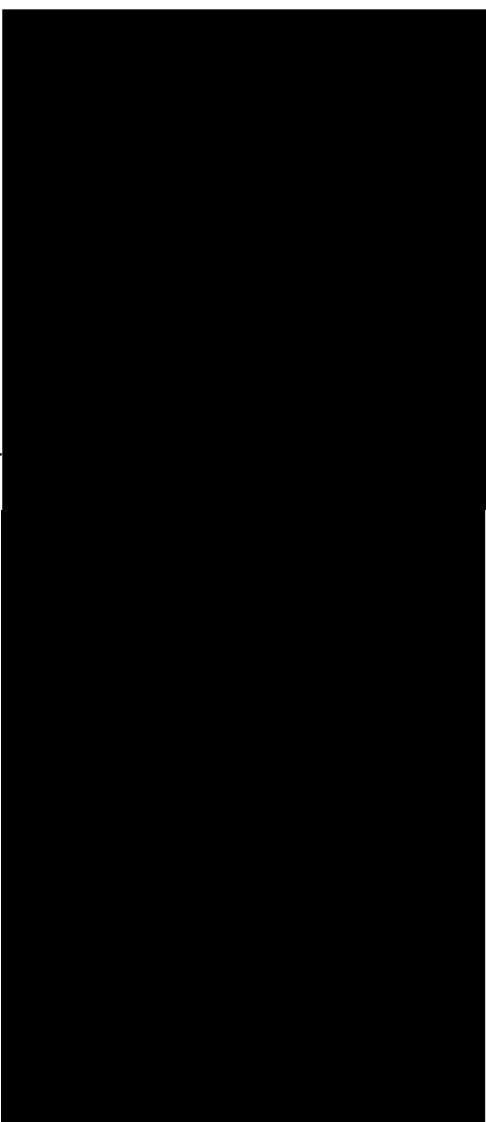




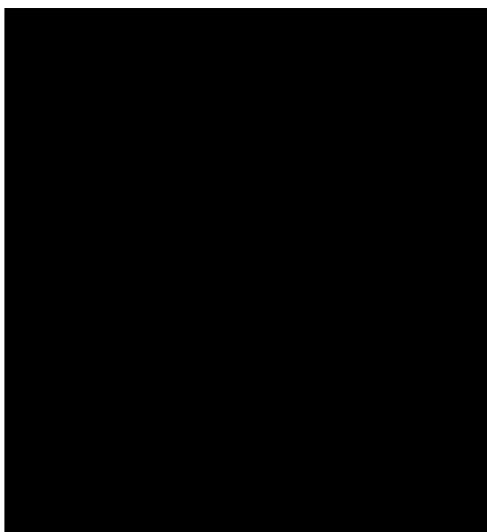
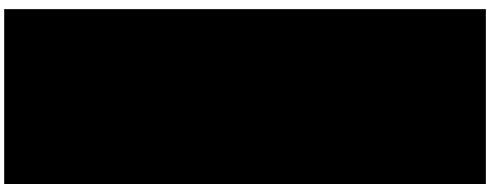
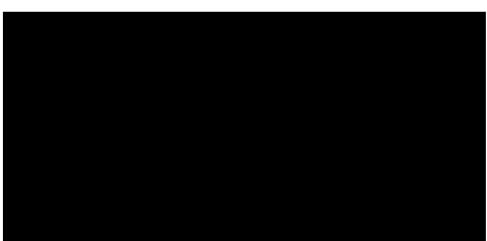
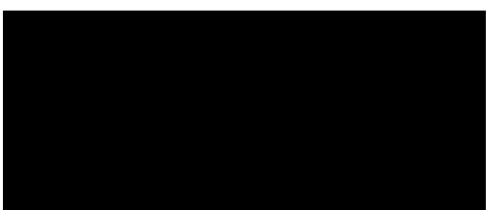
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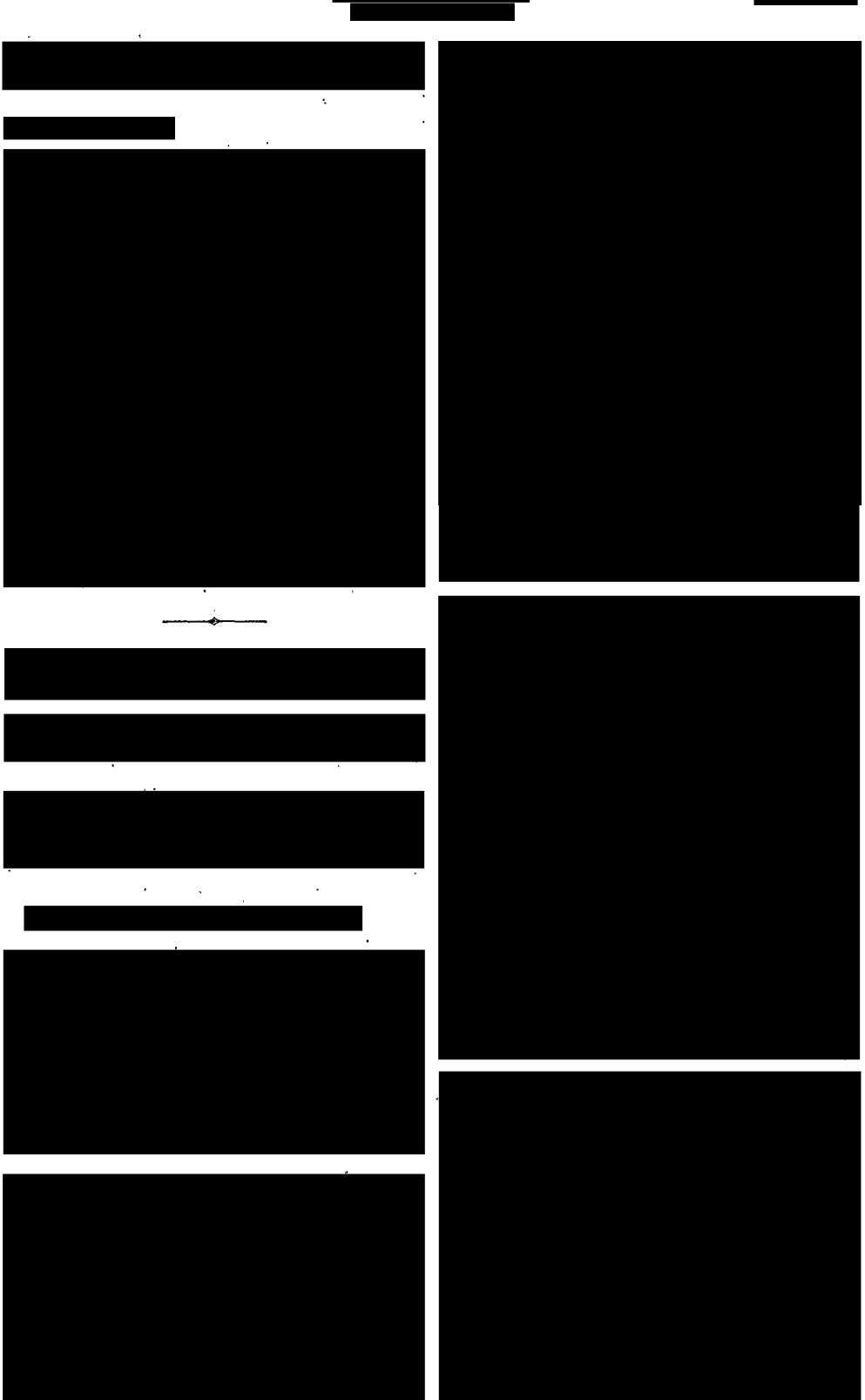








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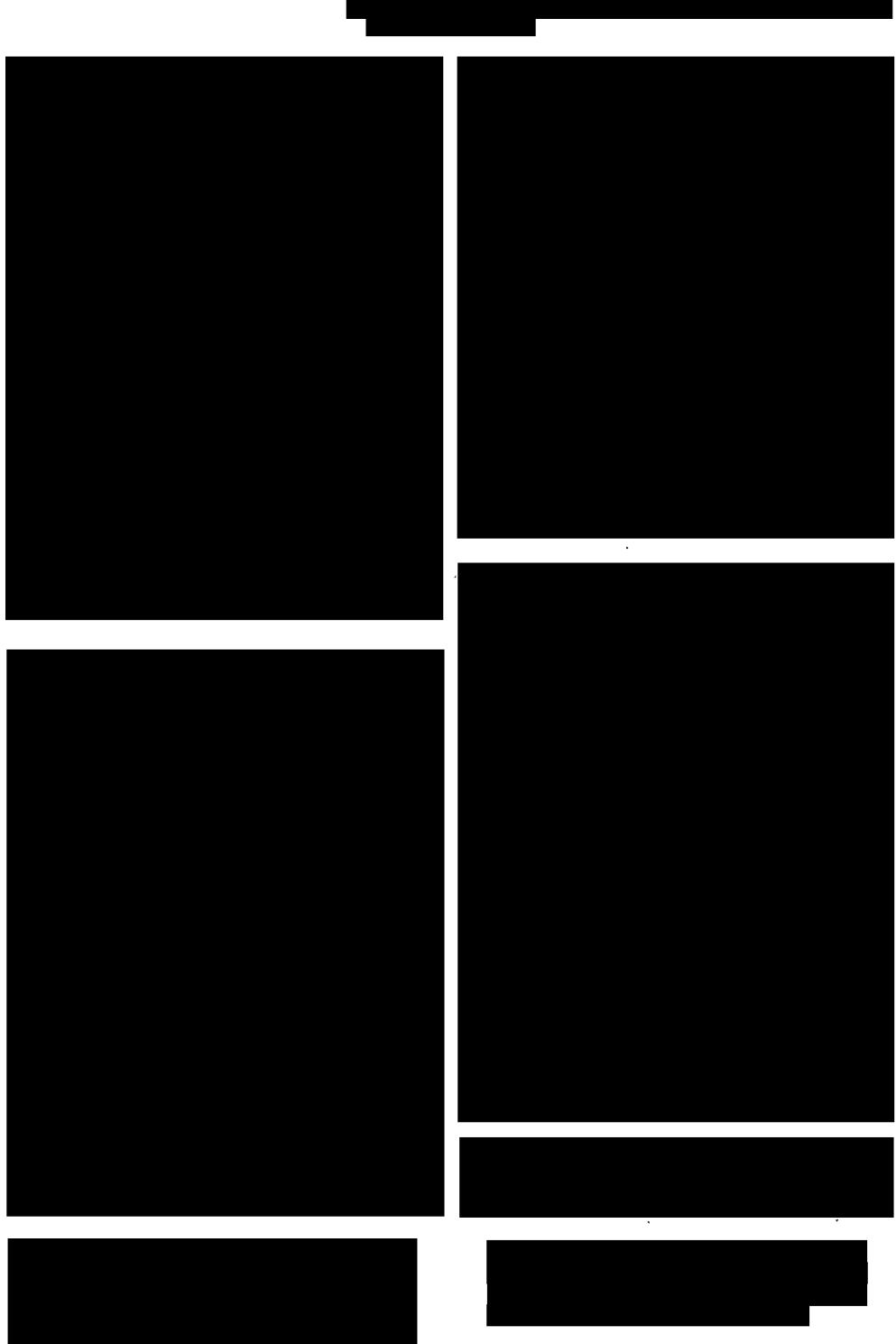
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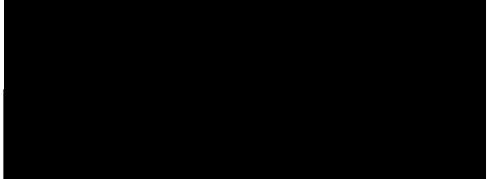
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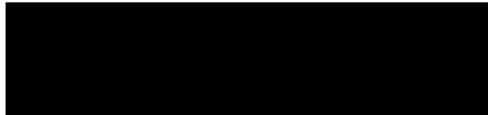
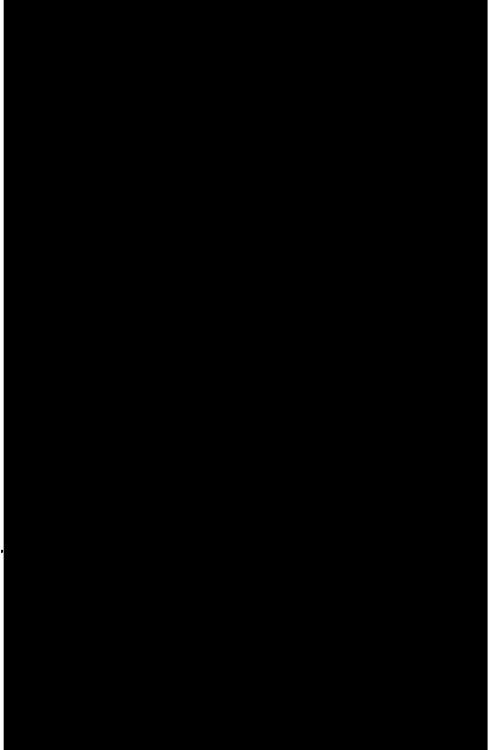
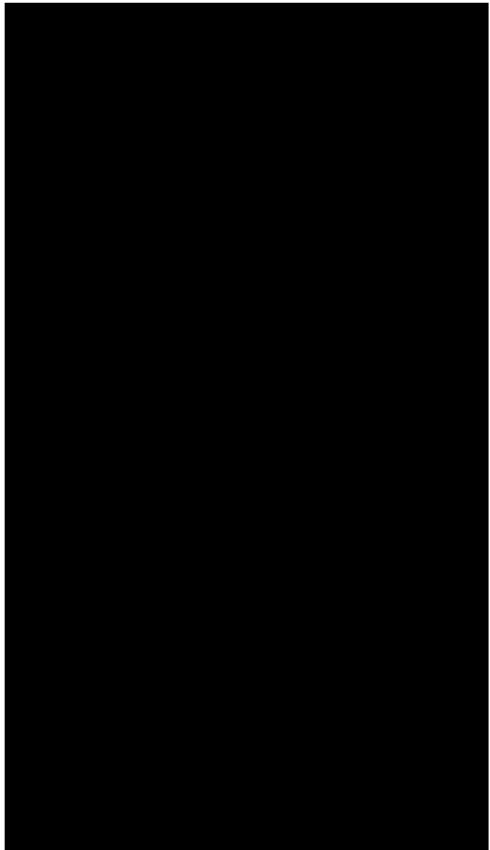
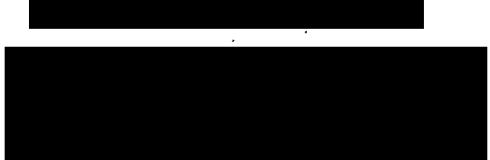




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— ◊ —



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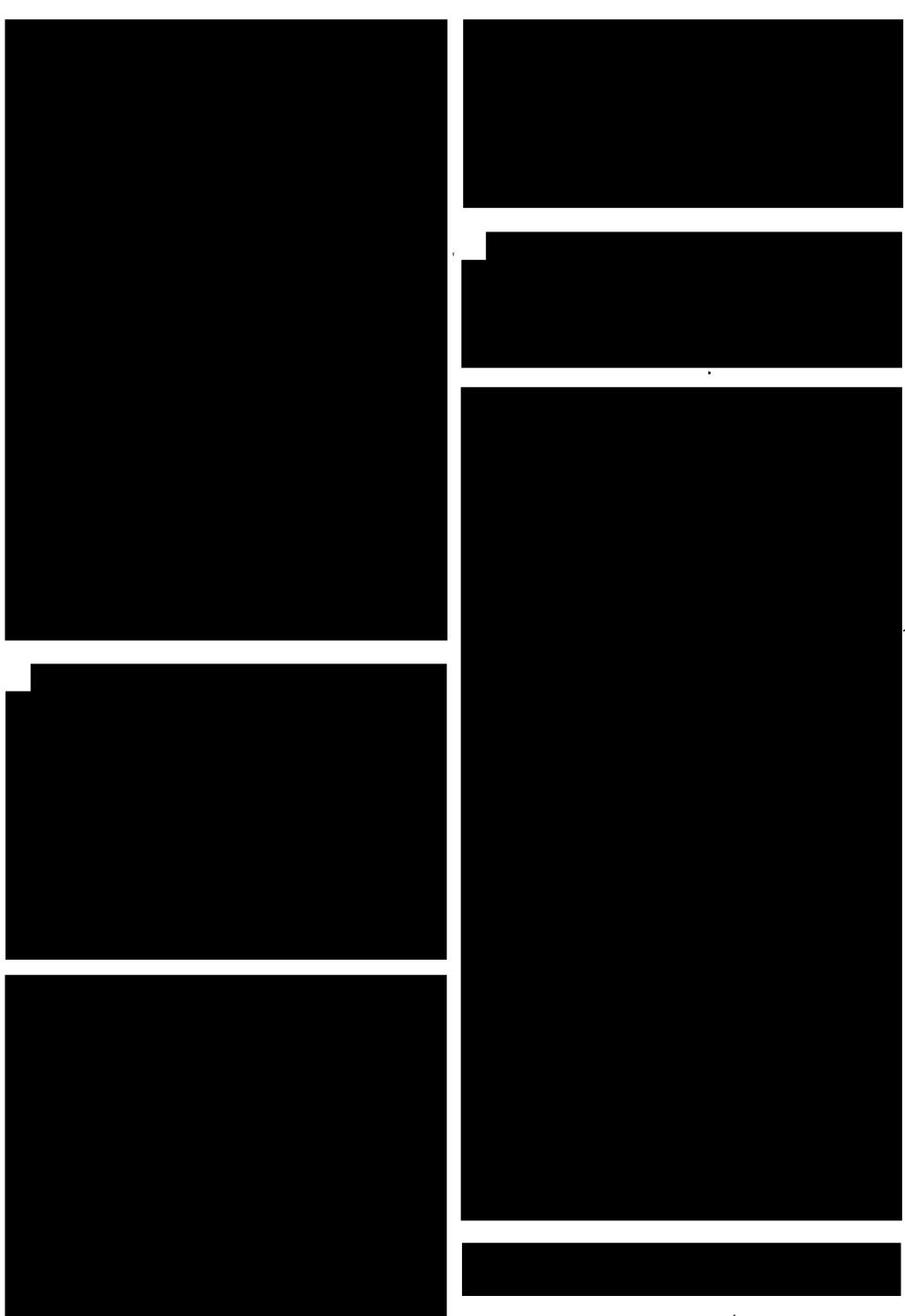
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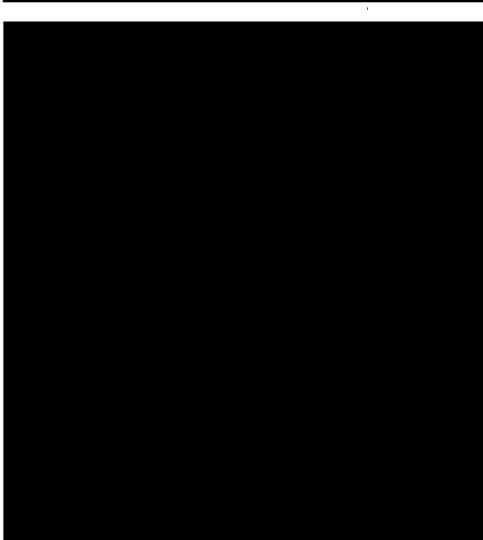
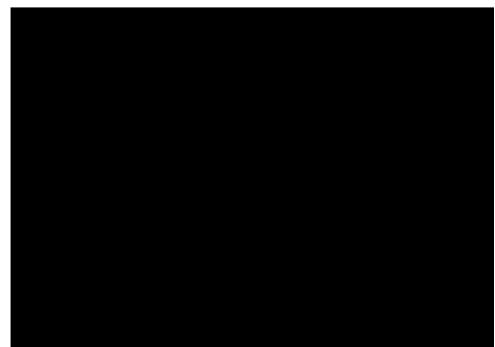
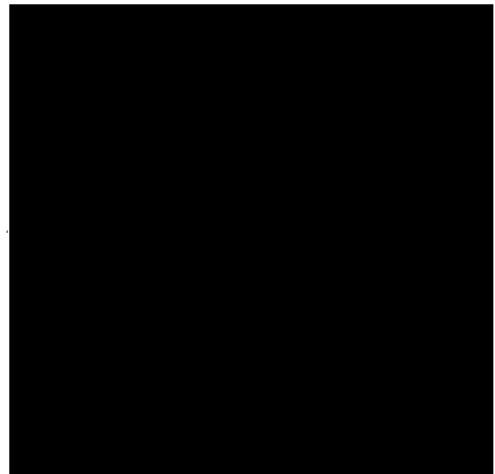
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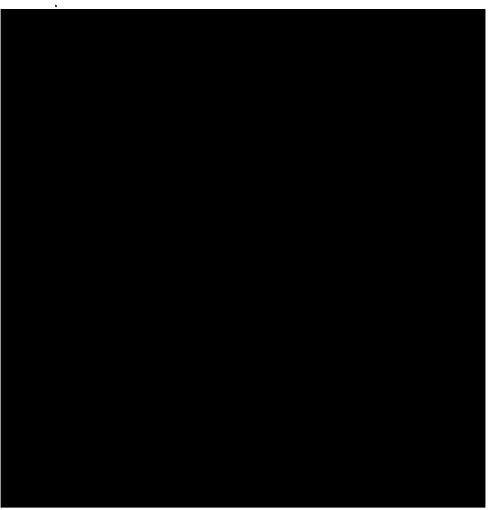
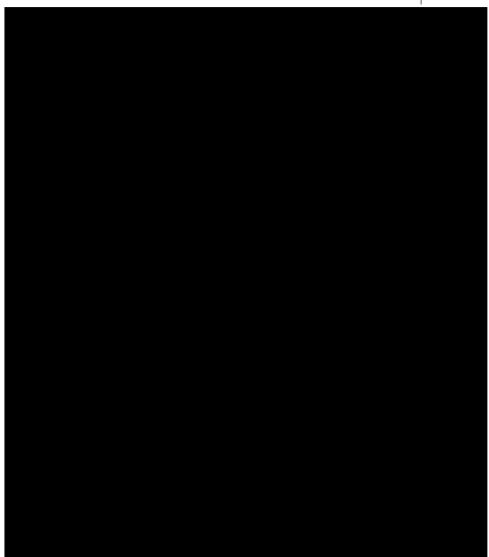
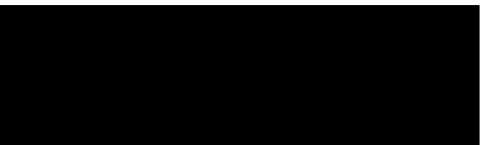
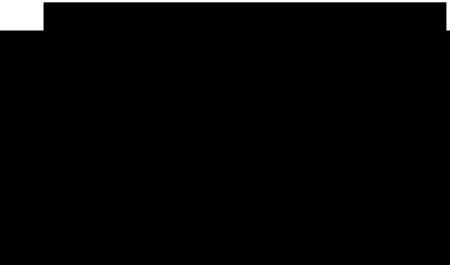
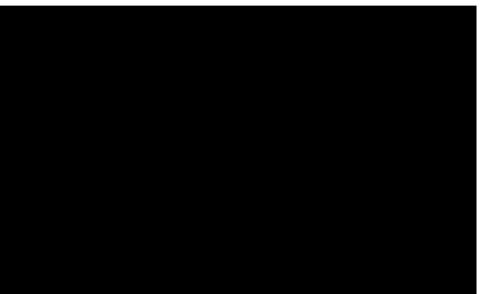
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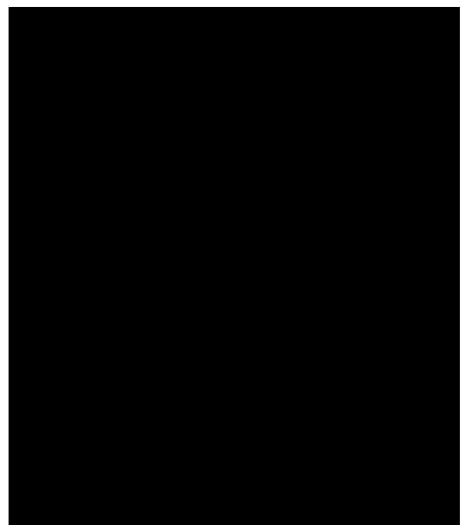
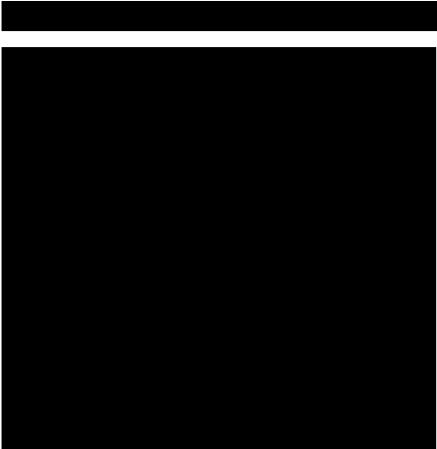
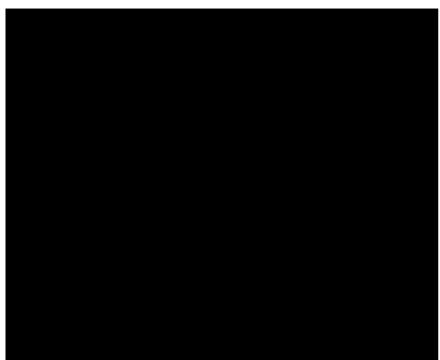
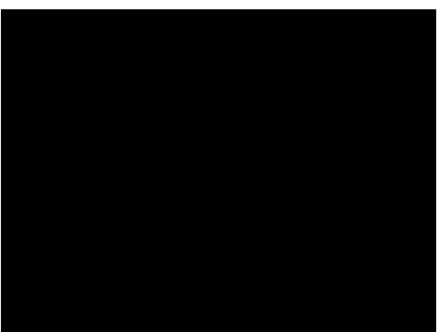
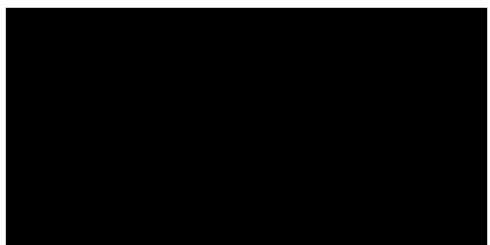
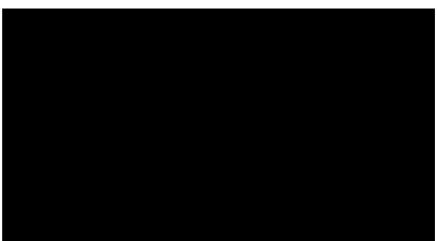
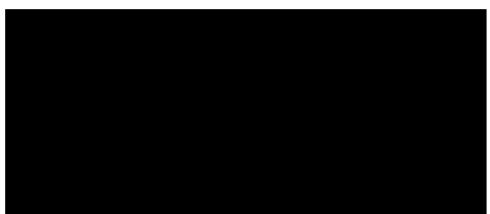
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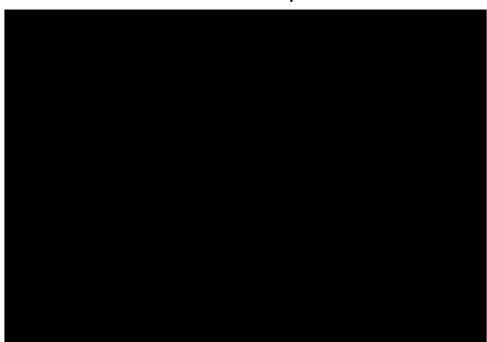
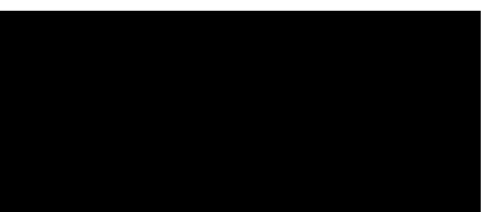
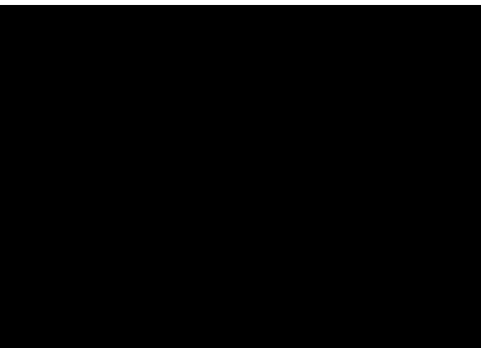
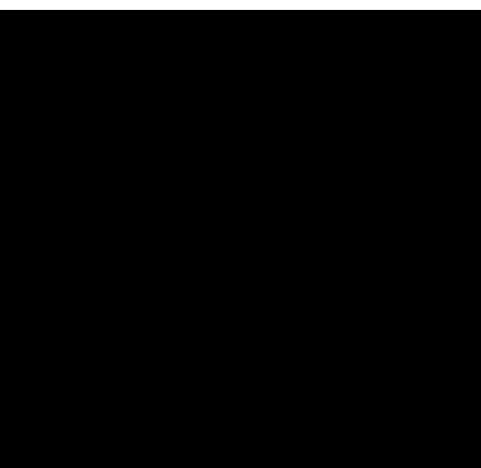
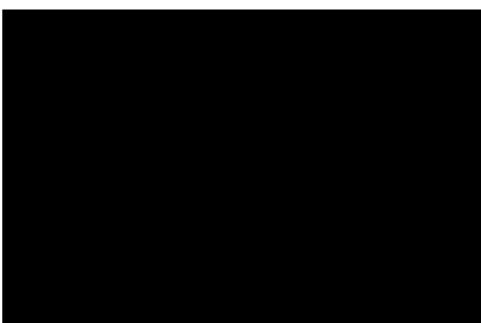
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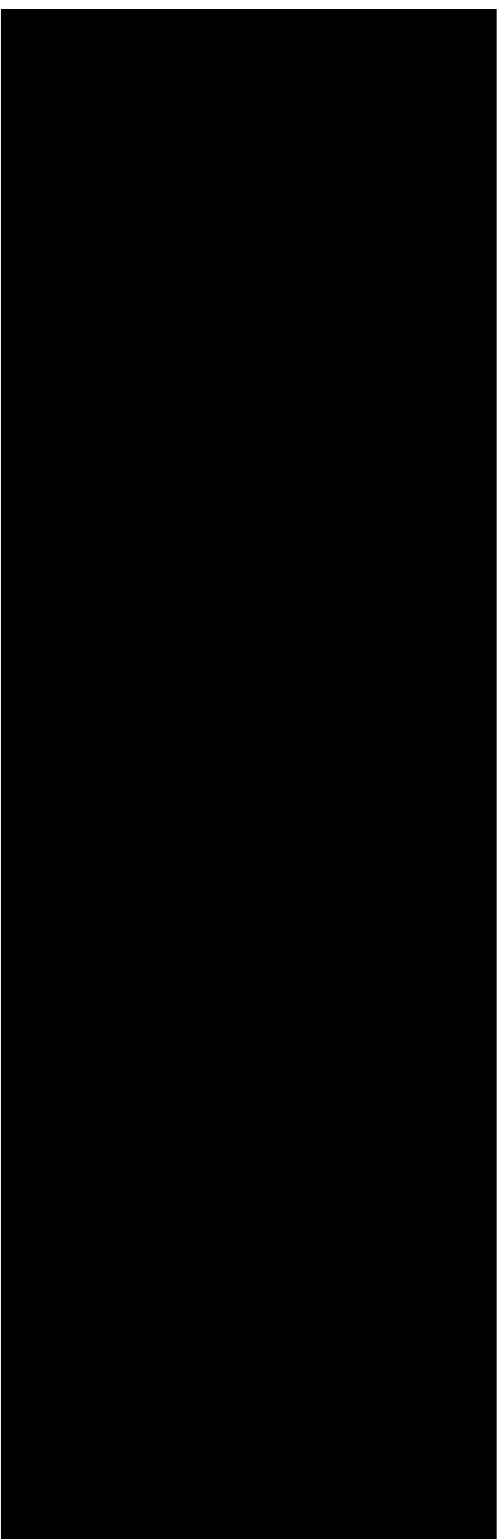
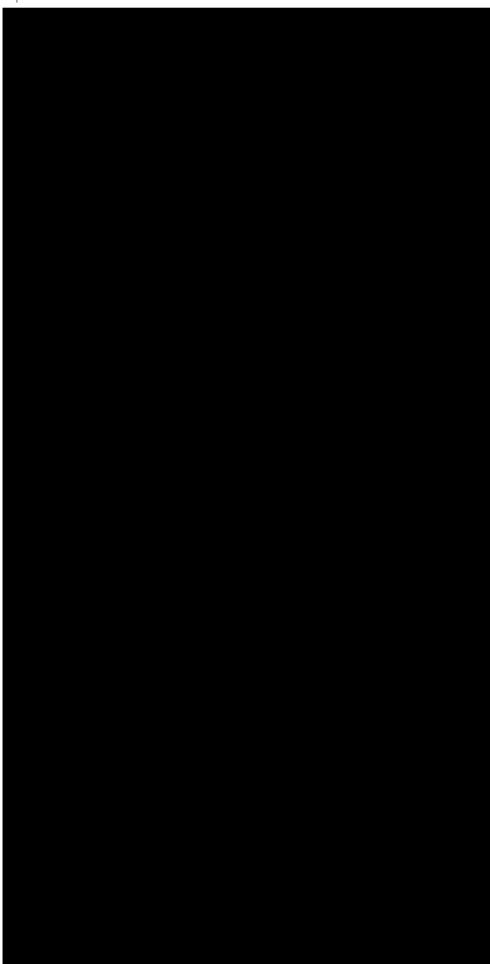














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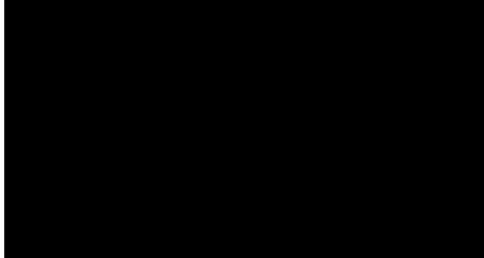
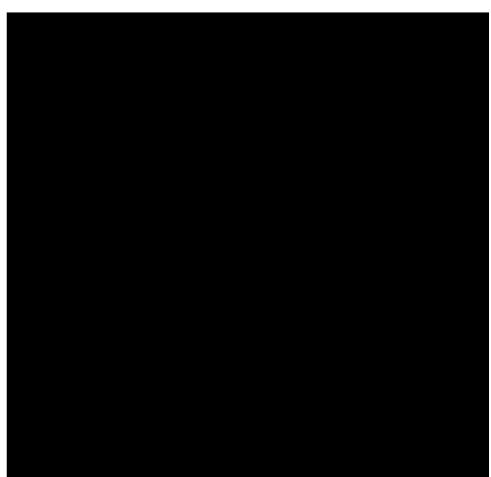
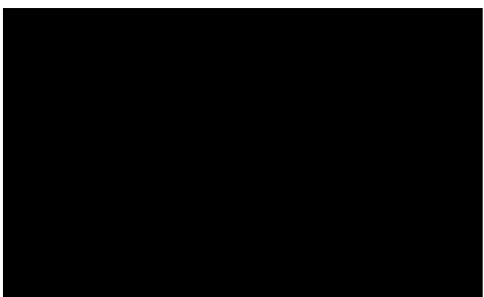
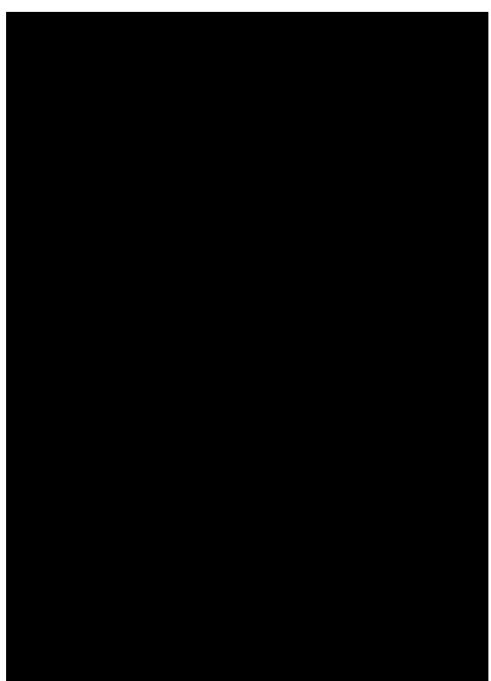
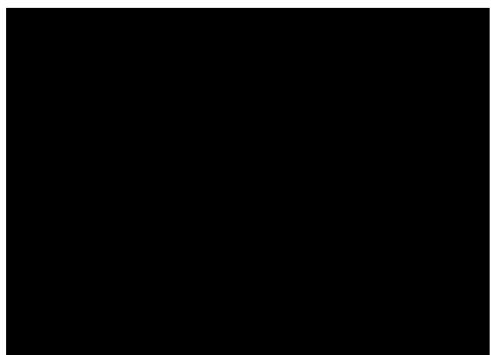
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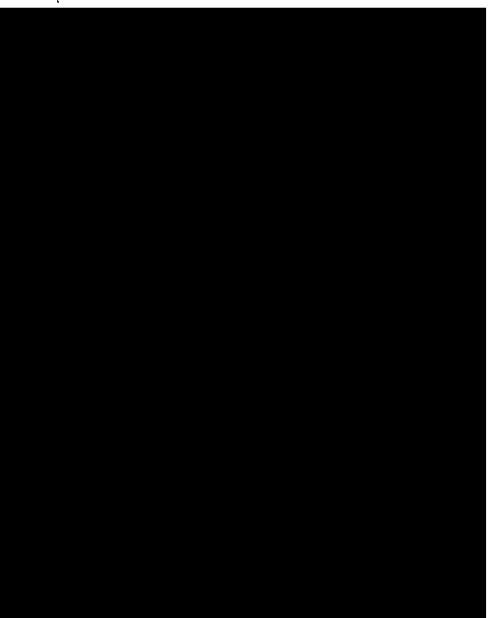
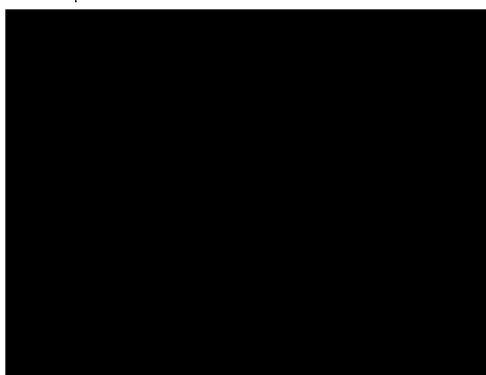
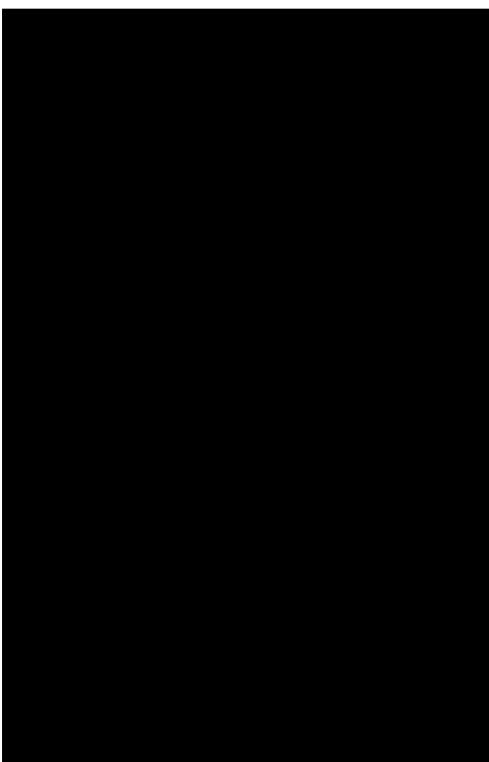
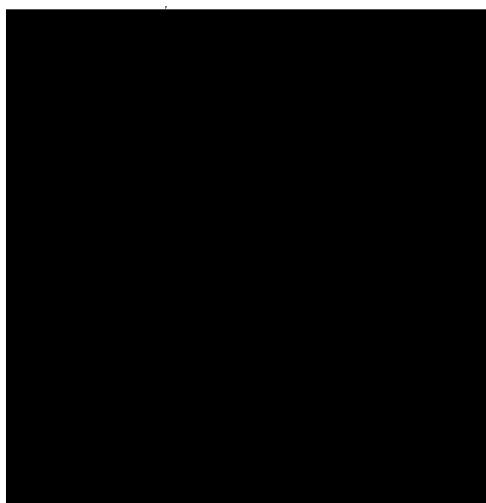
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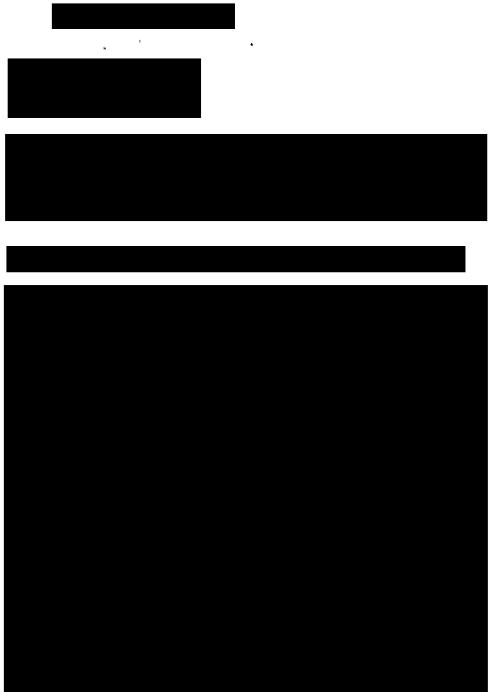
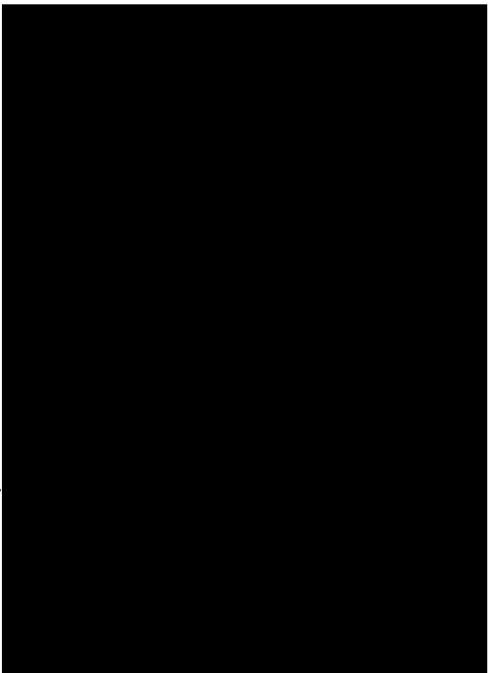
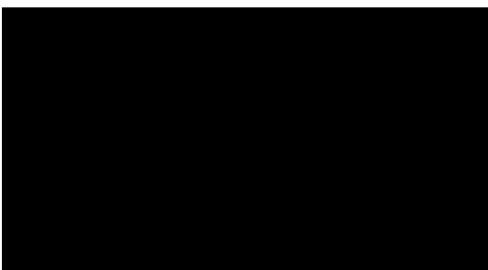
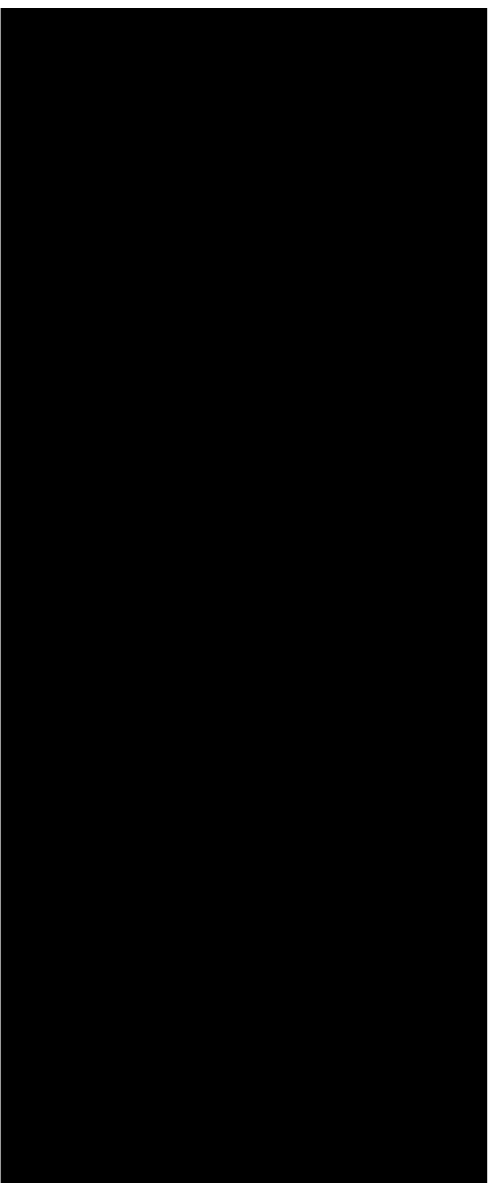




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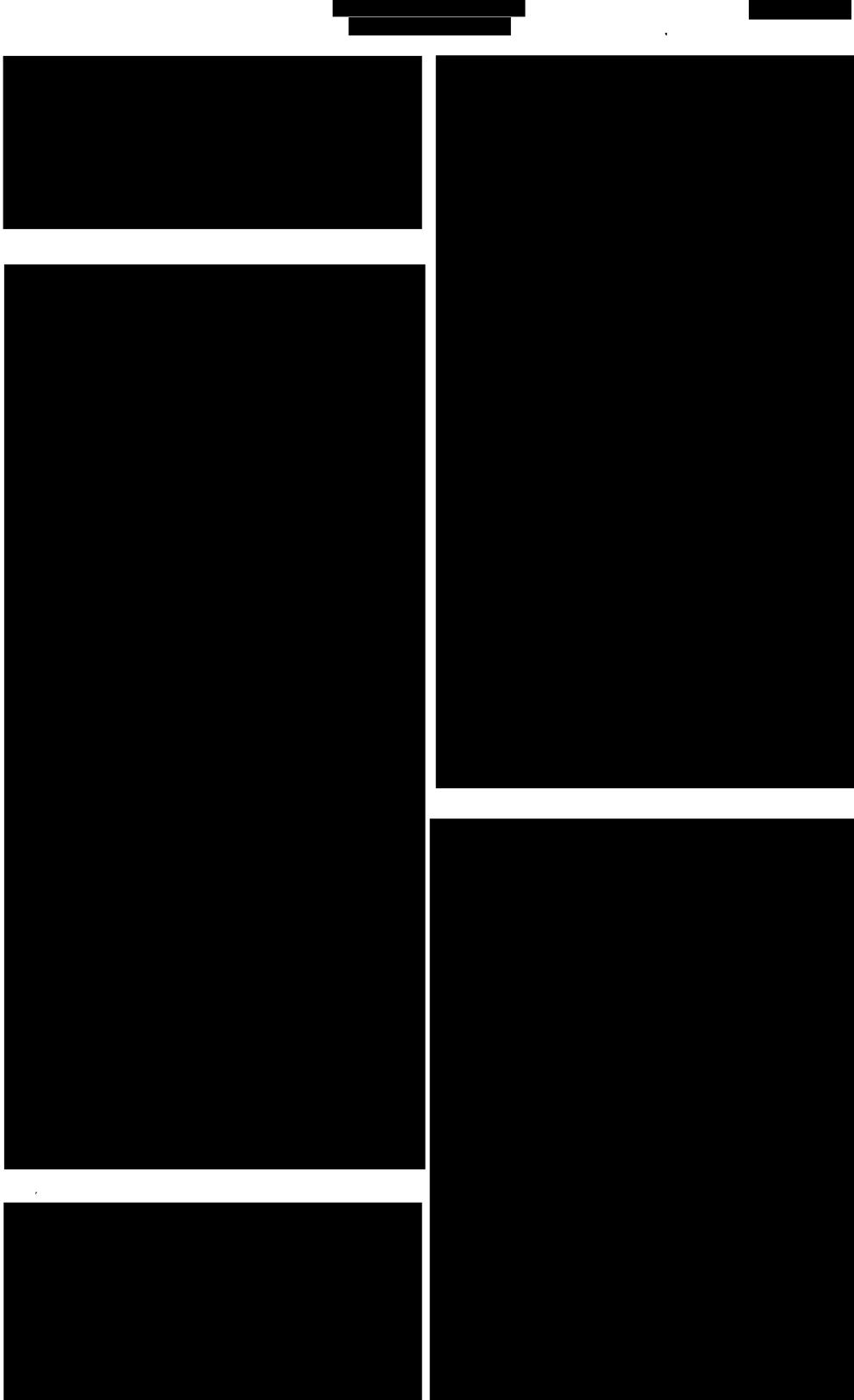
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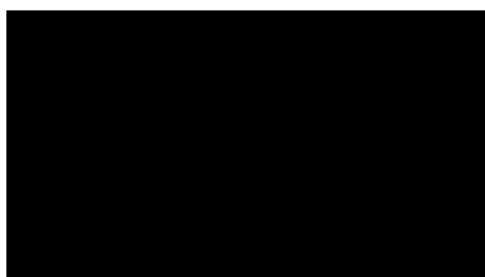
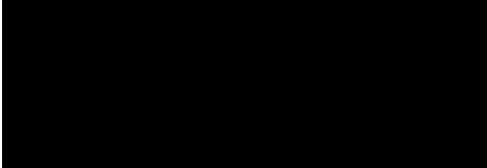
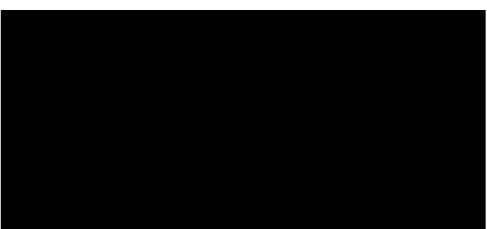
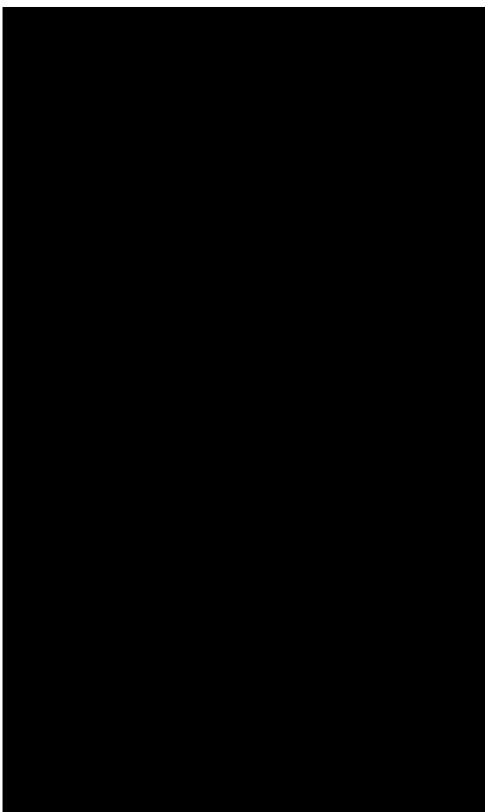
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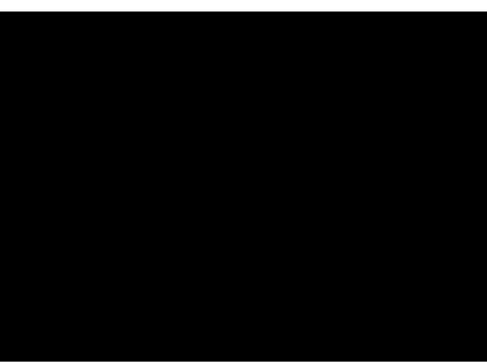
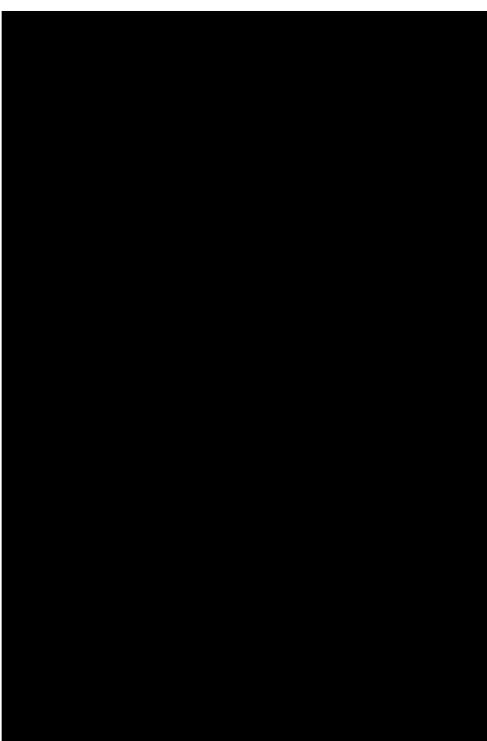
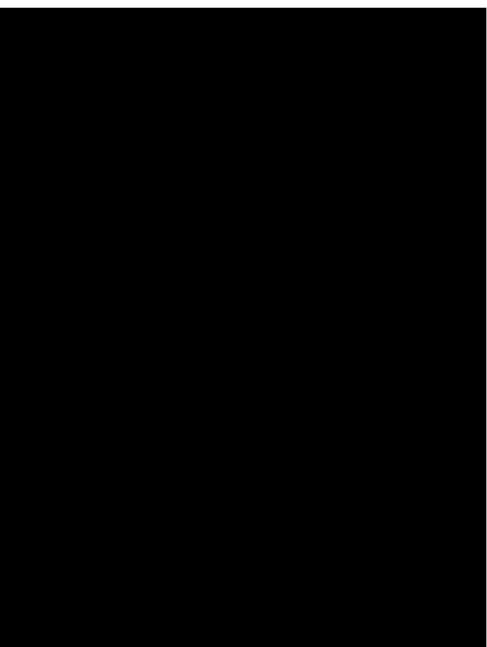
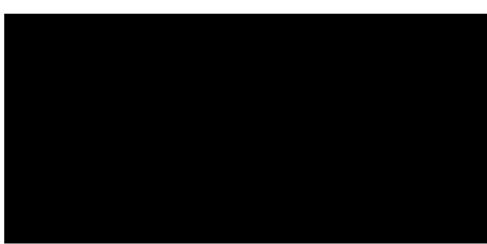
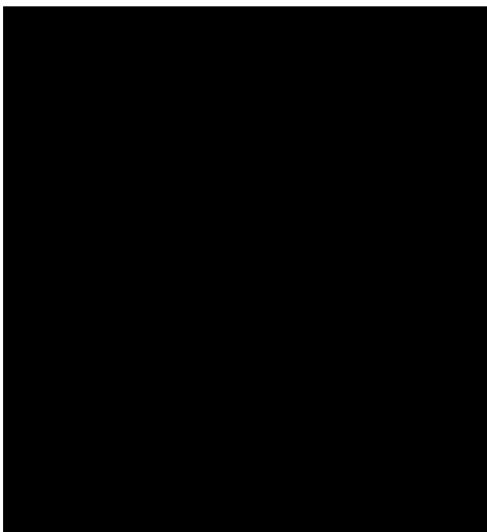
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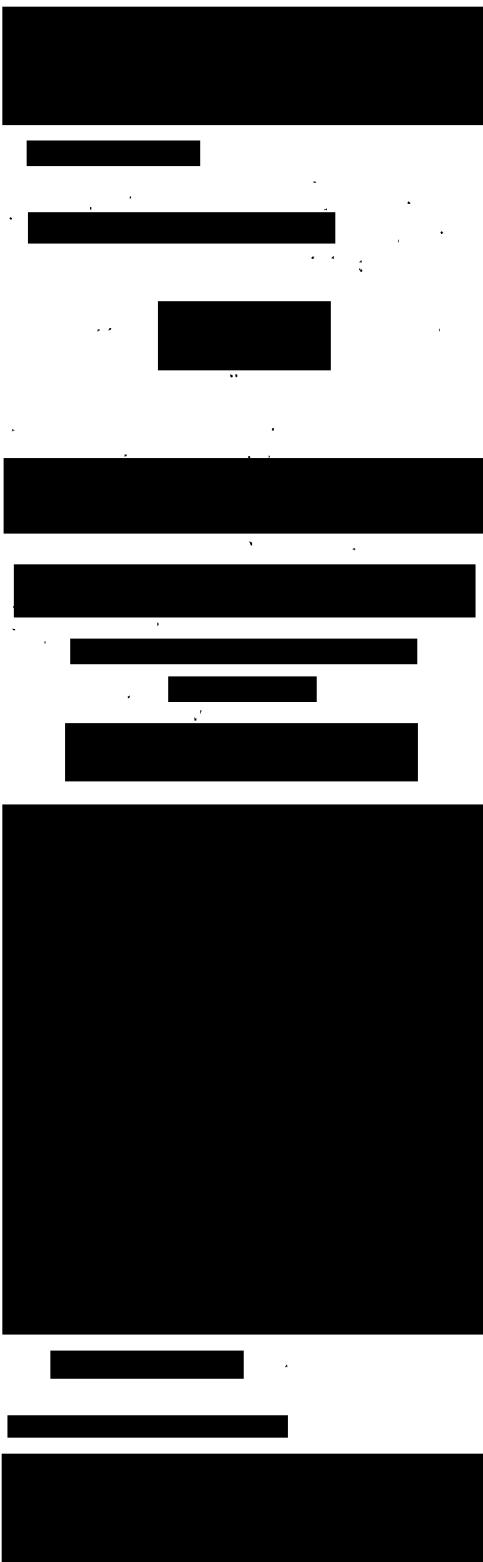
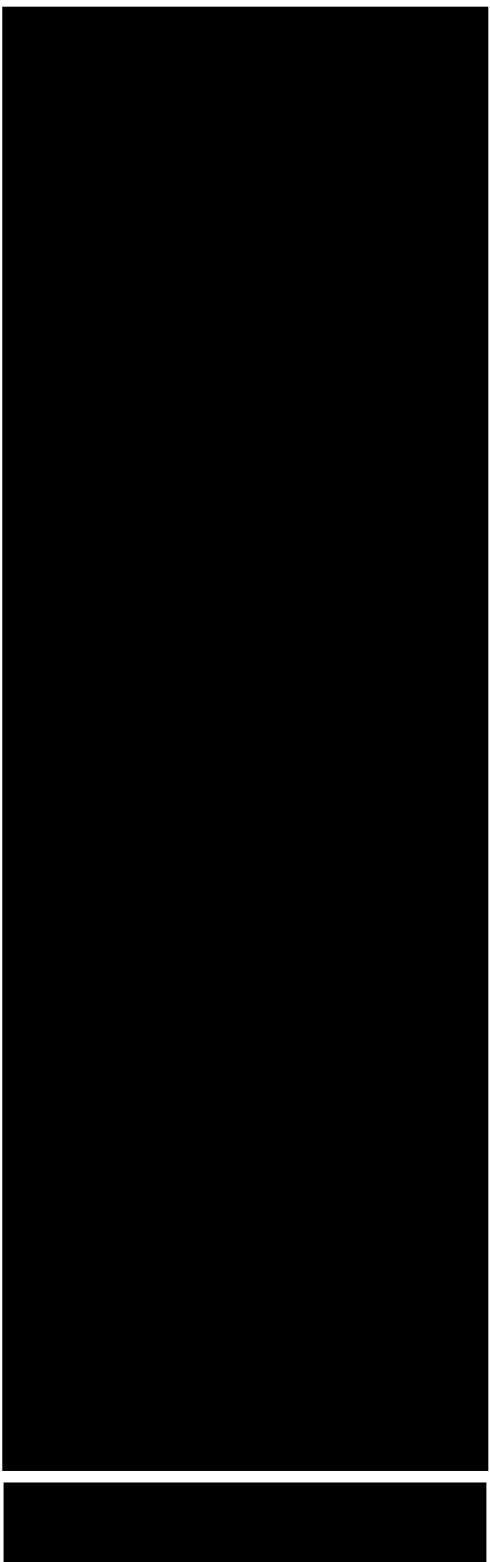
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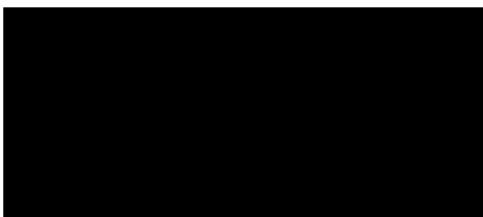
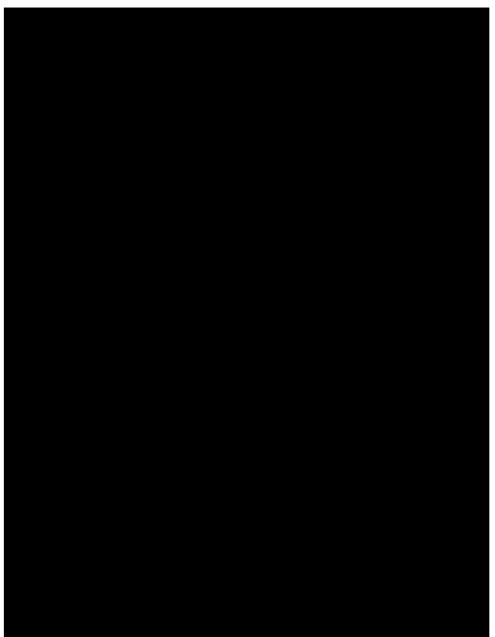
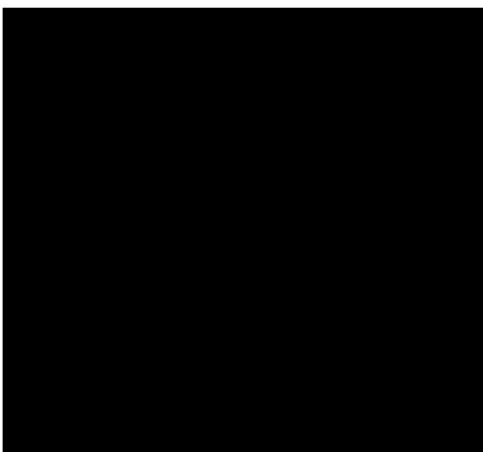
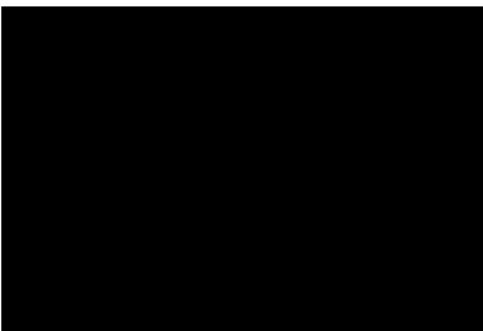
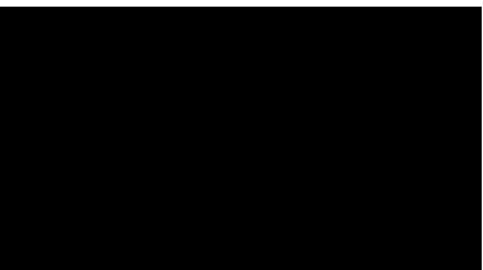
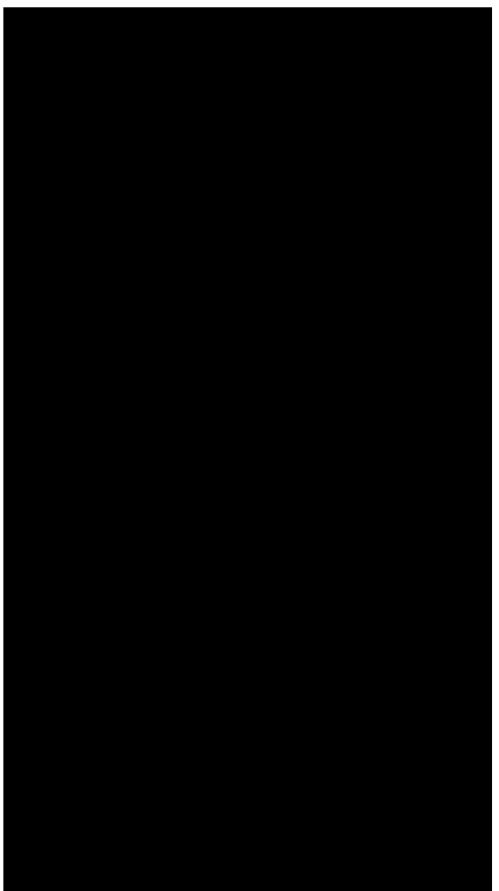
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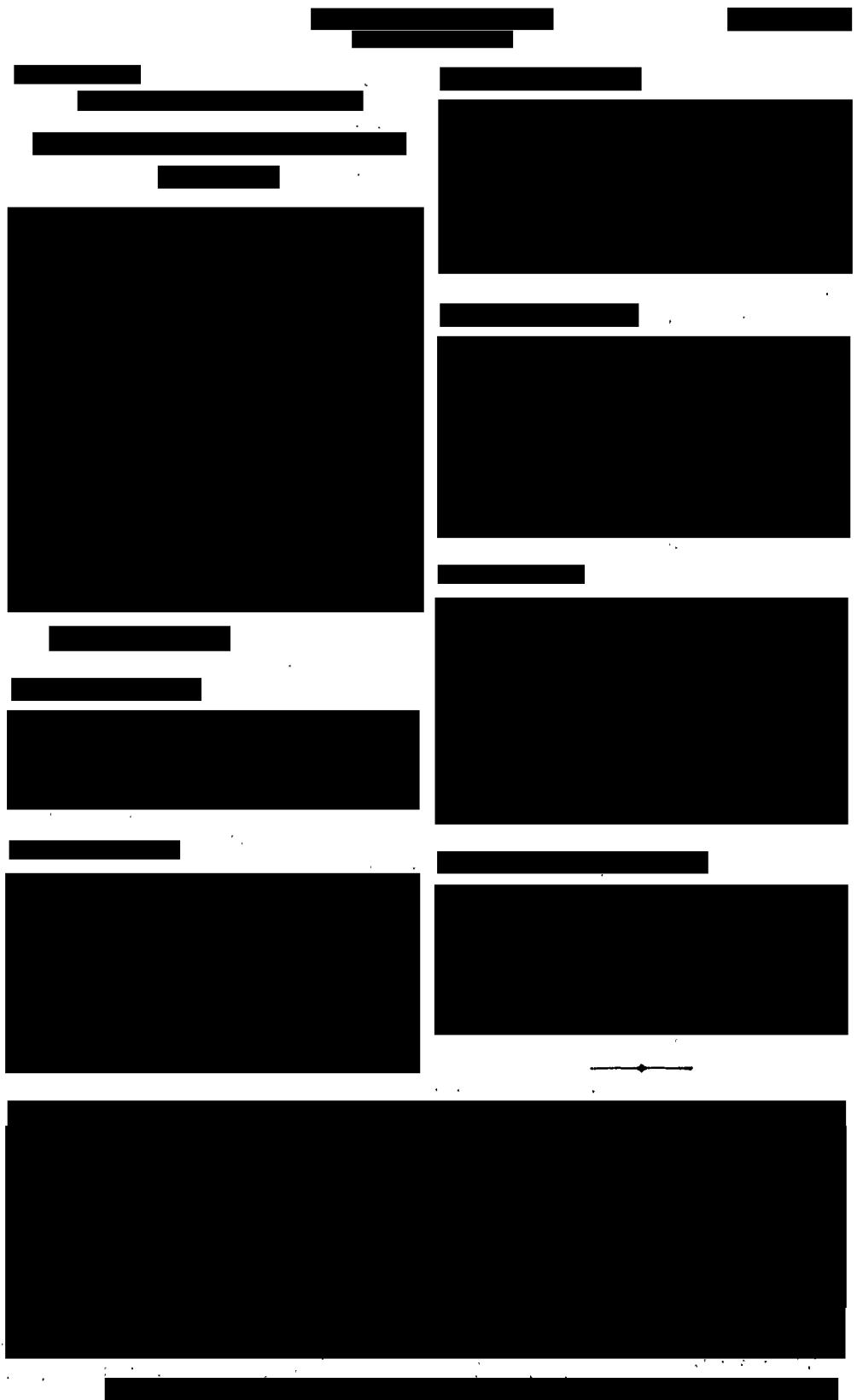
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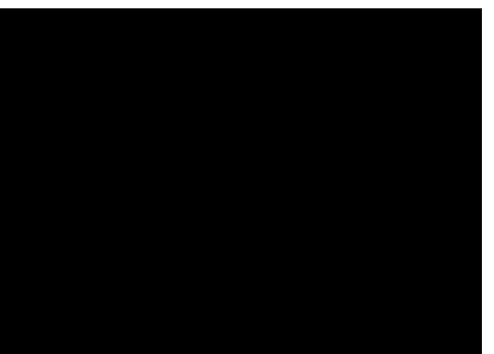
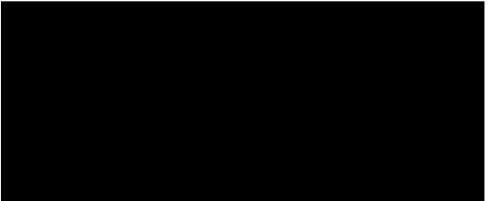
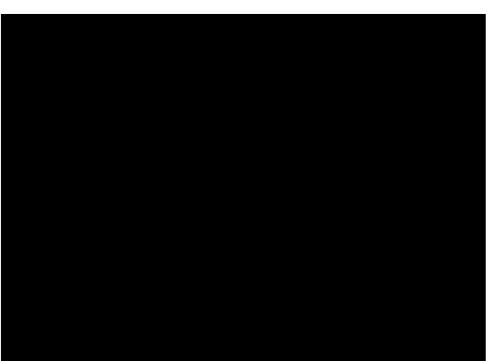
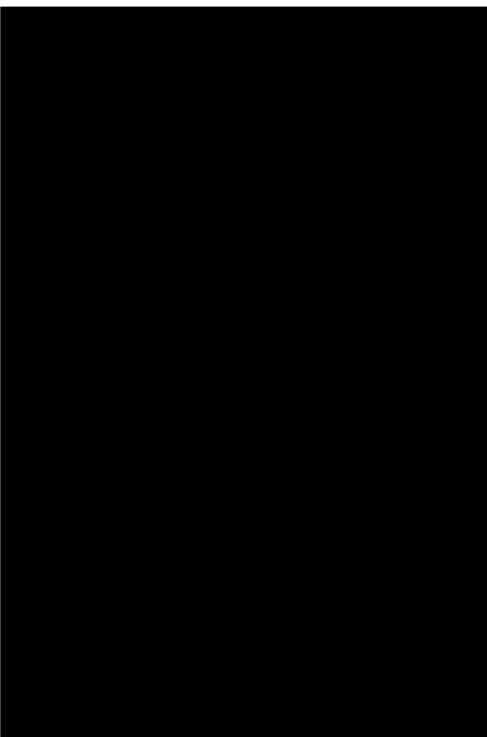
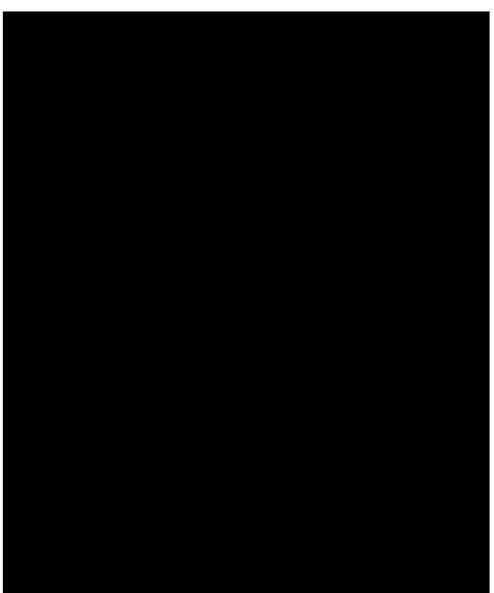
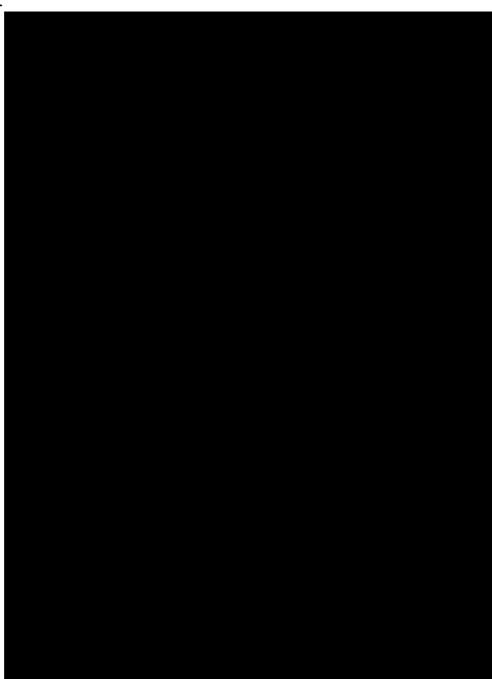


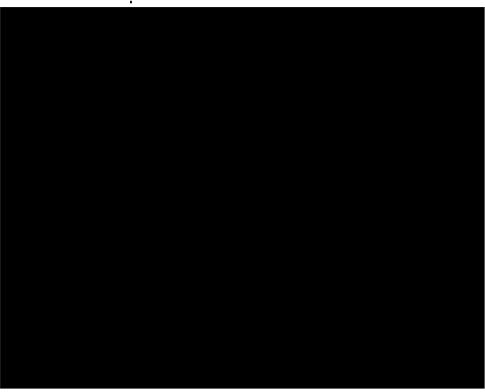
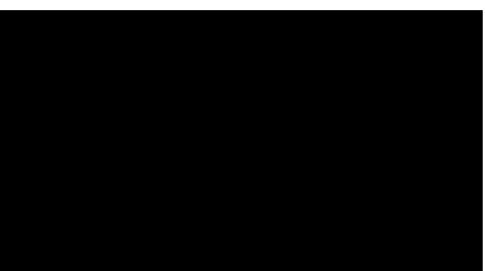
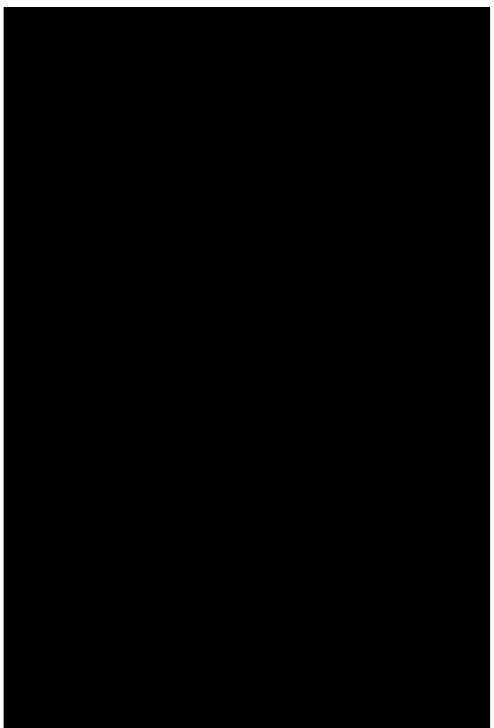
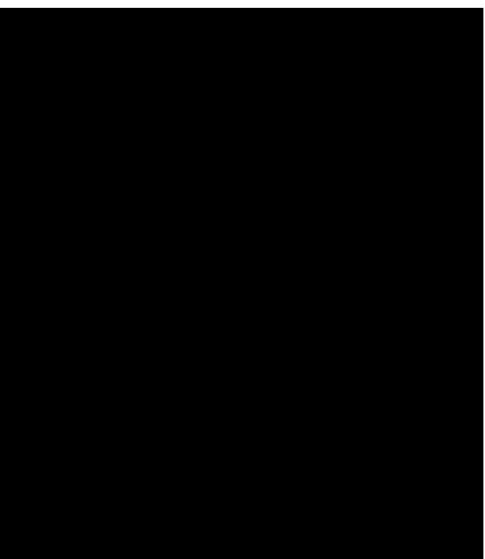
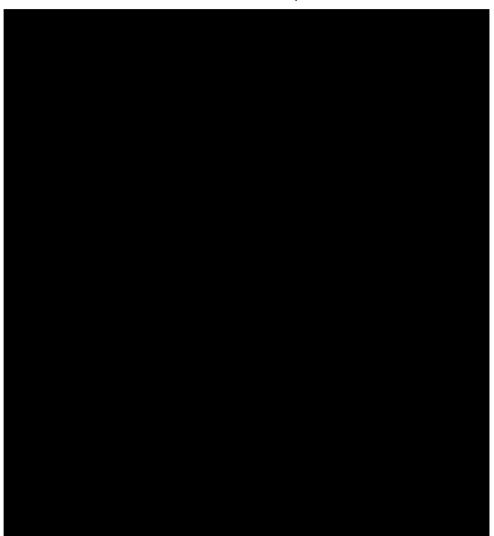
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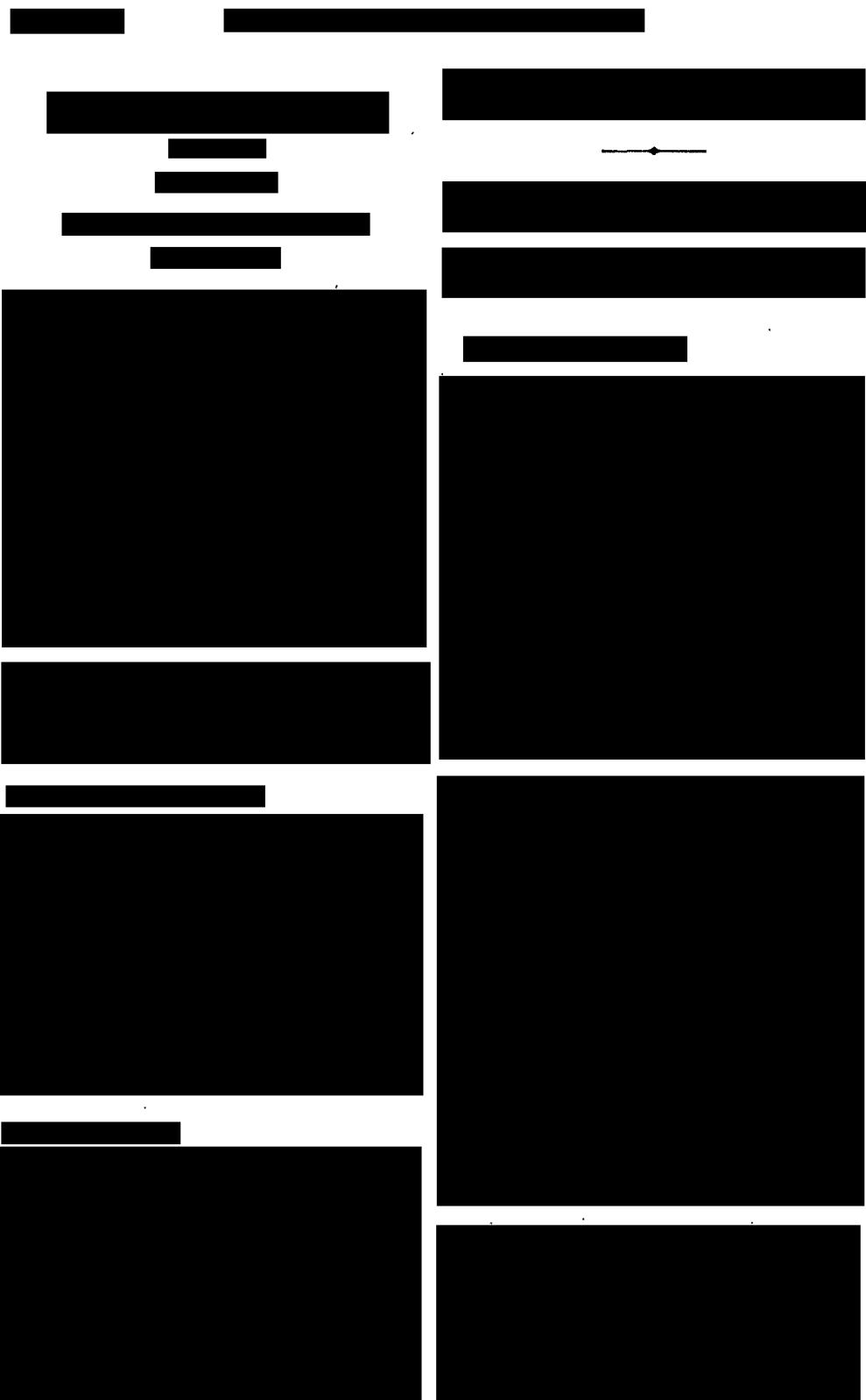
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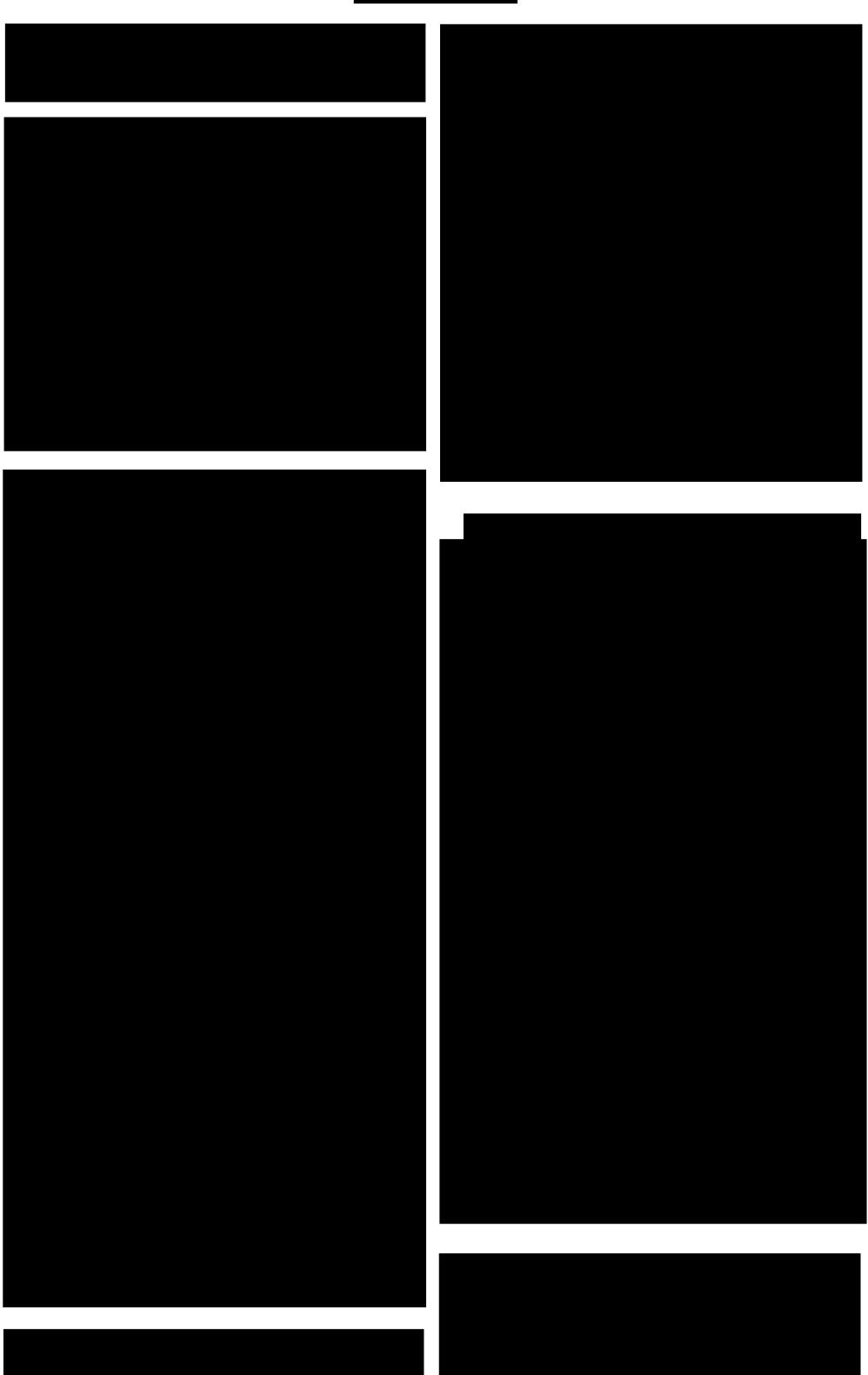


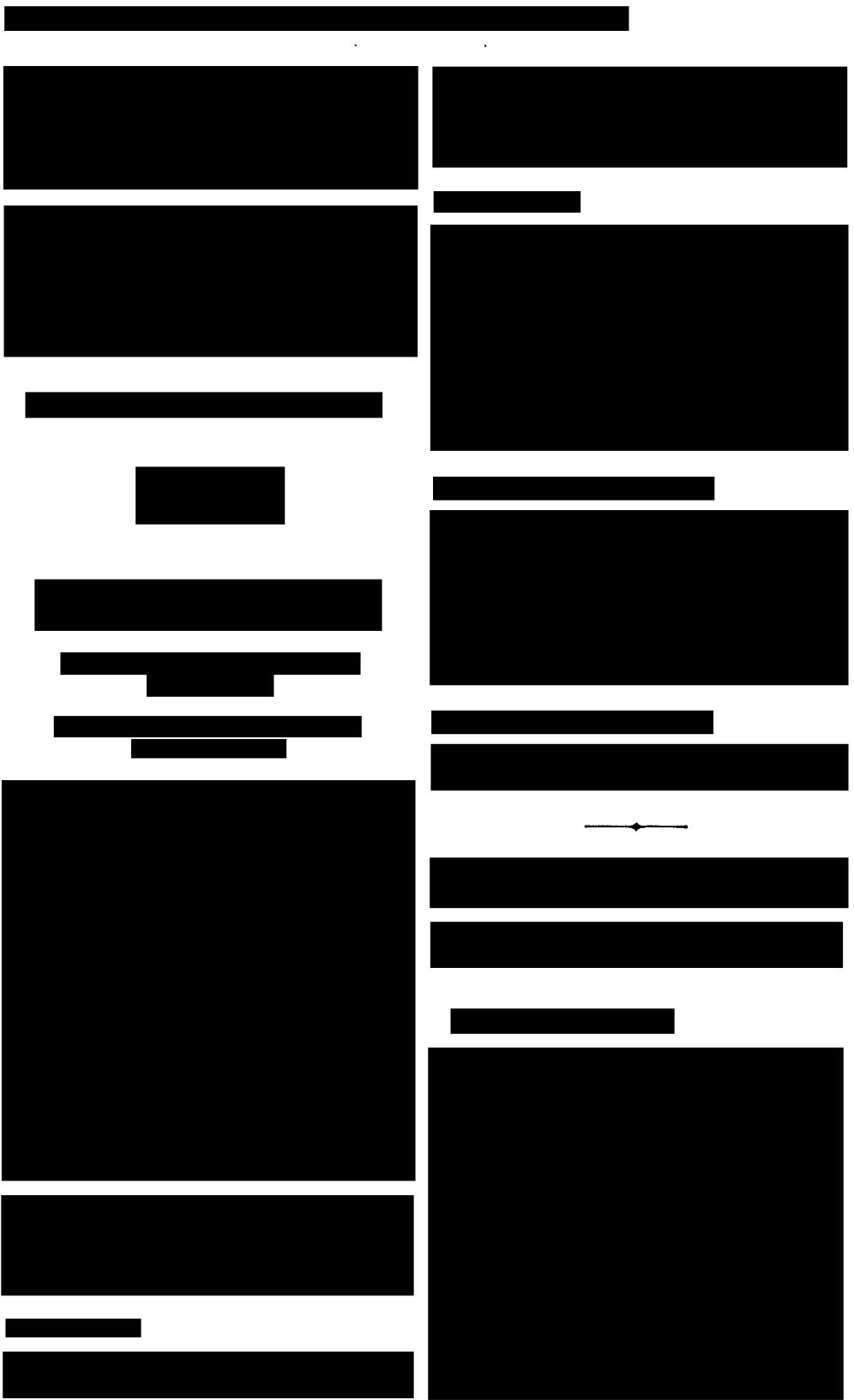


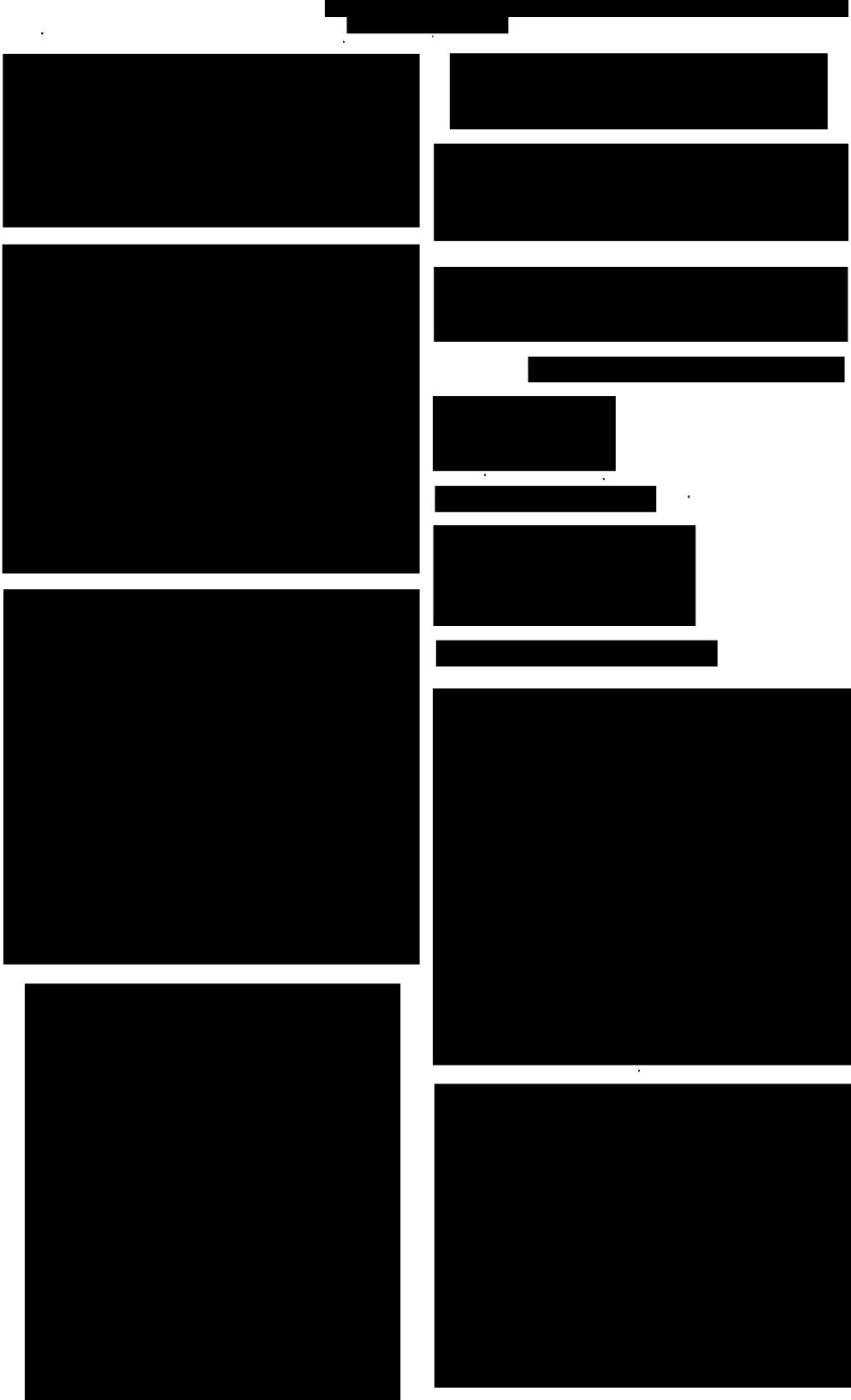


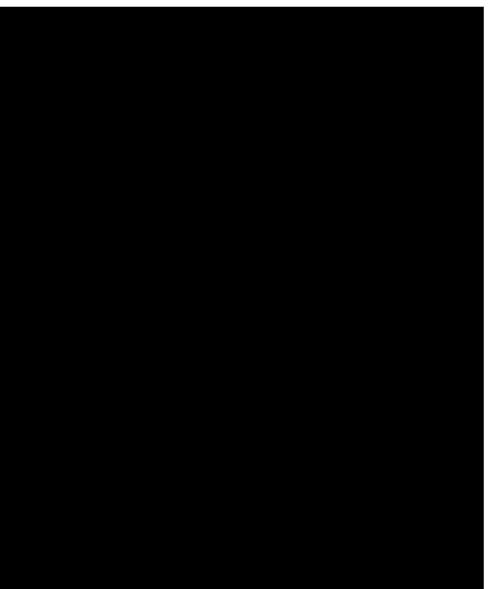
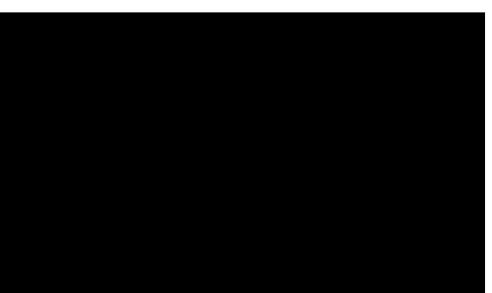
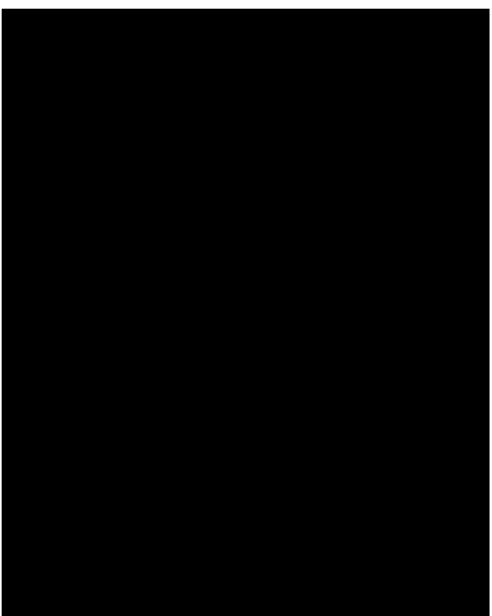
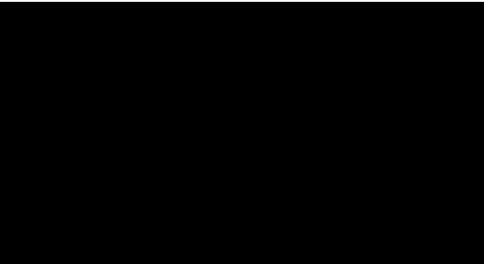
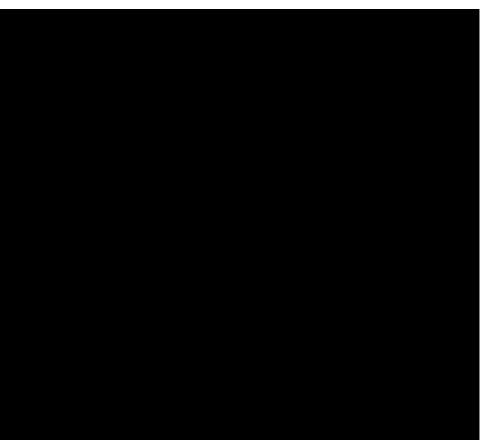
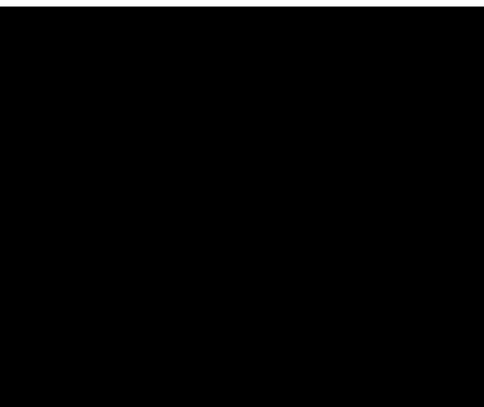
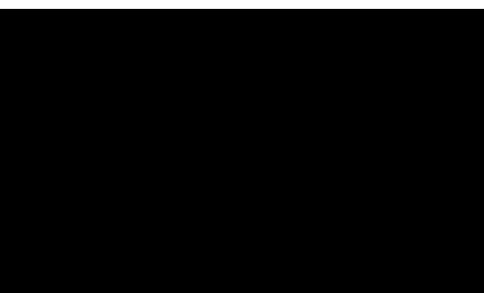


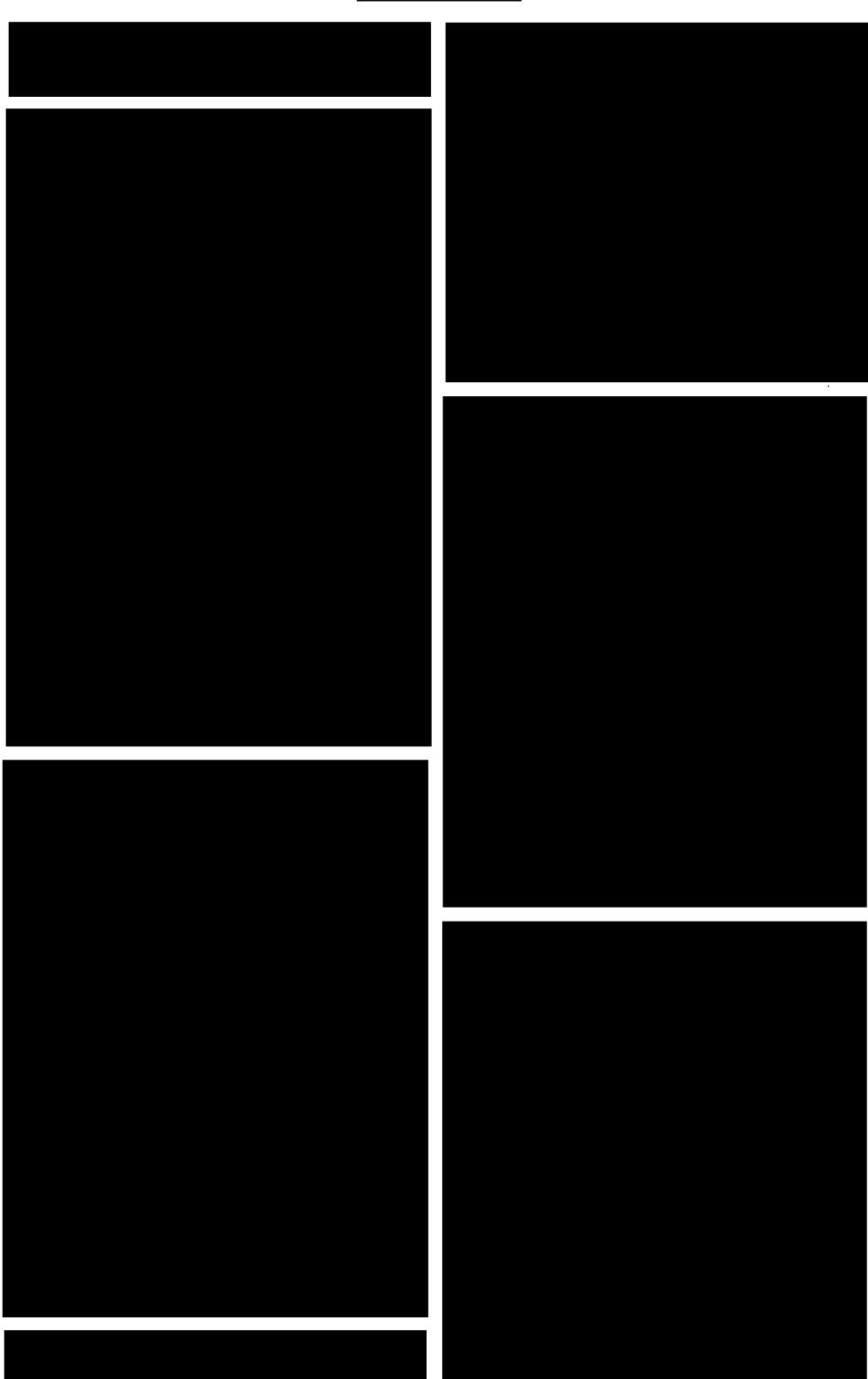


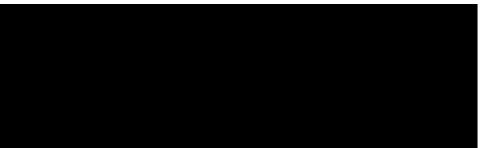
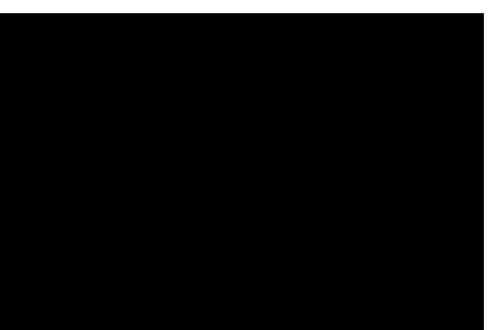
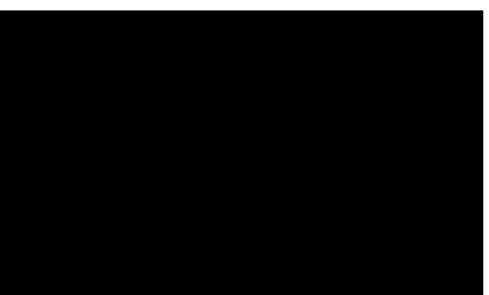
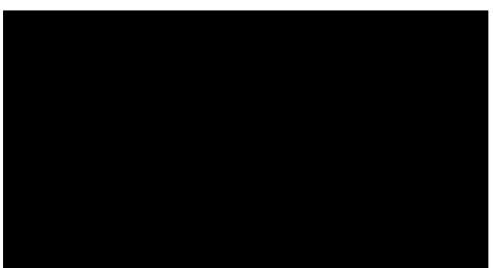








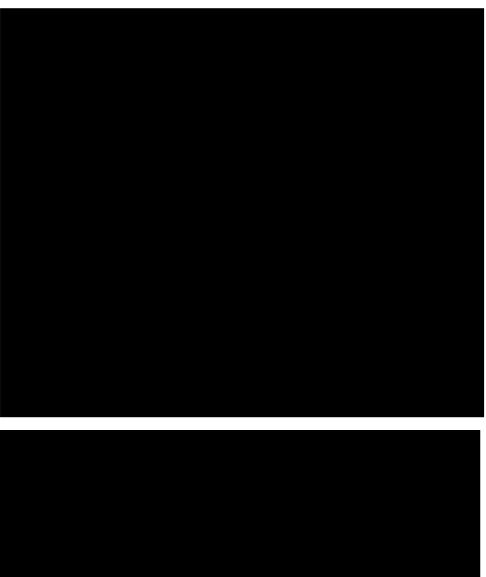
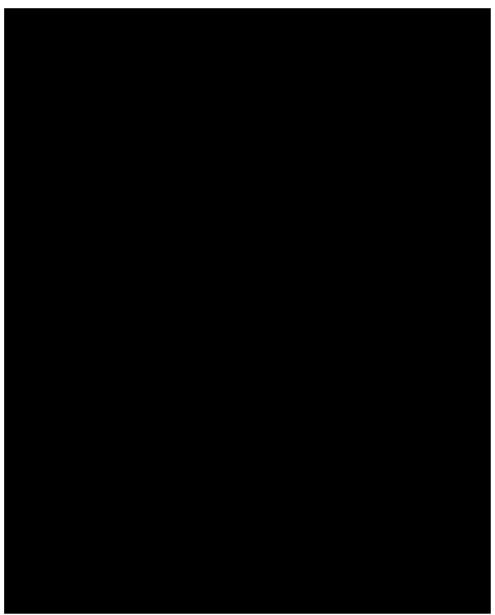


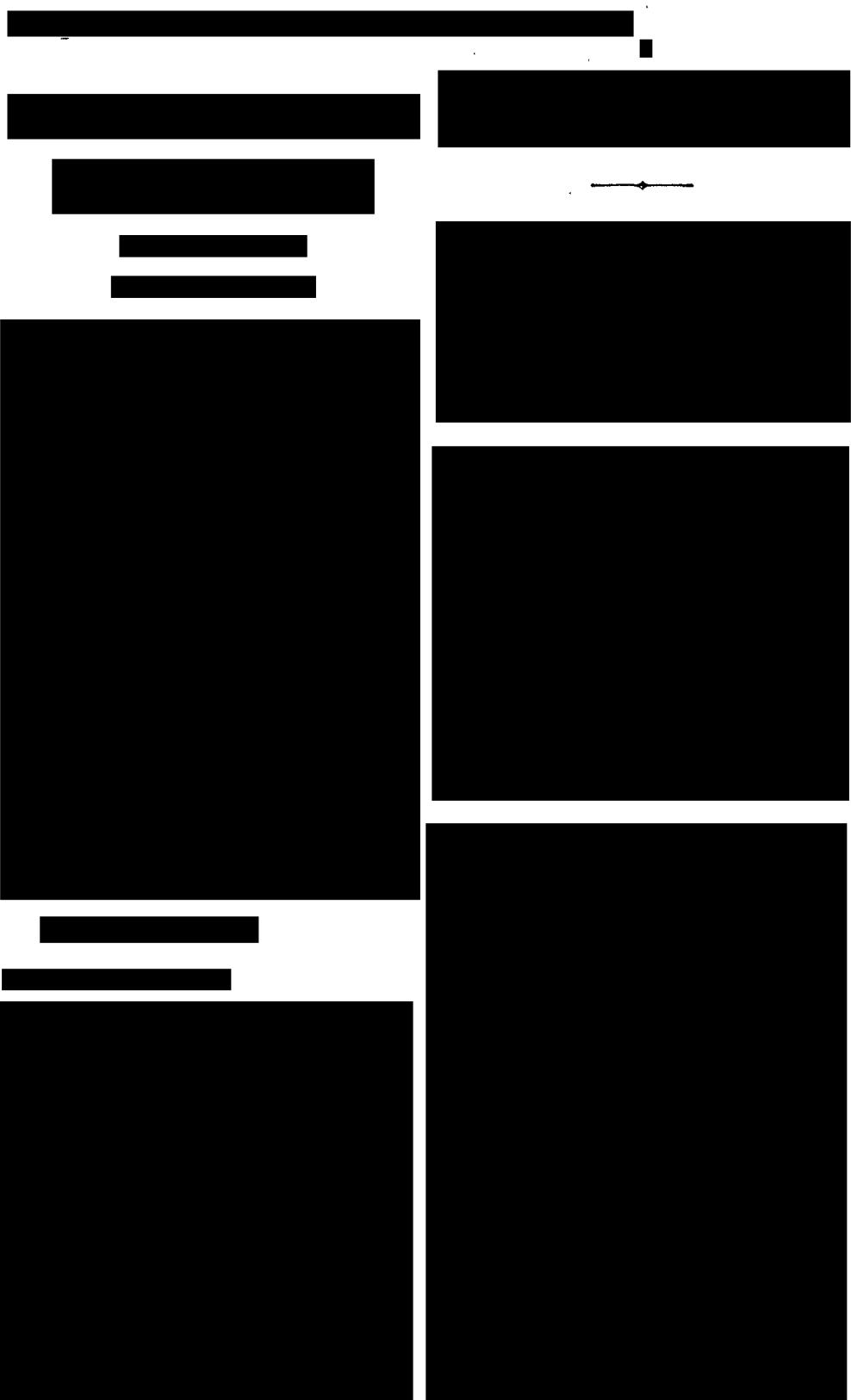


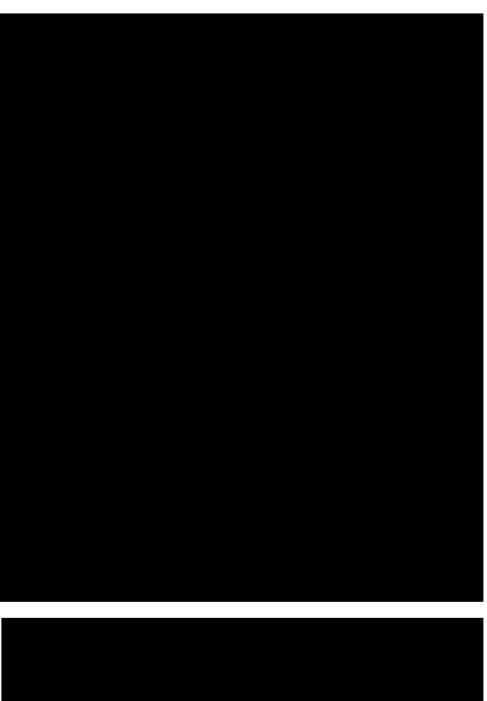
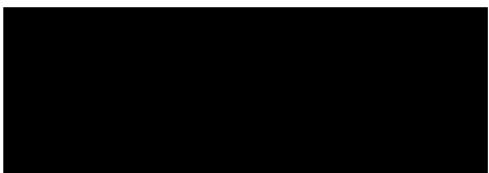
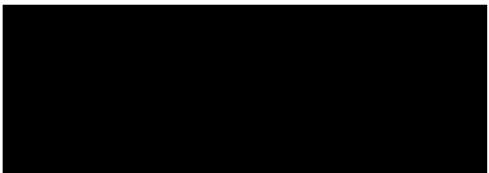
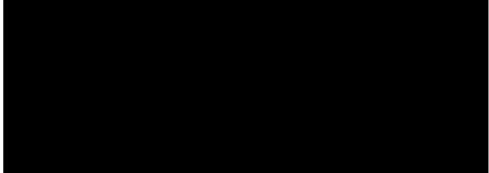
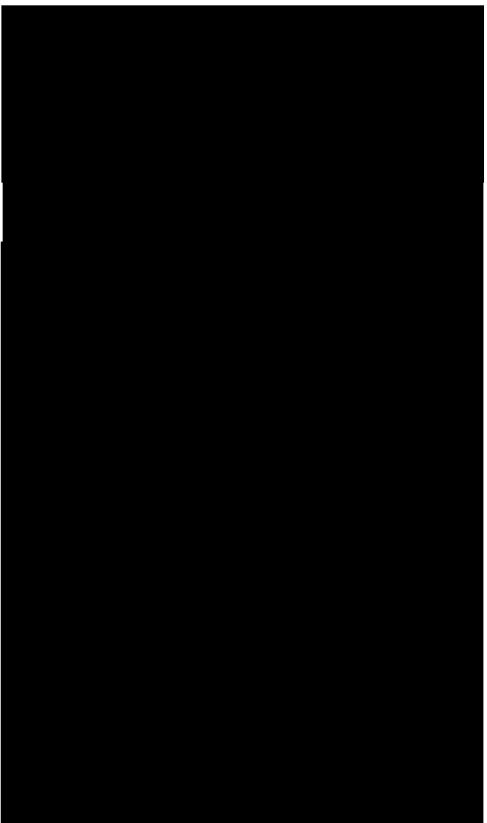
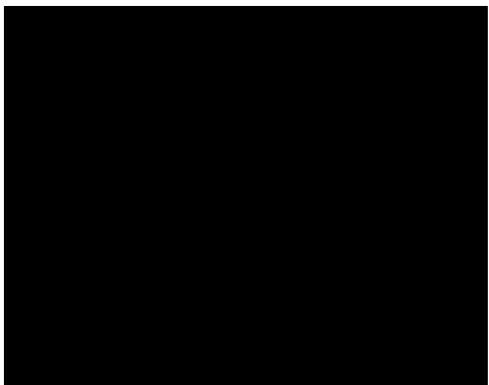


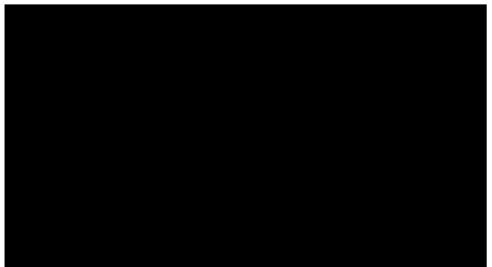
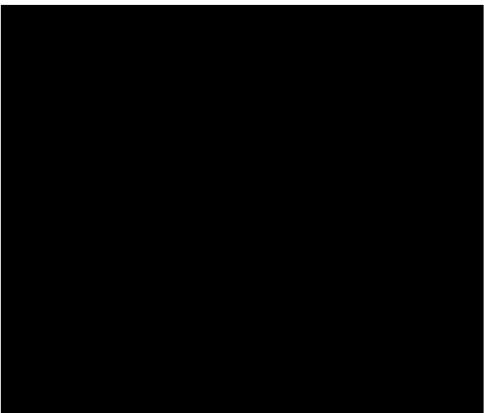
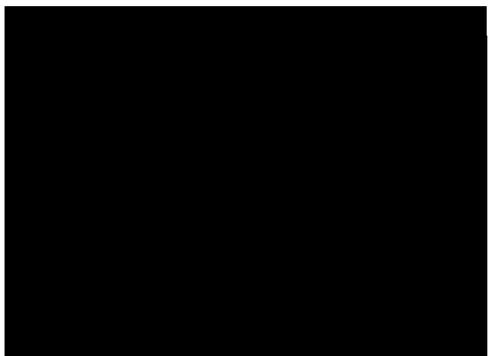
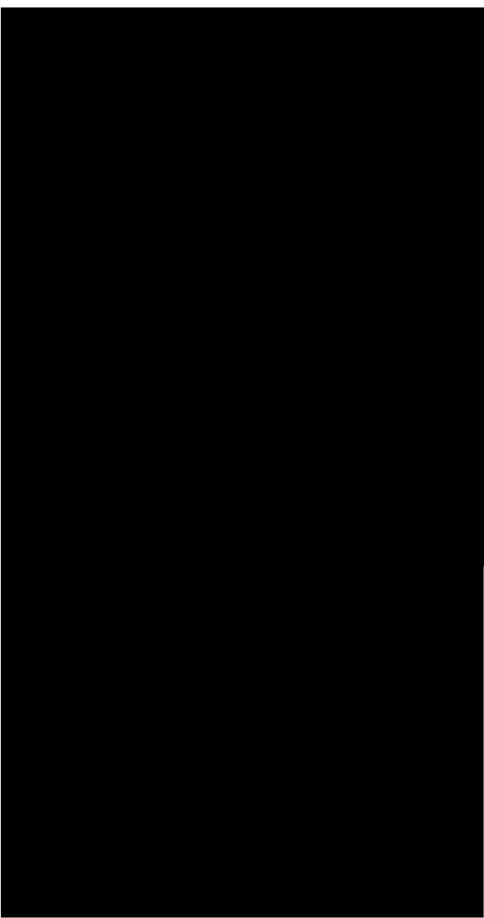
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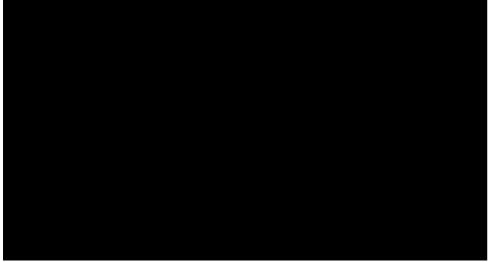
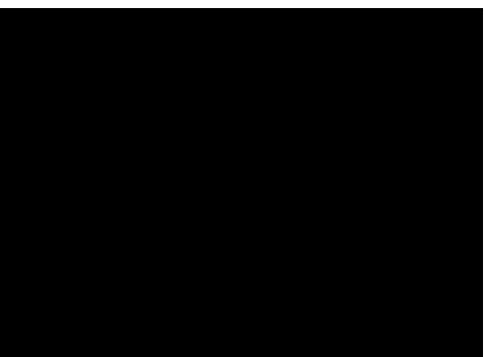
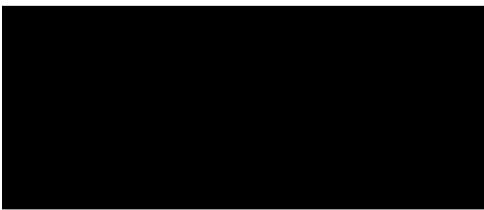
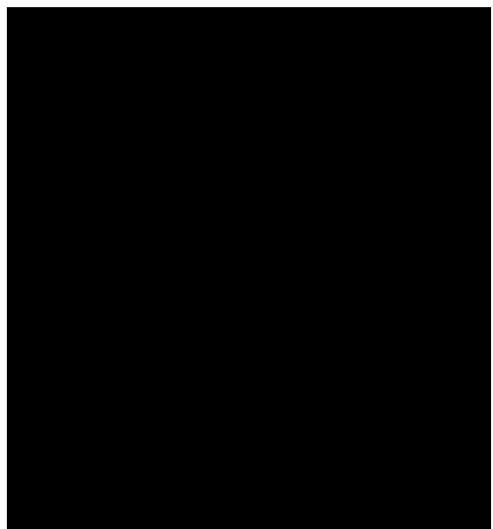
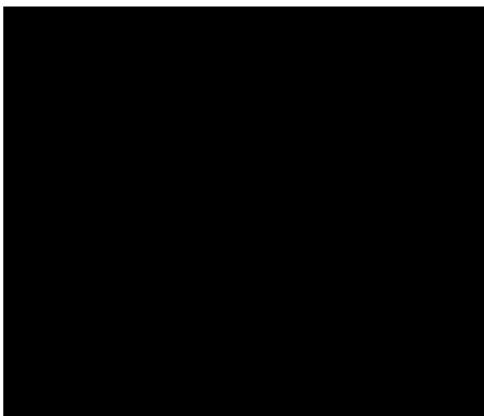


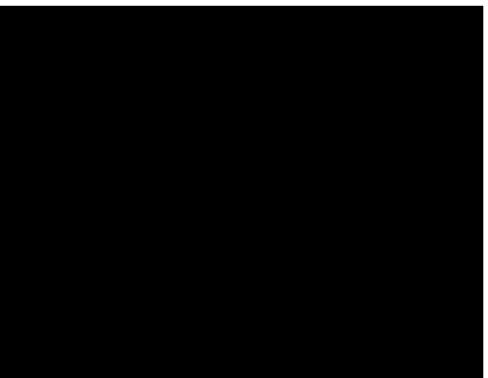
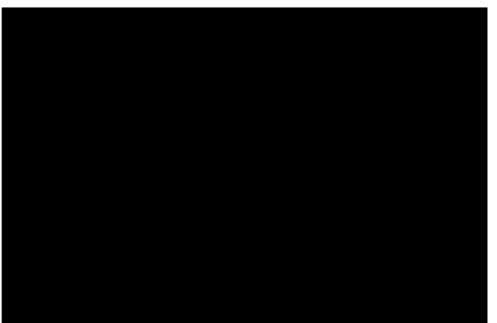
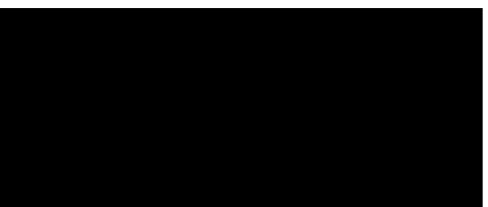
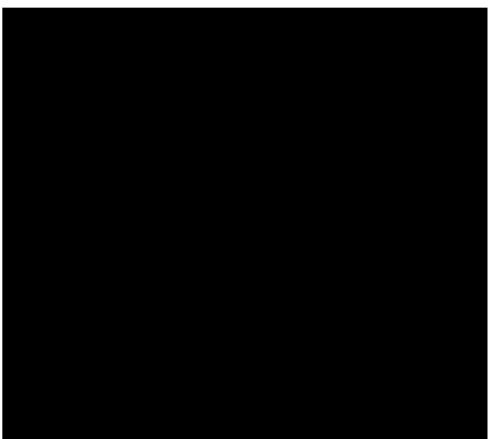
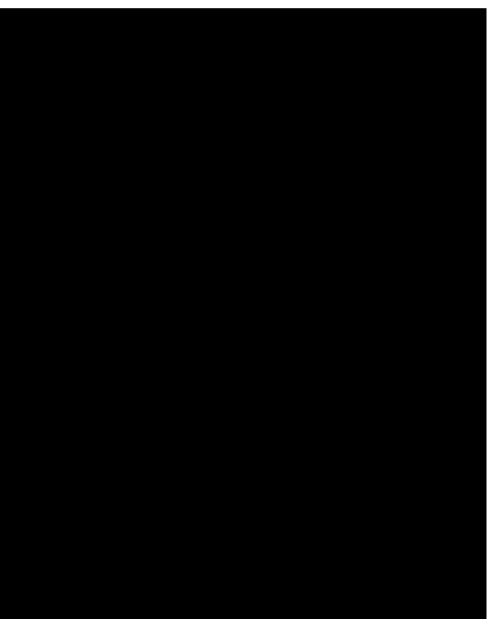
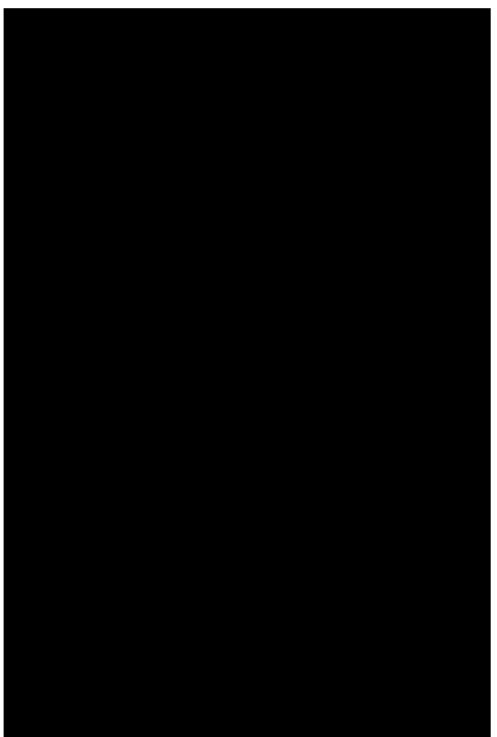




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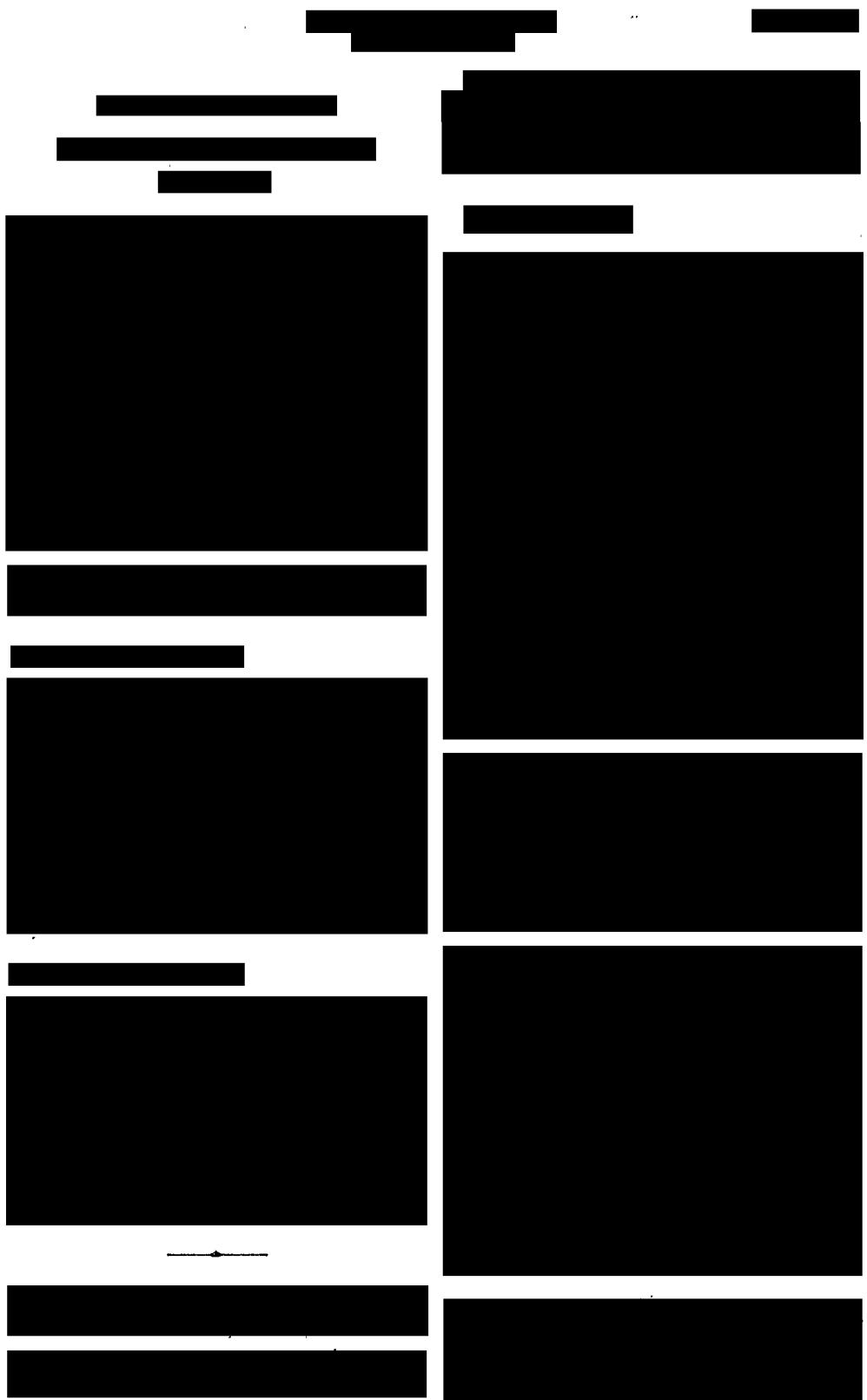
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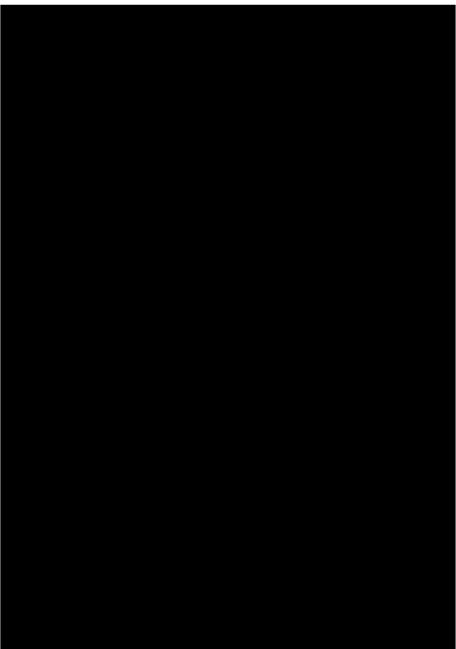
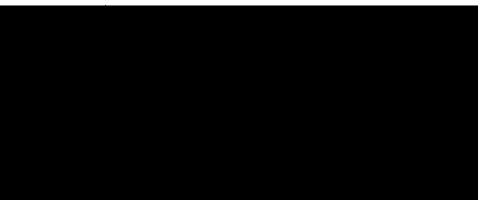
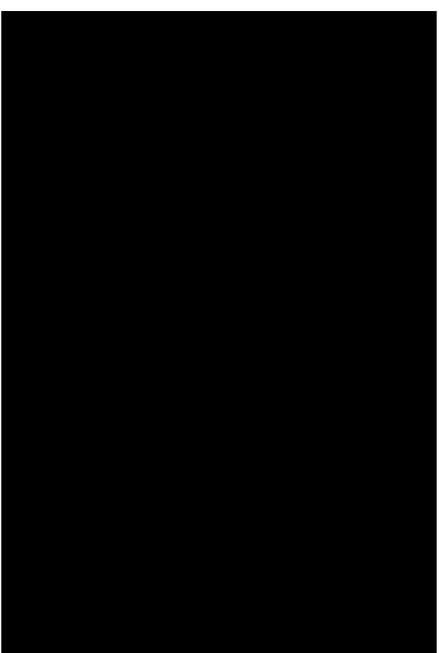
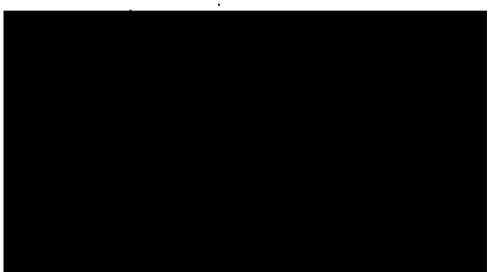
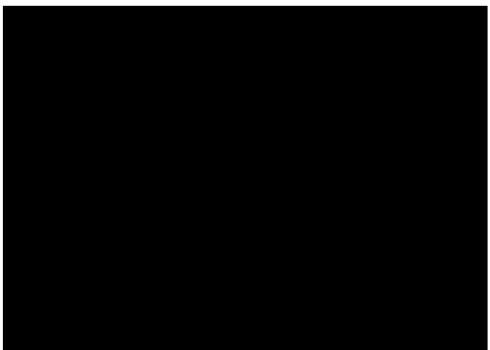
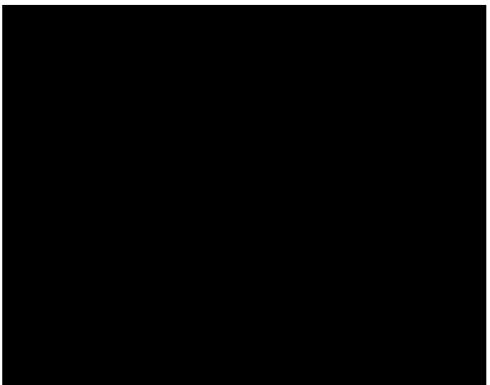
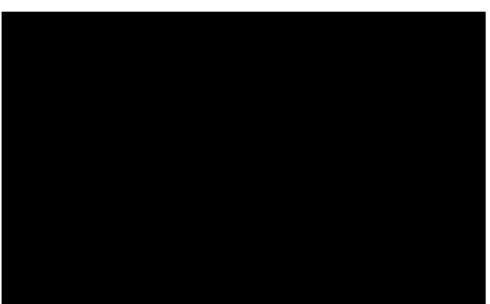


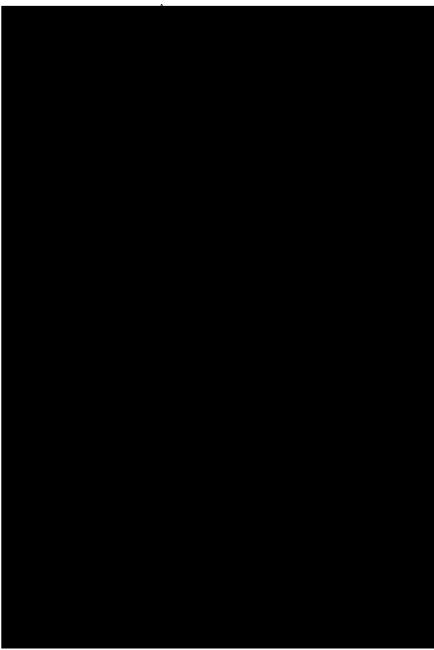
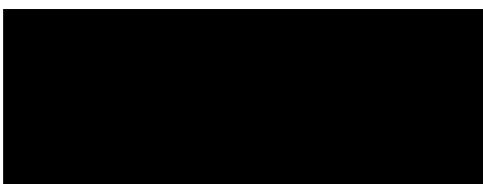
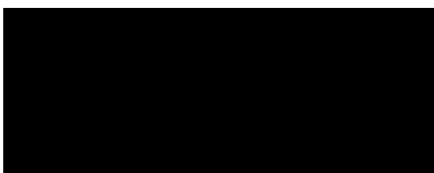
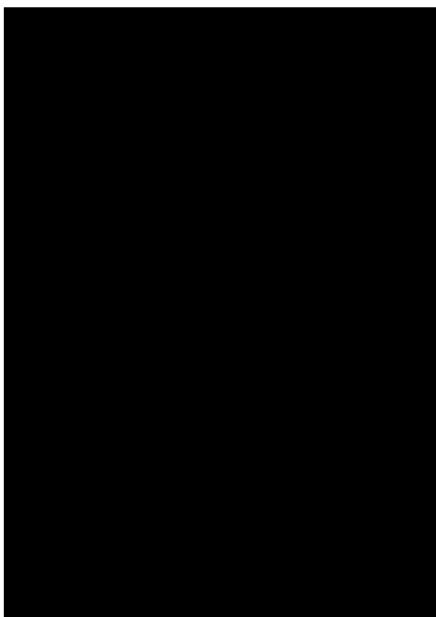
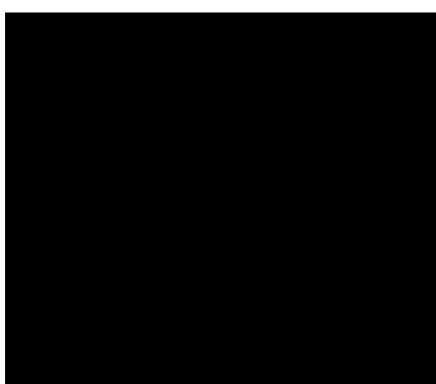
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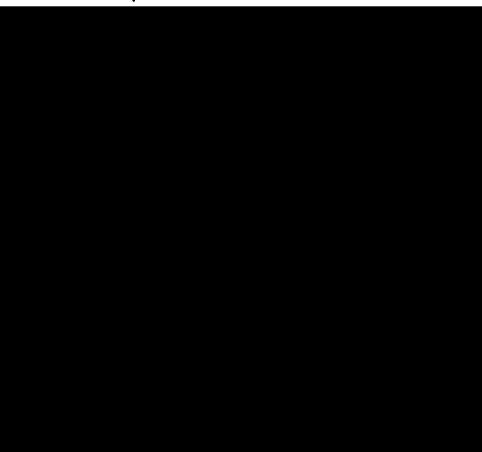
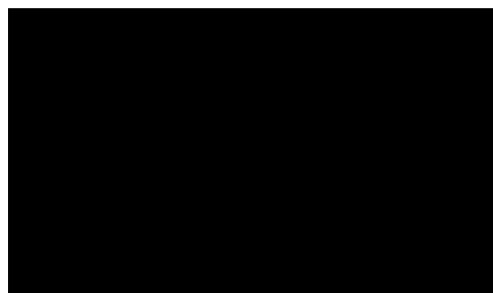
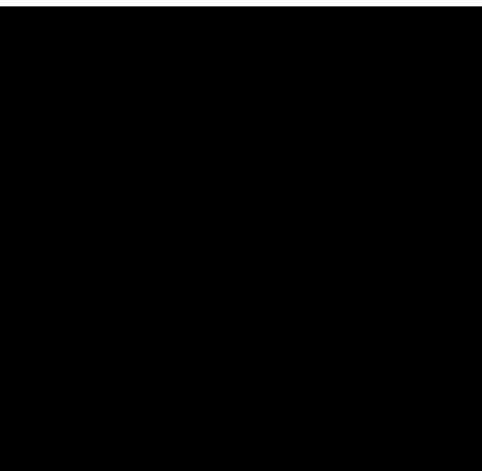
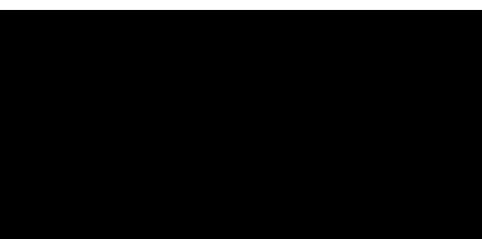
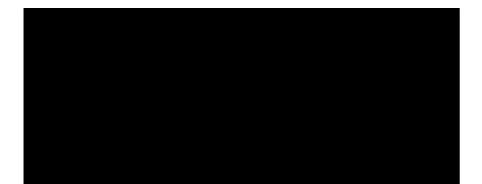
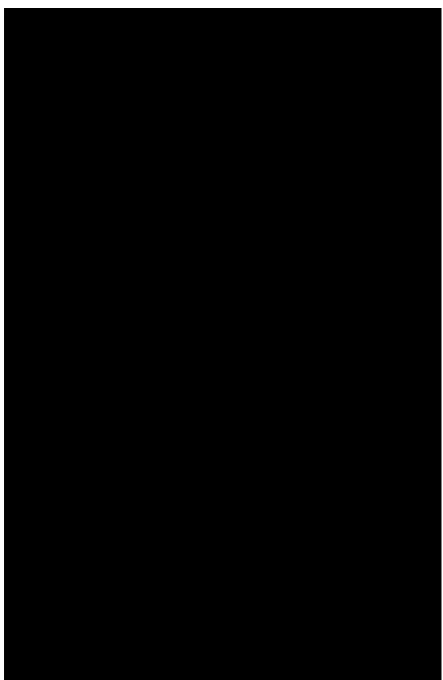
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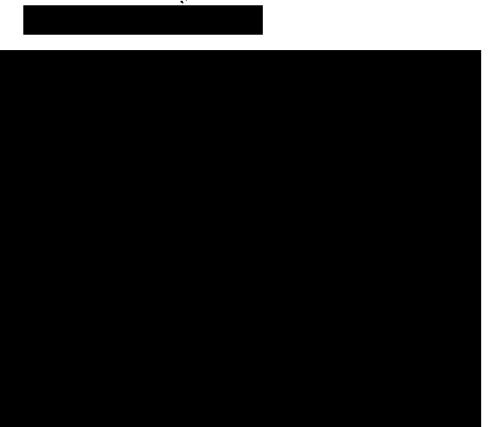
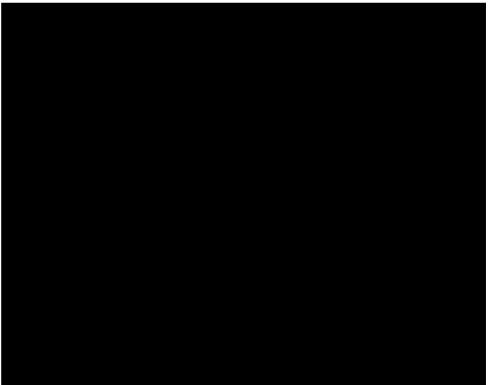
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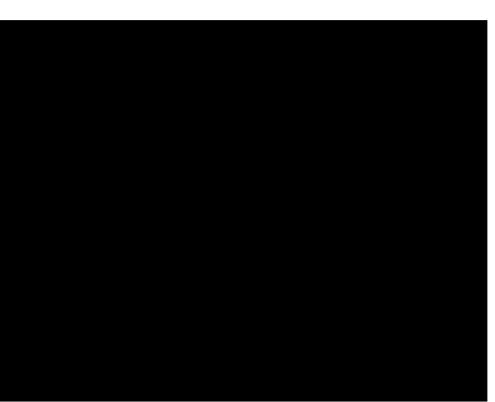
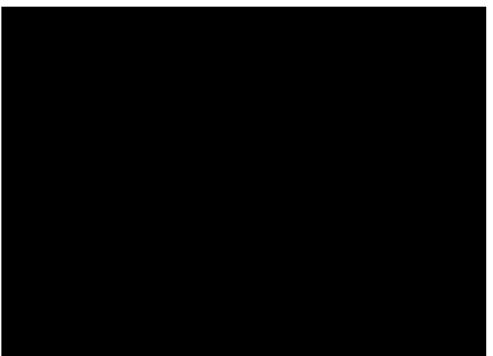
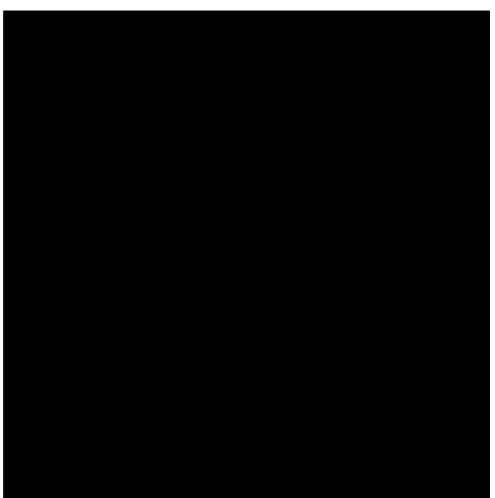
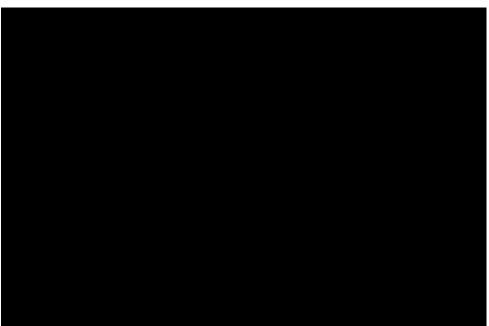
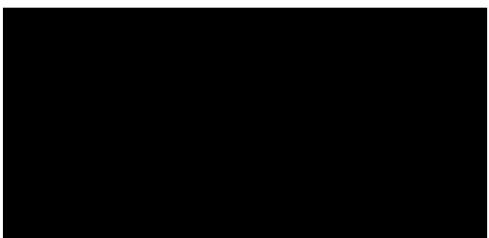
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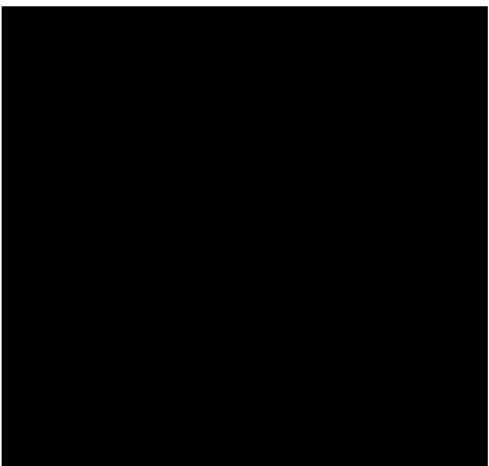
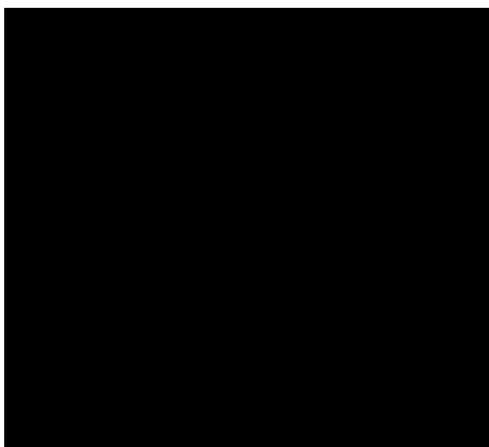
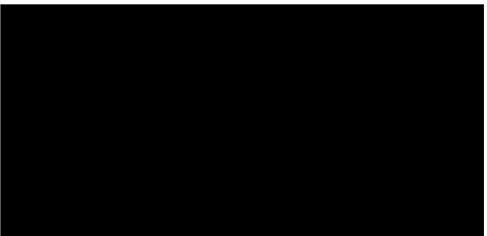
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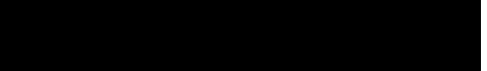
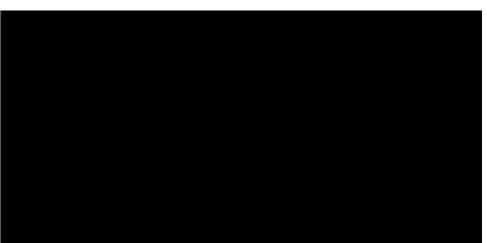
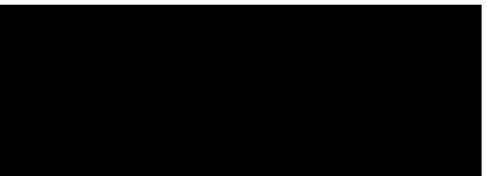
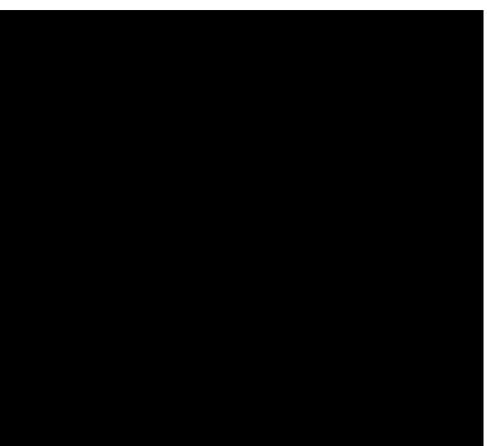
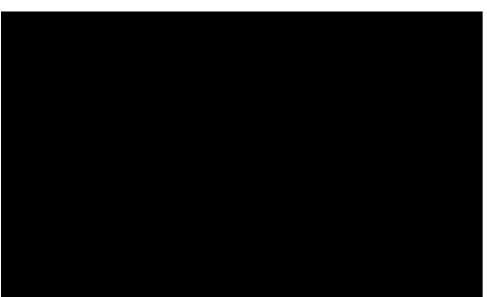
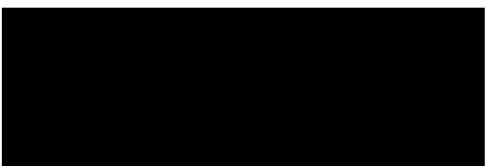
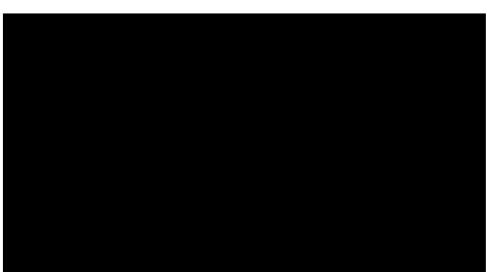
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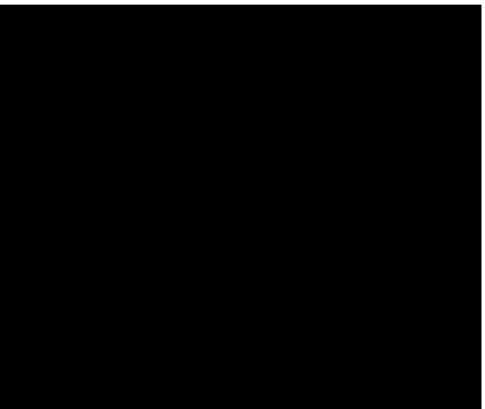
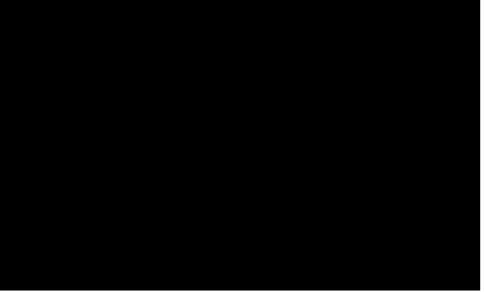
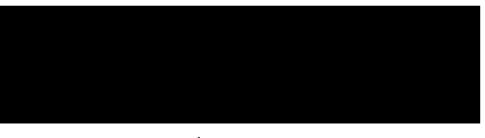
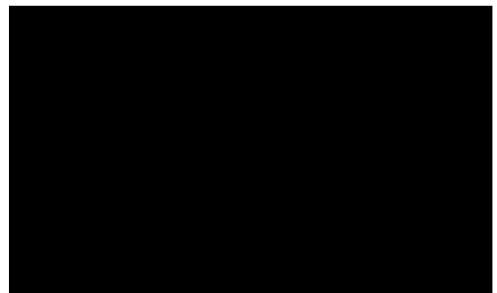
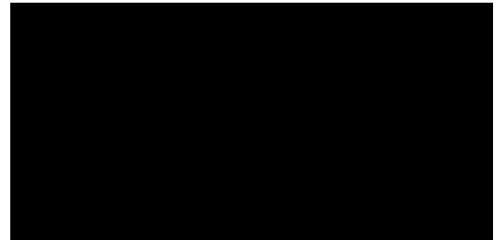
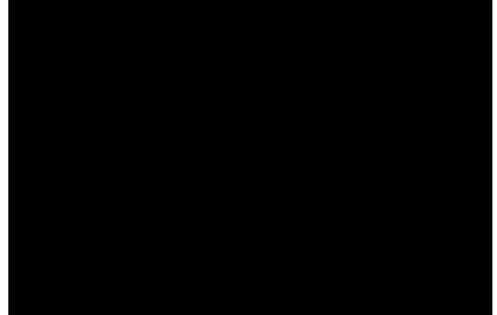
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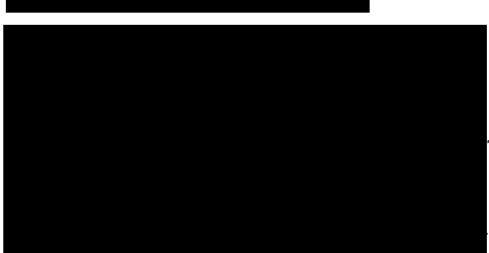
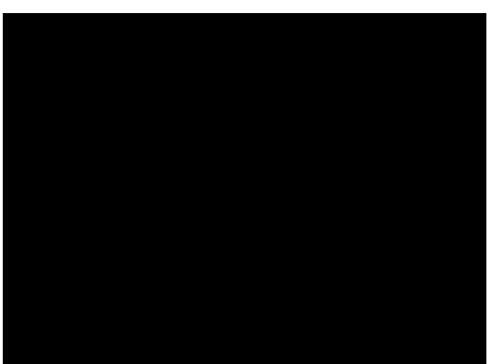
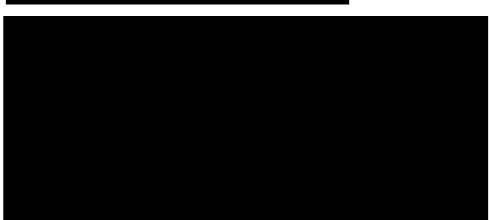
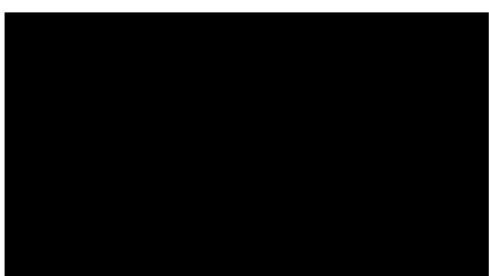
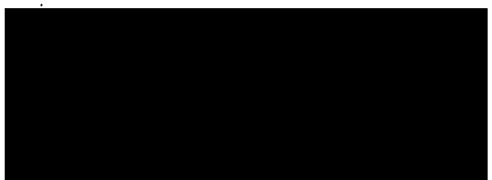


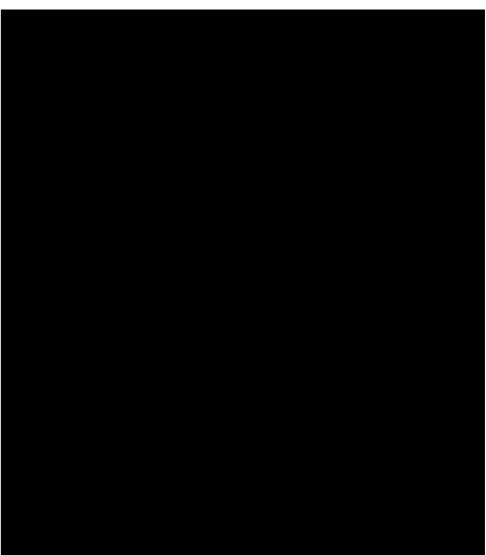
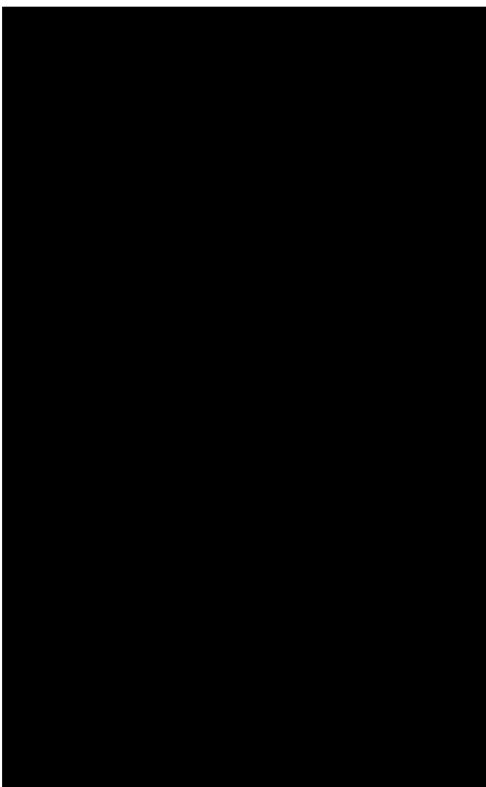
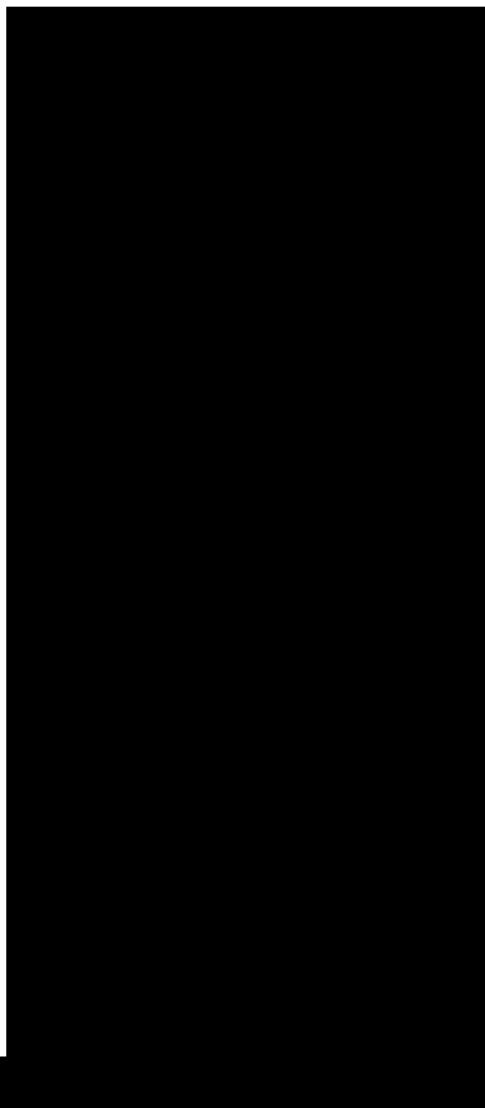


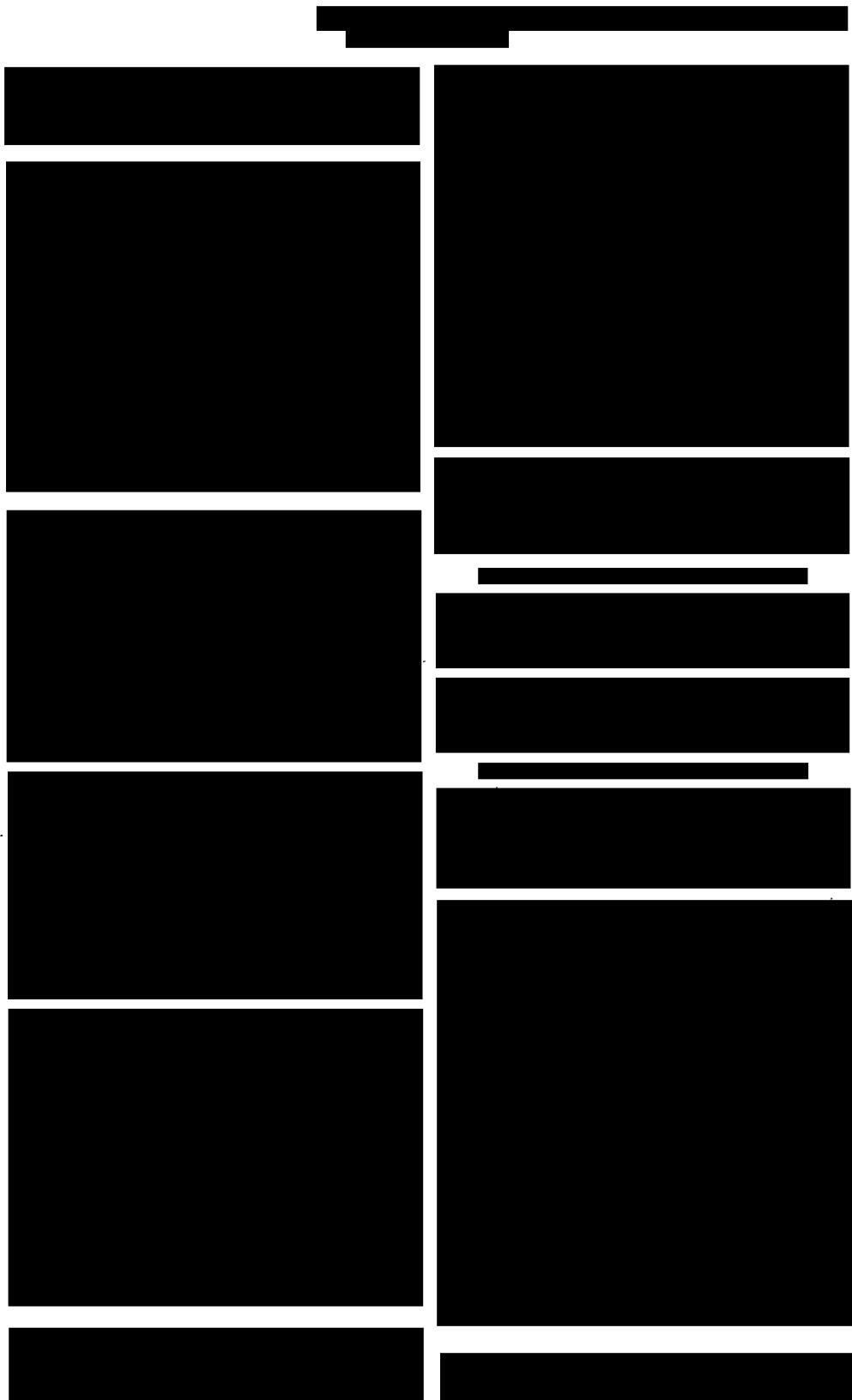


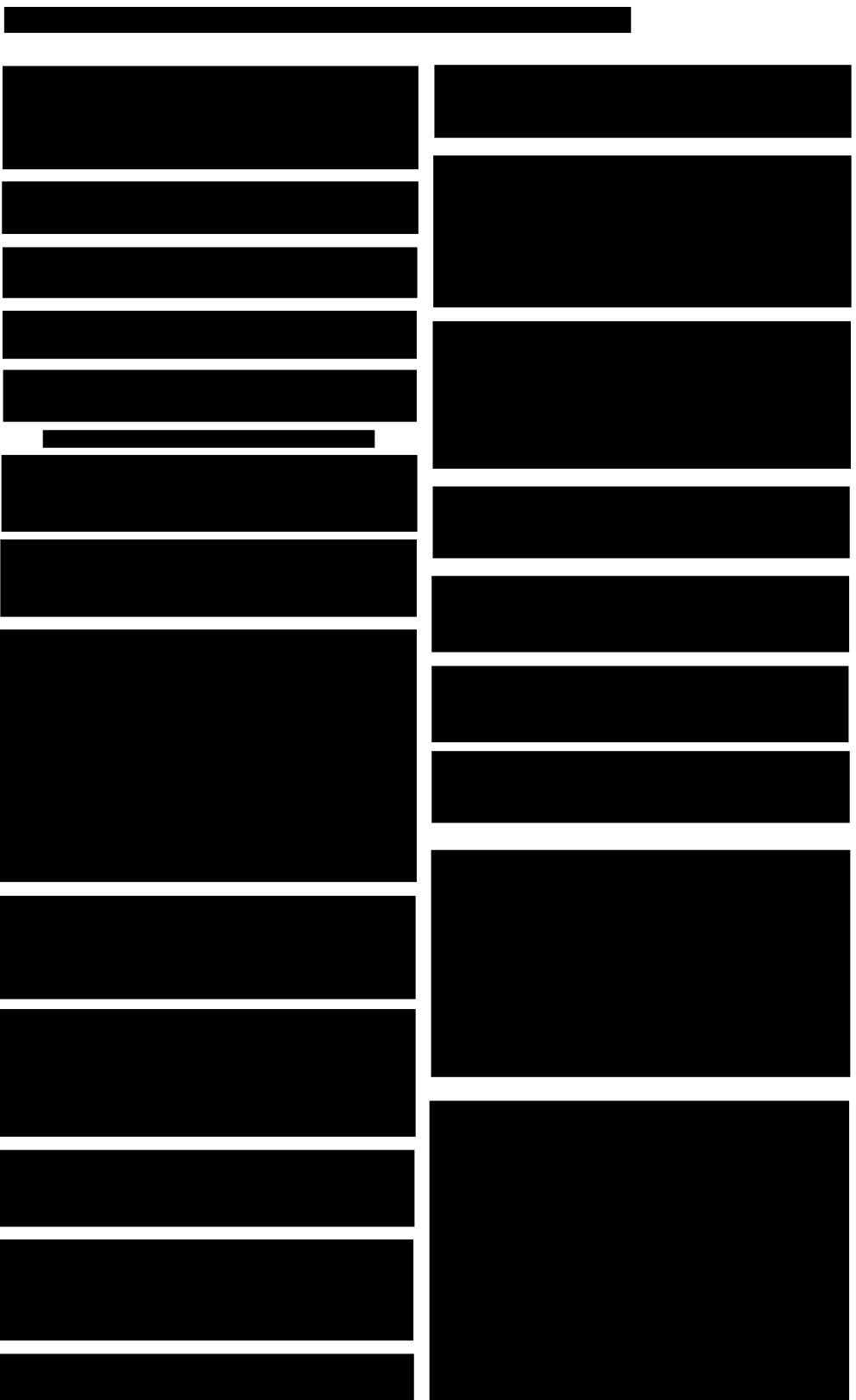


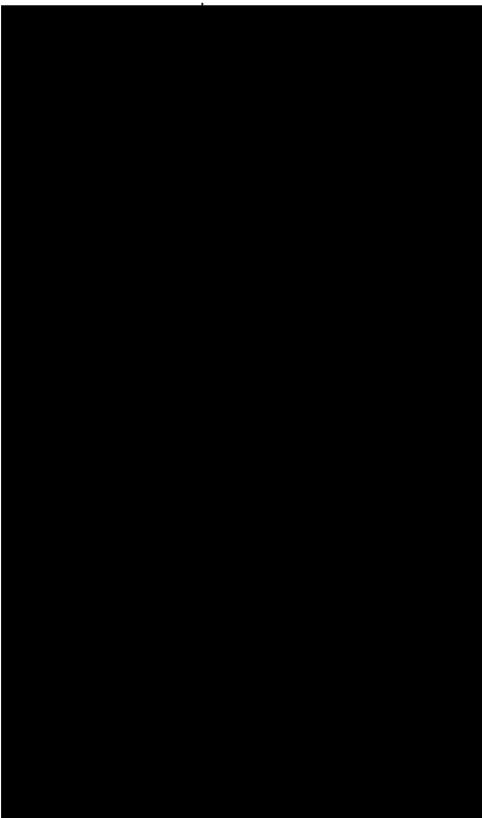
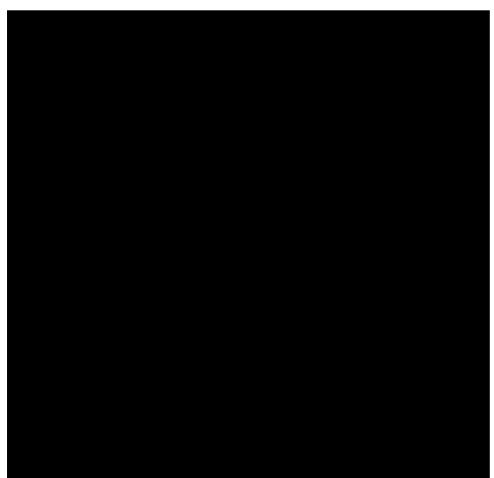
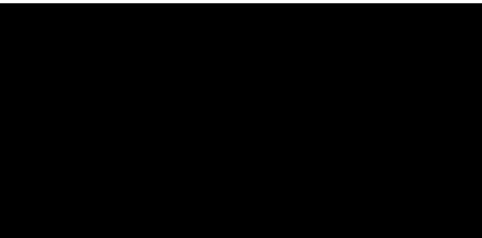
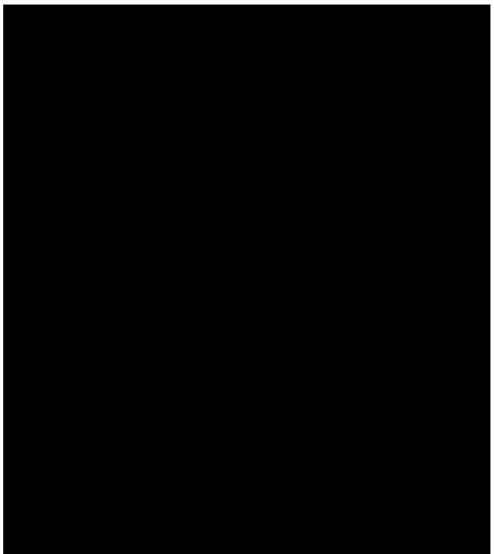
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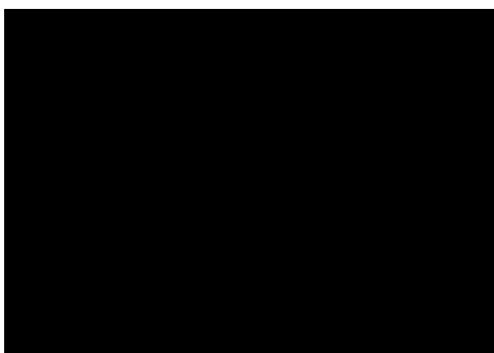
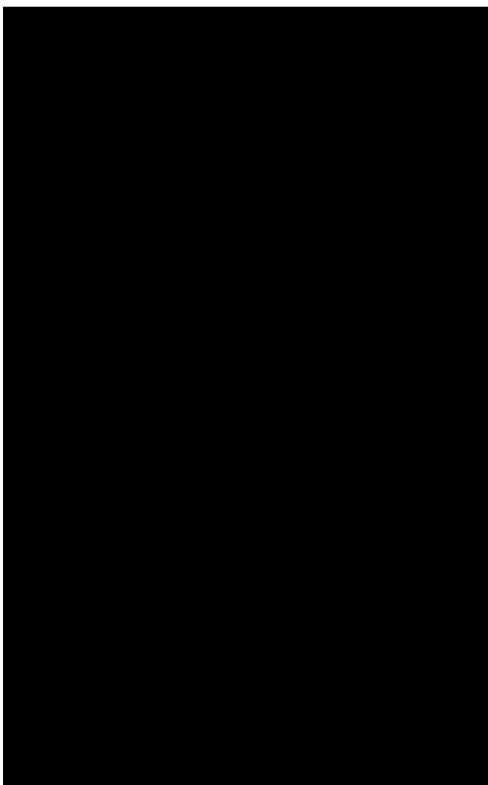


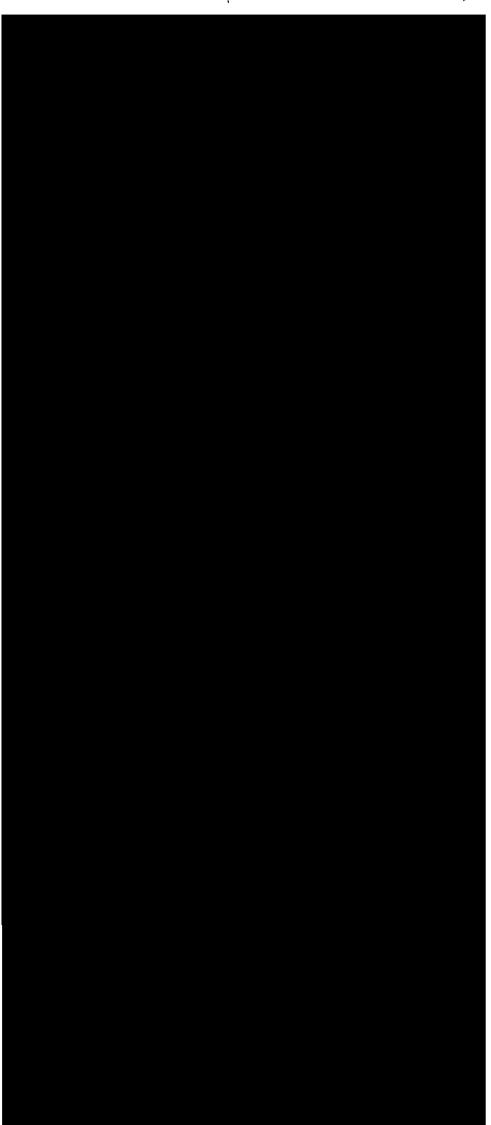
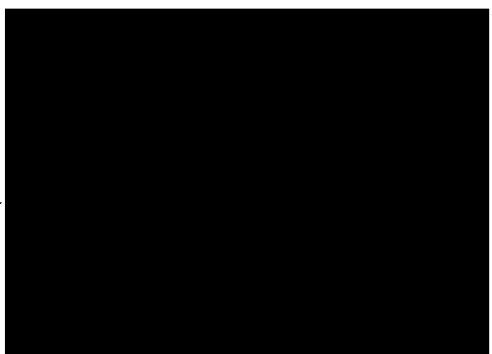
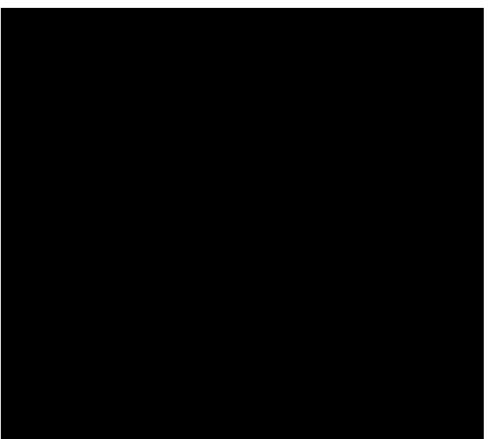
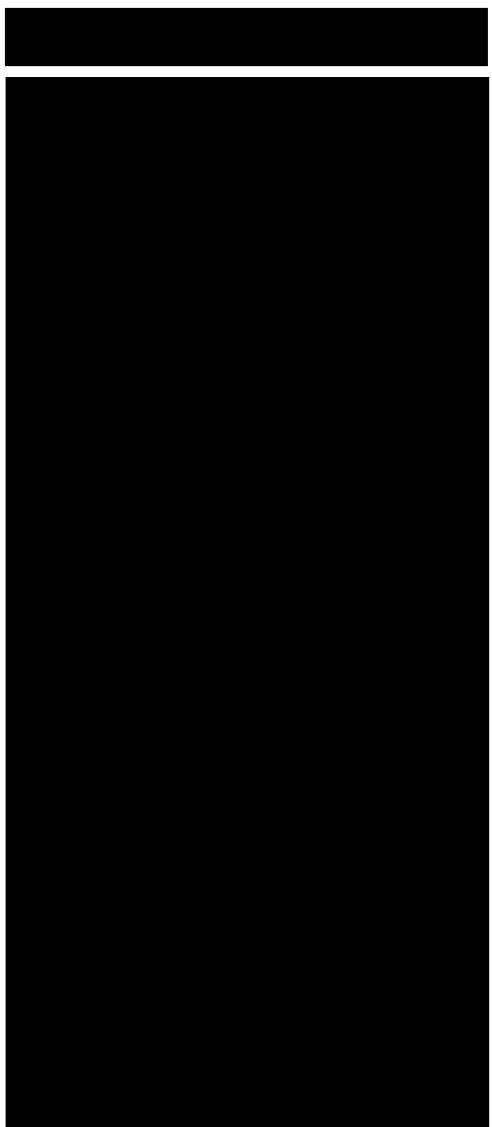


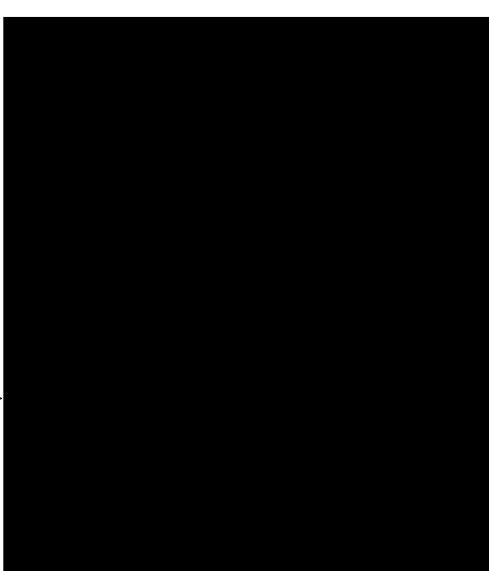
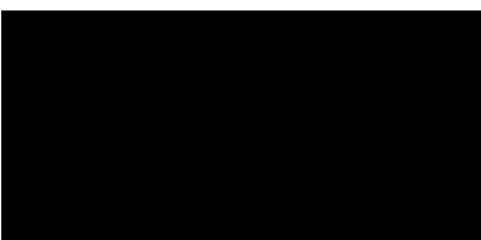
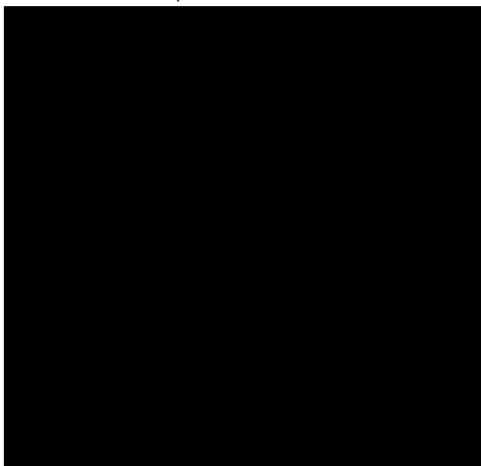
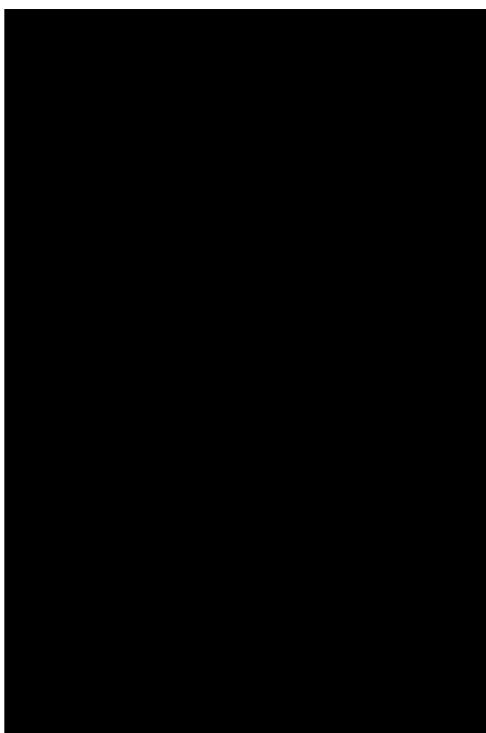


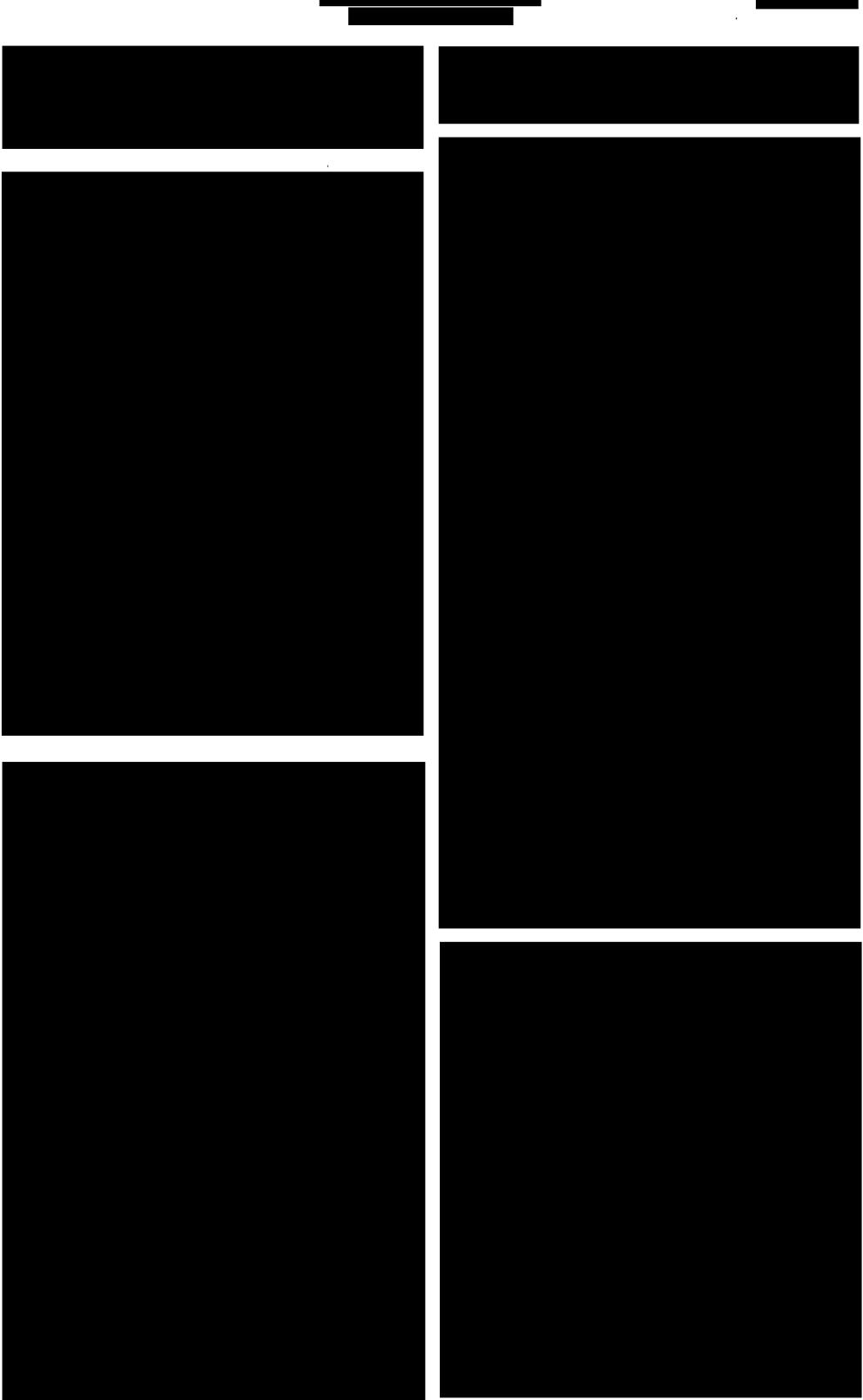


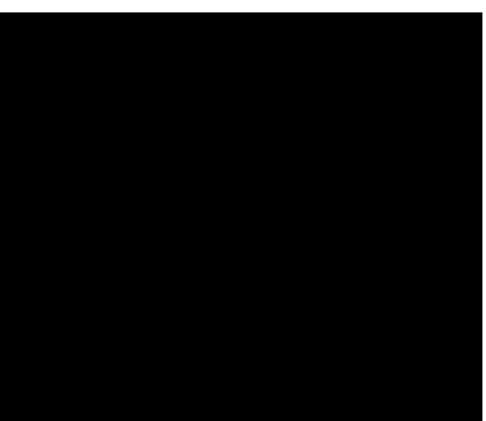
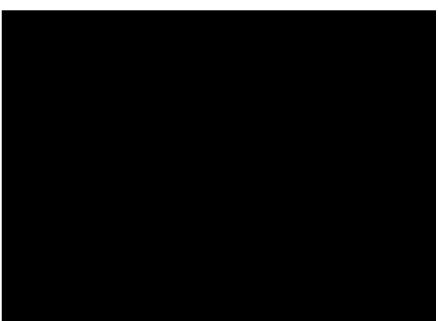
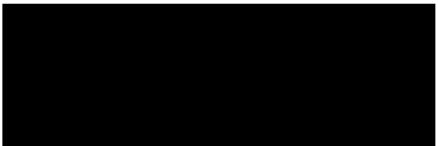
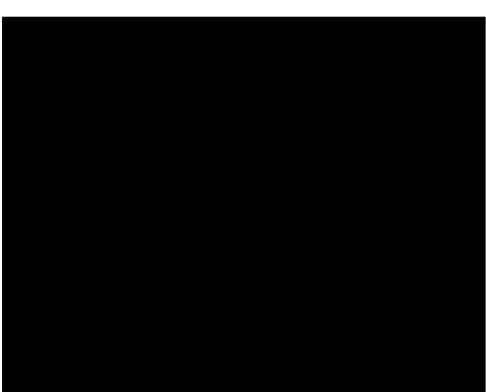
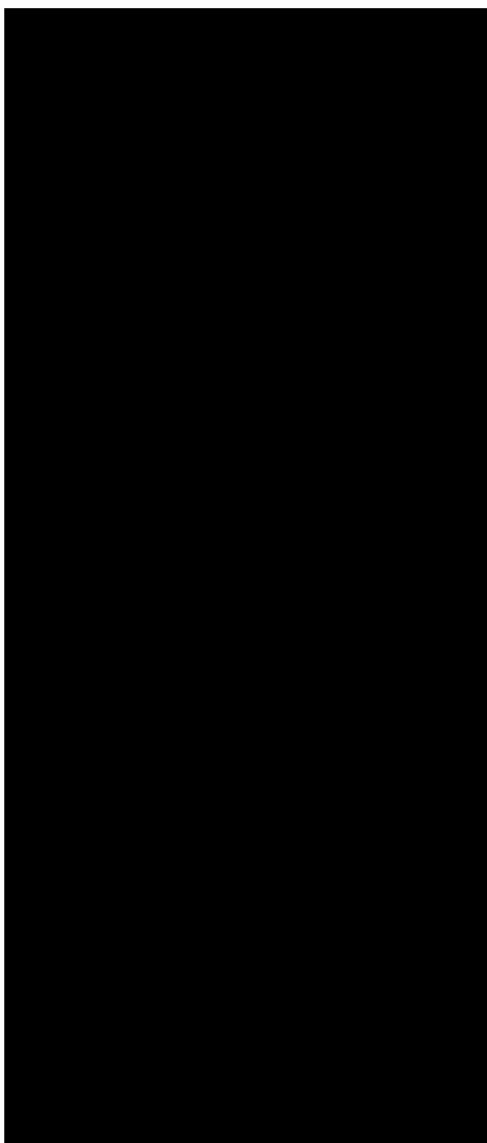
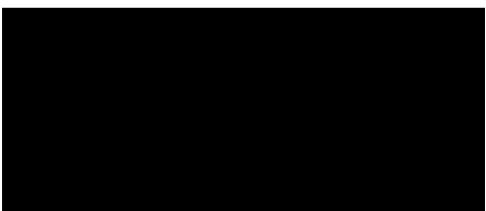


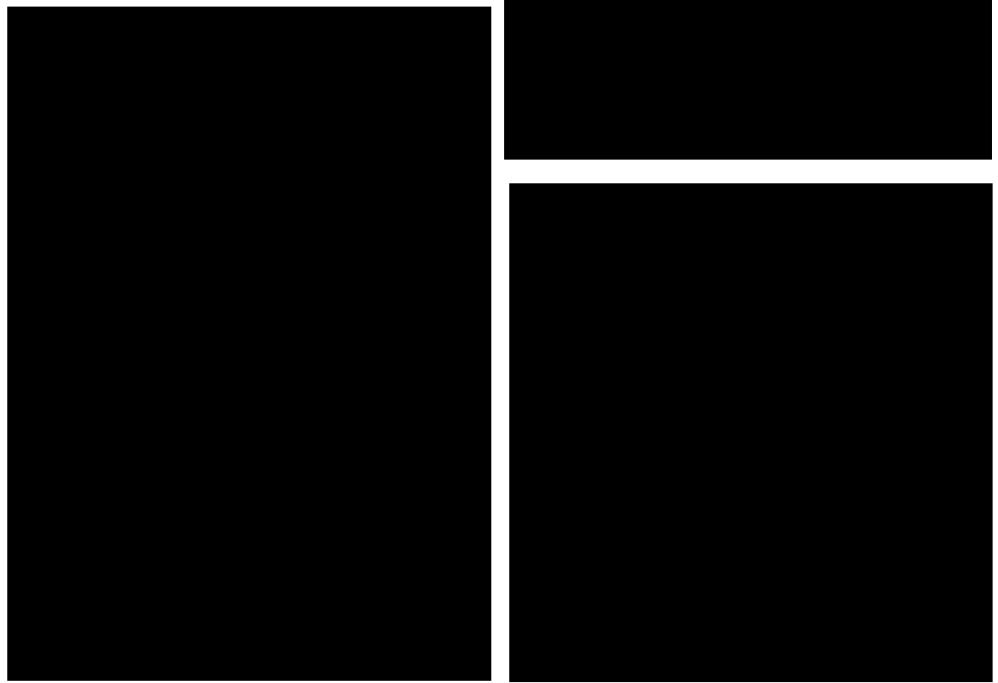
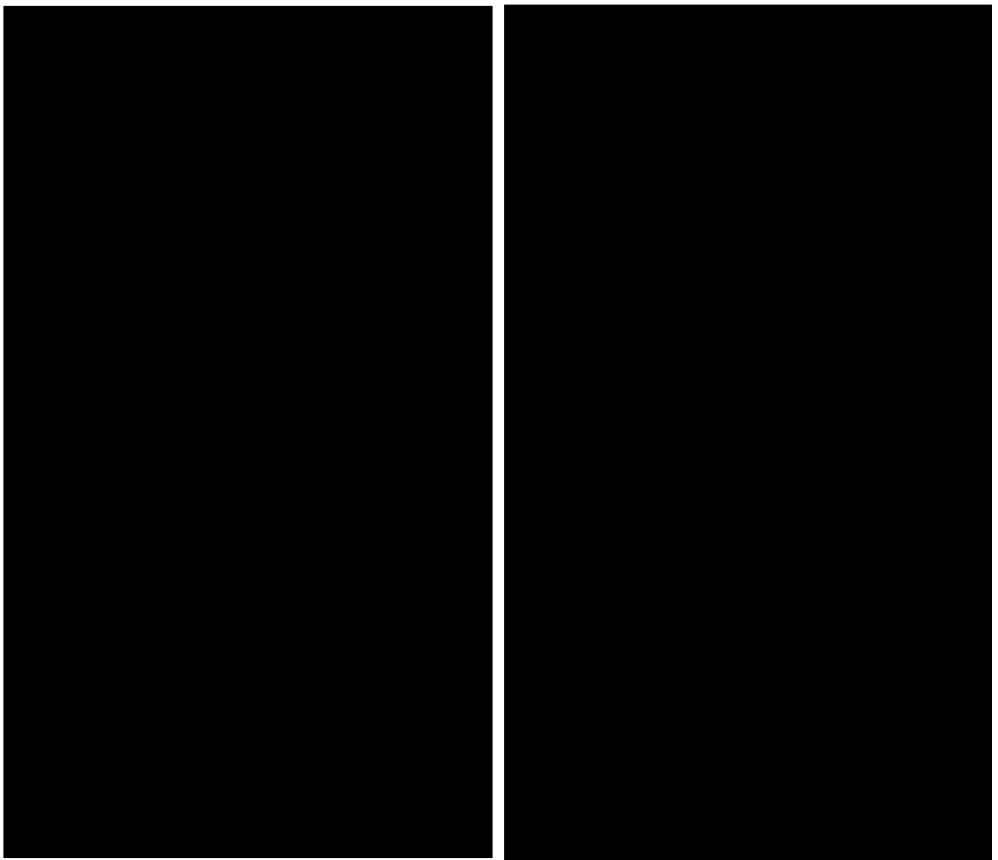


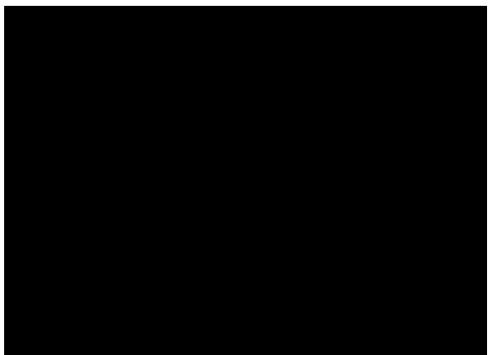












100 A.2d—29

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**SAVAGE et al. v. PARKS et al.**

**PARKS et al. v. SAVAGE et al.**  
Nos. 1383, 1384.

Municipal Court of Appeals for the  
District of Columbia.

Argued Oct. 19, 1953.

Decided Nov. 18, 1953.

Howard J. McGrath, Washington, D. C.,  
for Savages.

George E. C. Hayes, Washington, D. C.,  
for Peters.

Philip W. Thomas, Washington, D. C.,  
for Parks et al.

Before CAYTON, Chief Judge, and  
HOOD and QUINN, Associate Judges.

CAYTON, Chief Judge.

We are here presented with a three-way controversy growing out of a contract for sale of a house in nearby Maryland. For purposes of clarity and convenience the parties will be referred to as seller, broker and purchaser.

Purchaser posted with broker a deposit of \$1,000 at the time of signing the contract. Thereafter, when the title company report disclosed that the property was burdened with a covenant prohibiting sale, lease or occupancy thereof to colored persons, the purchaser (he and his wife being colored) refused to complete the purchase and demanded the return of his deposit. Seller declared the deposit forfeited and demanded one-half thereof from the broker. Broker, claiming to be a mere stakeholder, refused to honor the demand. Seller sued the broker for his claimed one-half of the deposit. Broker counterclaimed for commission allegedly earned on the uncompleted sale. Purchaser, being brought in as third party, demanded the return of his \$1,000 deposit. The trial court denied the claims of both the seller and the broker and ordered the deposit returned to purchaser. These appeals followed.

*Seller's claim to forfeited deposit.*

There was evidence from which the trial judge could have found that before signing the contract purchaser told seller he had just been warned of a racial covenant on the property and specifically asked seller whether there was such a covenant in existence; that purchaser made it plain that because of the nervous condition of his wife he would not buy the property if it

was affected by such a covenant; that seller assured him that such was not the case; that upon such assurance he signed the agreement and was prepared to and would have completed the purchase except for the racial covenant.

Nothing can be clearer, we think, than the right of a purchaser in such a situation to rescind his agreement and demand return of his deposit. Though racial covenants have now been held unenforceable,<sup>1</sup> the fact remains that such a running restriction was on the title to this property and would be of record in any deed made to this purchaser. The law does not require a purchaser to borrow trouble of the future—or even the prospect of trouble. The law protects him in his right to demand what he bargained for: a home and property free of the cloud of restriction. Directly applicable here is what we said in *Ralph D. Cohn, Inc., v. Trawick*, D.C.Mun. App., 60 A.2d 926, 927: "Certainly the existence of such a covenant was of vital importance to him. He might decide to seek legal advice as to its validity; even though assured of its invalidity he might decide not to buy because of possibility of litigation; and he might decide, regardless of the validity of the covenant, not to buy a home in a neighborhood where such a covenant existed of record. These were matters for him to decide and not for the seller. \* \* There is a vast difference between this case and *Meckler v. Baugh*, D.C.Mun.App., 53 A.2d 695, affirmed, [83 U.S.App.D.C. 400], 168 F.2d 574. In that case the seller made full disclosure of the existence of the covenant and the buyer with knowledge of the covenant signed the contract."

#### *Broker's claim to commission.*

Not quite so simple is the question as to whether the broker had earned a commission under the contract which had been repudiated (properly as we have just said) by the purchaser. The property being in Maryland, the law of that State controls.<sup>2</sup>

1. *Shelley v. Kraemer*, 334 U.S. 1, 68 S.Ct. 836, 92 L.Ed. 1161; *Hurd v. Hodge*, 334 U.S. 24, 68 S.Ct. 847, 92 L.Ed. 1187.

Maryland has a statute providing that when in the absence of a special agreement to the contrary a broker procures in good faith a purchaser who "enters into a valid, binding and enforceable written contract", the broker becomes entitled to his commission, "whether or not the contract entered into be actually into effect, unless the performance of such contract be prevented, hindered or delayed by any act of the broker." Maryland Code, Article 2, § 17. It is not claimed here that there was any "special agreement to the contrary" or that the broker acted other than in good faith. We have come to the conclusion, however, that in this case the broker, no more than the seller, can claim that the purchaser entered into a "valid, binding and enforceable written contract." The trial court has ruled, with substantial support in the evidence, that the contract was not enforceable. It is true that such ruling was necessarily based on seller's representation that no racial covenant affected the property; and that this representation was made recklessly or merely in error—(the evidence was susceptible of more than one interpretation.) But it is also true that the broker participated in the discussion between seller and purchaser concerning the covenant, knew that the purchaser would not complete the deal if there was a covenant in existence, and assured the purchaser that he had nothing to worry about in view of the Supreme Court decision on the subject.

In these circumstances, while it probably cannot be said that the broker actively "prevented, hindered or delayed" completion of the deal, he was so much an active participant in the conversations and negotiations attending and leading to the signing of the contract that he must be held to have assumed the risk that if a search of the title brought to light a racial covenant the deal would collapse, and with it his right to commission. Three Maryland cases, cited by the broker, do not point to a different result. *North Avenue Casino Co. v. Ferguson*, 130 Md. 376, 100 A. 628; Alt-

2. *Pratt v. Realty Associates*, D.C.Mun. App., 45 A.2d 478; *Deibler v. Graham*, D.C.Mun.App., 62 A.2d 553.

house v. Watson, 143 Md. 650, 123 A. 47; Buchholz v. Gorsuch, 144 Md. 62, 124 A. 389. Indeed, in a much later decision of the Maryland Court of Appeals we find firm support for the decision we here make. Borowski v. Meyers, 1950, 195 Md. 226, 72 A.2d 701. It was there held that a broker is not entitled to commission where he had negotiated a contract subject to a condition, and the purchaser rescinded for breach of such condition.

Judgments affirmed.

NOWINSKI  
v.  
**RANDALL H. HAGNER & CO., Inc.**

No. 1390.

Municipal Court of Appeals for the  
District of Columbia.

Argued Oct. 19, 1953.

Decided Nov. 18, 1953.

Denis K. Lane, Washington, D. C., for  
appellant.

Robert B. Frank, with whom Milton W.  
King, Bernard I. Nordlinger, and Wallace  
Luchs, Jr., Washington, D. C., were on the  
brief, for appellee.

Before CAYTON, Chief Judge, and  
HOOD and QUINN, Associate Judges.

QUINN, Associate Judge.

Appellant was sued for possession of an  
apartment on the grounds that she had vio-  
lated a provision of her lease and was us-  
ing the premises in such a manner as to  
constitute a nuisance. The provision of the  
lease allegedly violated was as follows:  
" \* \* \* That the Lessee will not use said  
premises \* \* \* in any manner which  
will disturb the tenants of the building or  
be offensive to any occupant of the building  
\* \* \* "

Trial was by the court, and a judgment  
for possession was awarded to the landlord.  
The judge made findings in the landlord's  
favor on both grounds set forth in the com-  
plaint.

Two errors are assigned as the basis of this appeal: first, that the evidence as a whole does not support the court's finding; and, second, that the landlord had waived the covenant in question by the subsequent acceptance of rent.

Before we discuss these contentions, it should be noted that one of the grounds upon which this suit was based, i. e., the nuisance count, was covered by one of the provisions of the District of Columbia Emergency Rent Act<sup>1</sup> under which a landlord might regain possession of housing accommodations. The Act having expired on July 31, 1953, the question of nuisance has now become moot.<sup>2</sup> Thus we need only determine whether there was sufficient evidence to uphold the trial court's finding that appellant had violated a provision of her lease. We think there was. The gist of the landlord's complaint against Mrs. Nowinski was her piano playing. It was shown at trial that several of her fellow tenants were greatly disturbed by her playing, and it is apparent from their statements on the witness stand that her musical endeavors were offensive to them. At trial there was a sharp conflict in the testimony as to the length of appellant's practice periods, the hours at which they commenced and ceased, the quality of her playing, and the amount of noise that permeated various tenants' apartments. We see no need here to review this testimony at length, nor can we resolve the conflicting testimony of the witnesses for both sides. That is the function of the trial court.<sup>3</sup>

As to appellant's contention that there was a waiver of the covenant, the evidence shows that appellant had paid her rent monthly and that such rent was accepted by the landlord. These acceptances

would undoubtedly operate as waivers of any past breaches of the covenant.<sup>4</sup> But we cannot agree that such waivers can be extended so as to include a waiver of the covenant itself. The lease between the parties recites "that no waiver of any breach of any covenant herein shall be construed to be a waiver of the covenant itself or of any subsequent breach thereof." Such clauses have been held effective in preventing waiver of a covenant by the acceptance of rent after the landlord has knowledge of a violation of the covenant.<sup>5</sup> Moreover, the constant disturbing of fellow tenants is a continuing type breach,<sup>6</sup> as opposed to a single breach such as subletting. In such cases whether there was a waiver must be determined as of the date when the action for possession was commenced.<sup>7</sup> In the instant case Mrs. Nowinski paid her rent for February on the 17th of that month. This suit was filed on the 18th, and the return date on the complaint was March 5. Thus the factual situation was very similar to the one we had in *Hall v. Henry J. Robb*, D.C.Mun.App., 32 A.2d 707, 709. There the suit for possession based on a breach of covenant was filed on February 23 and the rent for February accepted on the 26th, three days after filing the suit. Ten days remained before the case could be heard. In holding that there was no waiver of the breach, we stated:

"But did the acceptance of February rent on February 26, while the suit was pending, constitute a waiver? We think not. Defendant already owed for all of February except two days; and ten days remained before the case could be heard. \* \* \* In paying the rent, defendant was only doing that which he was required to do and the landlord in accepting it was waiving

1. Code 1951, § 45-1605(b) (1) (b).
2. *Smith v. Worksman*, D.C.Mun.App., 99 A.2d 712.
3. *Davis v. Professional Building Corp.*, D.C.Mun.App., 99 A.2d 754.
4. *Klein v. Longo*, D.C.Mun.App., 34 A.2d 859.

5. *Merritt v. Kay*, 54 App.D.C. 152, 295 F. 973; *Williams v. Behrend*, D.C.Mun.App., 55 A.2d 138.
6. *Williams v. Behrend*, *supra*.
7. *Merritt v. Kay*, *supra*.

no rights, but was simply accepting that which was his due."

That decision is controlling in the present case. Accordingly we rule that there was no waiver.

Affirmed.

**SEABOARD FINANCE CO.**

v.

**RUPPERT.**

No. 1391.

Municipal Court of Appeals for the District of Columbia.

Argued Nov. 2, 1953.

Decided Nov. 18, 1953.

Jules V. Fink, Harry Protas, Washington, D. C., on the brief, for appellant.

William F. Mansfield, Washington, D. C., for appellee.

Before CAYTON, Chief Judge, and HOOD and QUINN, Associate Judges.

CAYTON, Chief Judge.

Having obtained judgment by default against a man named Chase, plaintiff caused a garnishment to be issued against his employer. The employer answered that he owed defendant only 44 cents and that he paid him at the rate of \$38 per week. Four days after the filing of that answer plaintiff followed with another garnishment directed to the employer. This was served on August 6, 1953, at 2:40 p. m. and on the same day the garnishee swore in his answers to the printed interrogatories (1)

that he owed defendant nothing, (2) that he paid defendant \$6.33 per day, and (3) that defendant "drew \$20 Monday"—August 3, three days earlier. Plaintiff then filed a motion for leave to orally examine the garnishee respecting the answers to the two writs of garnishment. The trial court refused to permit such examination and plaintiff by this appeal is challenging the propriety of such ruling.

In responding to the interrogatories, the garnishee had filed two sets of answers which were seemingly contradictory of each other as to the method of paying defendant's salary, and which seemingly left something to be explained. The judge gave no reason for his ruling and nothing appears of record which would seem to deprive plaintiff of the privilege of oral examination.

■ Our Code, Section 15-304, authorizes oral examination of a garnishee in open court as a supplement to his answers to the written interrogatories. The purpose of such oral examination has been stated in a number of decisions. It enables an attaching plaintiff to test the accuracy of the garnishee's answers and to determine whether he will challenge the garnishee by a formal traverse, under Code, Section 15-309. *Flynn v. Potomac Electric Power Co.*, 60 App.D.C. 82, 47 F.2d 978; *Young v. Nicholson*, 70 App.D.C. 351, 107 F.2d 177; *Dickinson v. Brooks*, 71 App.D.C. 106, 108 F.2d 4.

It may be that on the oral examination this plaintiff will discover nothing of value or importance. It may also develop that some or all of defendant's earnings will prove to be exempt from execution. Code, Section 15-403, as amended by Public Law No. 315, 82d Congress, 2d Session, April 15, 1952, 66 Stat. 59, exempts earnings to the extent of \$200 a month to one who provides the principal support of a family, and \$60 per month for others. The Act au-

thorizes the garnishee to set up such claim of exemption, and the garnishment form itself contains printed questions and blanks to accomplish that purpose.

■ Naturally, we do not know what the examination of the garnishee will reveal but we are satisfied that the plaintiff should not have been denied the right to conduct an oral examination of the garnishee.

■ Appellant asks us to hold that Municipal Court Rule 69(f), dealing with the subject, contravenes the statute authorizing oral examination of a garnishee. The rule provides that leave of court must be had before the filing of such a motion or service thereof upon a garnishee and also provides that the judge shall examine all papers in the case before ordering such examination. This rule is merely regulatory and was adopted to put an end to known abuses. It provides a salutary means of preventing multiple attachments and needless piling up of costs. Equally important, by channeling the motions into the hands of a judge it enables the court to protect businessmen and other citizens from harassment by overpersistent plaintiffs and overnumerous attachments. A garnishee is usually an "innocent bystander." He almost always appears without counsel and has nothing to gain in the garnishment proceedings, and yet such a proceeding becomes a suit in personam against him and subjects him to the possibility of a personal judgment. *Bridgett v. Perpetual Bldg. Ass'n*, D.C.Mun.App., 75 A.2d 780. Hence he is entitled to reasonable protection by the court. The rule in question provides a modicum of such protection, and if properly applied will serve the ends of justice and will hurt no one.

Reversed, with instructions to grant plaintiff's motion for oral examination. Costs of this appeal not to be taxed against appellee.

PENNSYLVANIA R. CO.

v.

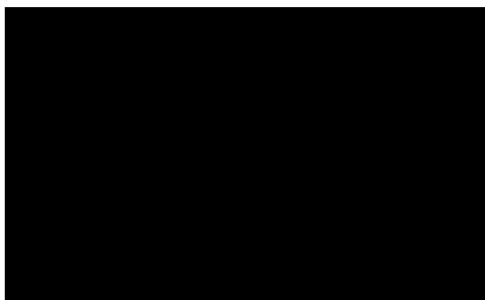
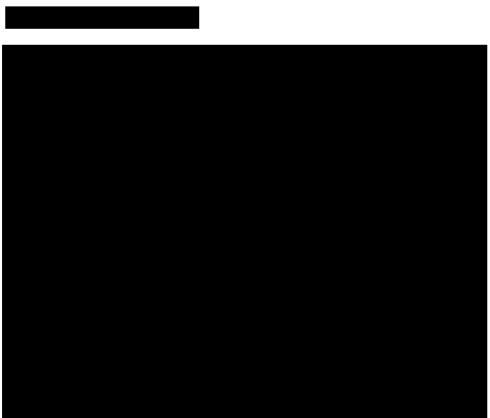
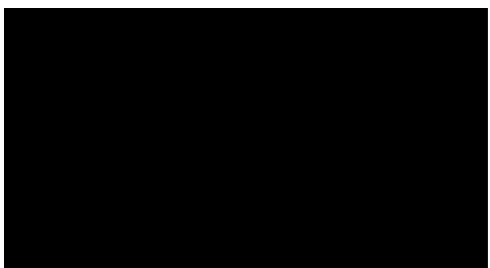
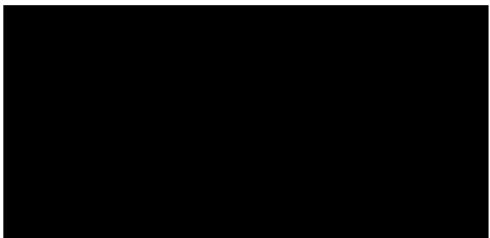
NEWMAYER et al.

No. 1380.

Municipal Court of Appeals for the  
District of Columbia.

Argued Sept. 28, 1953.

Decided Nov. 20, 1953.



James C. McKay, Washington, D. C., for appellant. Paul F. McArdle, Washington, D. C., also entered an appearance for appellant.

Alvin L. Newmyer, Jr., Washington, D. C., for appellees.

Before CAYTON, Chief Judge, and HOOD and QUINN, Associate Judges.

HOOD, Associate Judge.

This was a suit against a railroad carrier<sup>1</sup> for loss caused by delay in delivery

1. Suit was brought against the delivering carrier, pursuant to the Interstate Com-

merce Act of 1887, 24 Stat. 386, as amended, 49 U.S.C.A. § 20(11), which

of a carload of lettuce. Trial was by judge and the decision was in favor of plaintiff. Defendant carrier appeals, contending that the evidence did not support the finding of negligence and that the proof of damage was insufficient.

From a stipulation of facts, from various documents revealing in detail the movements of the freight car involved, and from testimony at the trial, the trial court could have found the facts to be as follows: The car was shipped from El Centro, California, on January 31, 1951, consigned to Cincinnati, Ohio. Its first point of interchange was El Paso, Texas, where it arrived on February 2, having been delayed approximately 16 hours because of work stoppages by yardmen. There the car was delivered to Texas and Pacific Railway Company, which in turn delivered it to Missouri Pacific Railroad Co. in Texarkana, Texas, and the latter company transported the car to Memphis, Tennessee. There, after additional delays totaling approximately 20 hours, it was delivered to Louisville and Nashville Railroad Company at 5:15 p. m. on February 7. On the morning of February 7, the car was reconsigned to John L. Senini Co., Cincinnati, Ohio, and by that company, on the same morning, reconsigned to Max Shapiro, and diverted to Washington. From Memphis the car was taken to DeCoursey, Kentucky, arriving there at 2:15 a. m. on February 9, some 10 hours behind schedule. After re-top icing pursuant to the instructions in the last reconsignment order, the car was delivered to Baltimore and Ohio Railroad in Cincinnati at 6:20 a. m. on February 10. It arrived in Washington at 11:30 p. m. on February 11 in a train scheduled to arrive at 8:45 p. m., and was placed on the "perishable track" ready for unloading at 1:15 a. m. on February 12.<sup>2</sup>

- imposes liability on the delivering carrier for delay caused by any carrier.
2. The lettuce was not sold in Washington, but was shipped to Philadelphia by Shapiro; but appellees concede that damages are to be measured by the market price in Washington.

The evidence clearly supports a finding that there were substantial delays in the scheduled movement of the car. Appellant admits delays amounting to approximately two days, while appellees say the delays totaled almost three days. But taking either version as correct, we think the evidence was sufficient to support a finding that the shipment was not made with reasonable dispatch.

Unreasonable delay having been established, the next question is whether it was attributable to the negligence of any carrier. The uniform bill of lading, which was part of the stipulation, specifies that "the burden to prove freedom from such negligence shall be on the carrier."<sup>3</sup> We are clear in our view that appellant's evidence did not, as a matter of law, establish freedom from negligence. The only explanation offered for the various delays is that they were in large part due either to strikes or adverse weather conditions. There is nothing in the record to show that the railroads exercised due care in coping with the unusual traffic conditions. In the absence of such evidence the trial court was justified in finding that the delays were due to negligence.

Appellant argues that even though there was unreasonable delay, appellees cannot rely on delays occurring before the car was reconsigned to Shapiro on February 7, because until that time he had no interest in the contents of the car, and the carriers owed no duty to him. But there was testimony that Shapiro (by whose executors this suit was brought) bought the lettuce on January 30, before it left California. This was sufficient to establish that he was the owner of the shipment during the time all delays occurred, even though he was not named as consignee until February 7. As the true owner of the

3. Even apart from this provision of the bill of lading, the general rule appears to be that once plaintiff has made out a case of unreasonable delay, the burden rests upon the carrier to explain it. 9 Am. Jur., Carriers, § 526.

goods, he was entitled to recover for the delay. *Moore v. Atlantic Coast Line. R. Co.*, 85 S.C. 19, 67 S.E. 11. See also *Railway Express Agency v. Huntress*, D.C. Mun.App., 51 A.2d 379.

The foregoing part of this opinion was prepared by the Chief Judge and represents the unanimous opinion of the court. However, a majority of the court differs with the Chief Judge with respect to the claim of appellant that there was no adequate basis for determination of damages. We think this claim is well grounded.

■ It is not questioned that the measure of appellee's damage is the difference between the market value of the lettuce on the day it should have been delivered and the market value on the day of actual delivery.<sup>4</sup> The day the lettuce should have arrived was February 10; 1951, a Saturday. The day it was actually delivered was either February 12 or 13.<sup>5</sup> The only evidence of market value offered was in the form of Federal-State Market News Service Reports issued by the Department of Agriculture. Such reports appear not to be issued for Saturdays and appellee offered reports for Friday, February 9 and for February 12 and 13. The market for lettuce on the 9th was steady, but was weaker on the 12th and 13th and the price on the 12th was materially lower than the price on the 9th, and the price on the 13th was still lower. There was no evidence of the condition of the market on the 10th or the market price on that day for lettuce. Thus, as we see it, there was no evidentiary basis for determination by the trial court of the market value of the lettuce on the day it should have been delivered and consequently no basis for determining what damage, if any, appellee suffered.

4. *Railway Express Agency v. Huntress*, D.C.Mun.App., 51 A.2d 379.

5. The record does not show which of these dates was found by the trial court to be the date of delivery.

6. See *Barrett v. Van Pelt*, 268 U.S. 85, 45 S.Ct. 437, 69 L.Ed. 857; *Davis v. Hunter*, 79 Ind.App. 462, 138 N.E. 785; *Yazoo & M. V. R. Co. v. M. Levy & Sons*, 141

Government market reports are not the only means of proving market value and it cannot be said that because no report was issued for Saturday, February 10, that the best evidence of the market on that day were the reports for the previous Friday and the following Monday. In an unstable or changing market, which appears to be the case here, it would be pure surmise to say that the market on Saturday was the mean of the Friday and Monday markets. Evidence of actual sales on Saturday or the testimony of an expert based on such sales would furnish a far more accurate basis. We hold that evidence of market value on the day the lettuce should have been delivered was totally lacking and for that reason the judgment cannot stand.<sup>6</sup>

Reversed with instructions to grant a new trial on the single issue of damages.

CAYTON, Chief Judge (dissenting).

The carrier does not challenge the reliability of the Department of Agriculture reports or their accurate reflection of actual market conditions on the days for which they were issued. It has repeatedly been held that such reports are competent to prove market value.<sup>1</sup> "It is a rule recognized generally that market reports or quotations as contained in newspapers and trade journals are competent evidence of the state of the market, \* \* \* and \* \* \* are far more satisfactory and reliable than individual entries or individual sales or inquiries \* \* \*."<sup>2</sup>

I would hold that the market reports for February 9th and 12th furnished an adequate basis upon which the trial court could determine the status of the market on February 10. Verbal testimony on the

Miss. 199, 106 So. 525; *Railway Express Agency v. McCarrick*, Tex.Civ.App., 69 S.W.2d 803.

1. See, e. g., *Commonwealth of Virginia v. West Virginia*, 238 U.S. 202, 212, 35 S.Ct. 795, 59 L.Ed. 1272; 6 Wigmore, Evidence (3rd Ed.) § 1704.

2. Note, 43 A.L.R. 1192.

subject would have been no more reliable or satisfactory.

The law is well settled that a plaintiff is required to prove with reasonable certainty that damage was suffered.<sup>3</sup> This appellees did by establishing the market price on the

10th. Complaint cannot be made because the amount of damages cannot be determined with absolute certainty.<sup>4</sup> Damages need not be reduced to a mathematical formula. "It is sufficient if a reasonable basis of computation is afforded, although the result be only approximate."<sup>5</sup>

3. 25 C.J.S., Damages, § 27; 15 Am.Jur., Damages, § 22.

4. Bigelow v. RKO Radio Pictures, 327 U.S. 251, 66 S.Ct. 574, 90 L.Ed. 652, rehearing denied, 327 U.S. 817, 66 S.Ct. 815, 90 L.Ed. 1040; Eastman Kodak Co. v. Southern Photo Materials Co., 273

U.S. 359, 47 S.Ct. 400, 71 L.Ed. 684. See also Stern v. Ace Wrecking Co., D.C.Mun. App., 38 A.2d 626.

5. Eastman Kodak Co. v. Southern Photo Materials Co., *supra*, 273 U.S. at page 379, 47 S.Ct. at page 405, 71 L.Ed. 684.

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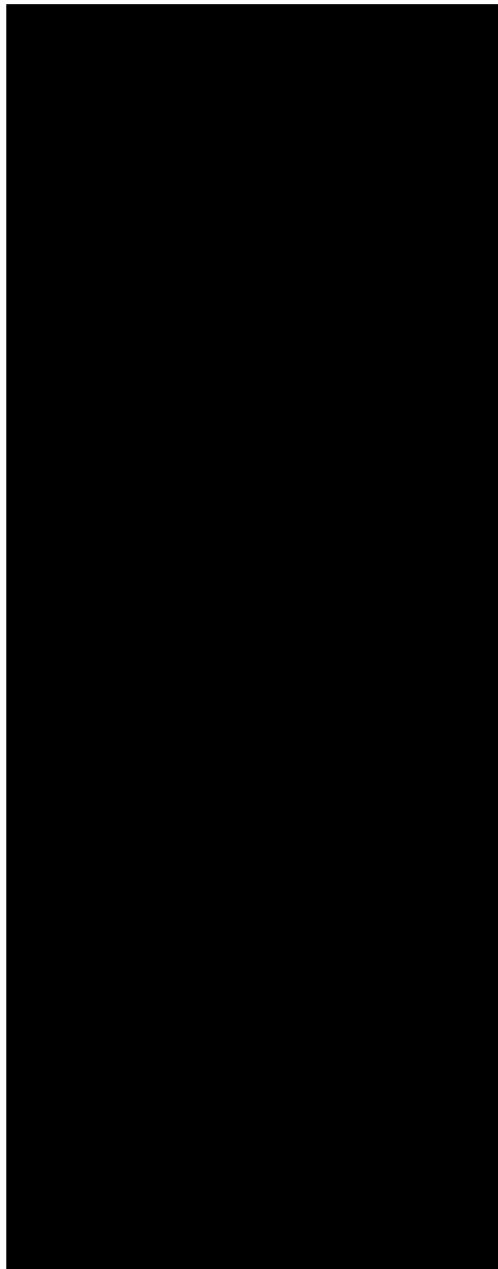
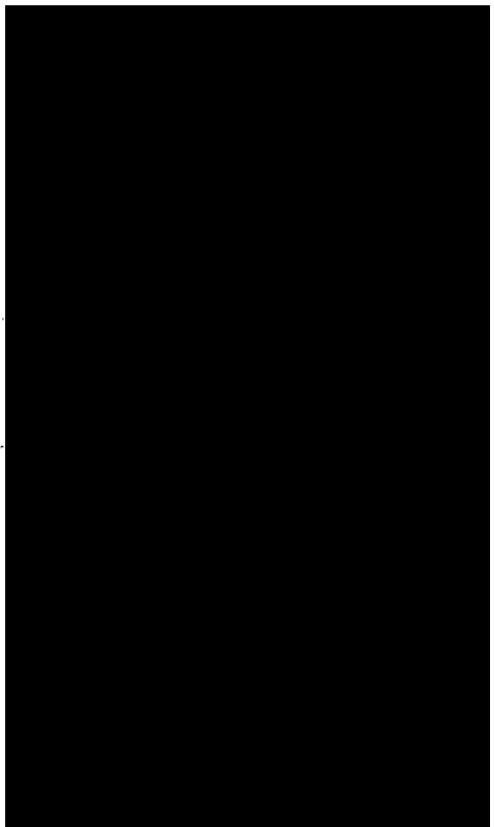
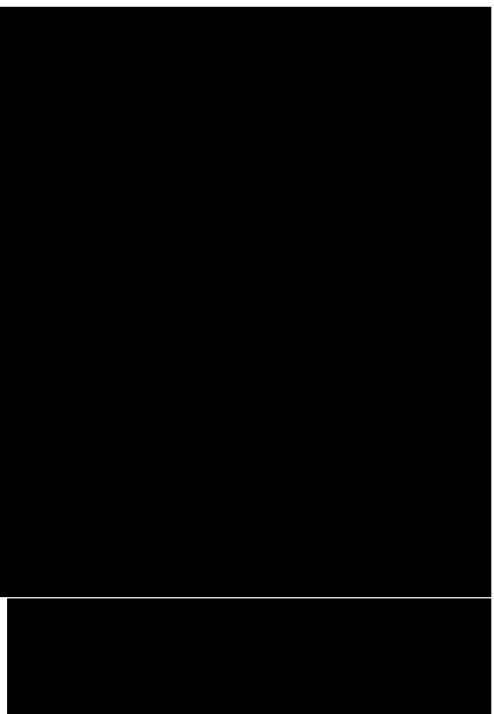
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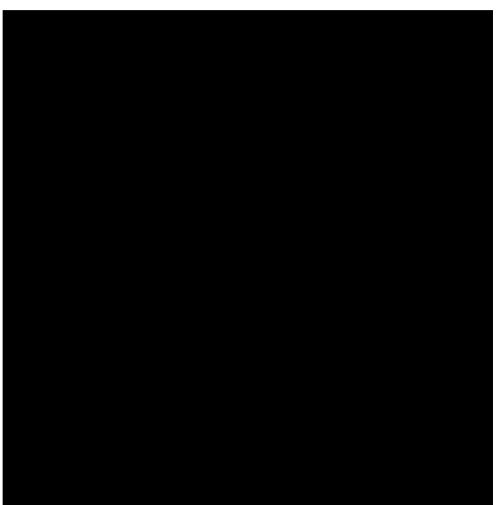
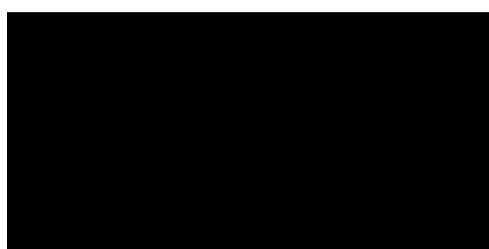
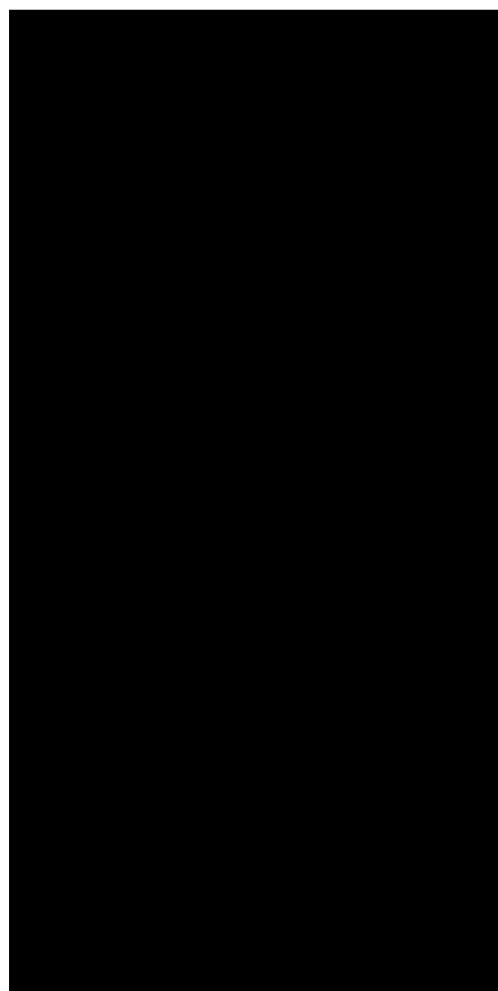
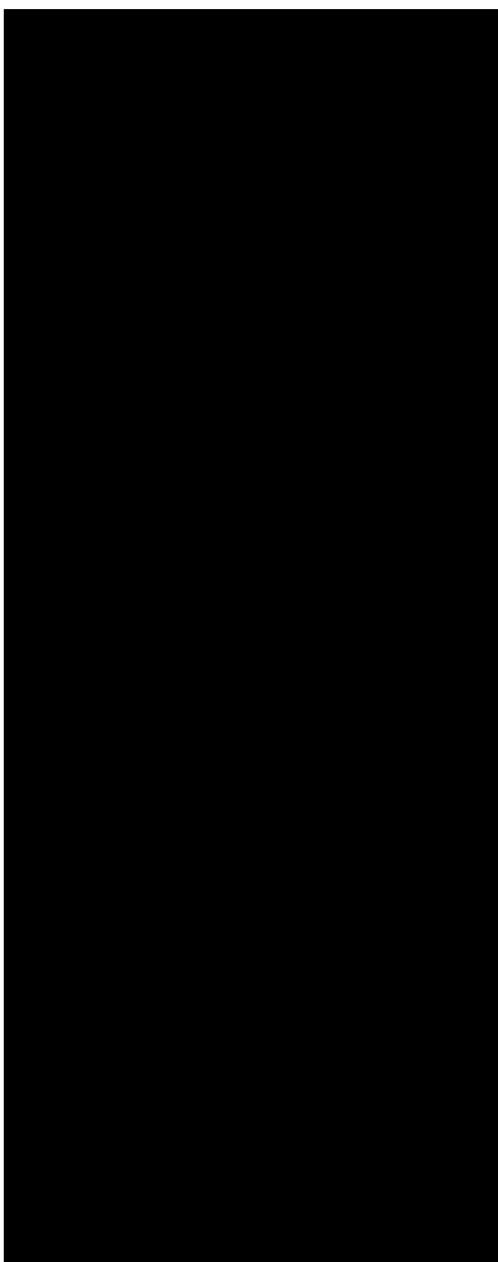
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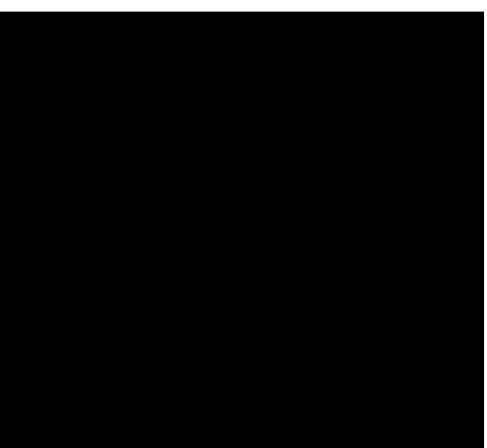
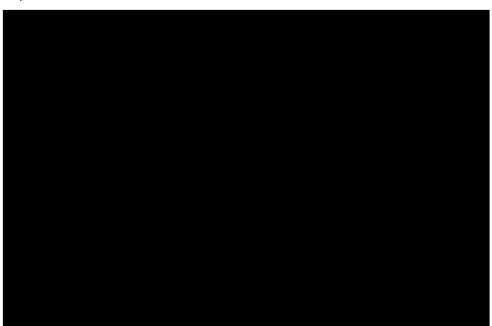
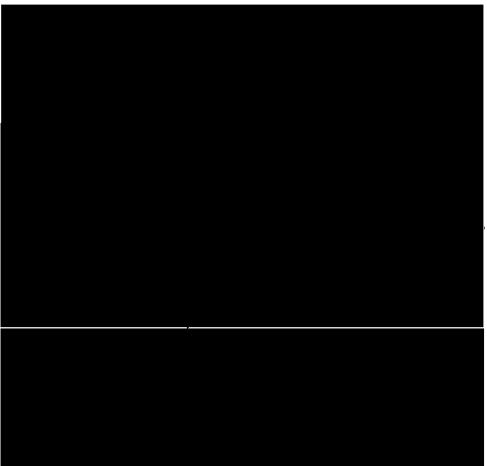
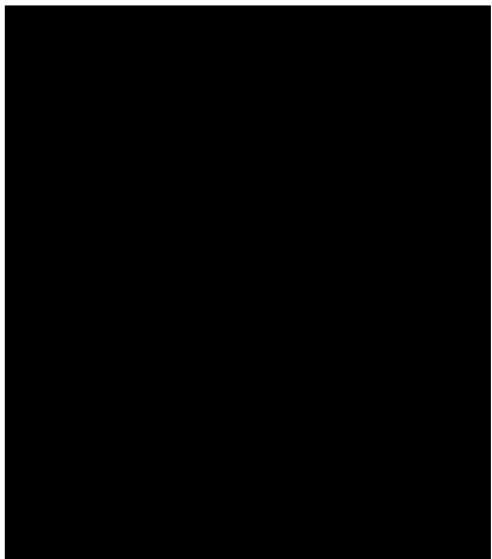
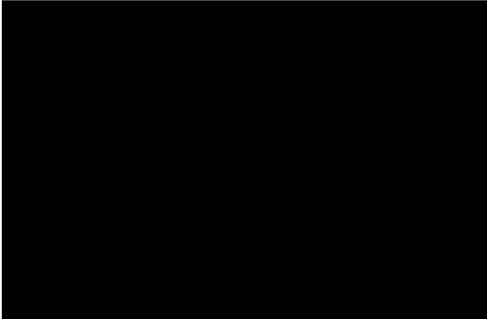
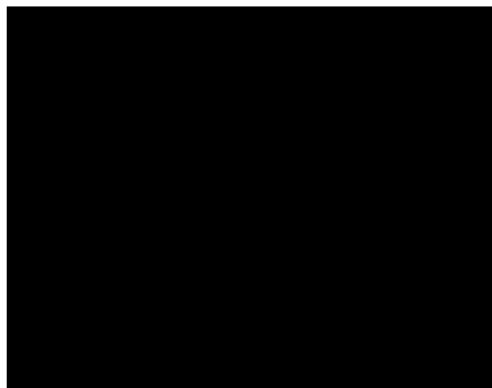
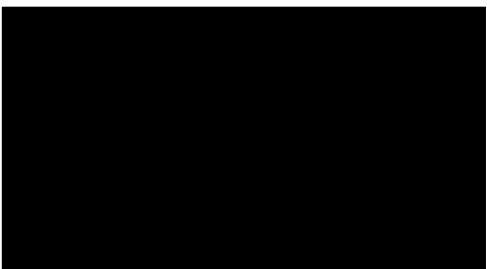
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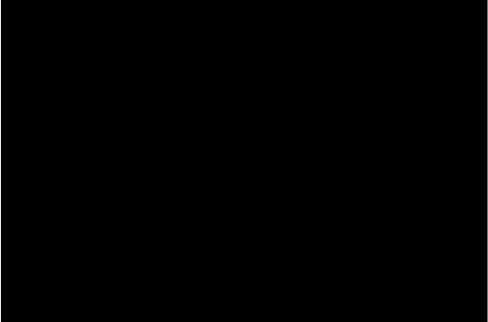
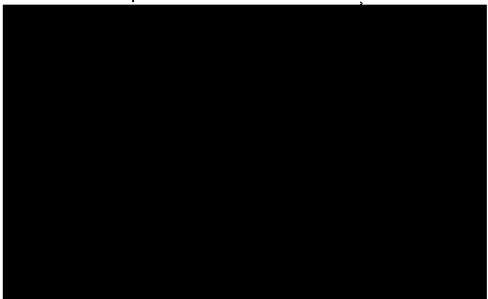
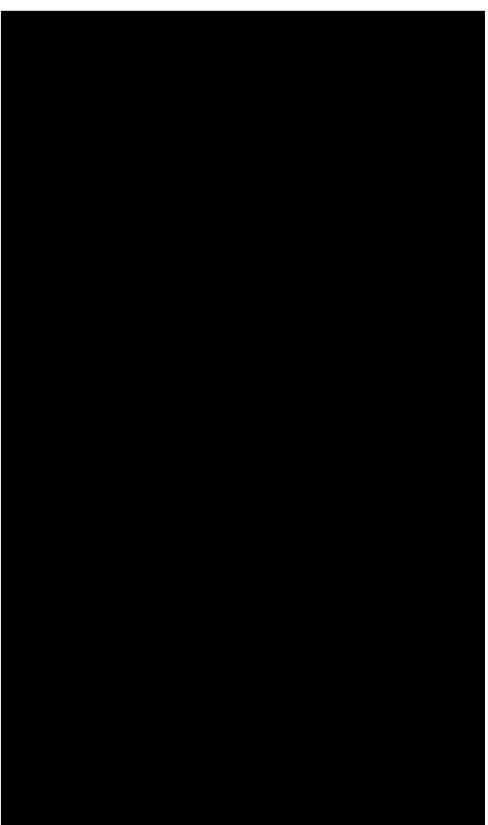
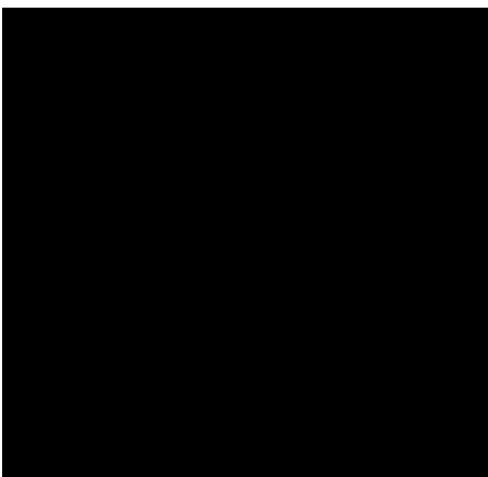
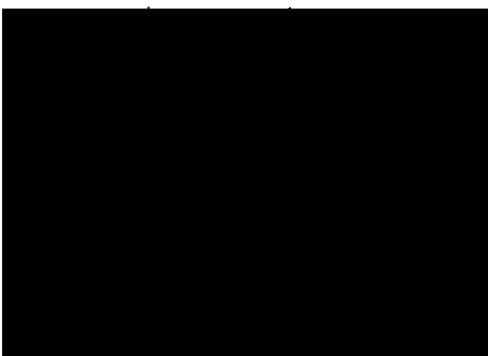
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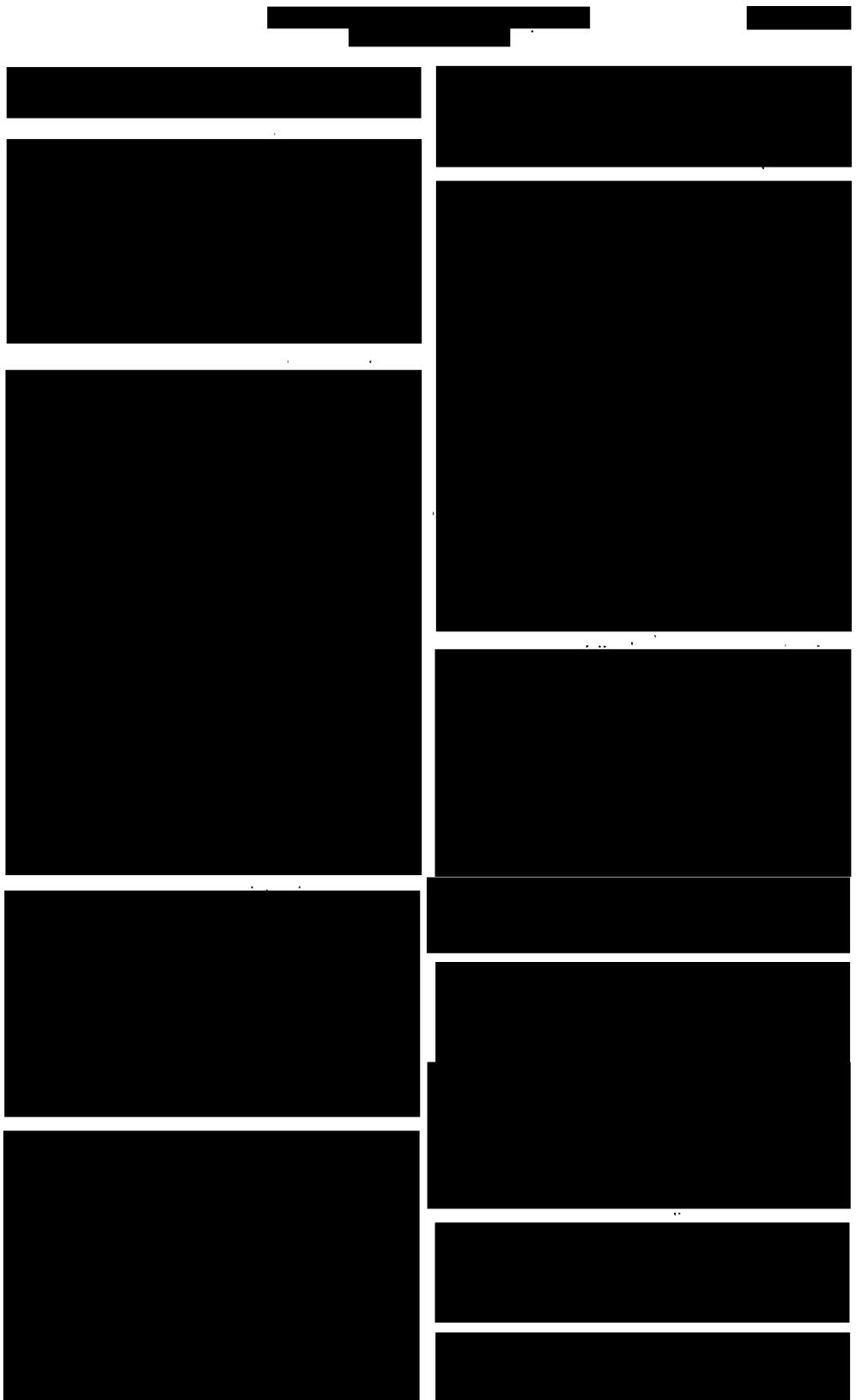
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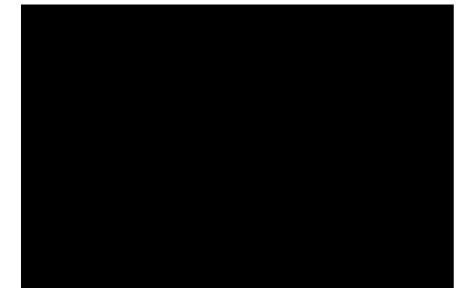
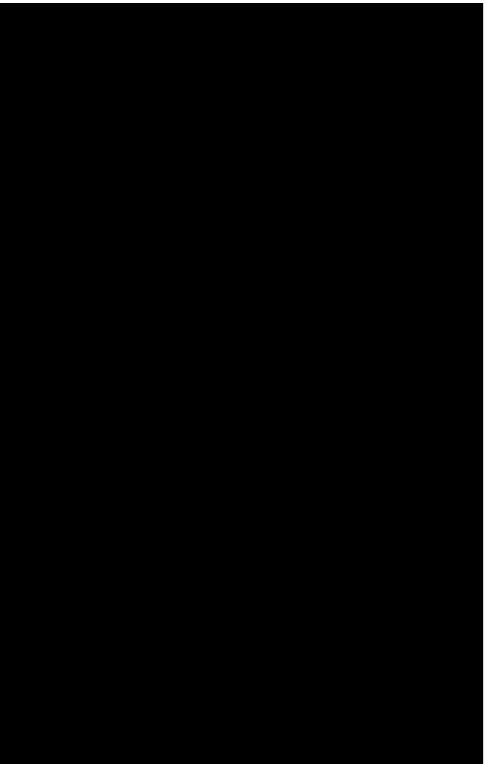
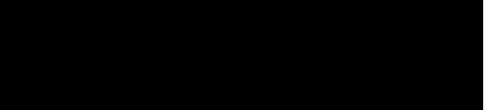
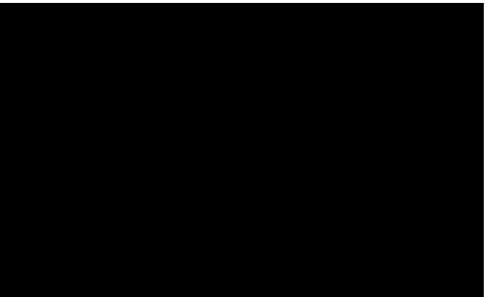
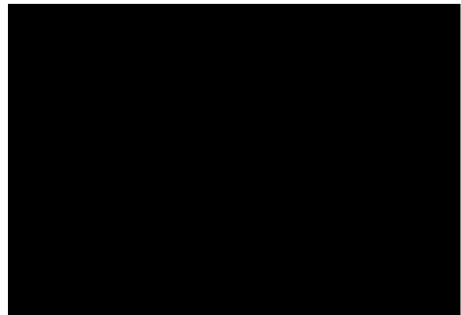
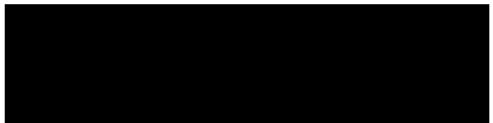




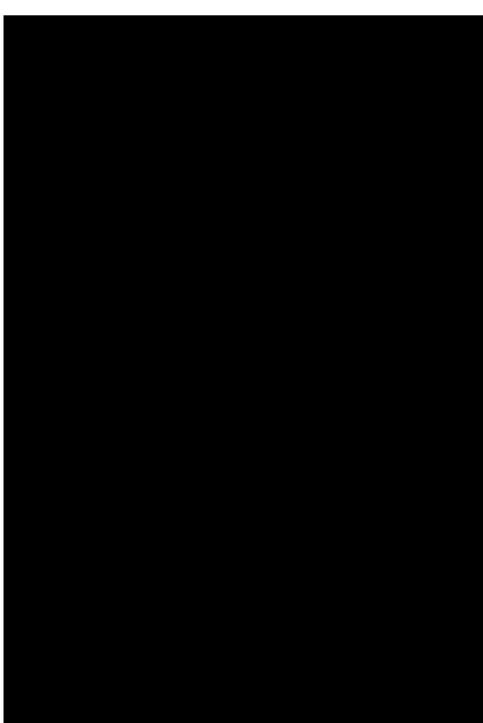
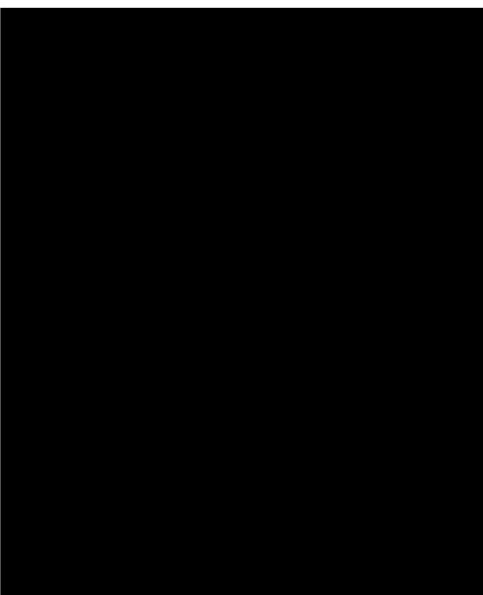
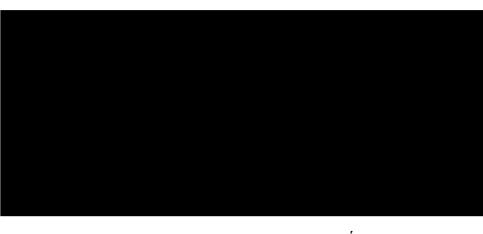
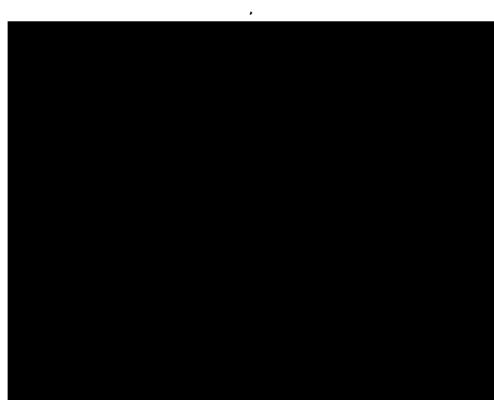
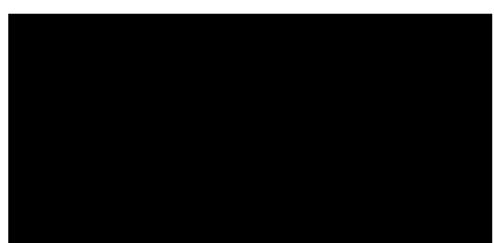
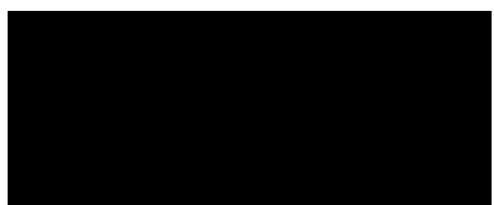
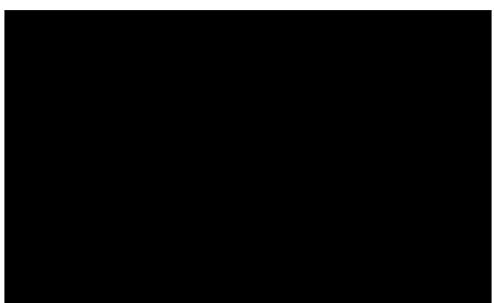


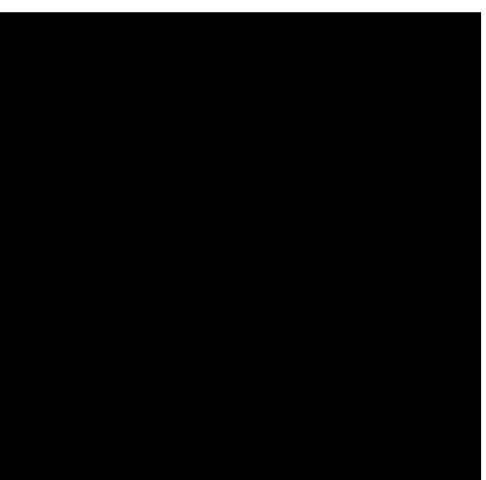
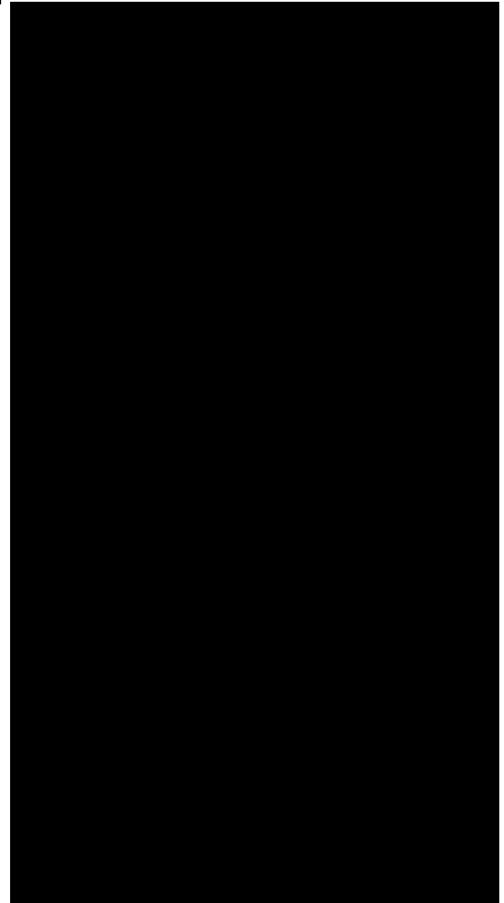
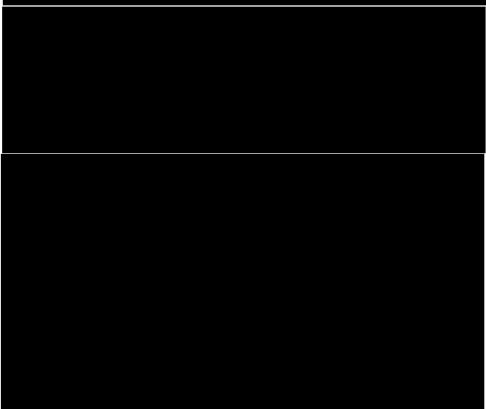
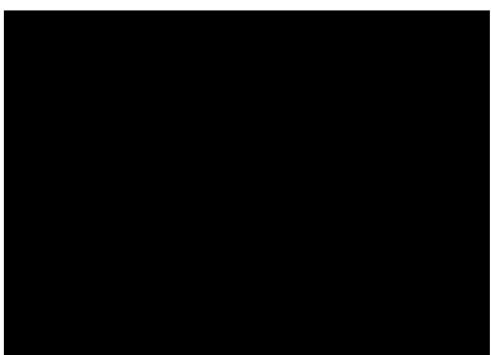
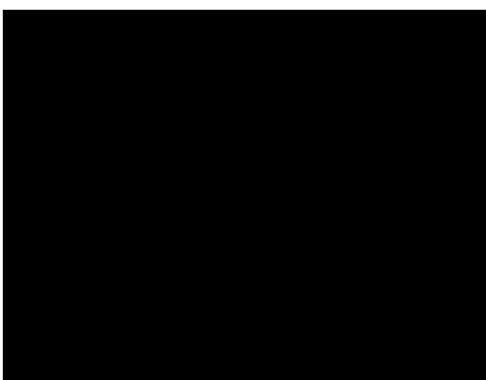




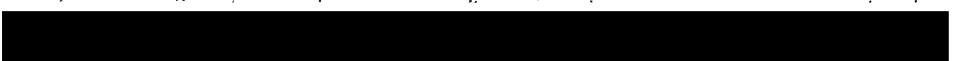
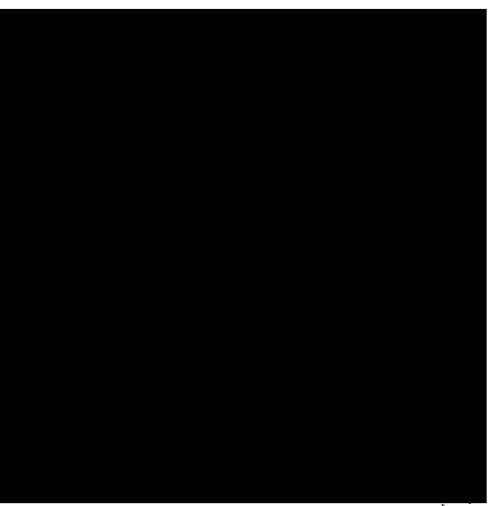
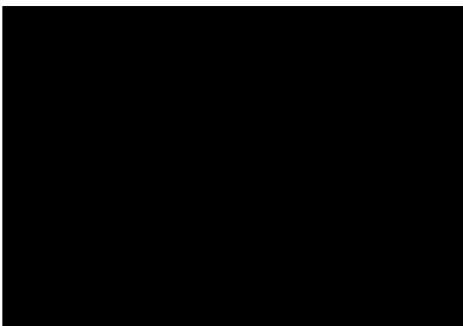
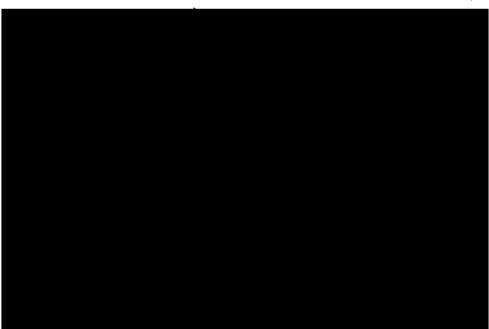
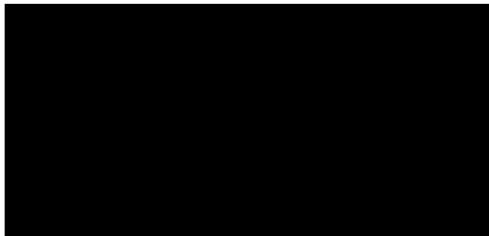
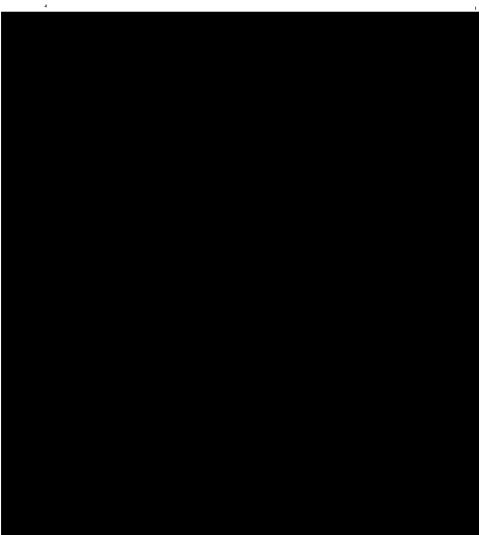


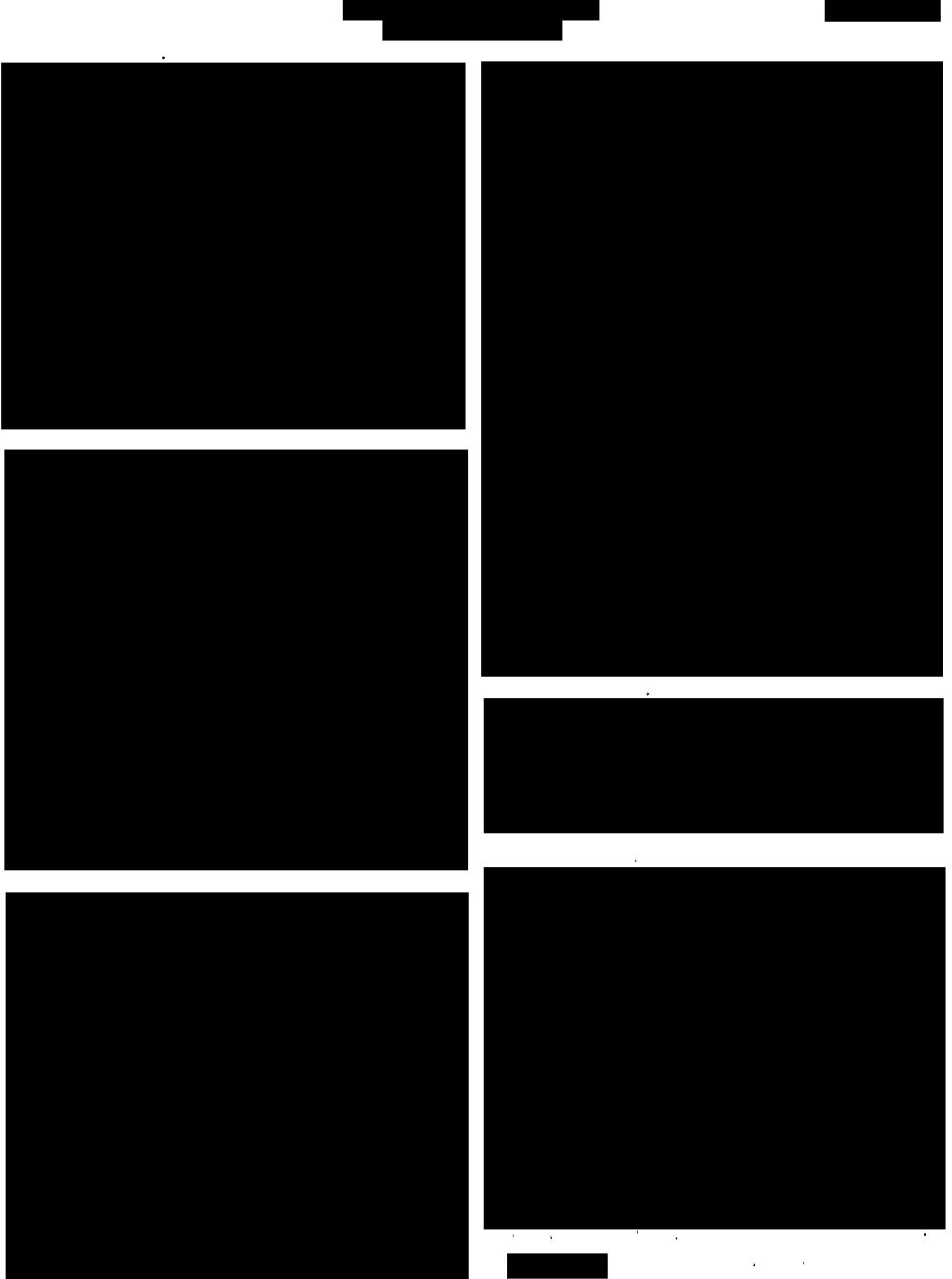
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1. *What is the relationship between the number of hours spent on the Internet and the level of depression?*

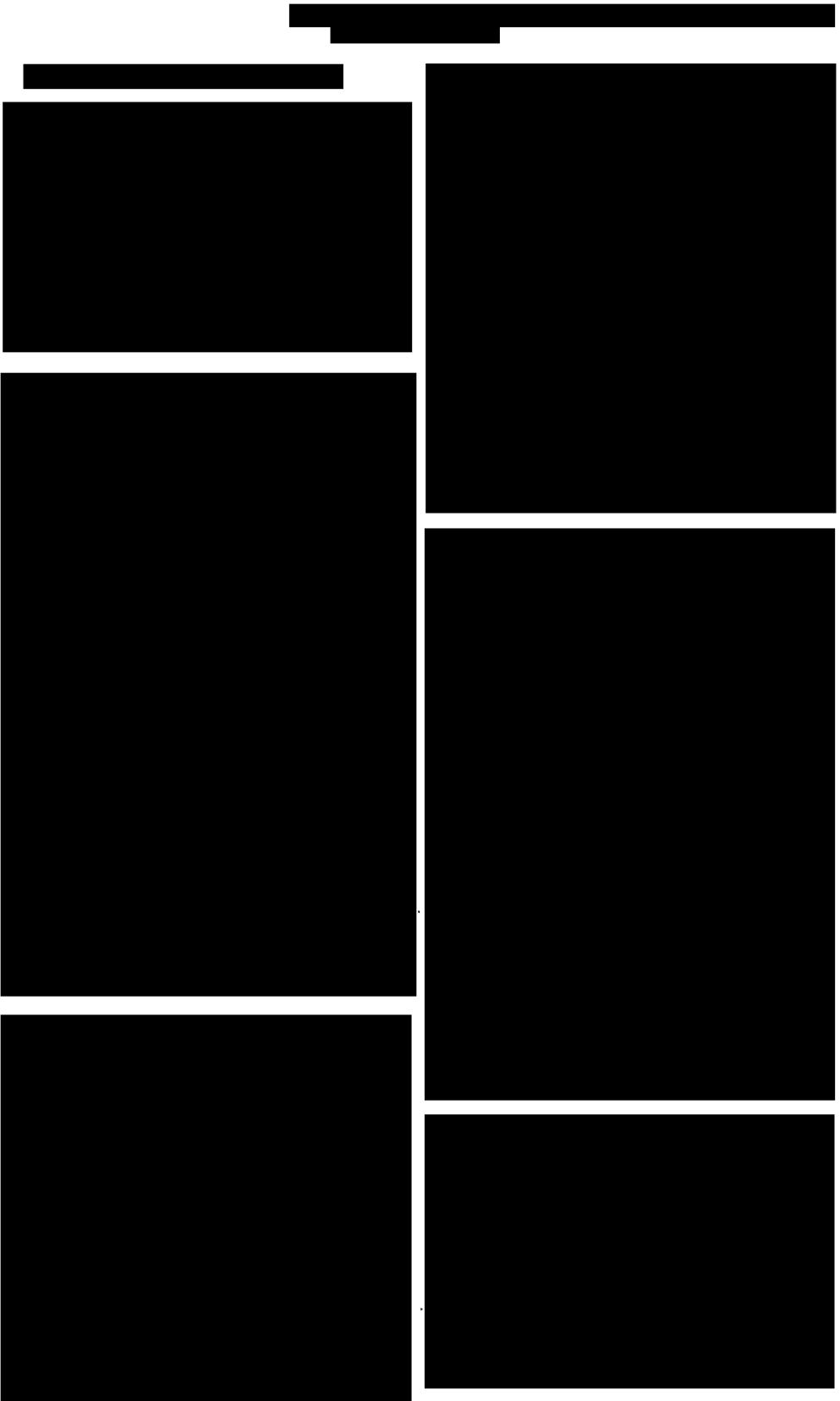
2. *Is there a significant difference in the level of depression between individuals who use the Internet for work and those who do not?*

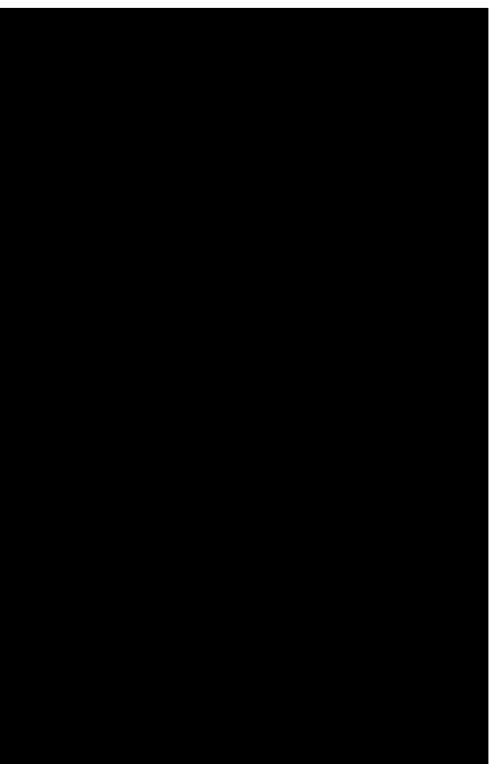
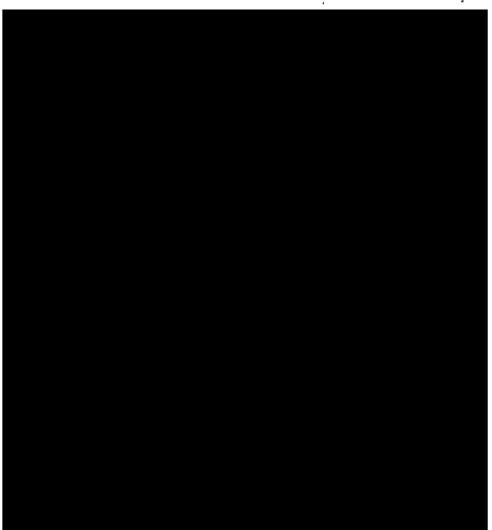
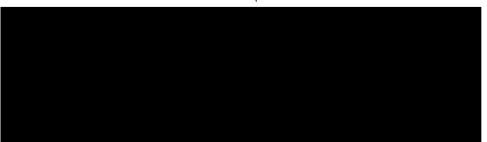
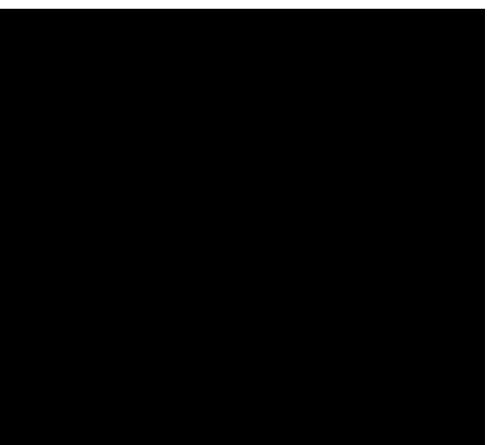
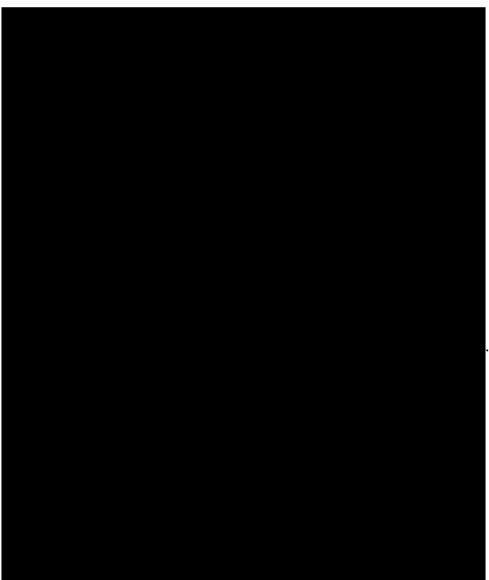
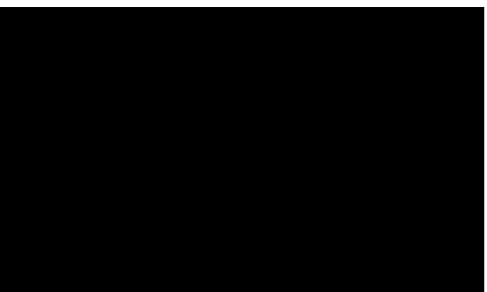
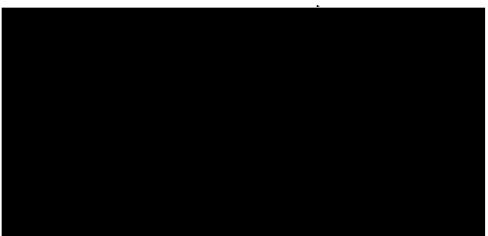
3. *Does age have an impact on the level of depression experienced by Internet users?*

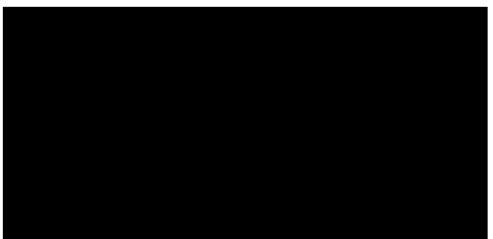
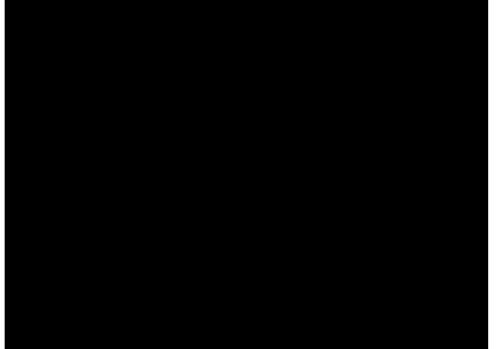
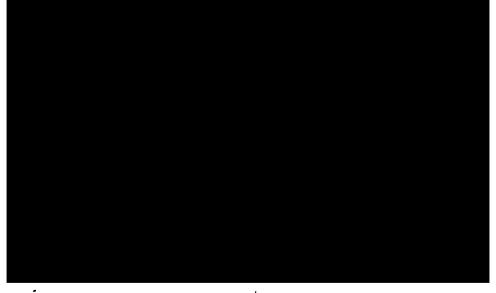
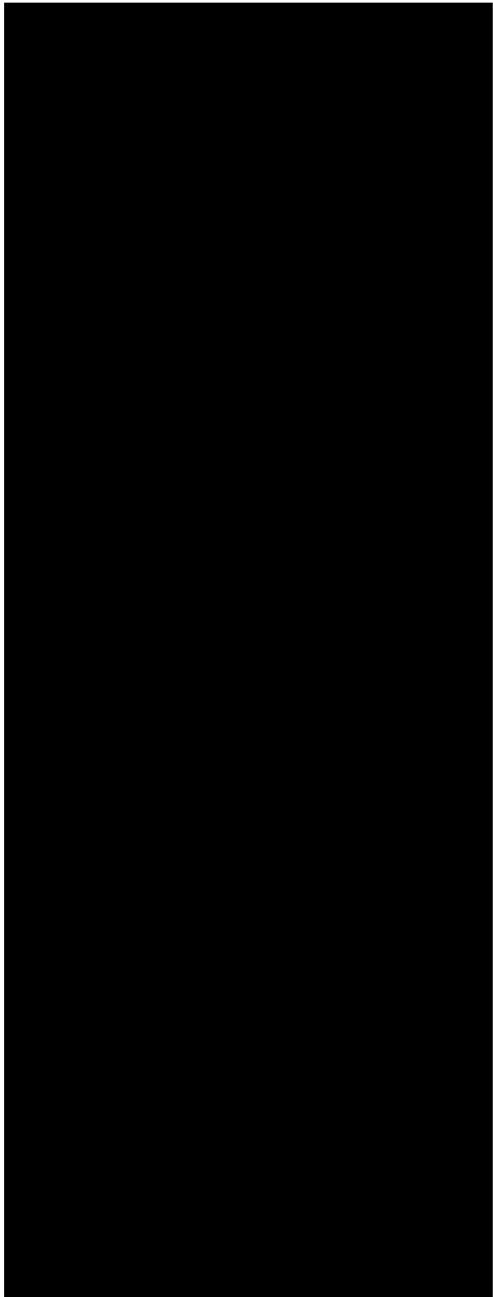
4. *Are there any gender differences in the level of depression associated with Internet use?*

5. *How does the frequency of social media use relate to the level of depression in users?*

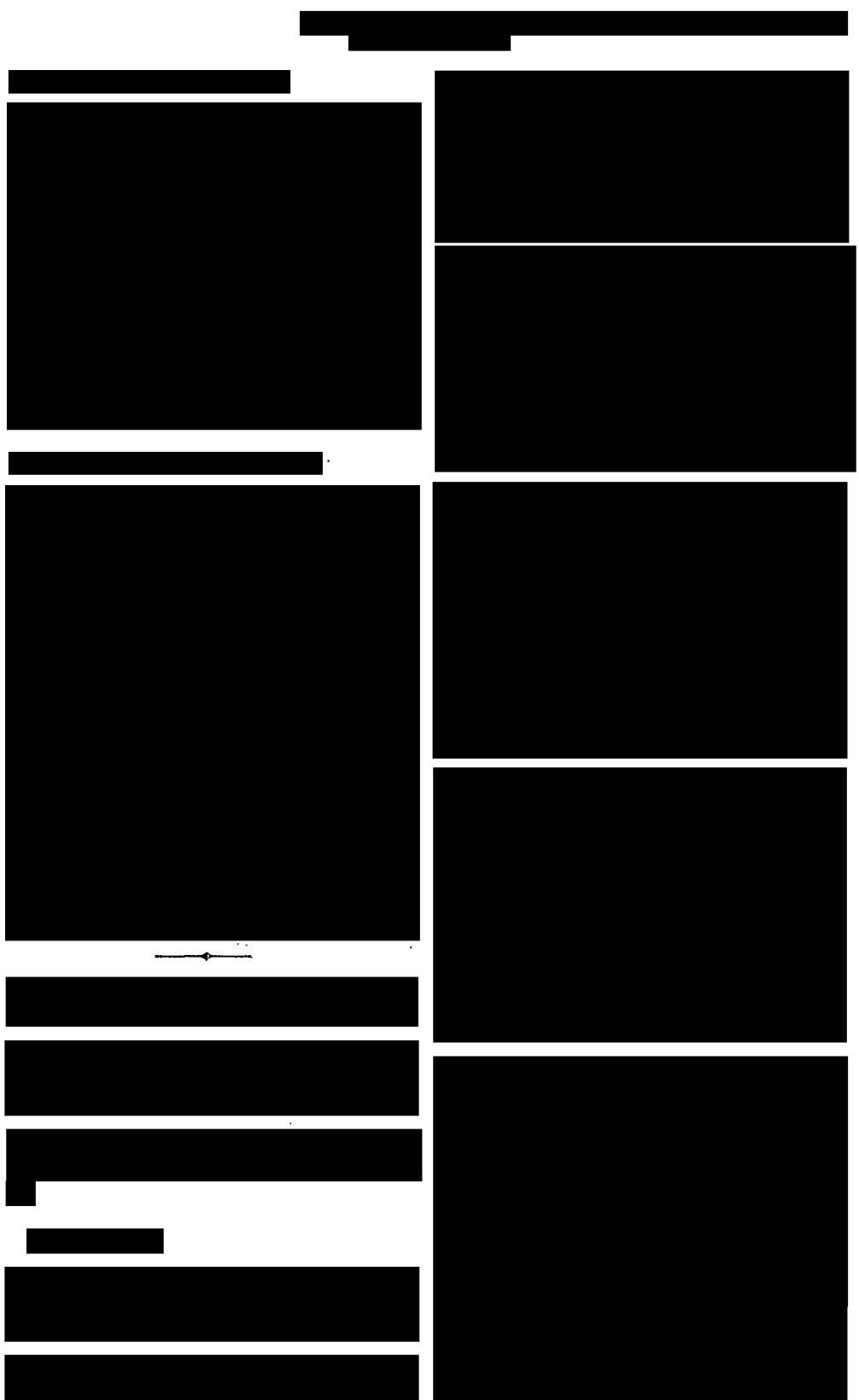


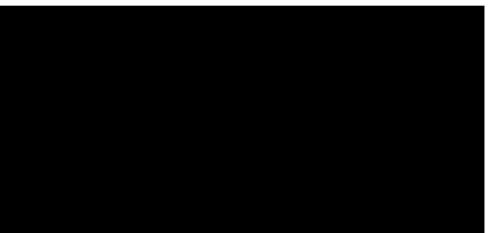
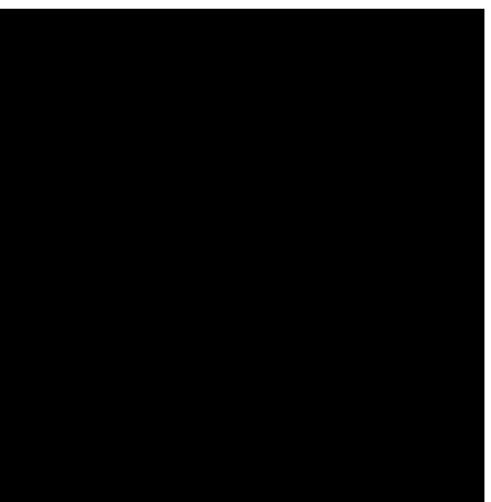
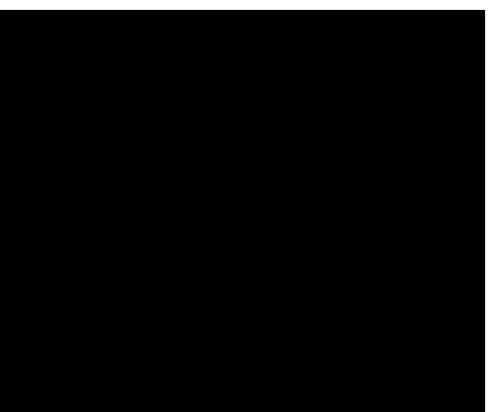
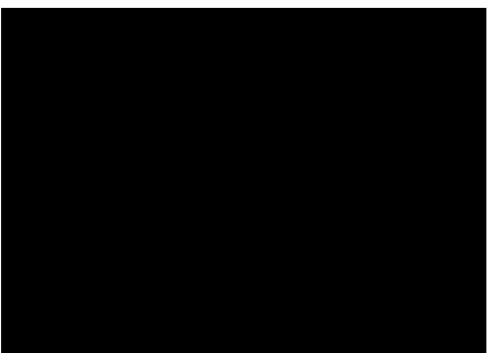
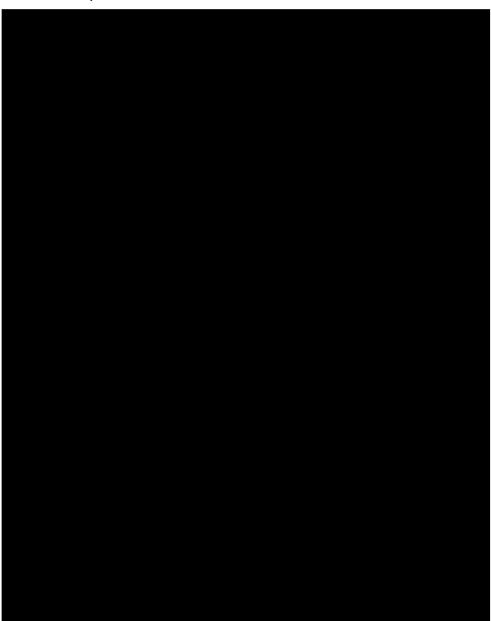




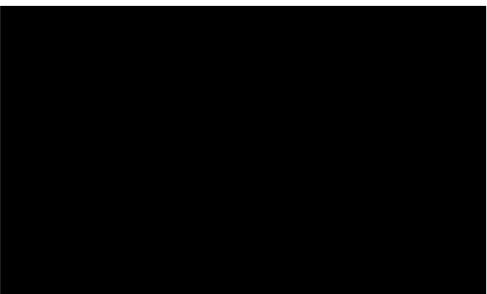
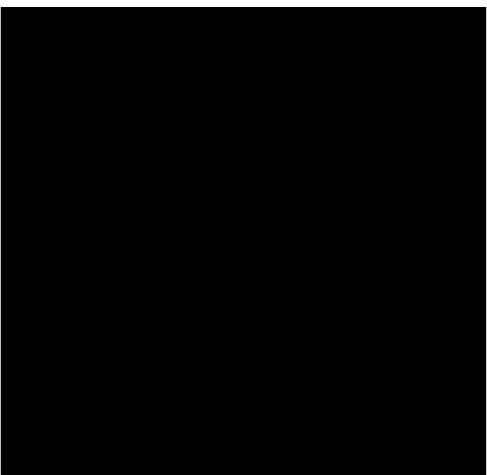
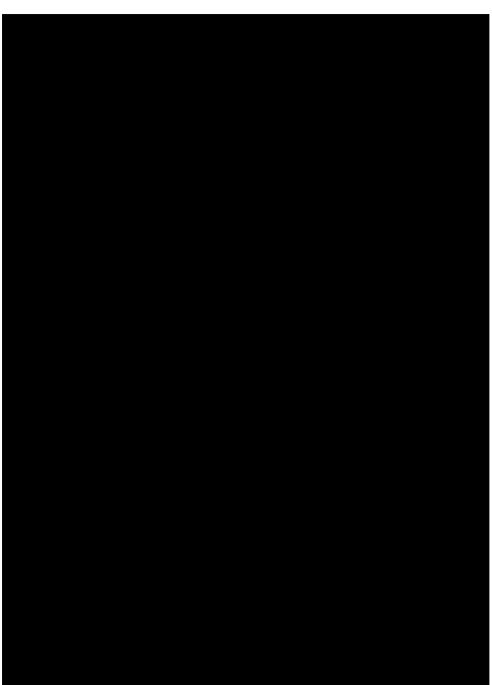
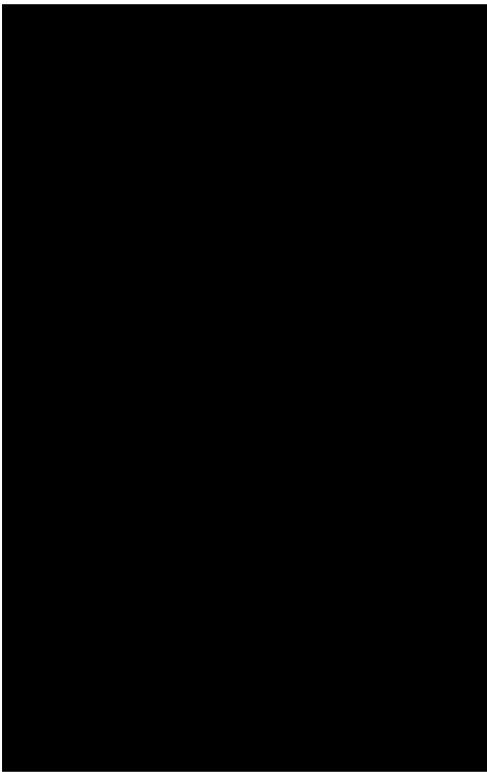
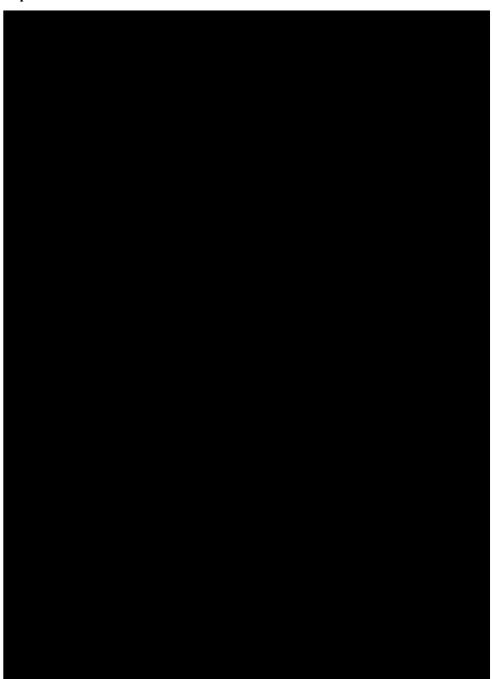
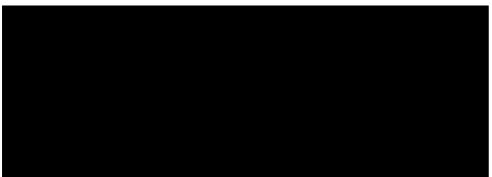


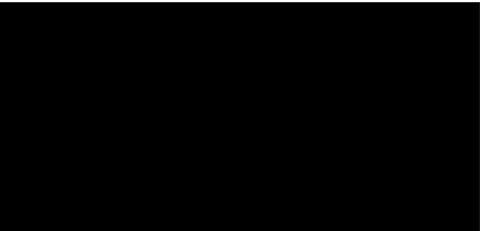
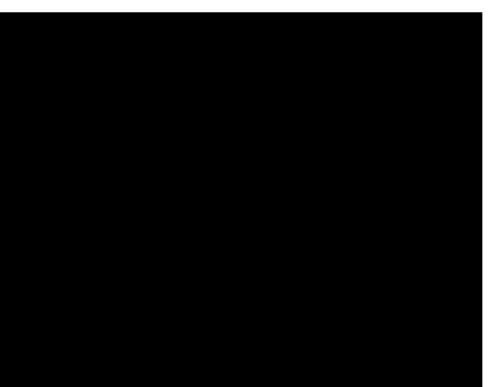
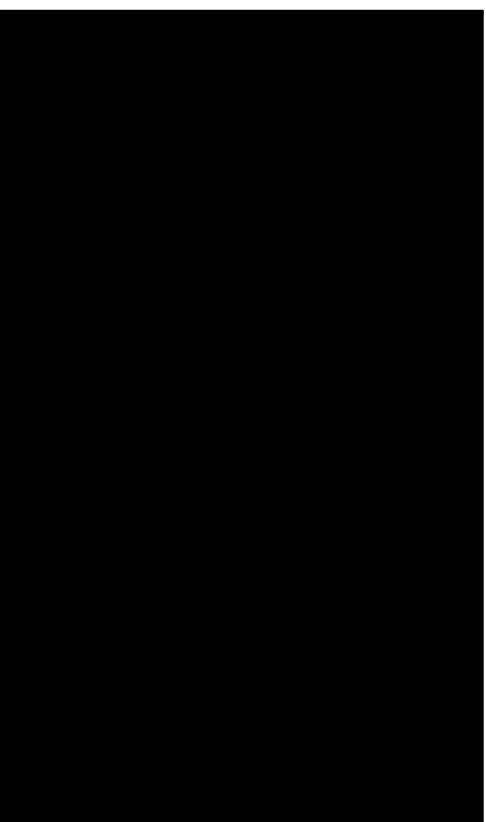
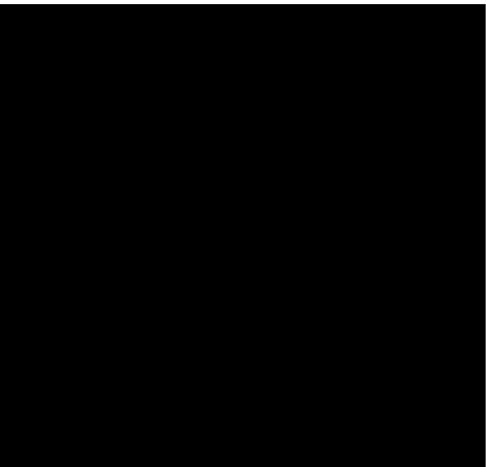
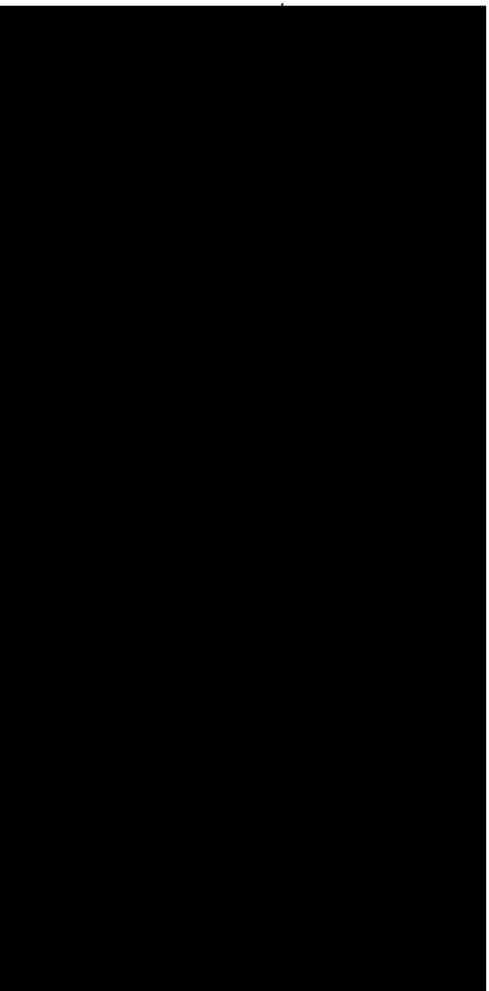
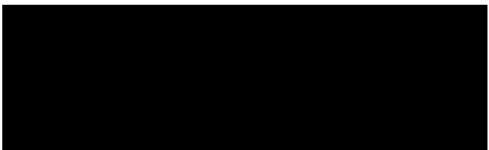






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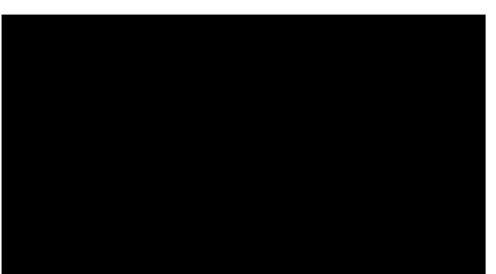
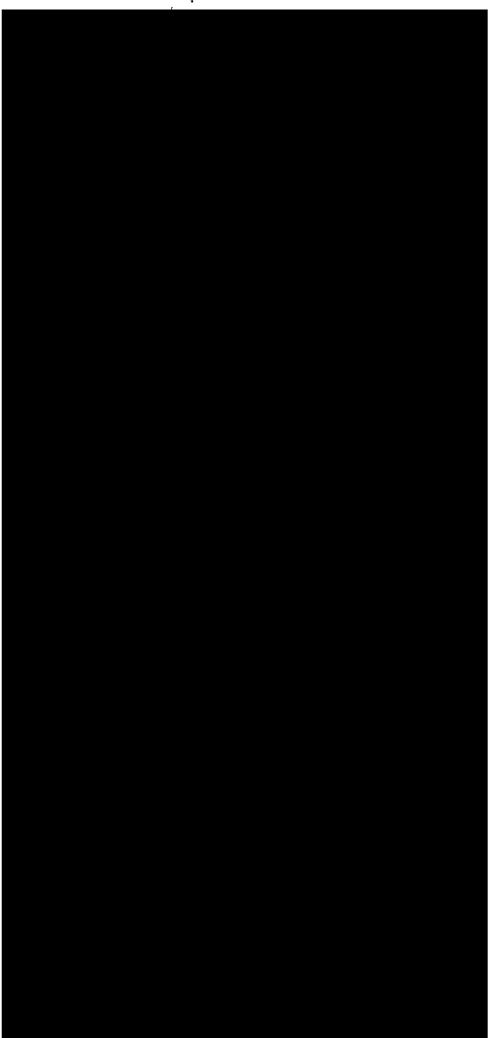
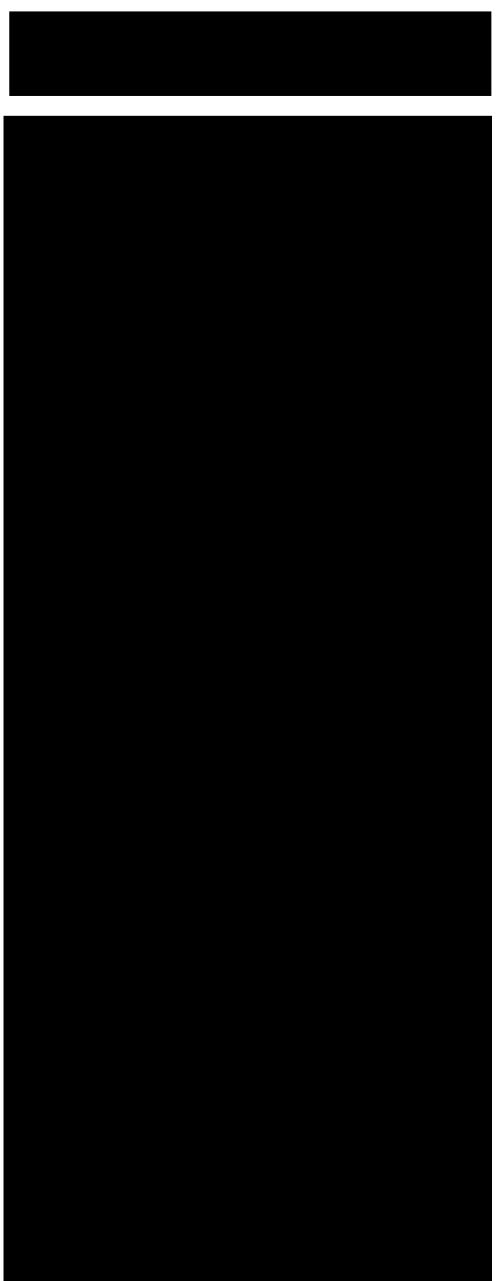


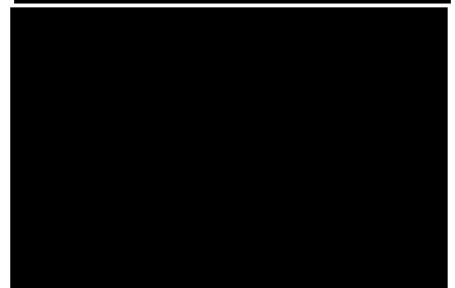
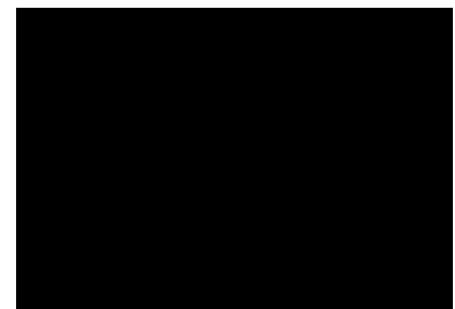
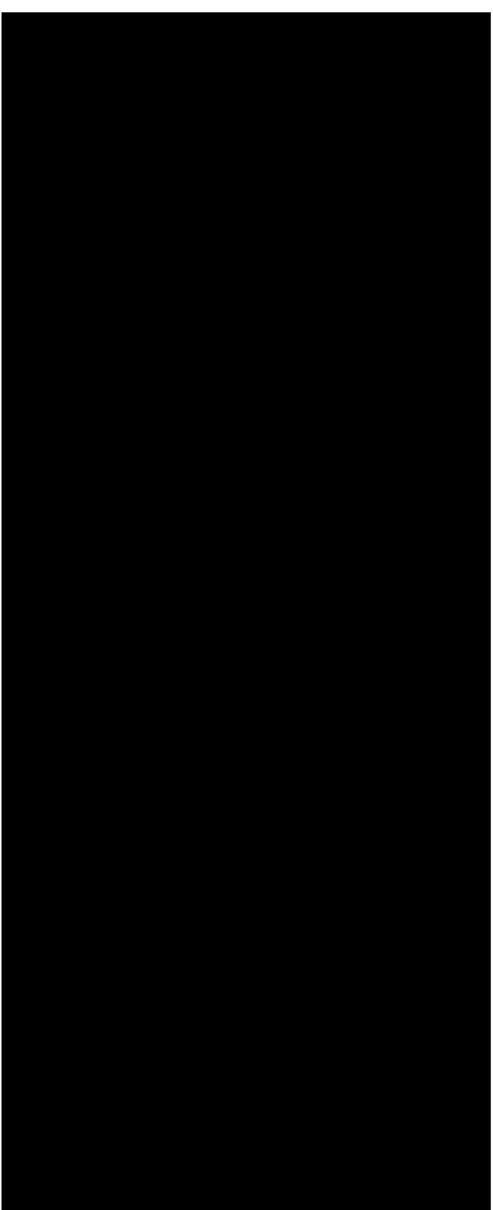
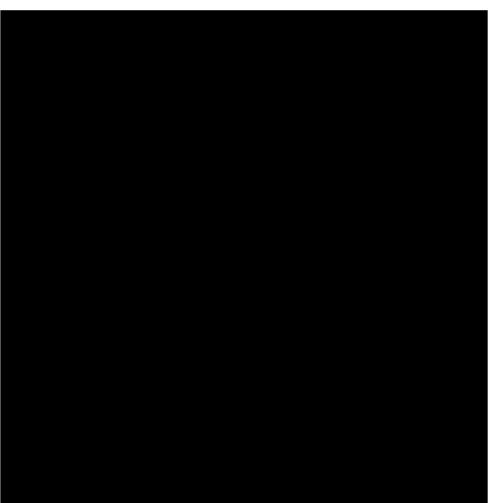
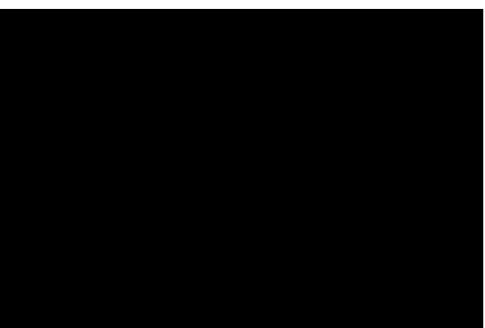


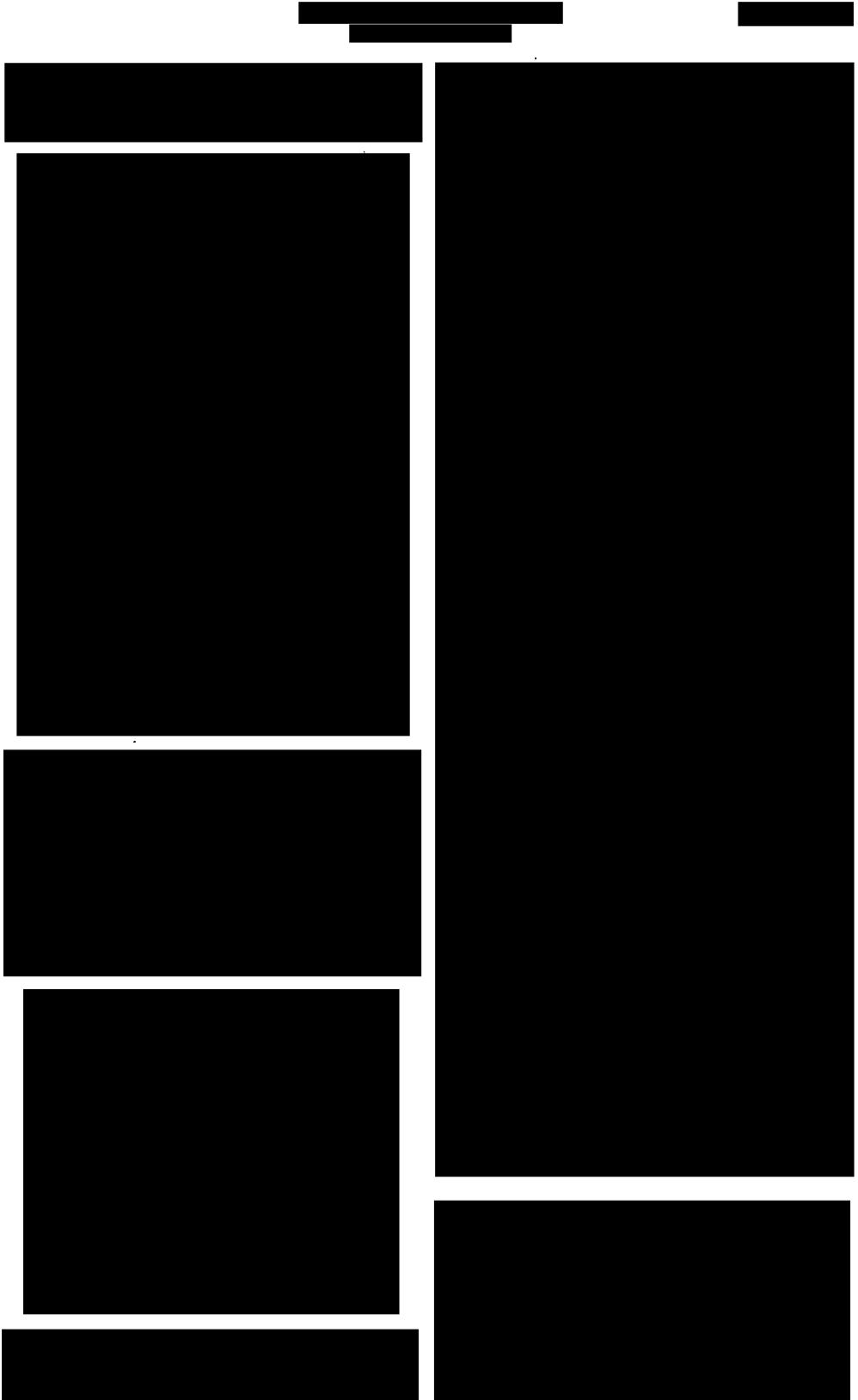


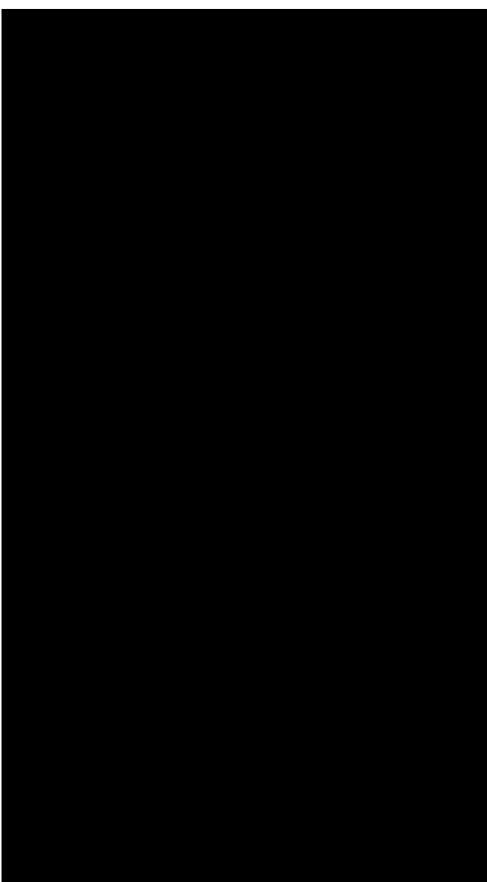
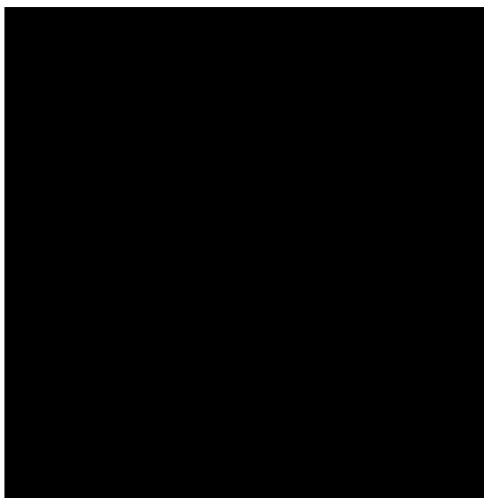
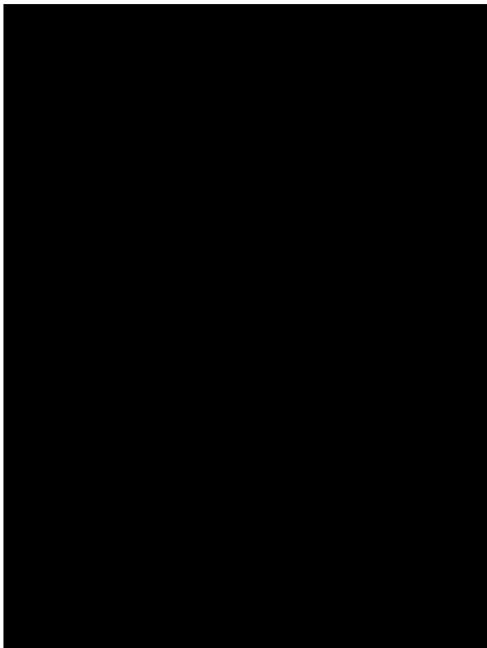
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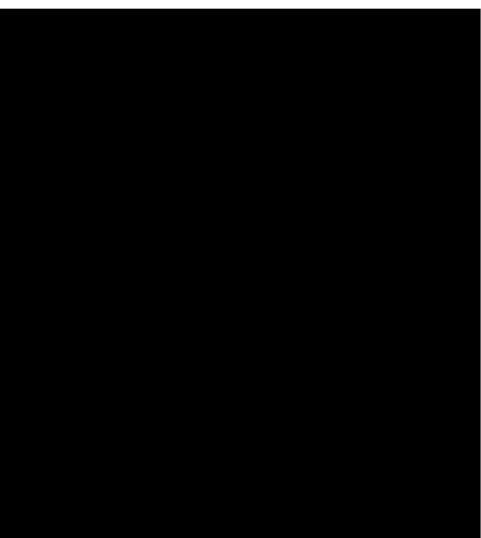
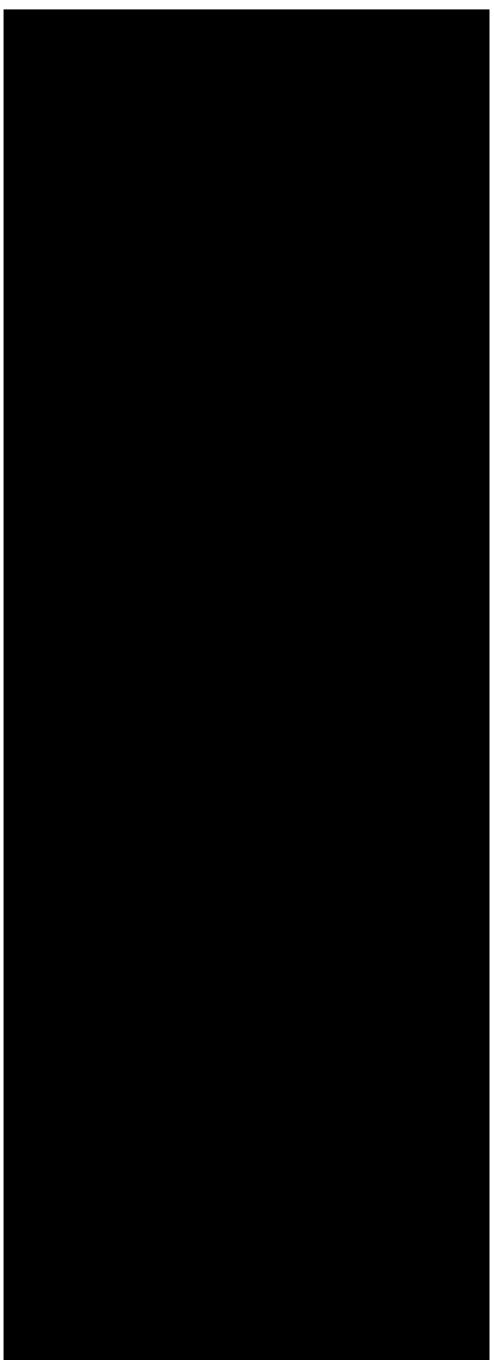
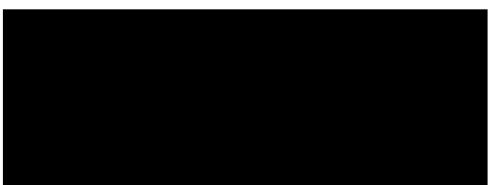


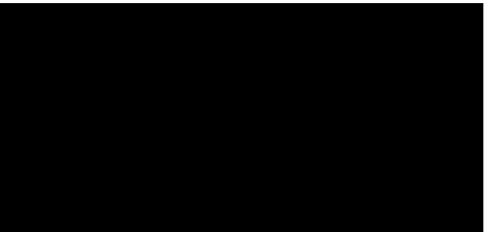
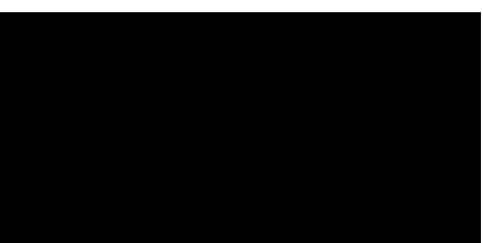
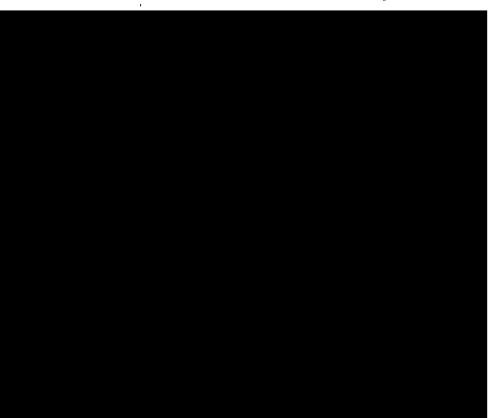
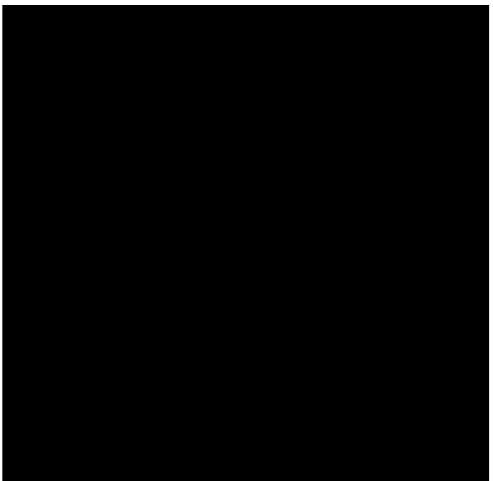
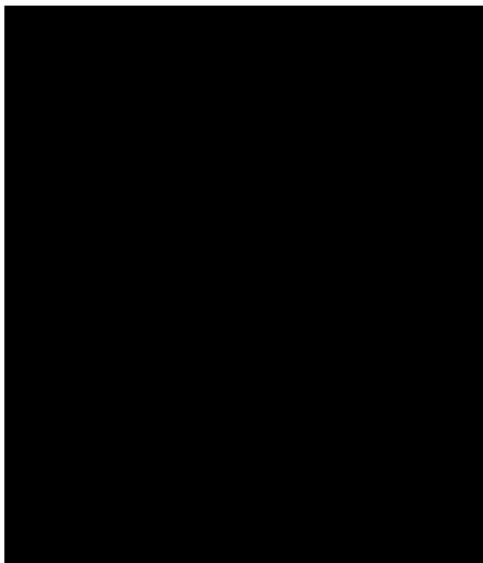




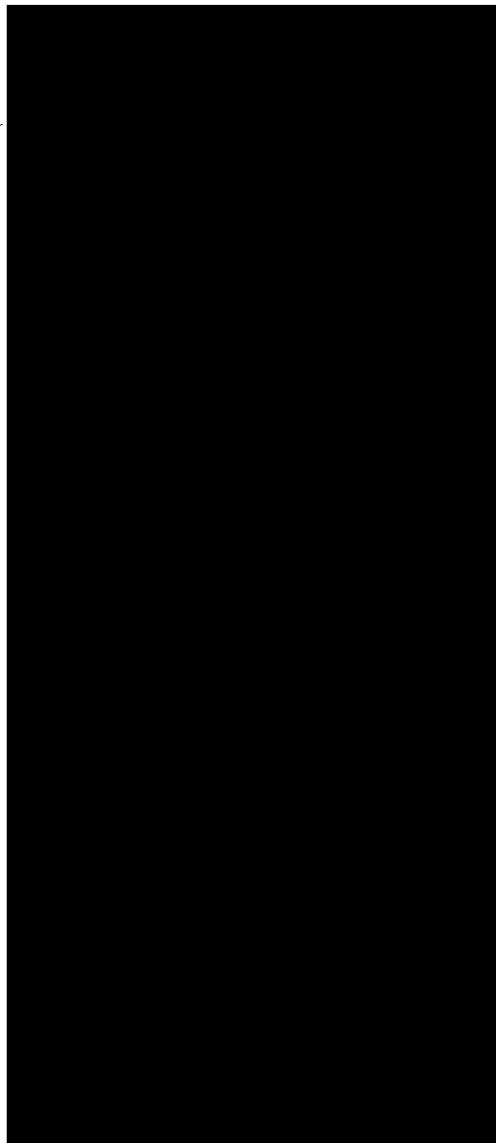
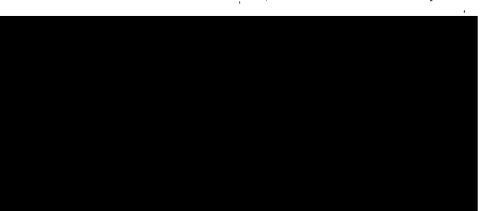
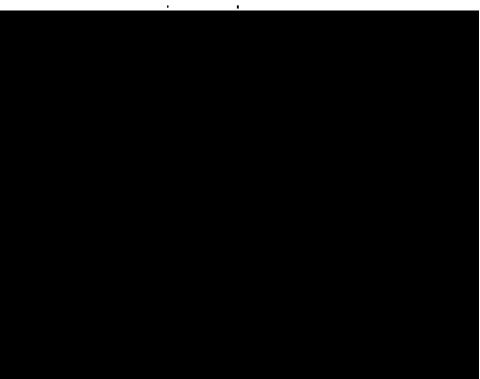
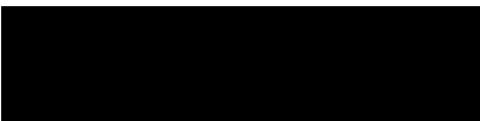


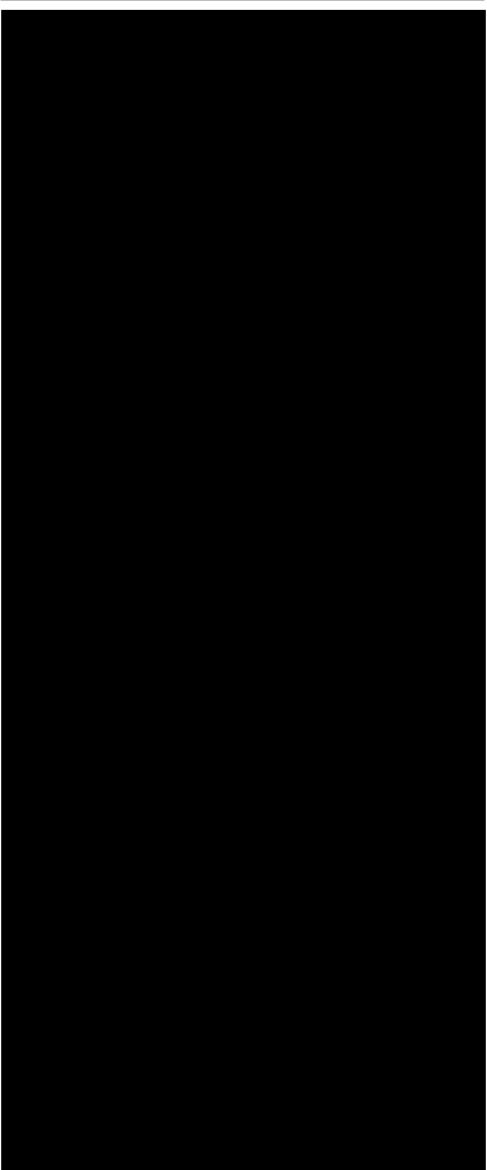
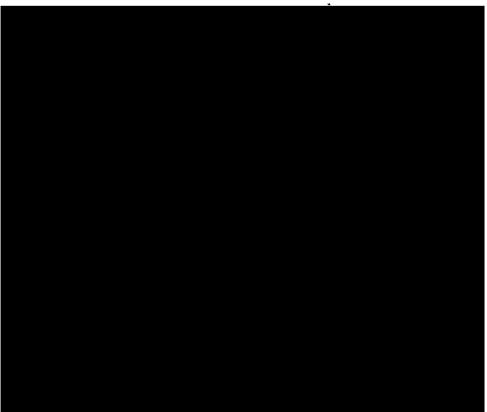
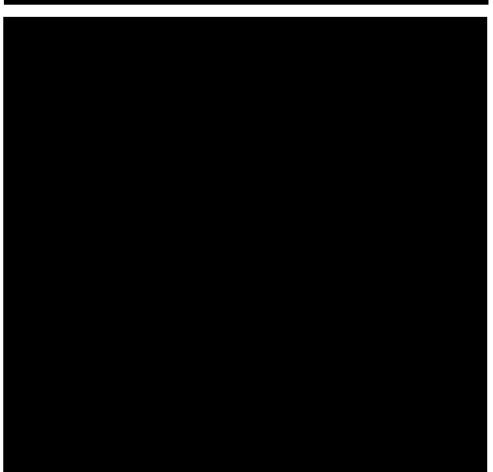
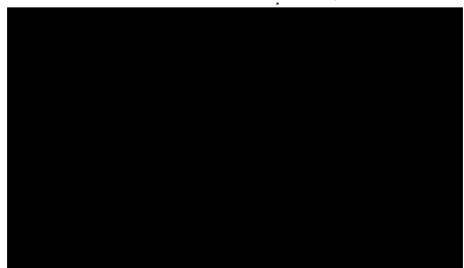


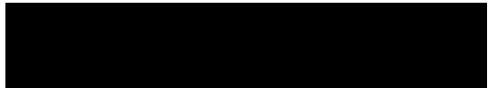
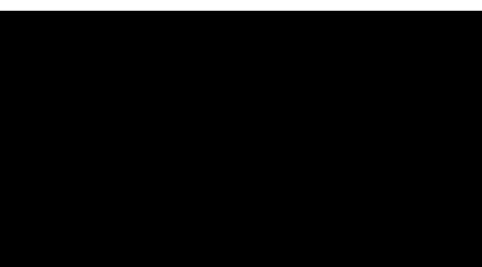
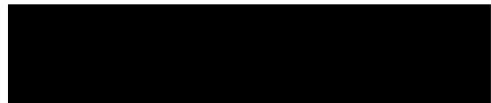
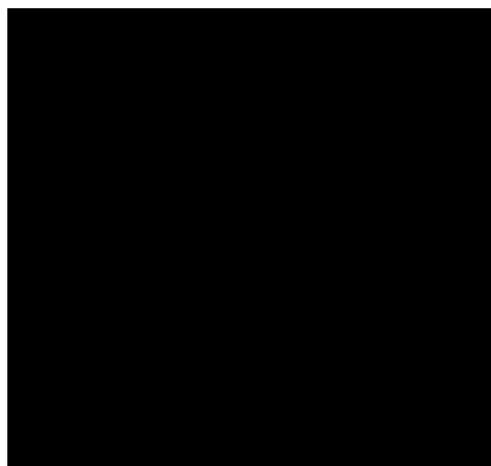
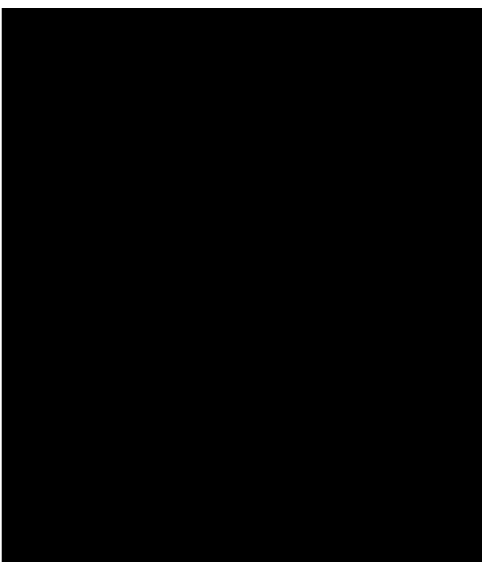




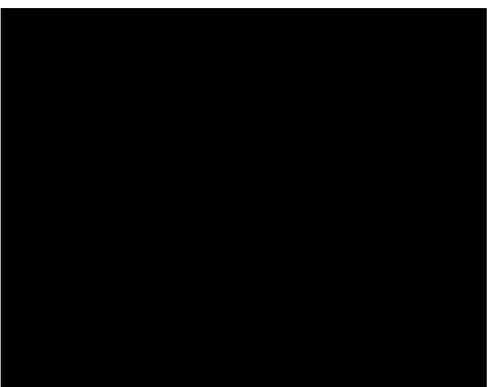
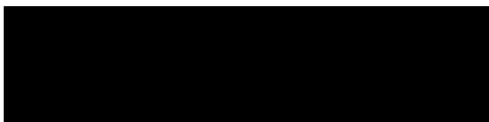
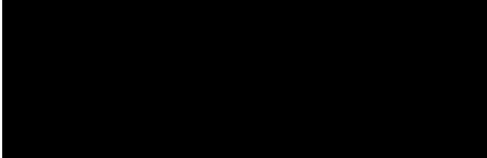
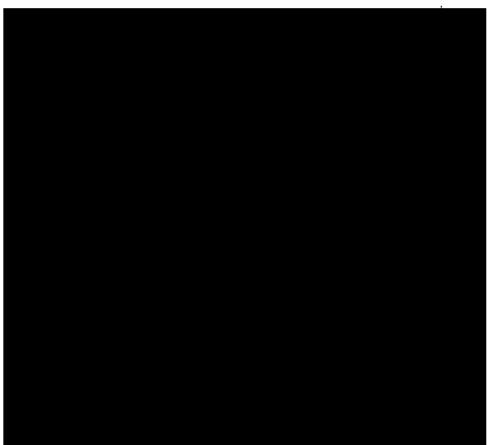
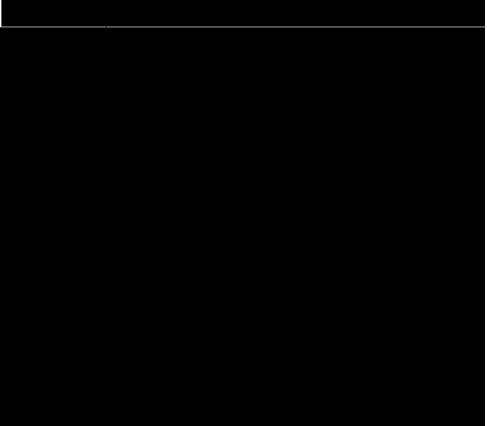
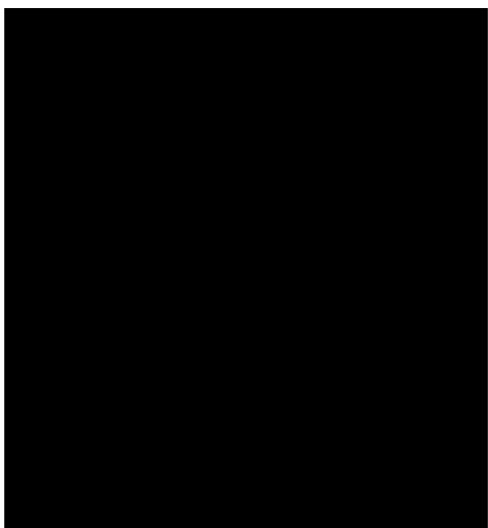
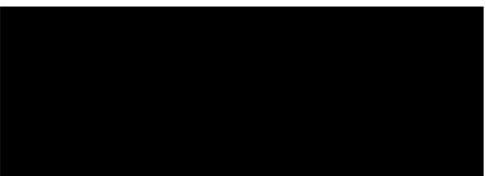
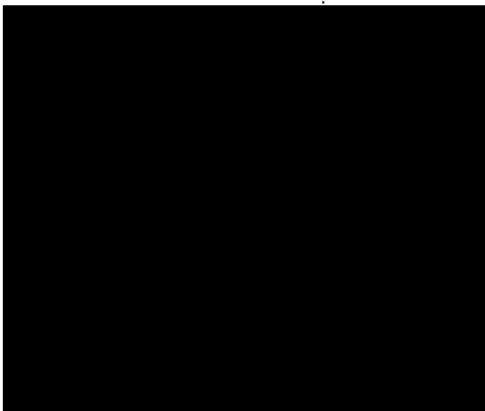


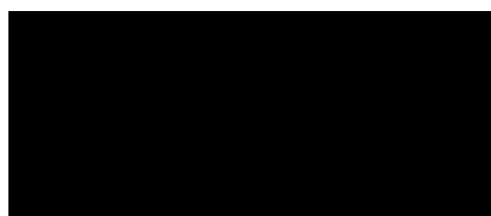
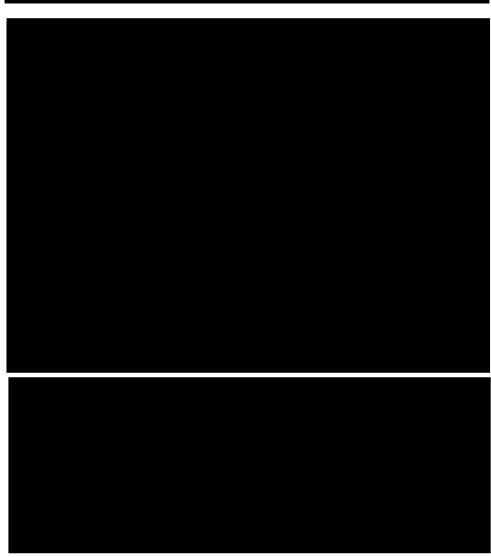
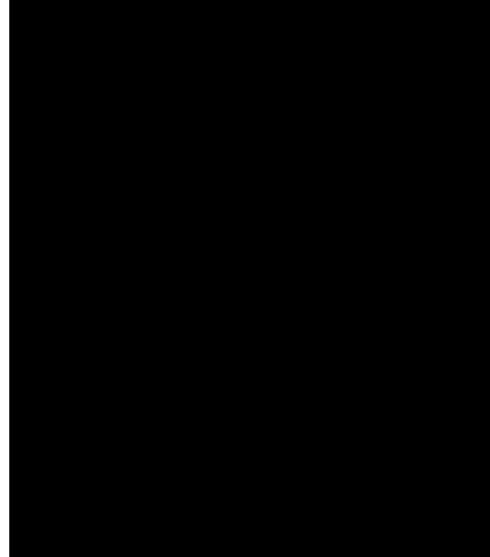
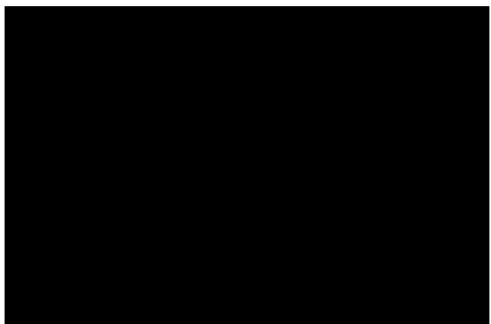
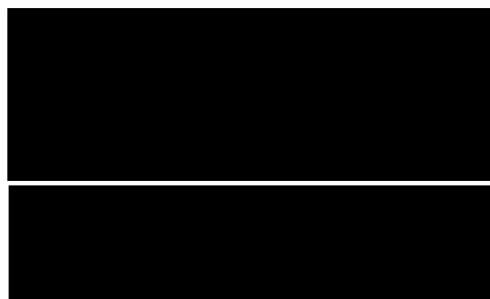






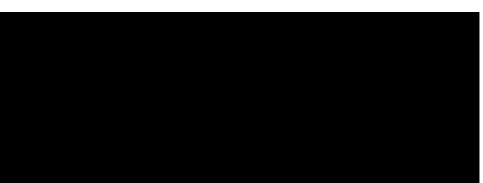
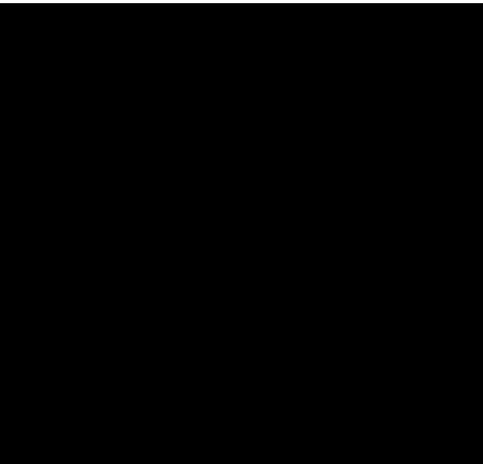
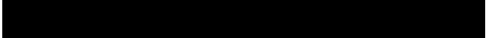
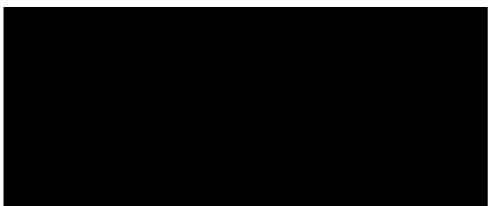
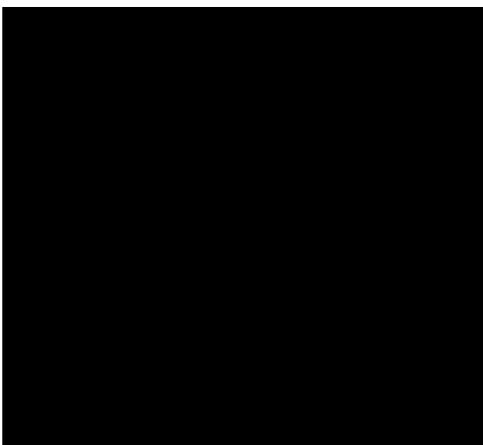


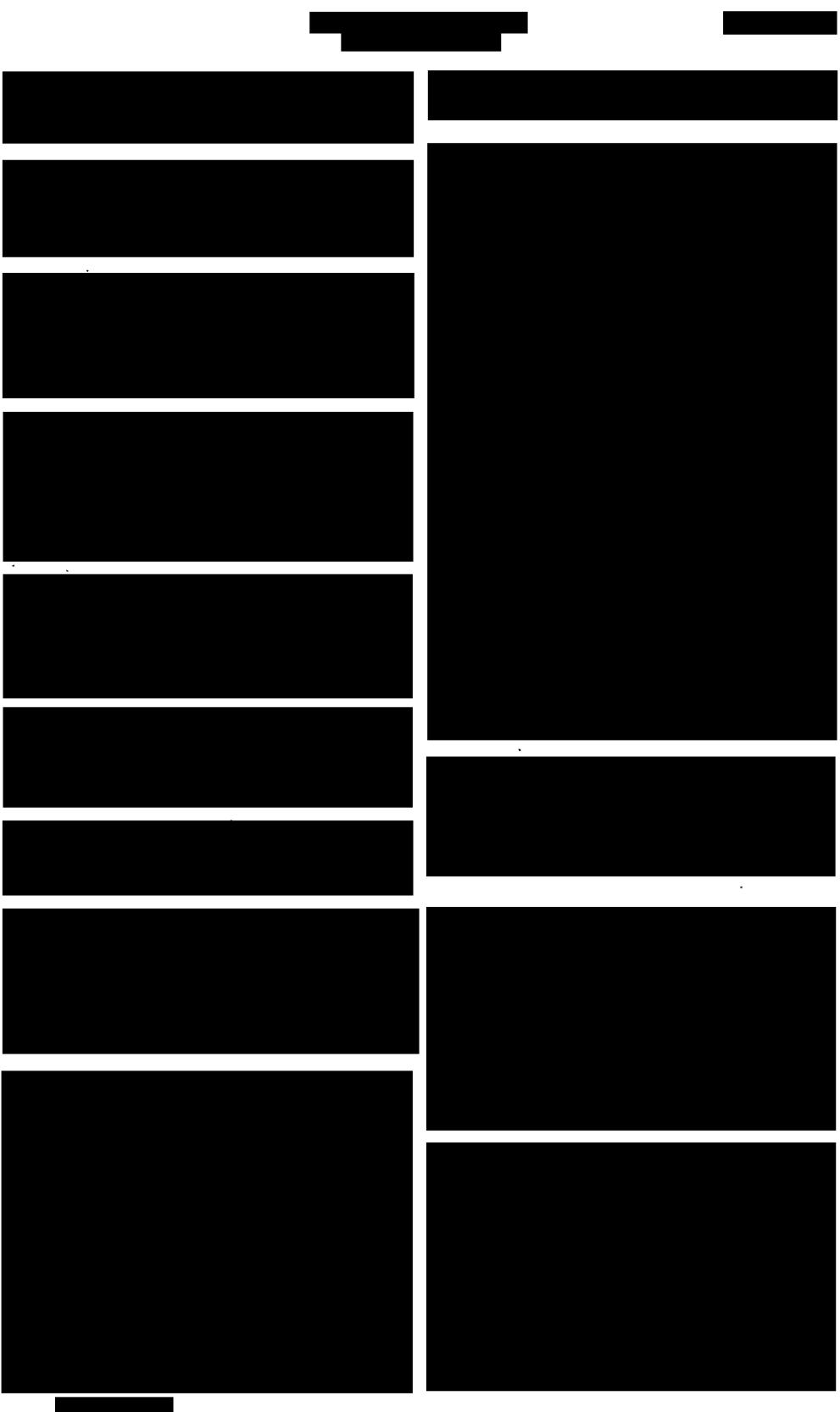


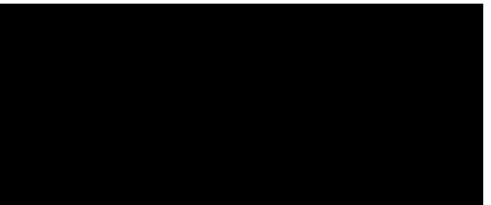
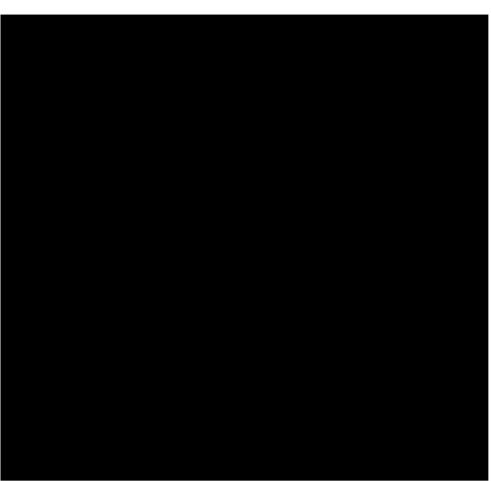
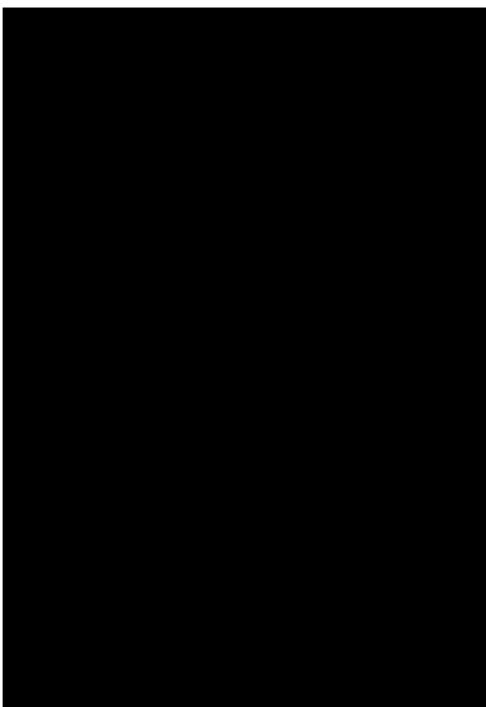
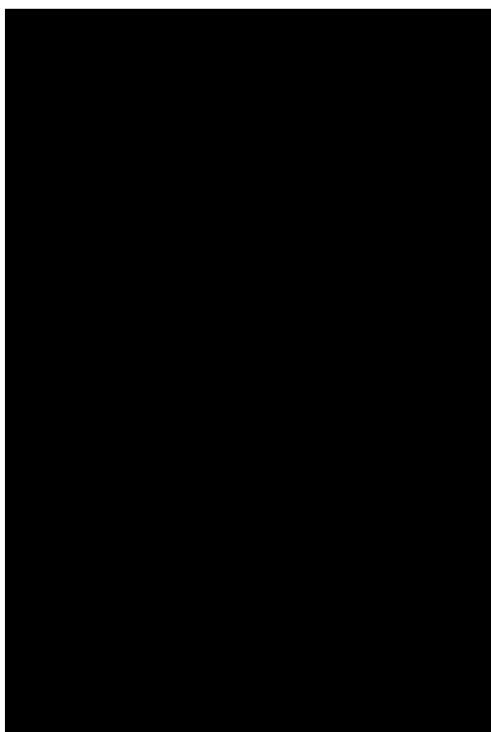
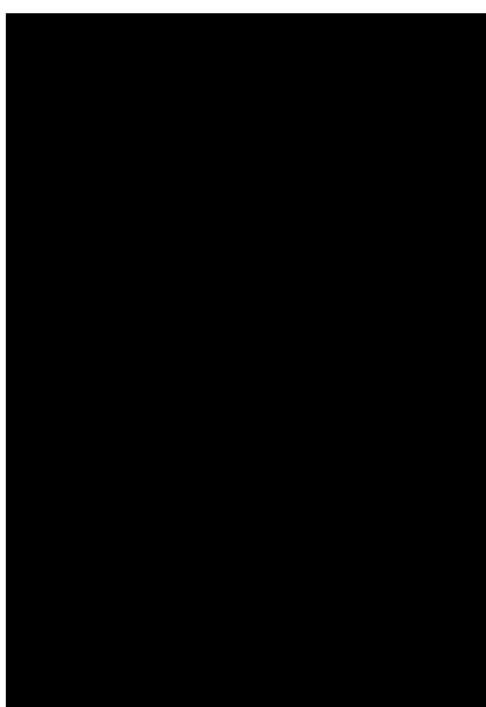


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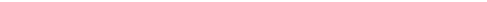
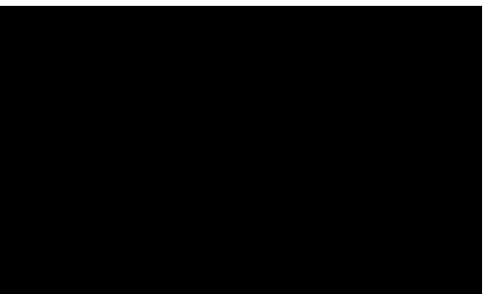
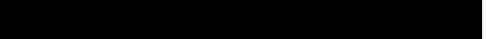
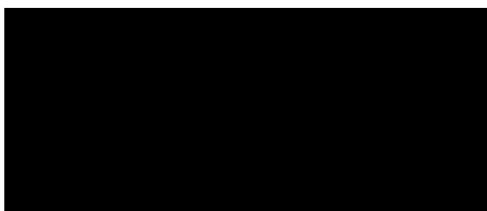
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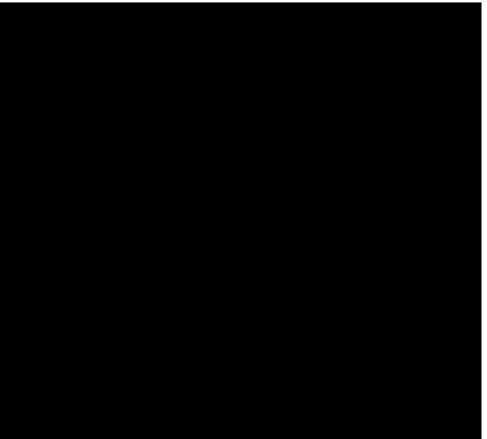


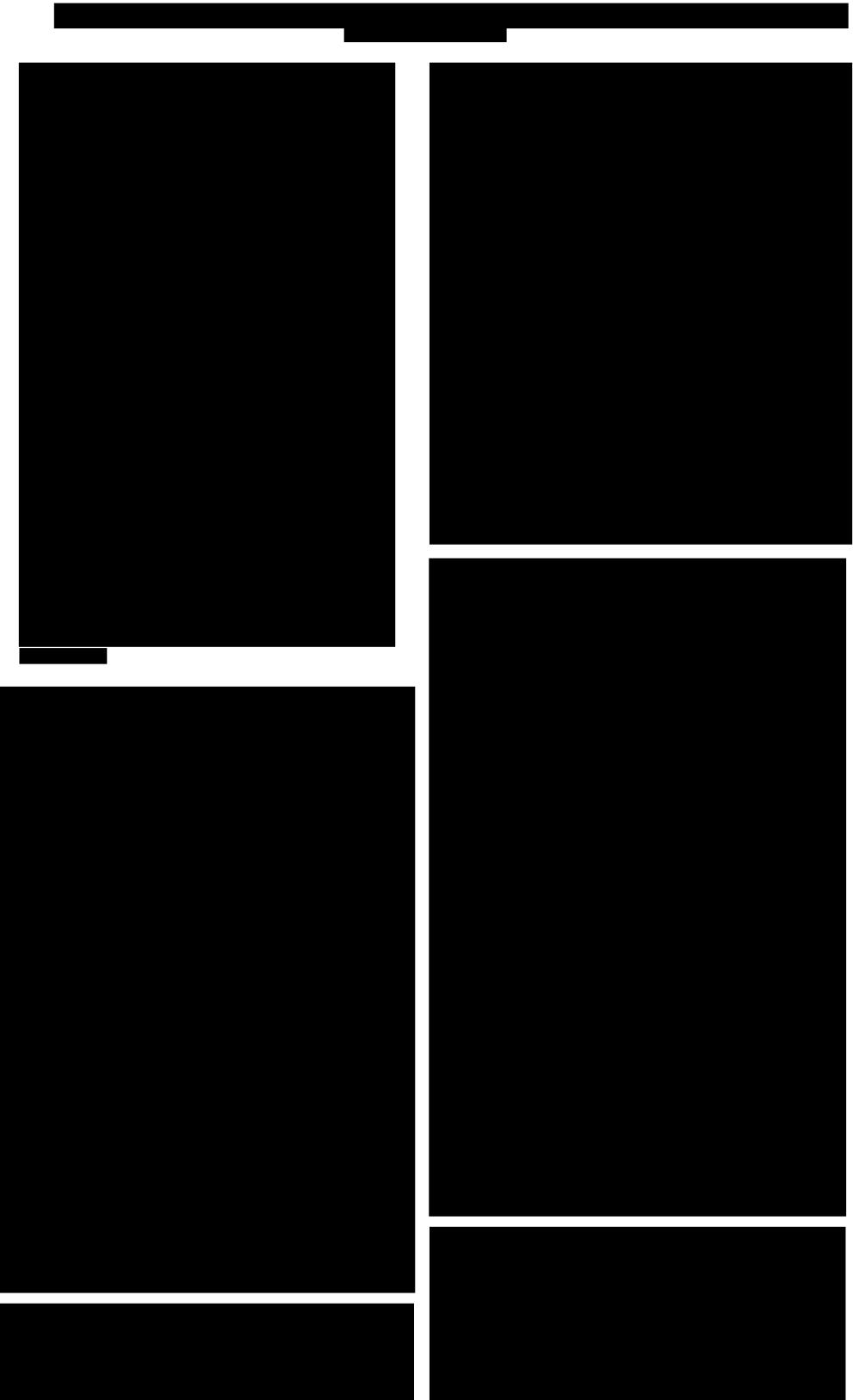


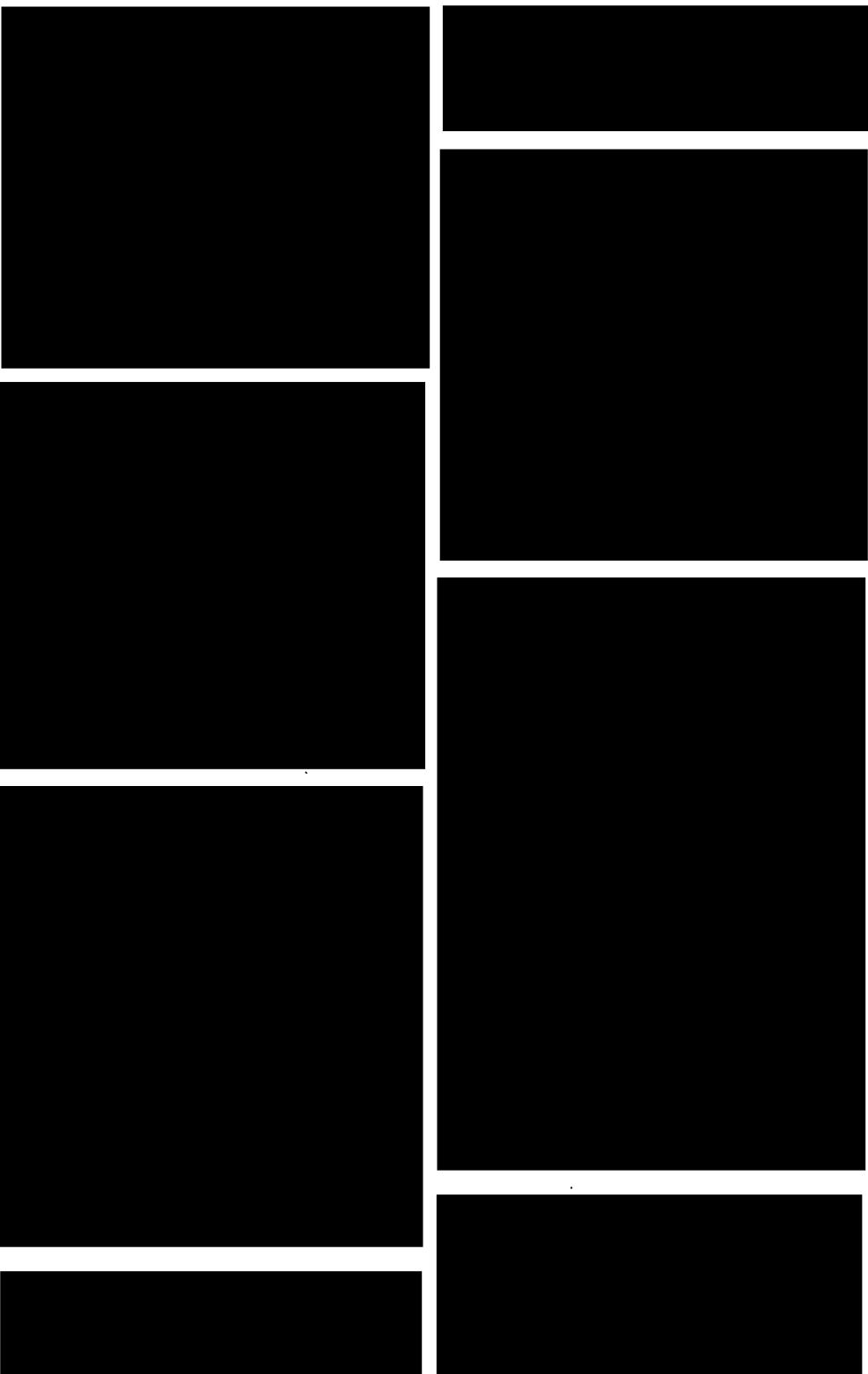


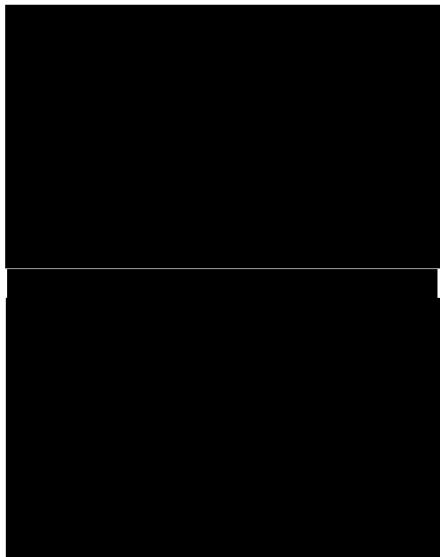
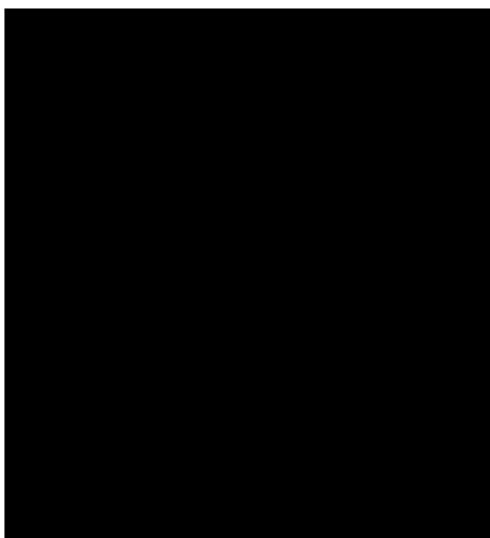
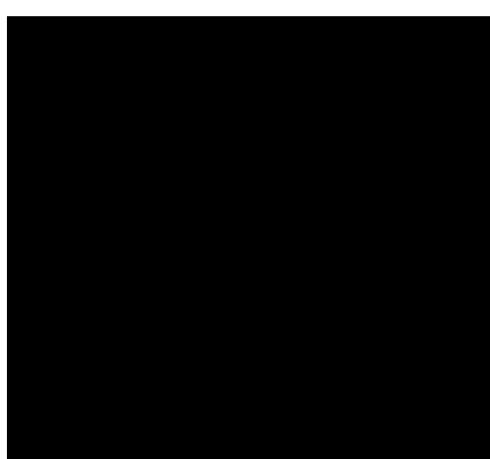
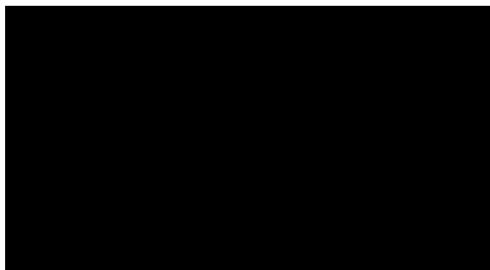
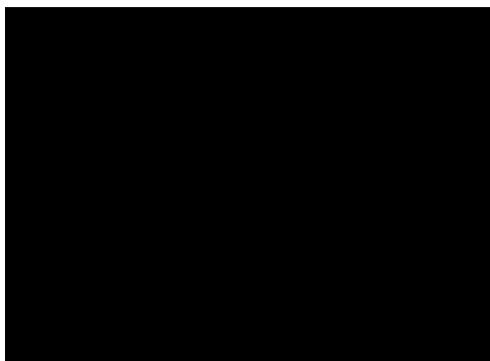


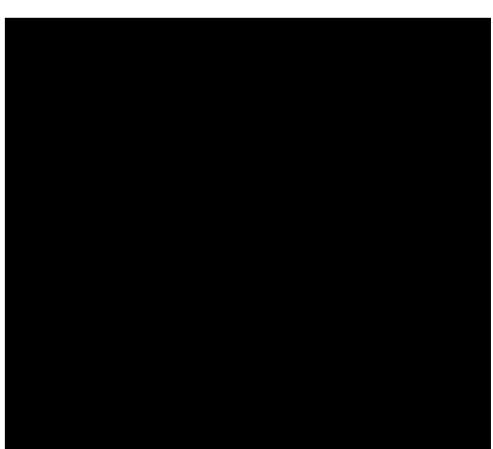
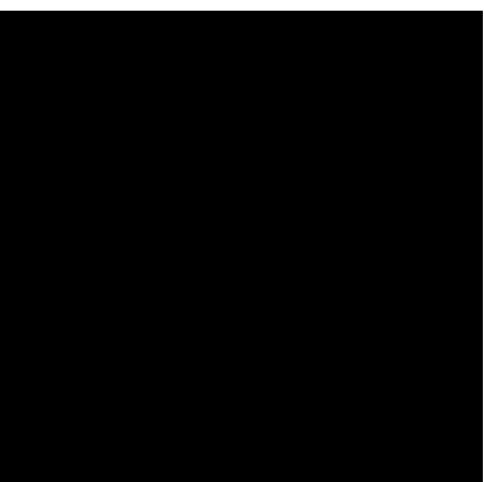
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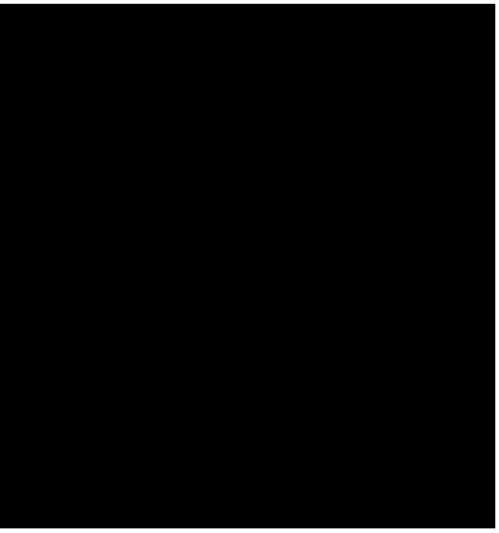
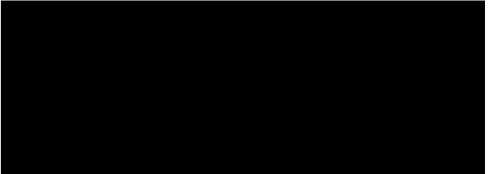
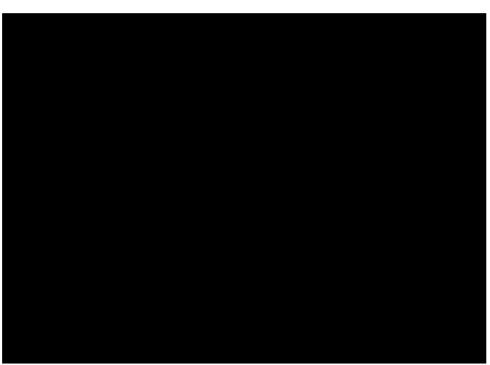
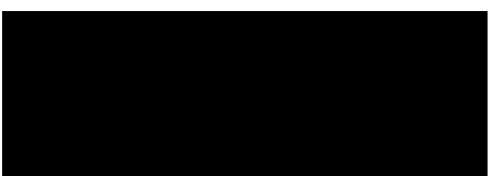
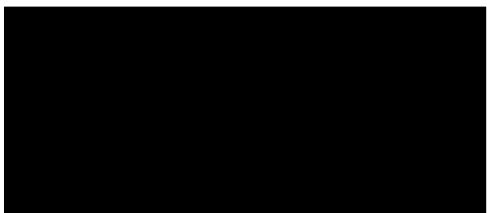
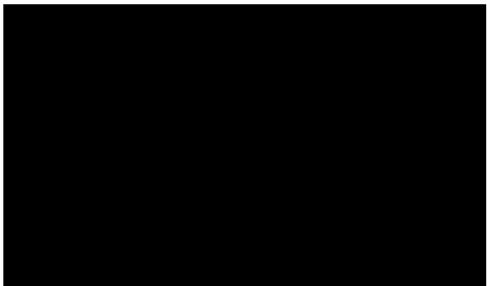
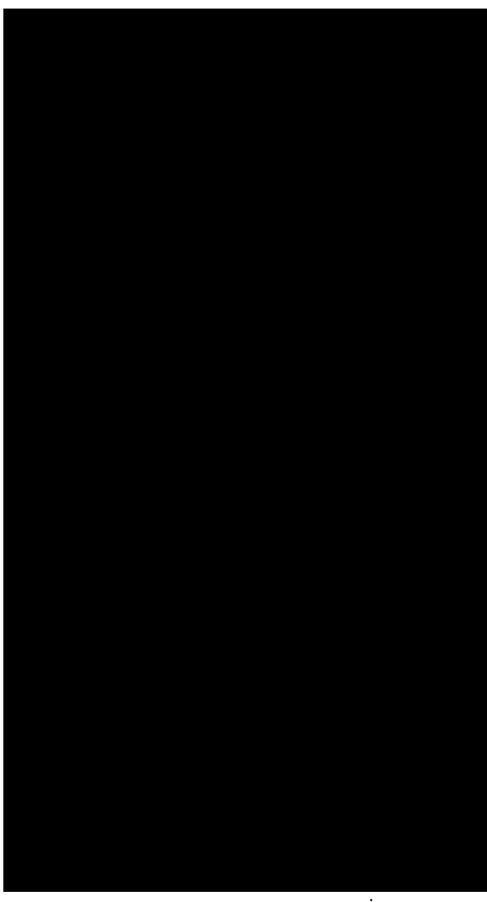


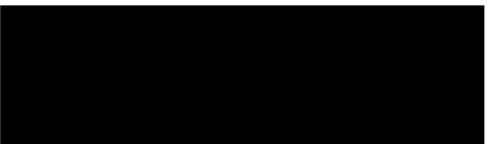
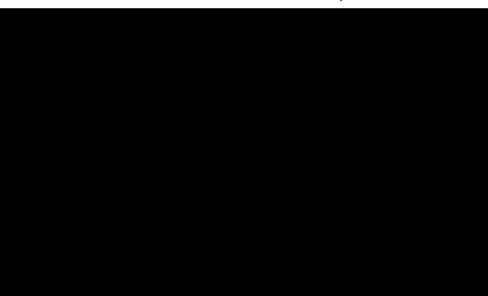
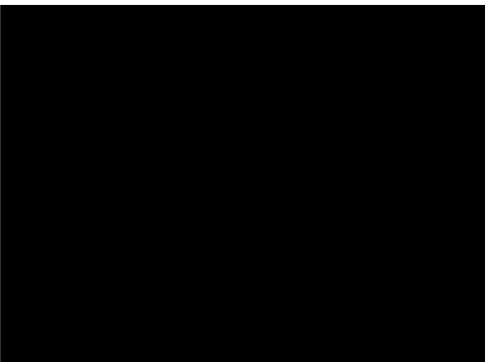
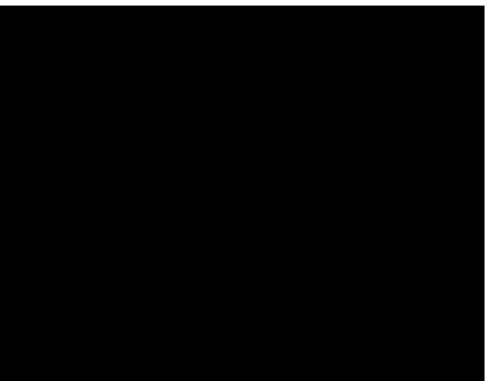
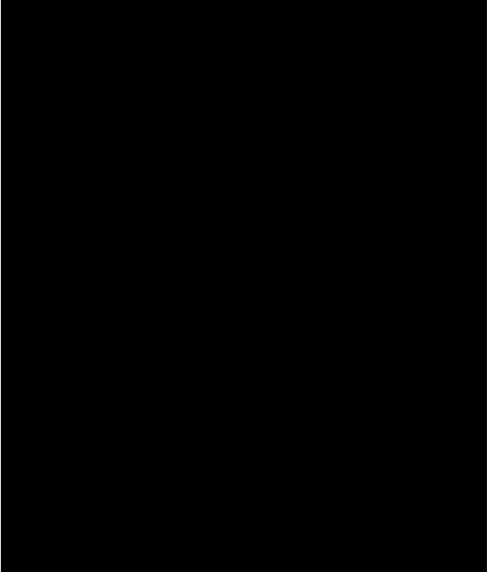
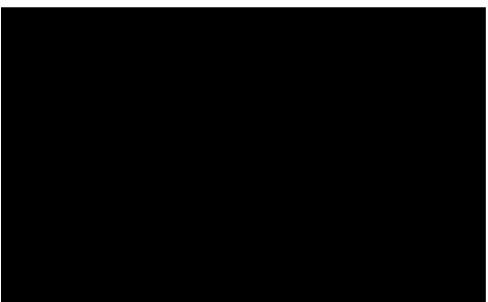
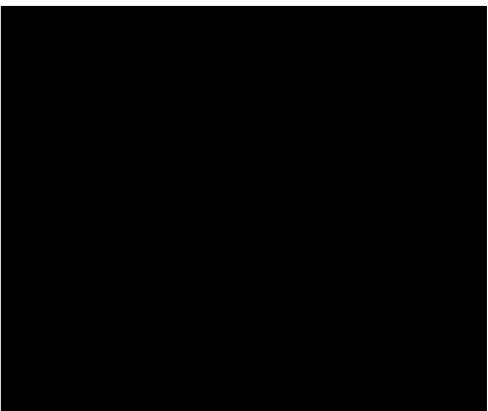
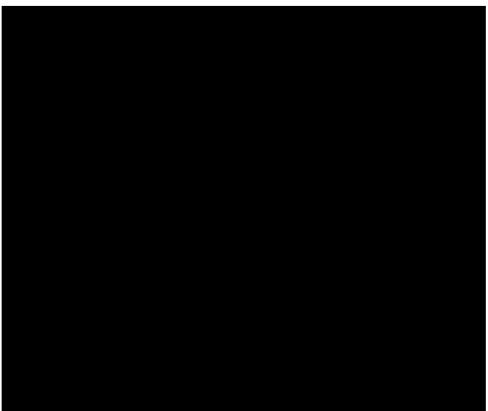


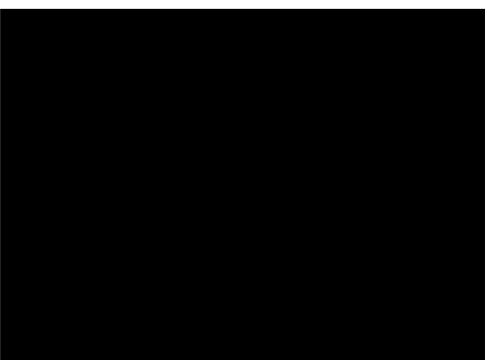
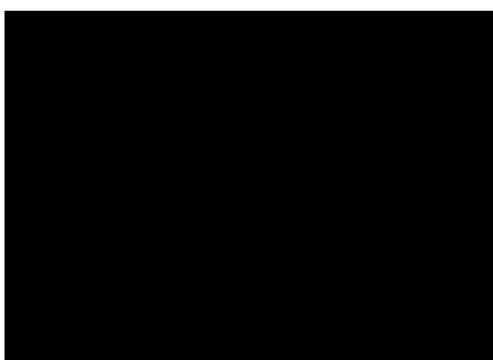
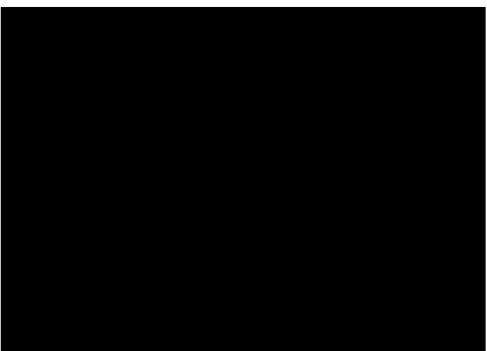
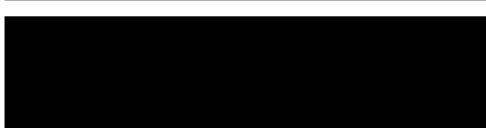
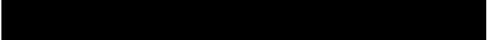


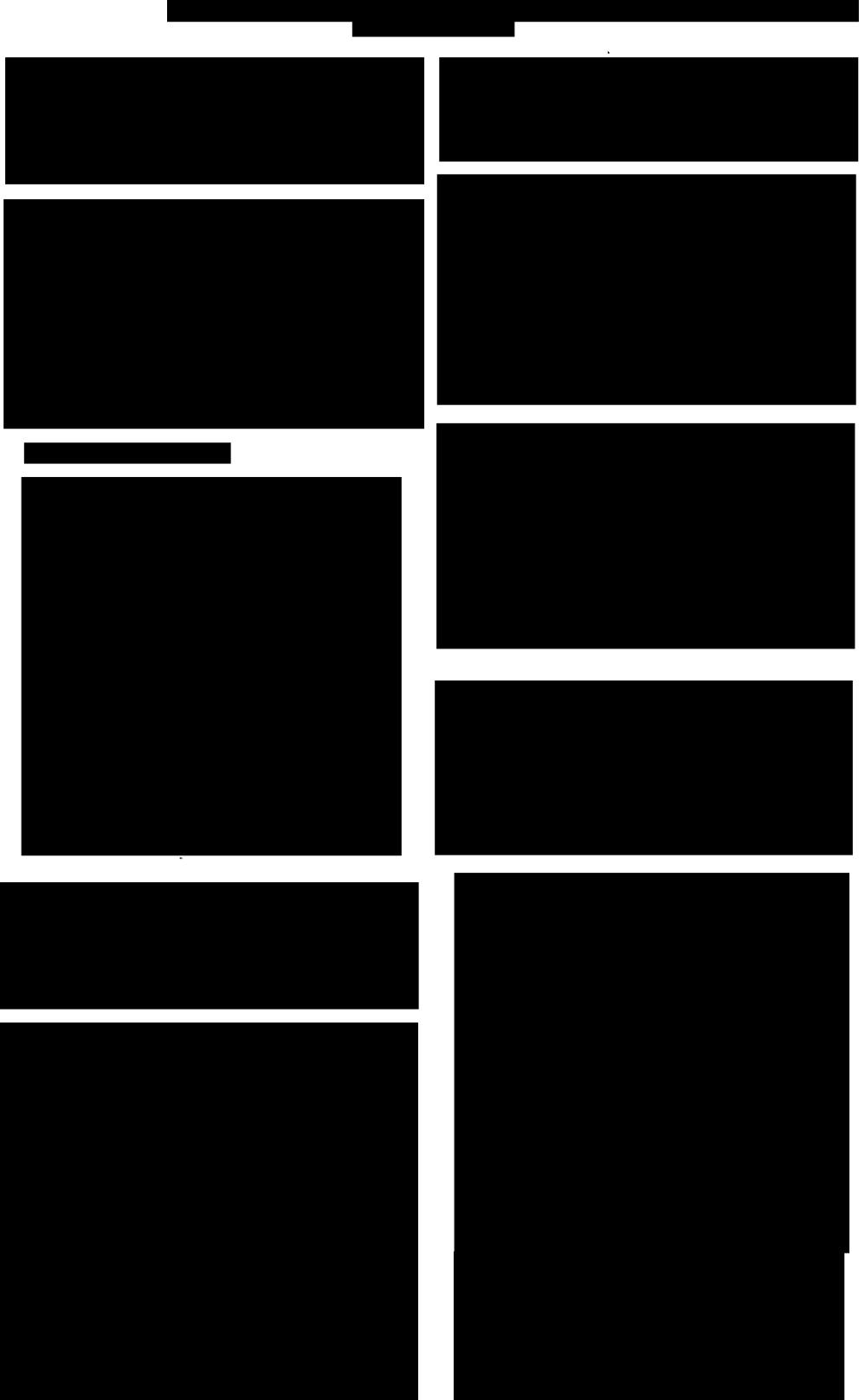




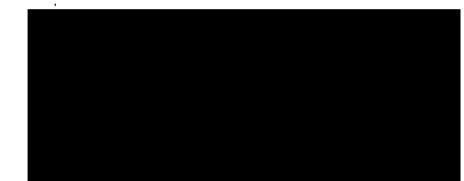
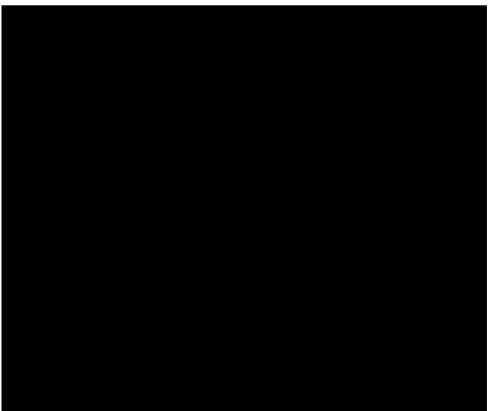
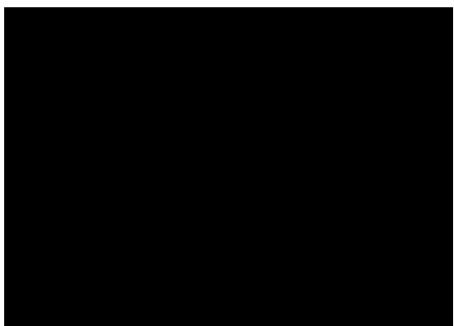








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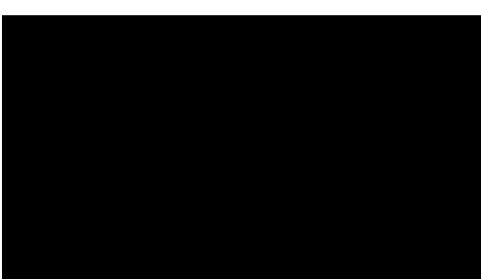
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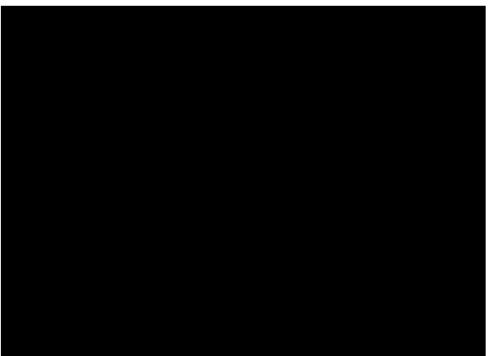
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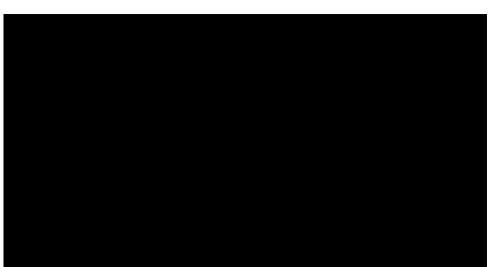
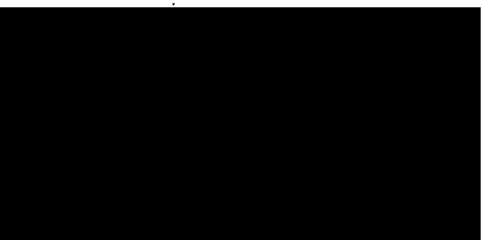
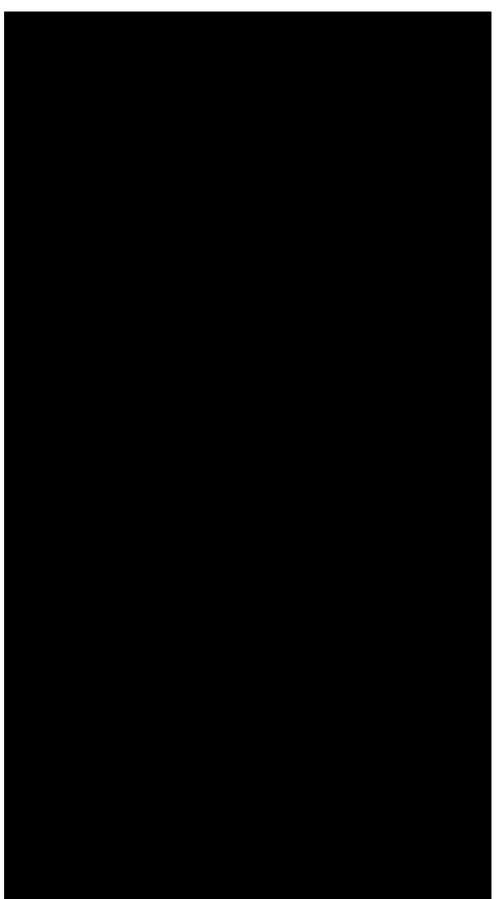


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[REDACTED]



[REDACTED]



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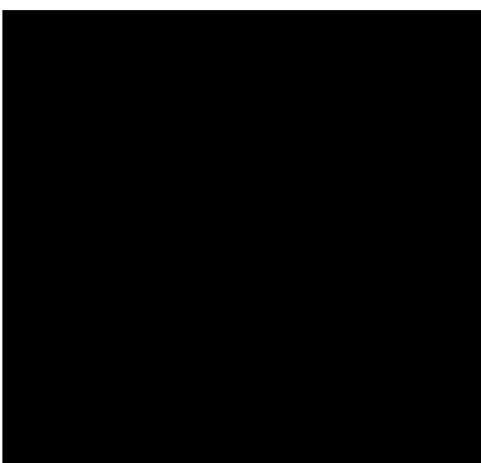
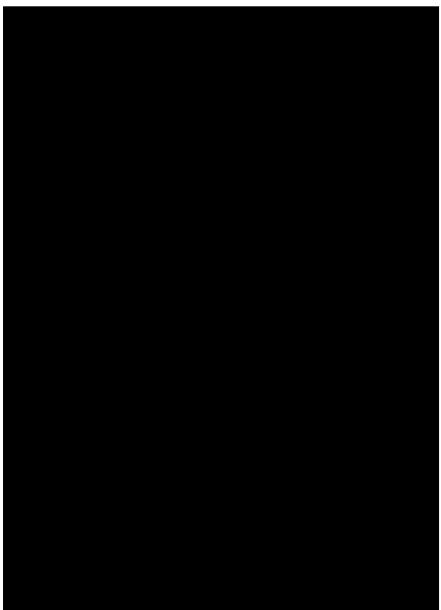
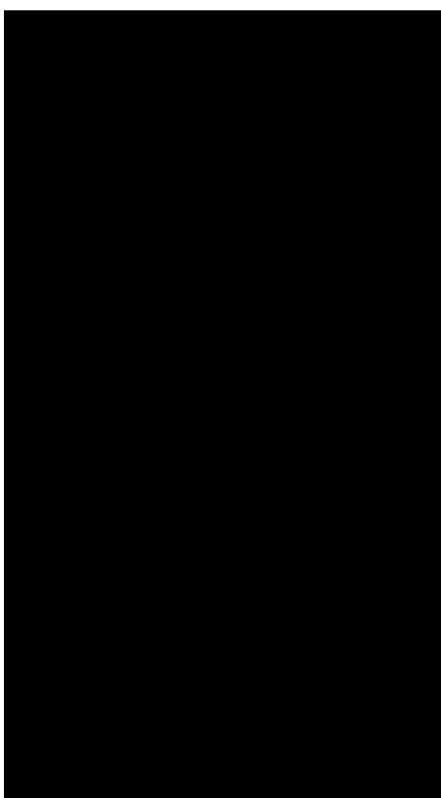
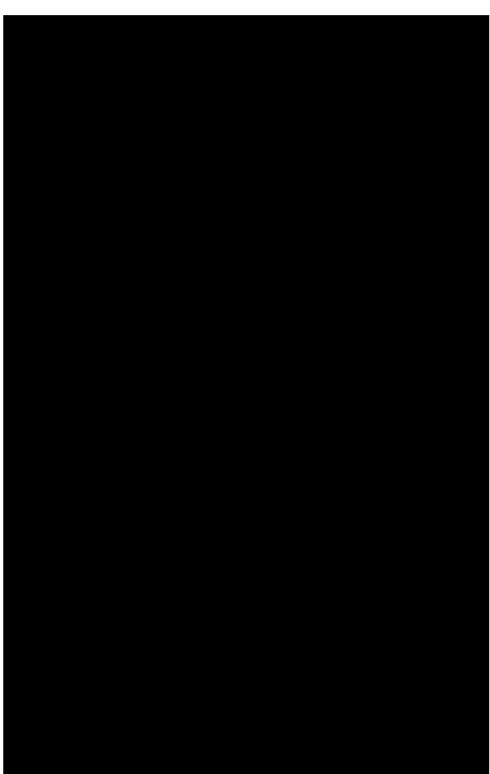
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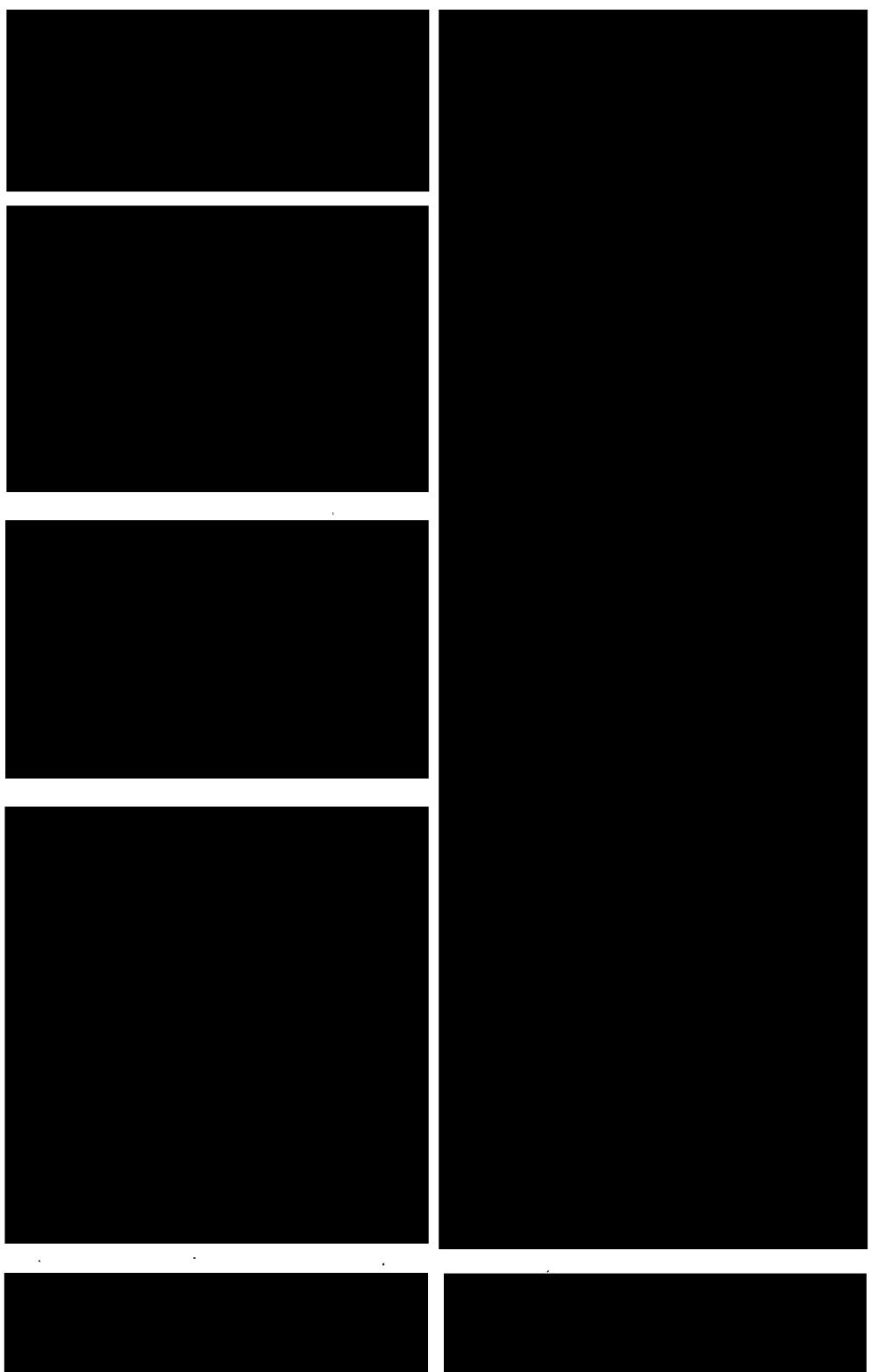
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\* \* \*

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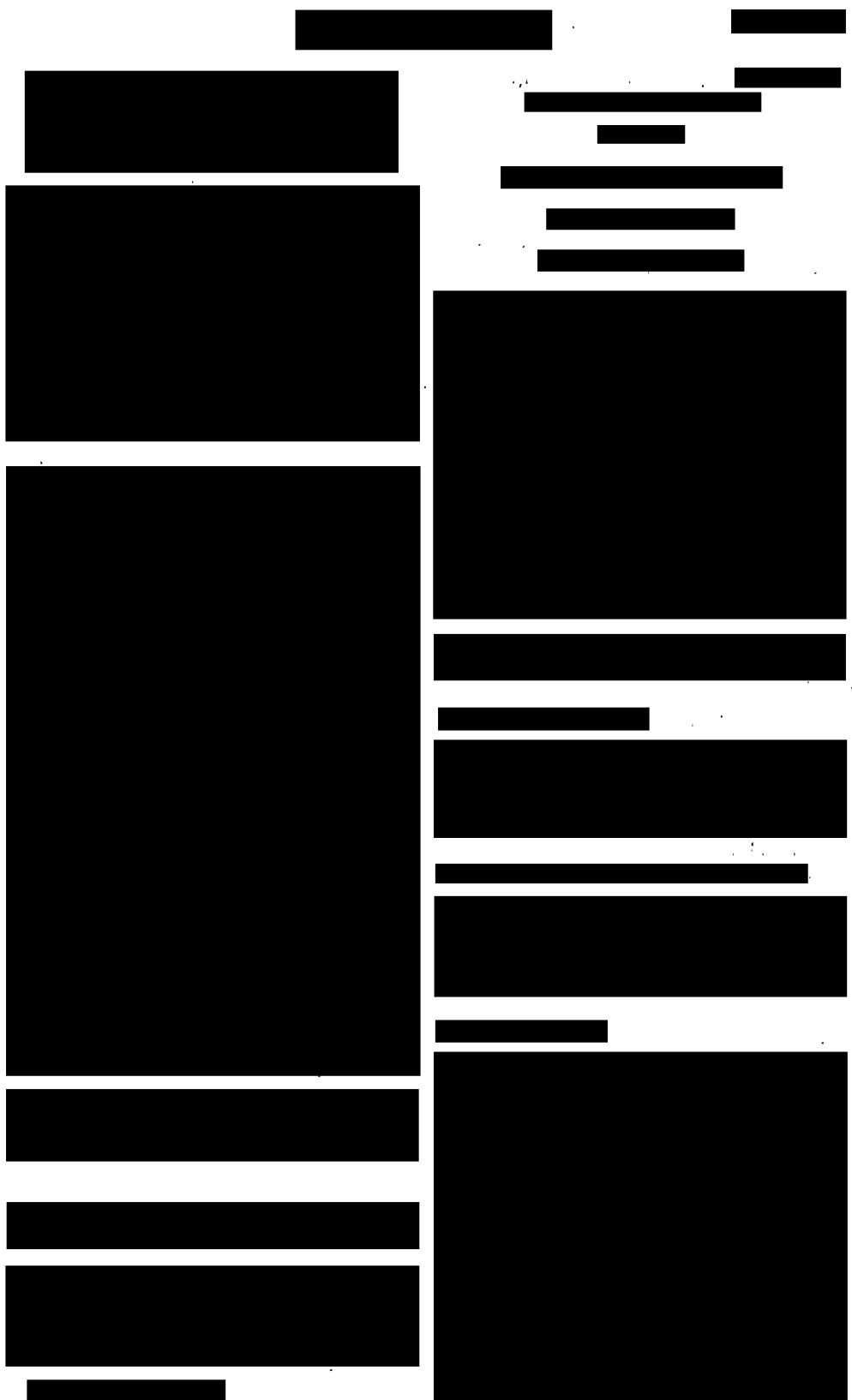
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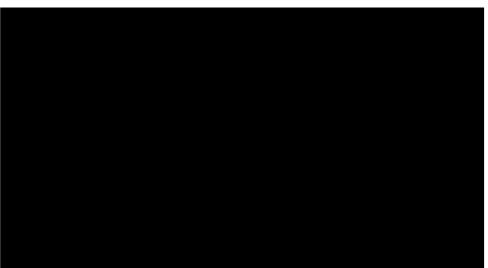
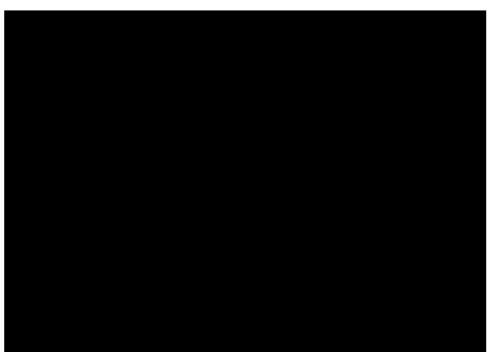
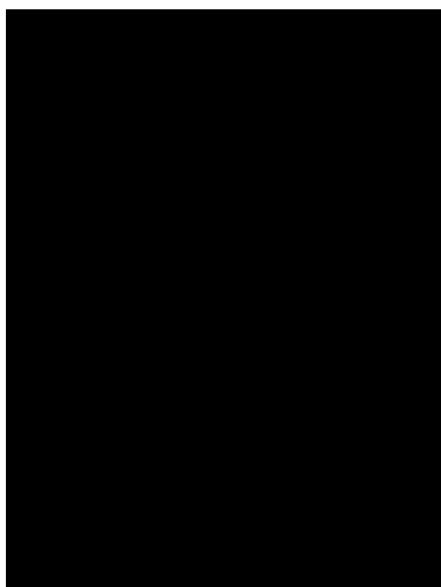
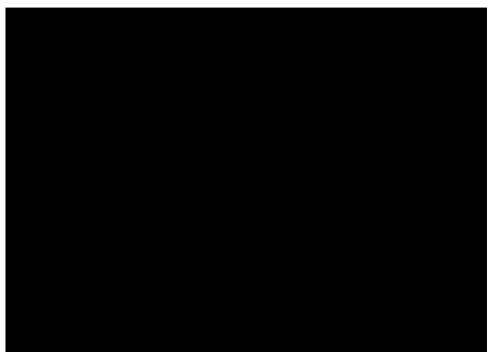
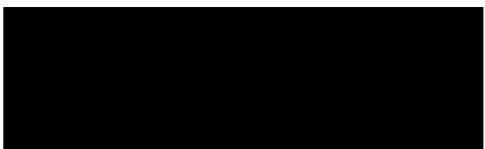
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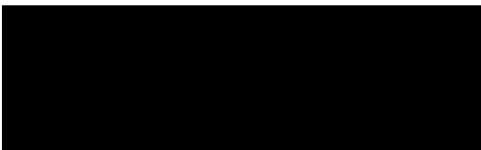
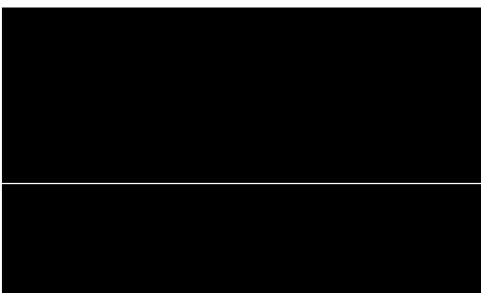
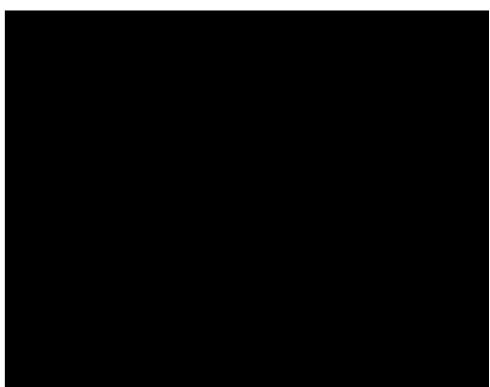
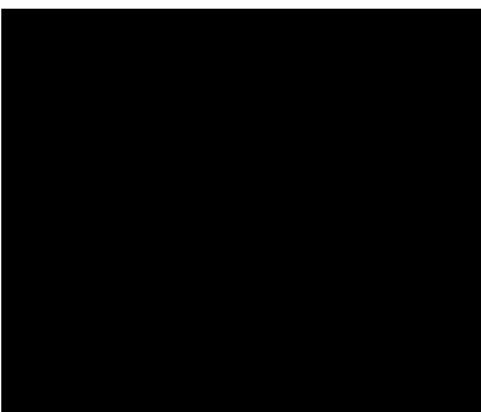
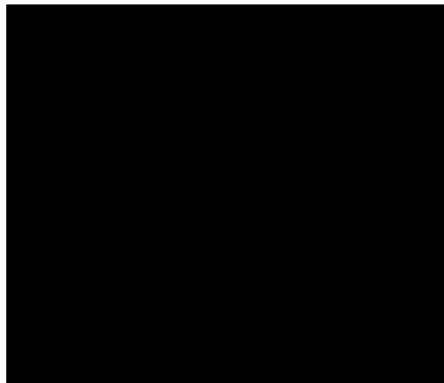
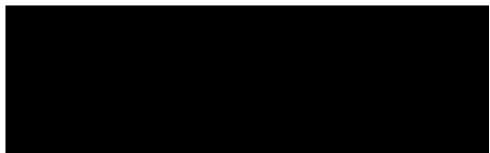


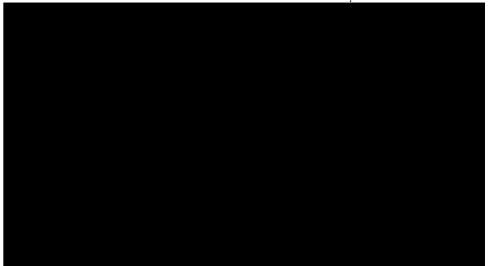
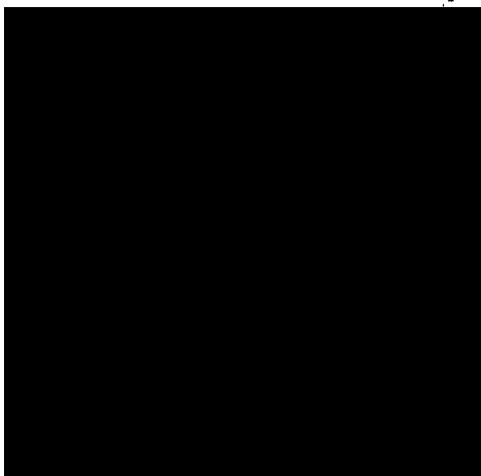
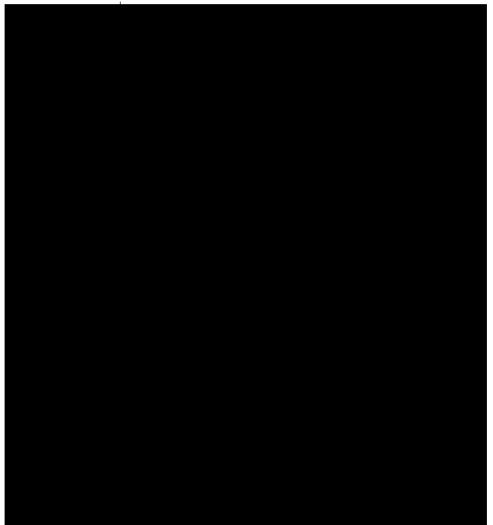
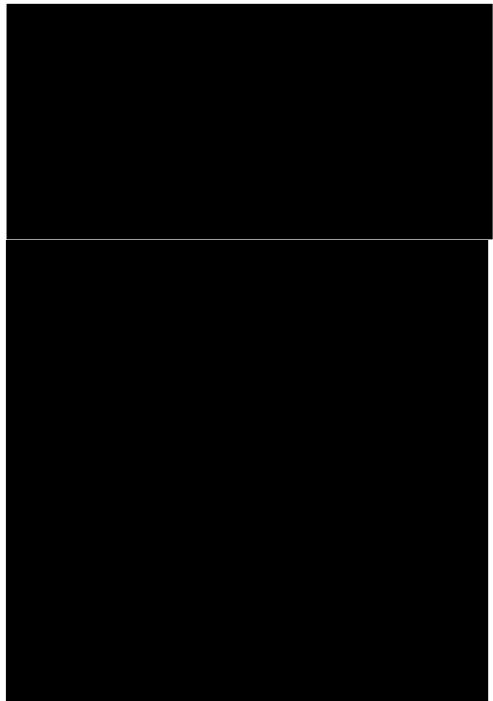
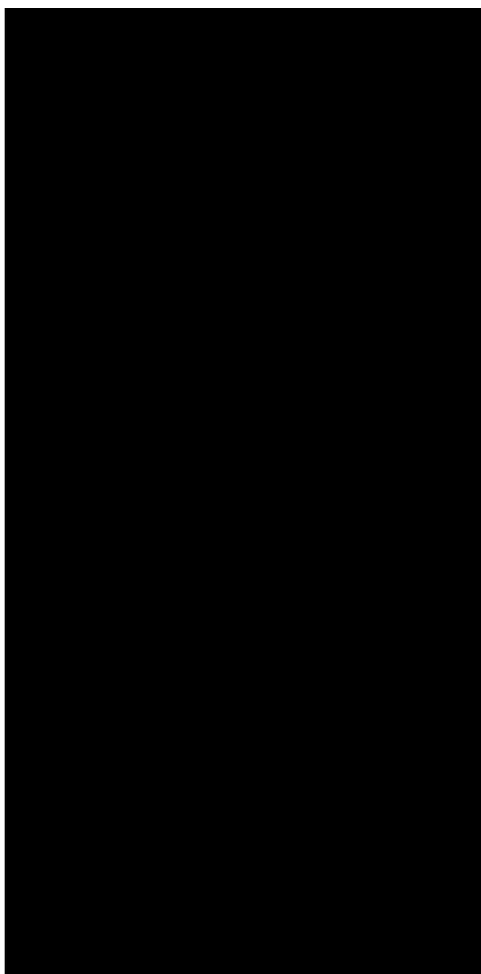


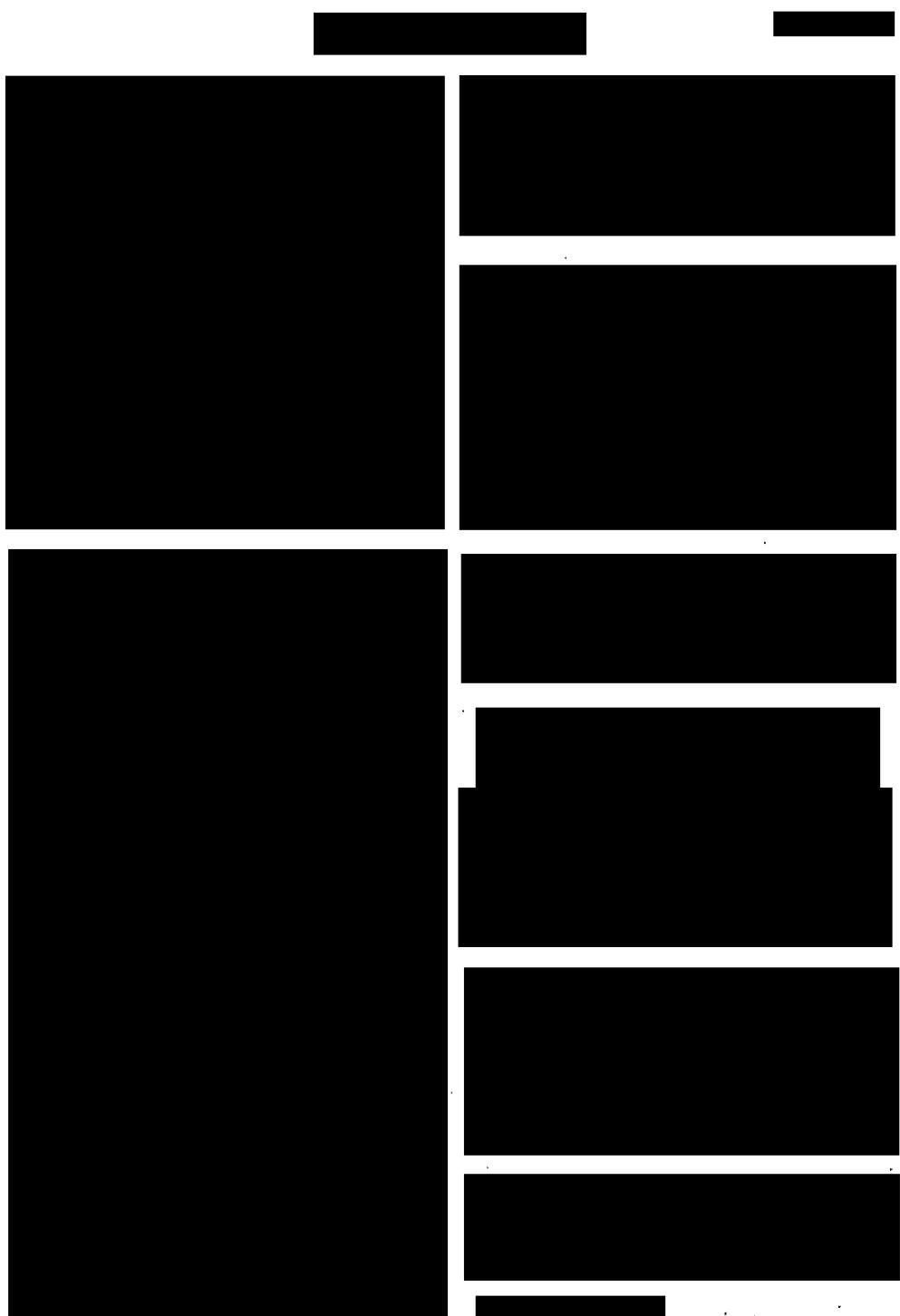


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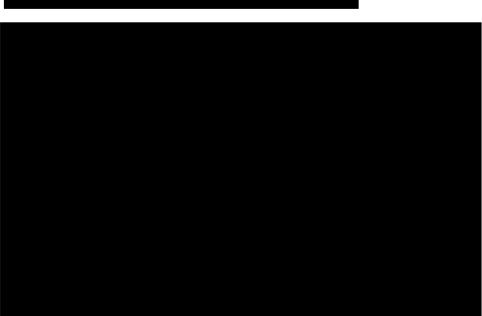
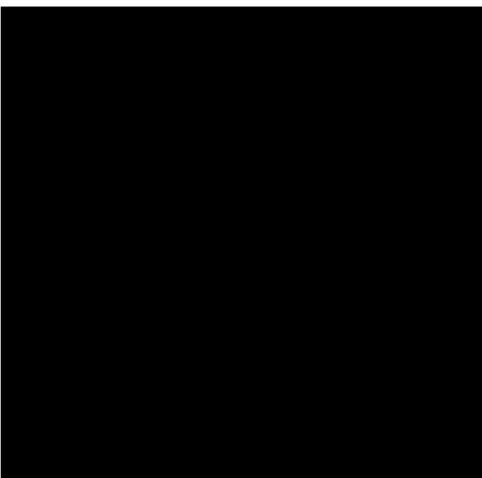






19. *Leucosia* *leucostoma* *leucostoma* *leucostoma* *leucostoma* *leucostoma* *leucostoma*





[REDACTED]

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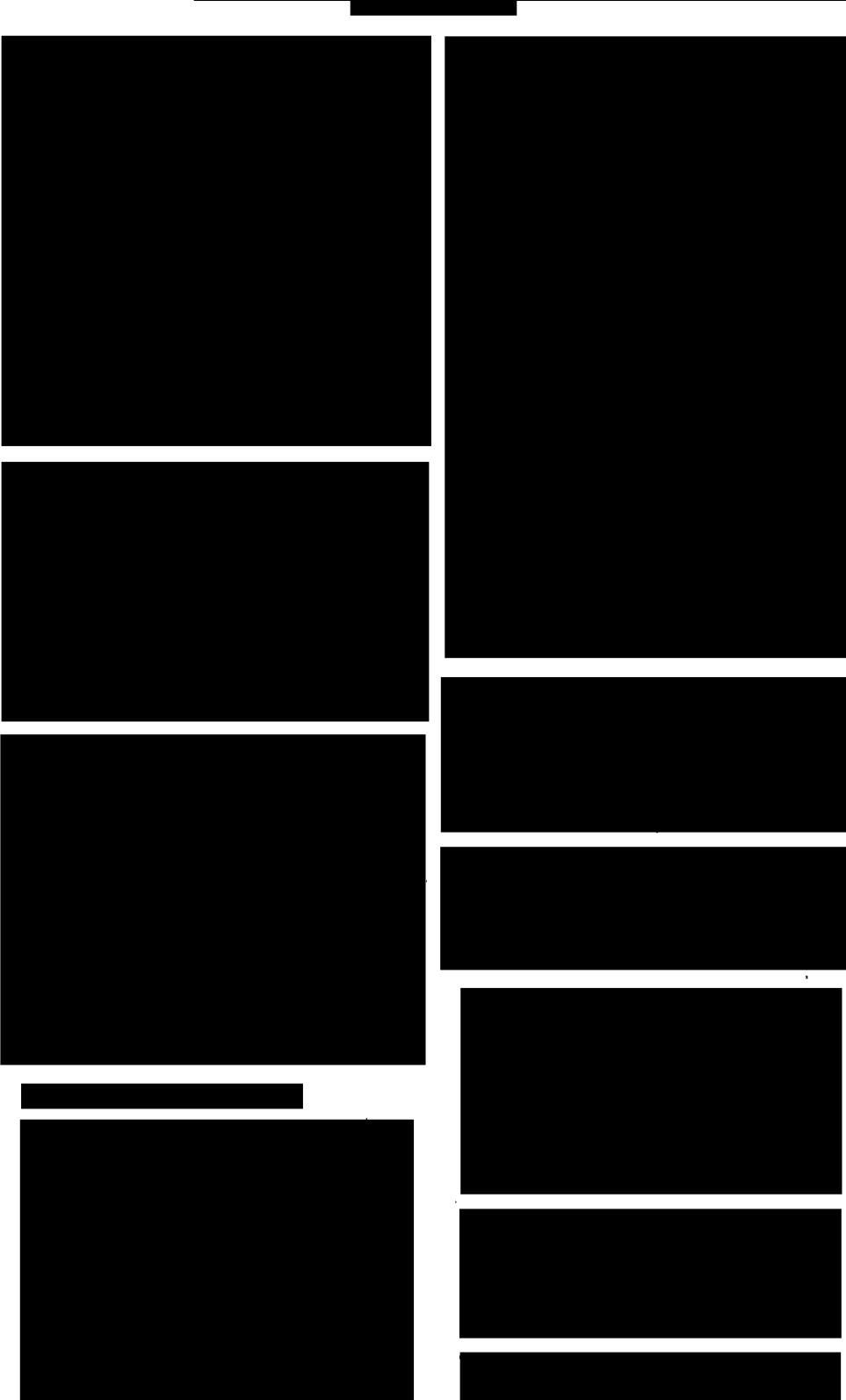
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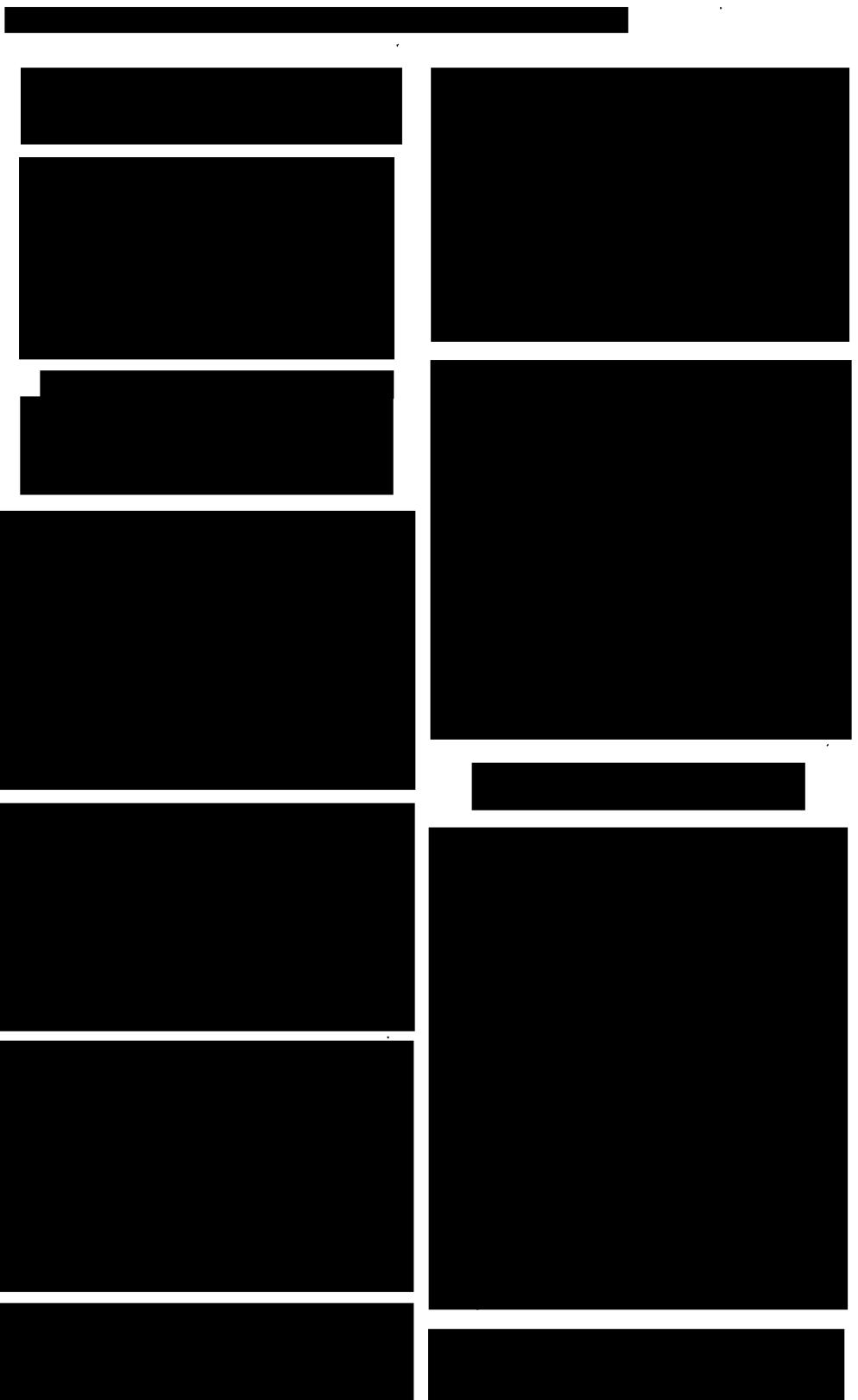
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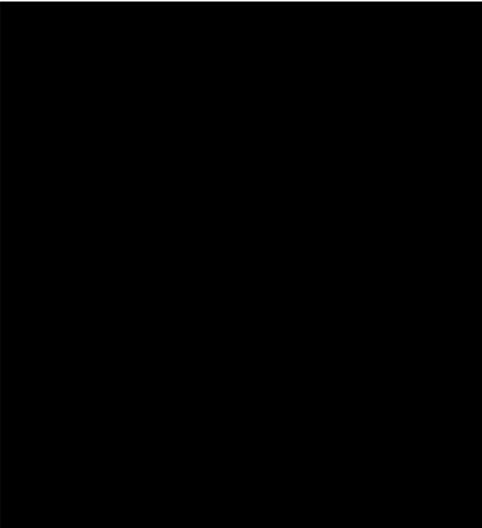
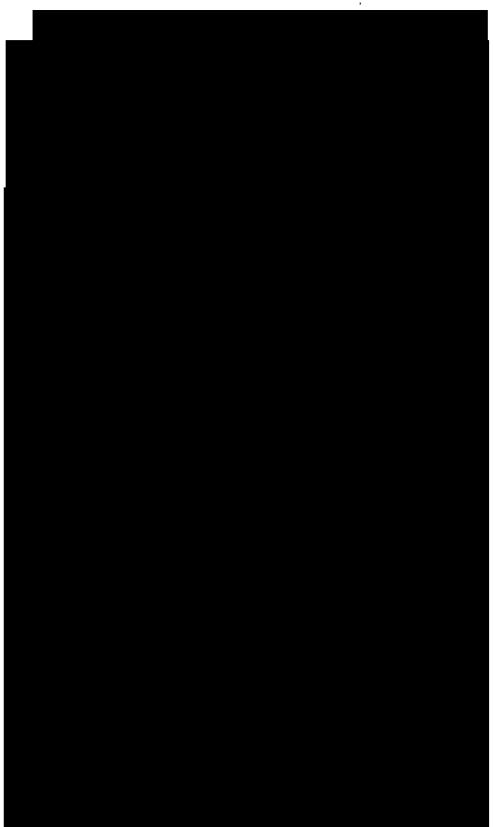
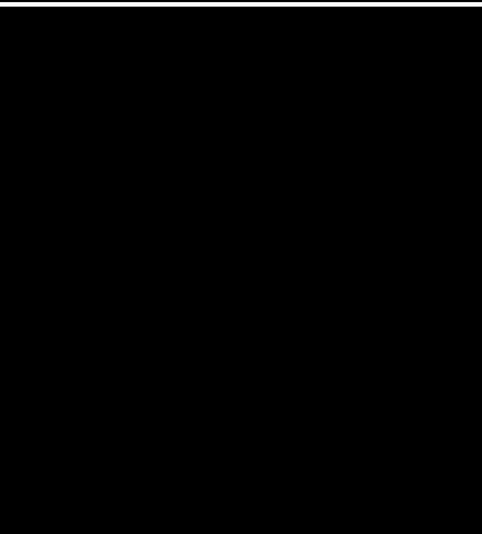
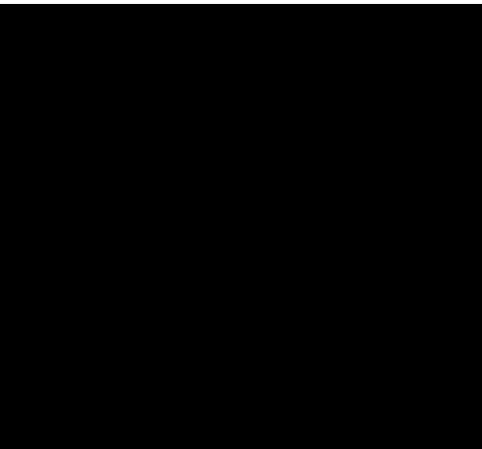
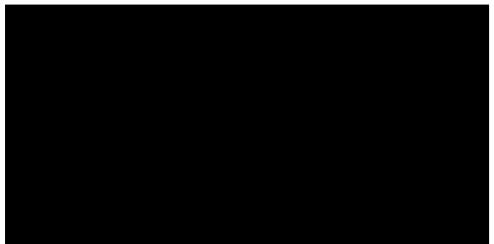
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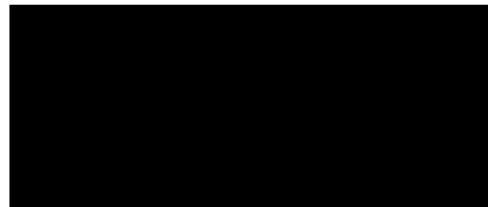
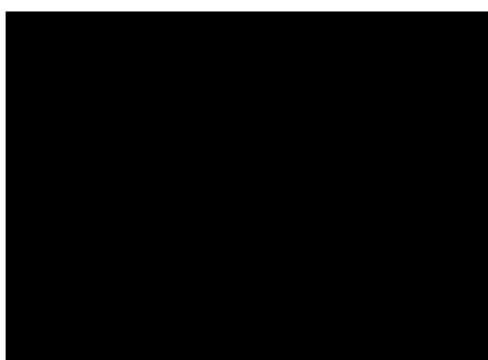
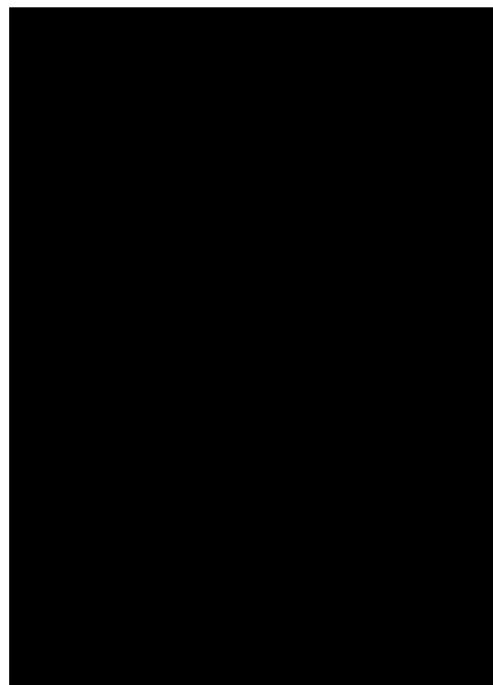
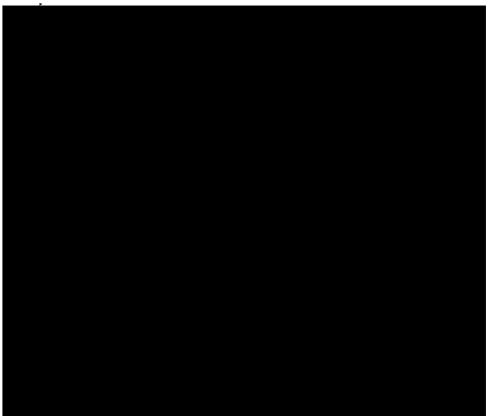
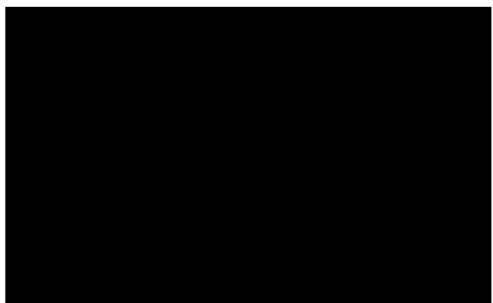


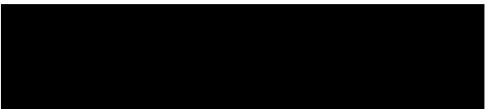
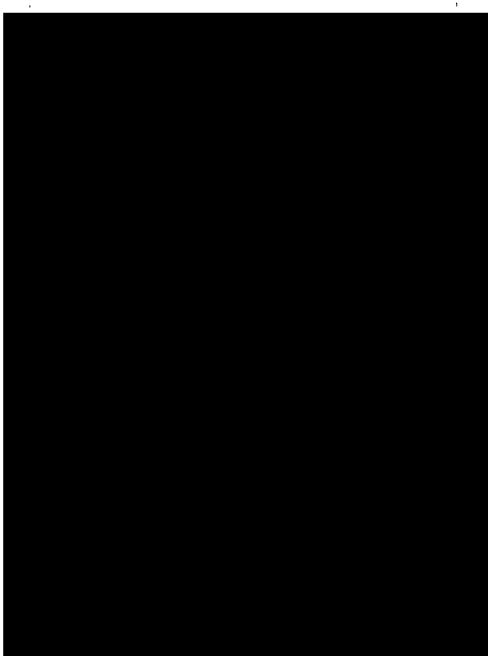
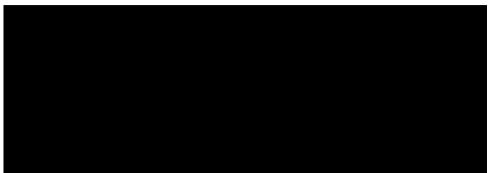
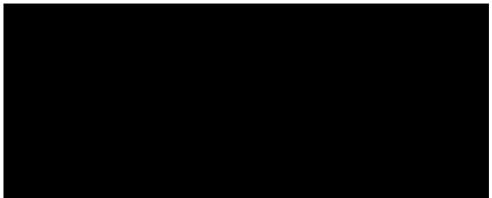
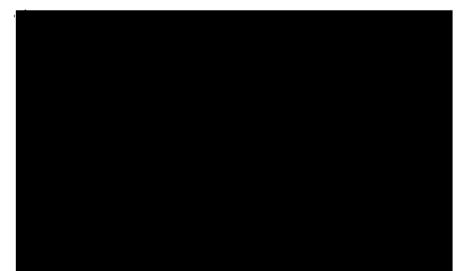
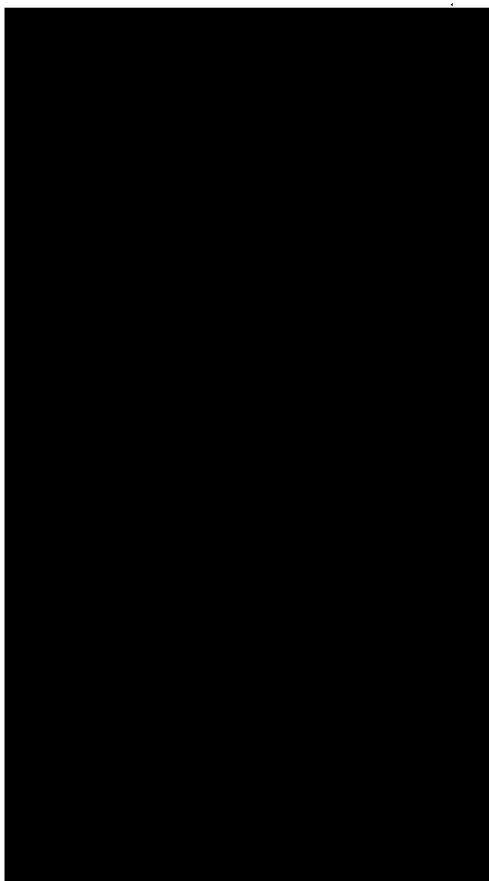
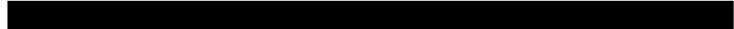


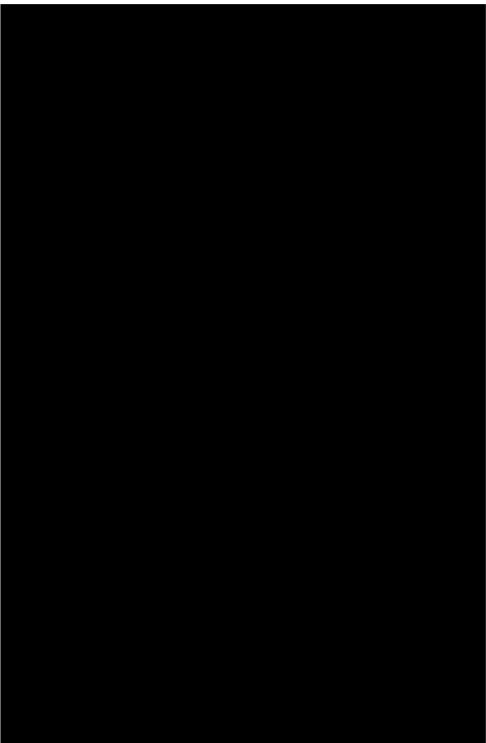
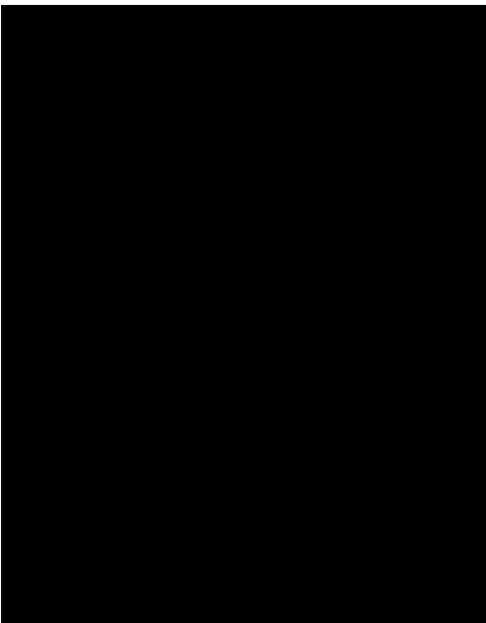
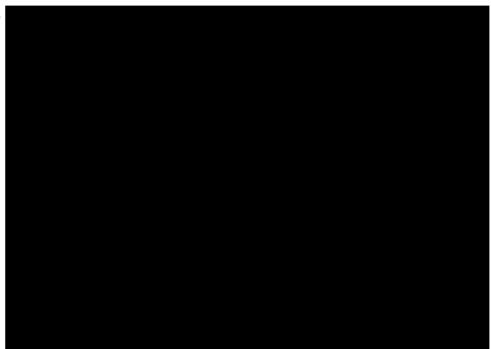


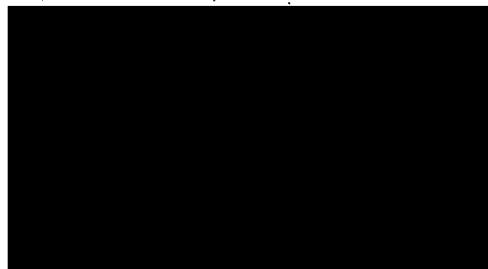
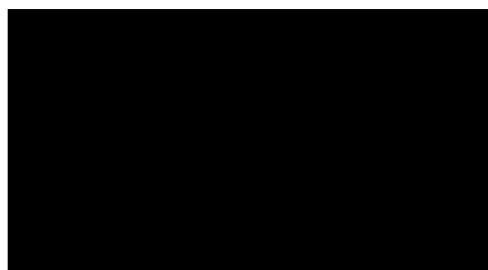
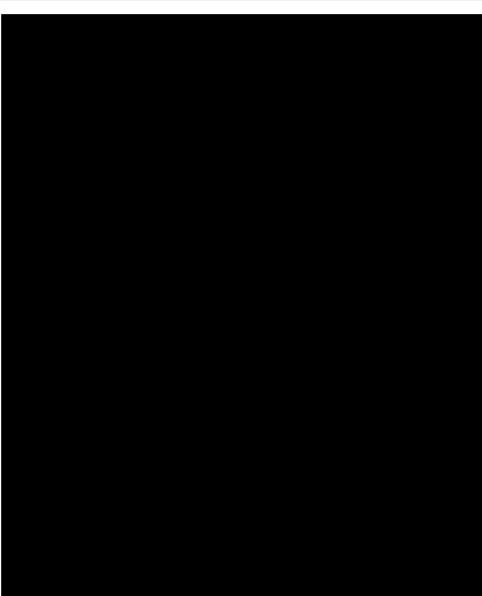
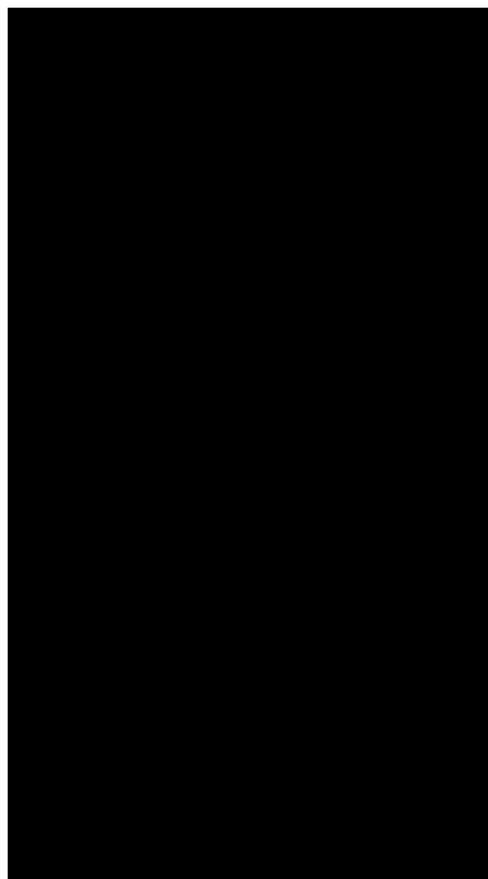
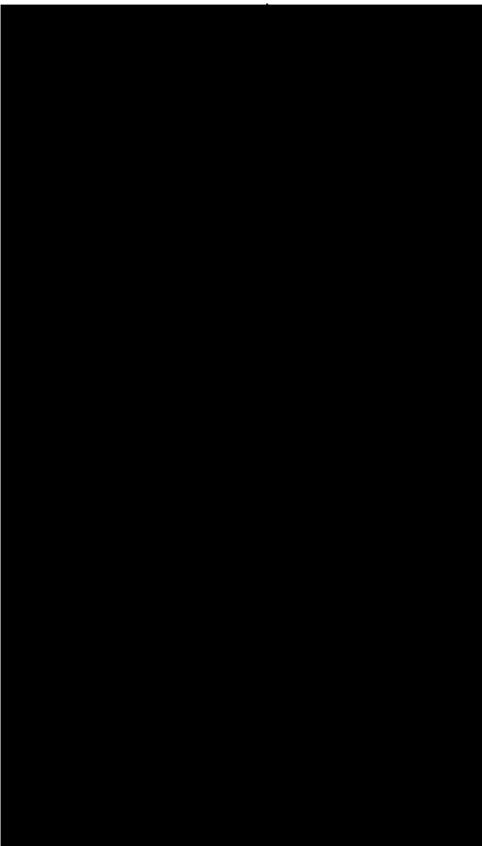
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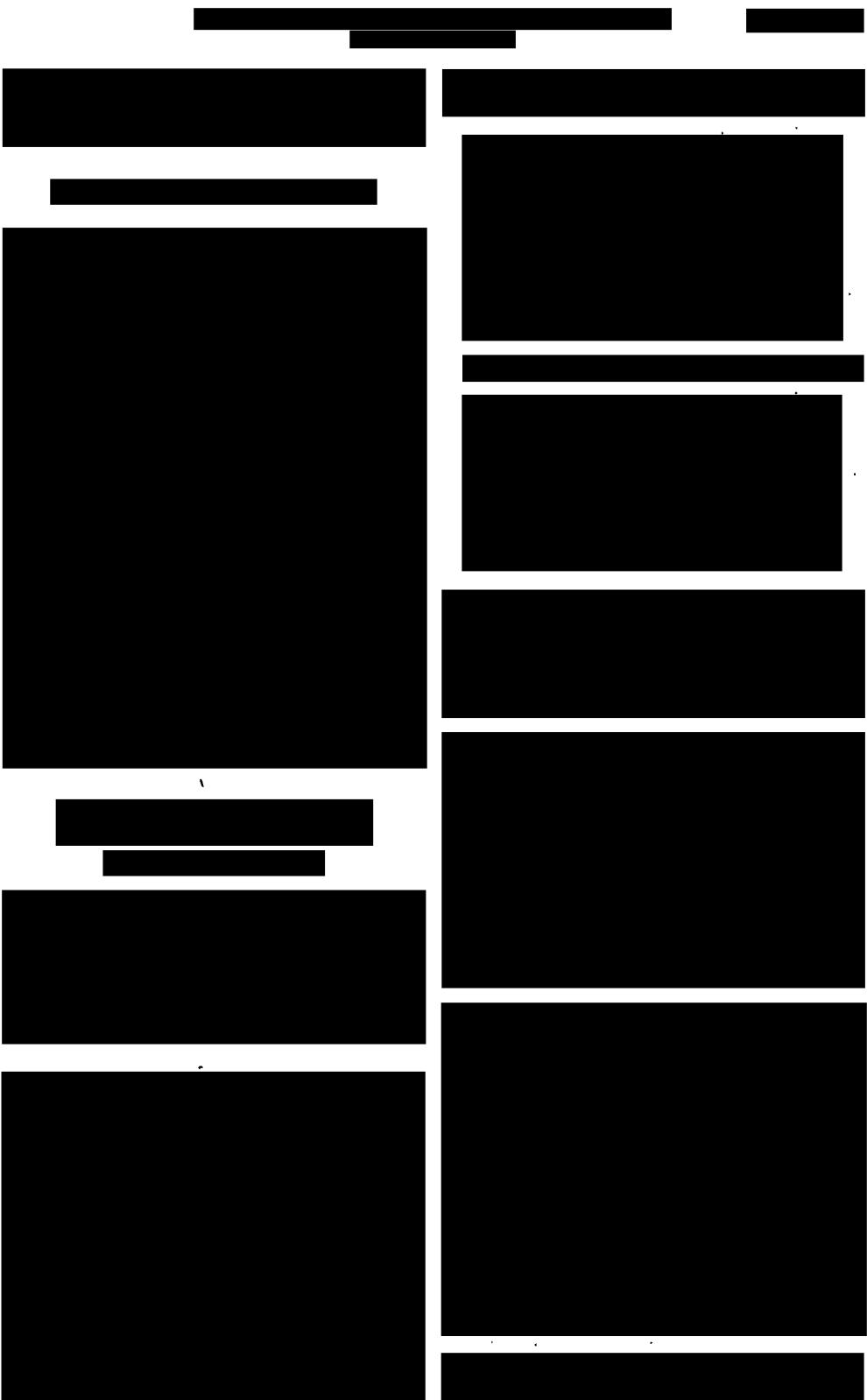


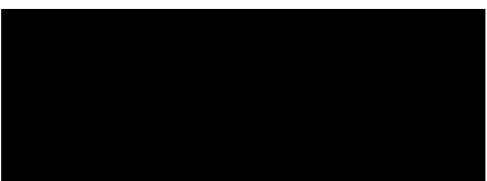
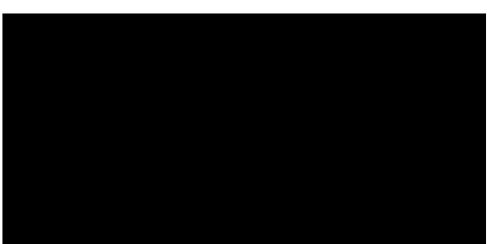
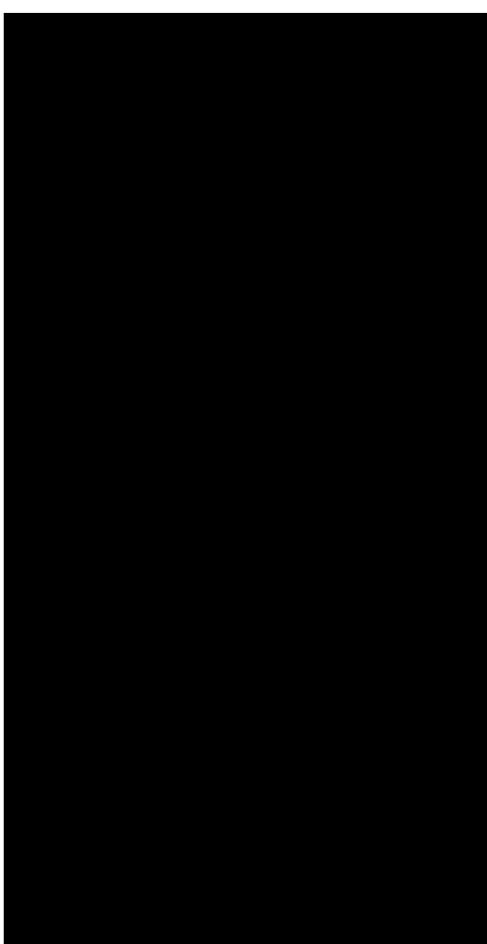
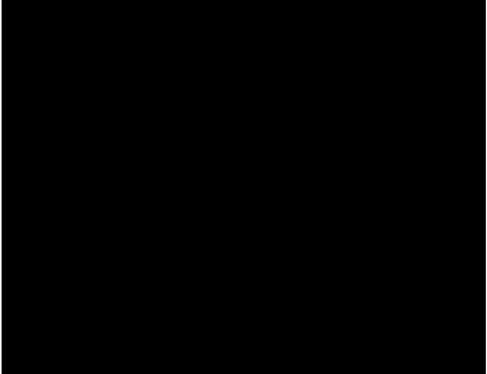
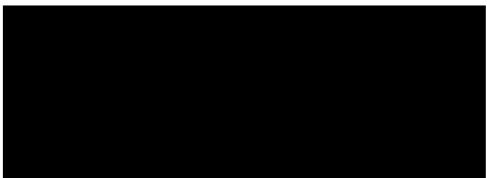
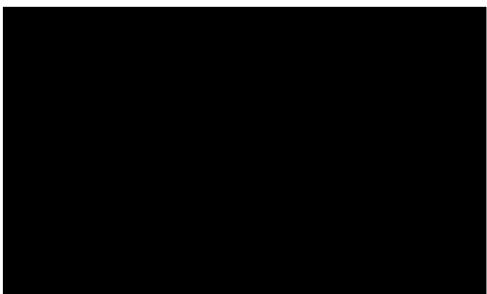
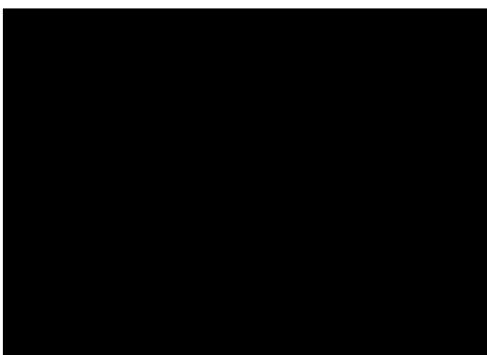


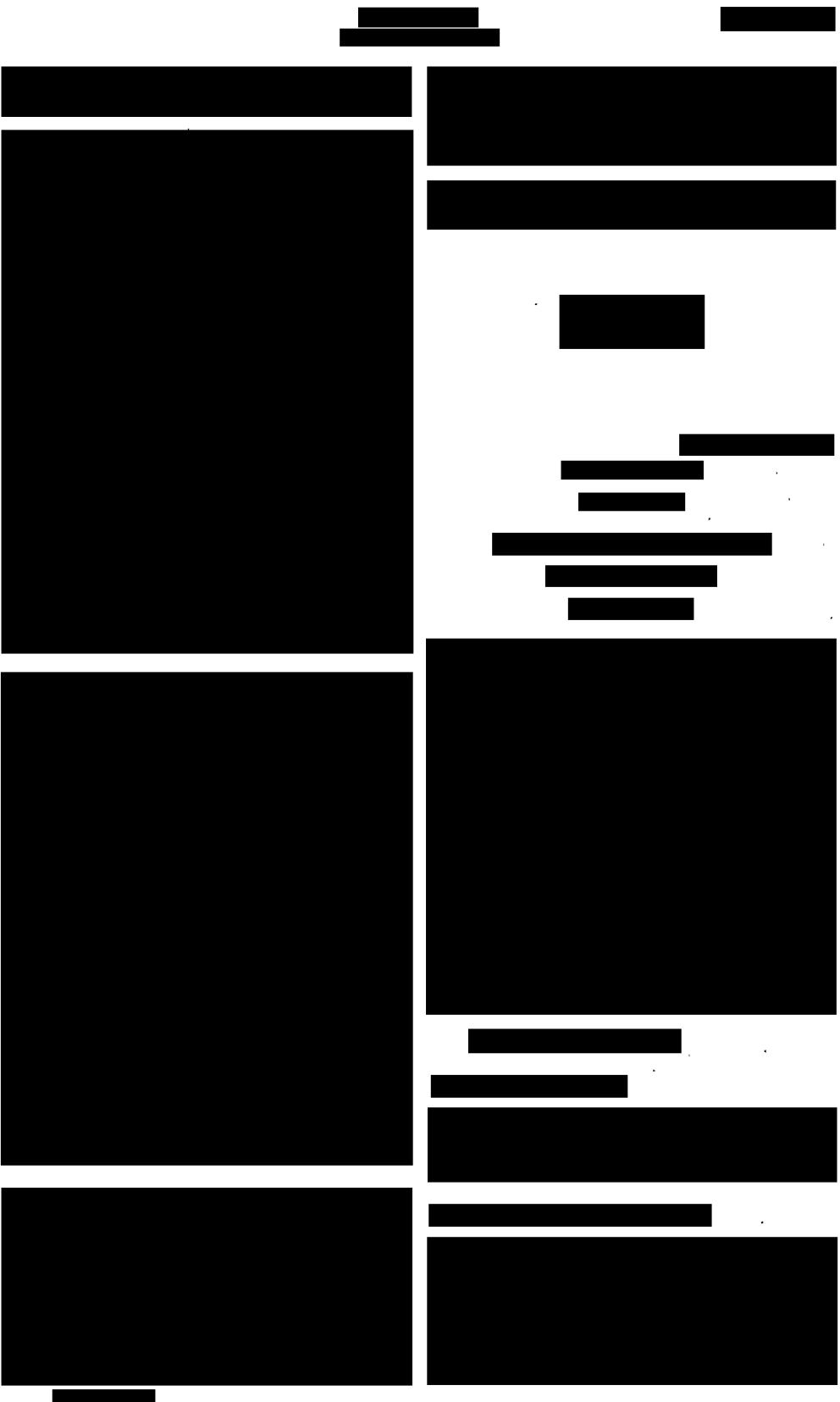




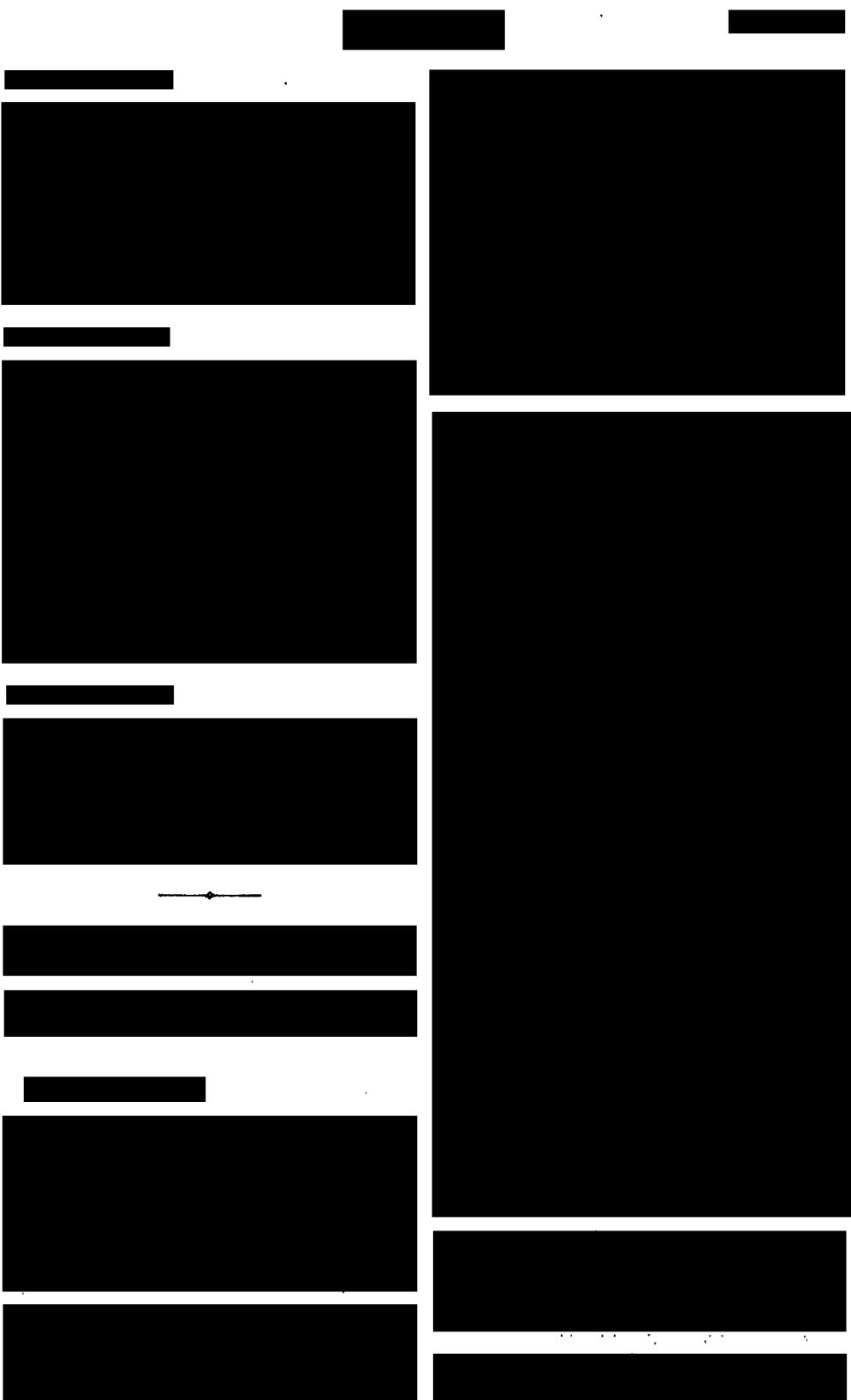




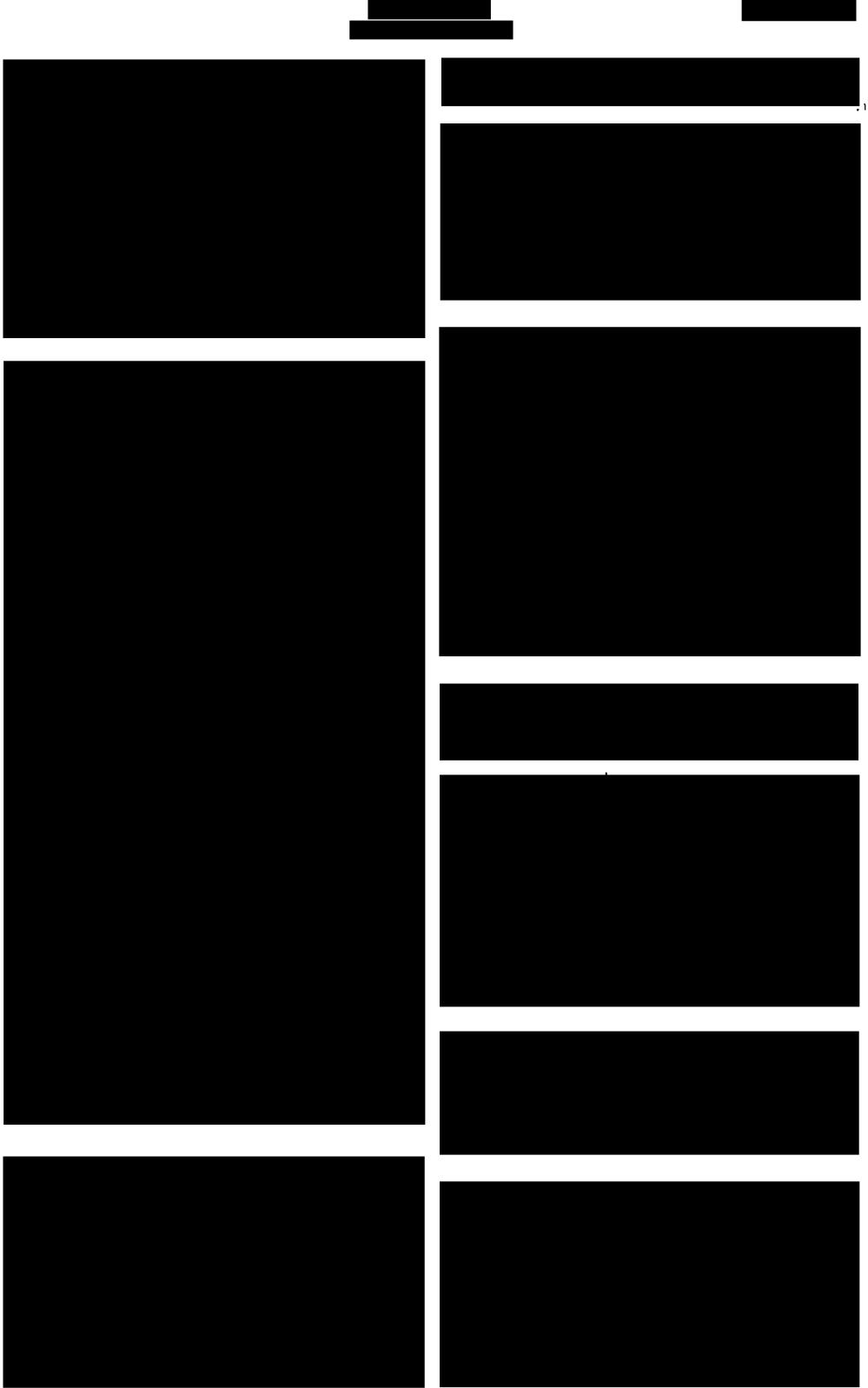




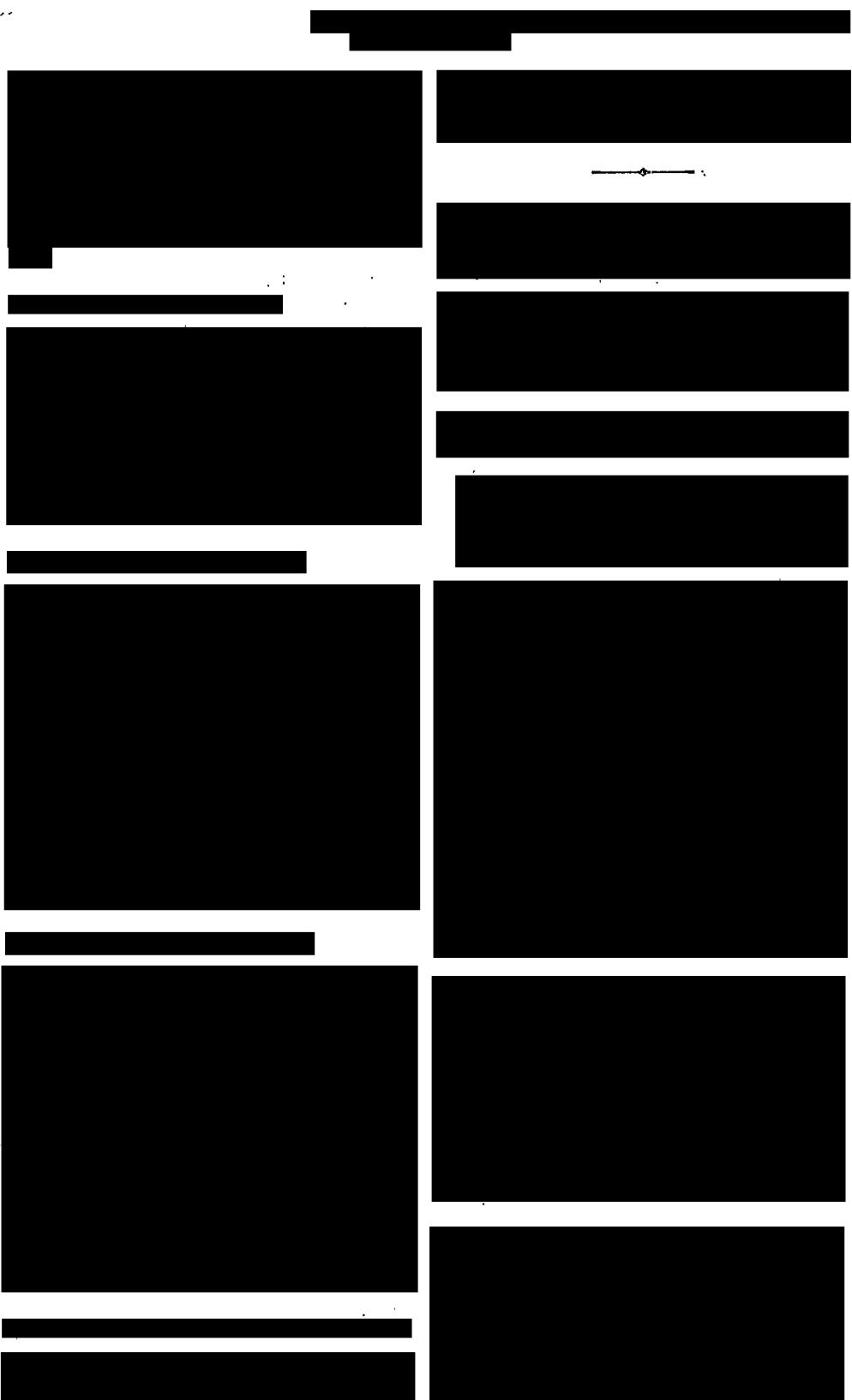


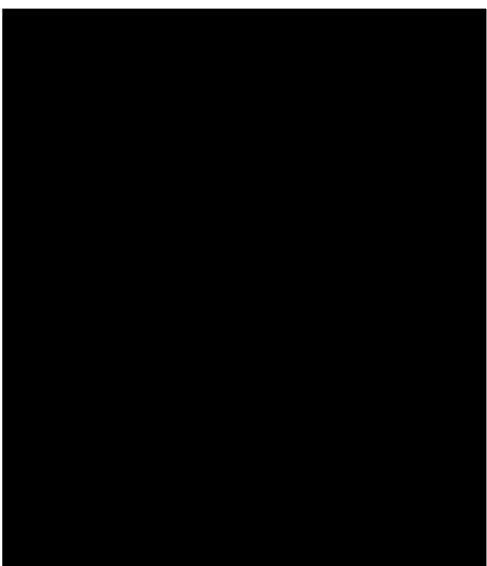
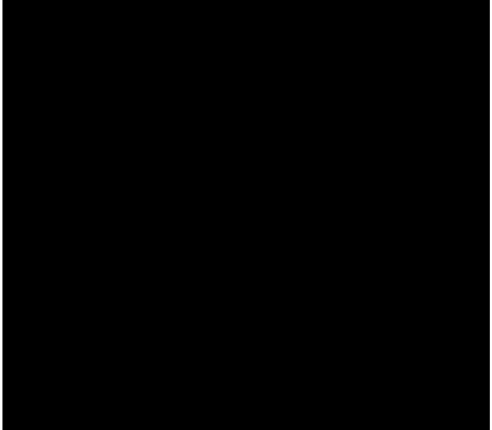
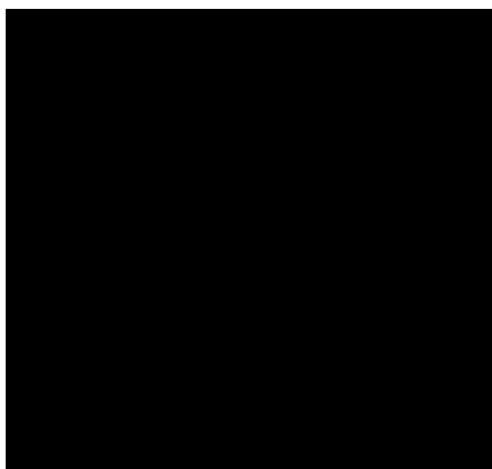
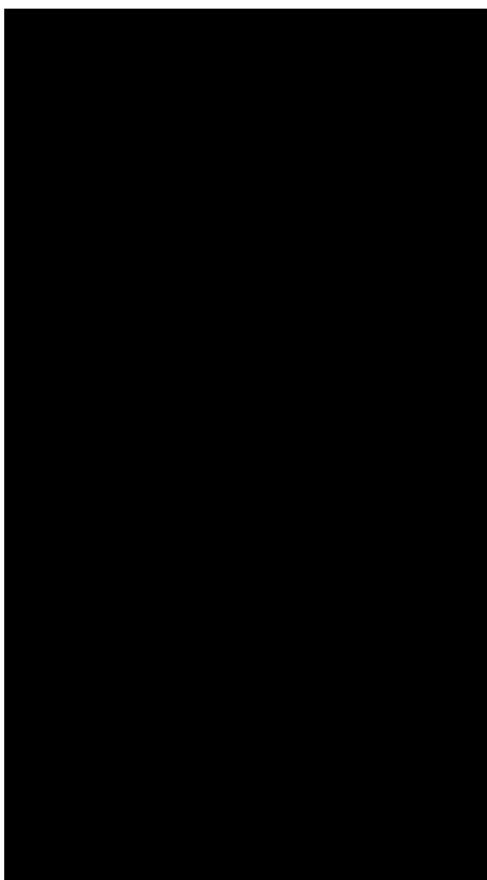


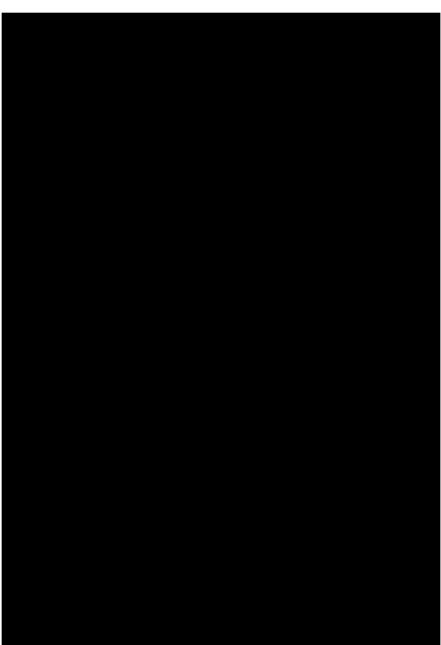
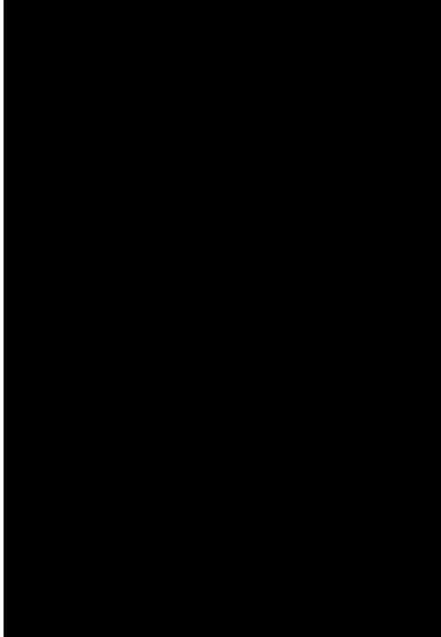
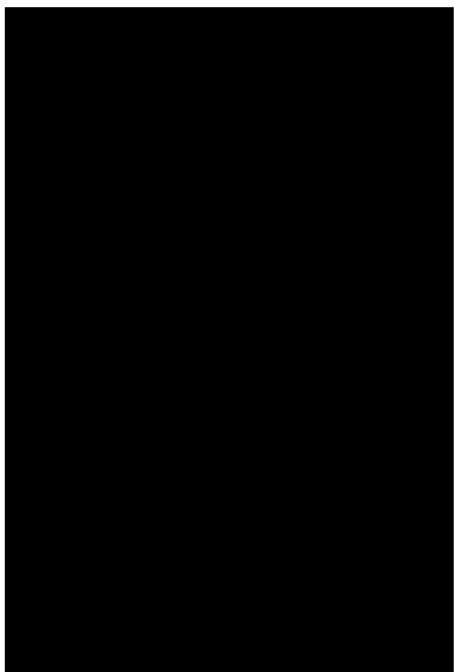
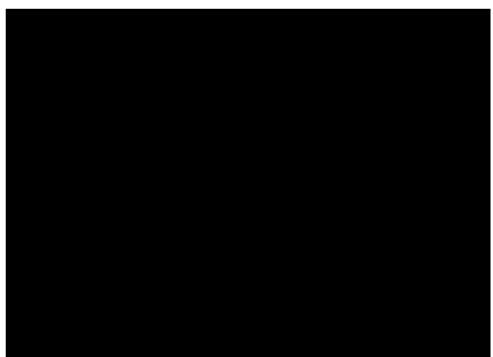
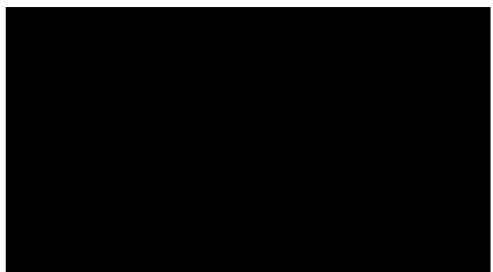
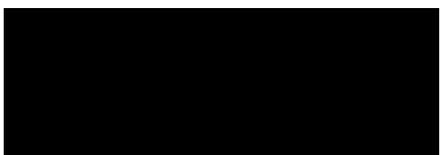
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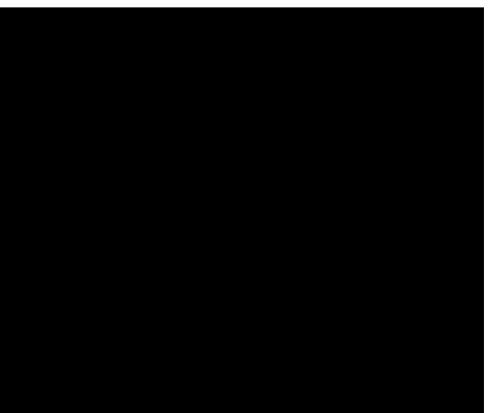
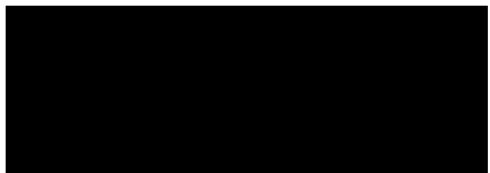
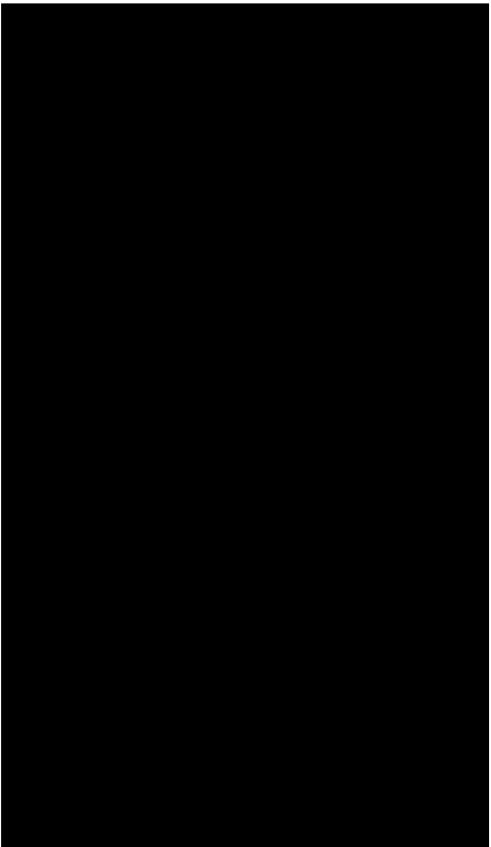
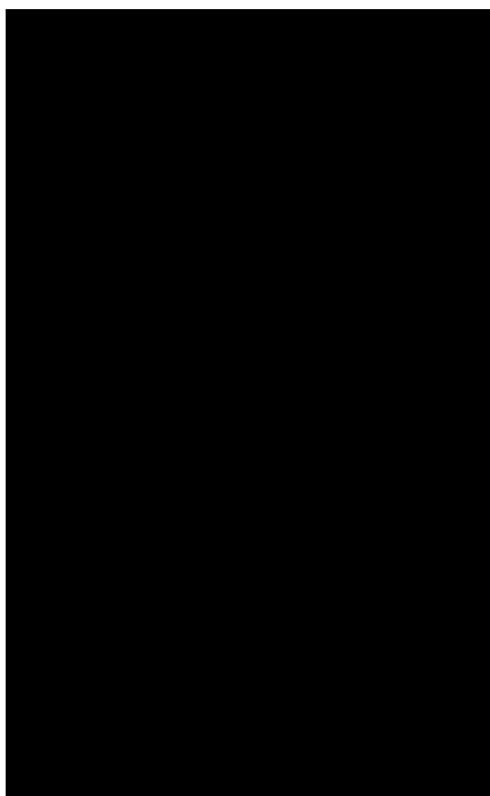
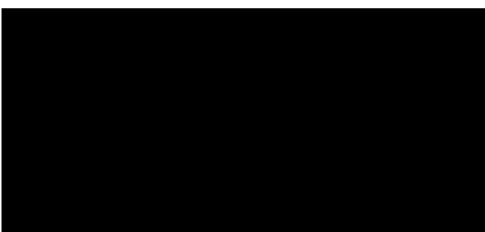
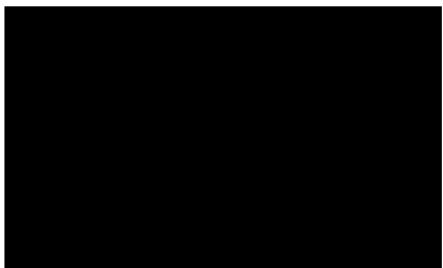


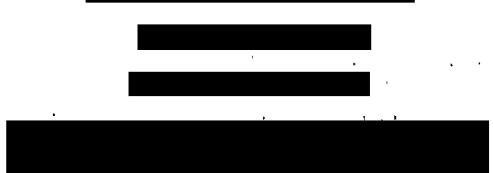
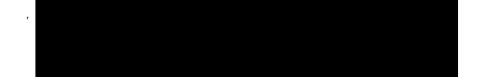
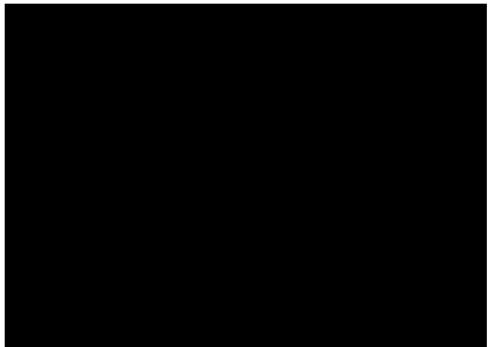
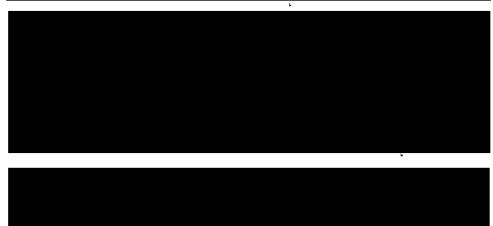
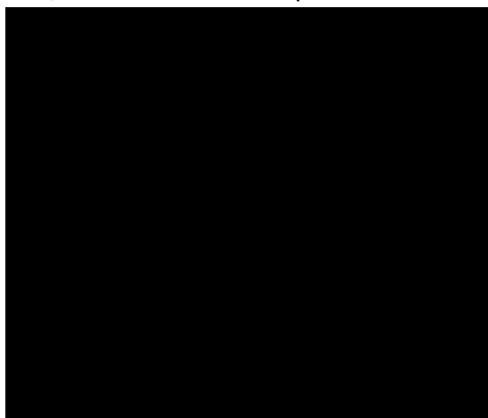
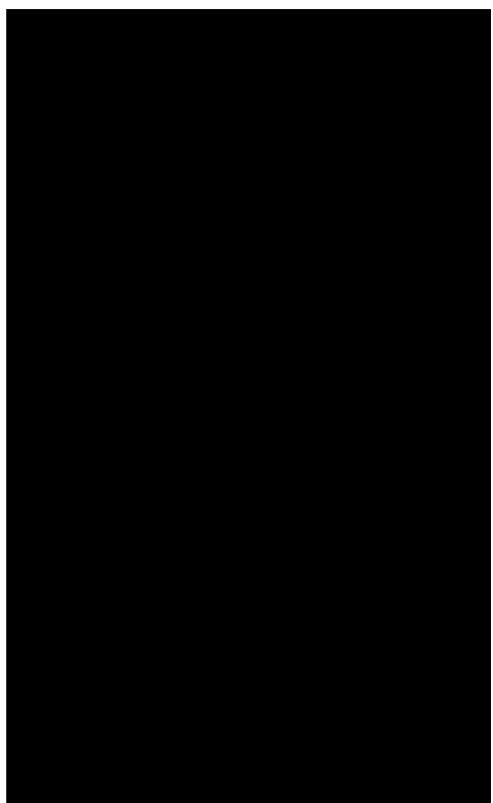
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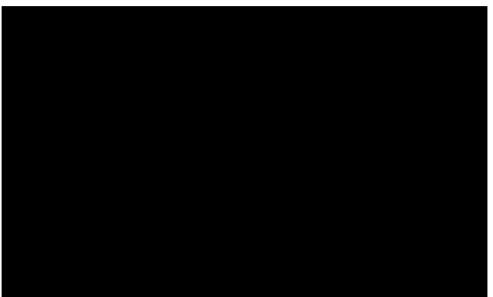
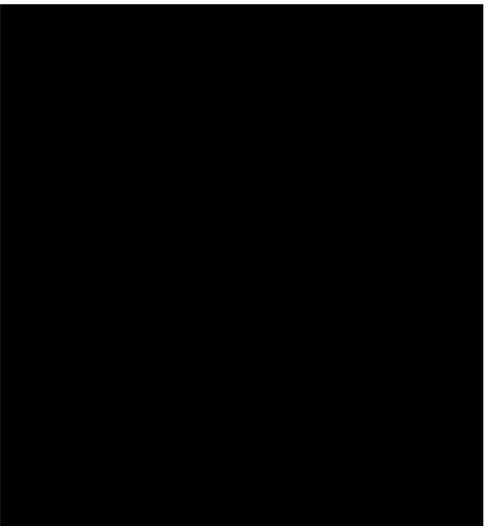
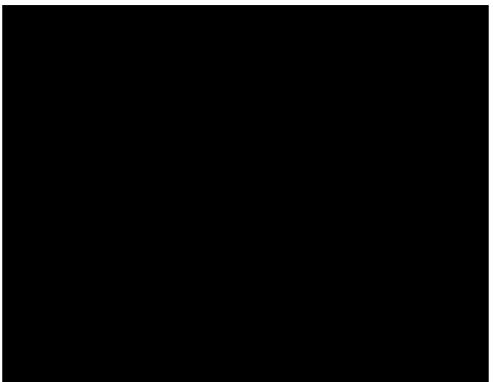
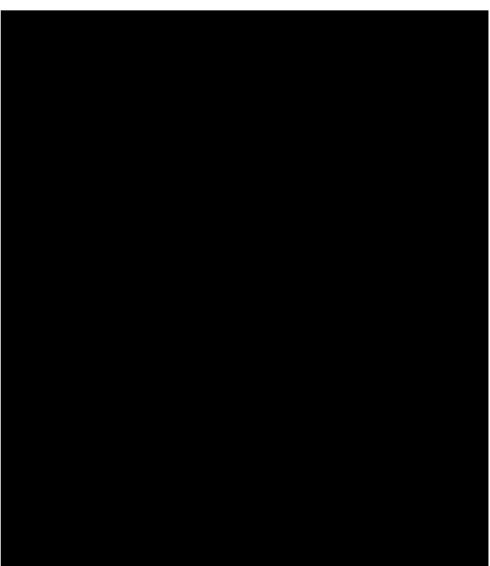
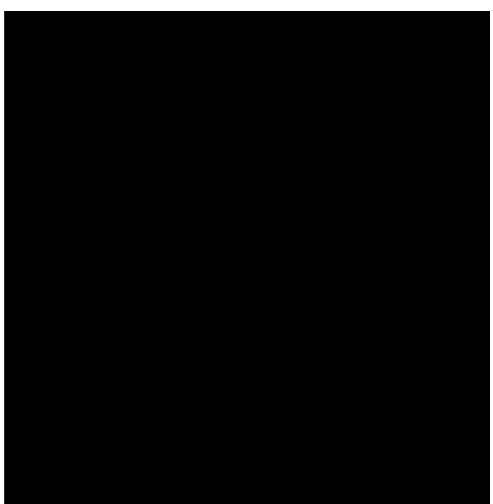
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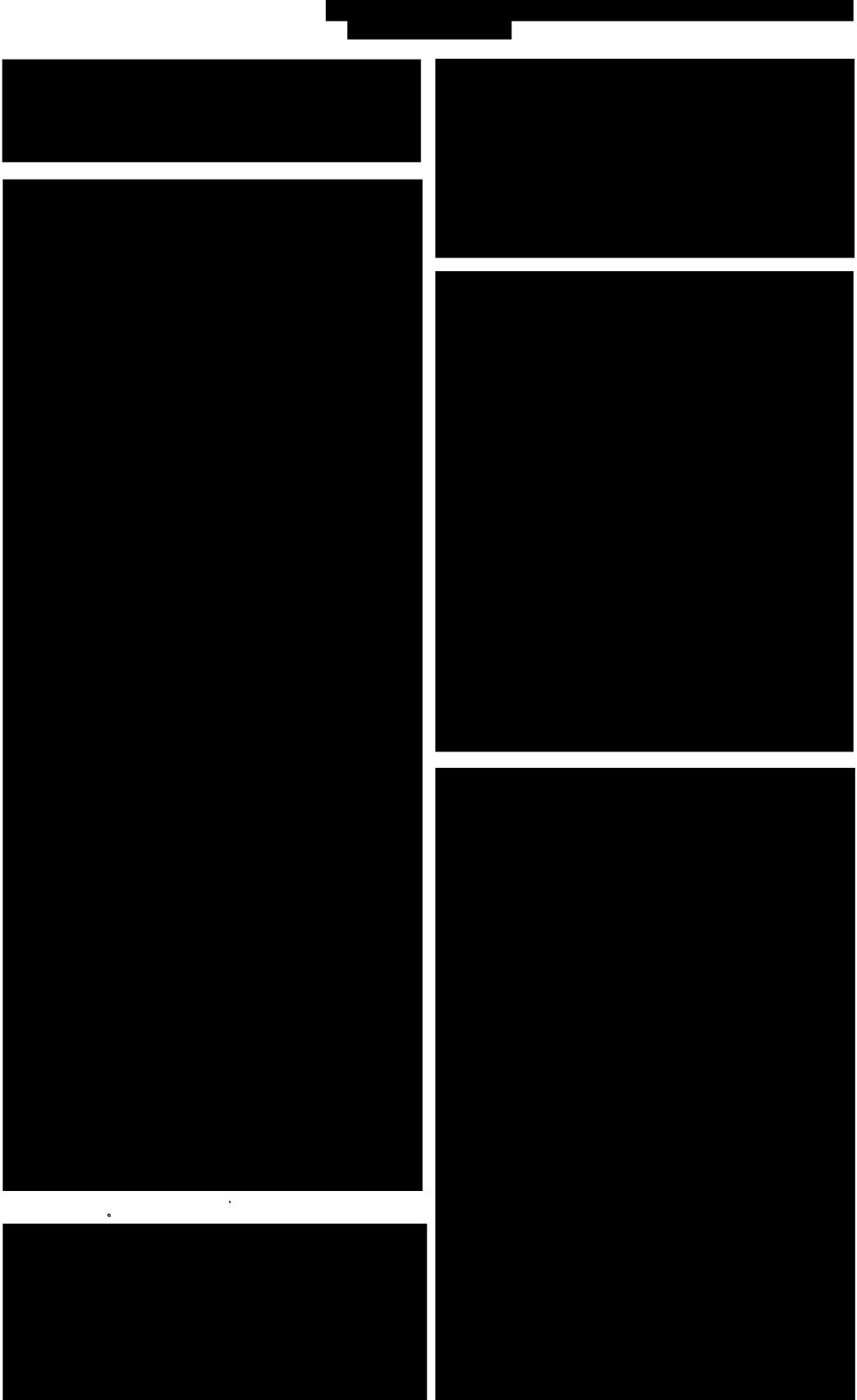
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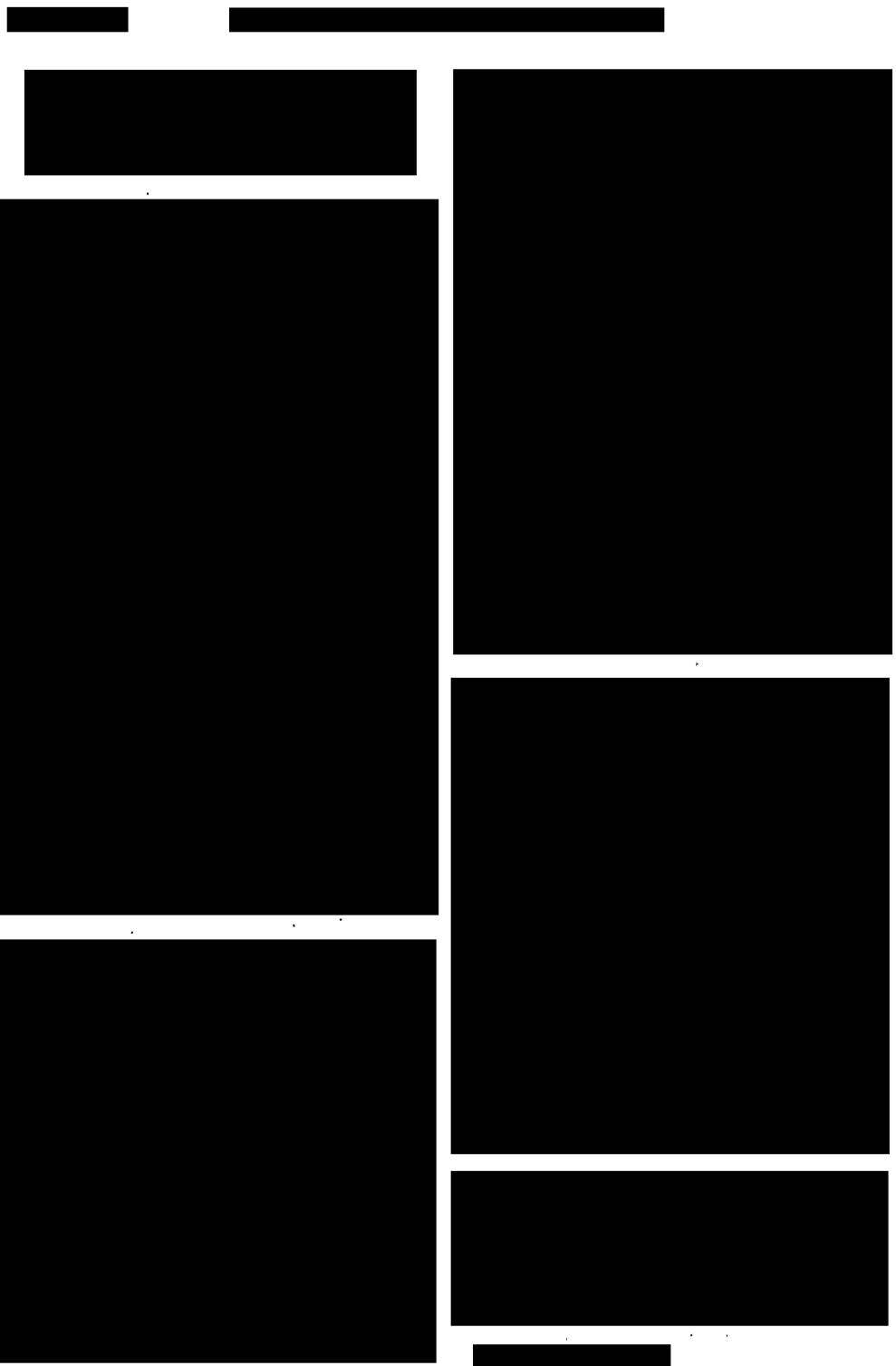
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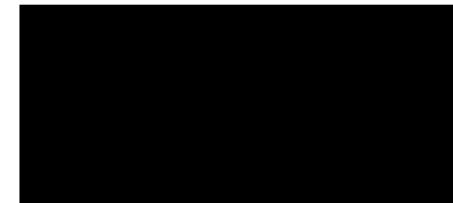
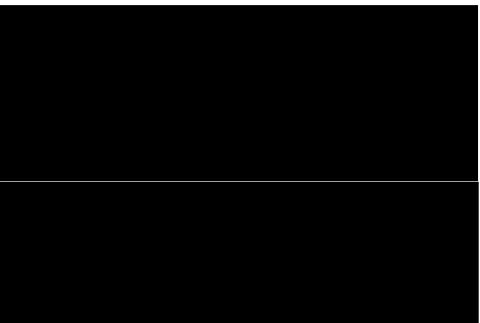
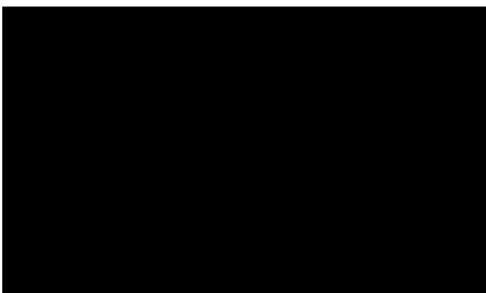
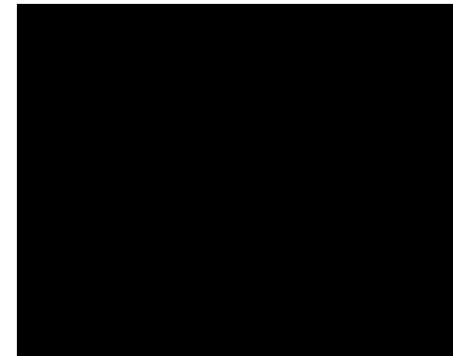
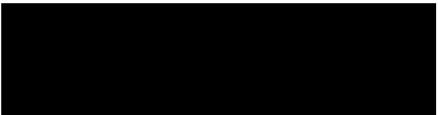
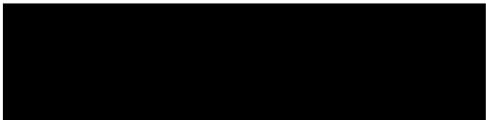
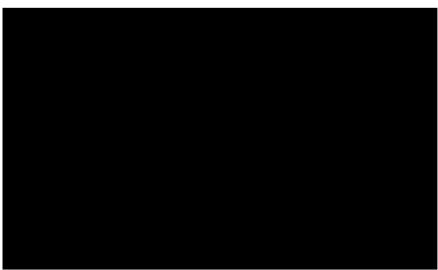


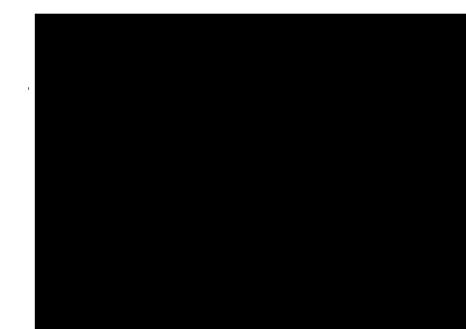
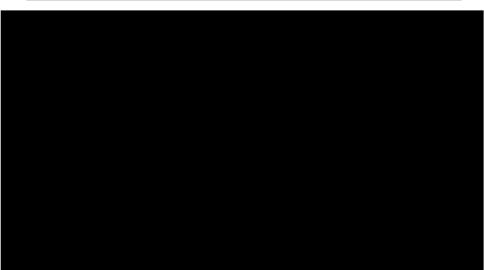
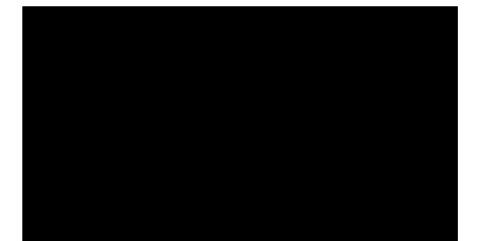
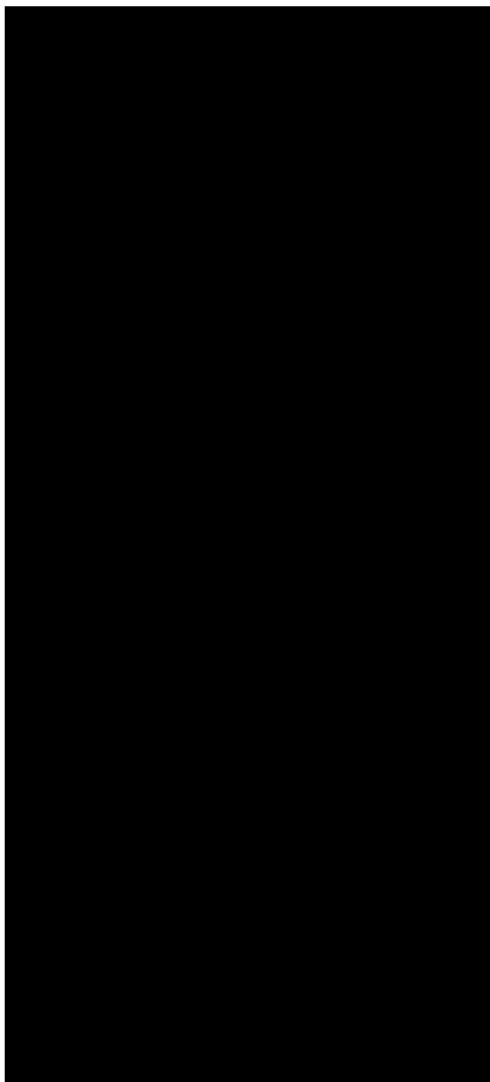
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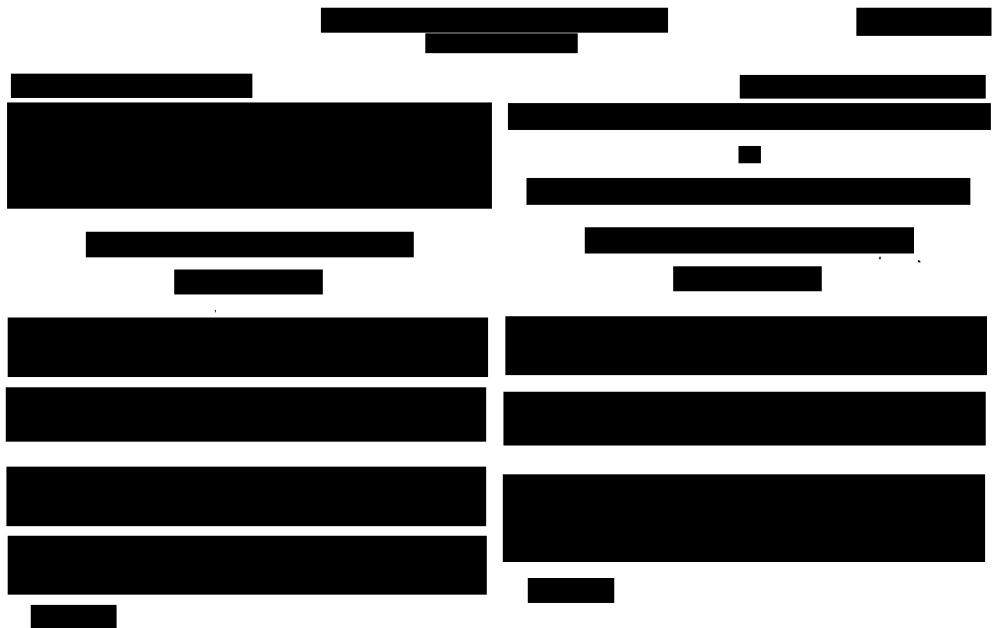
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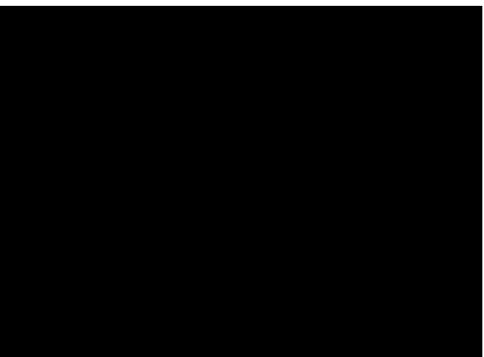
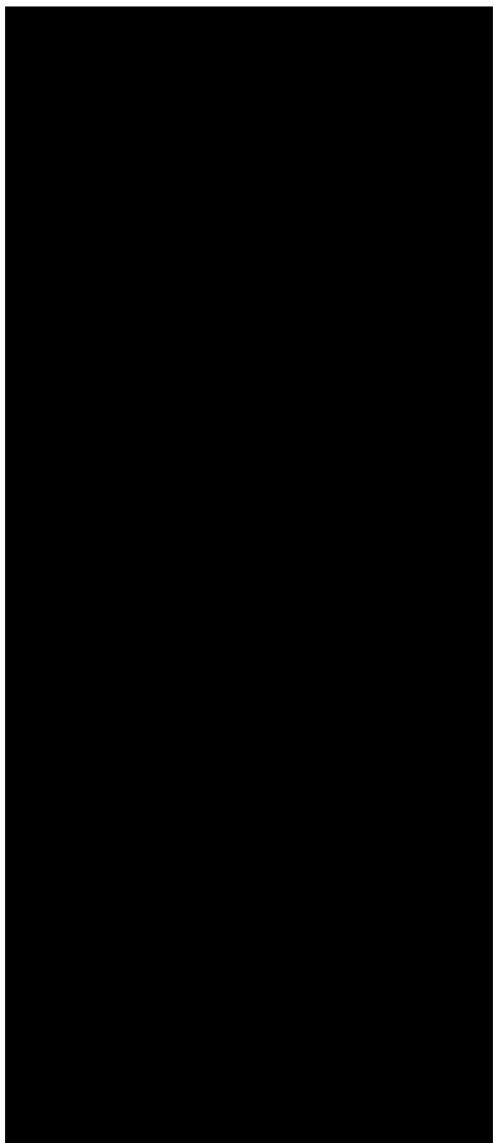




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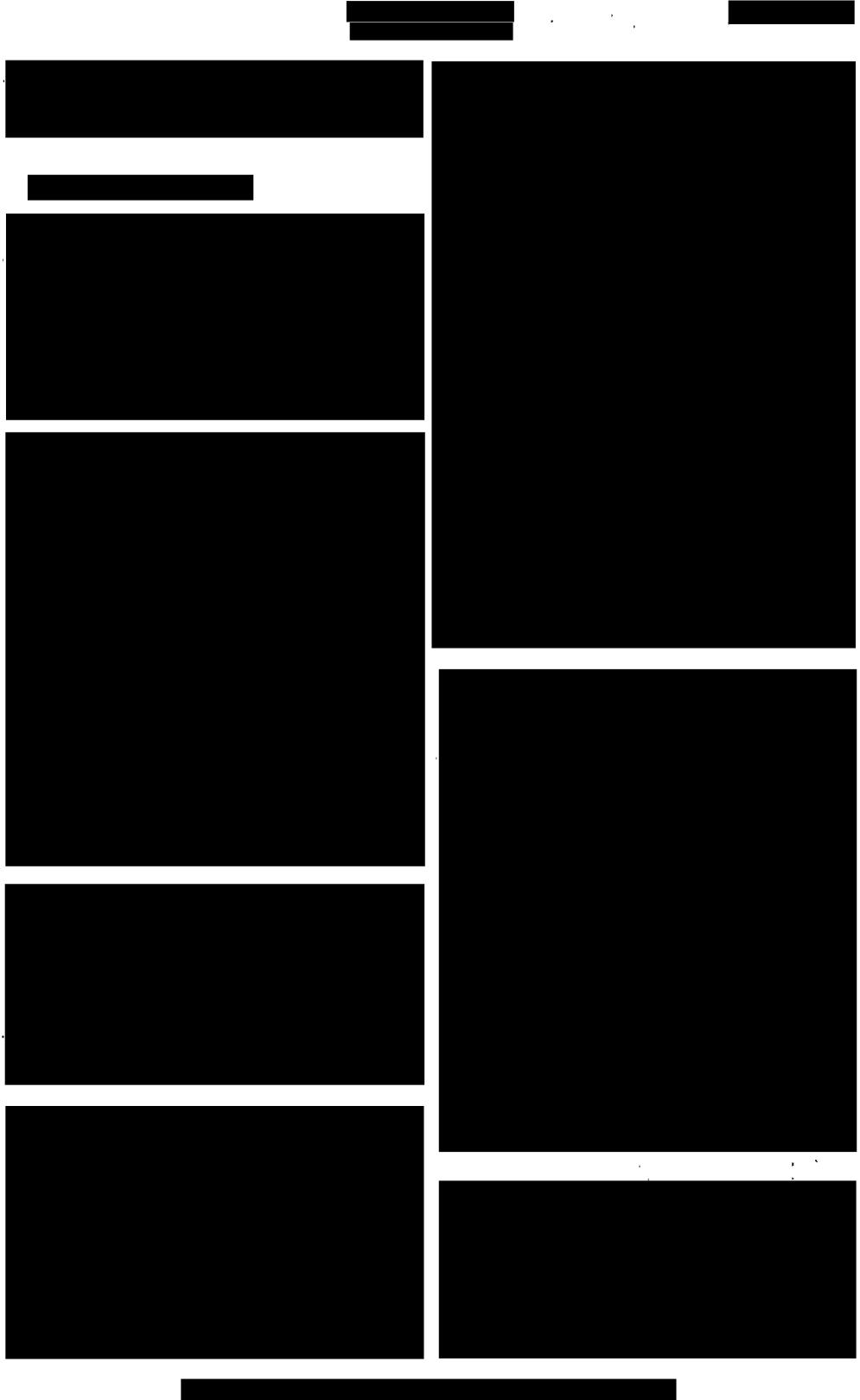
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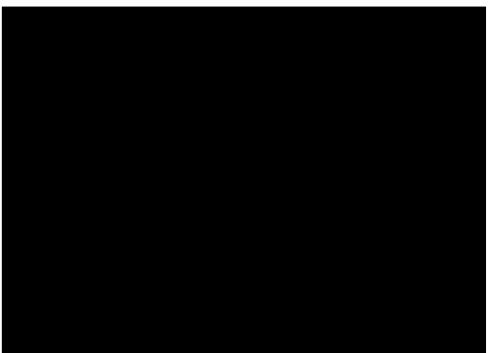
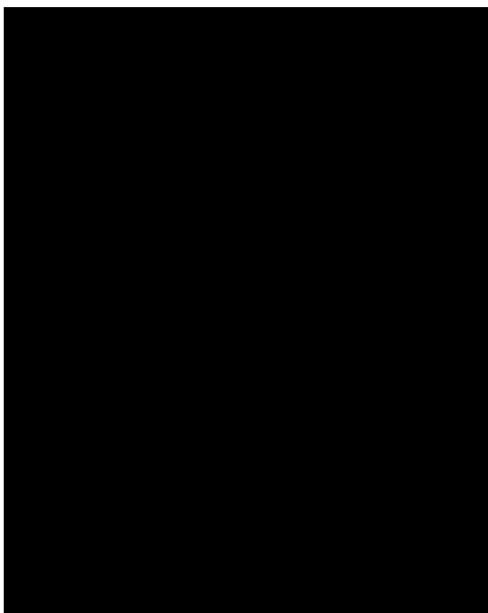
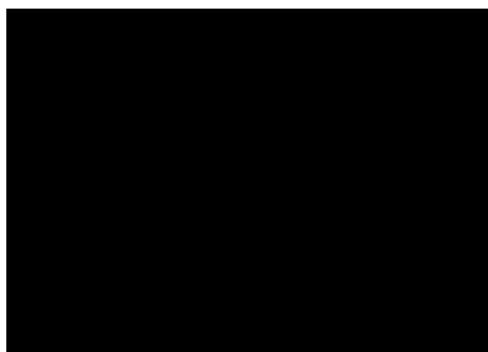
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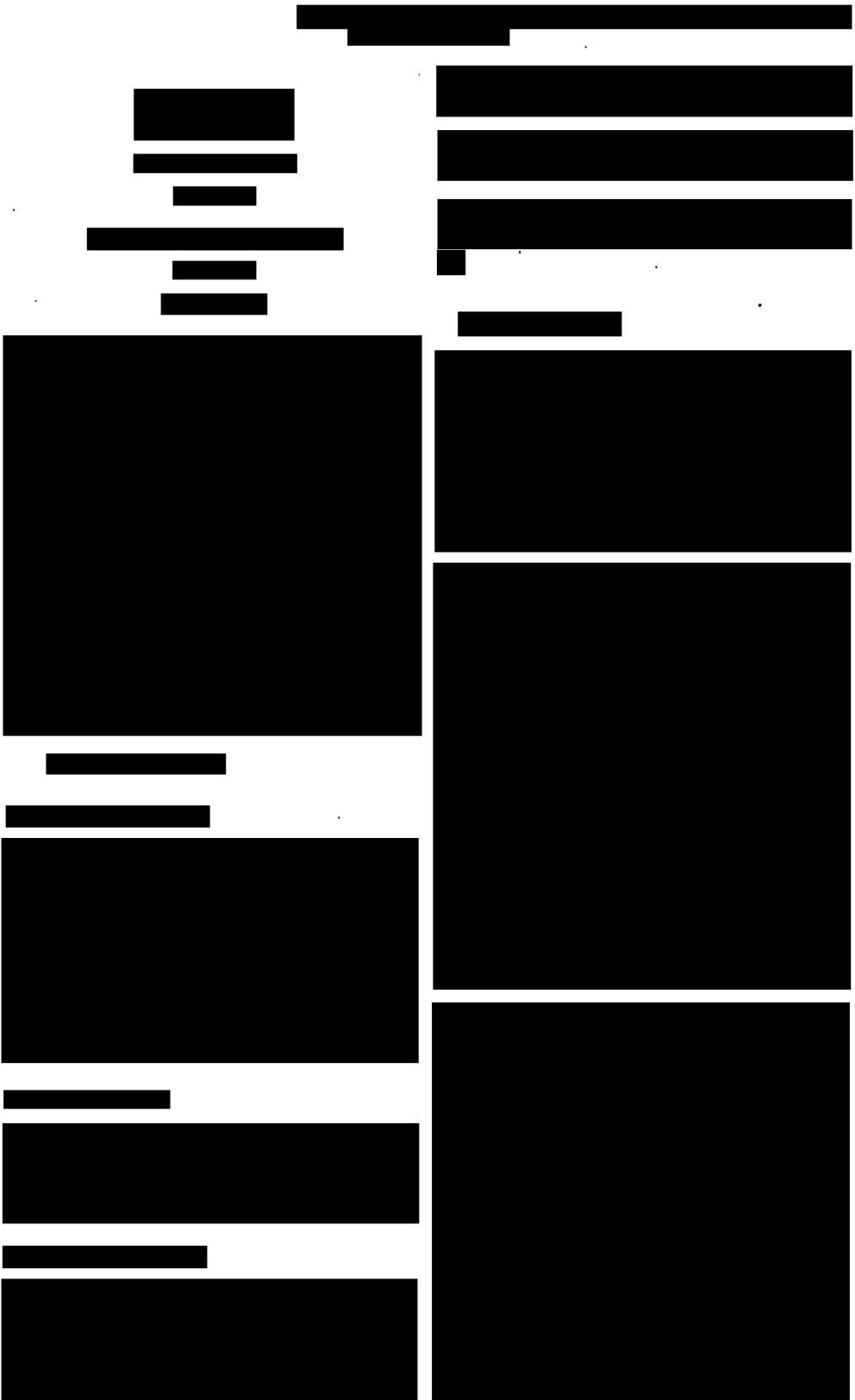
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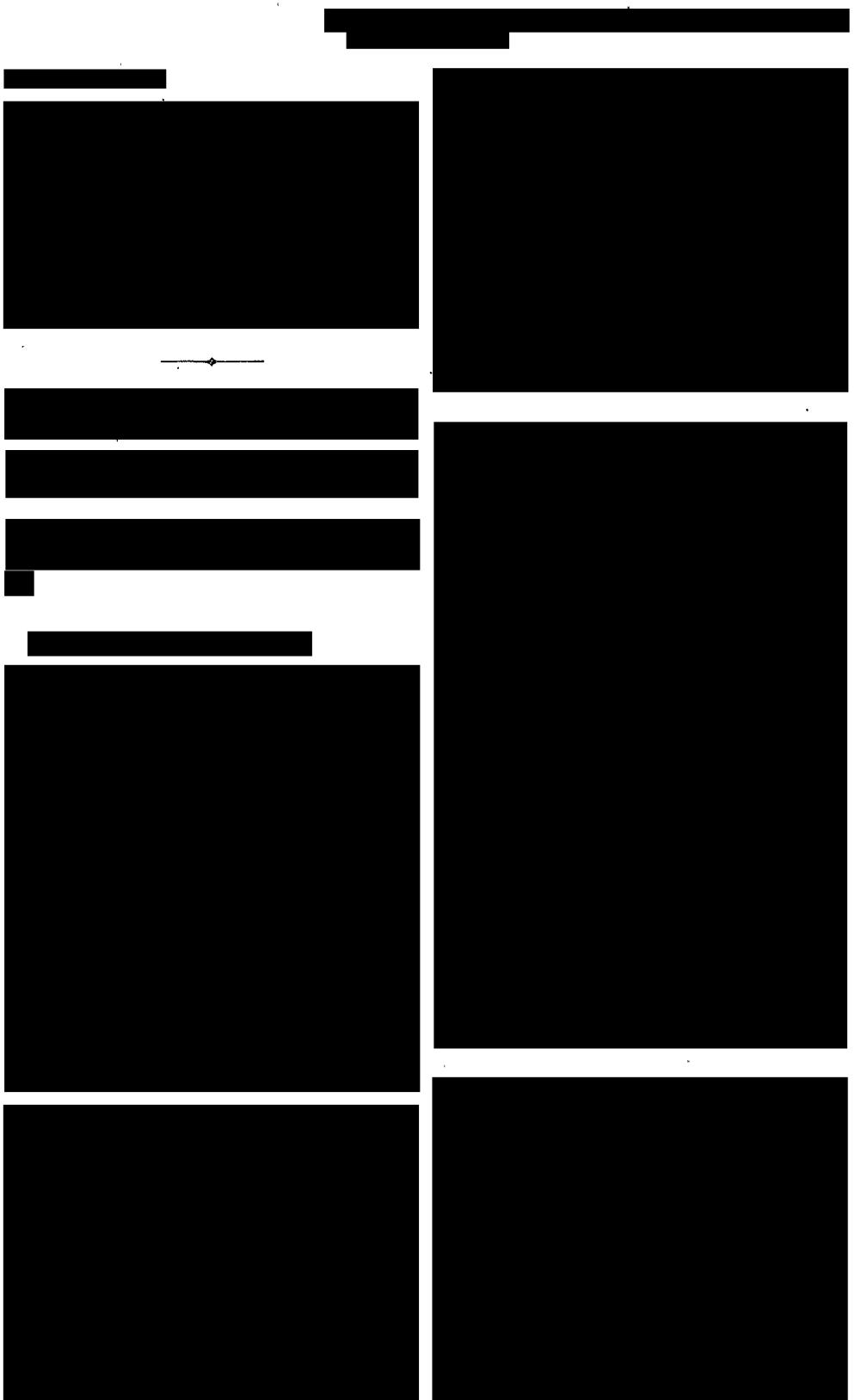


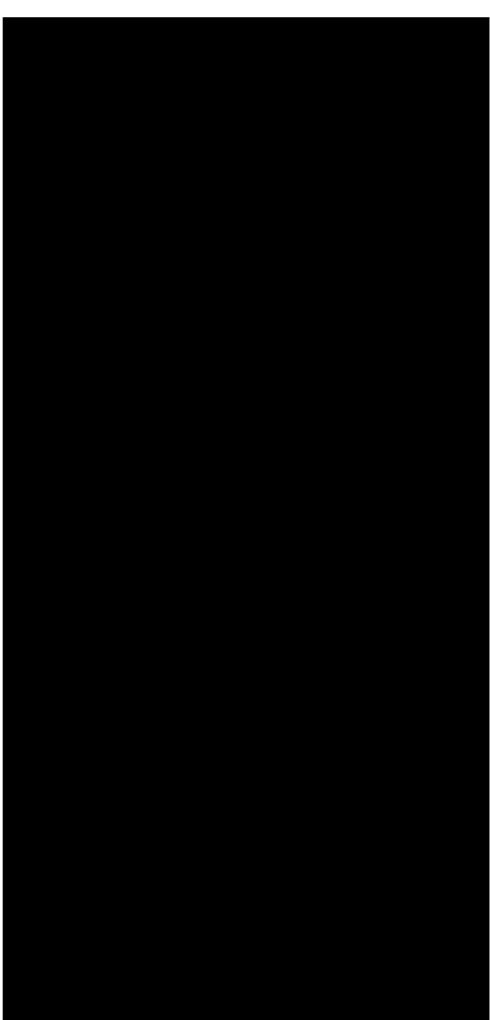
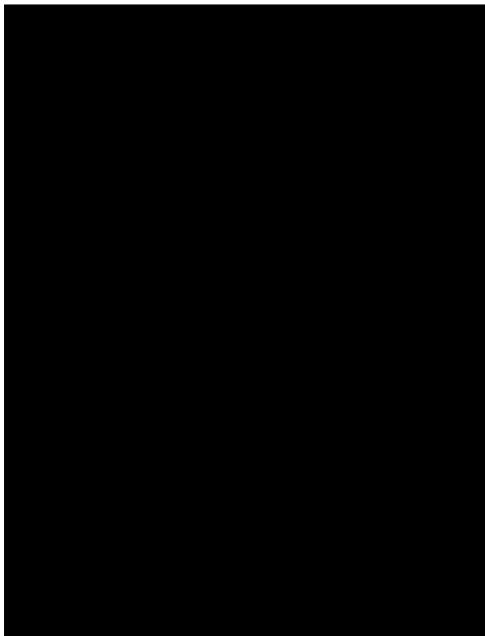
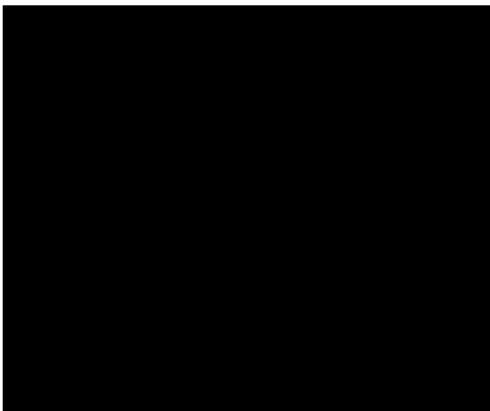
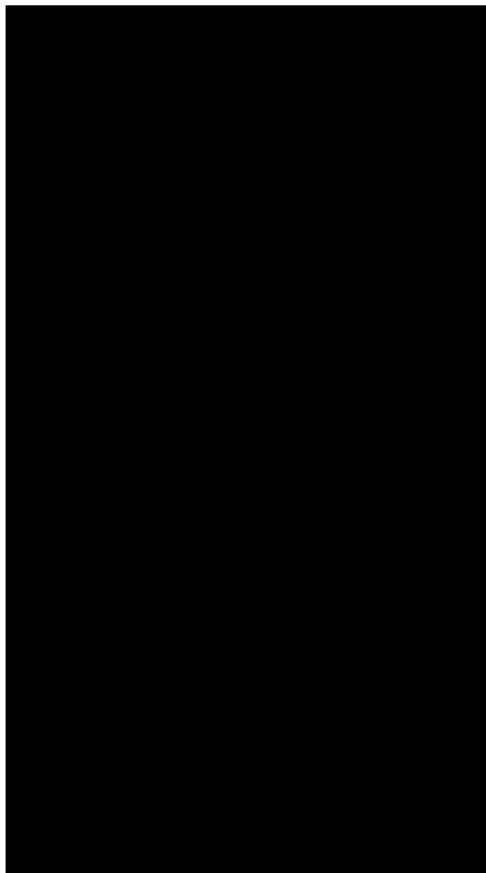
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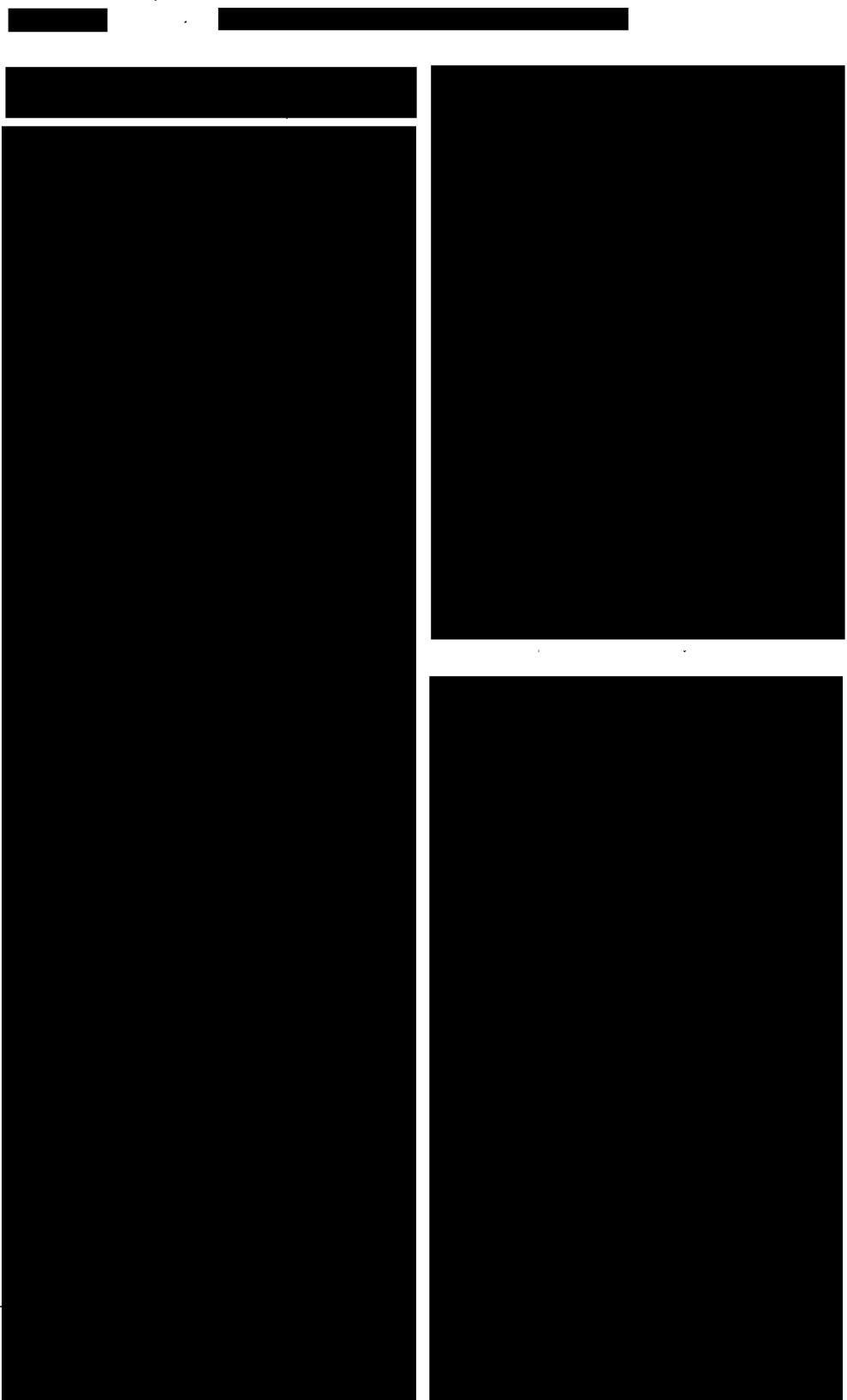
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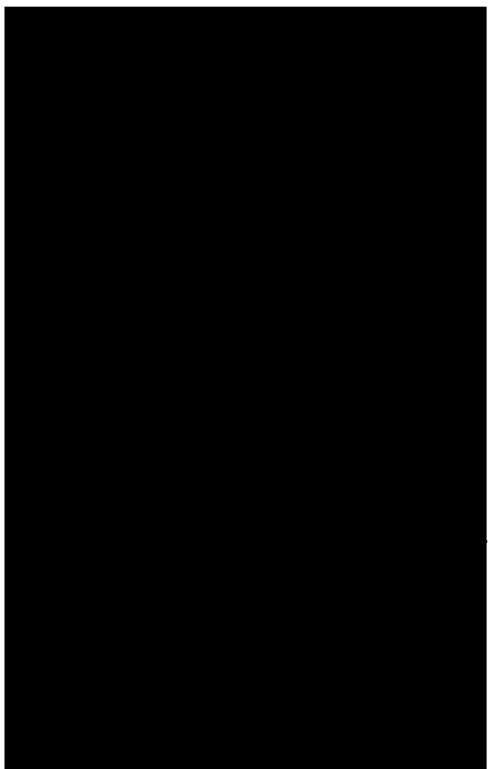
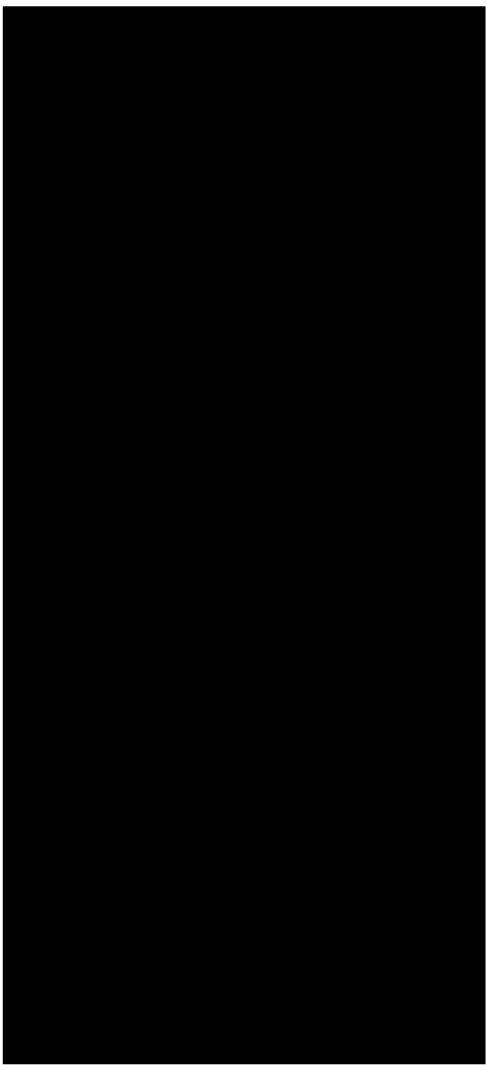
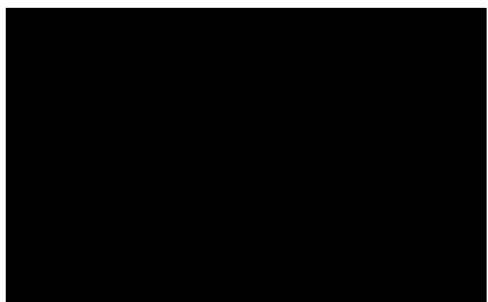
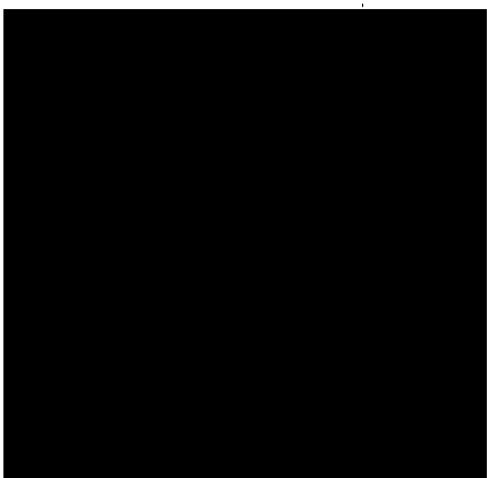
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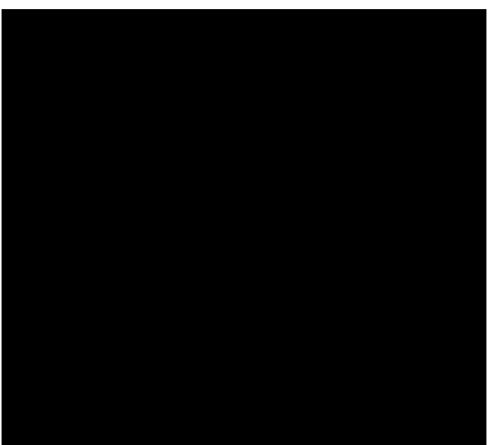
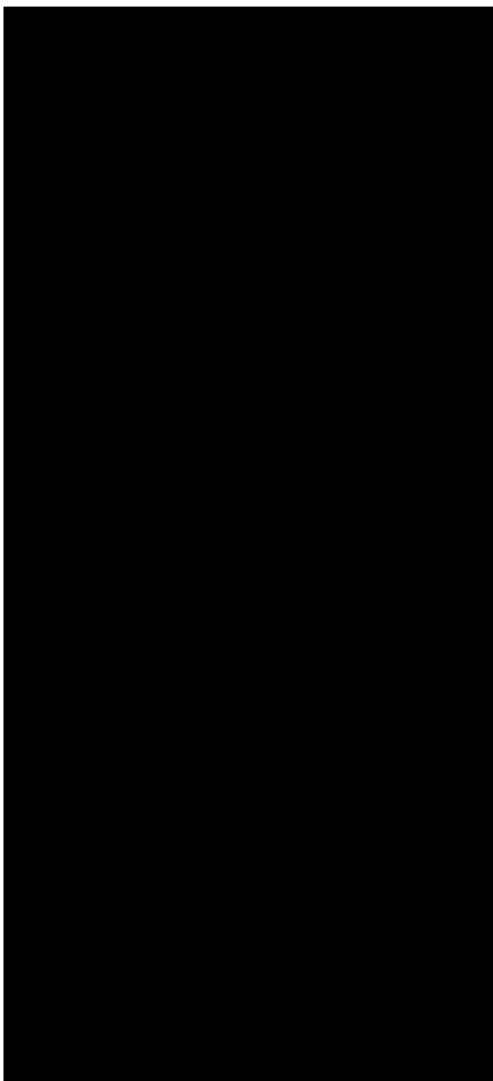
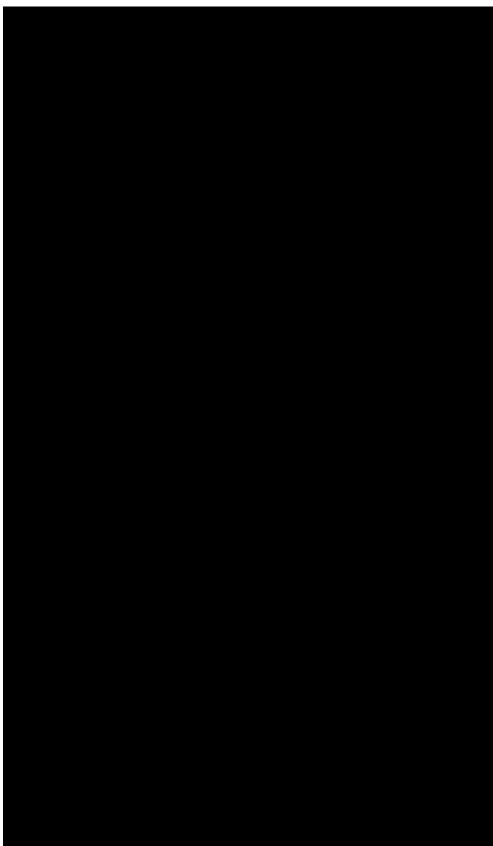
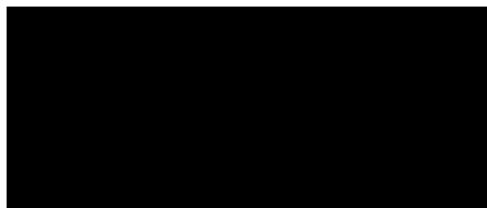




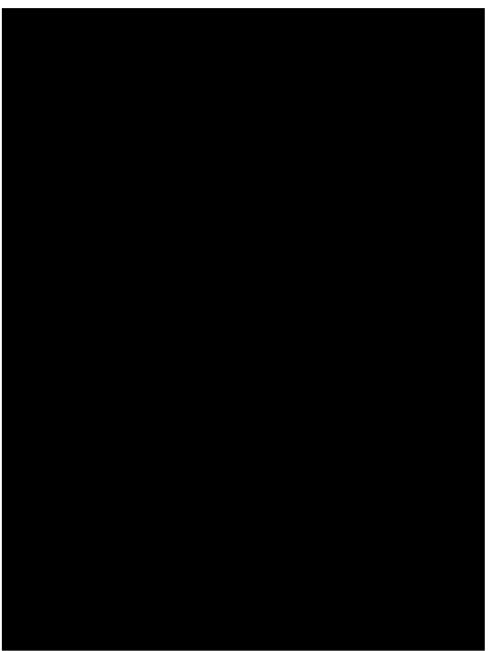
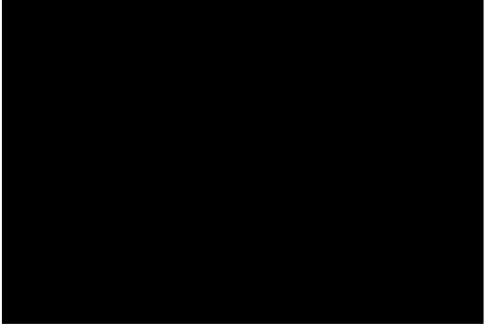
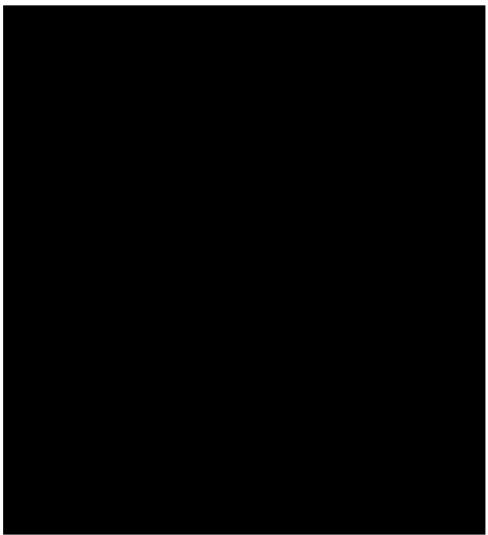




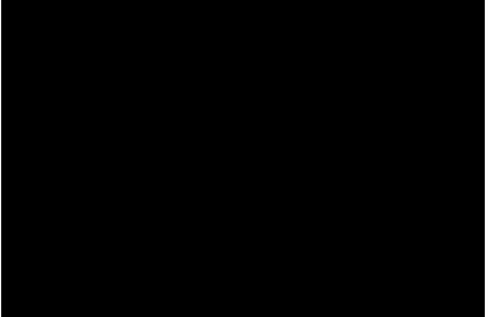
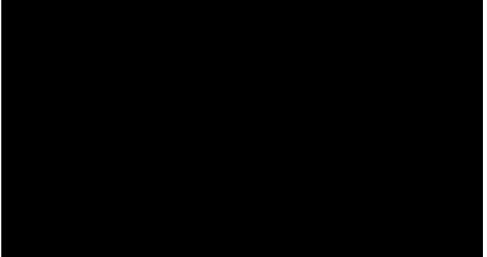


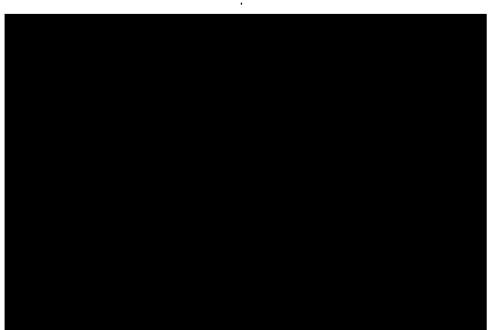
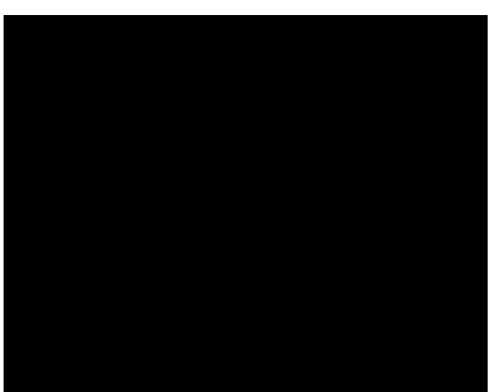
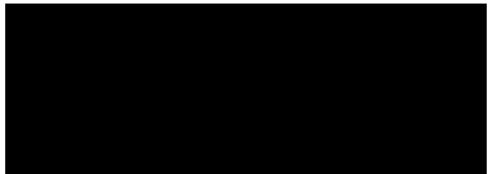
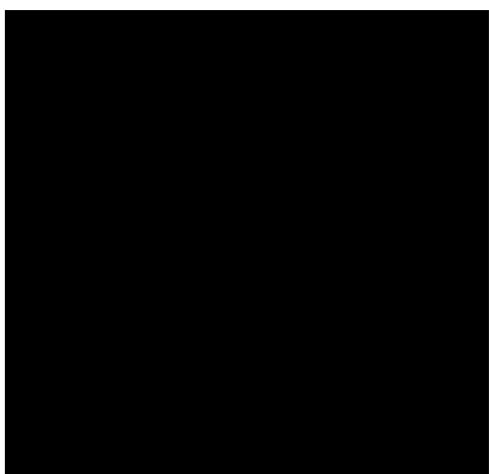
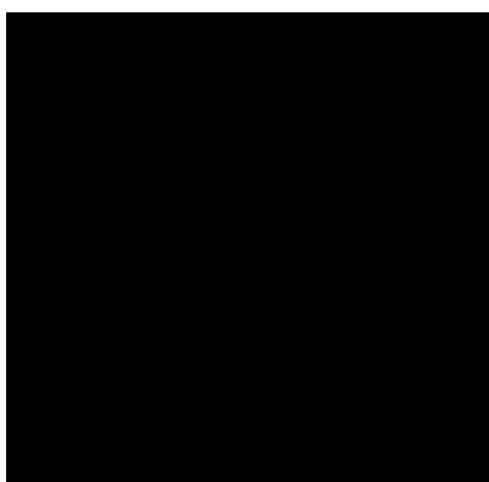
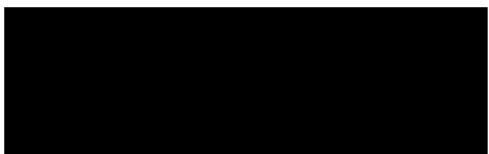


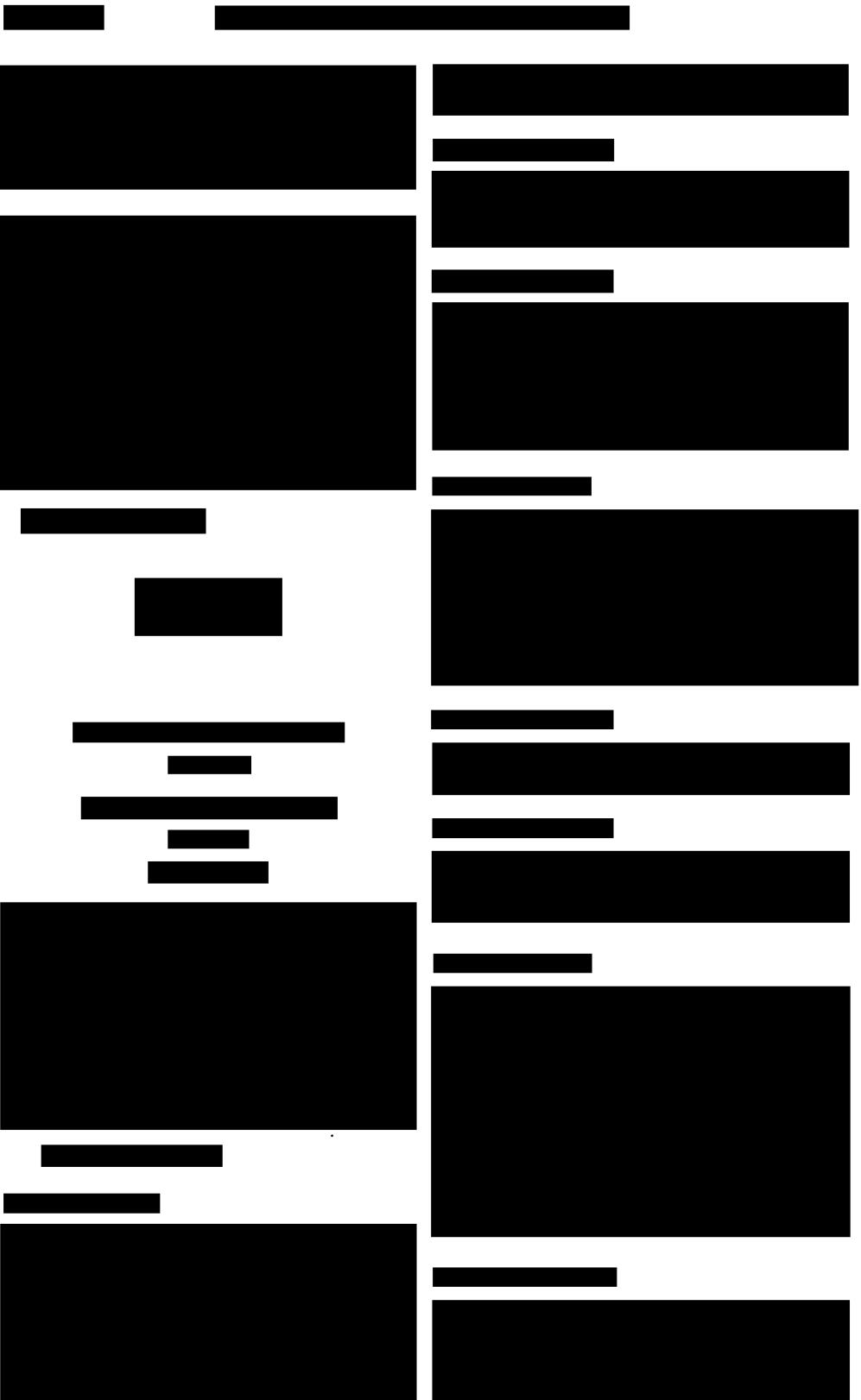




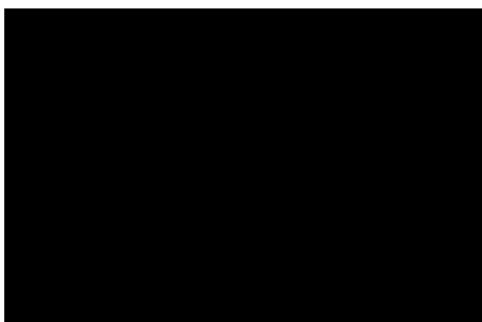
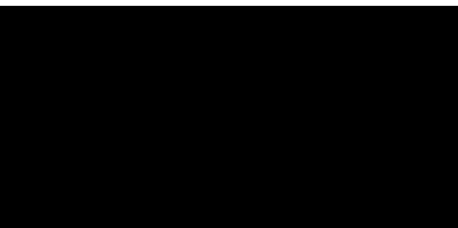
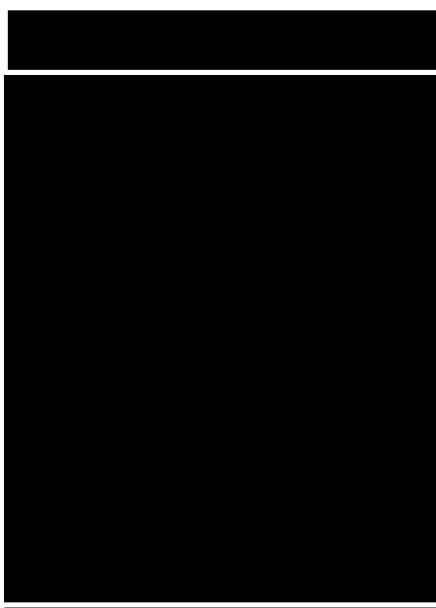
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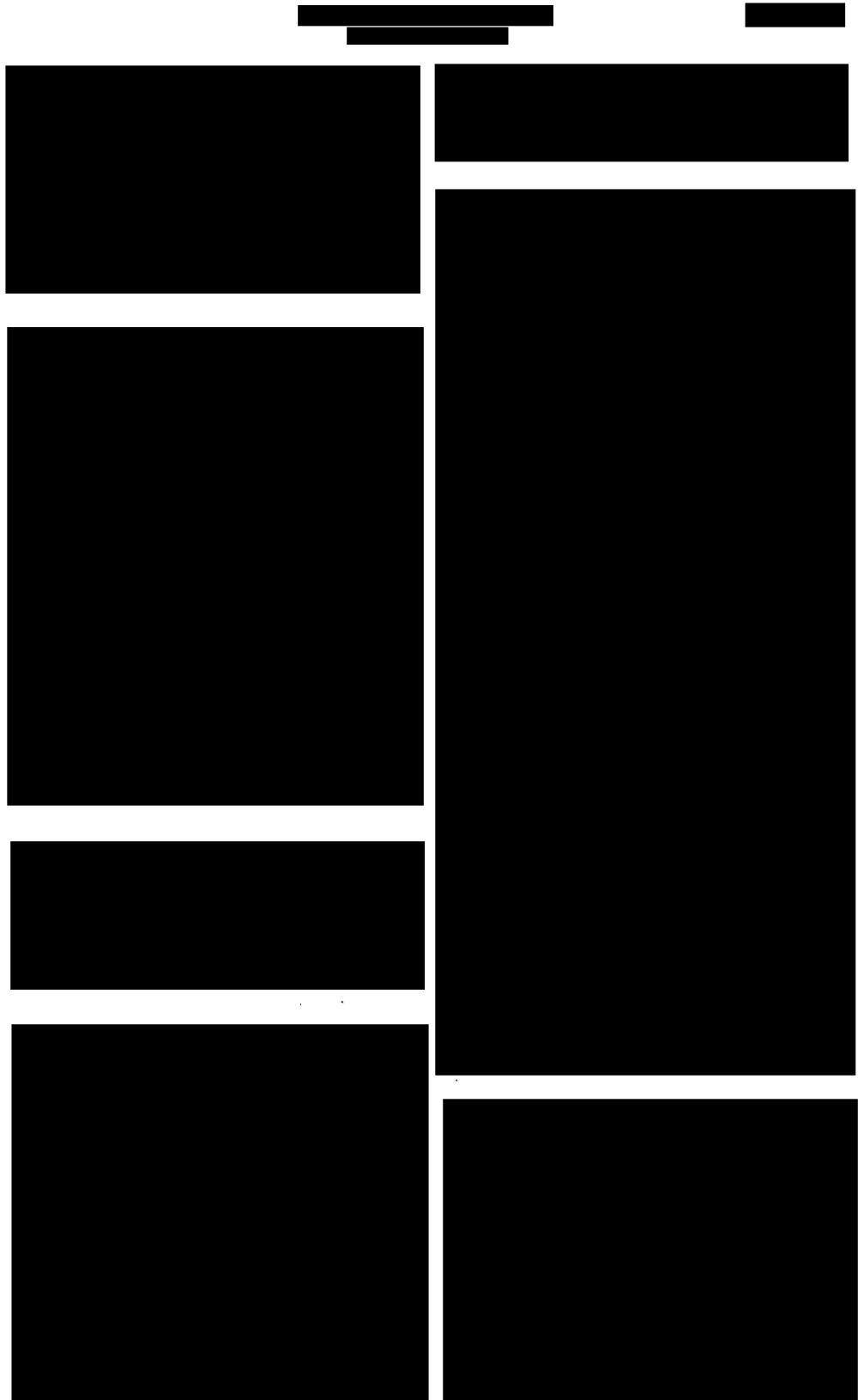


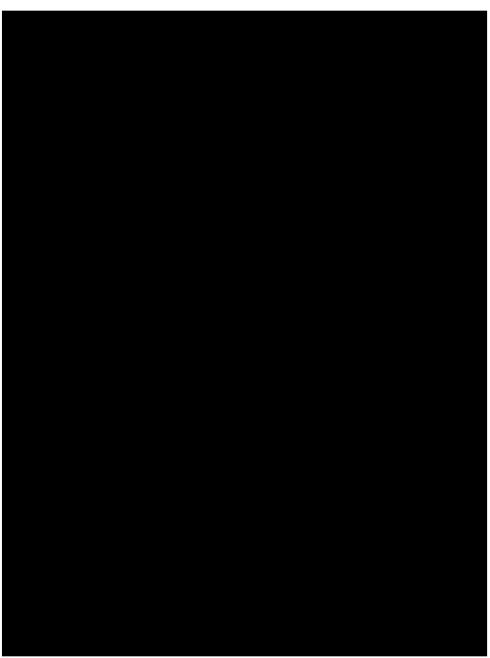
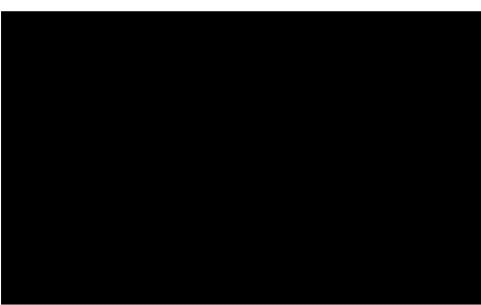
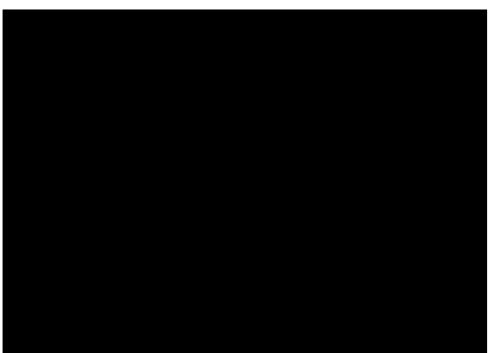
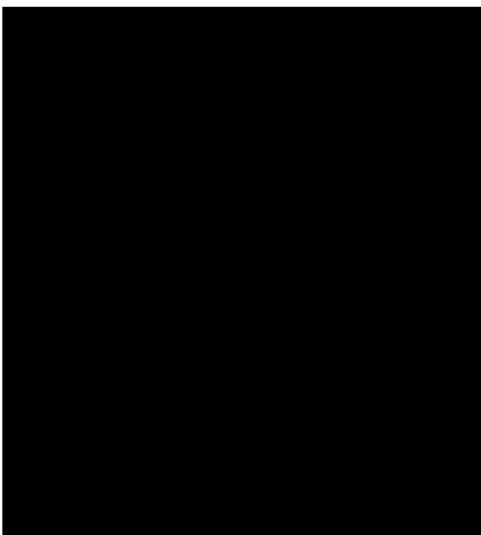
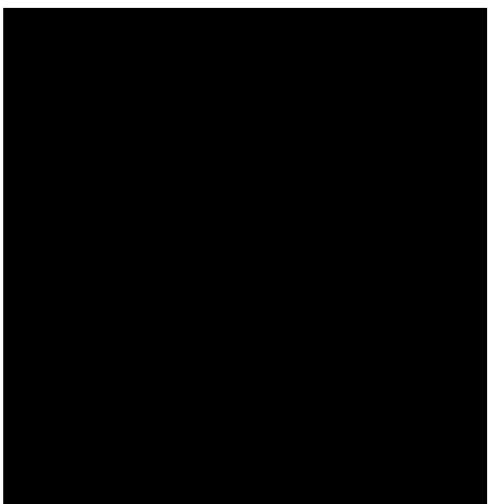
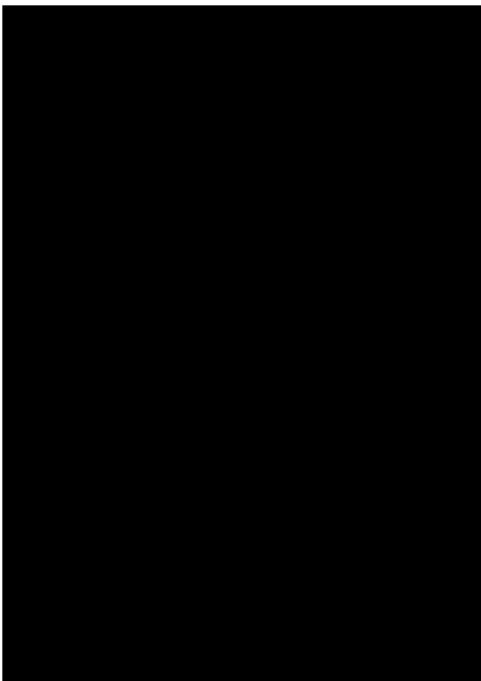


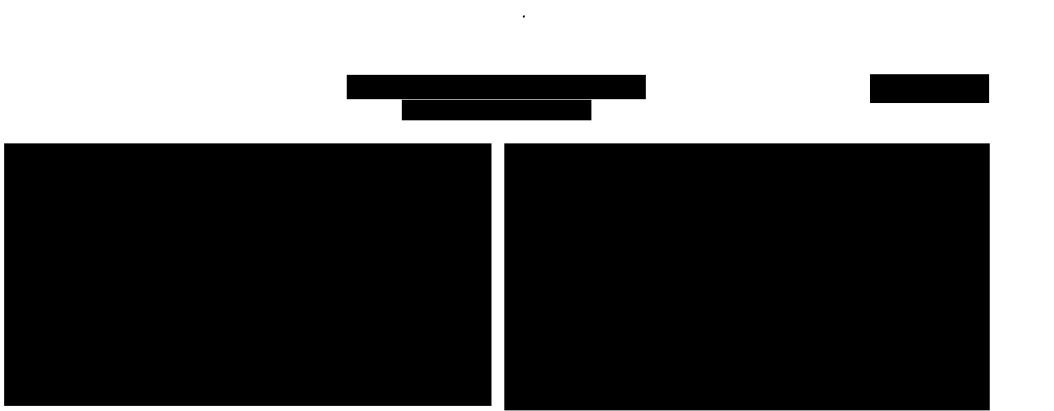




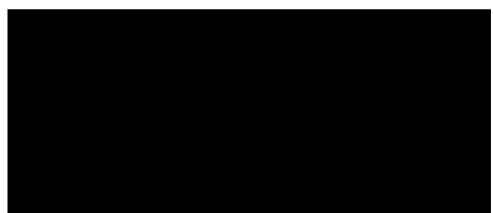




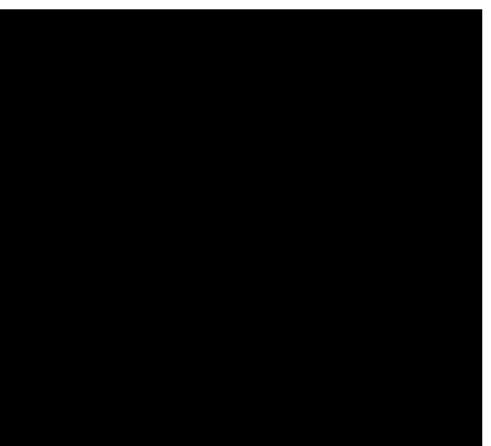
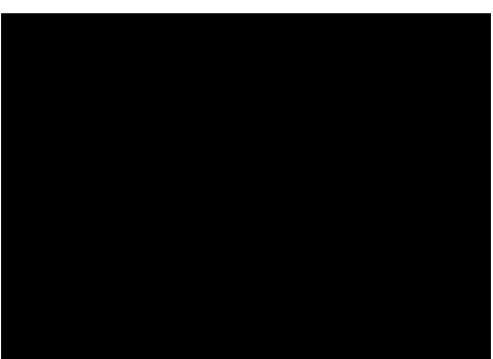
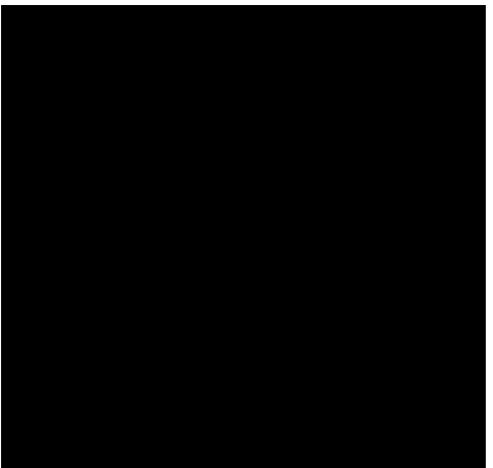
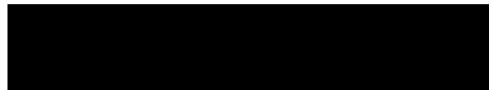


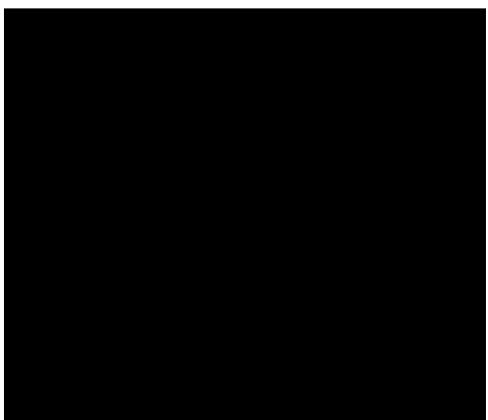
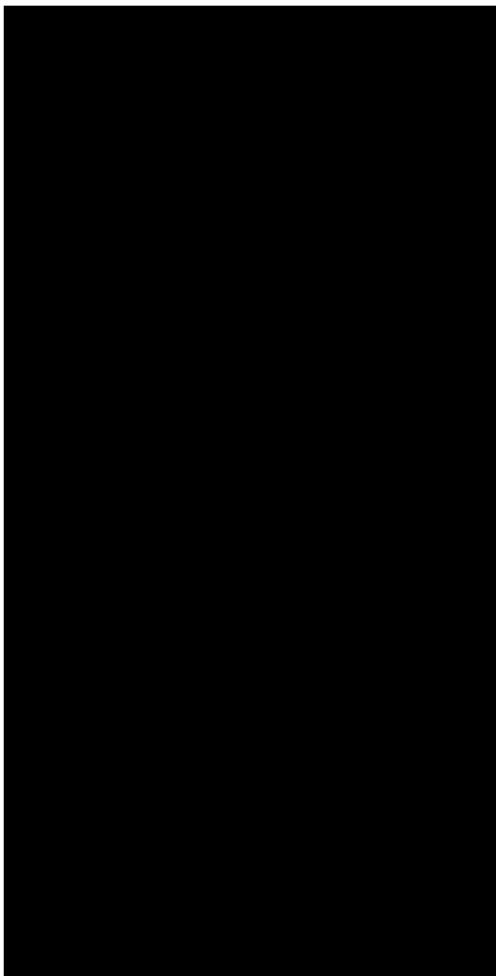
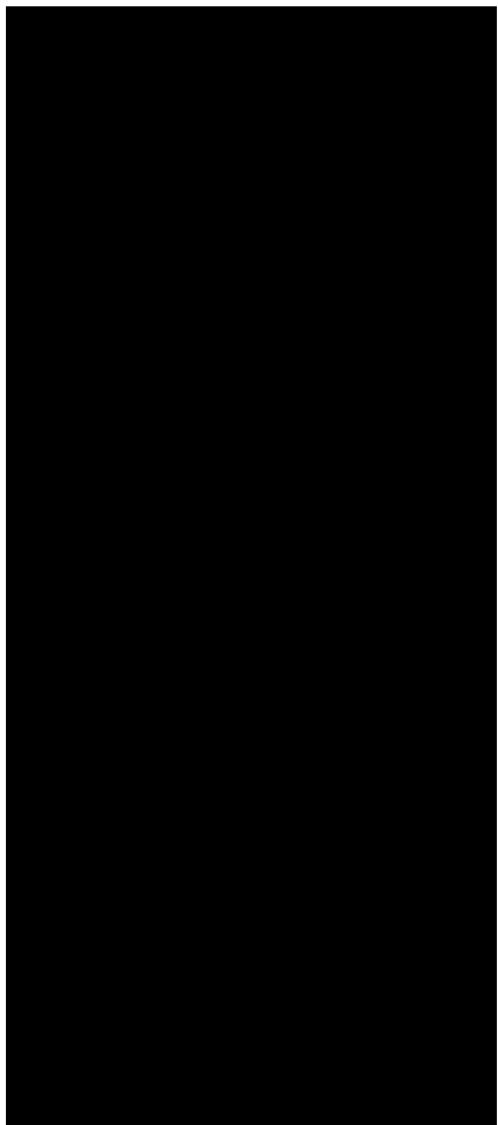


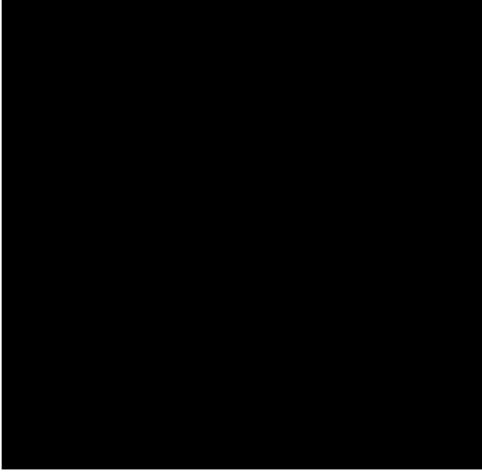
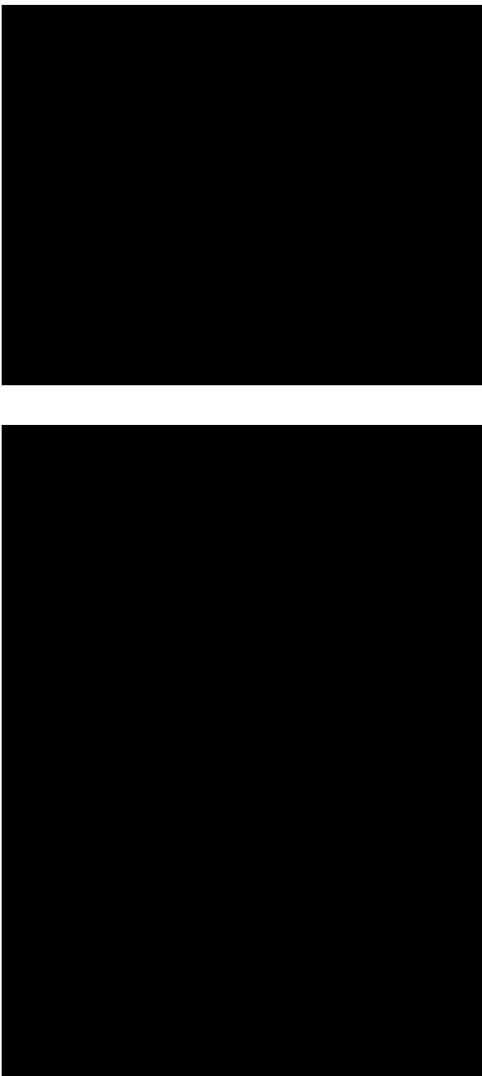
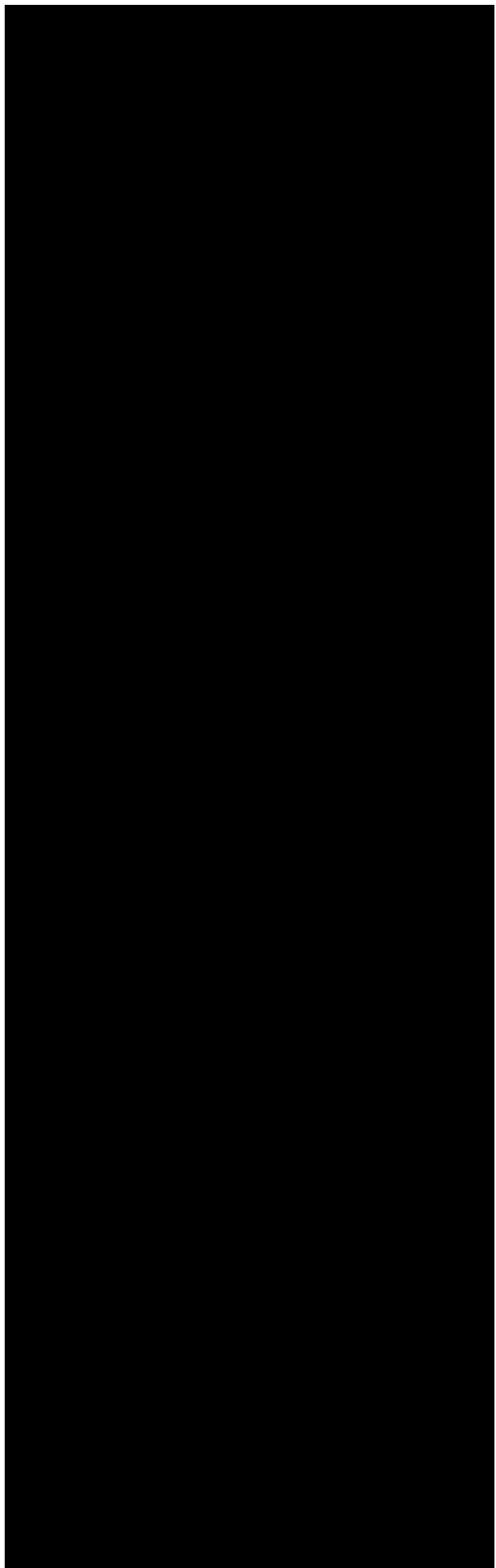
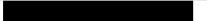


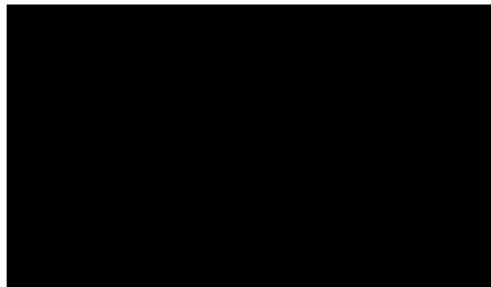
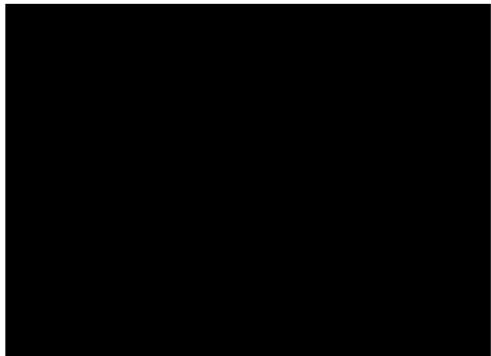
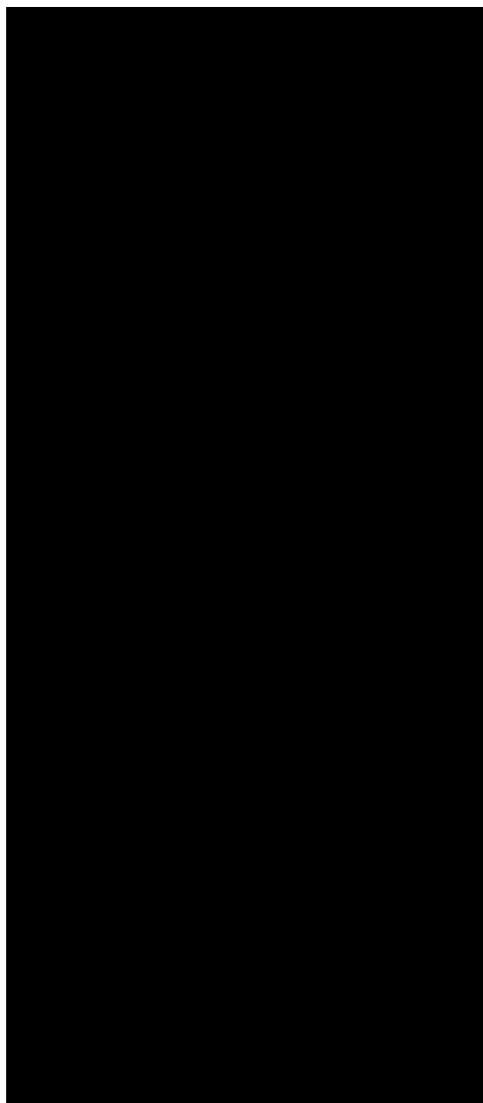
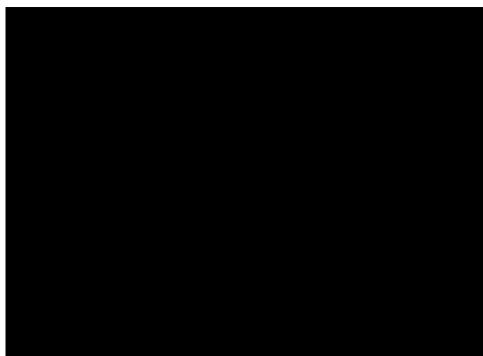


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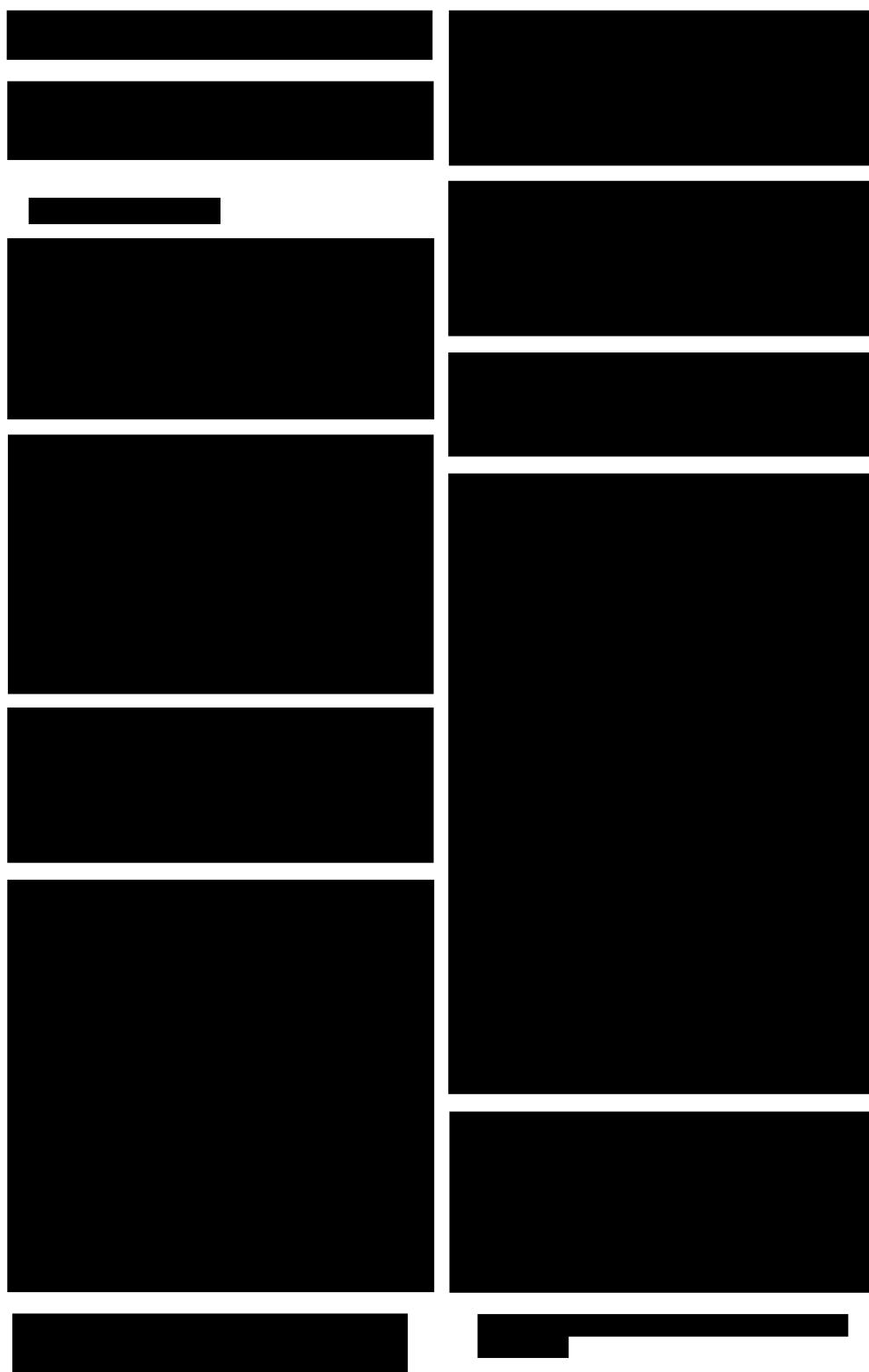
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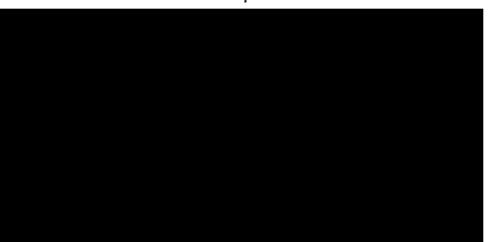
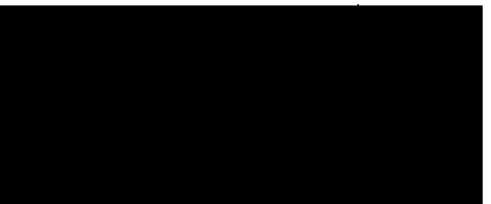
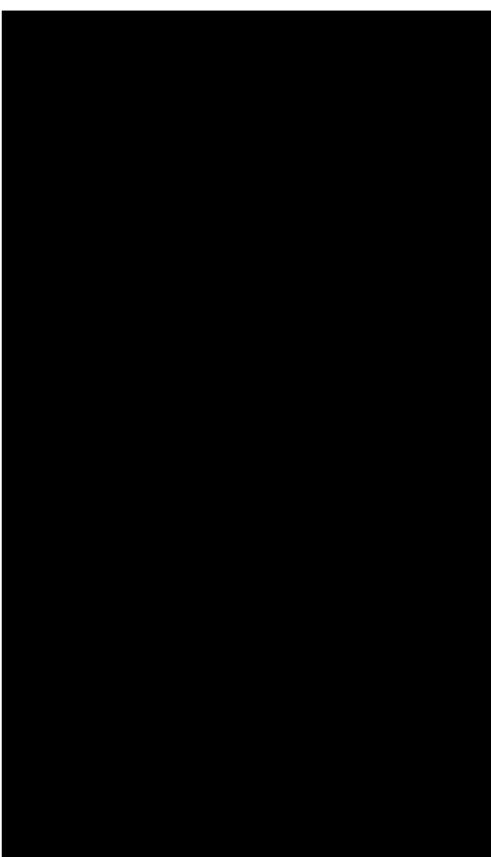
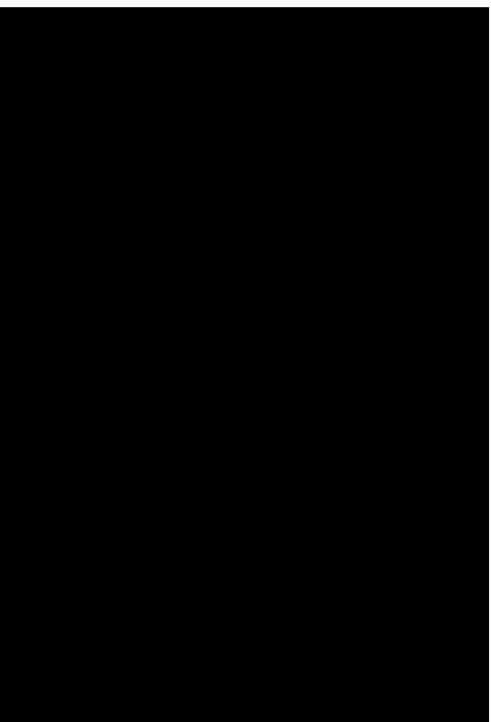
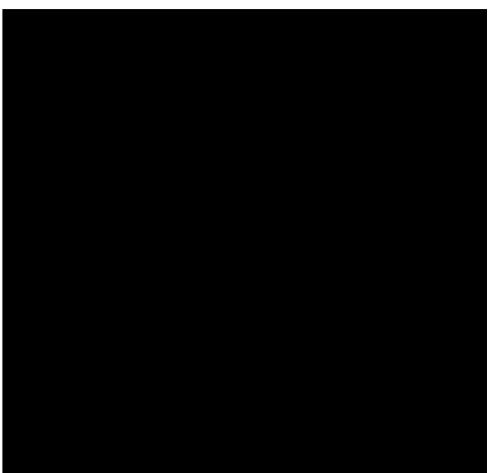
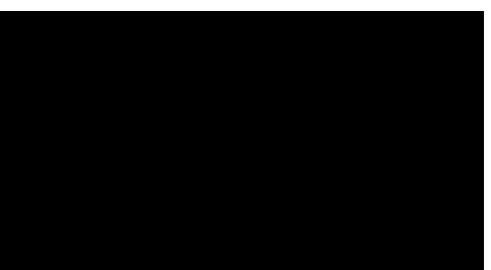
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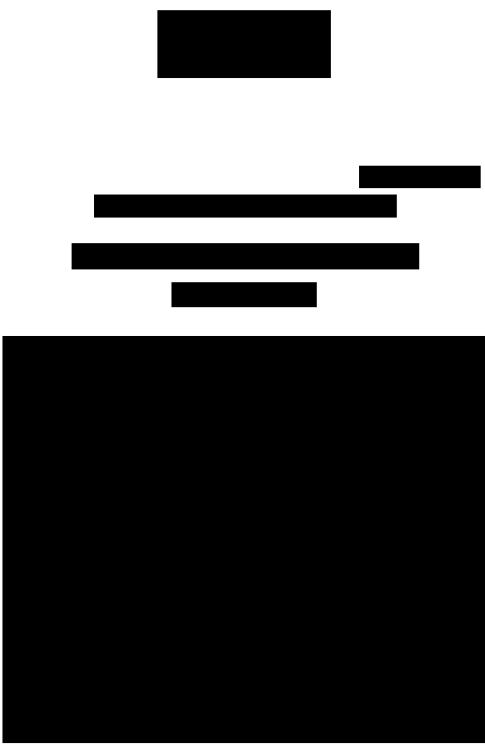
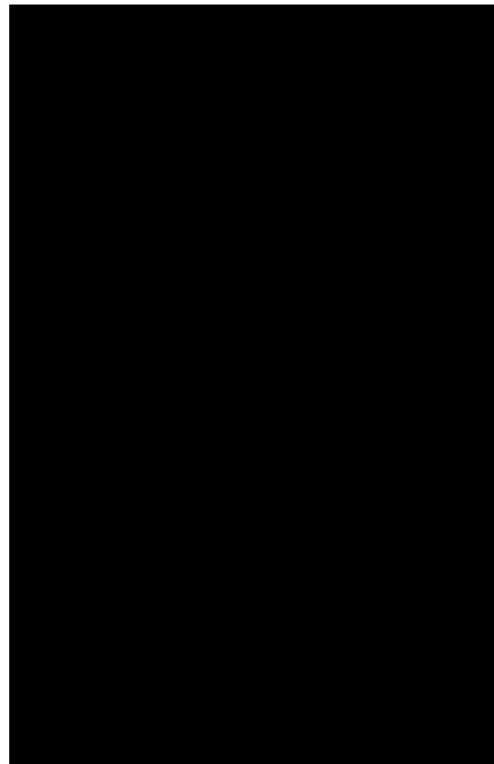
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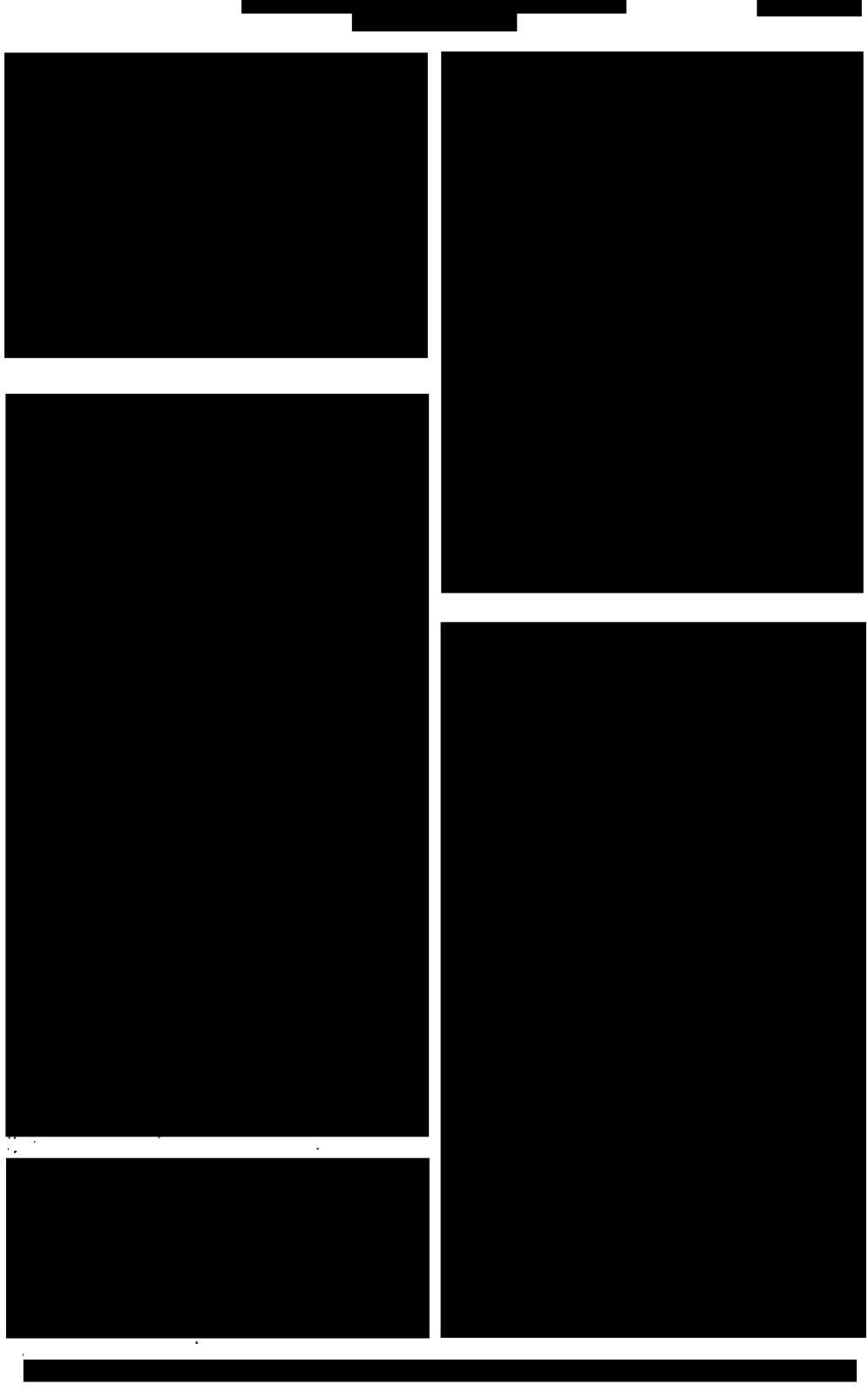
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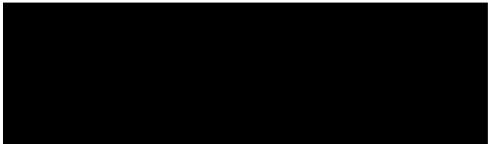
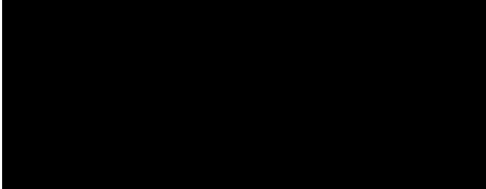
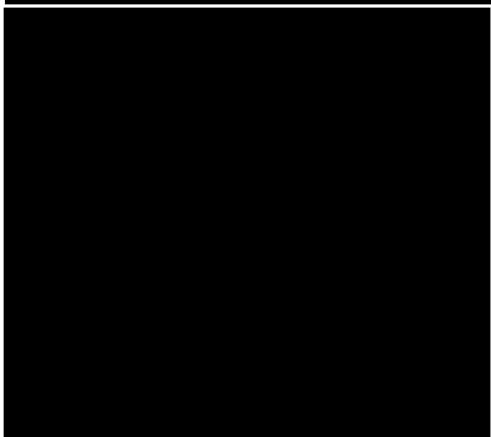
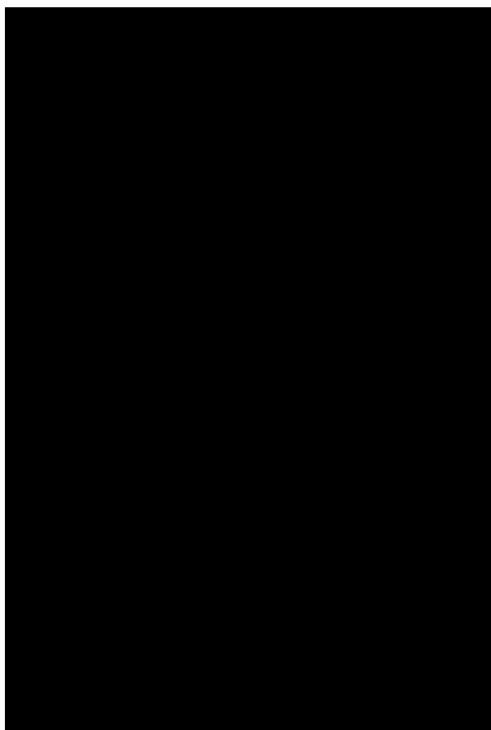
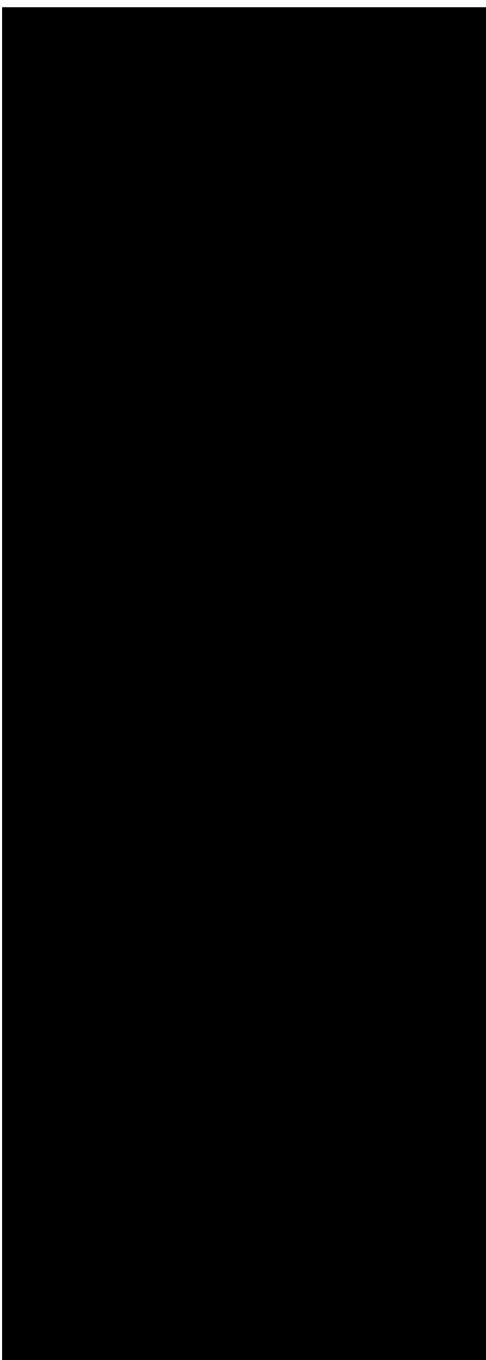
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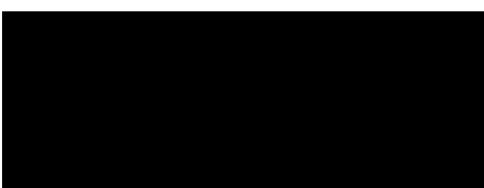
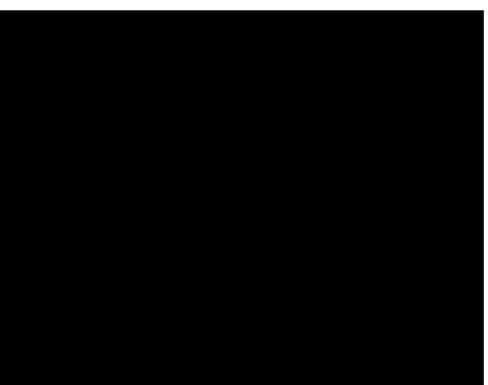
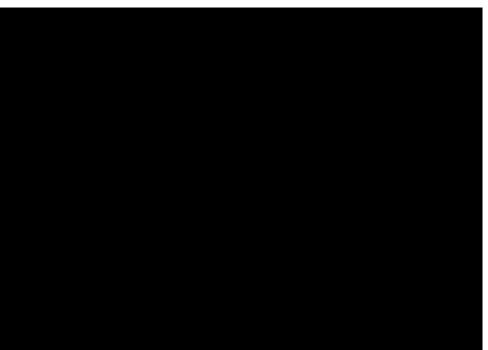
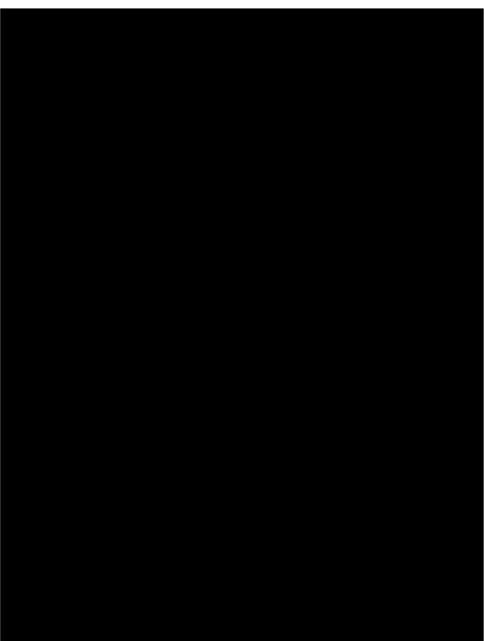
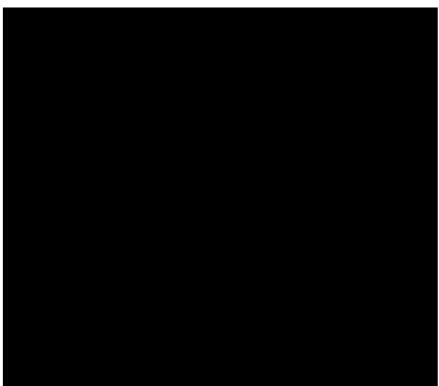
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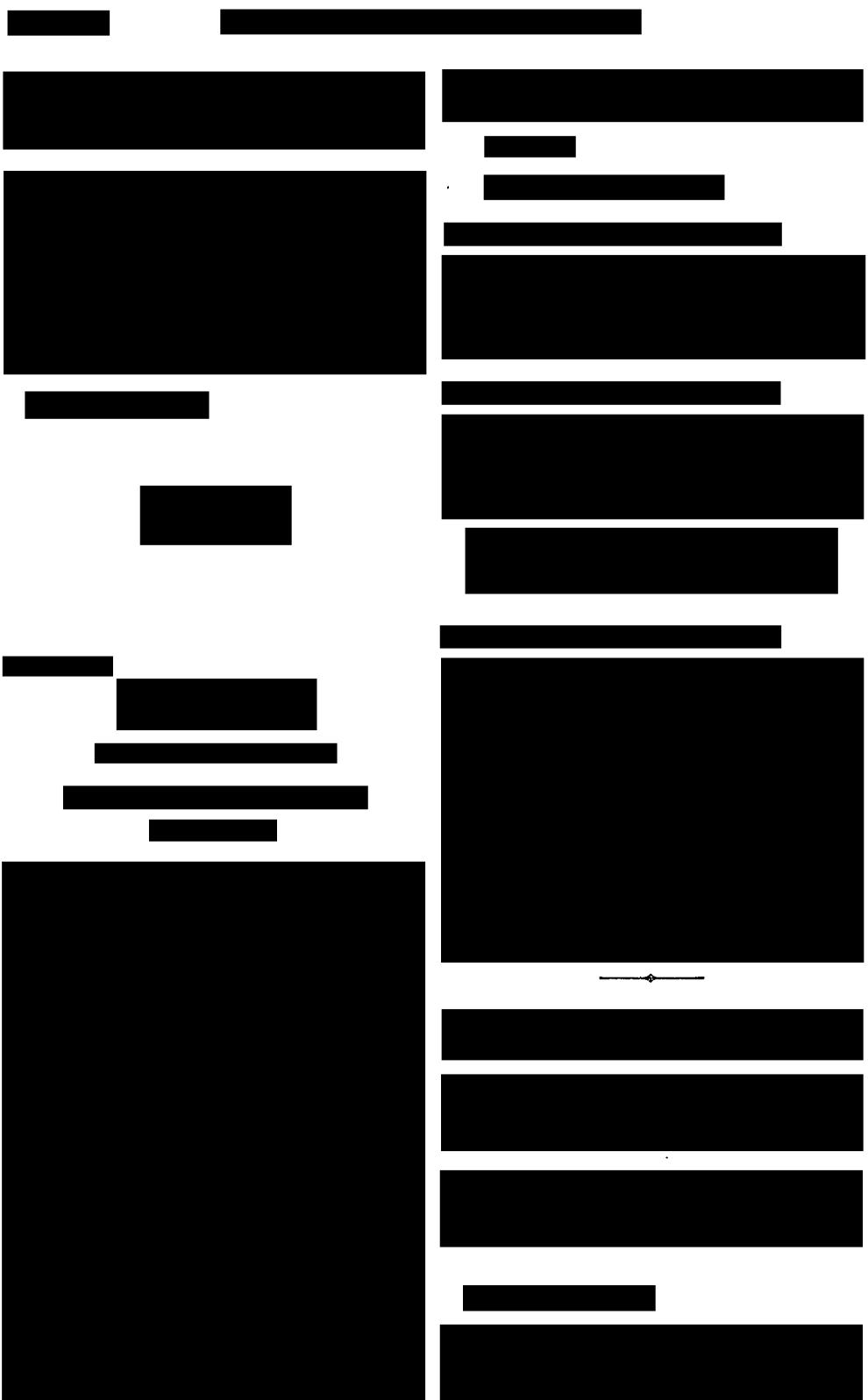


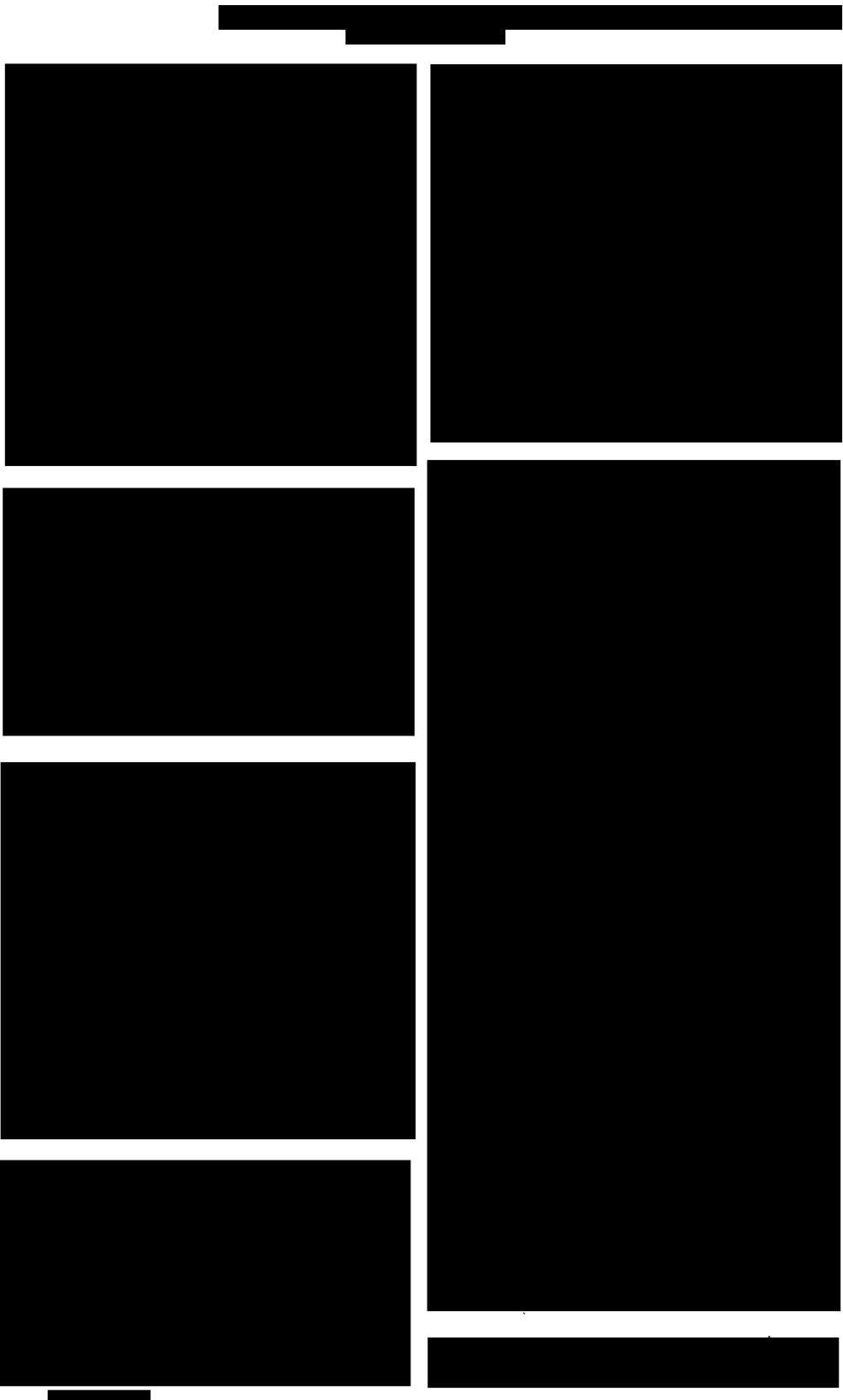


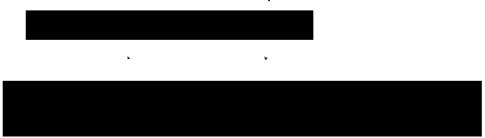
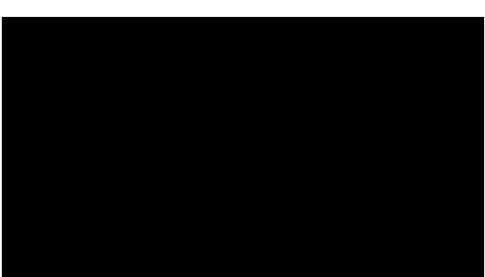
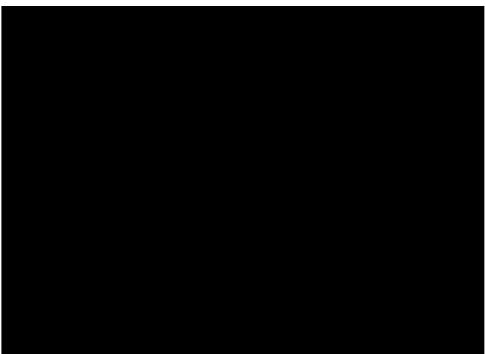
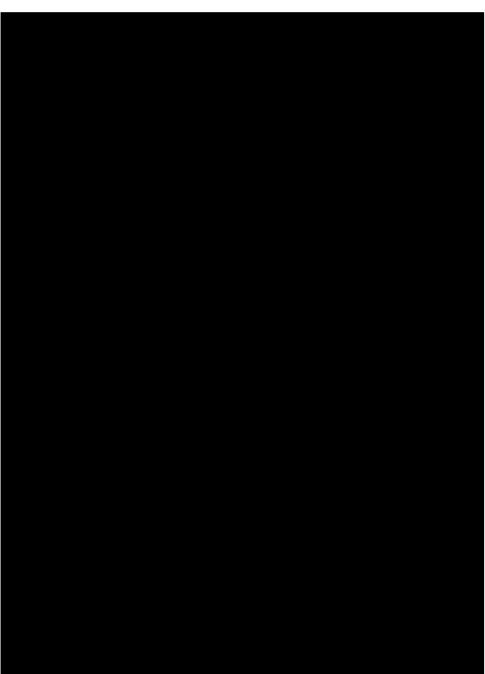
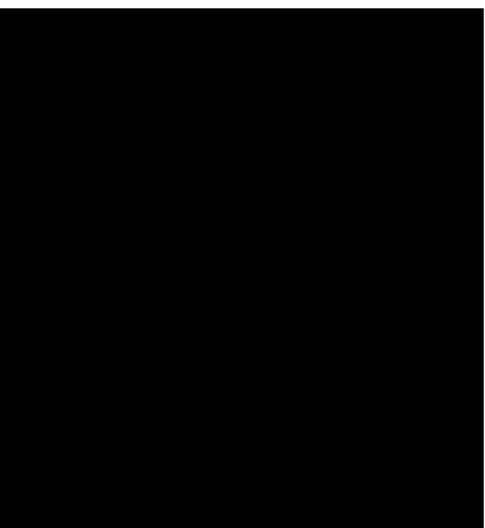
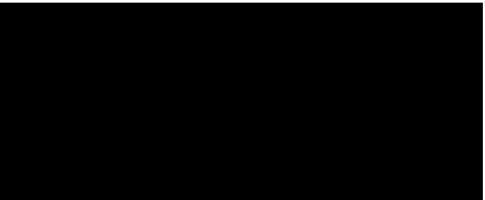
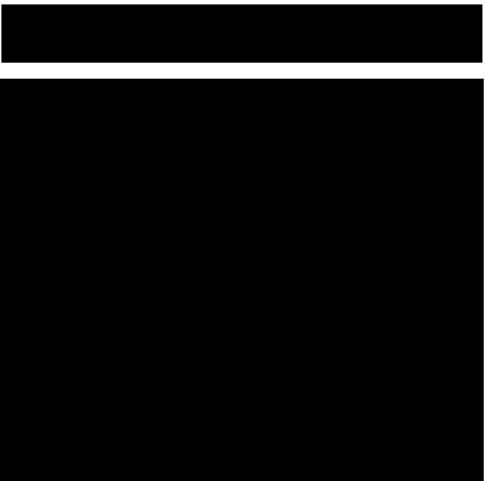
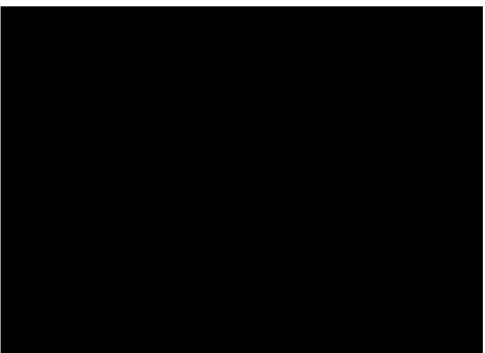


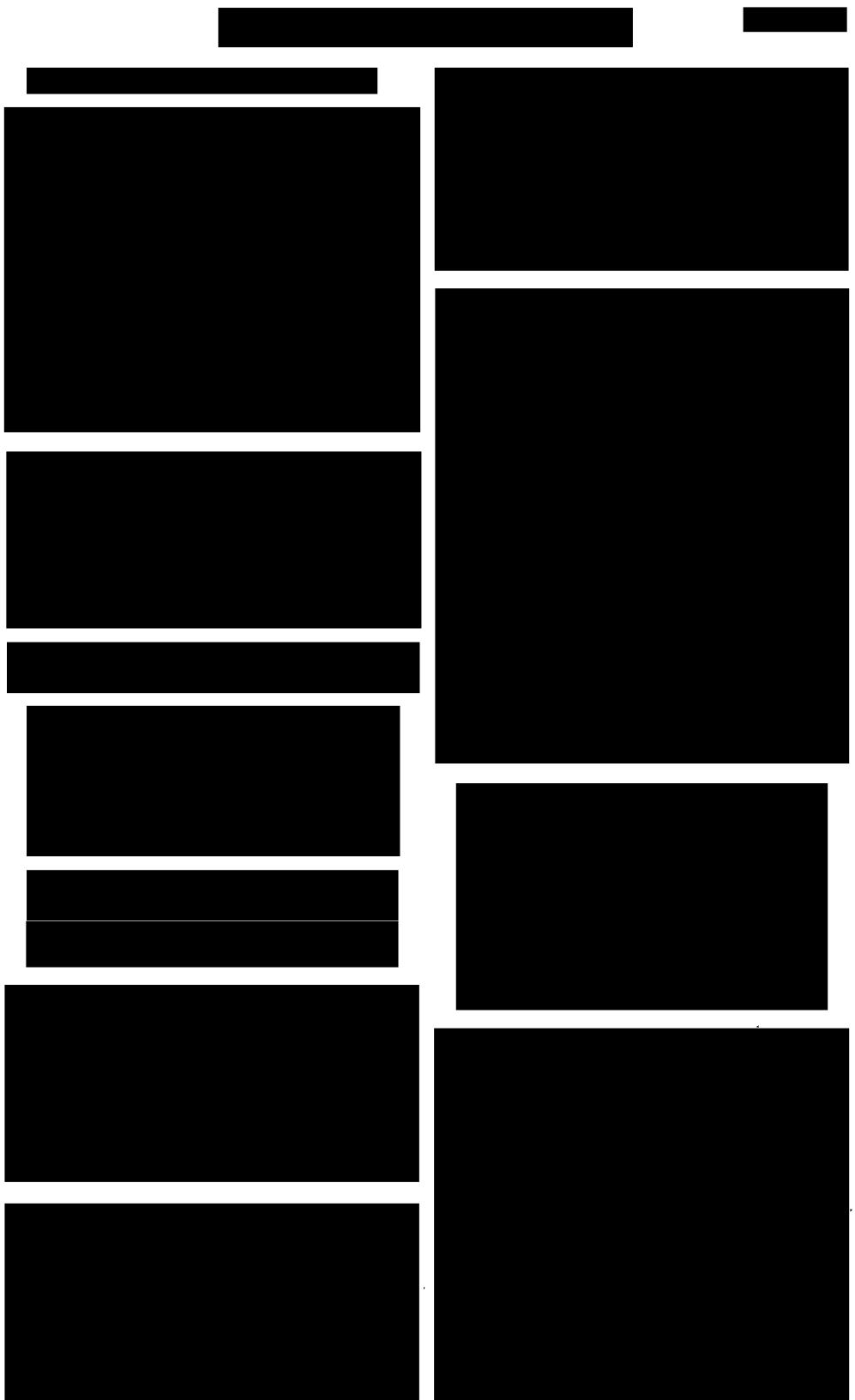
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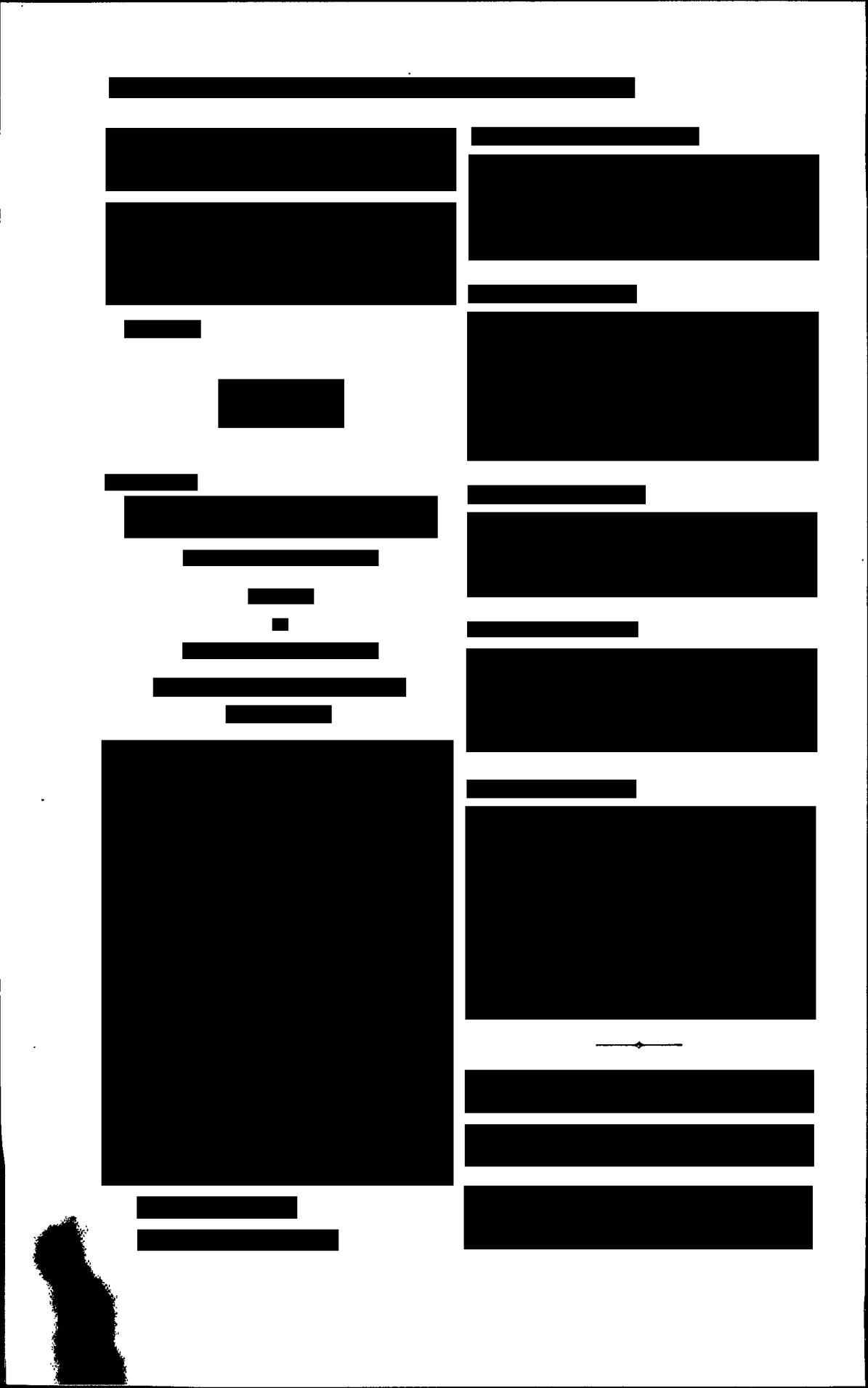


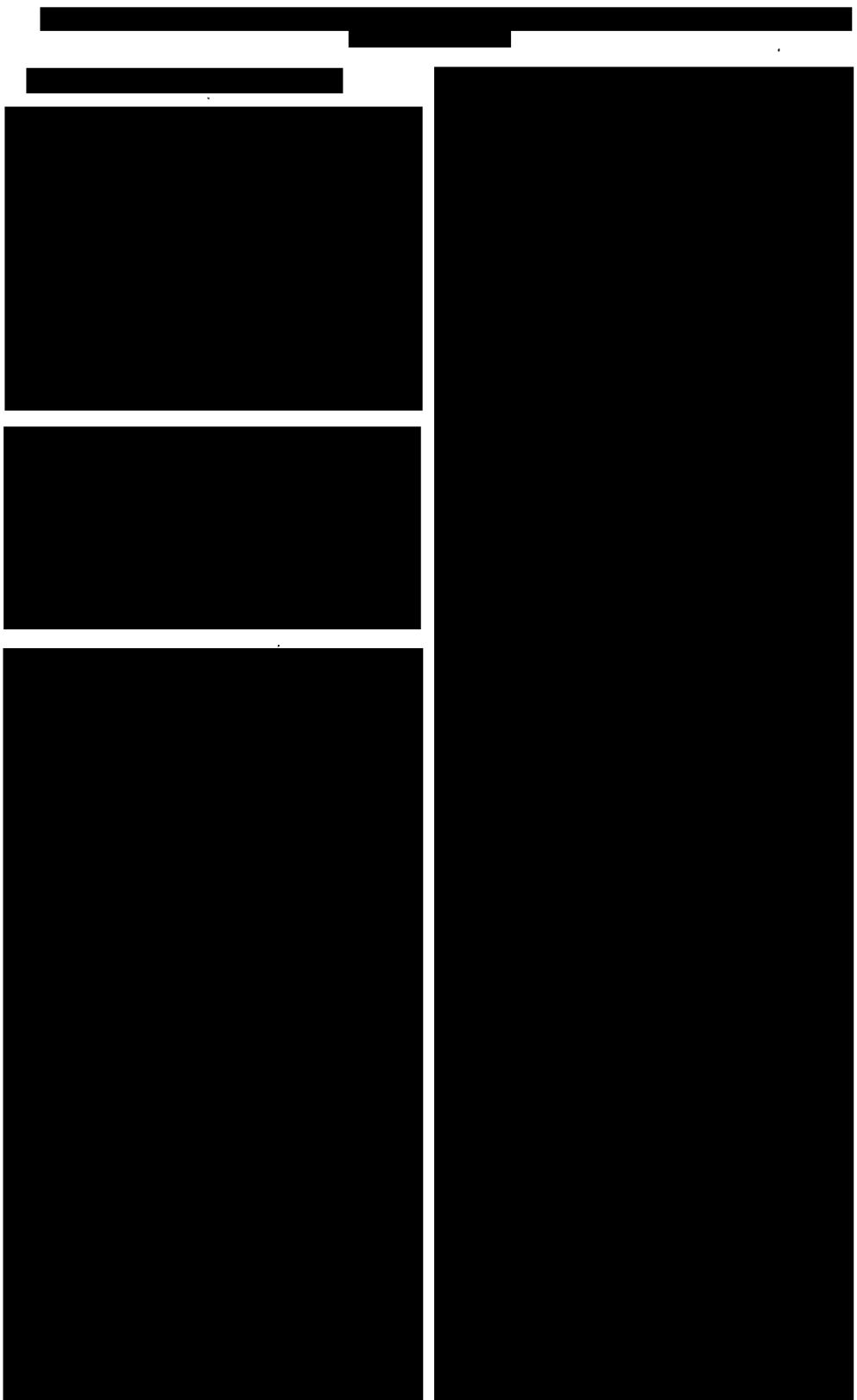


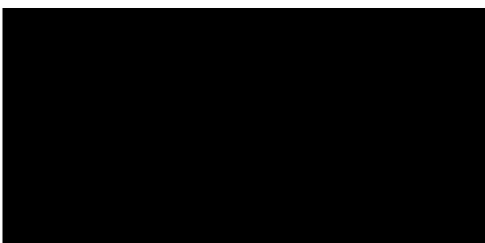
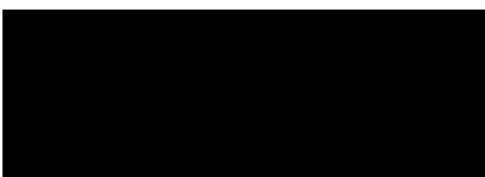
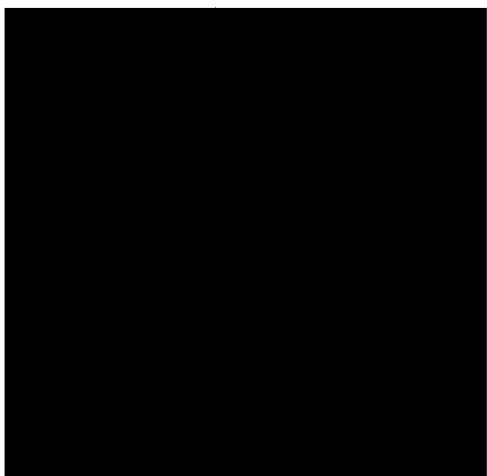
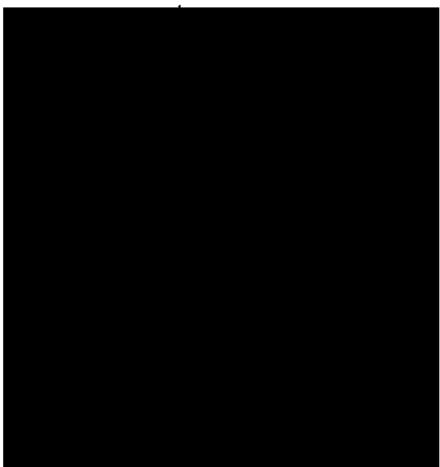
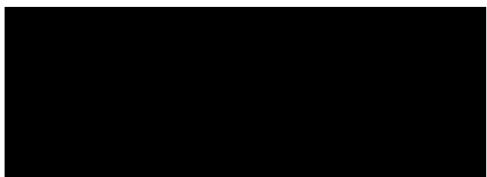
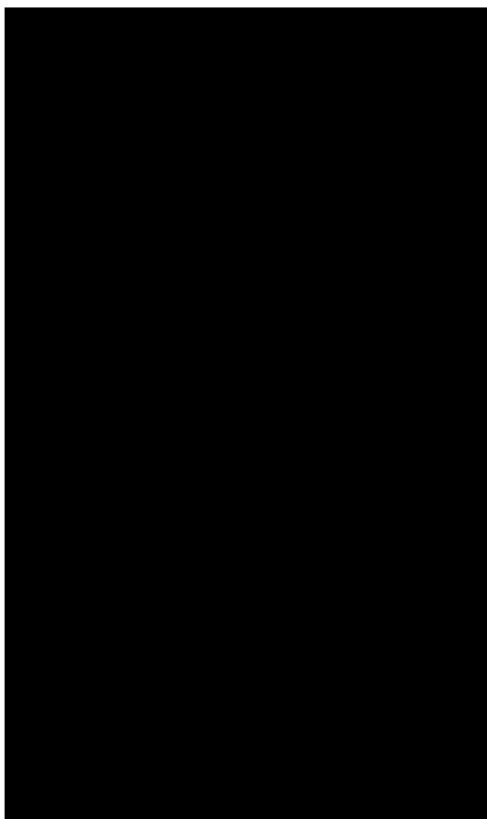


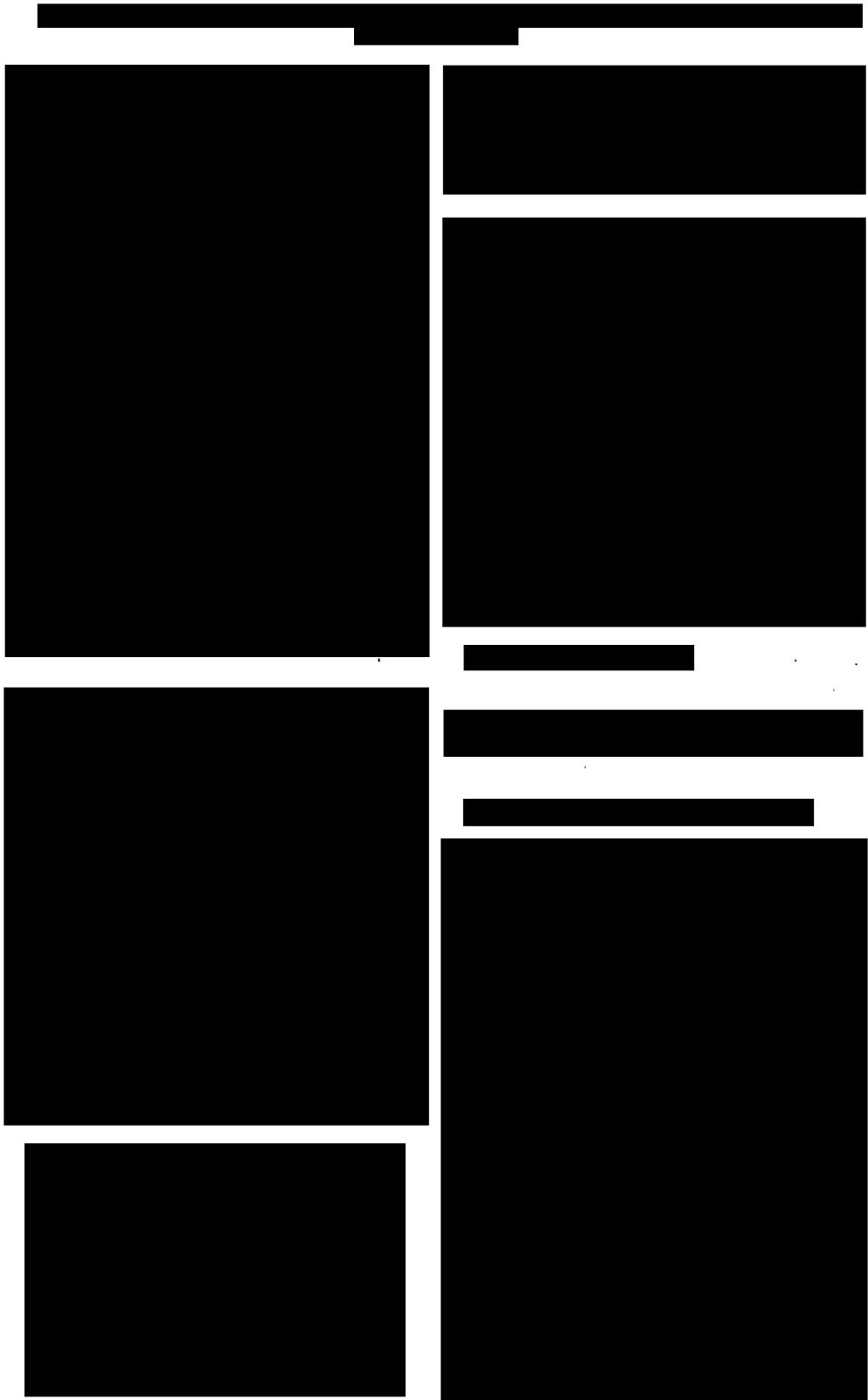


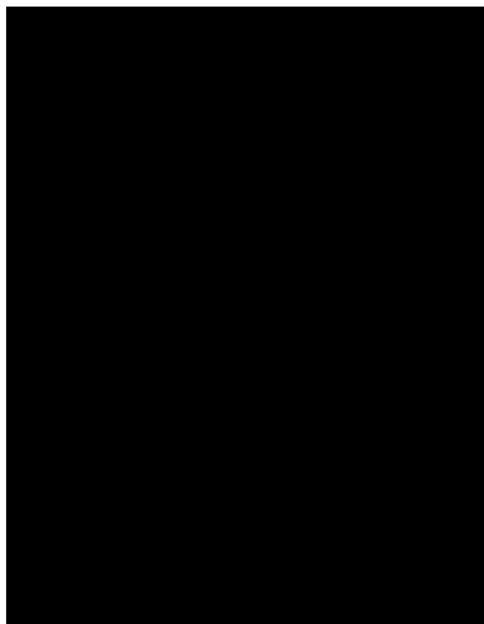
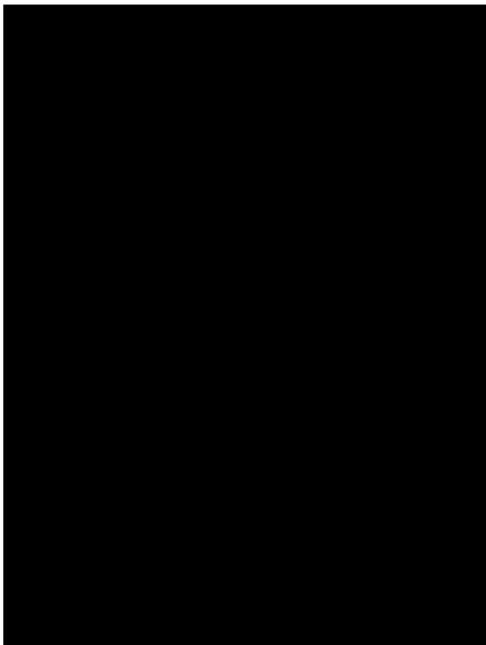
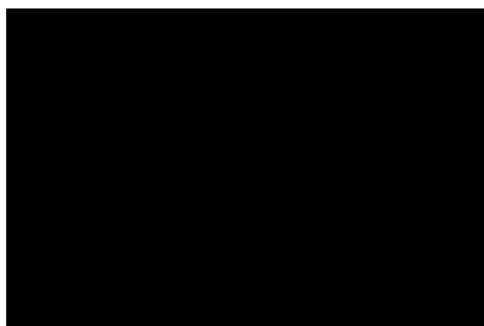
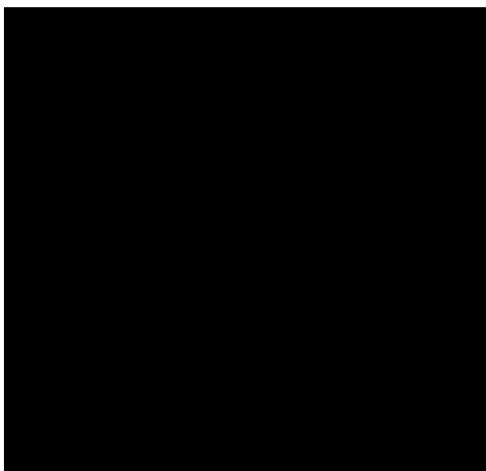


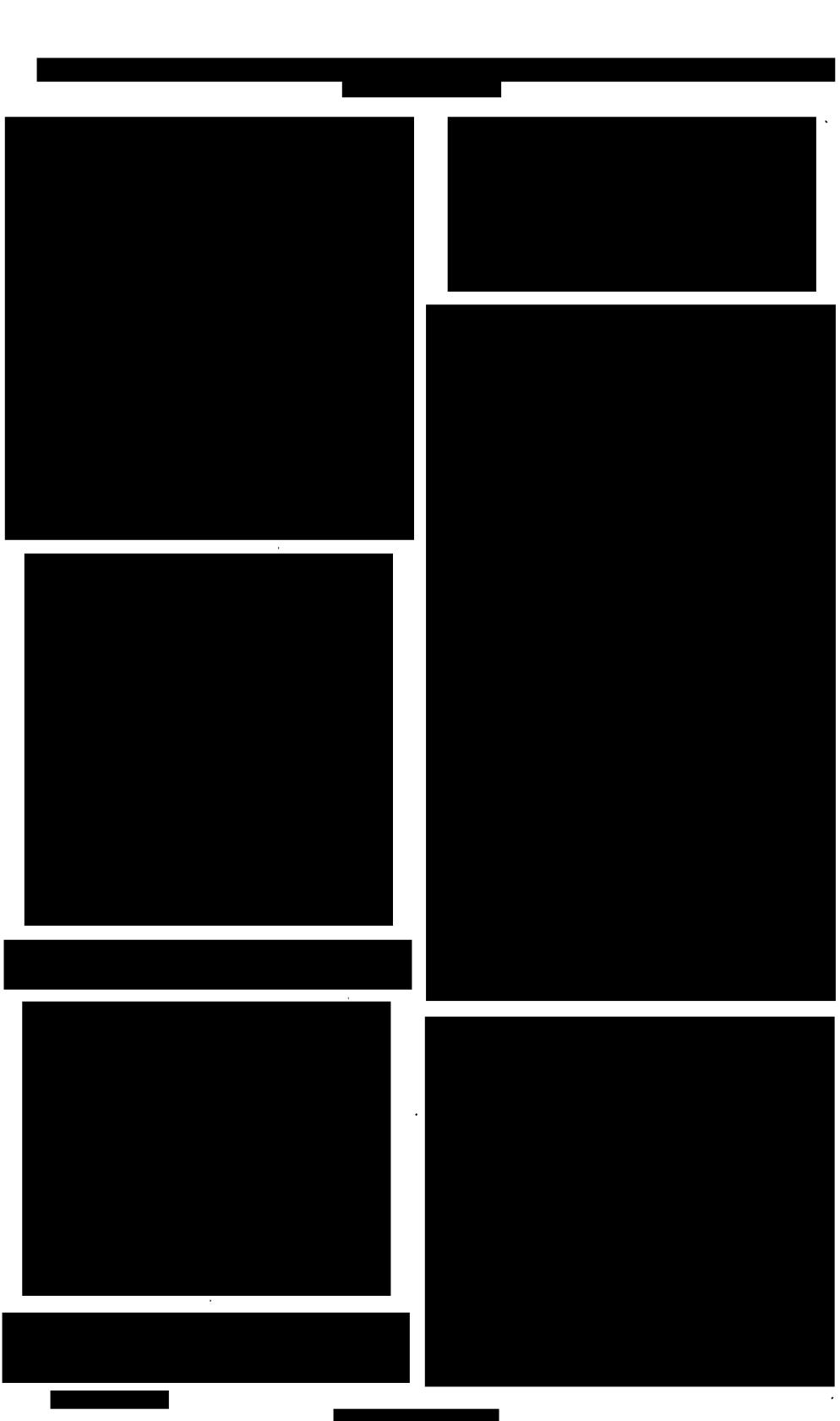


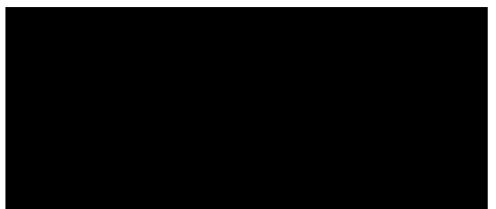
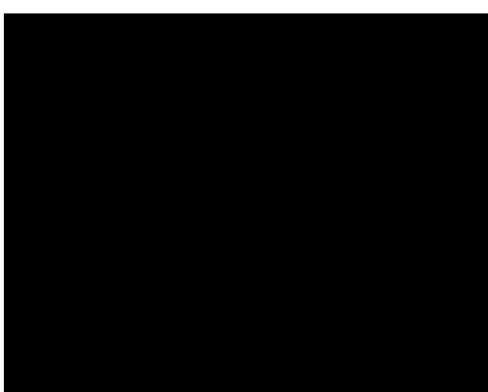
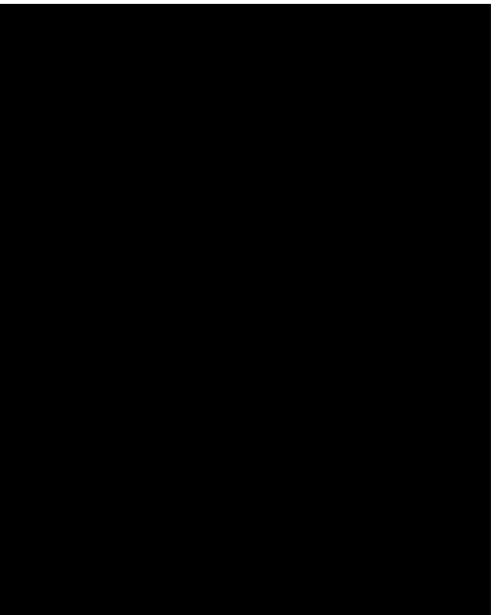
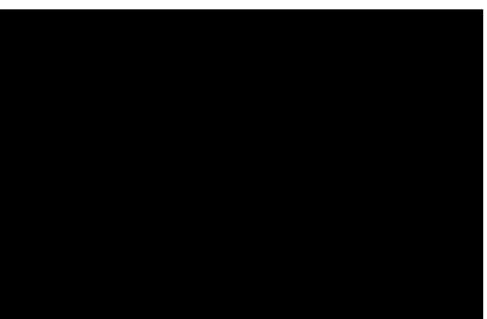
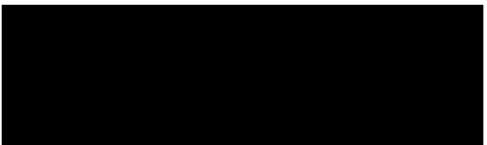
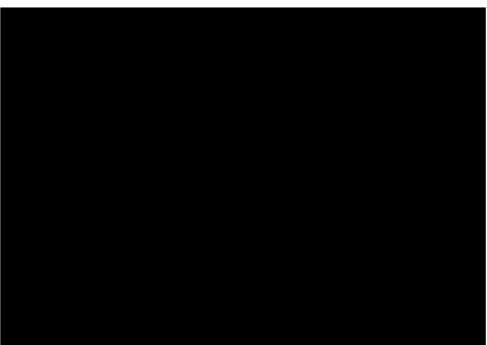
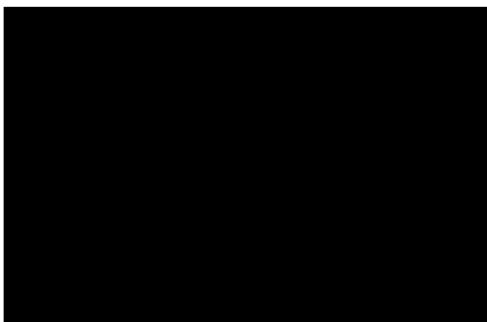


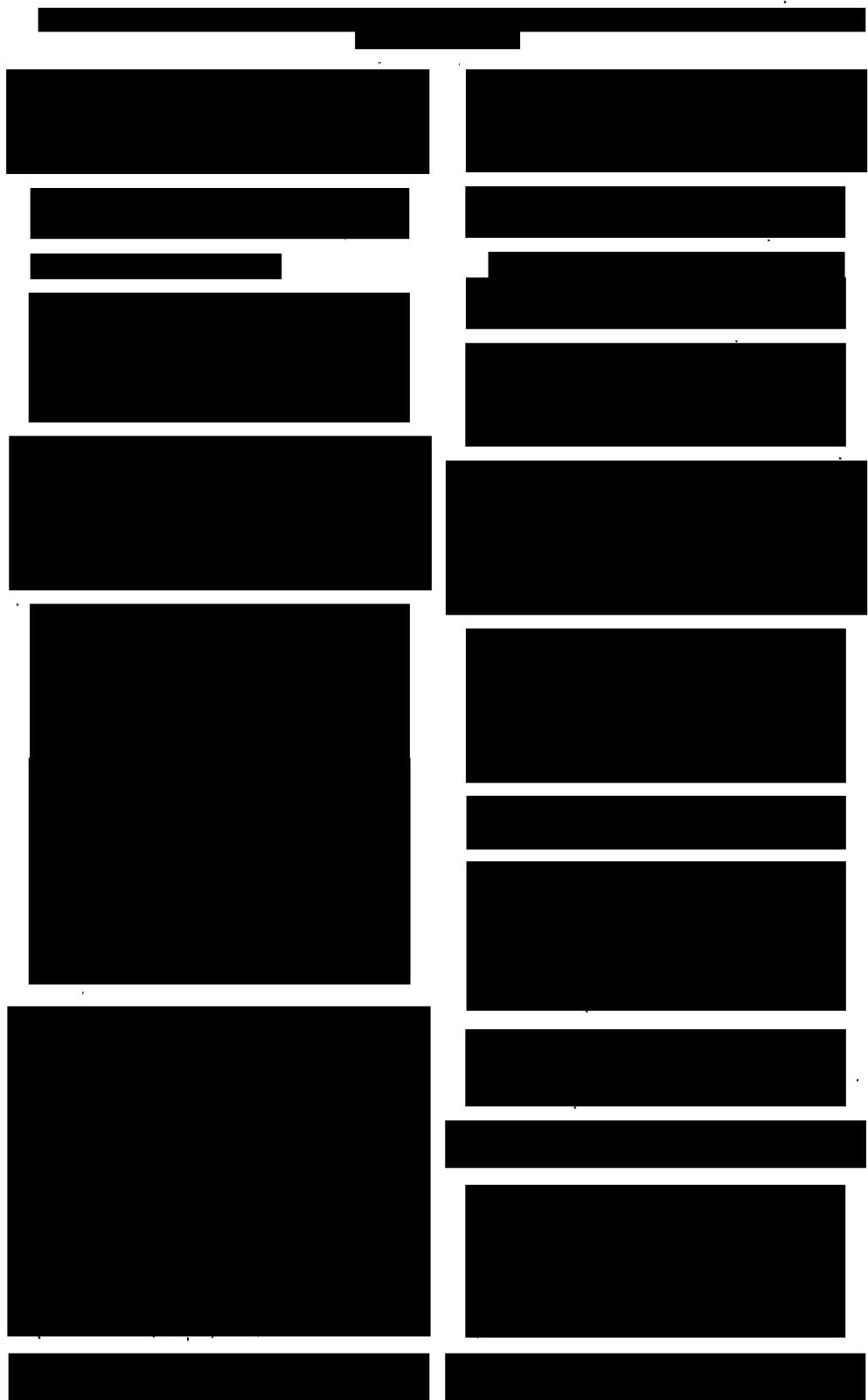


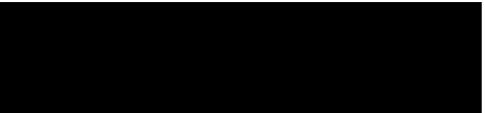
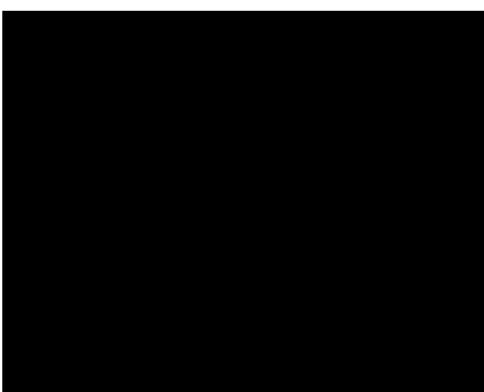
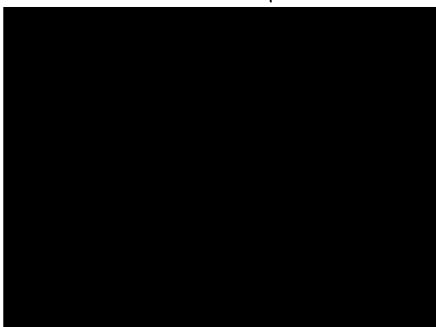
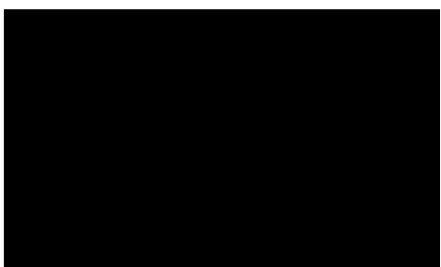
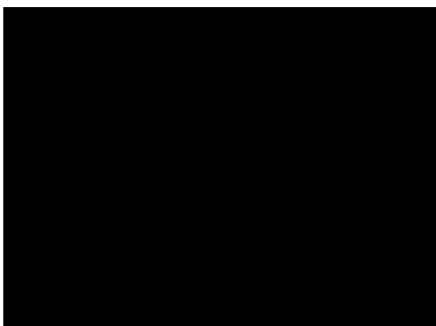
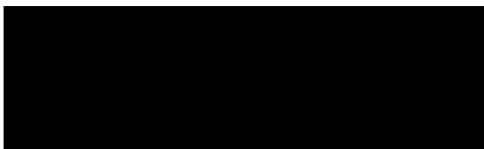




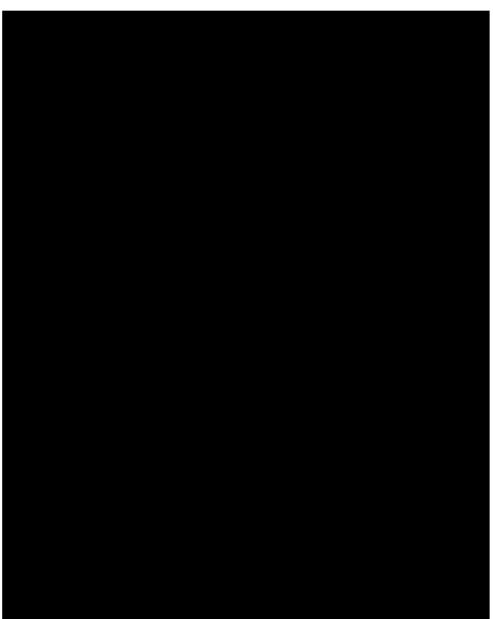
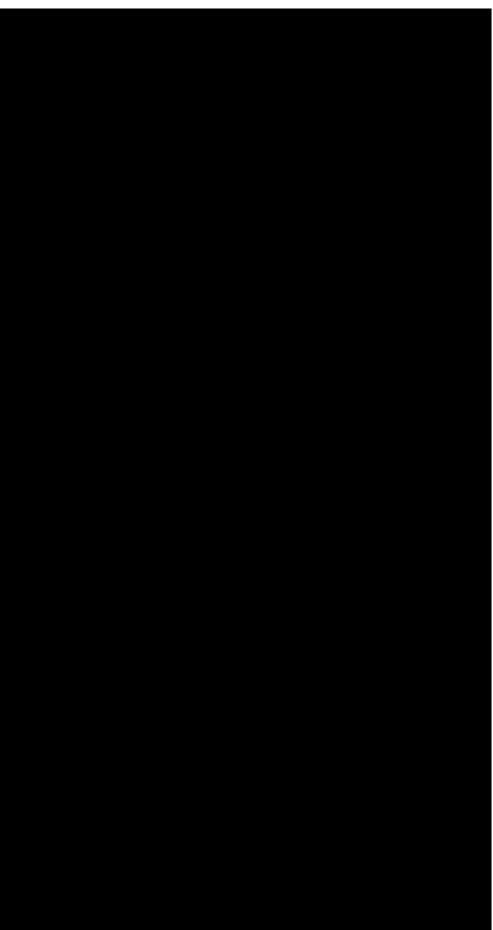
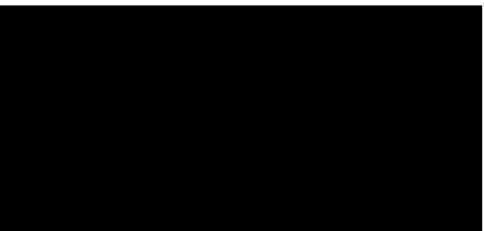
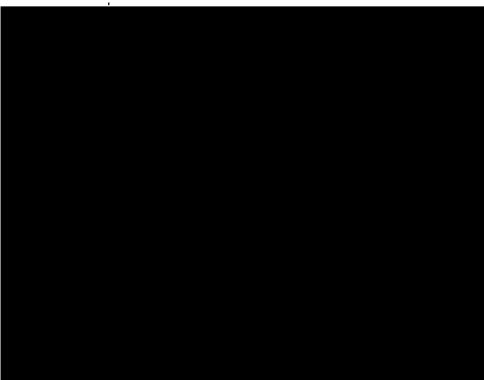
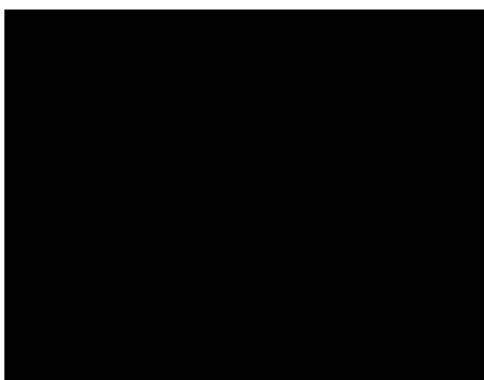


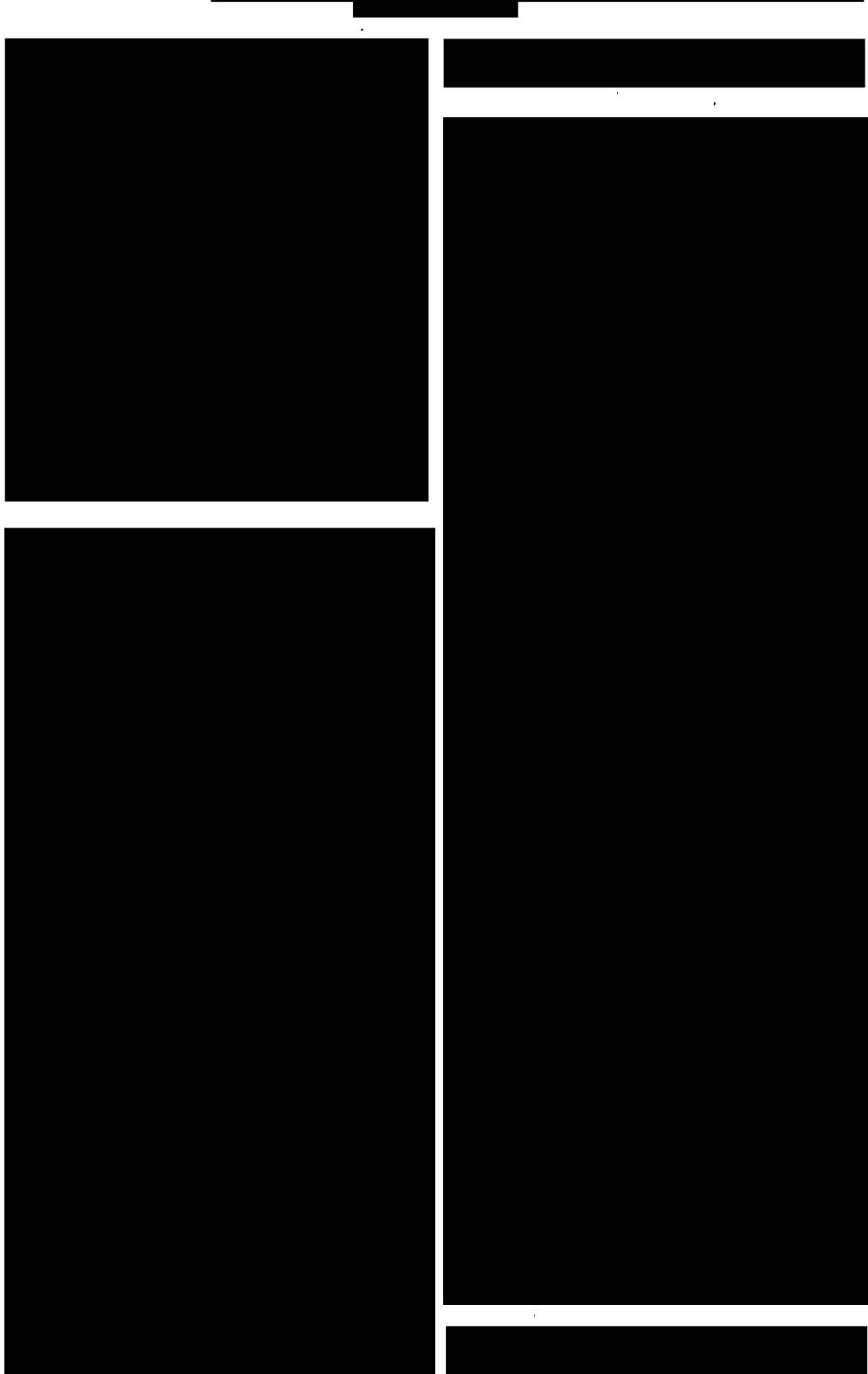


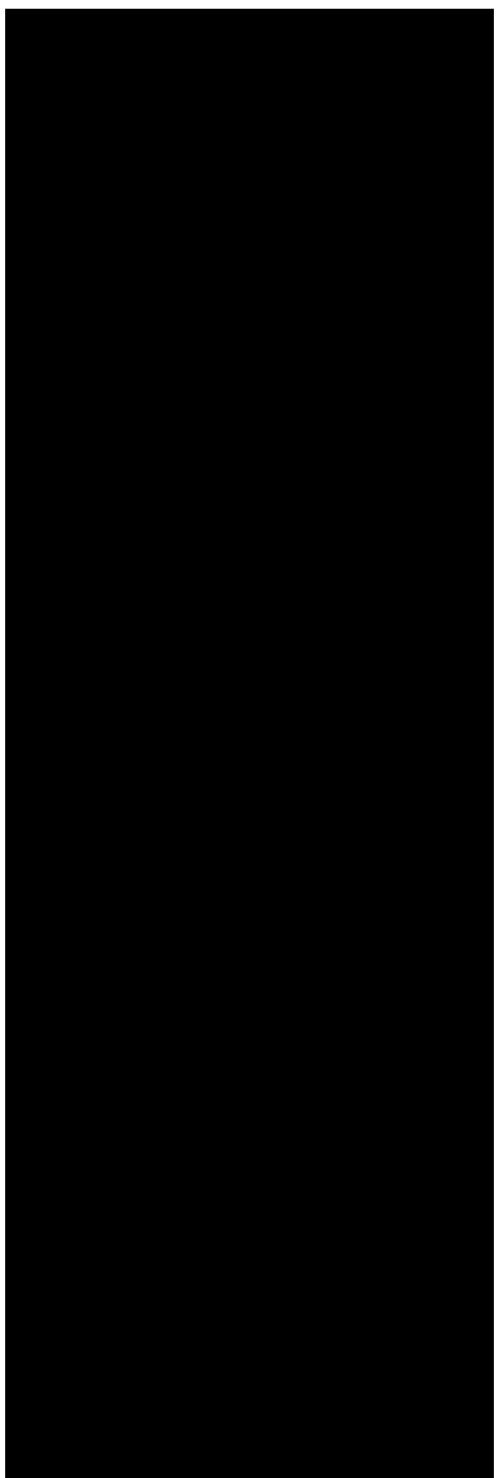
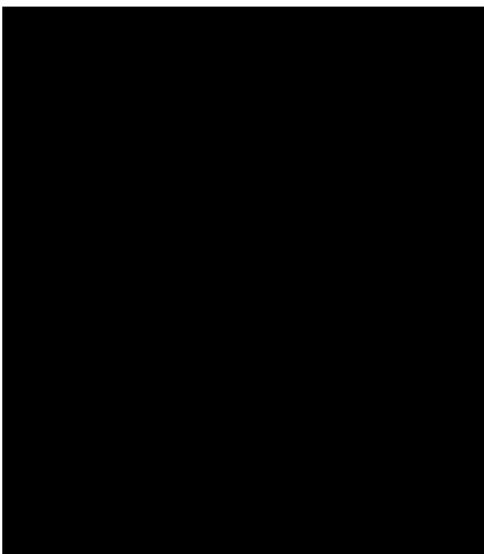
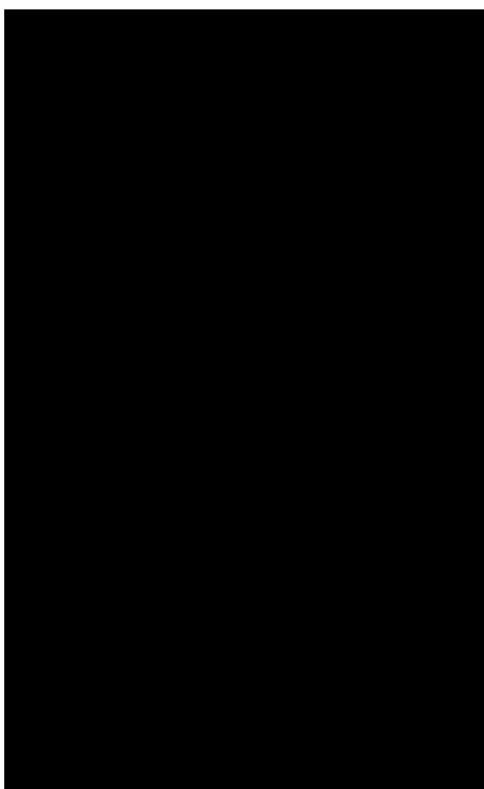


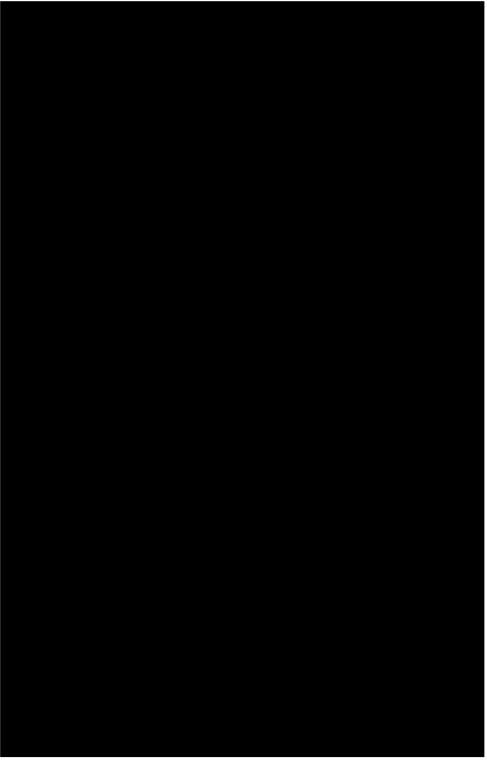
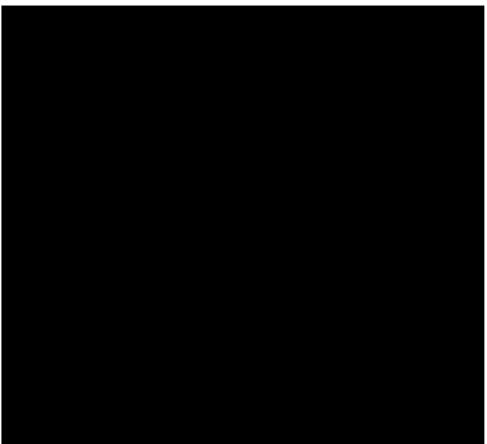
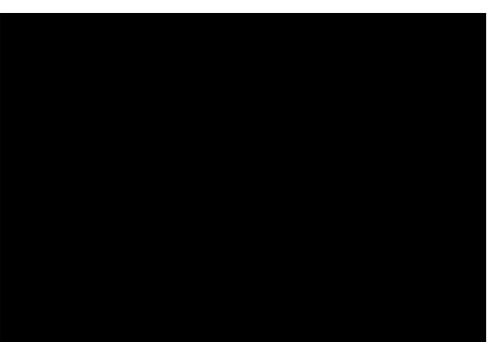












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[REDACTED]

[REDACTED]

[REDACTED]

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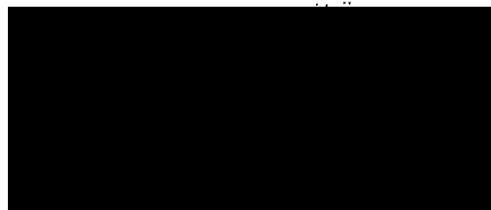
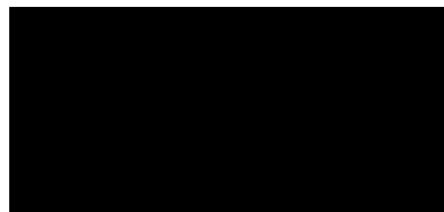
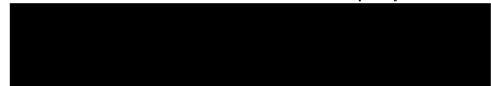
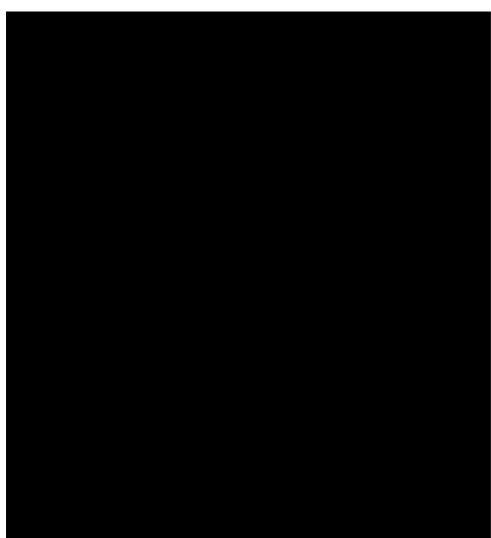
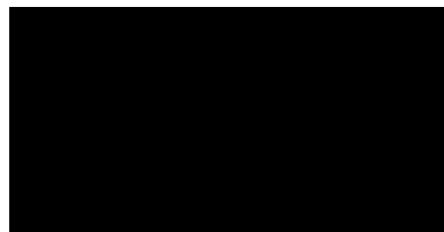
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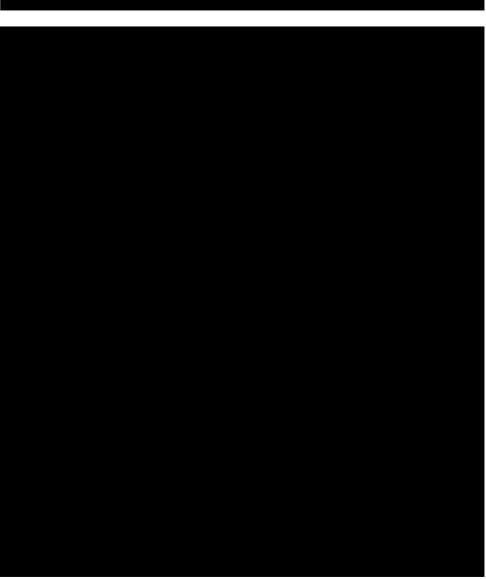
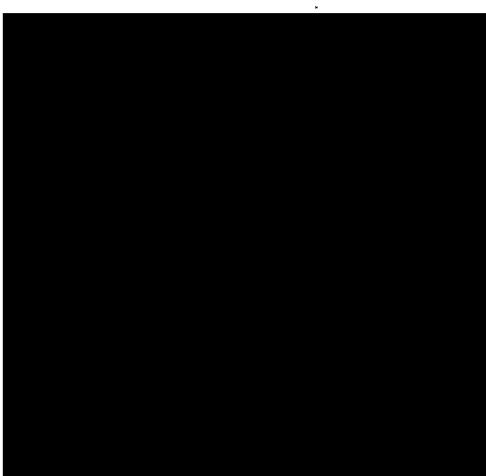
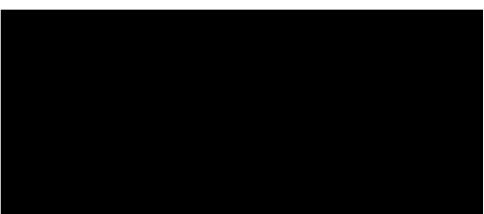
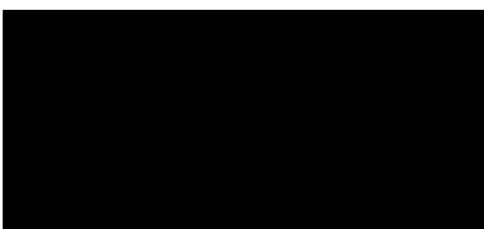
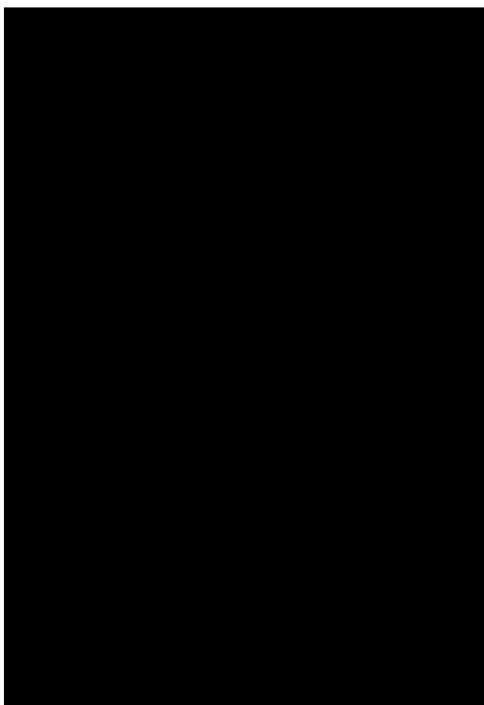
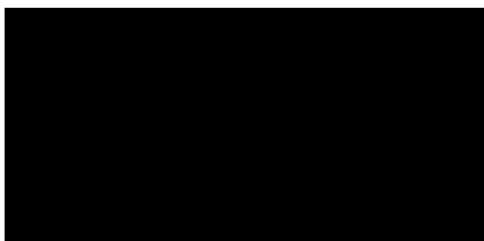
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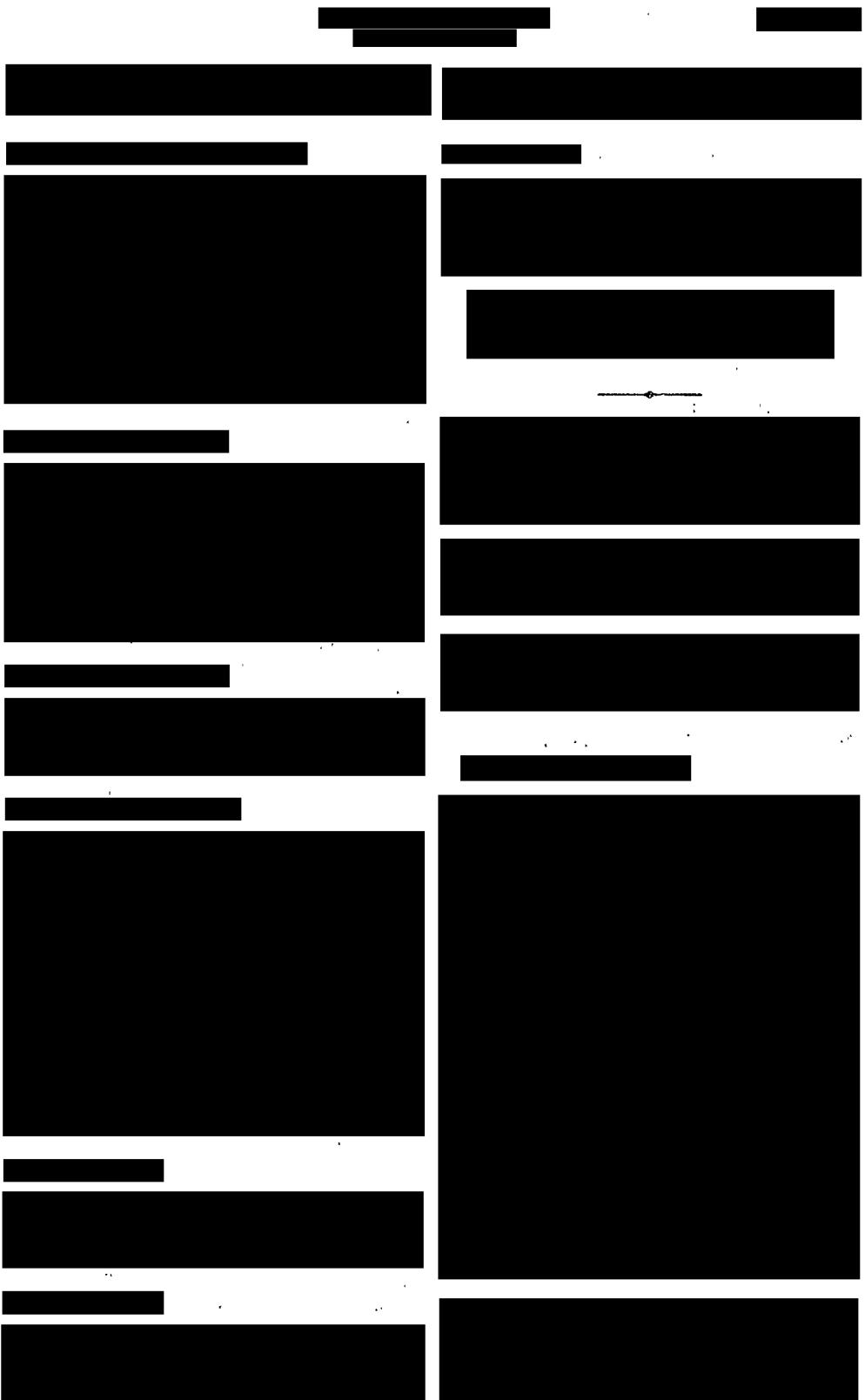
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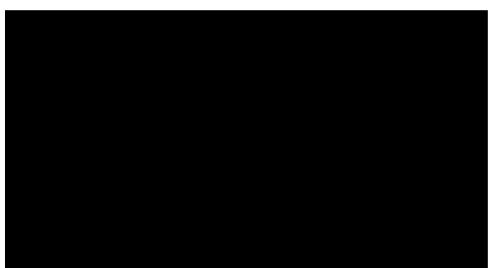
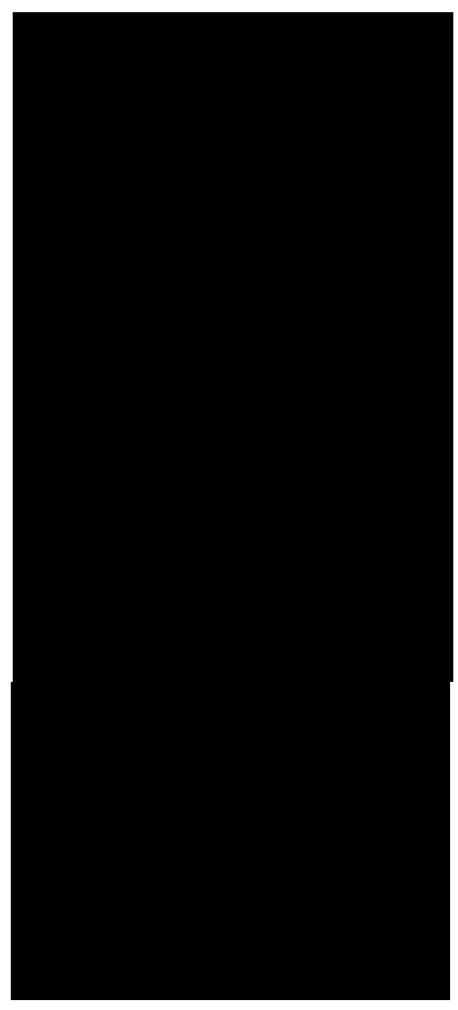
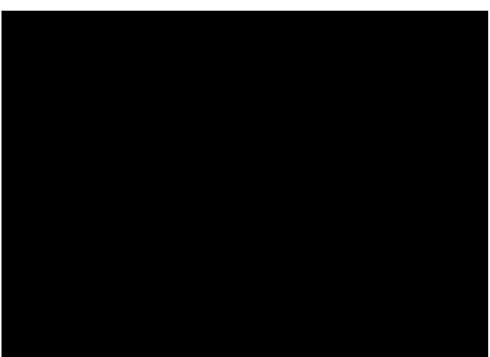
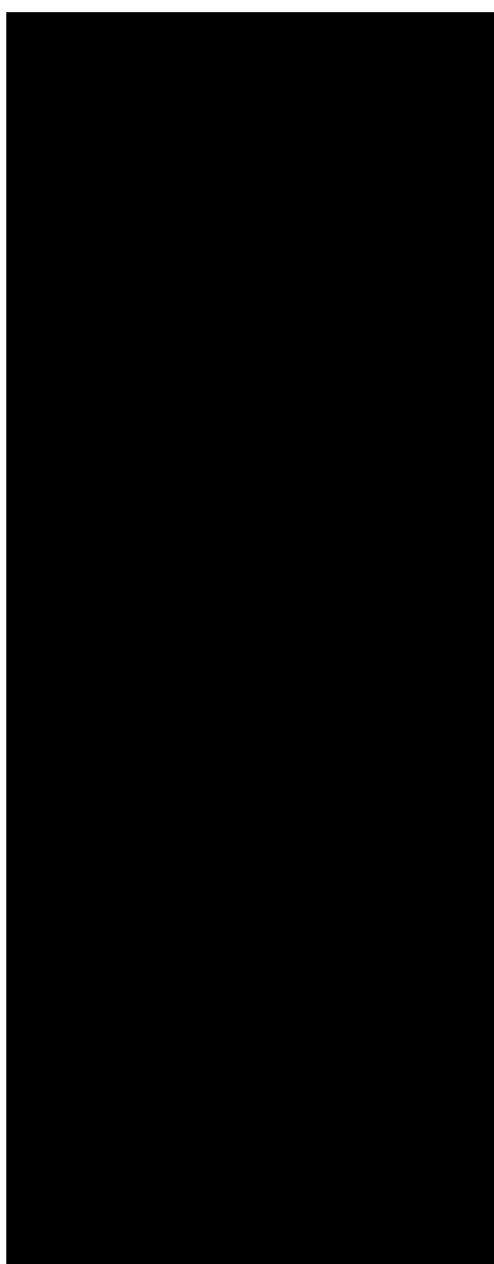
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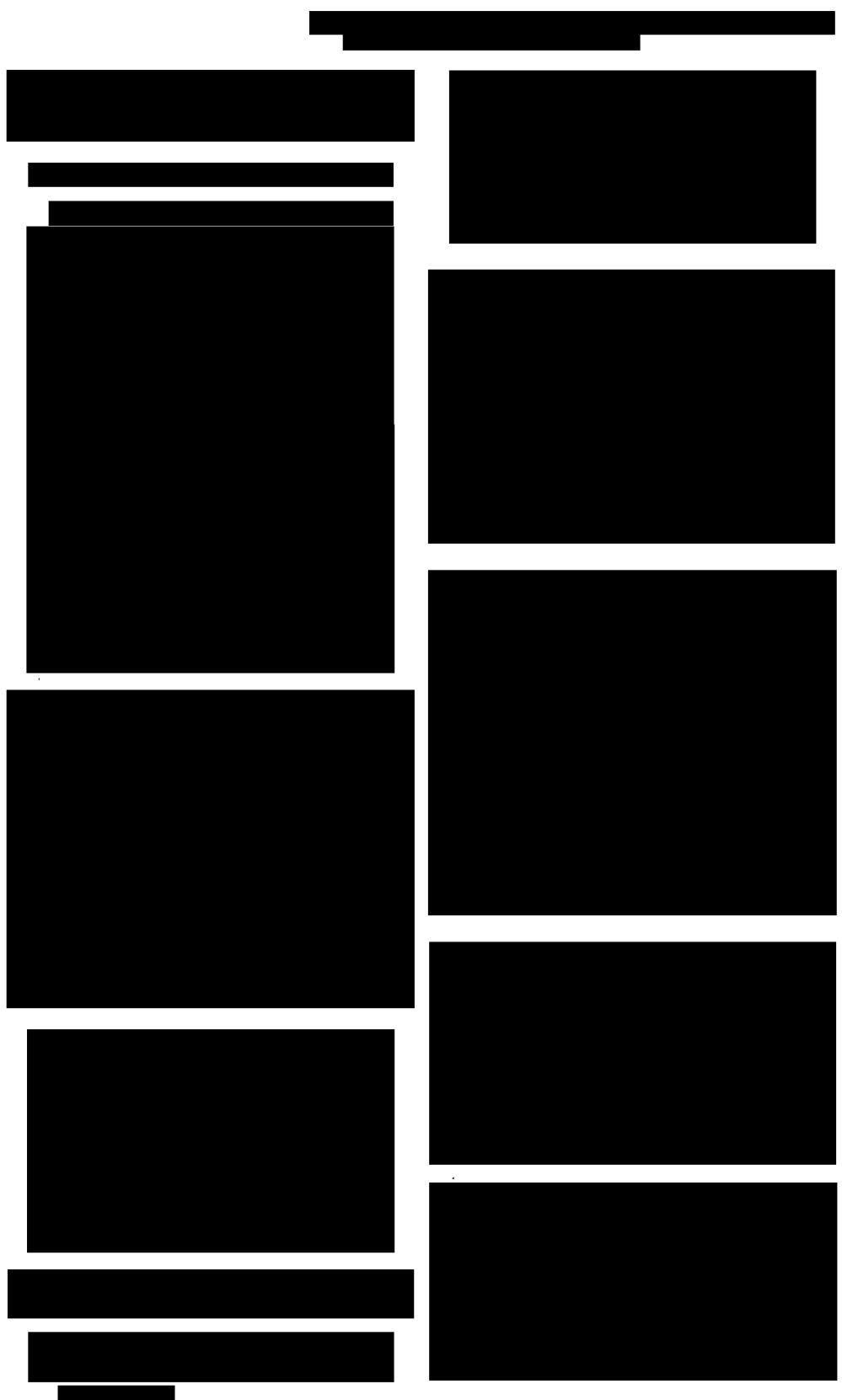
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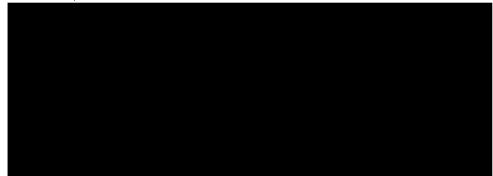
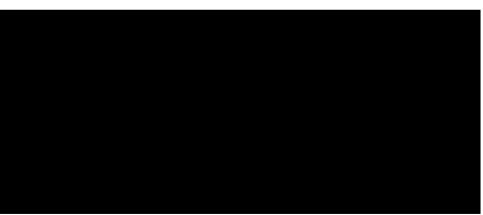
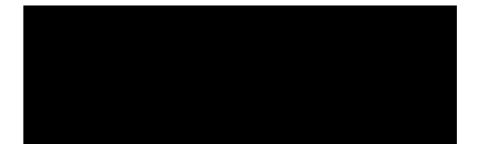
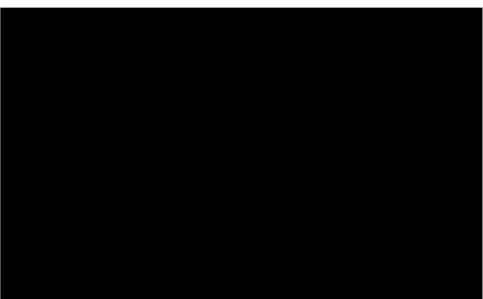
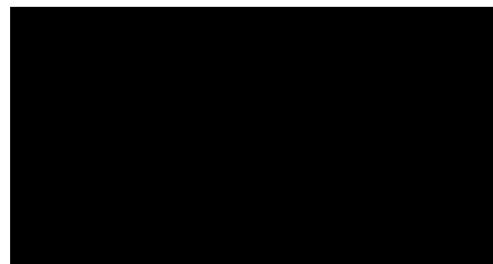
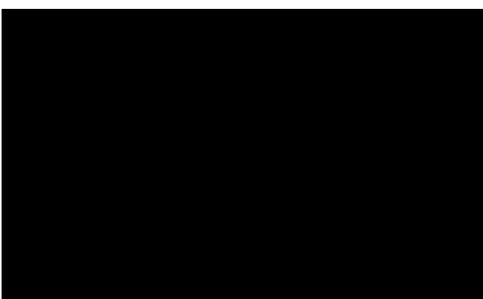
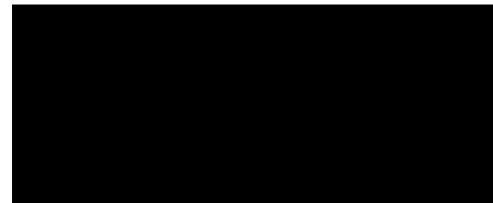
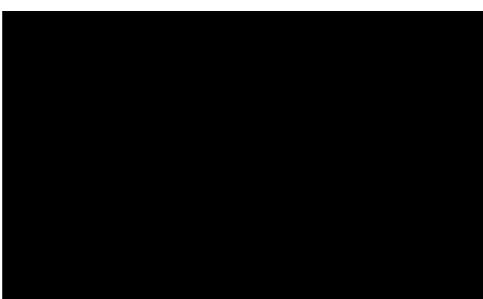
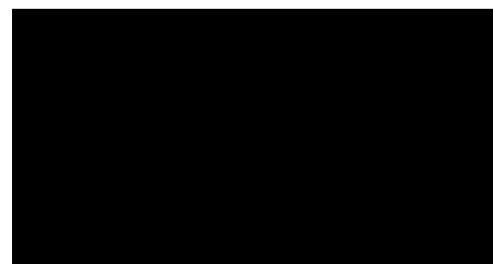
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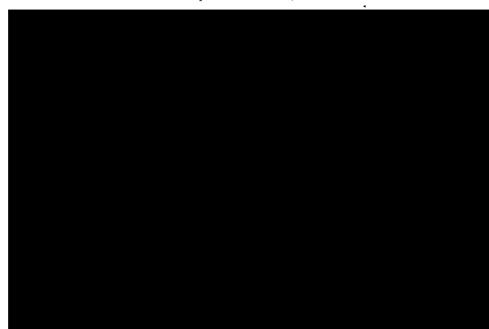
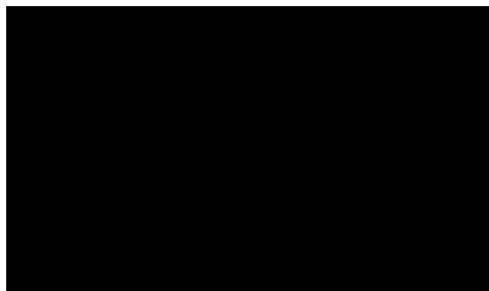
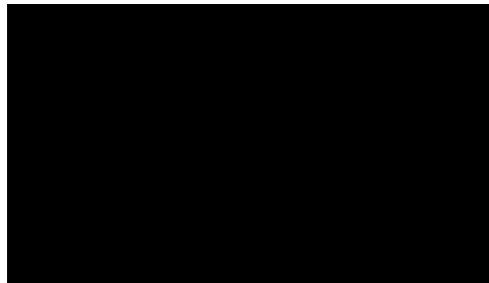
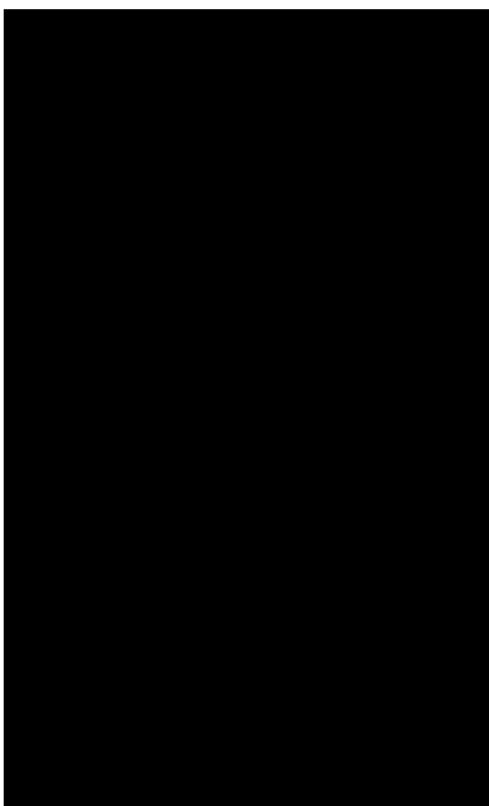
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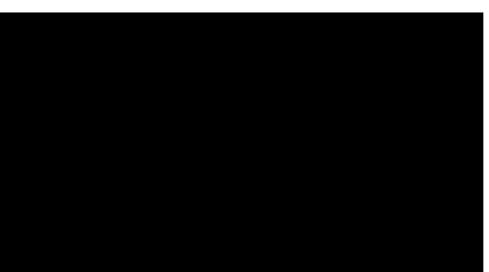
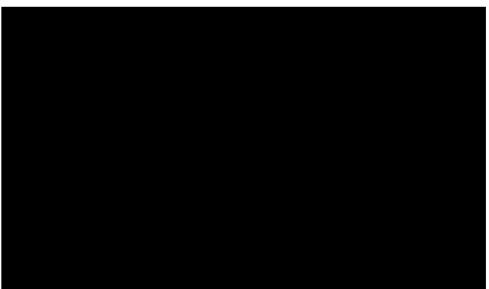
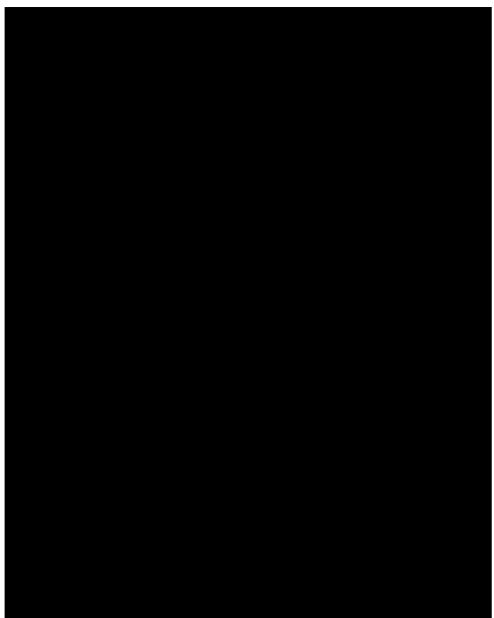
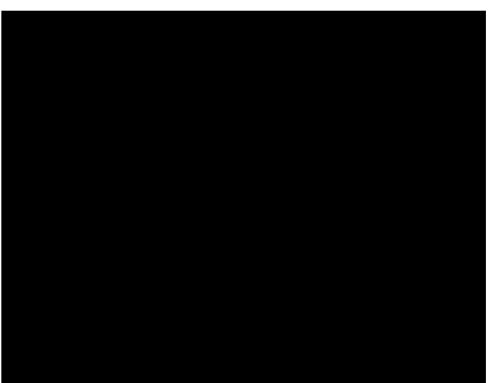
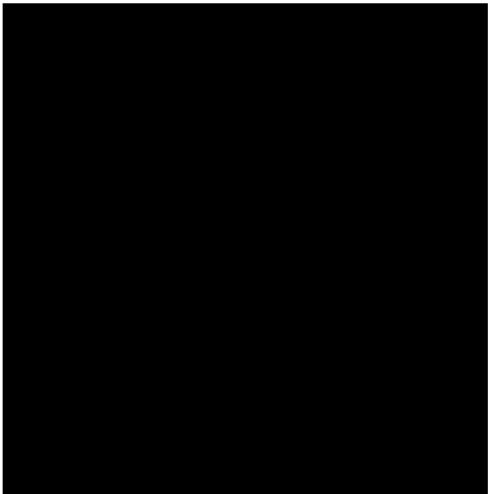
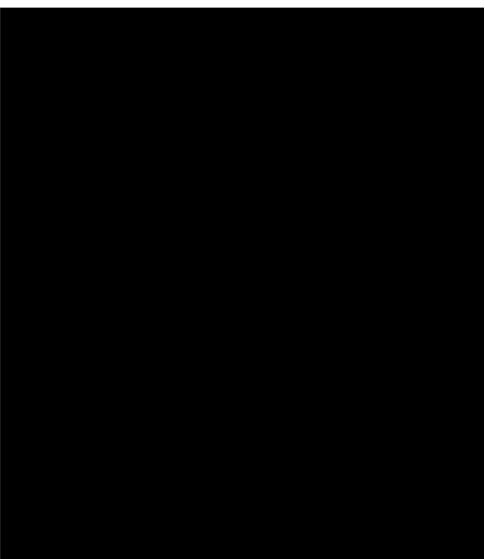
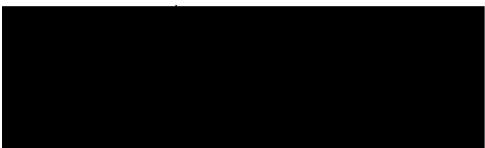
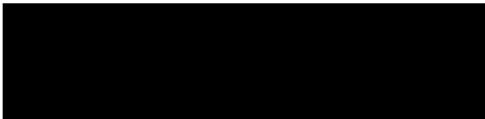


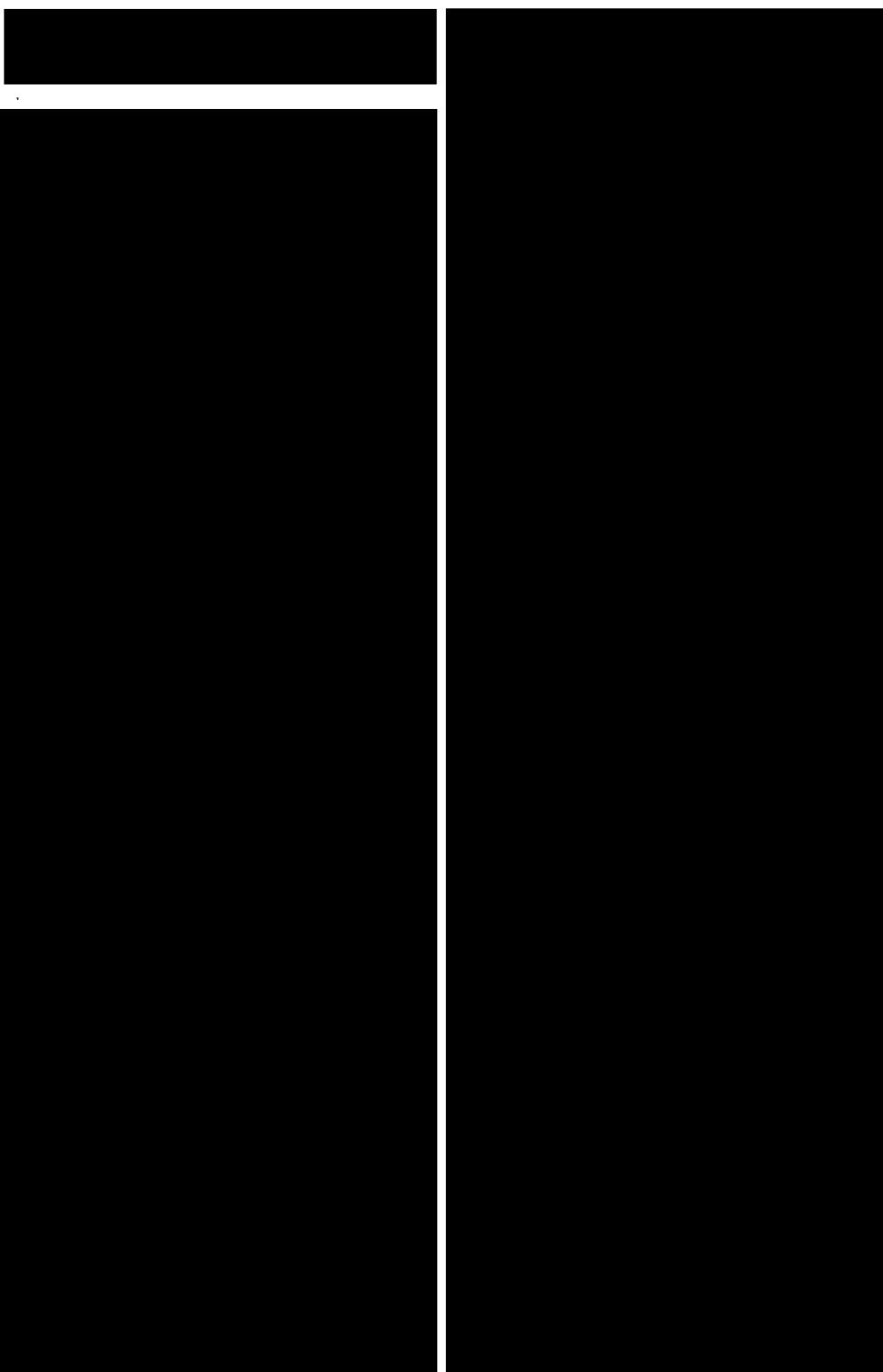


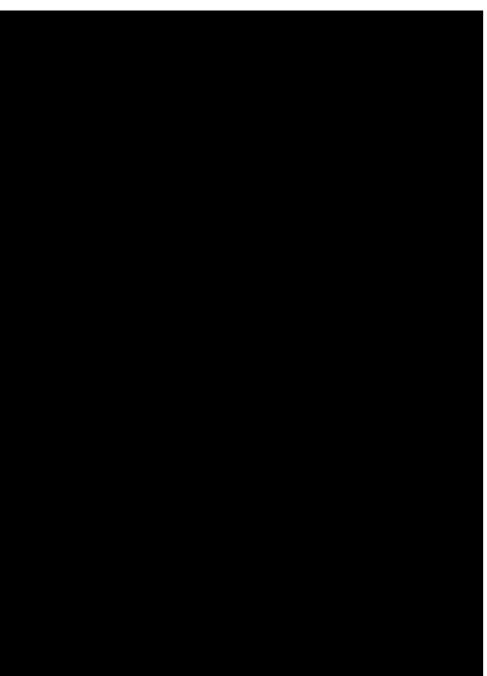
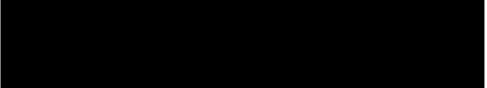
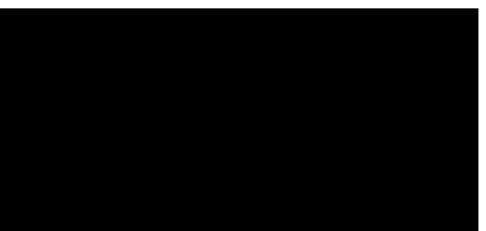
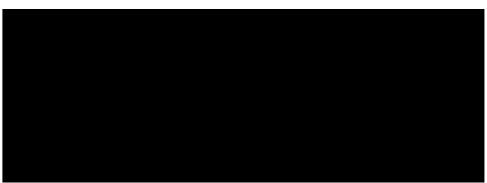


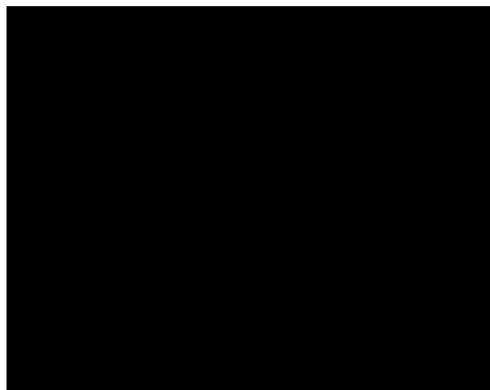
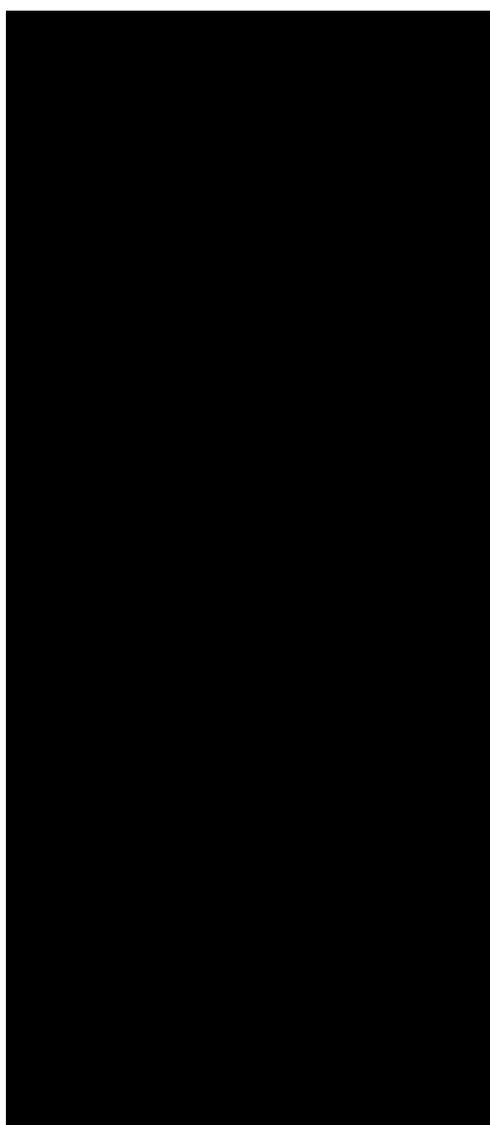




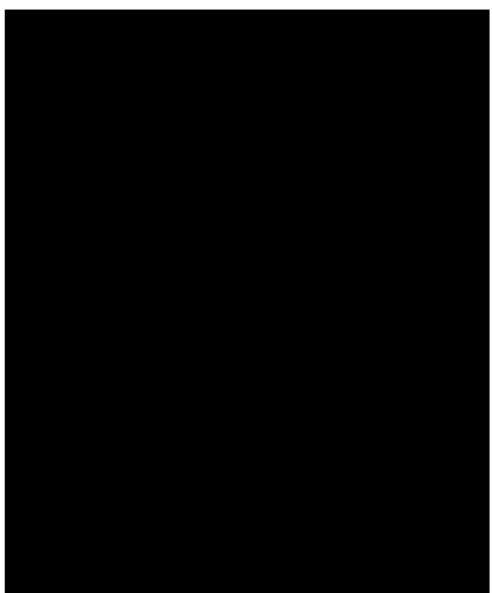
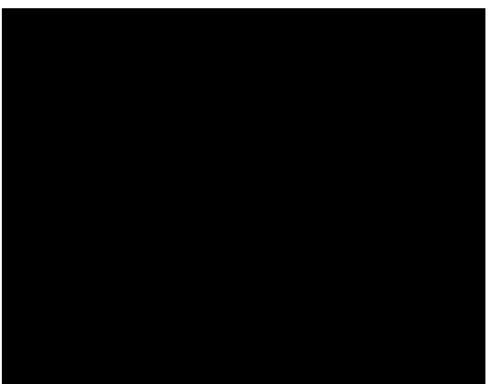
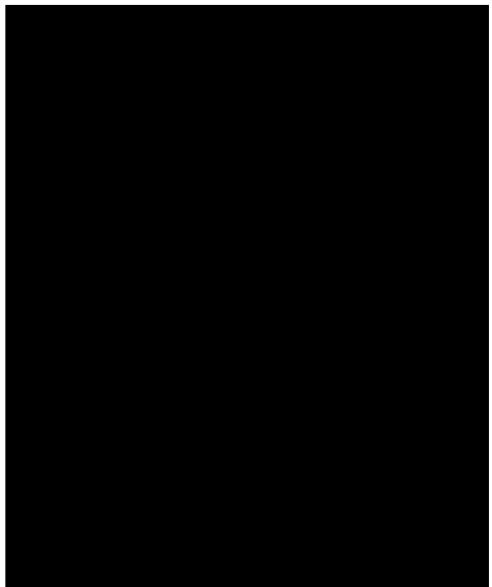
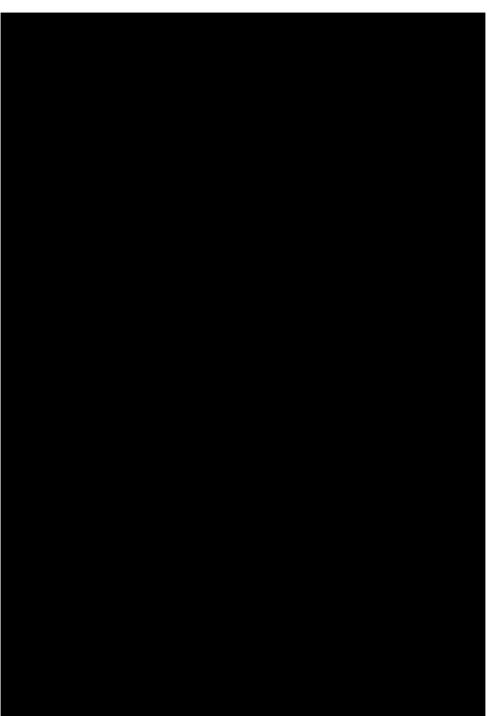
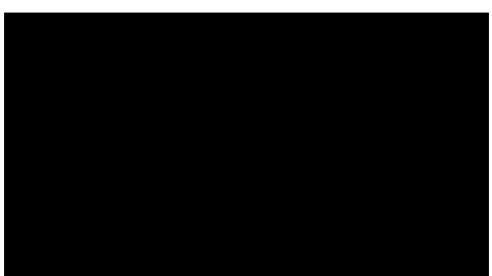




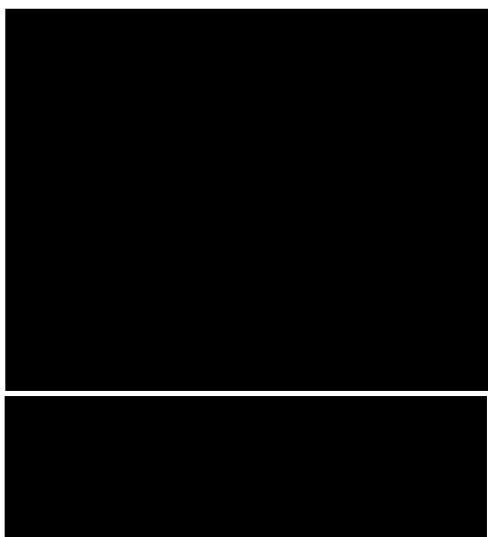
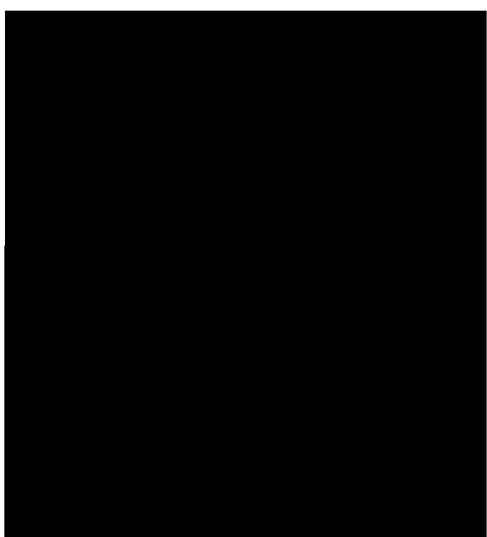


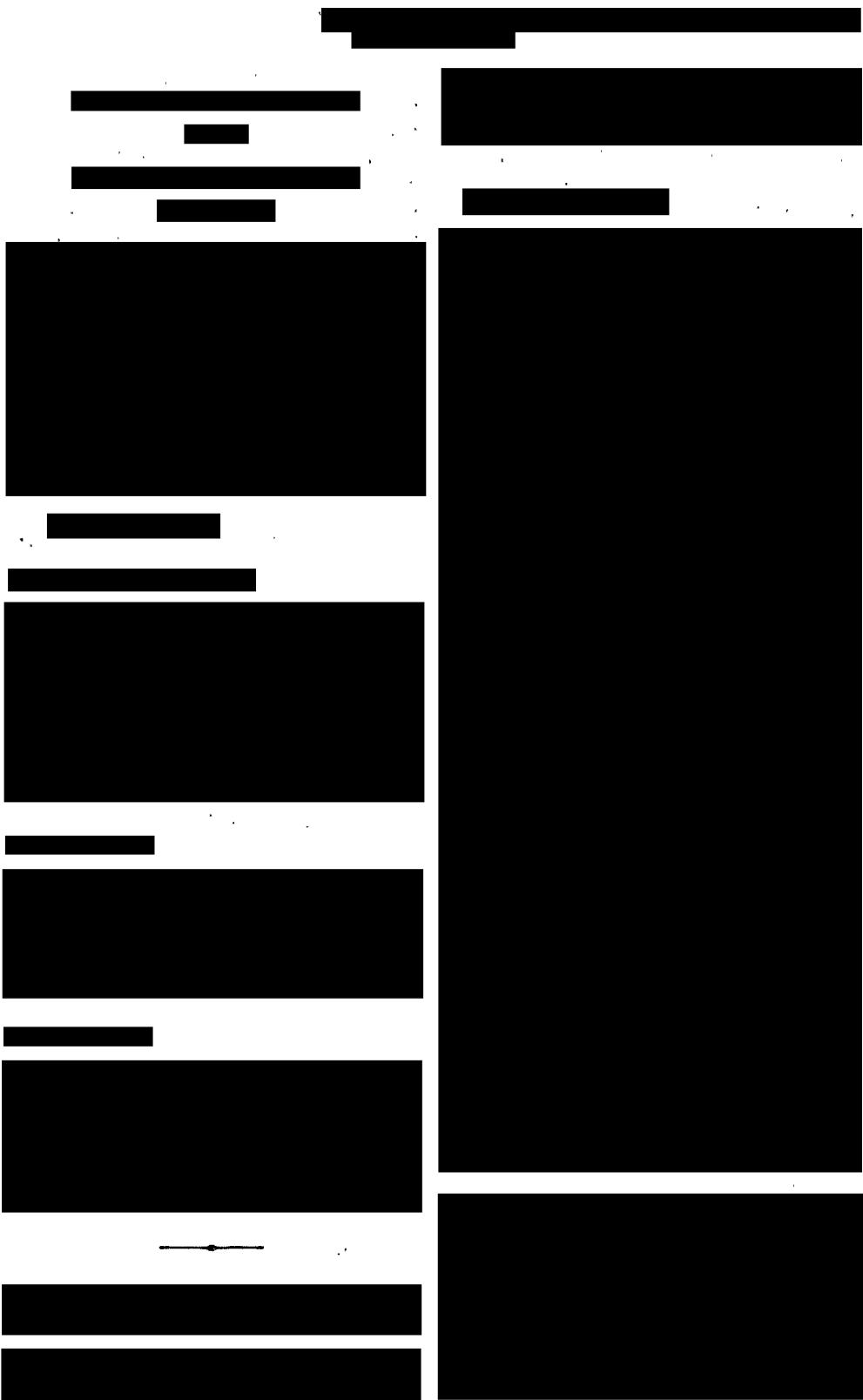


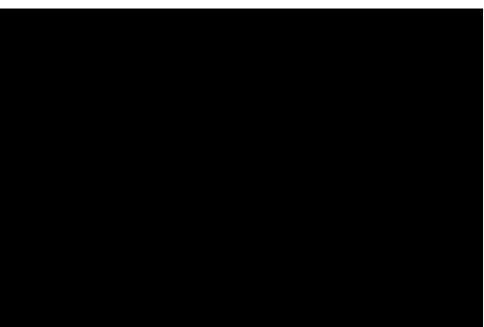
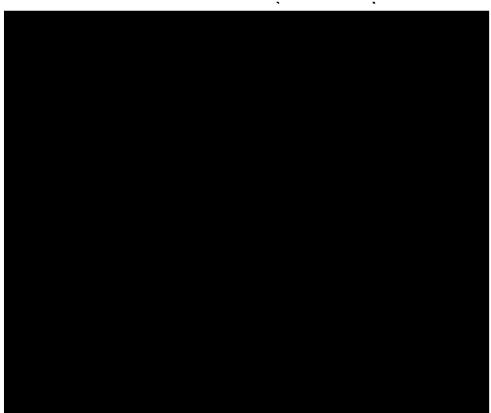
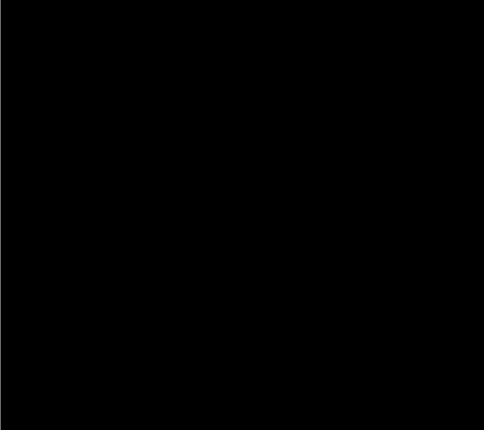
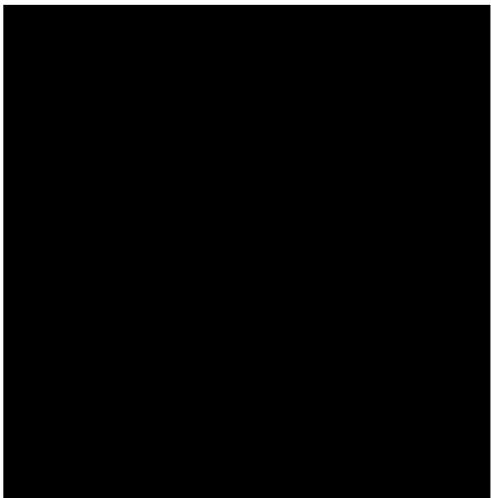
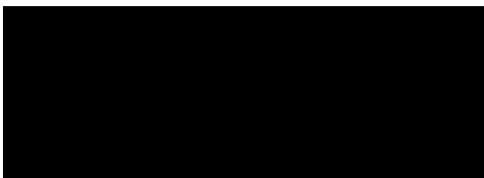
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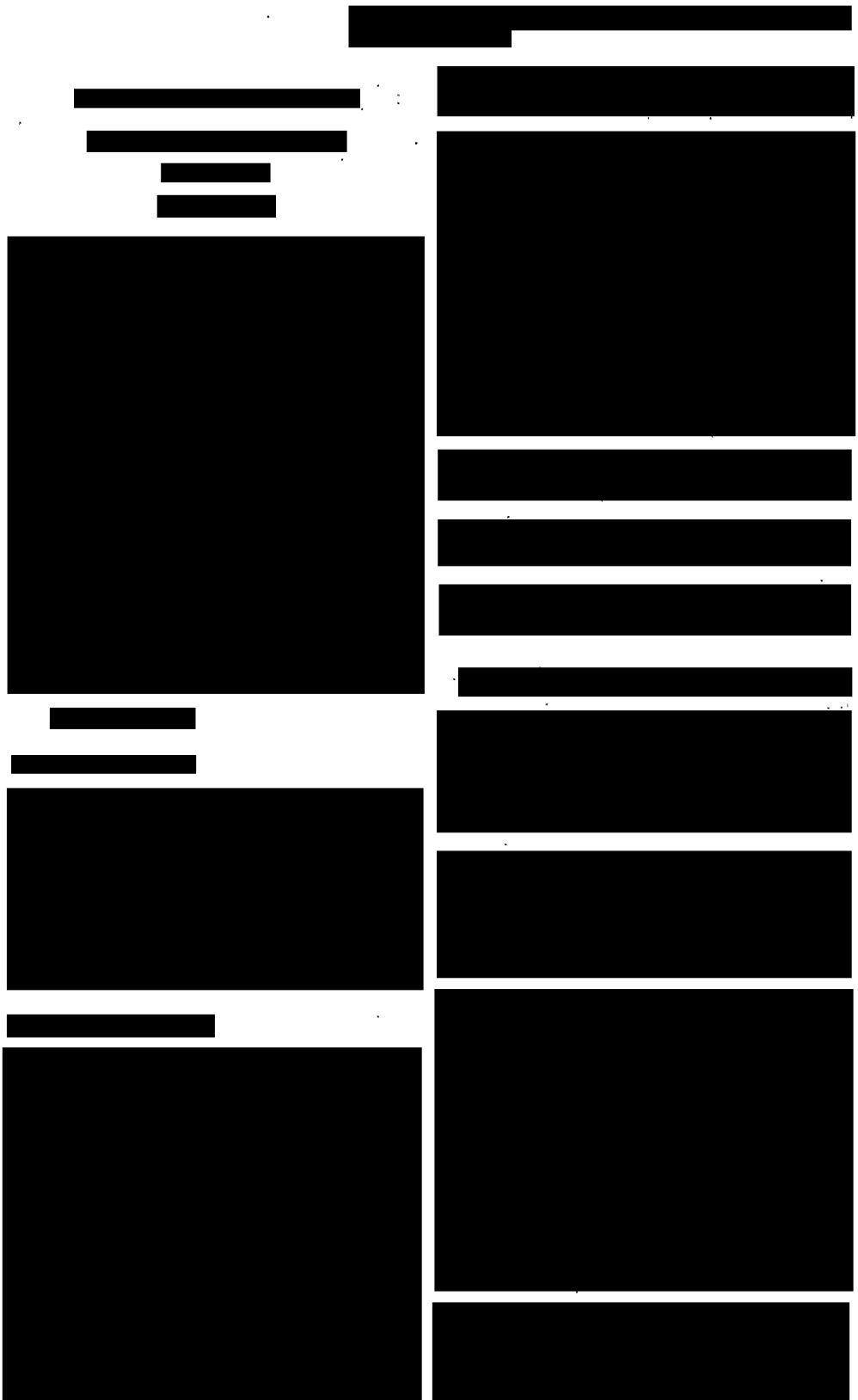
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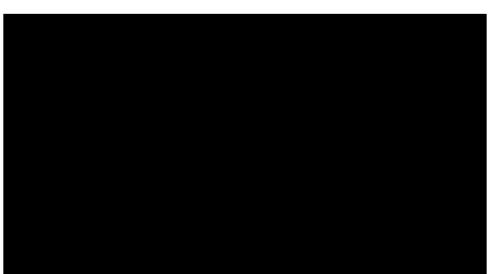
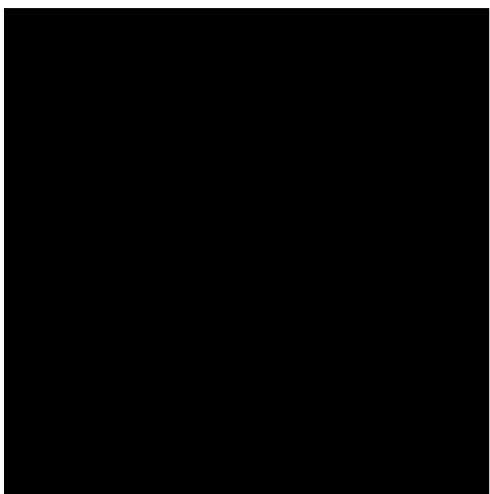
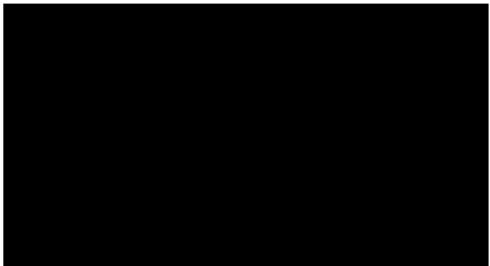
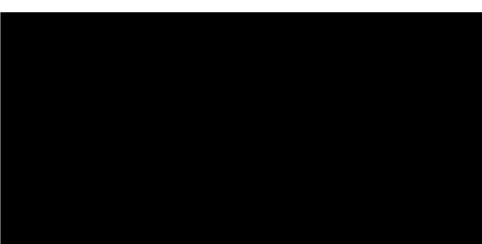
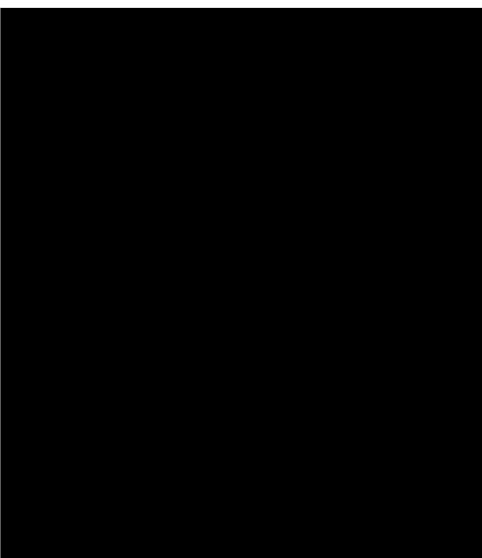
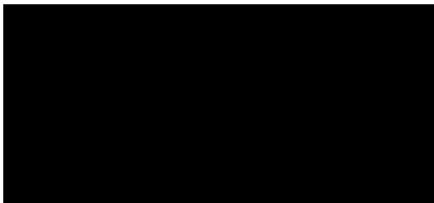
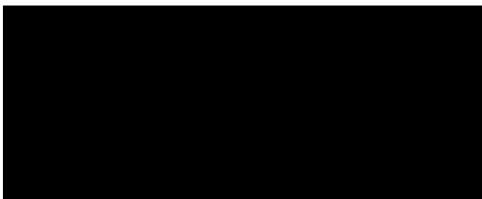
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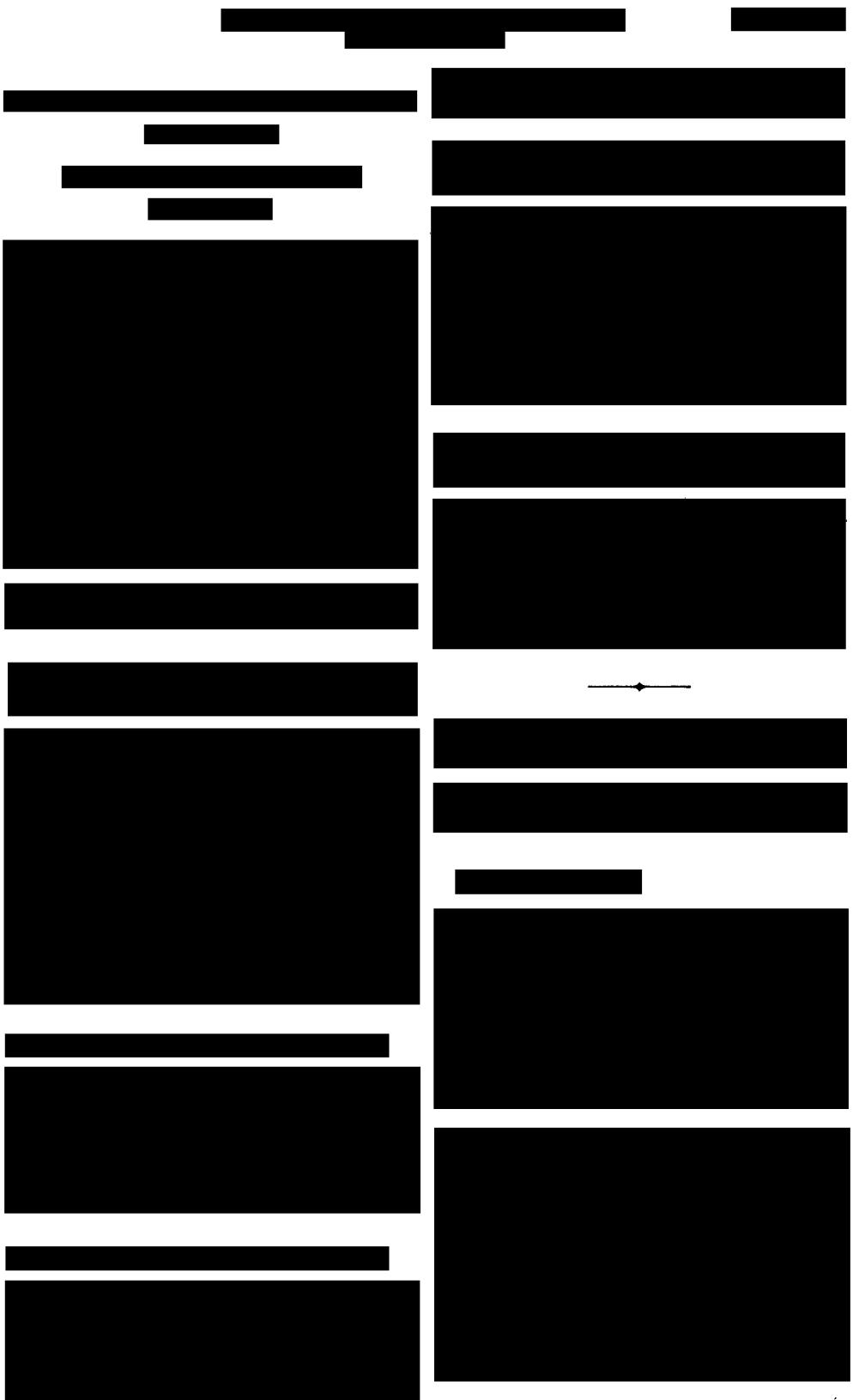
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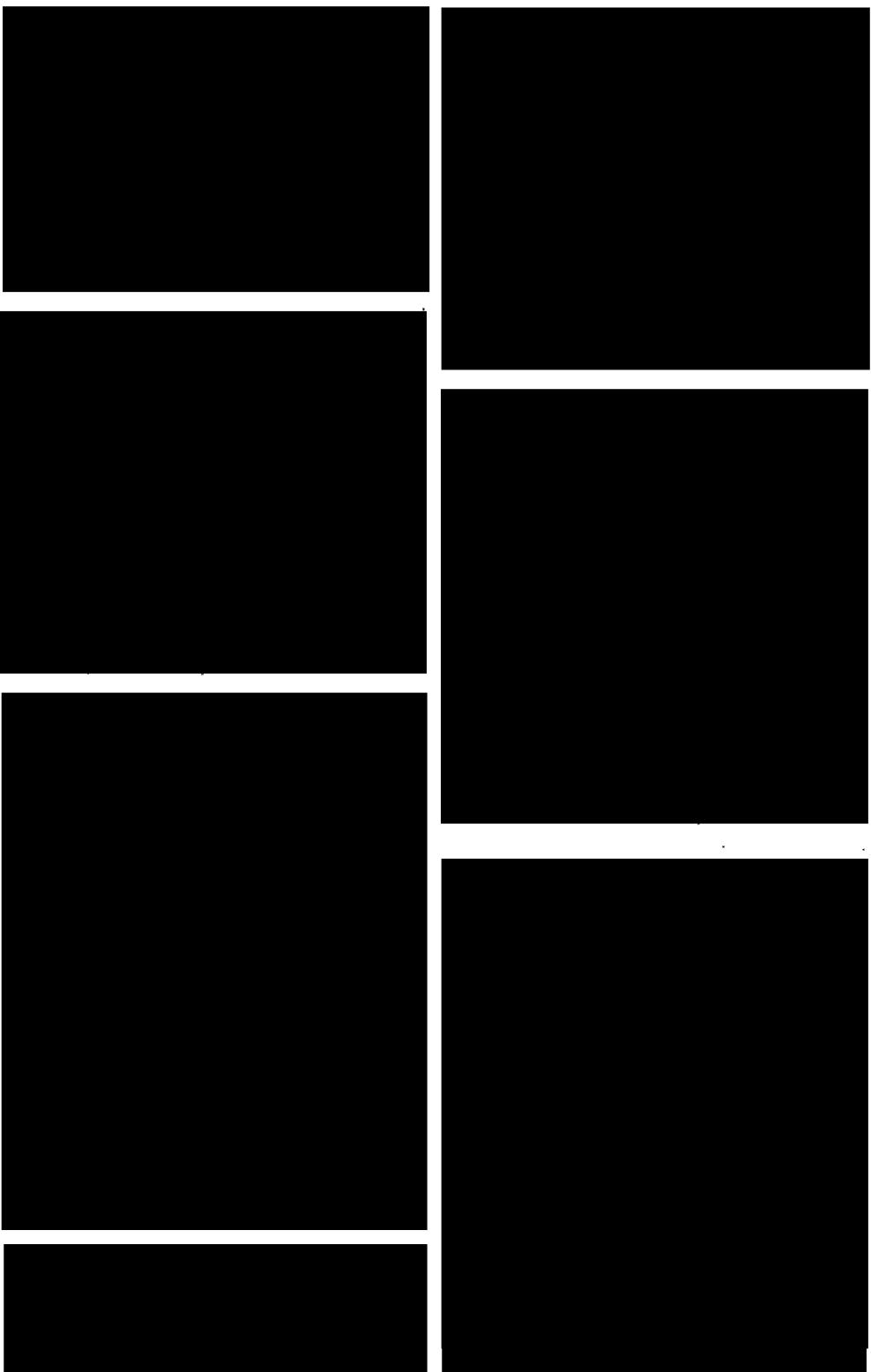
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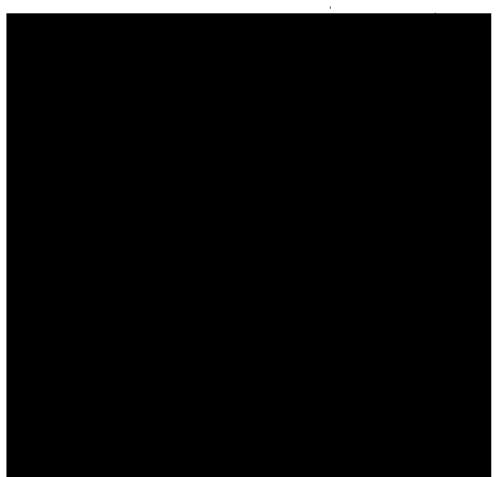
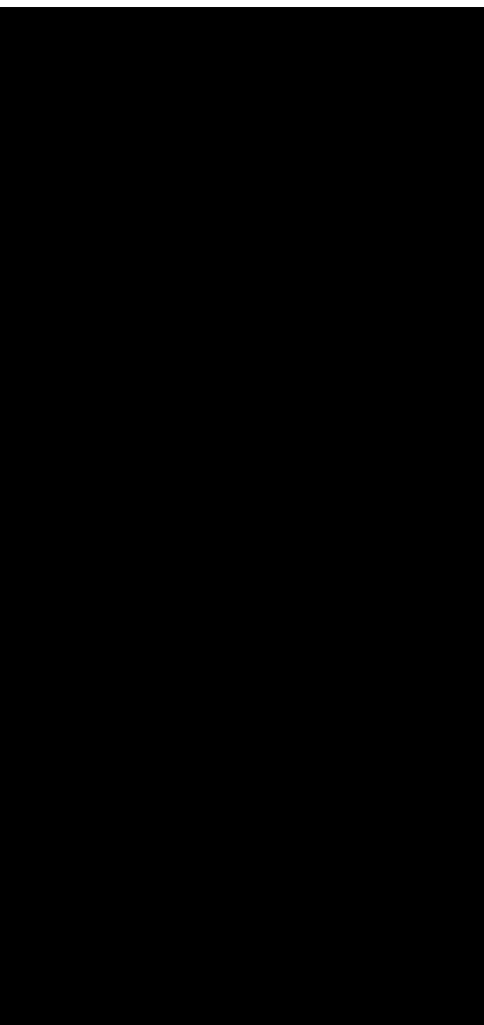
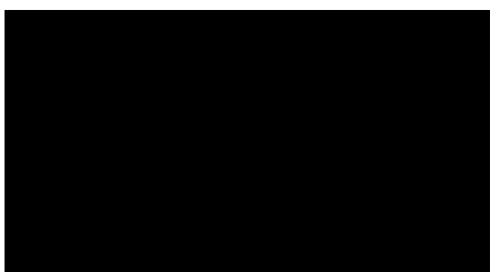
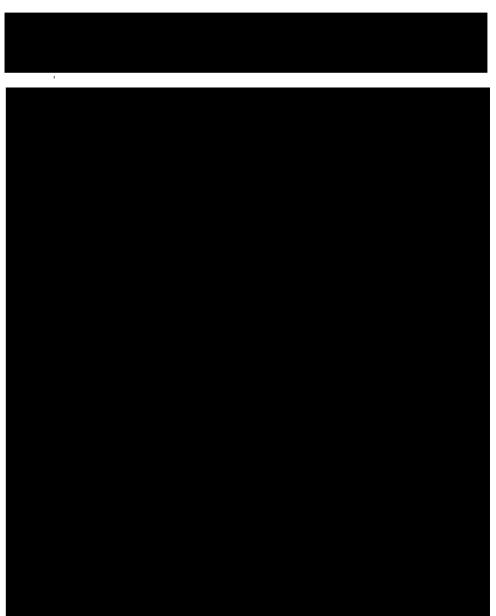
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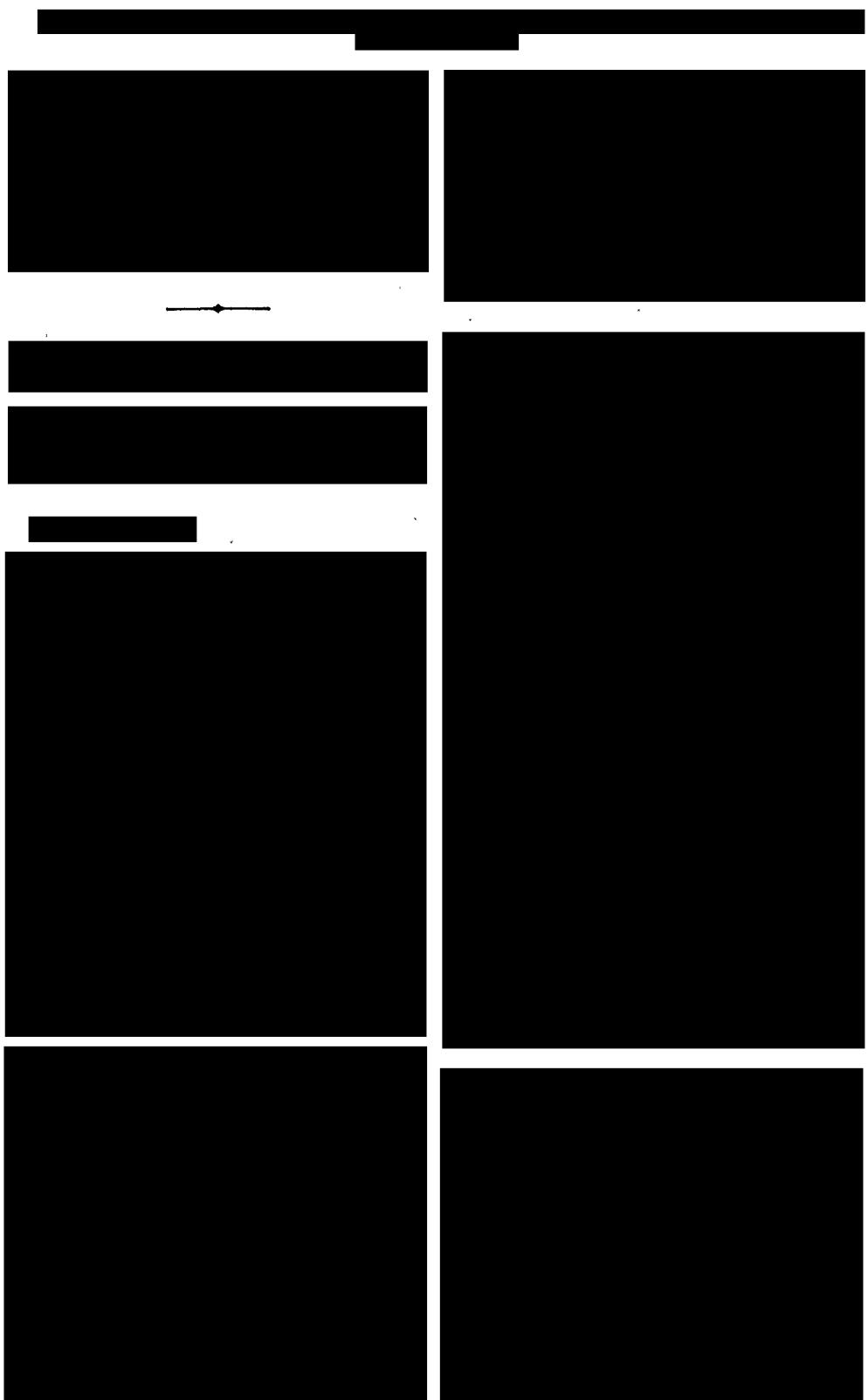


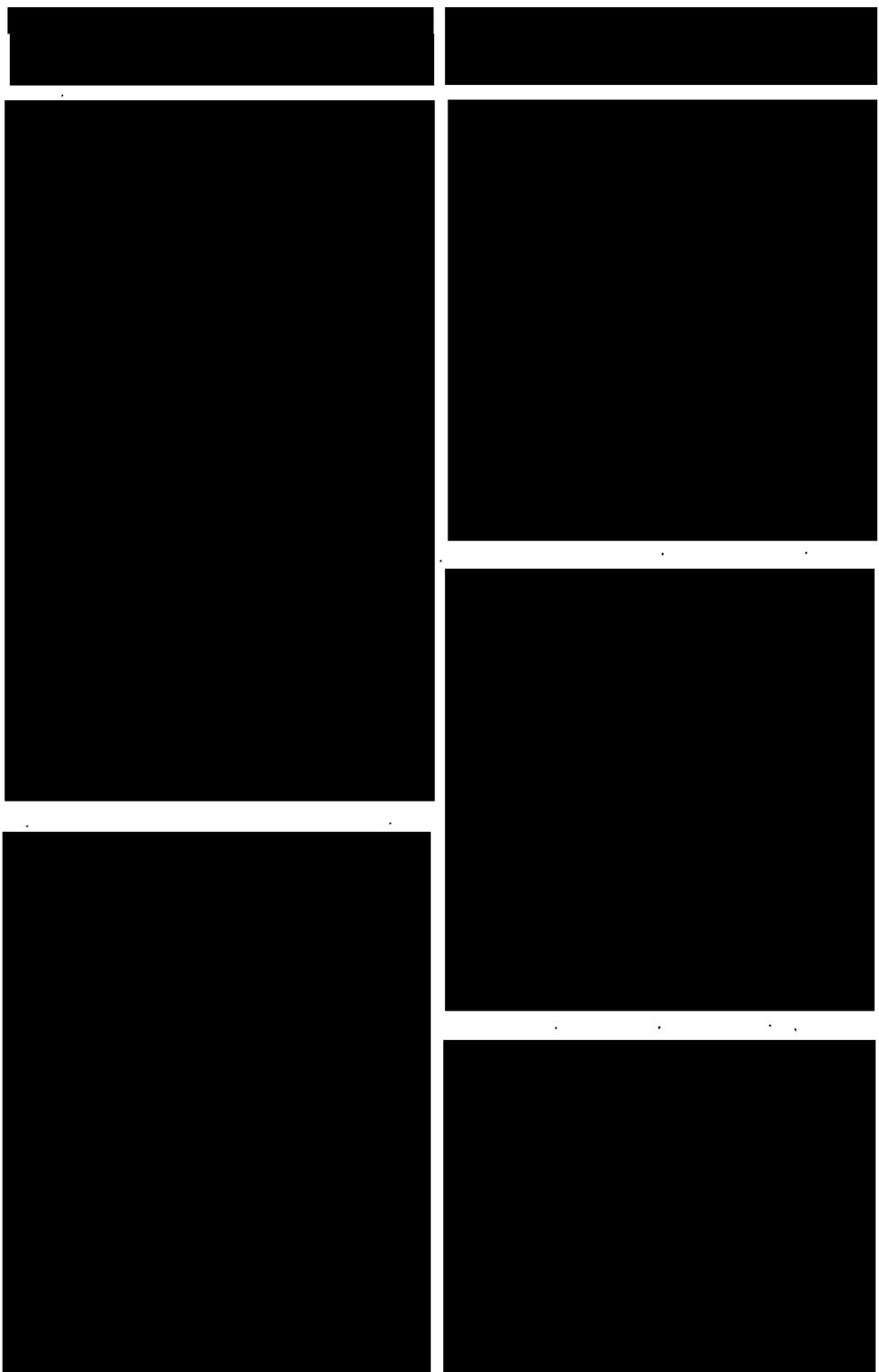


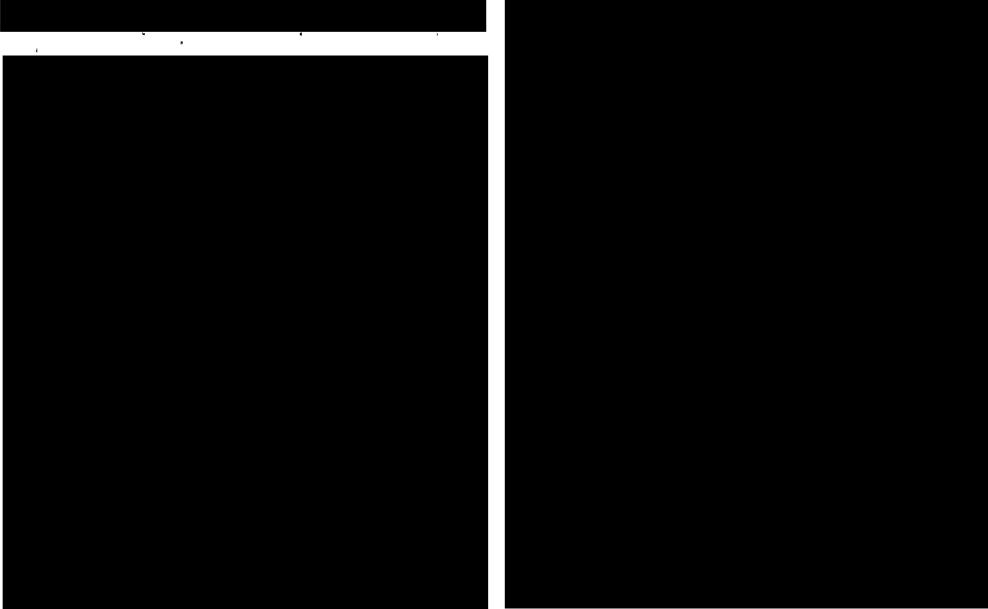


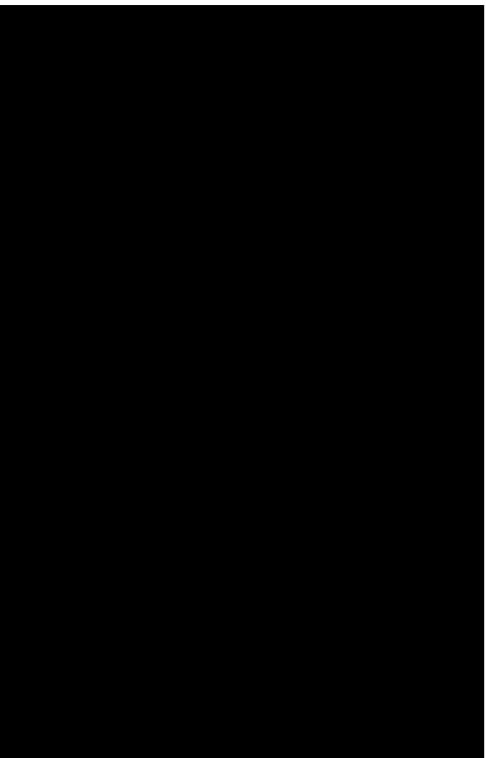
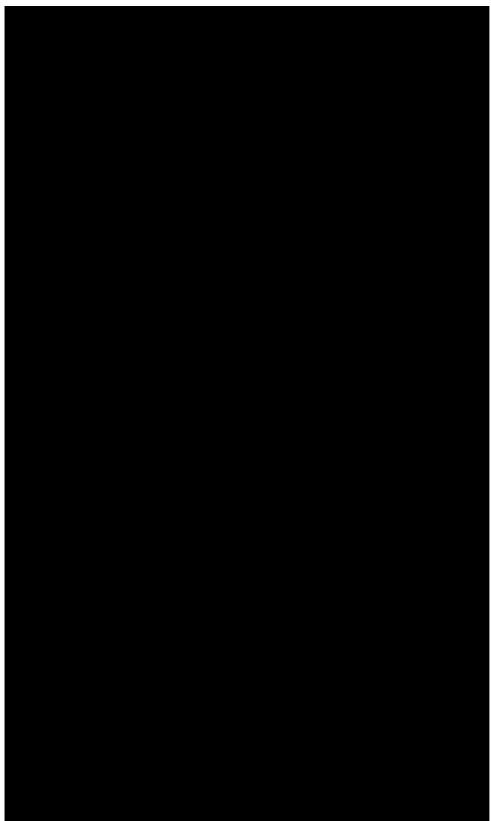
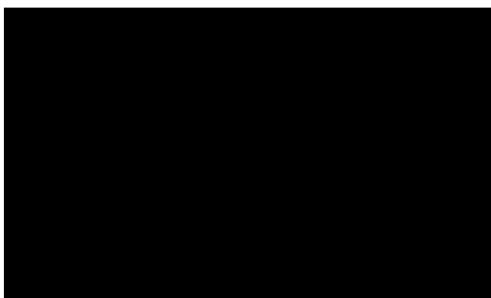
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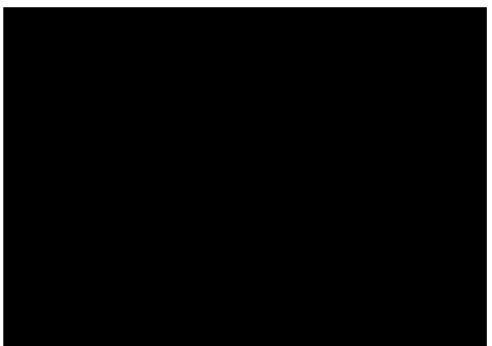
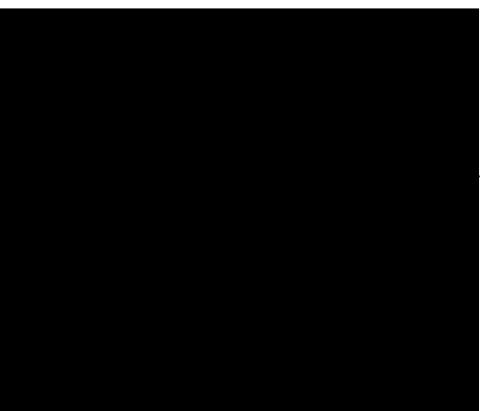
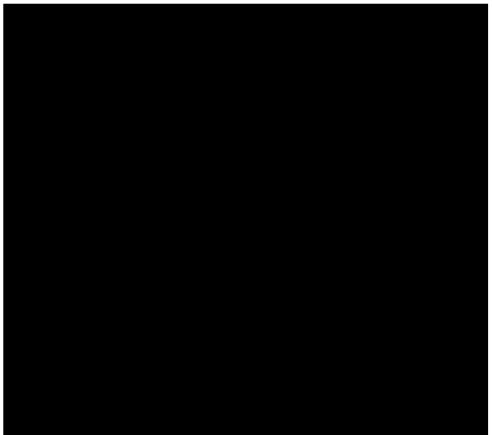
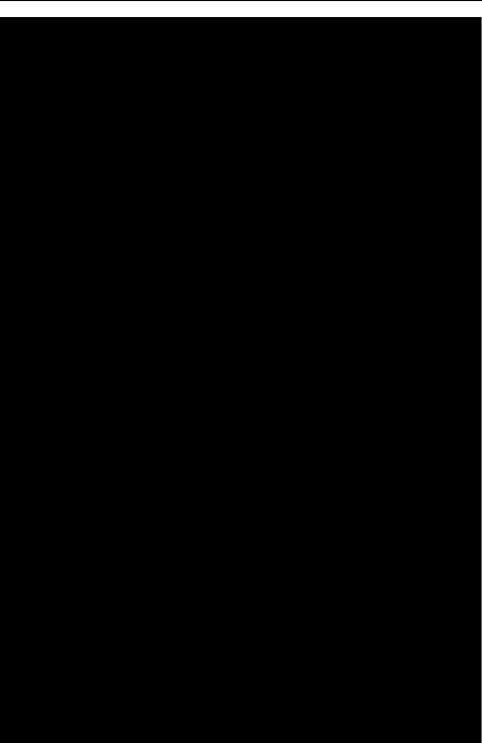
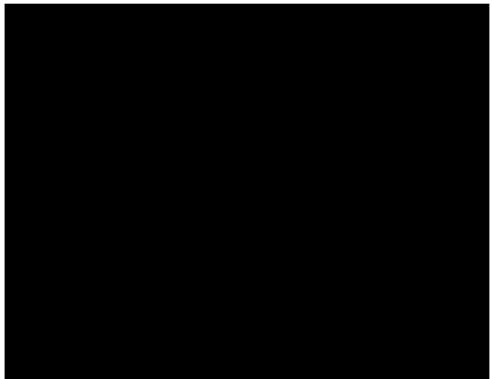
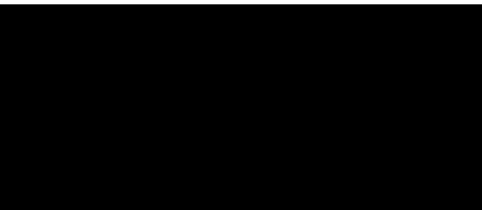


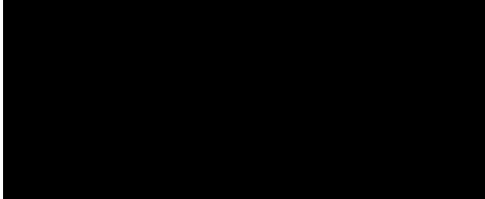
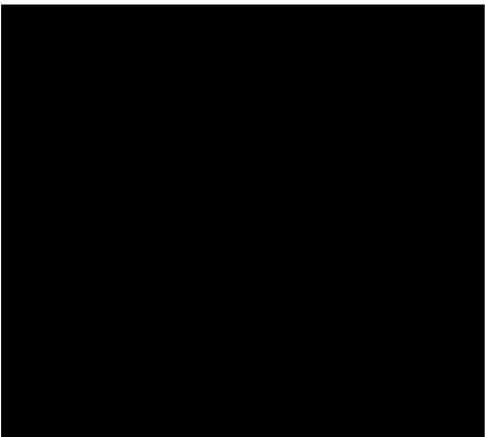
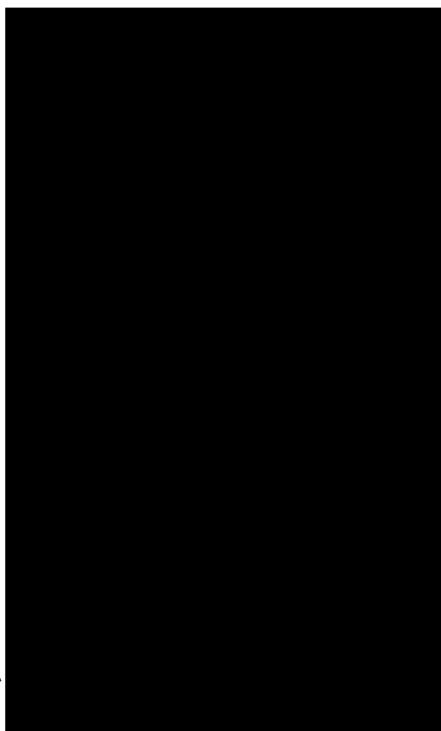
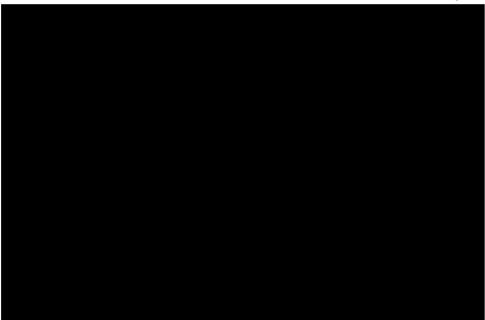
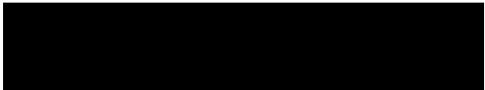
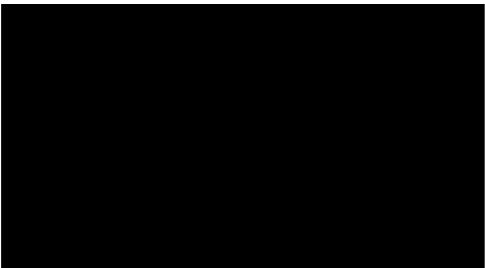
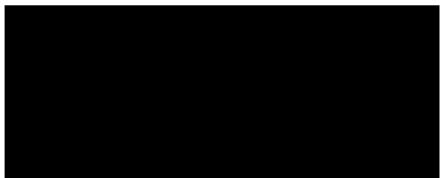












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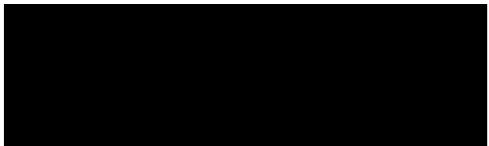
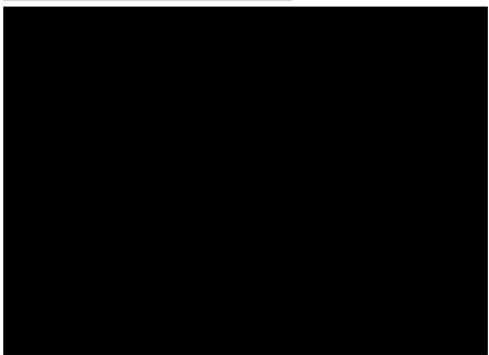
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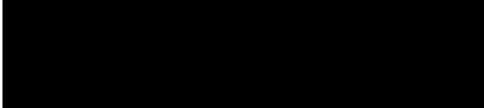
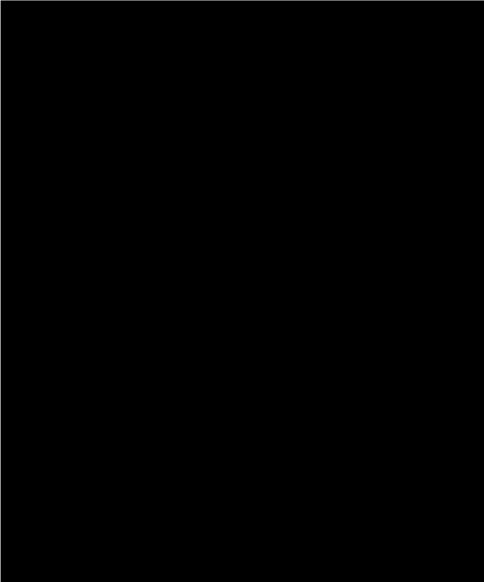
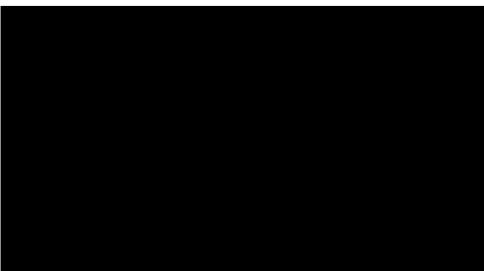
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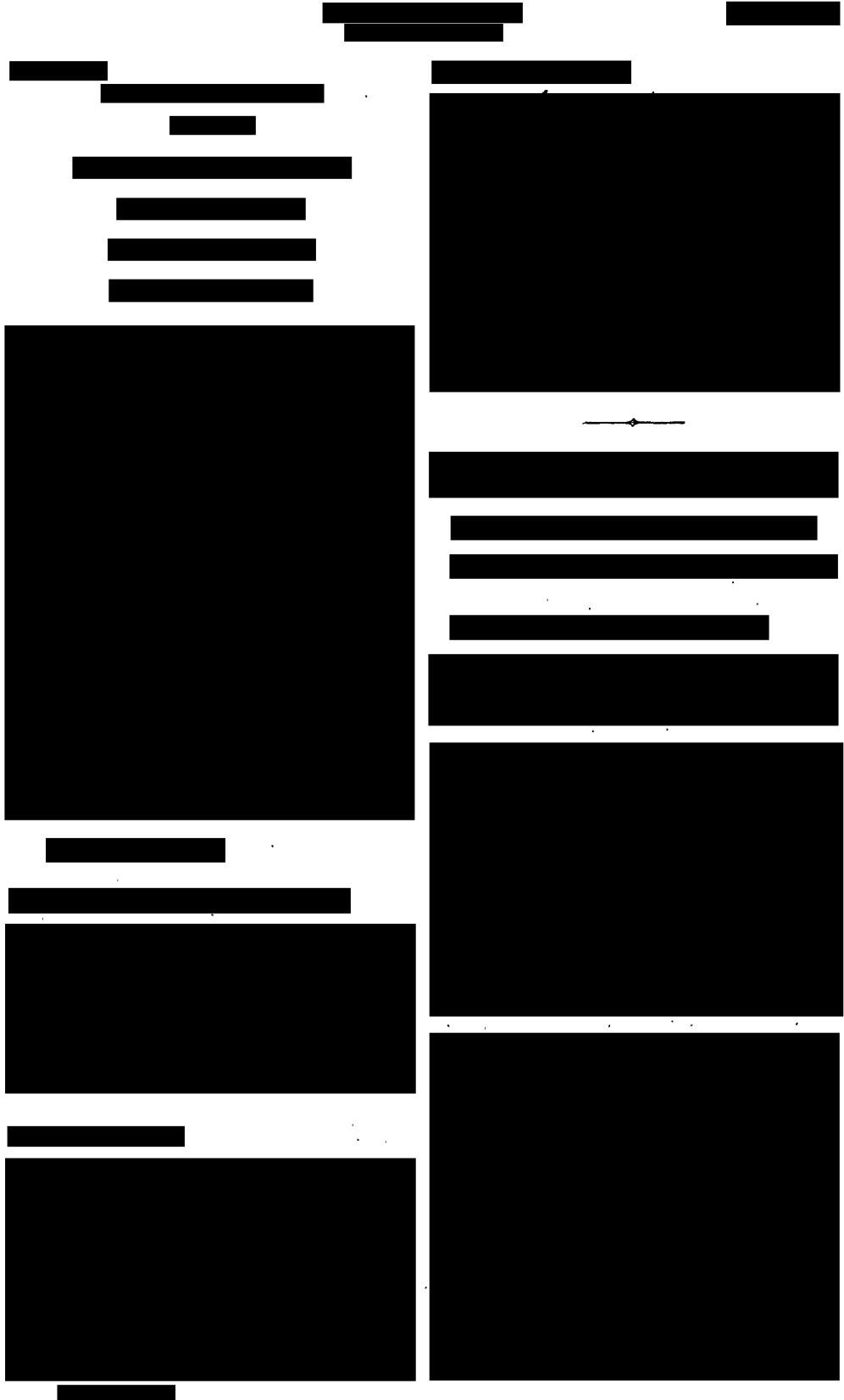
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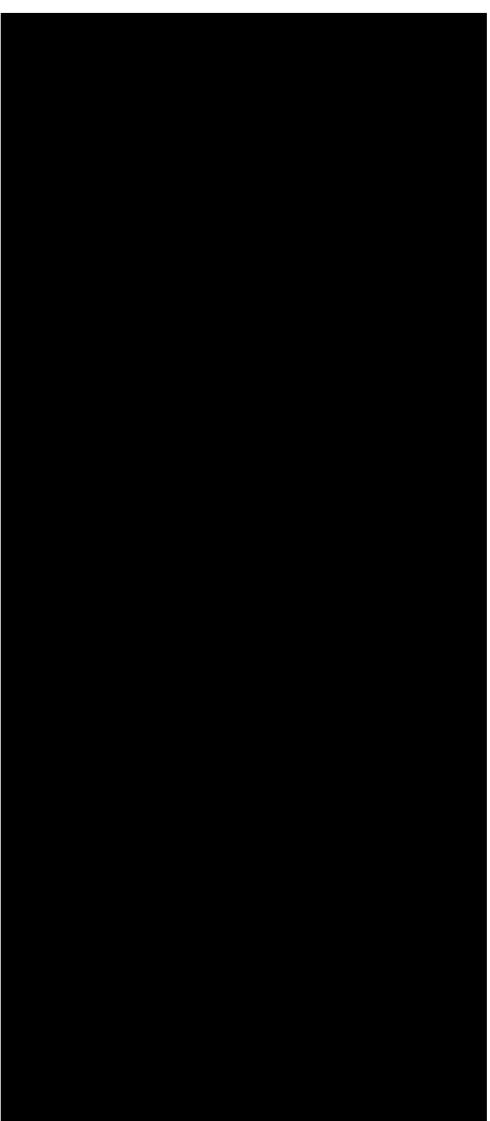
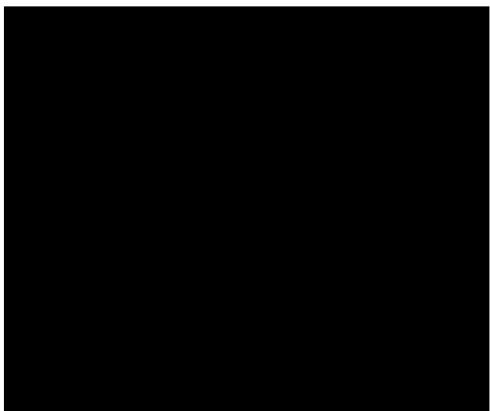
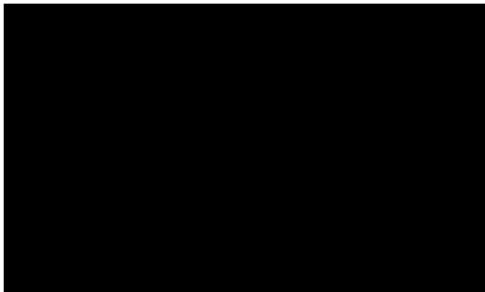
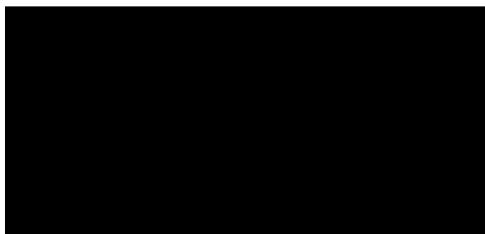
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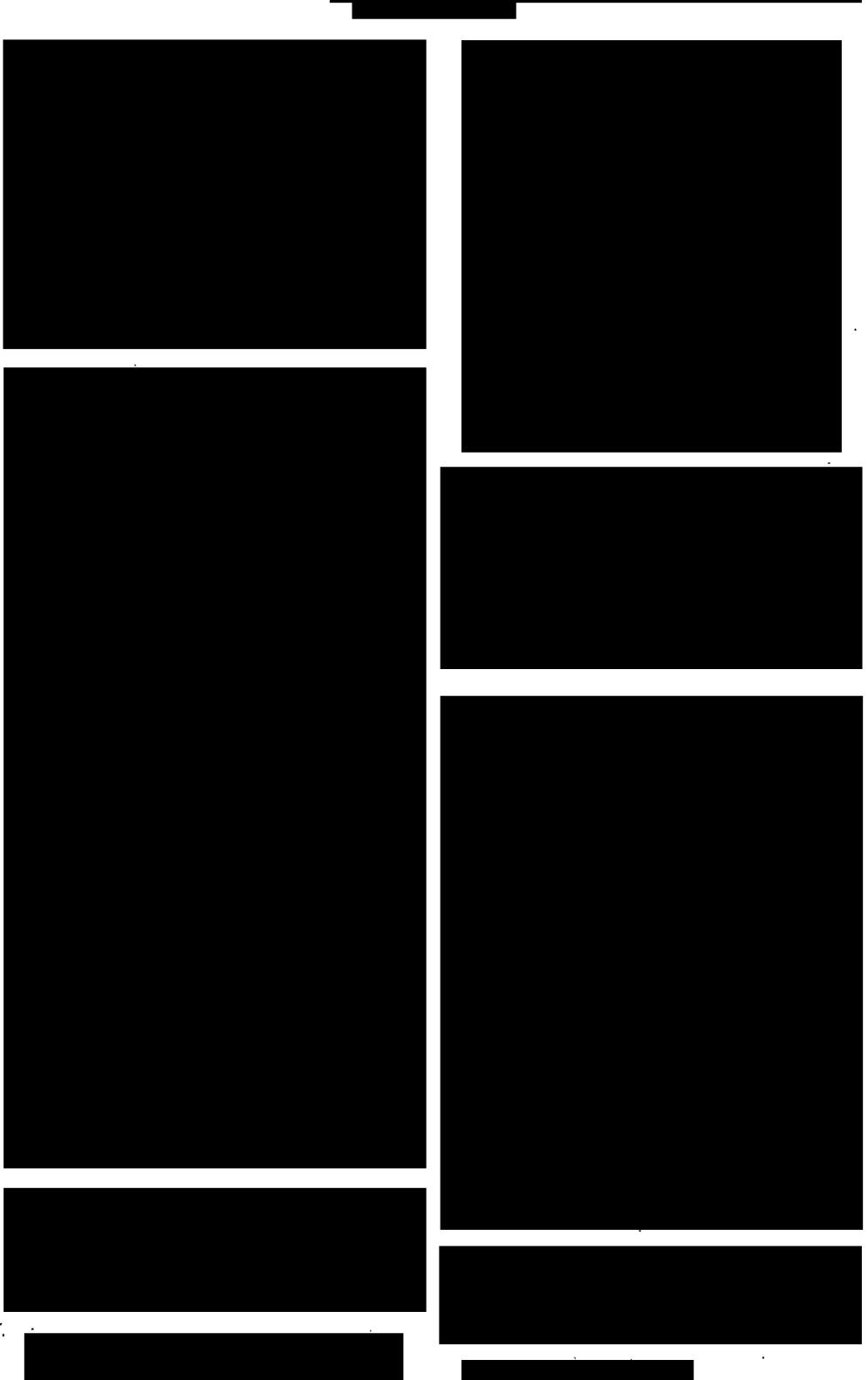
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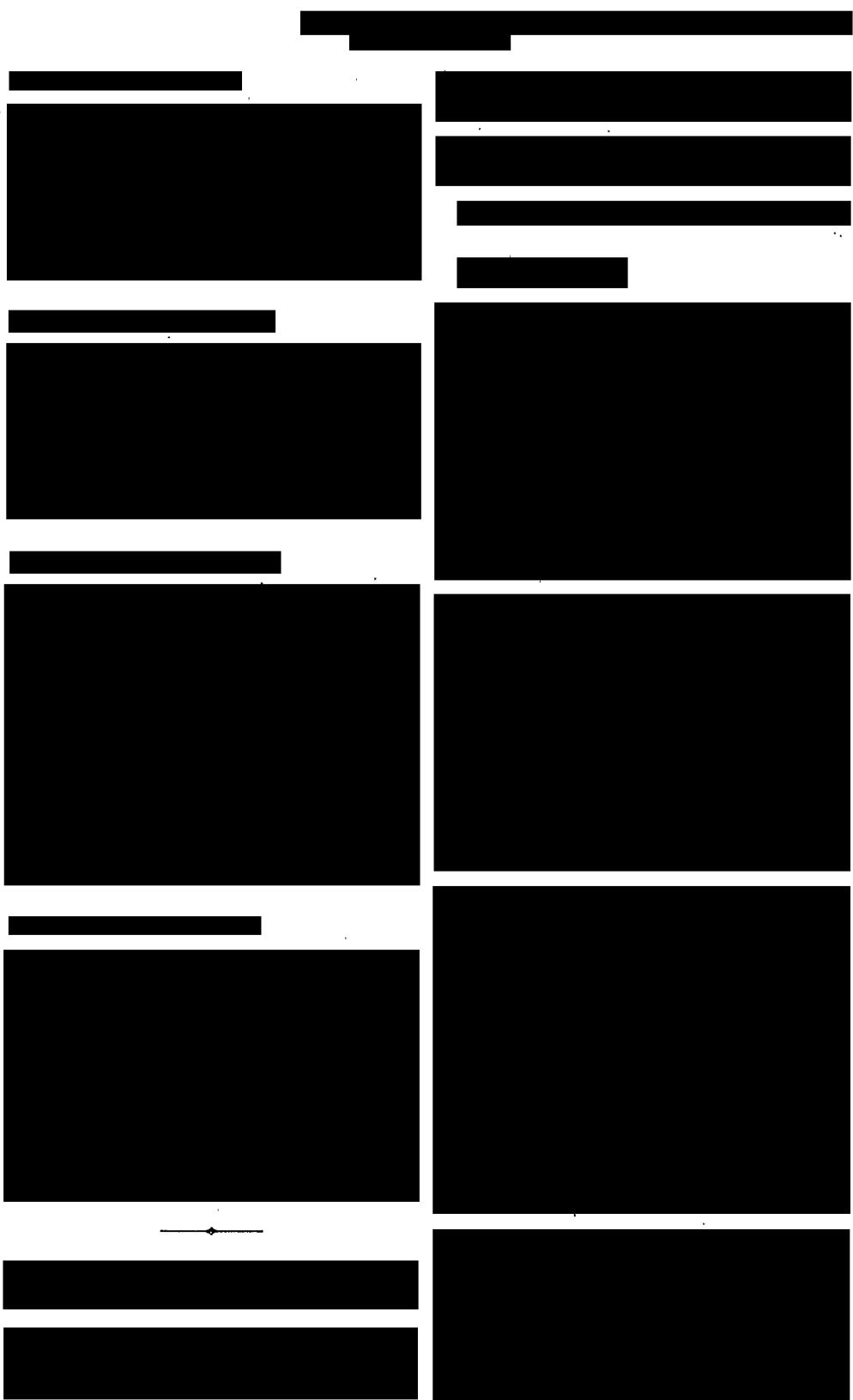


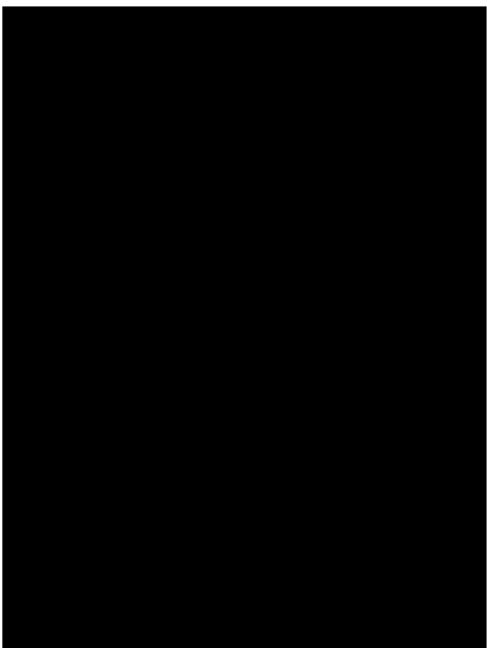
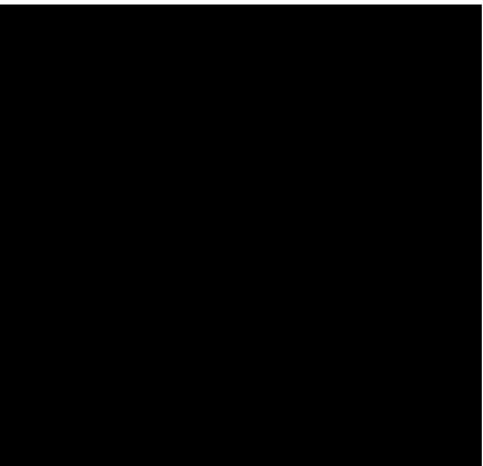
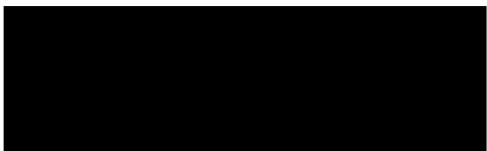
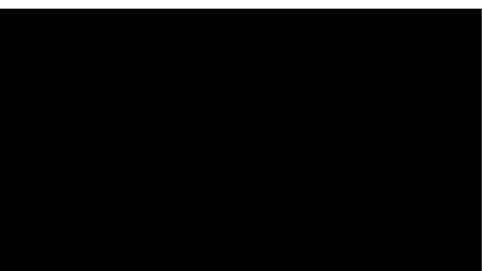
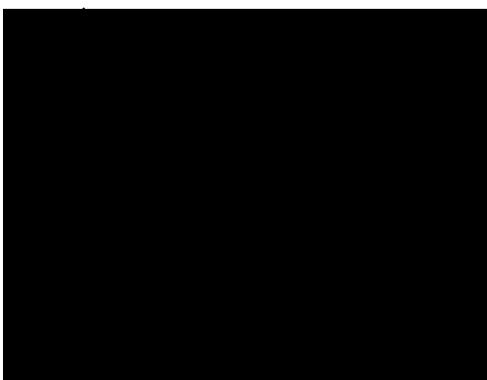
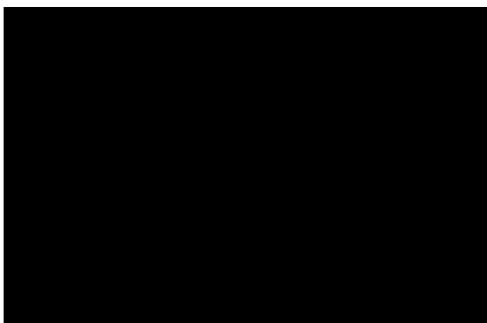


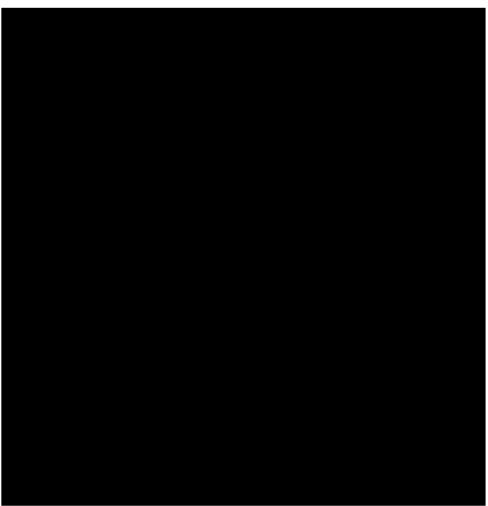
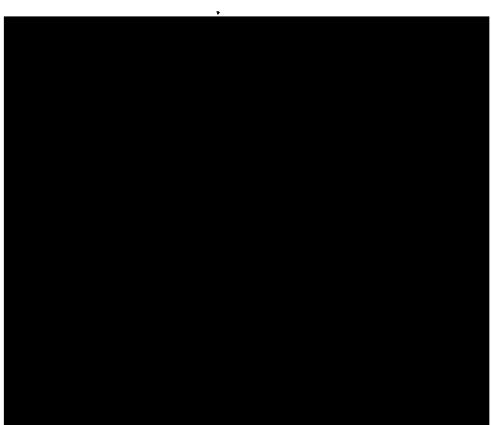
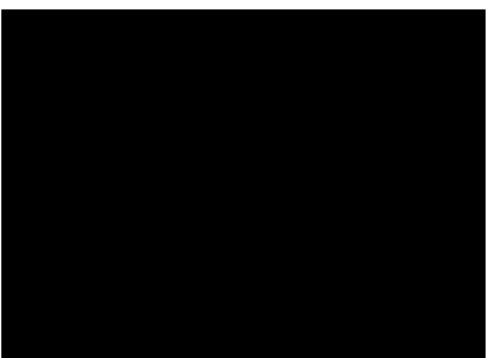
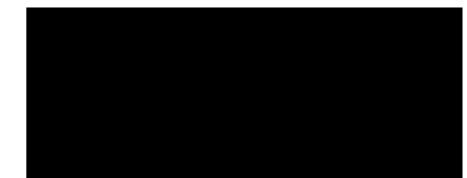
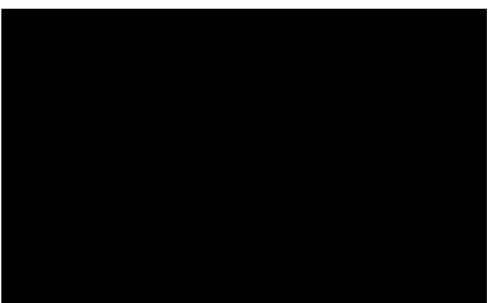
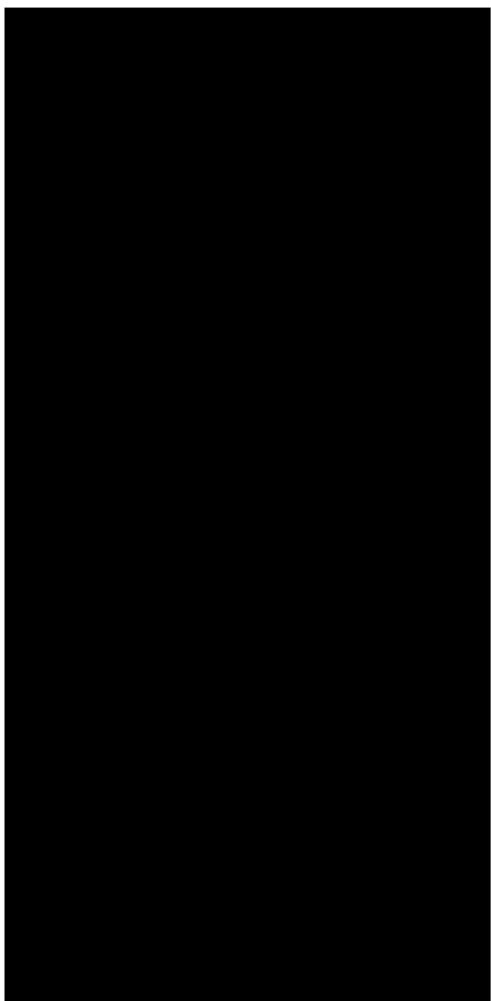


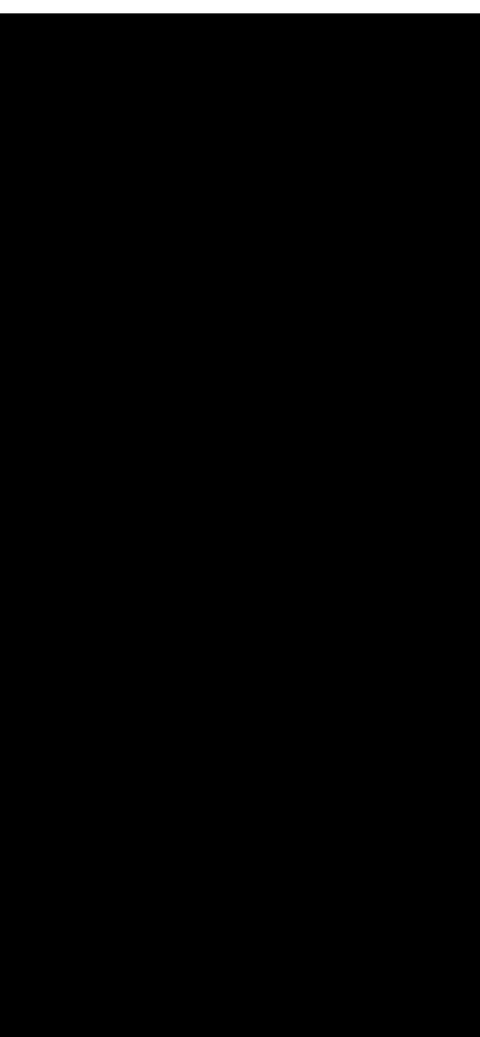
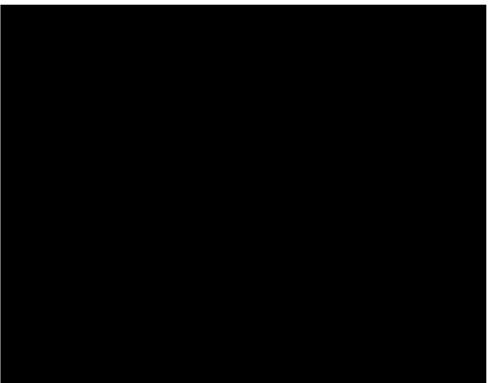
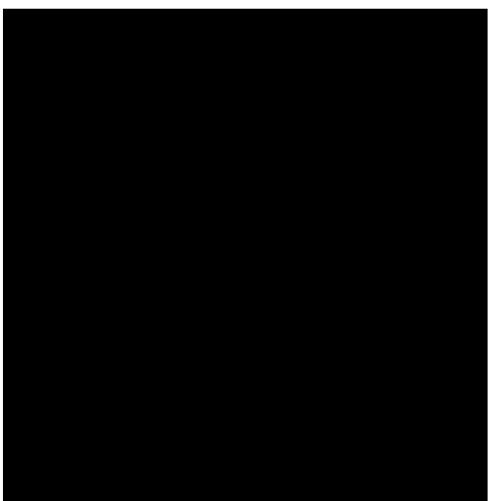
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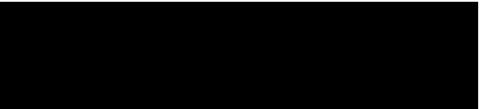
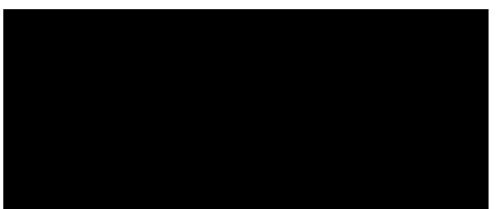
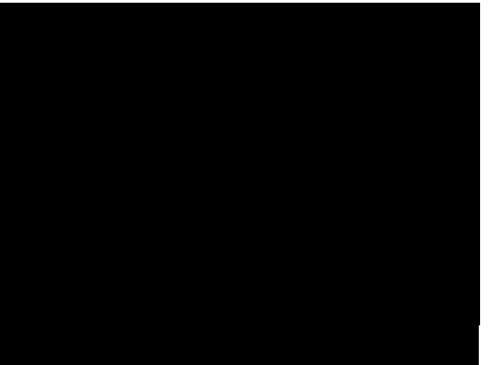
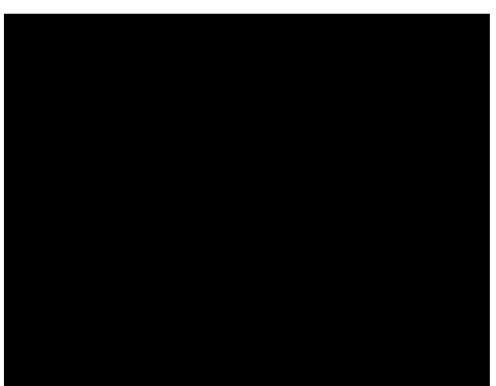
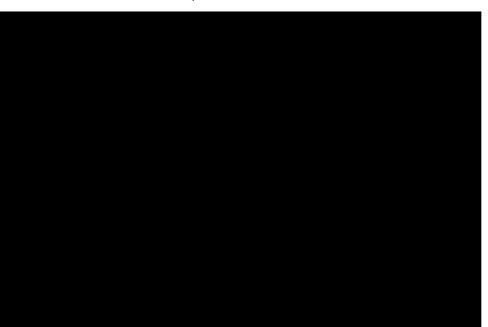
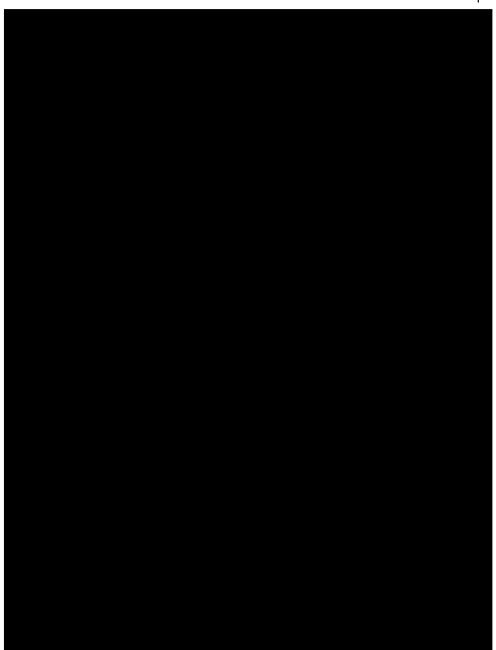
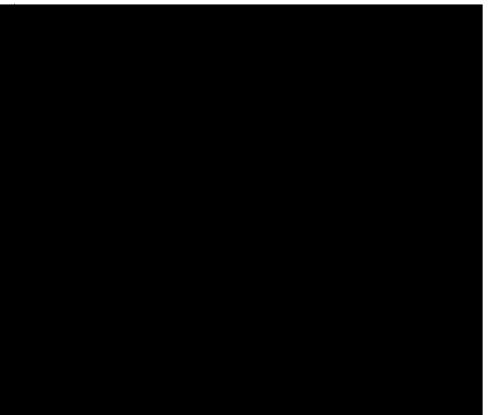
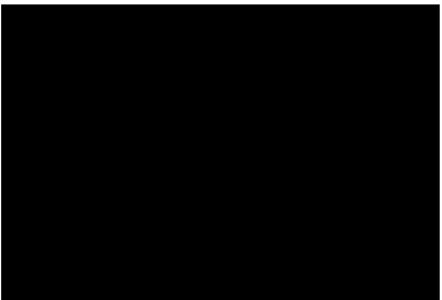


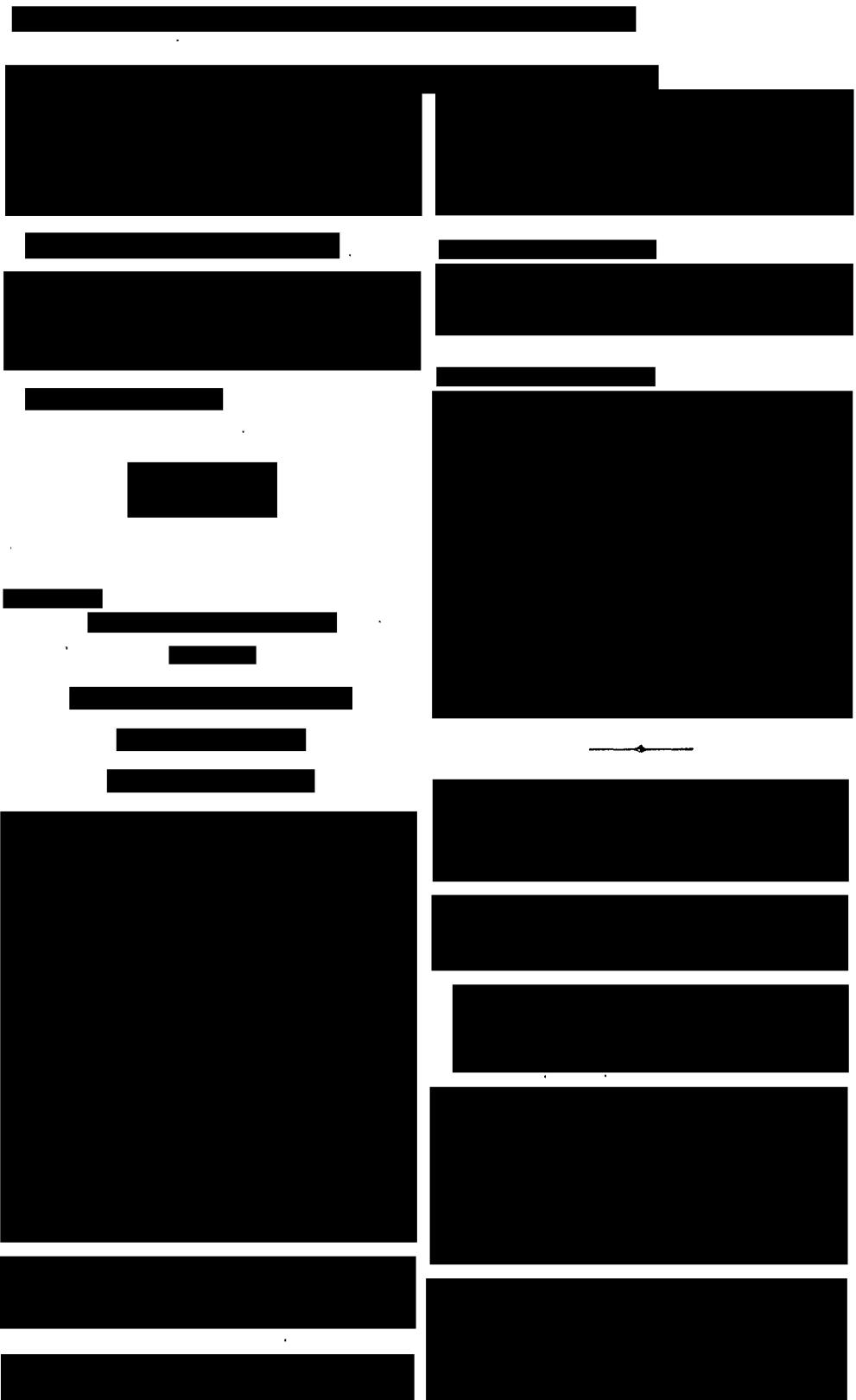


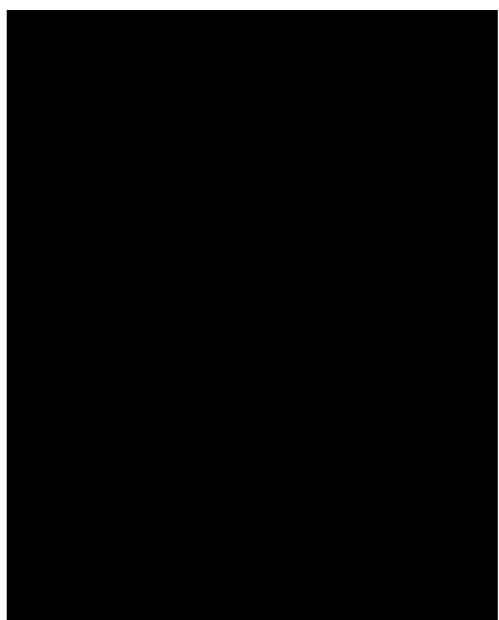
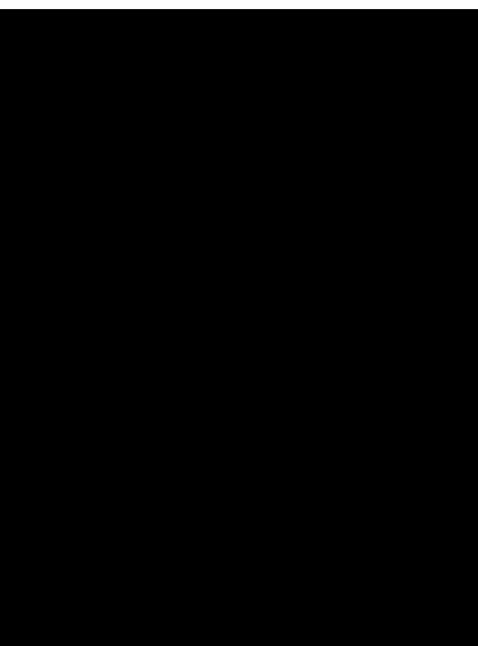
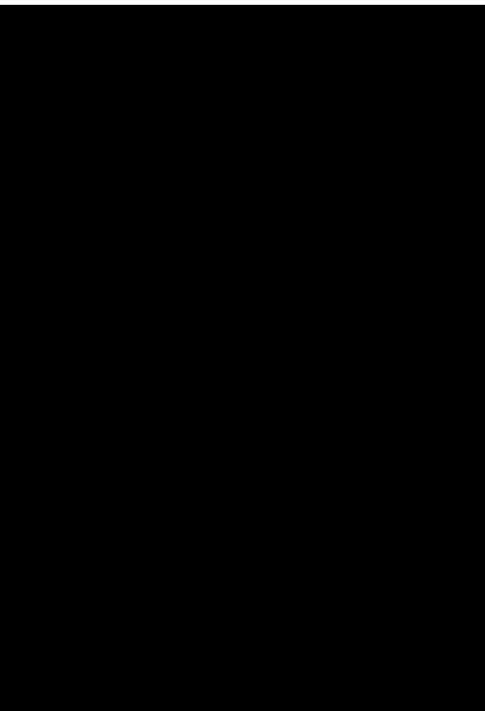
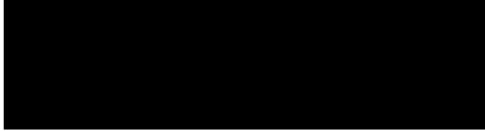
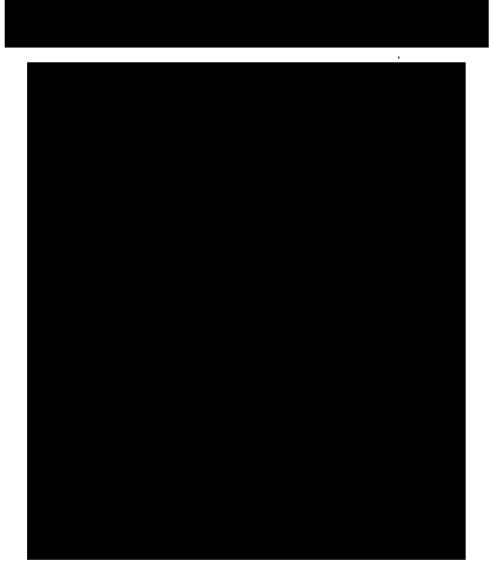




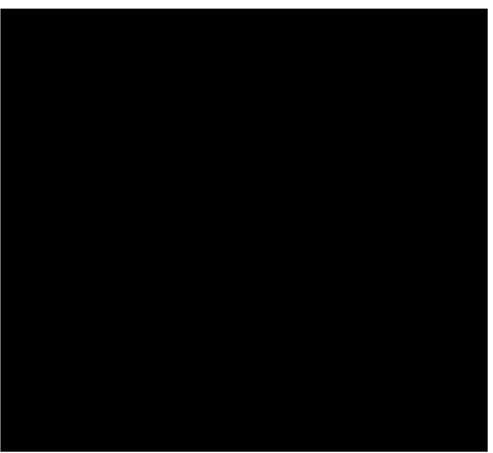
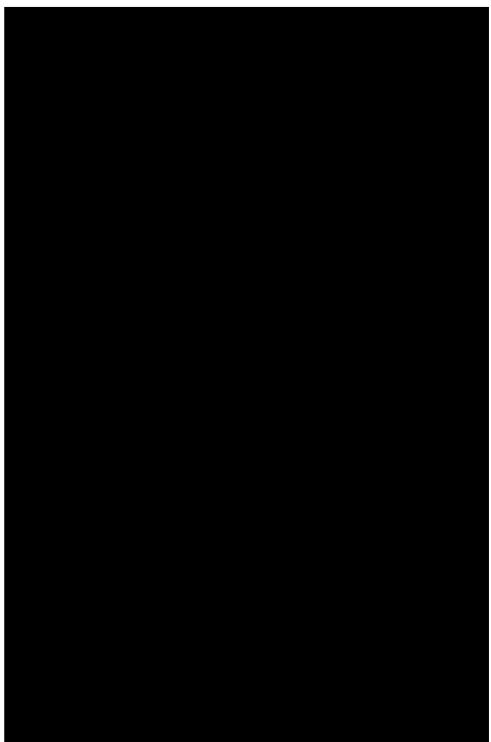
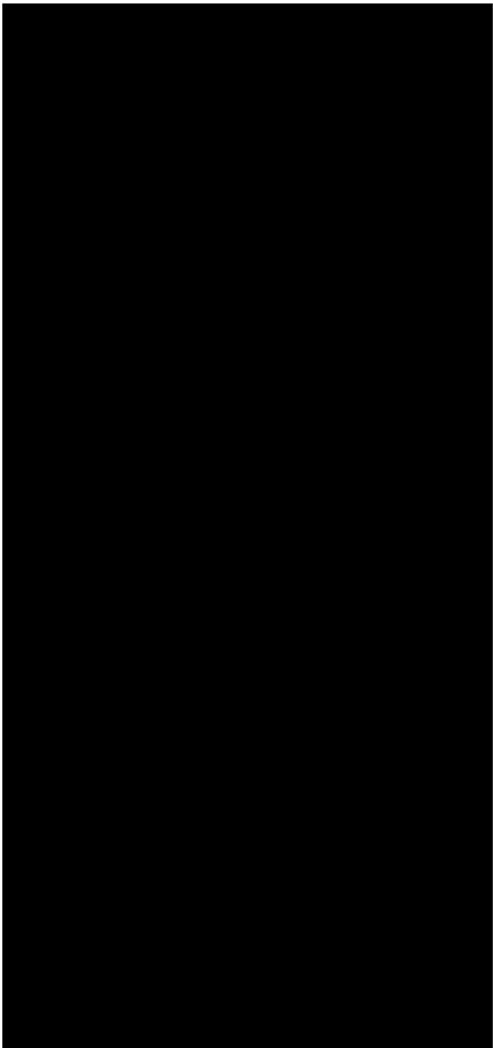


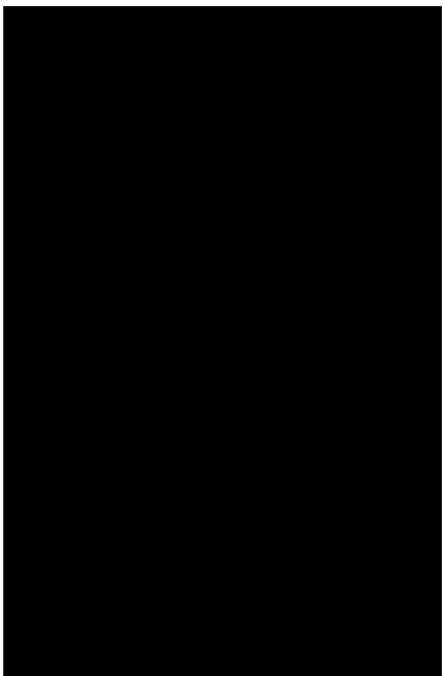
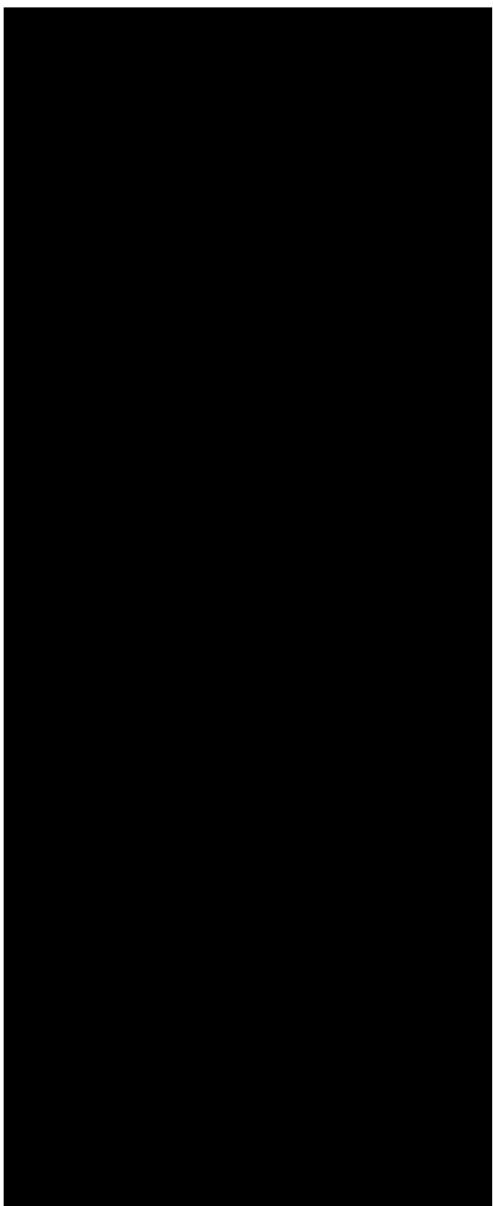
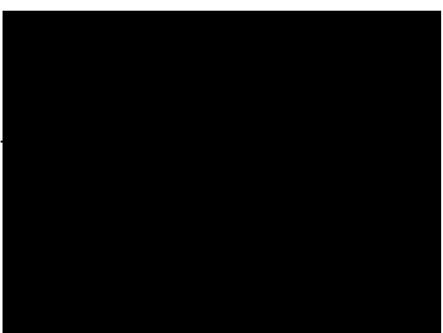
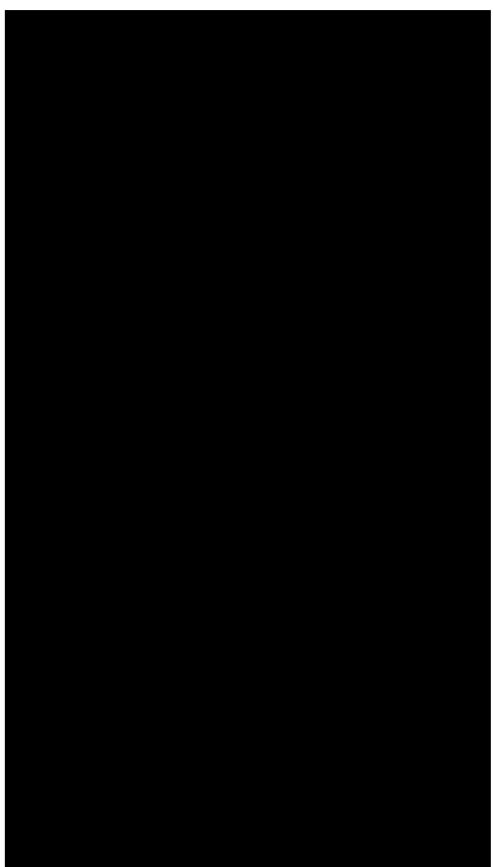




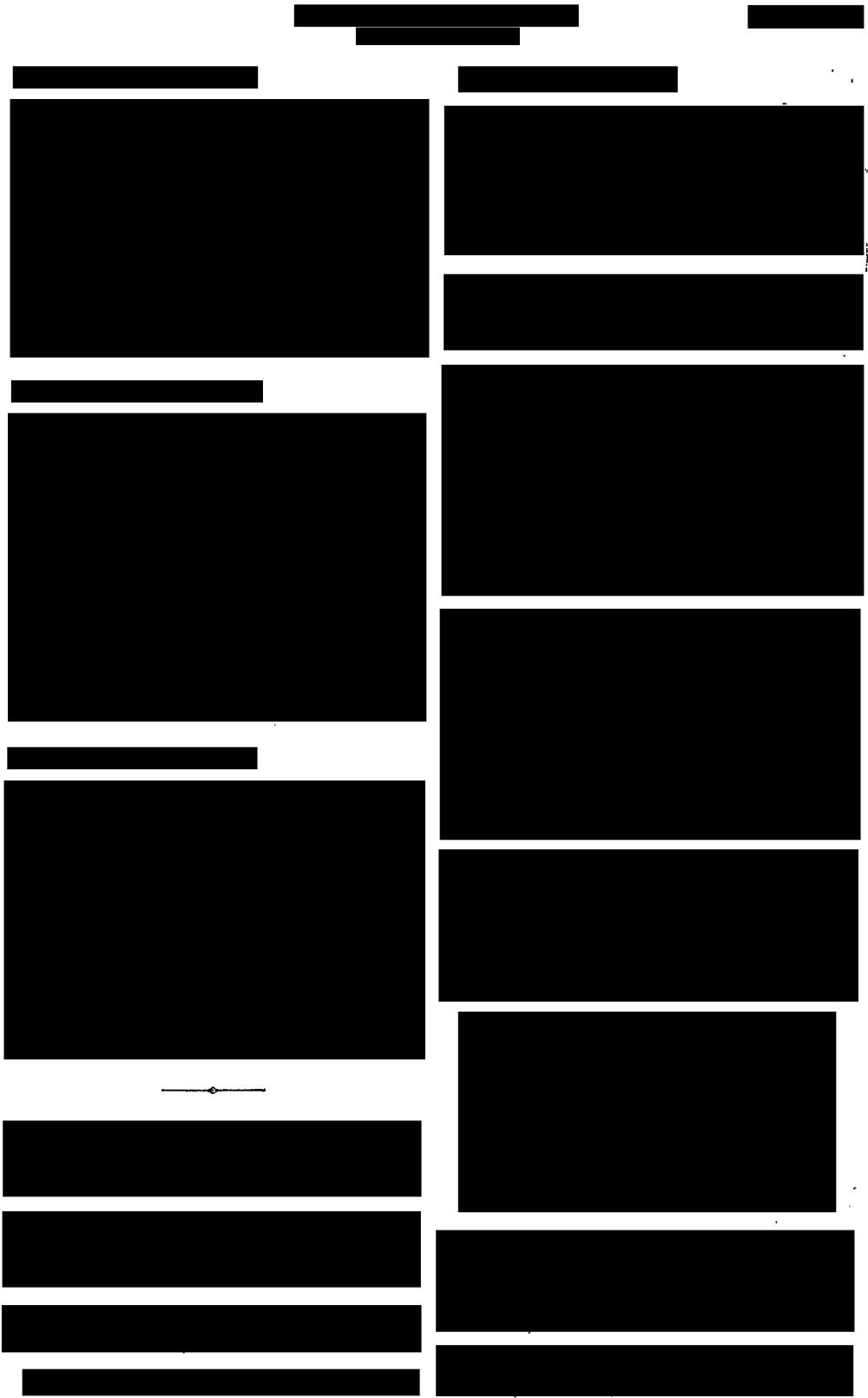


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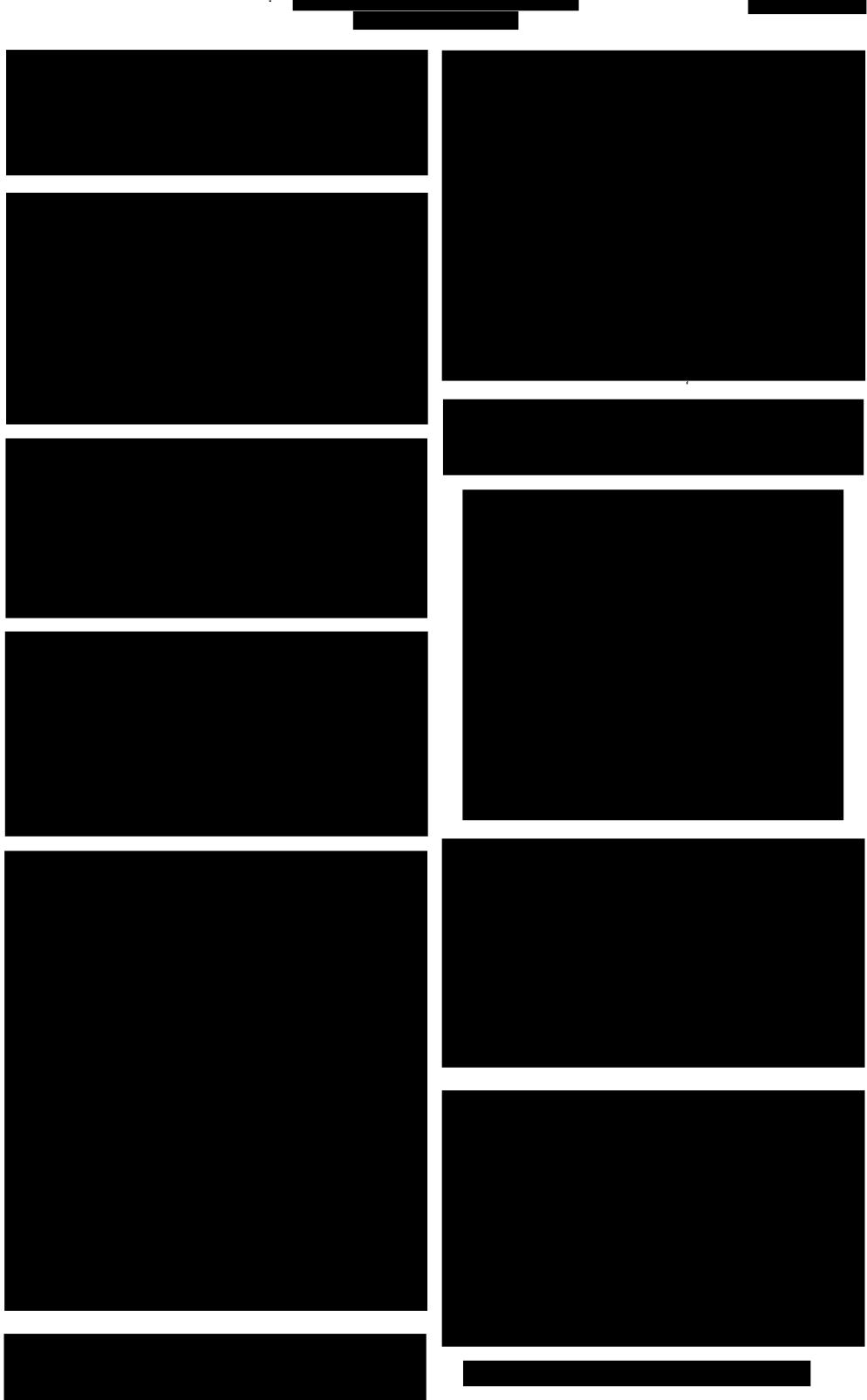


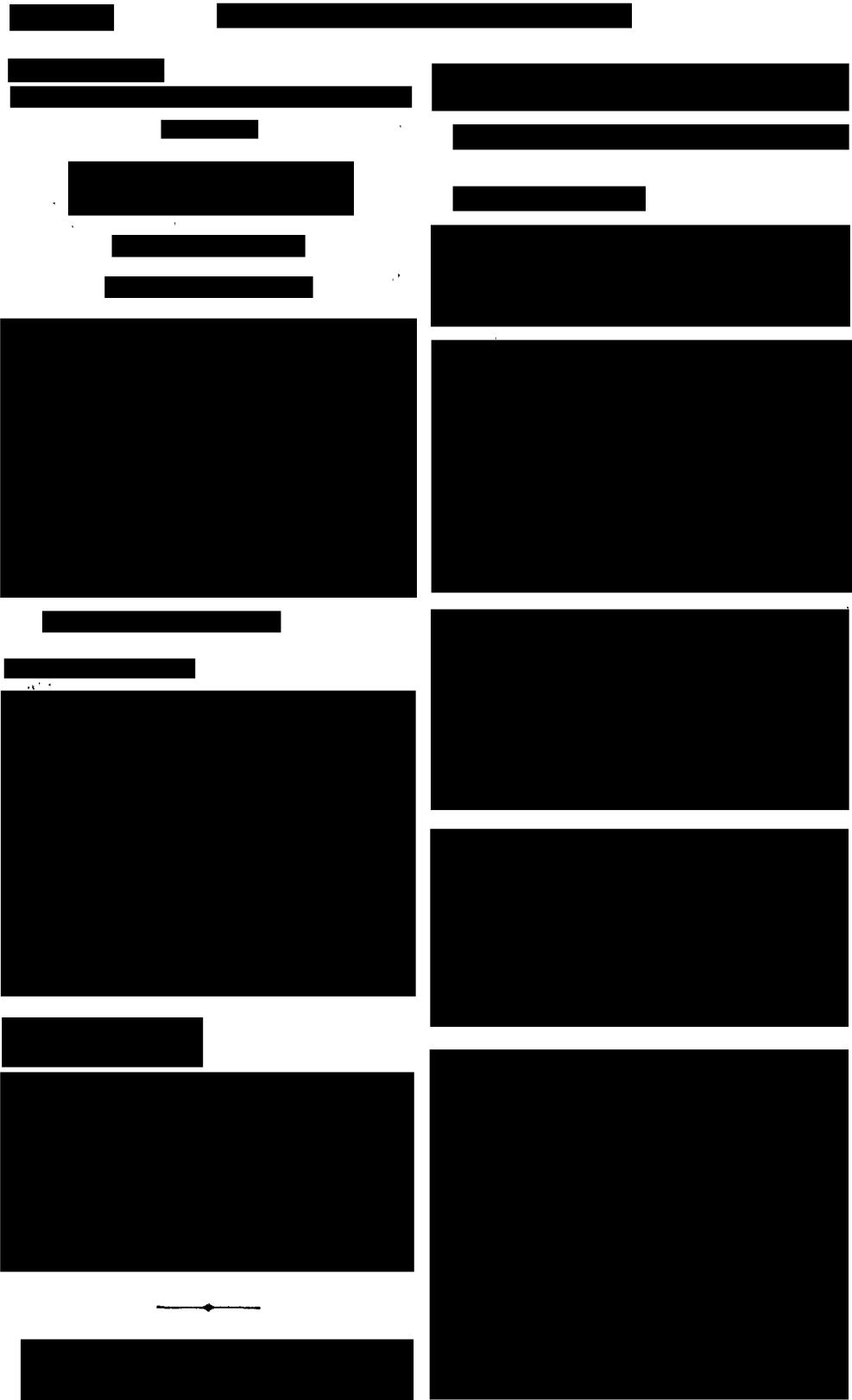


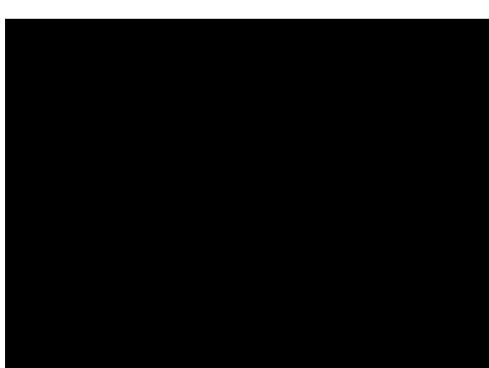
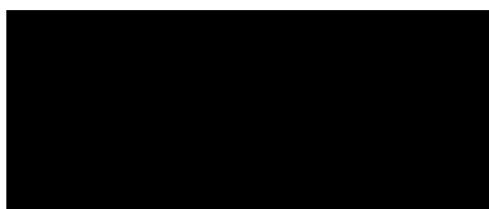
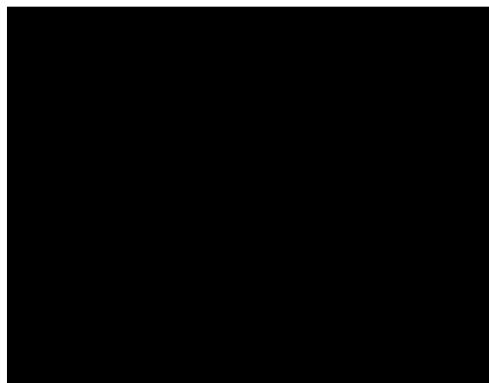
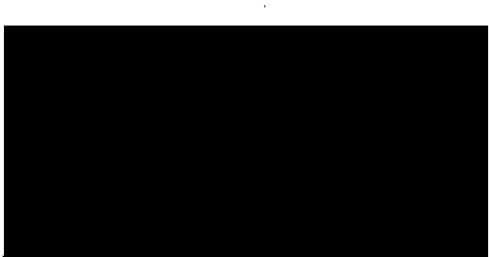
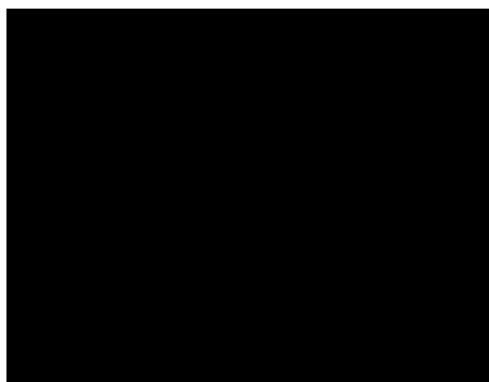
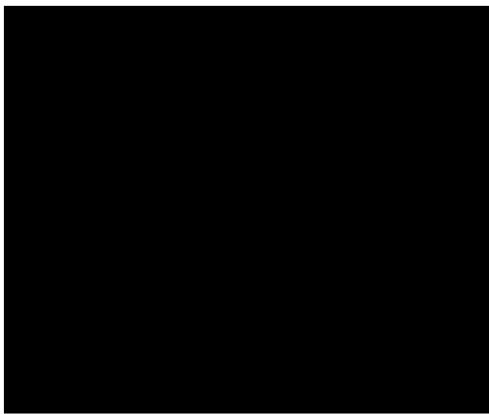
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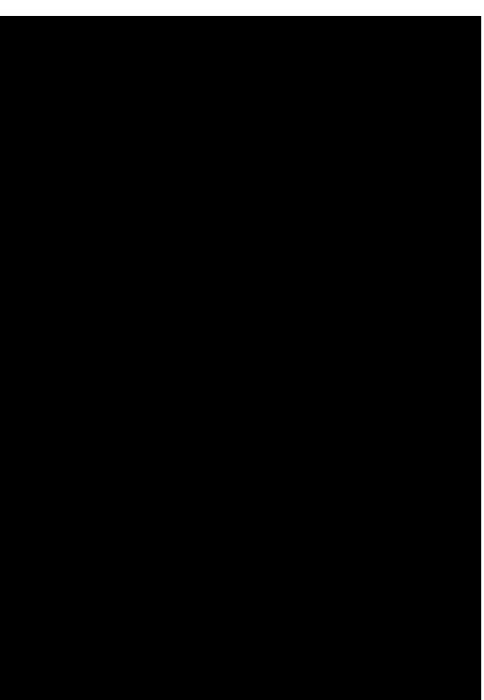
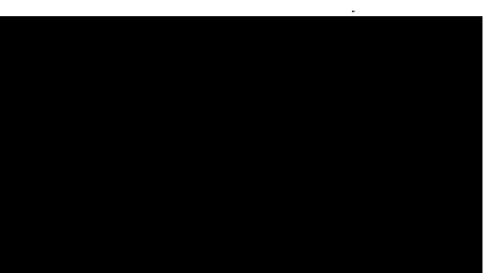
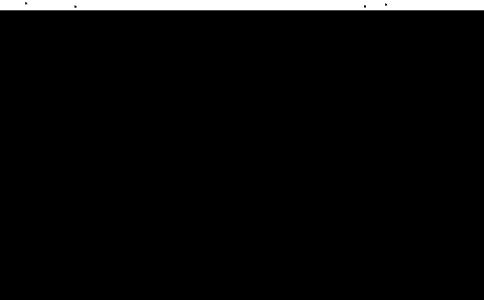
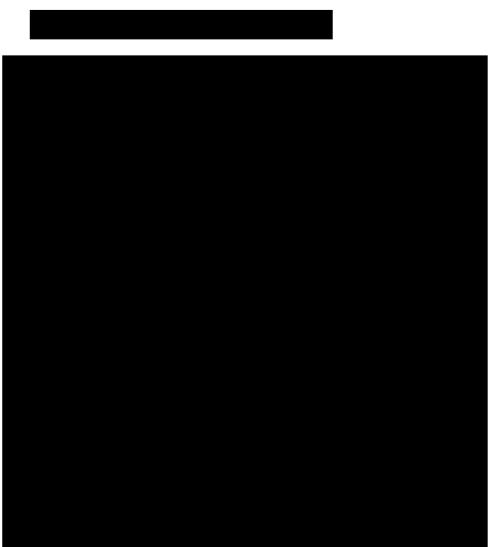
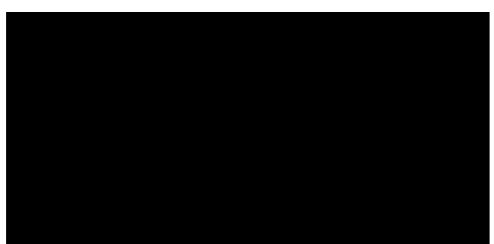
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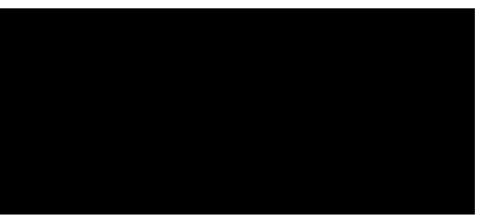
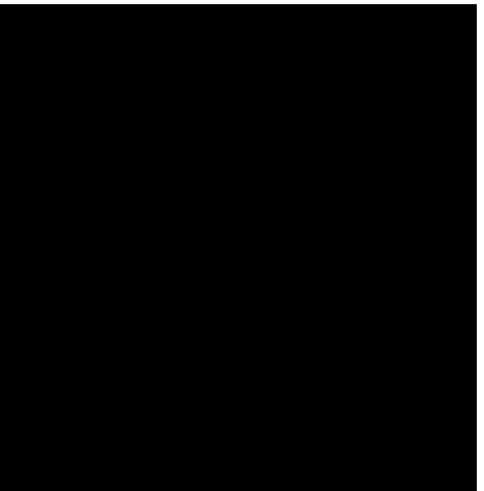
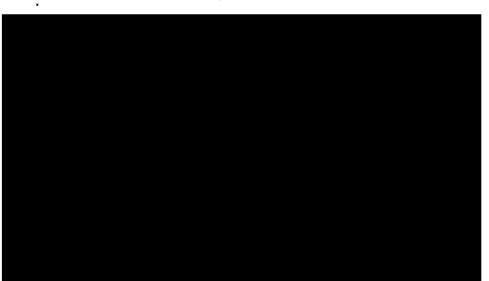
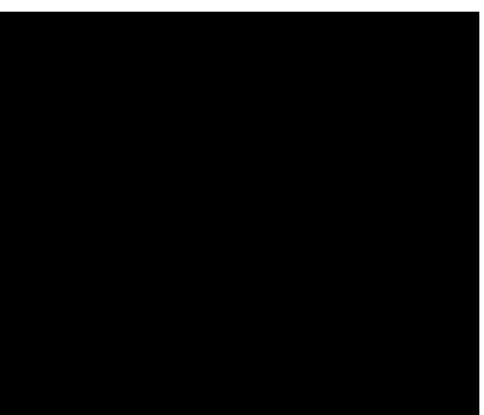
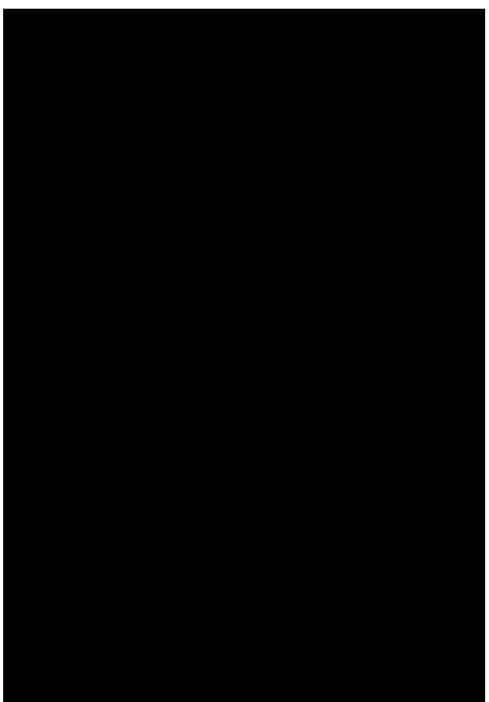
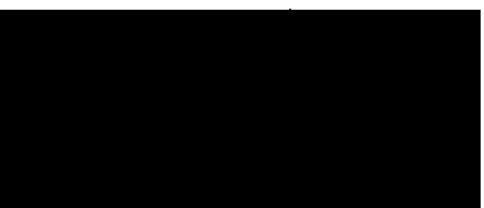
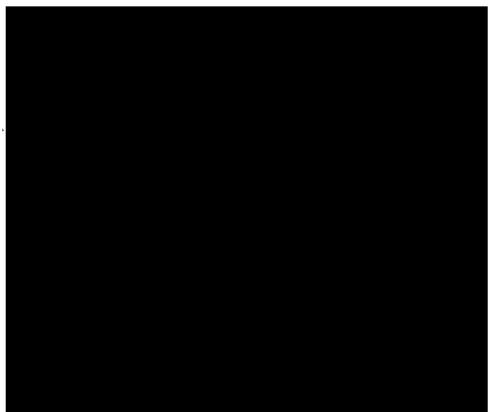
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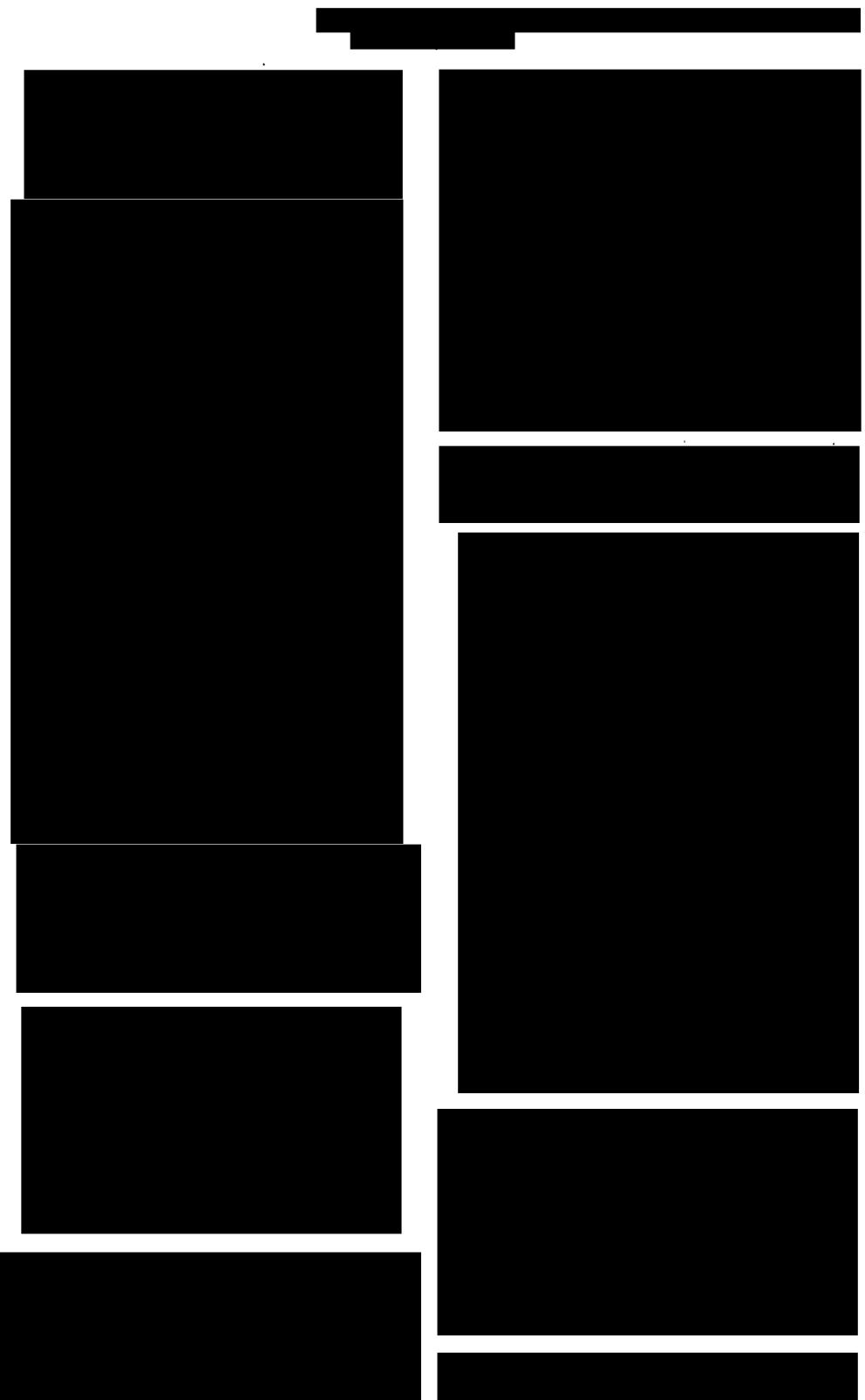
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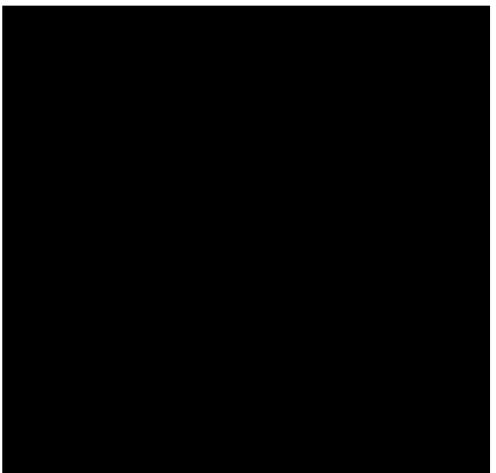
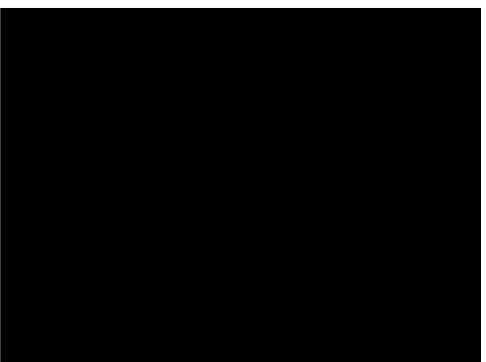
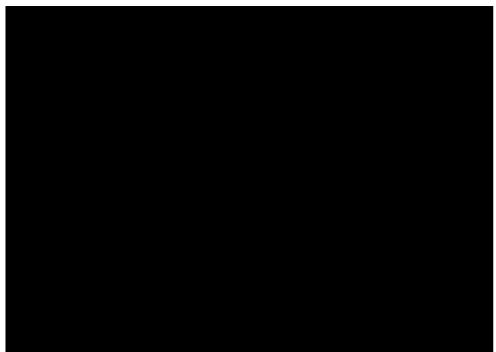
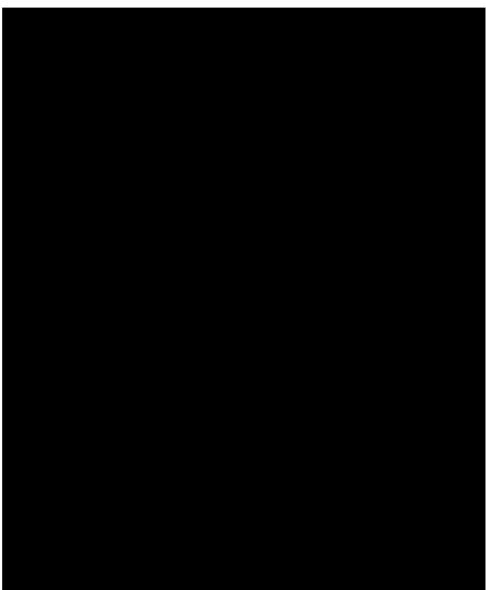
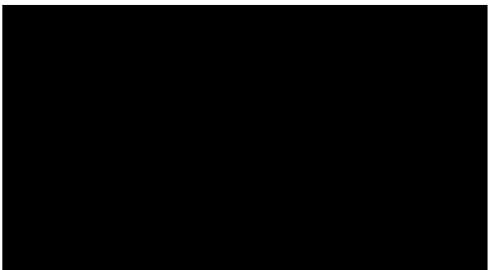
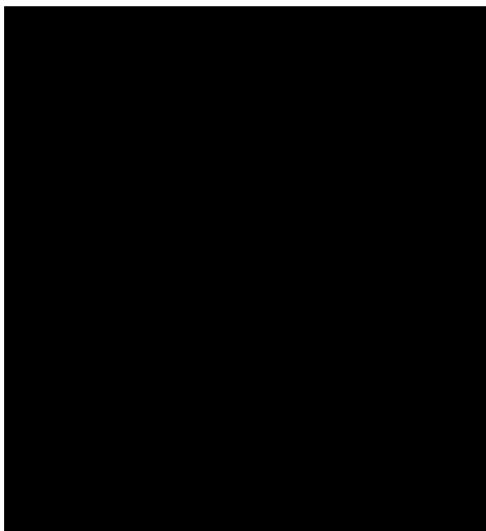
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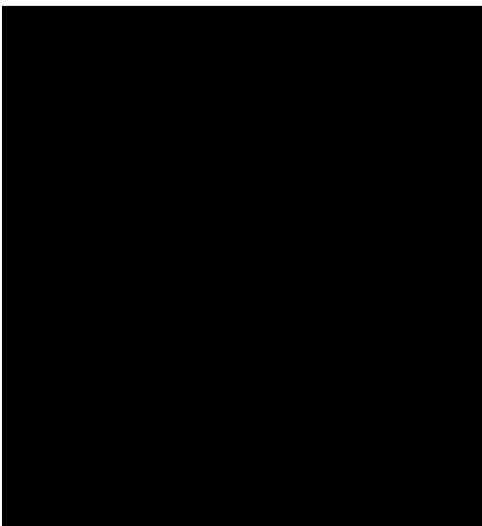
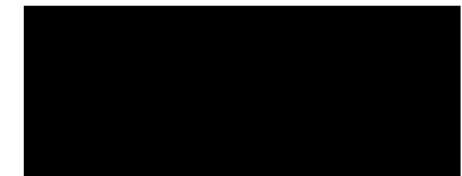
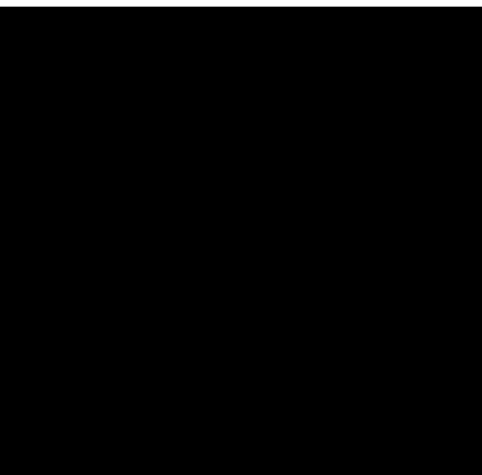
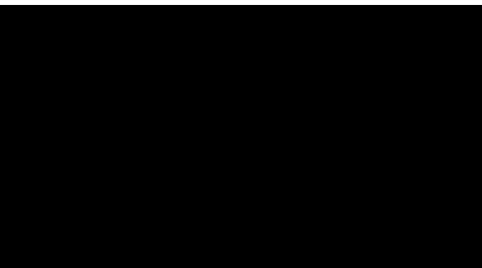
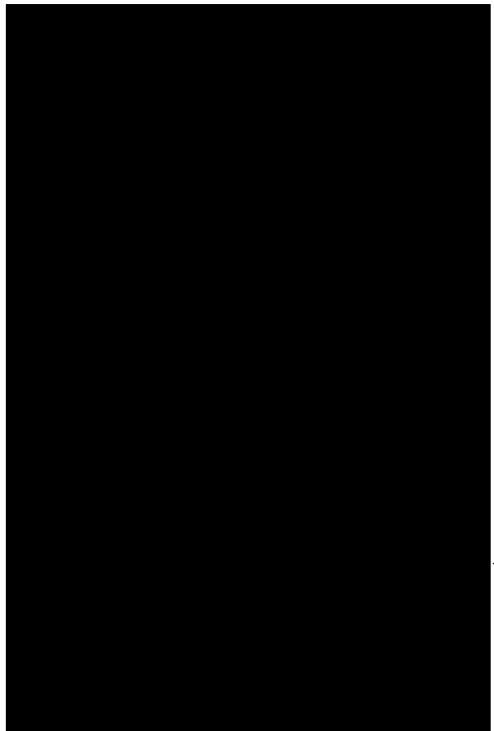
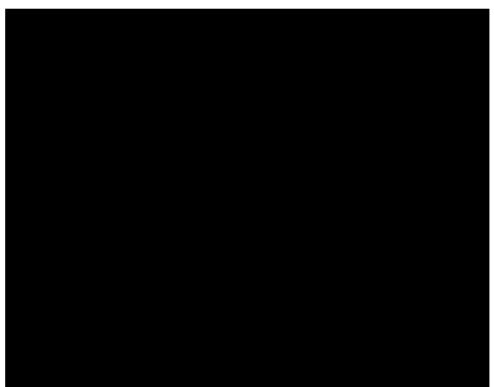
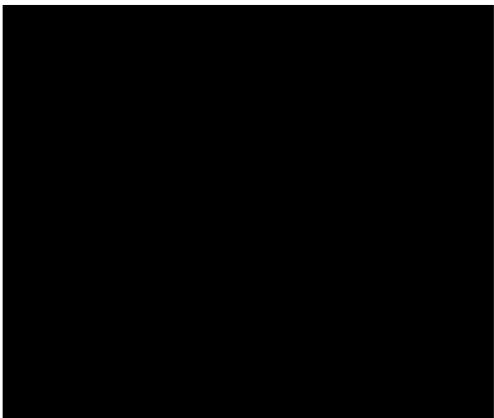
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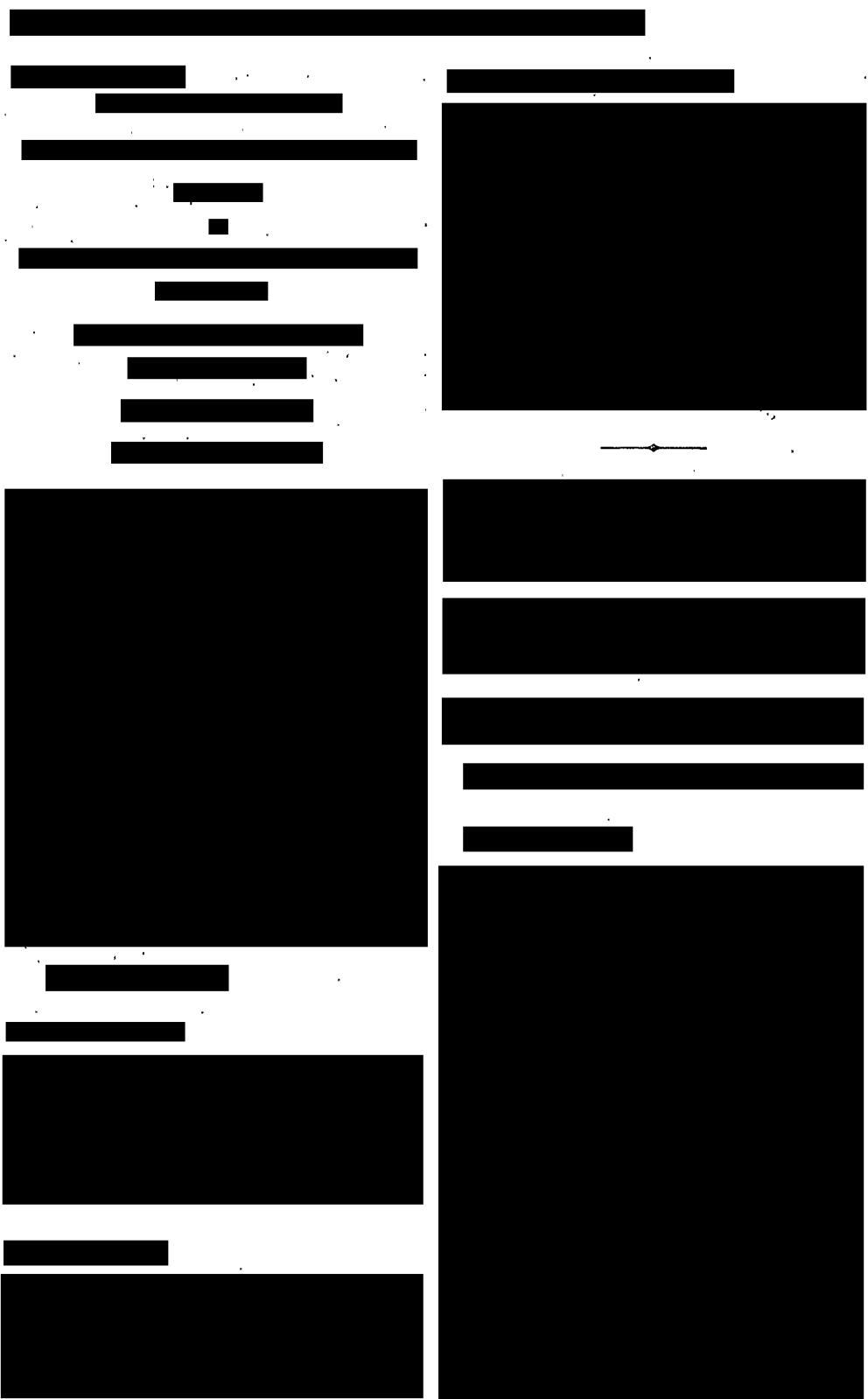




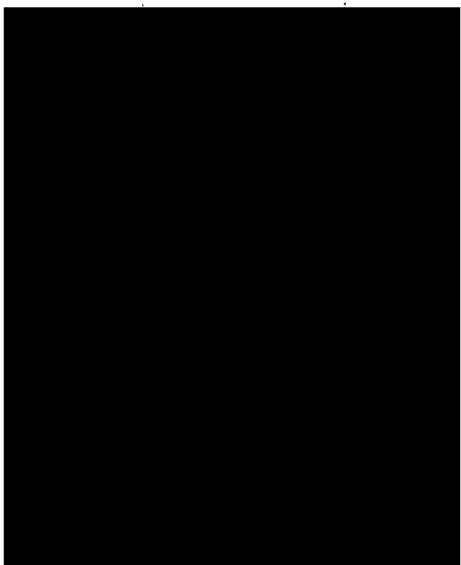
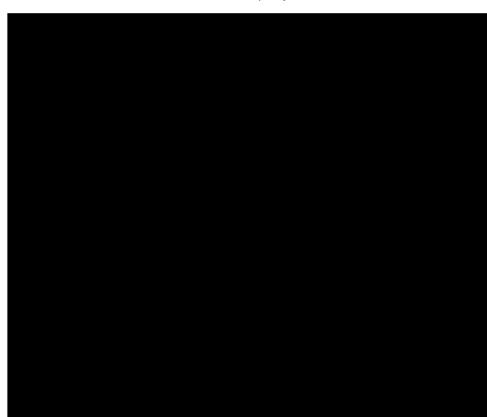
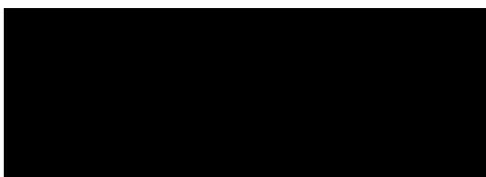




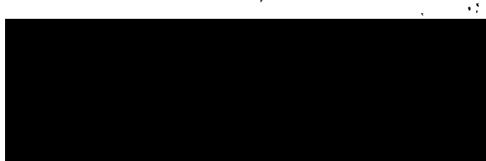
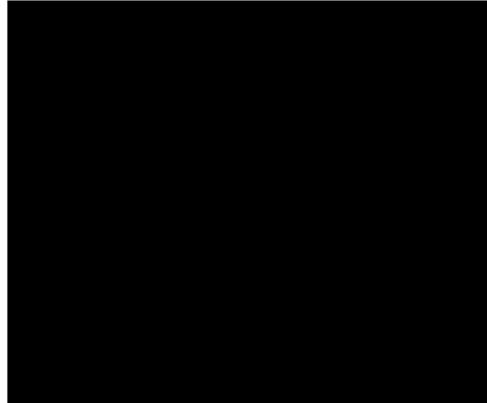
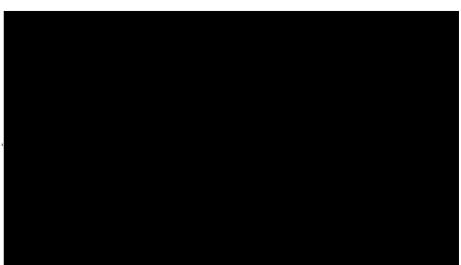




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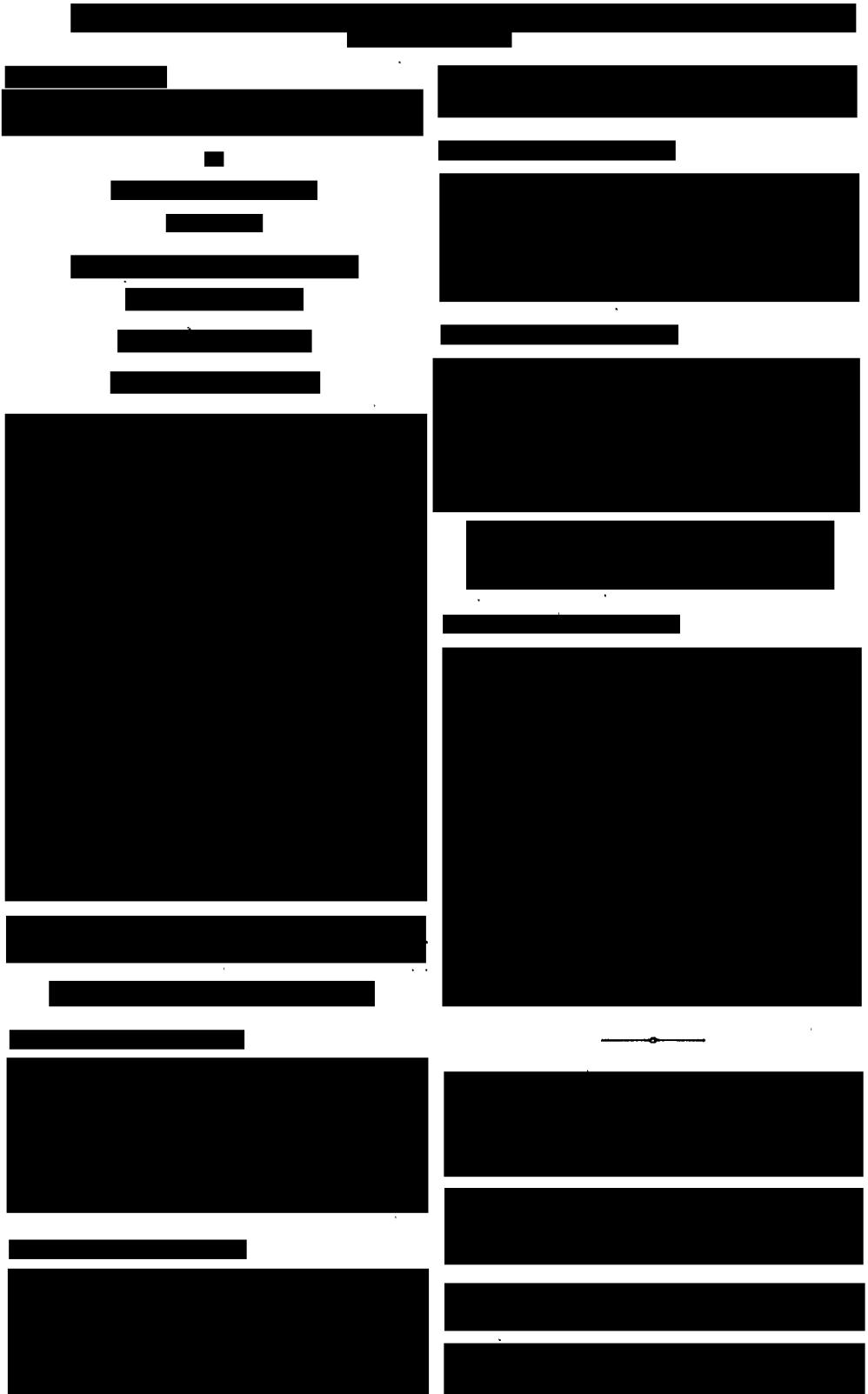


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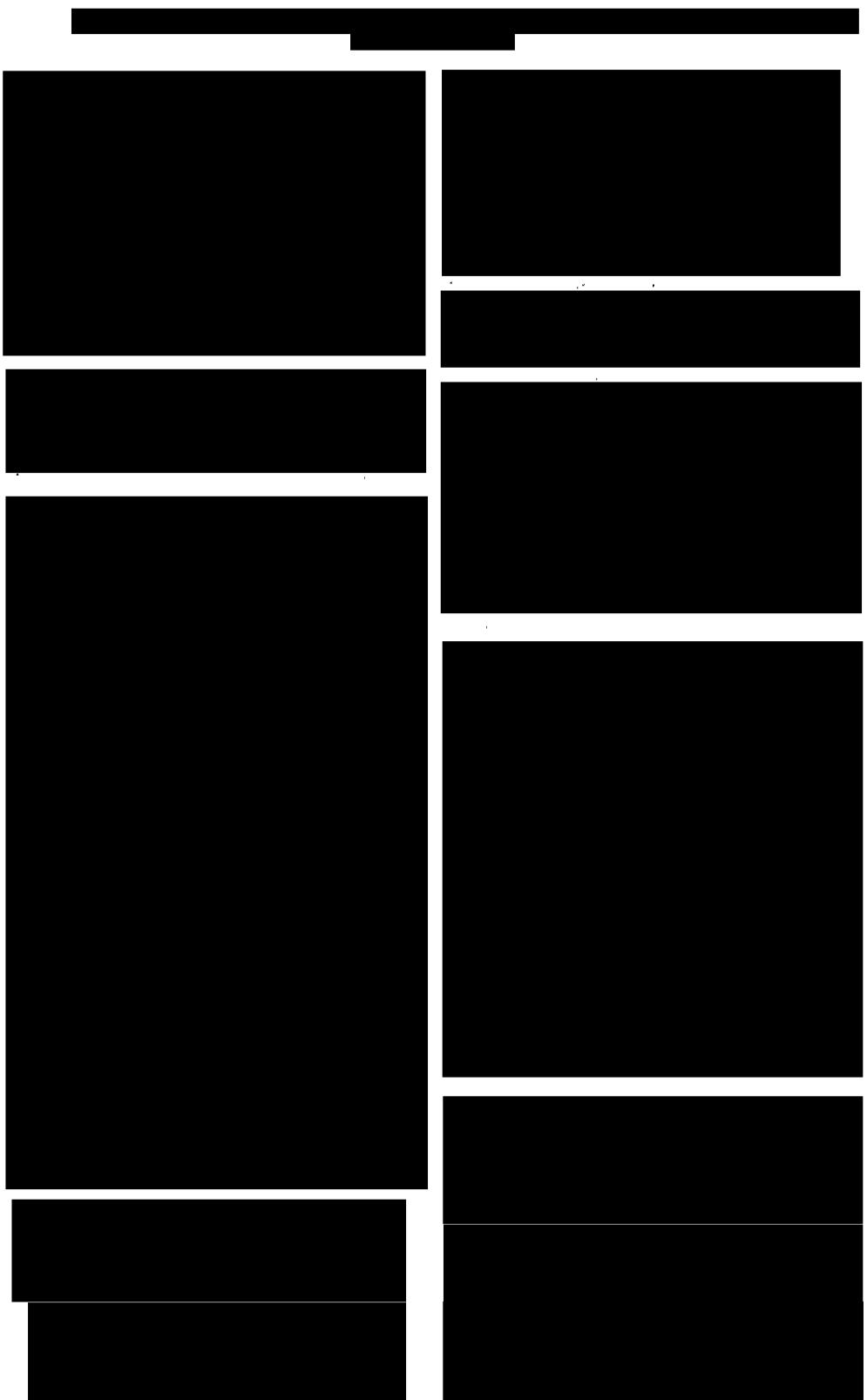


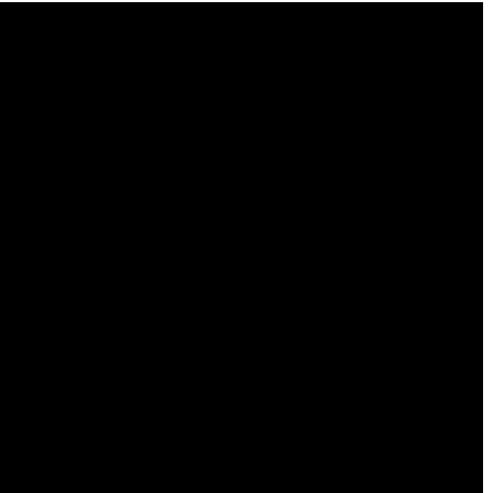
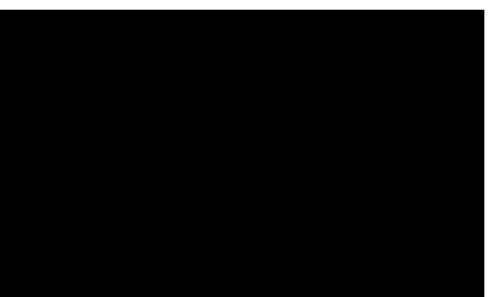
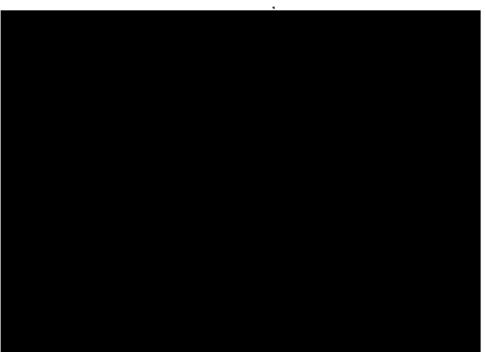
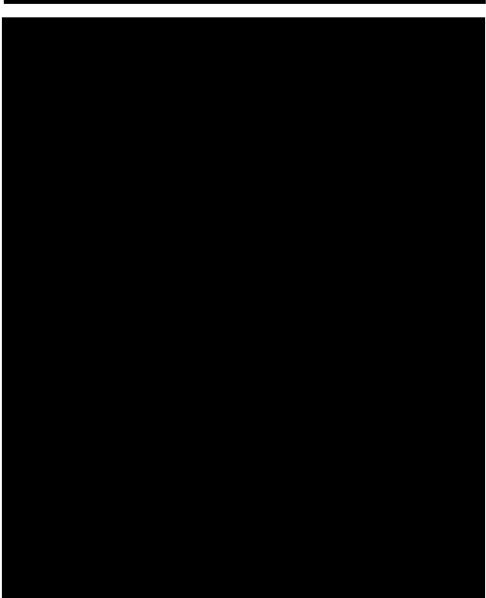
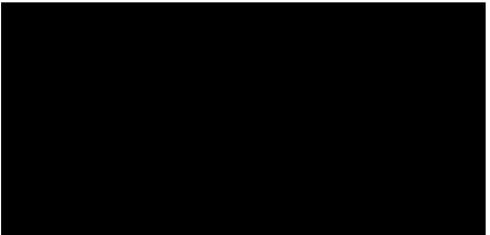
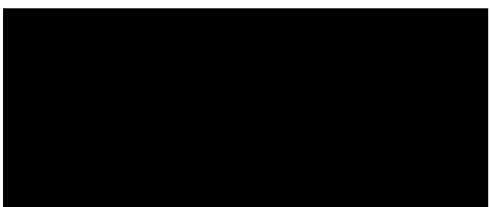
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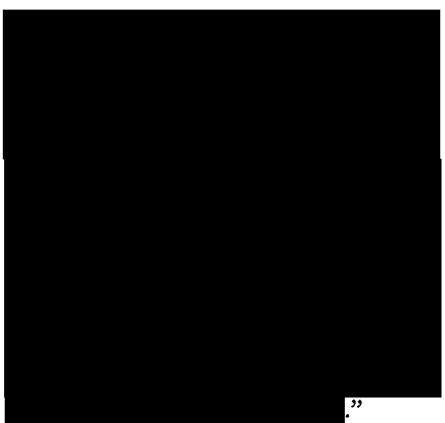




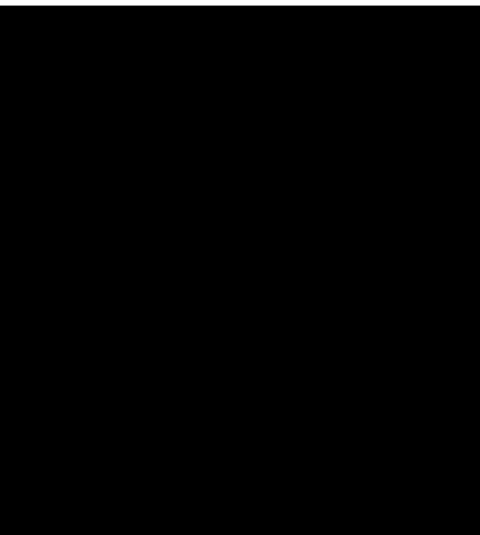
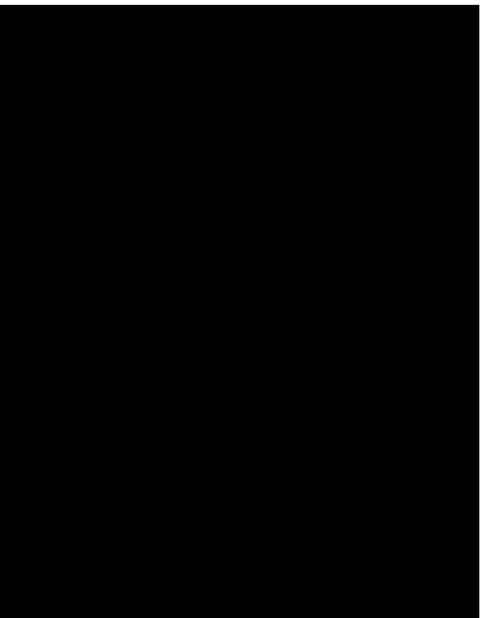
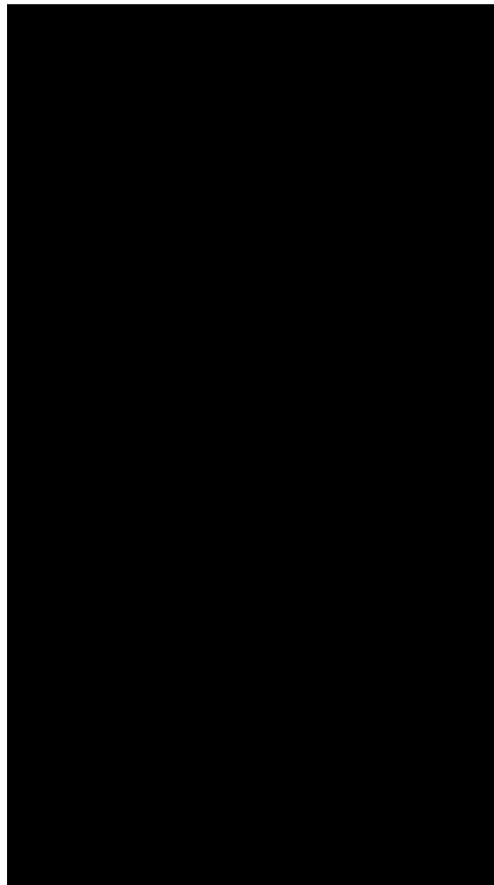
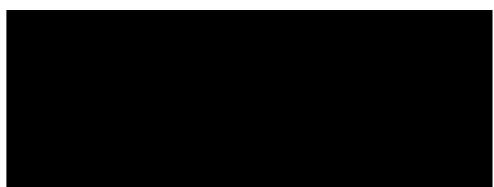
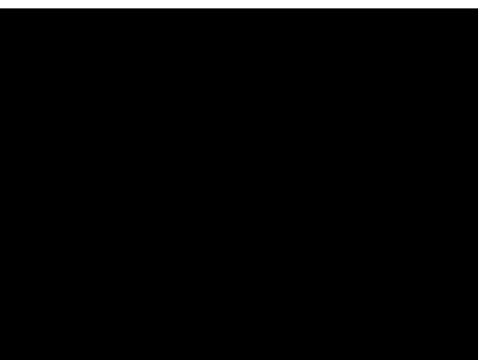
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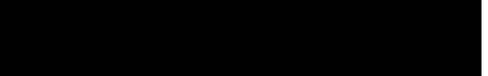
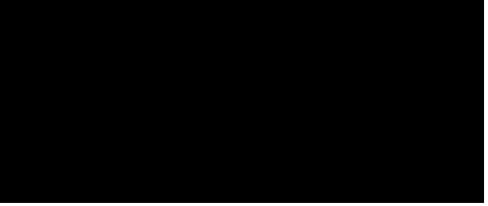
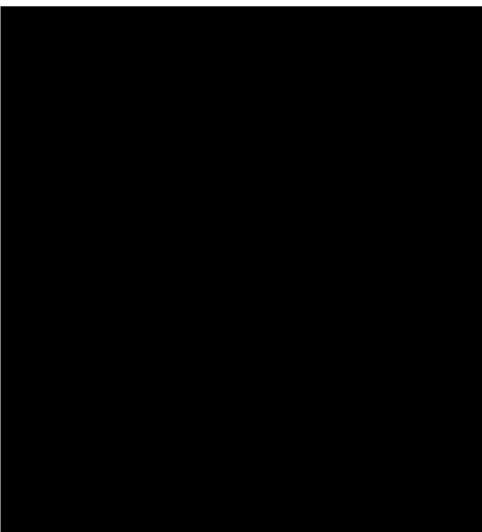
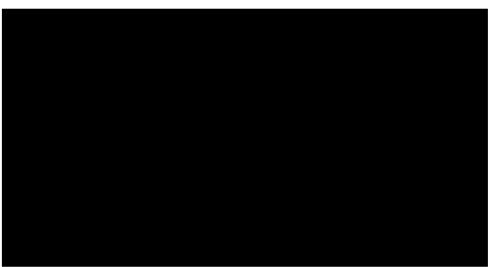
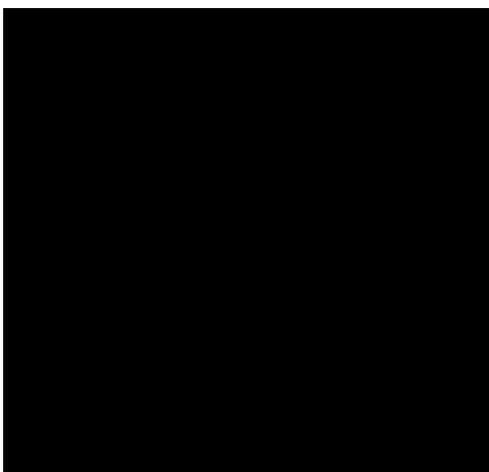


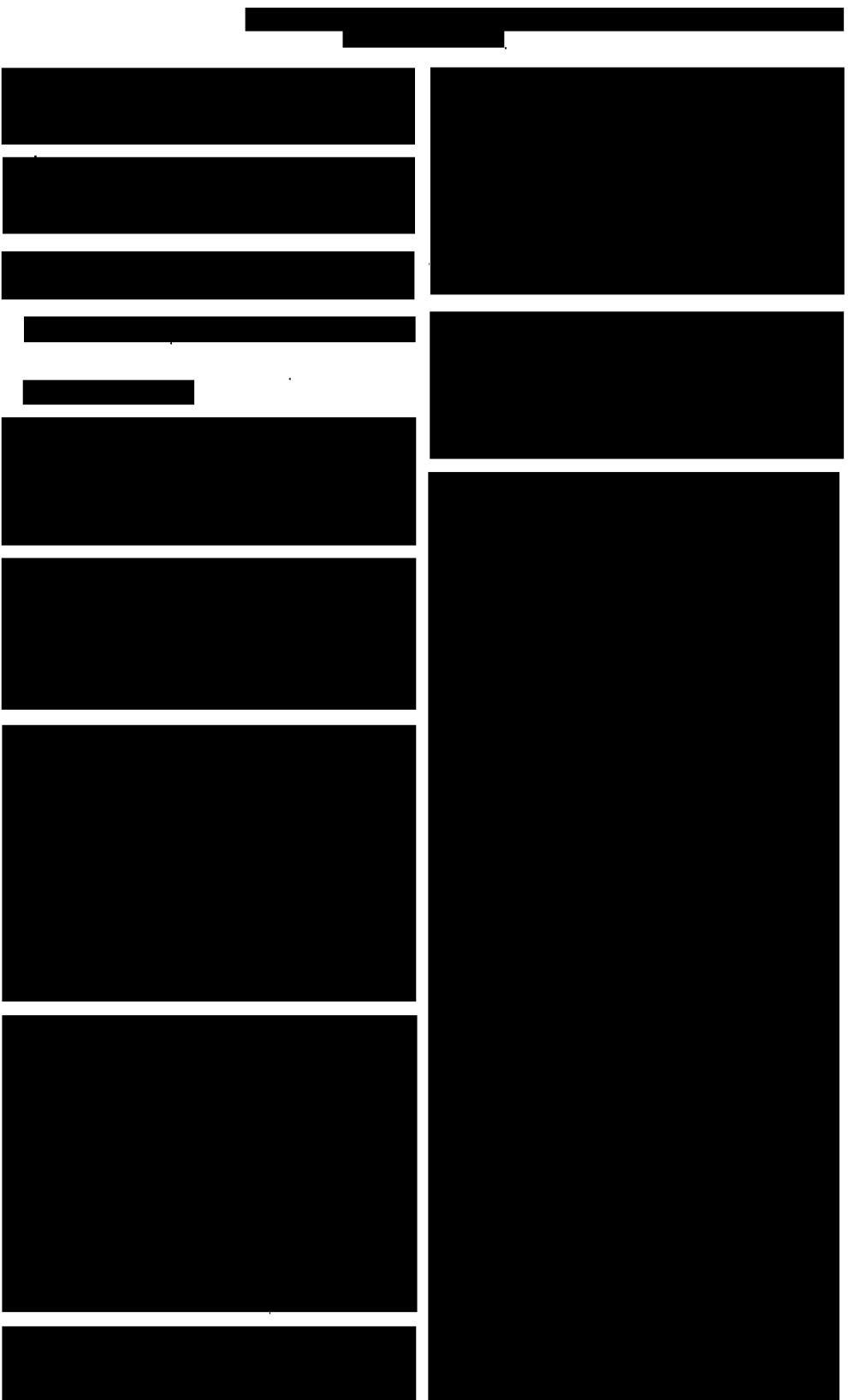


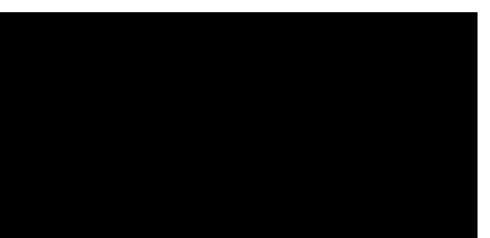
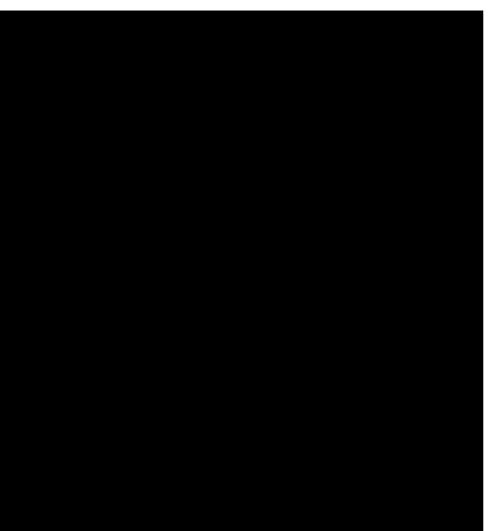
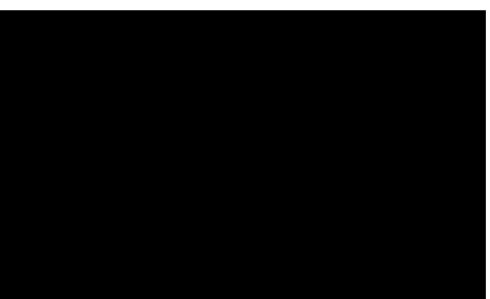
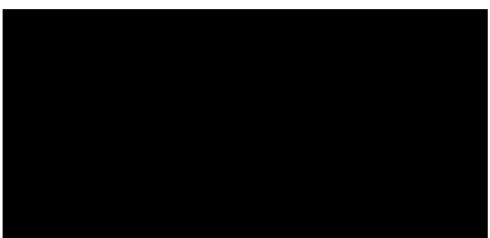
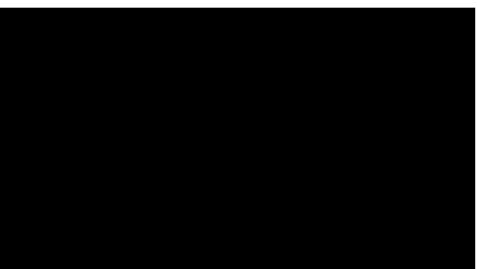
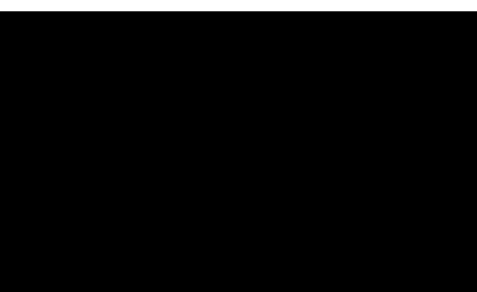
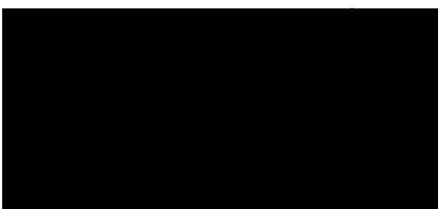


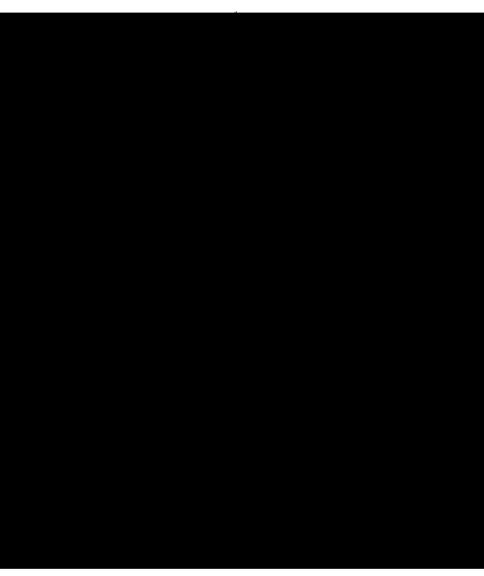
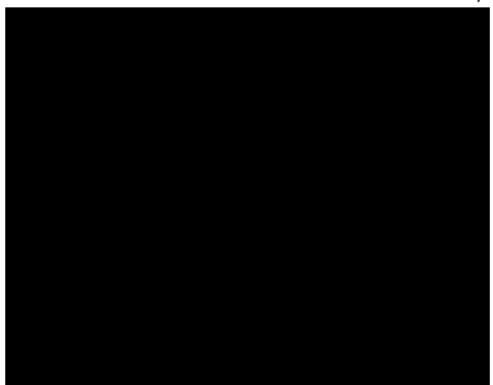
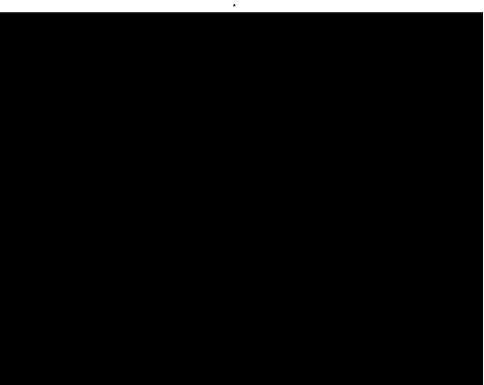
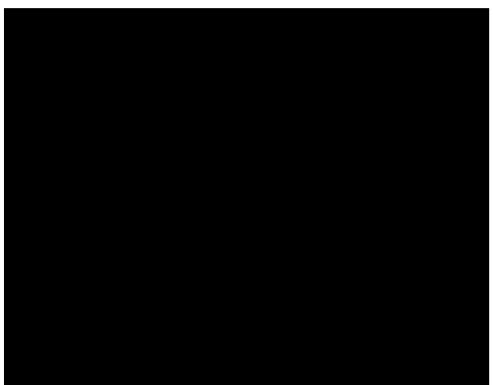
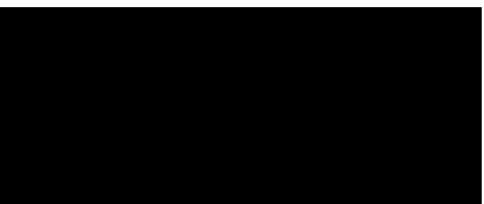
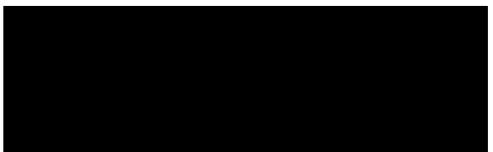
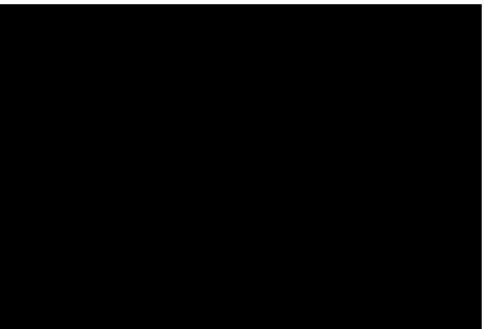
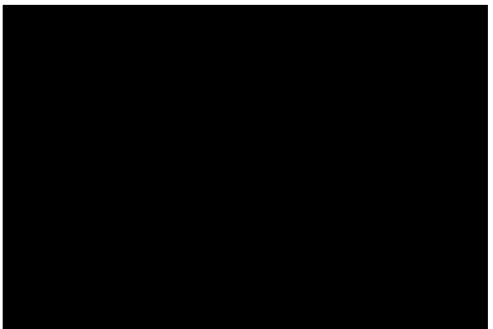
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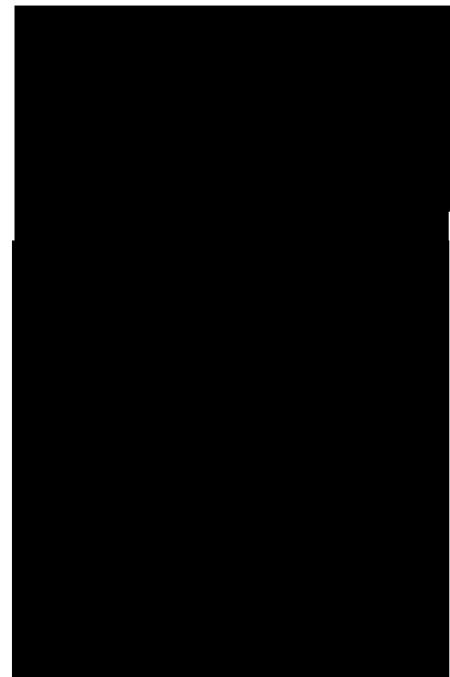
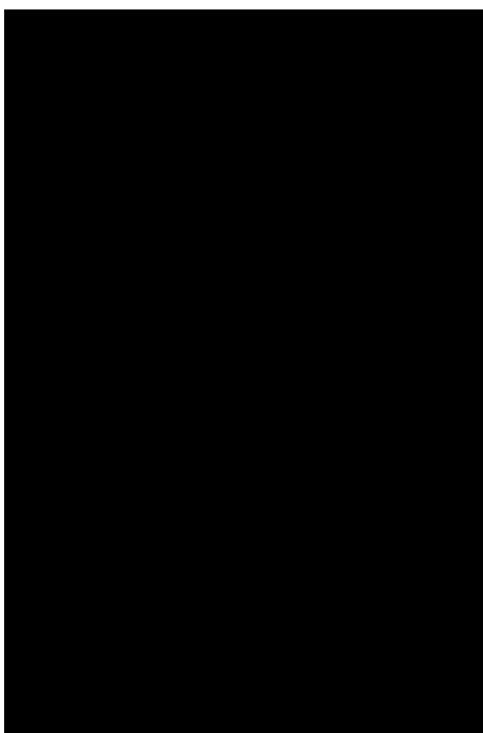
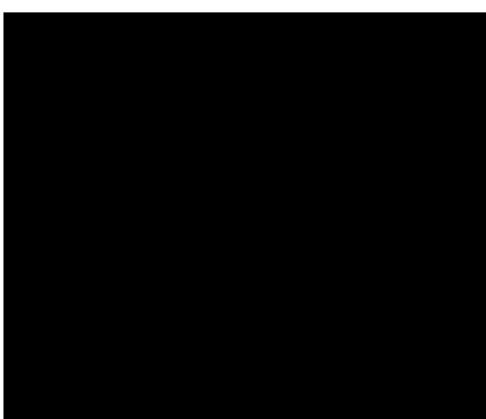
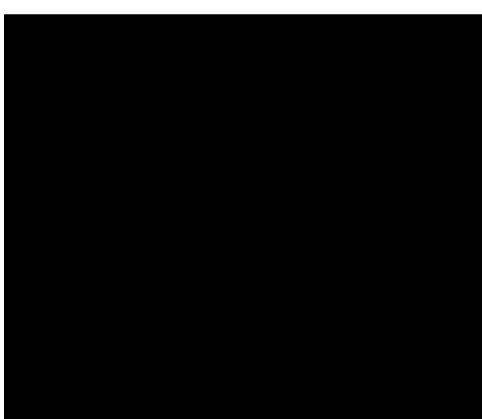
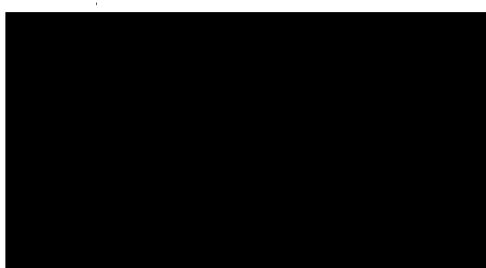




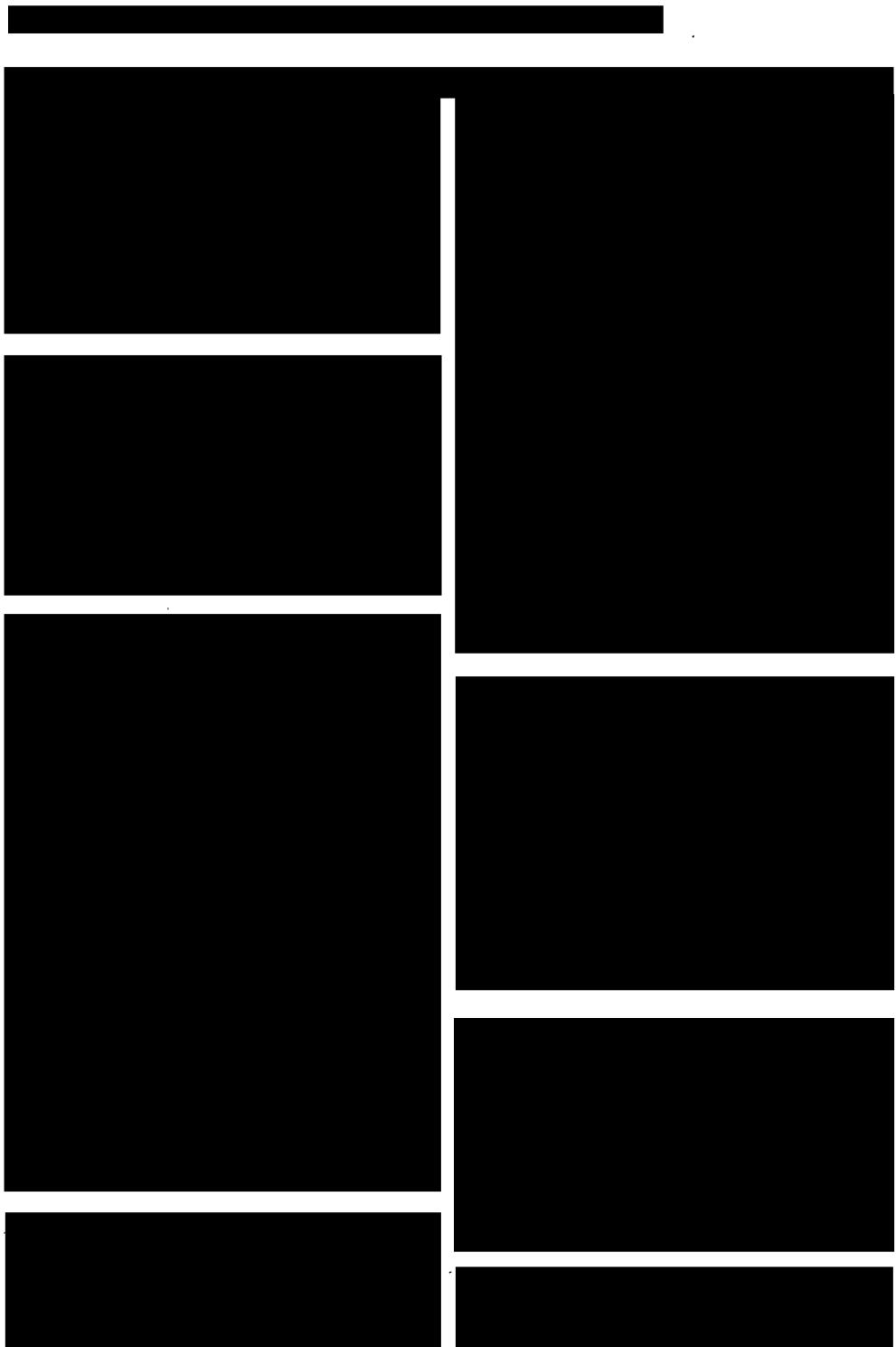




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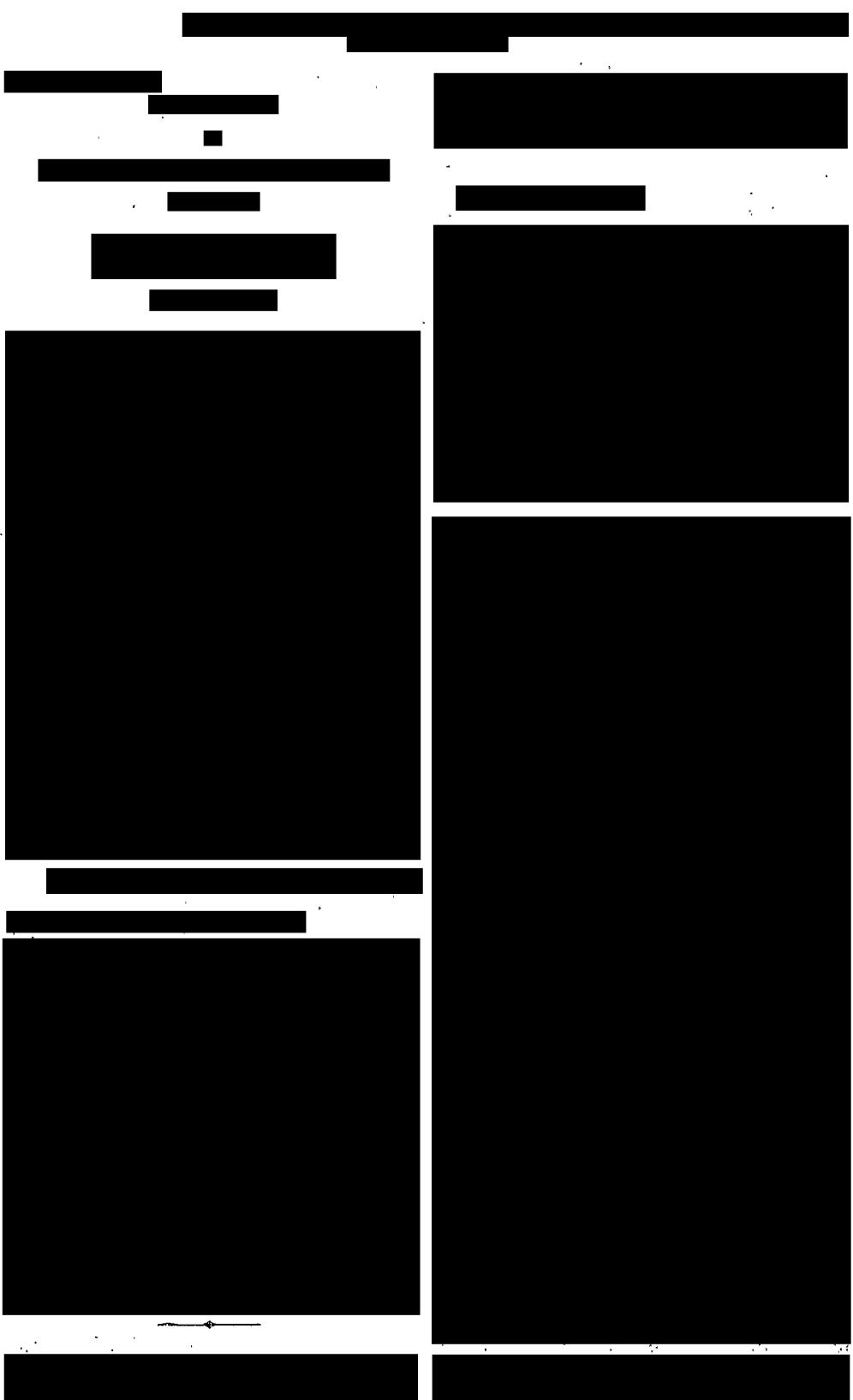




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For more information about the study, please contact Dr. Michael J. Hwang at (319) 356-4000 or via email at [mhwang@uiowa.edu](mailto:mhwang@uiowa.edu).



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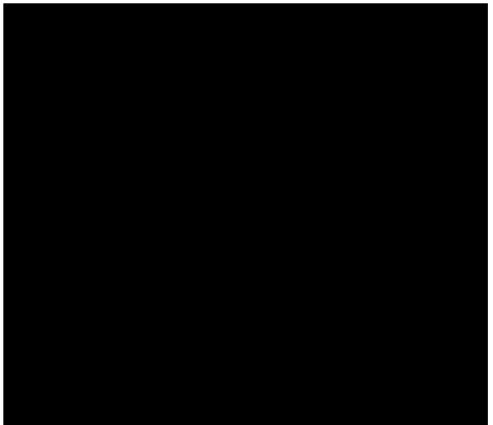
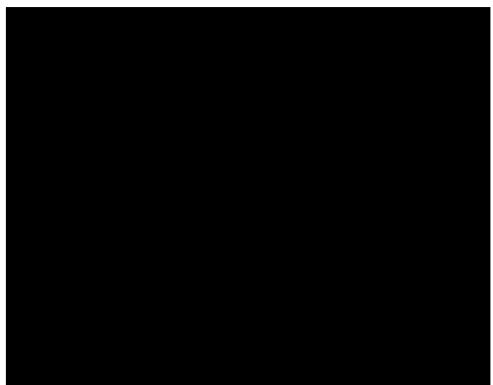
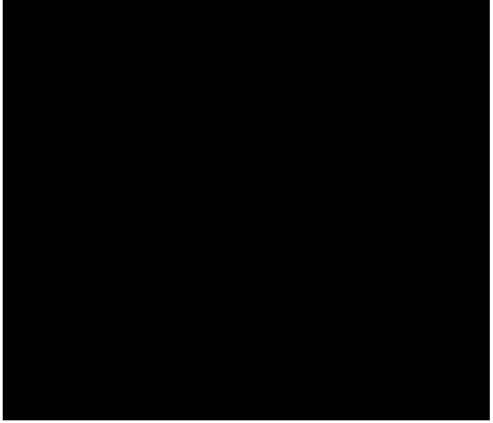
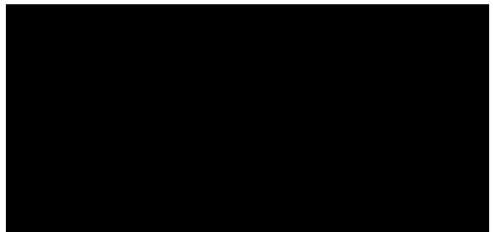
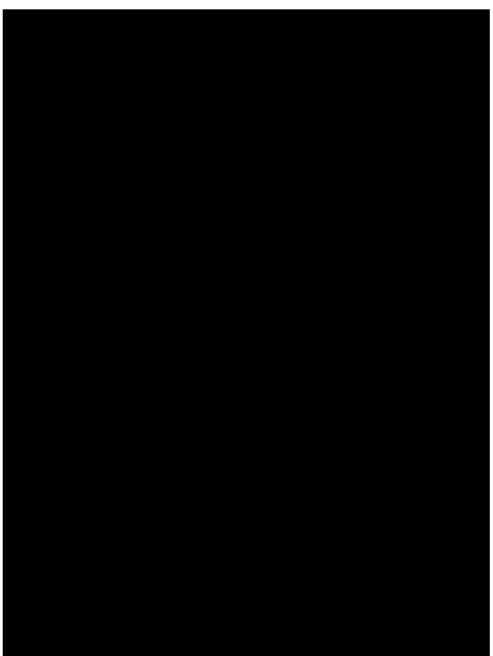
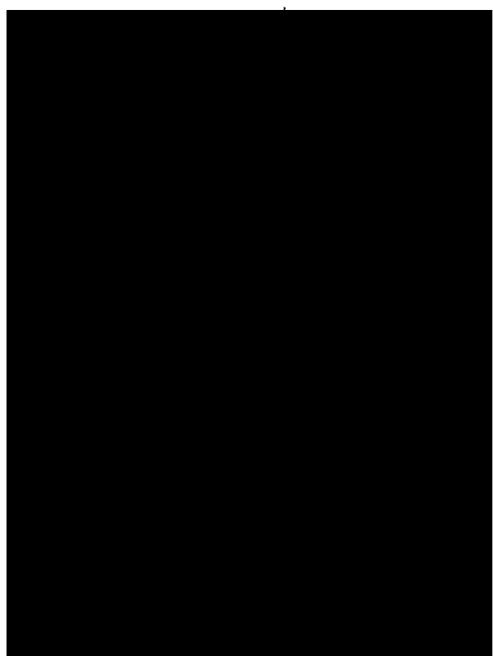
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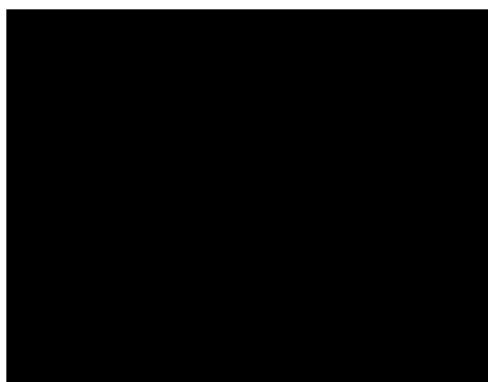
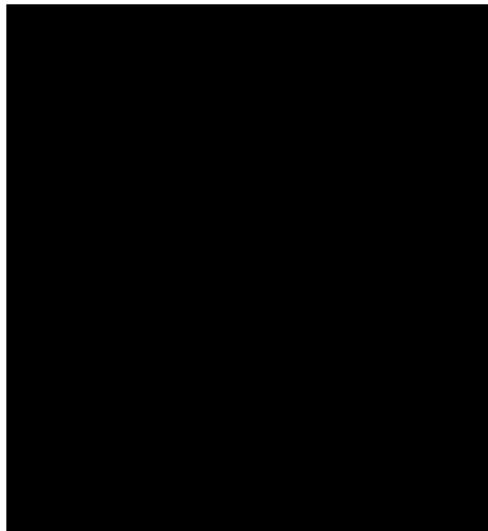
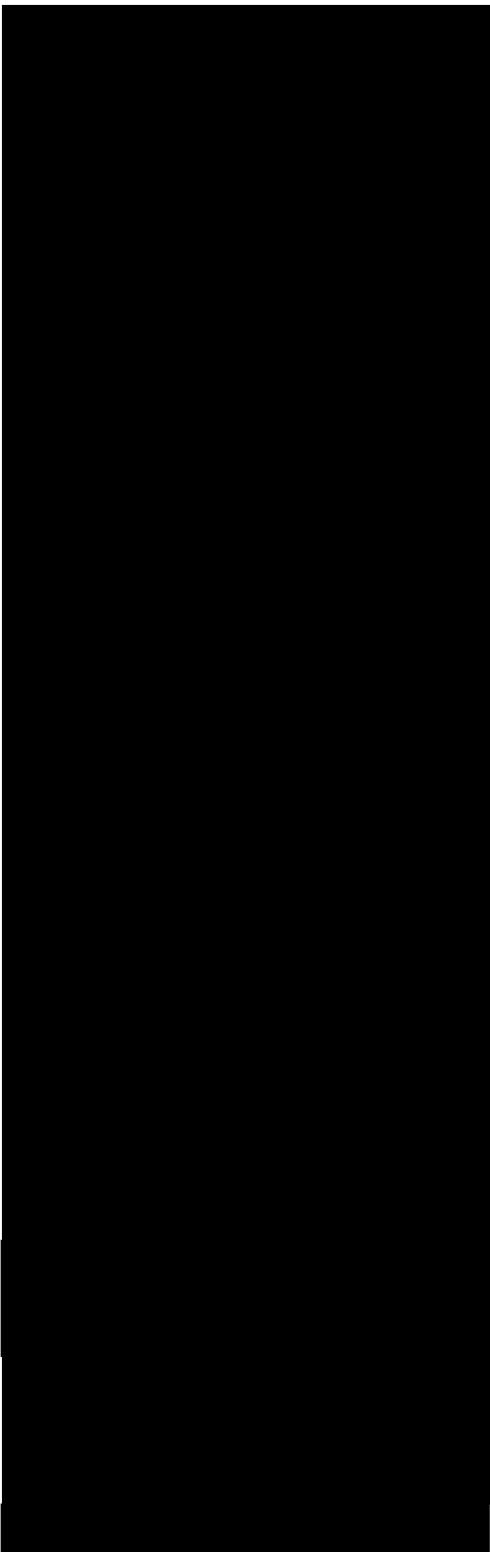
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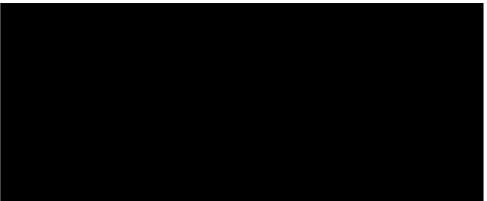
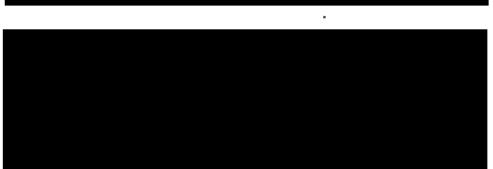
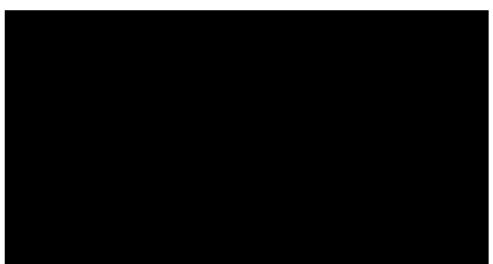
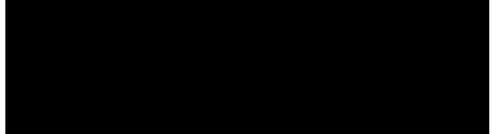
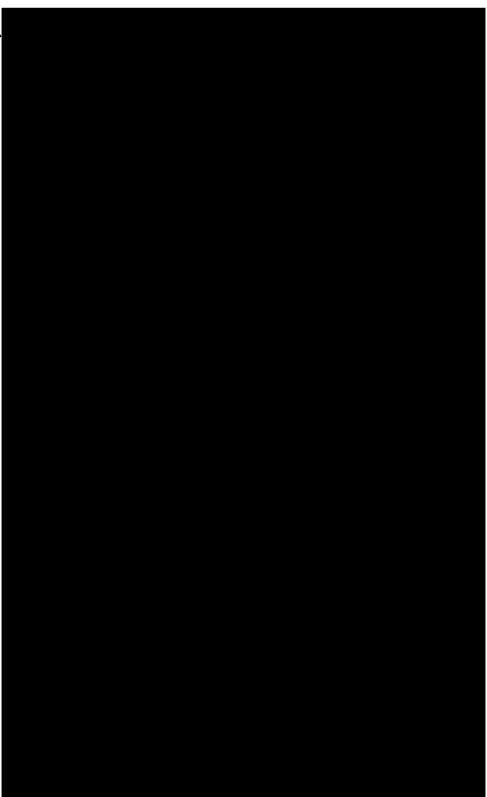
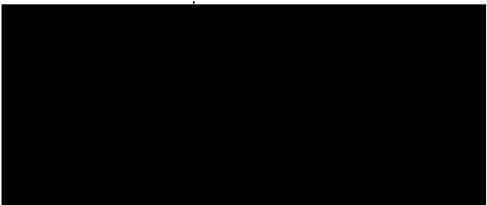
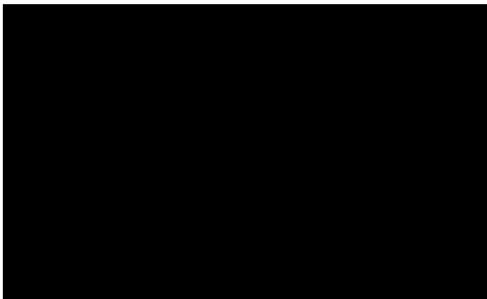
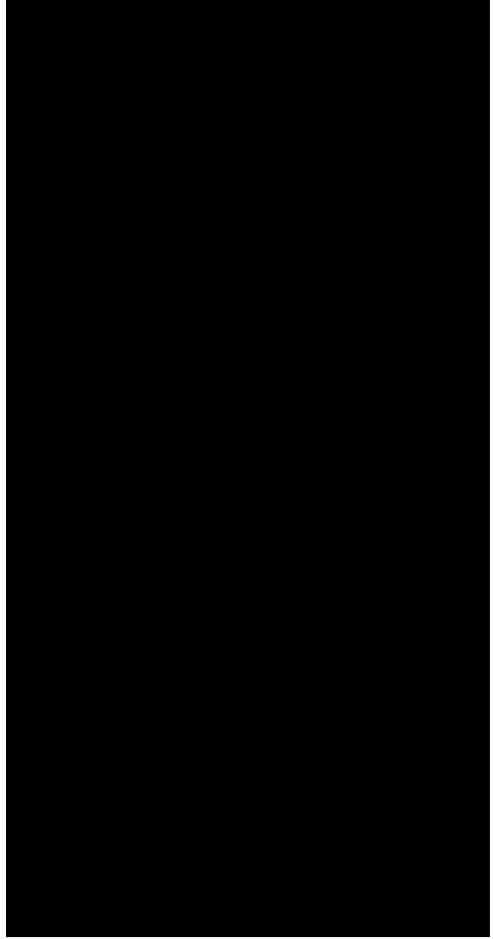
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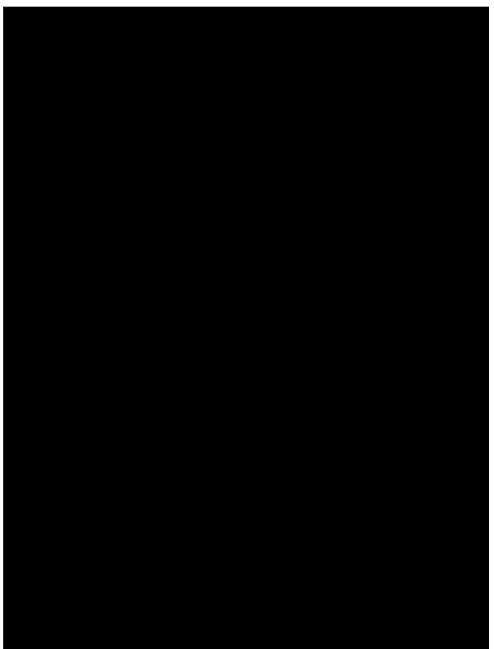
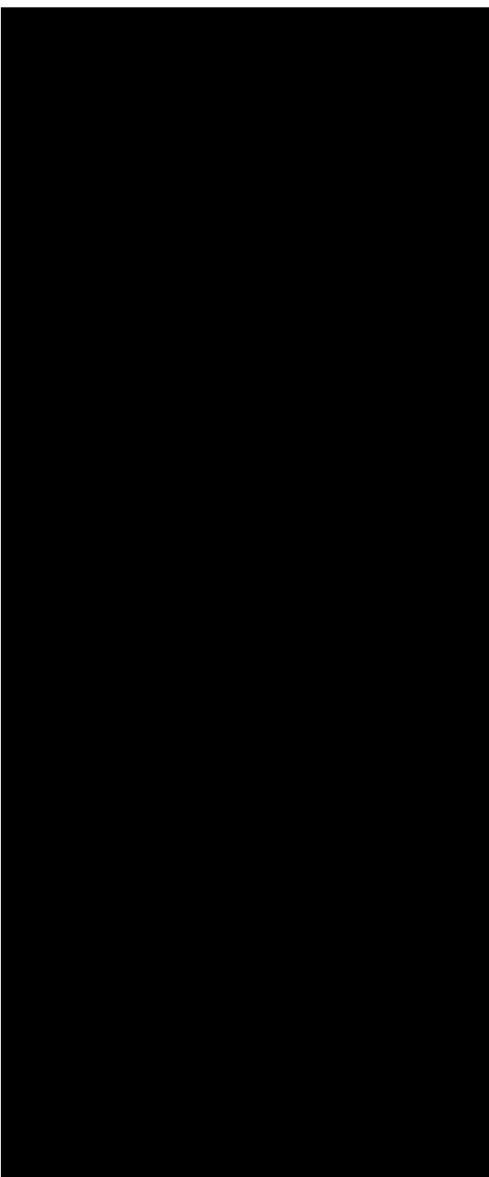
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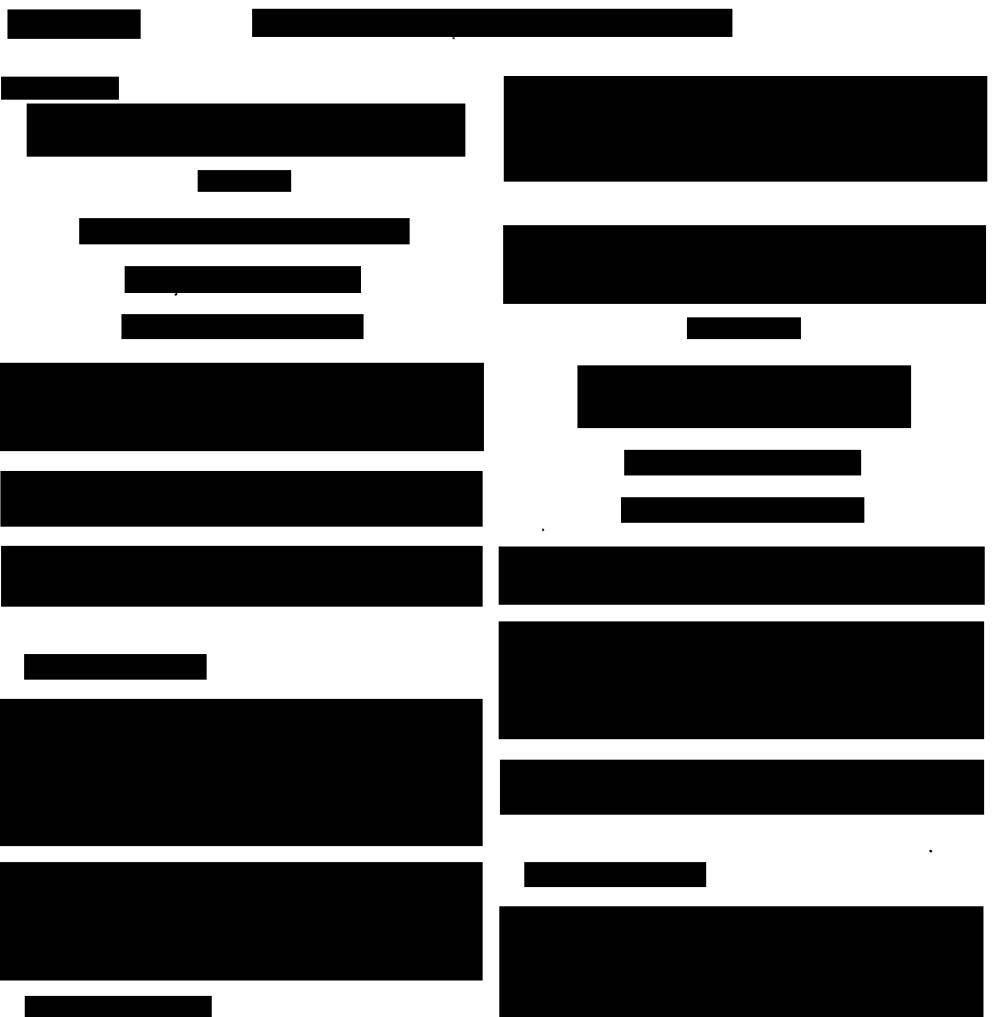




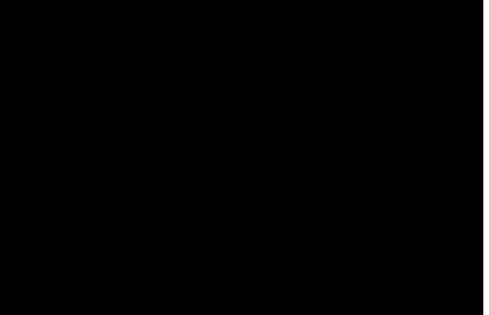
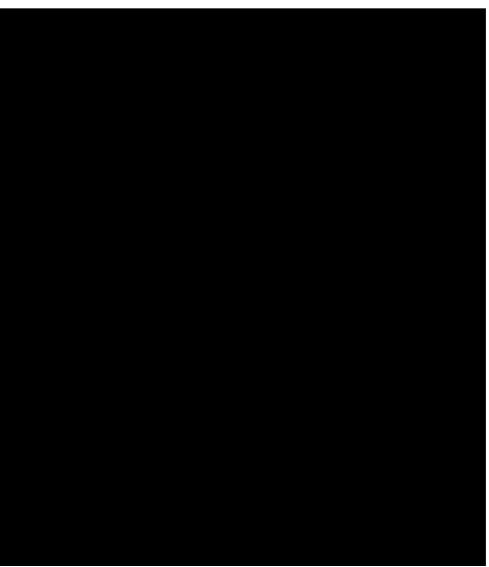
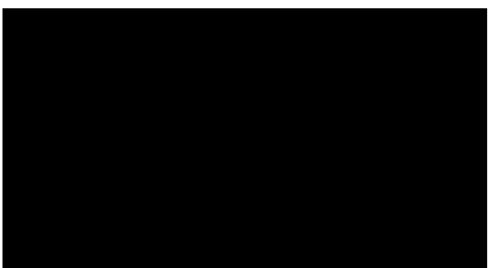
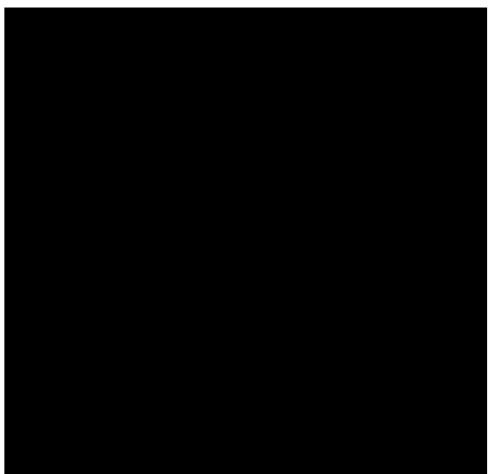


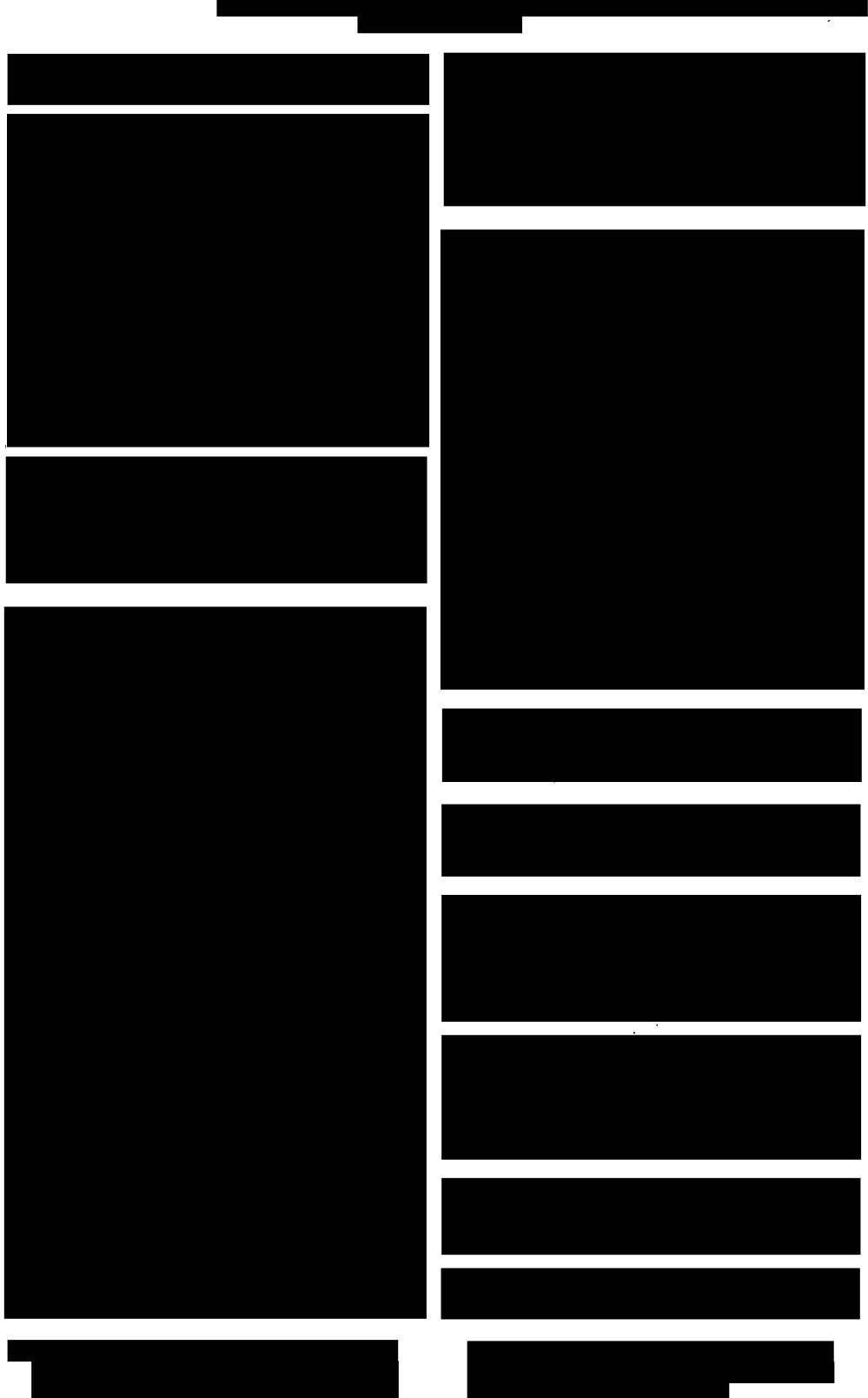


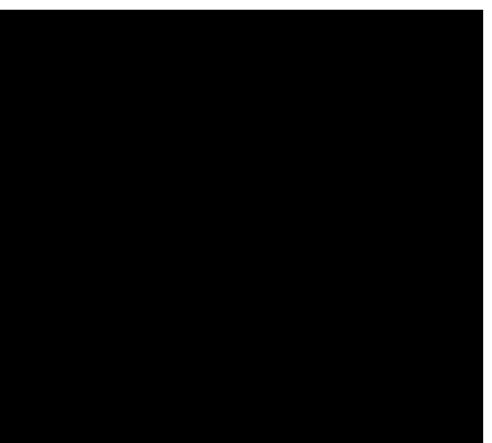
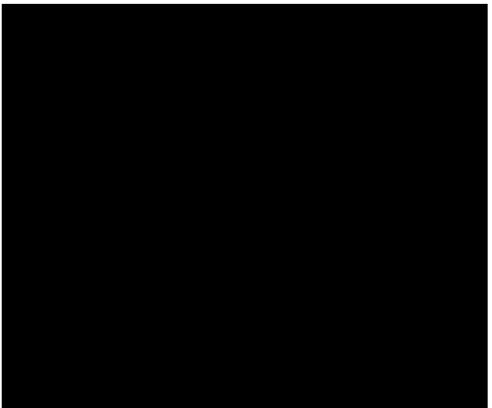
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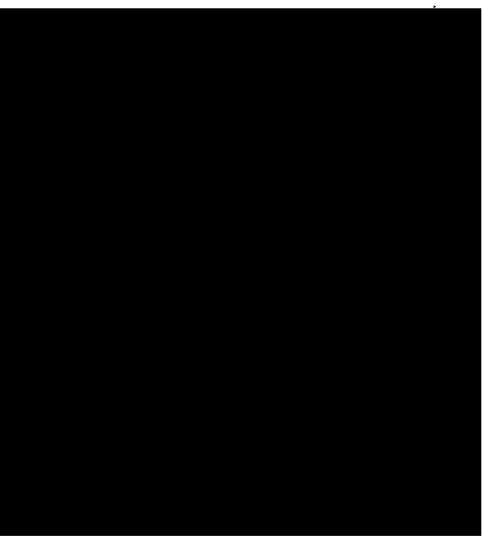
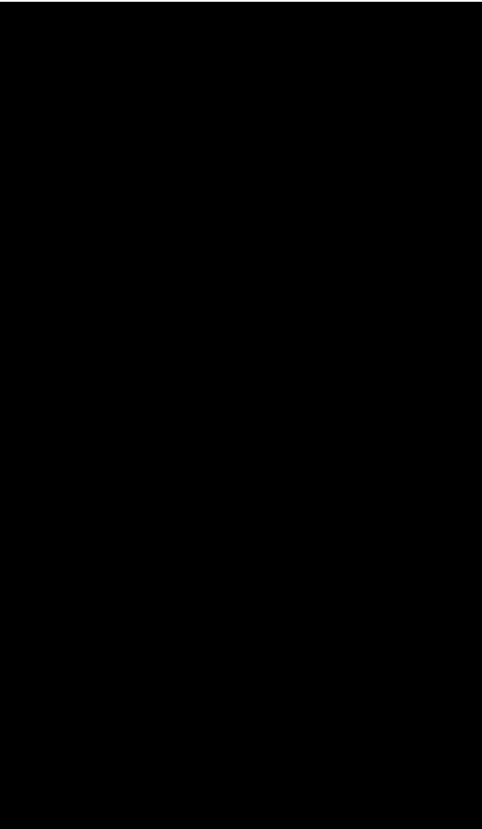
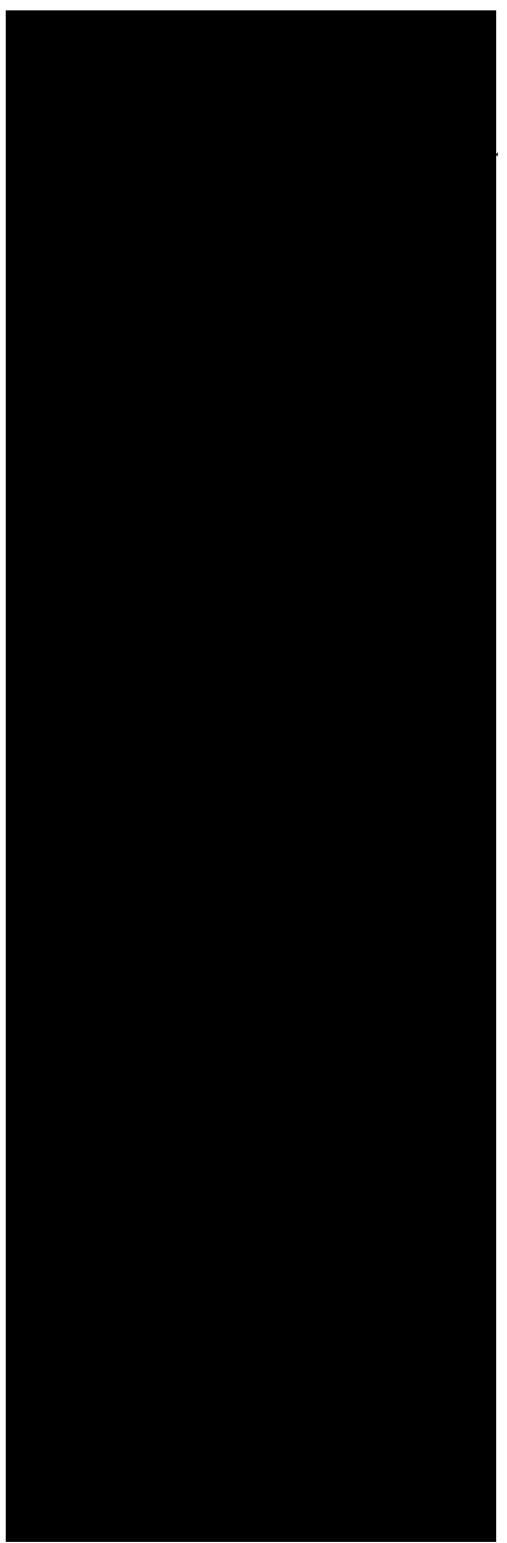






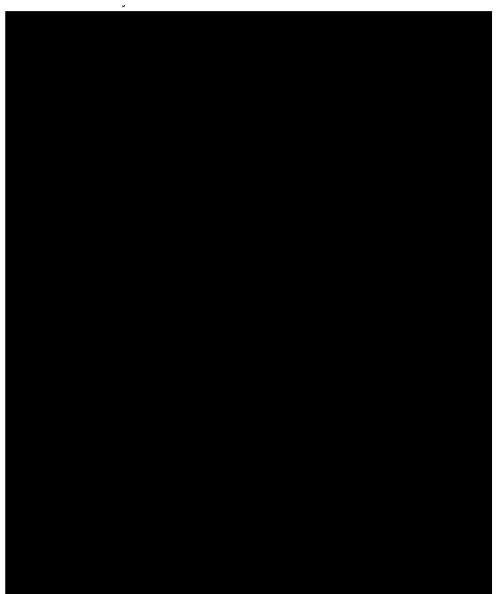
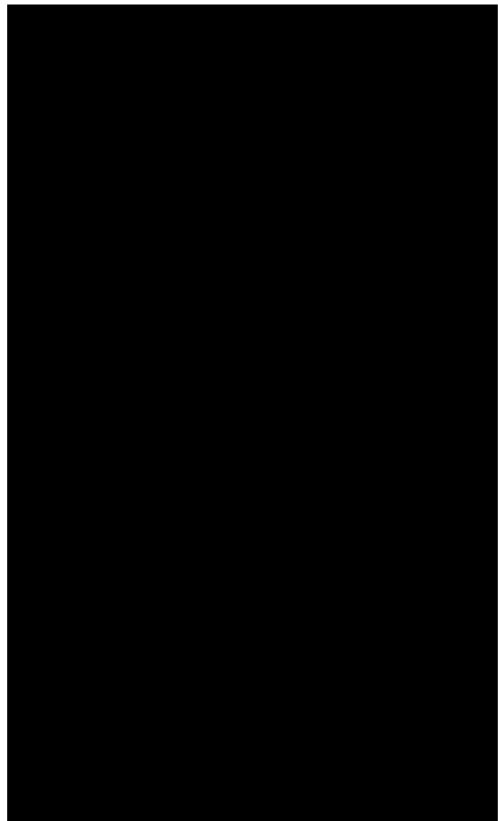
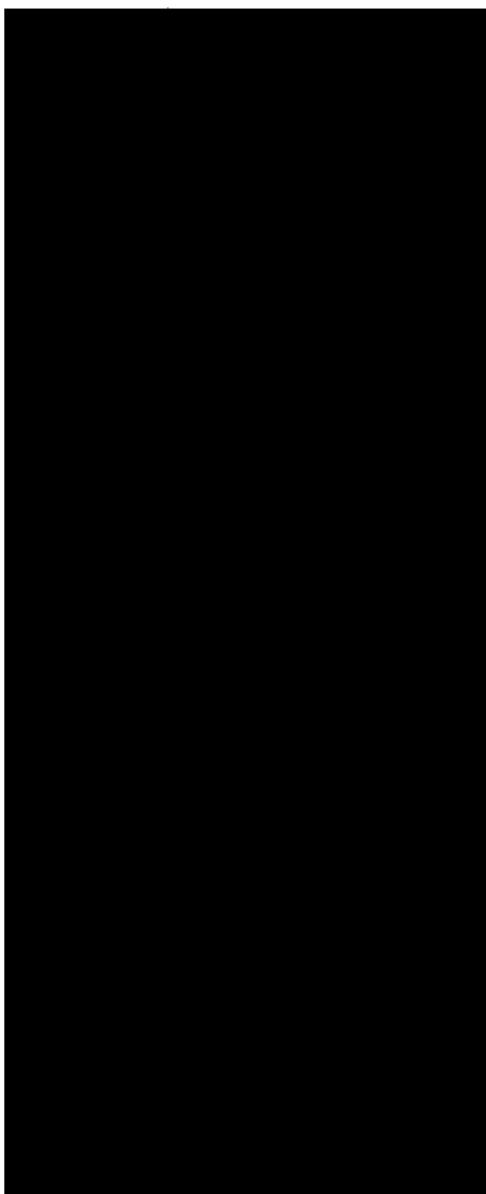


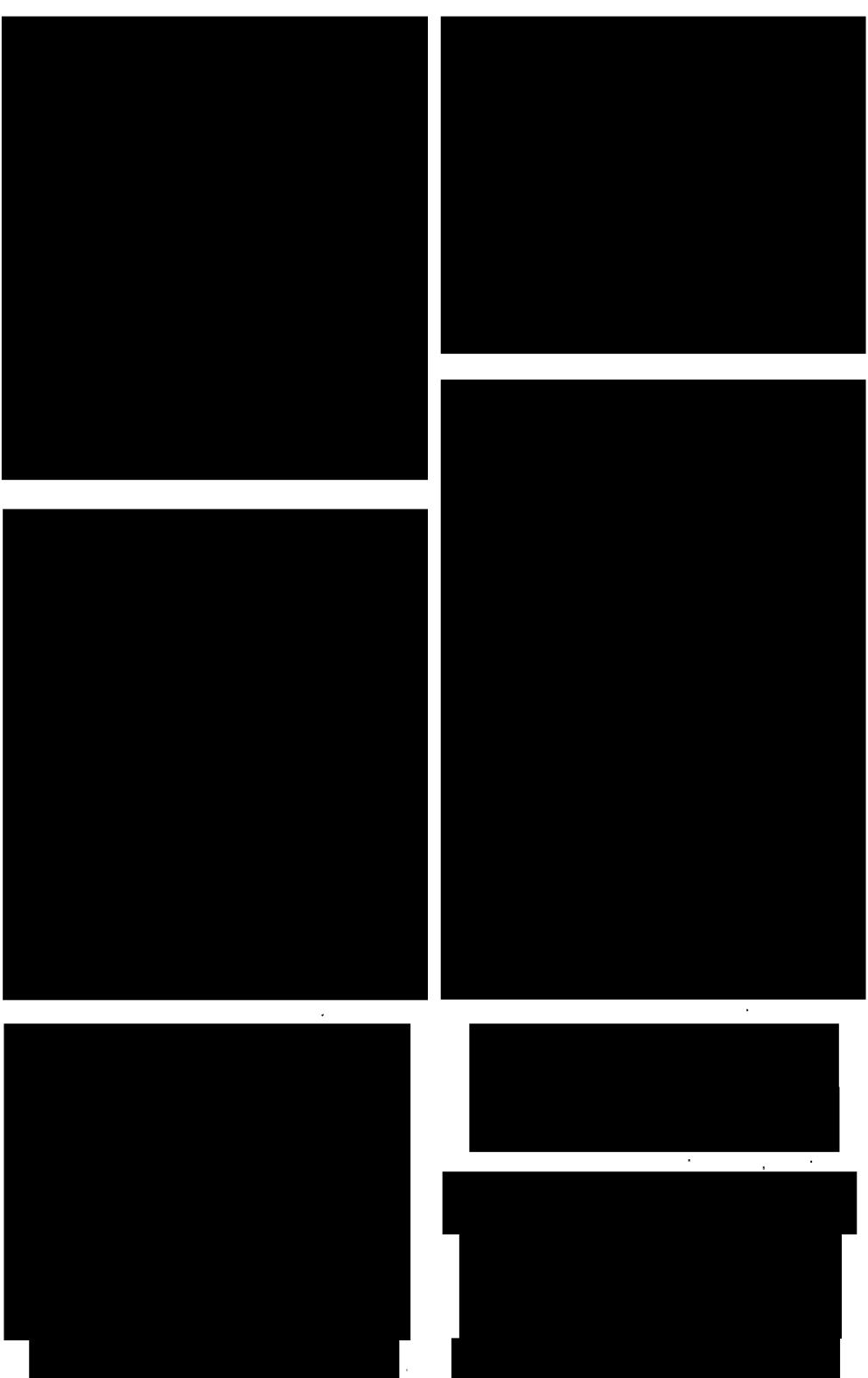


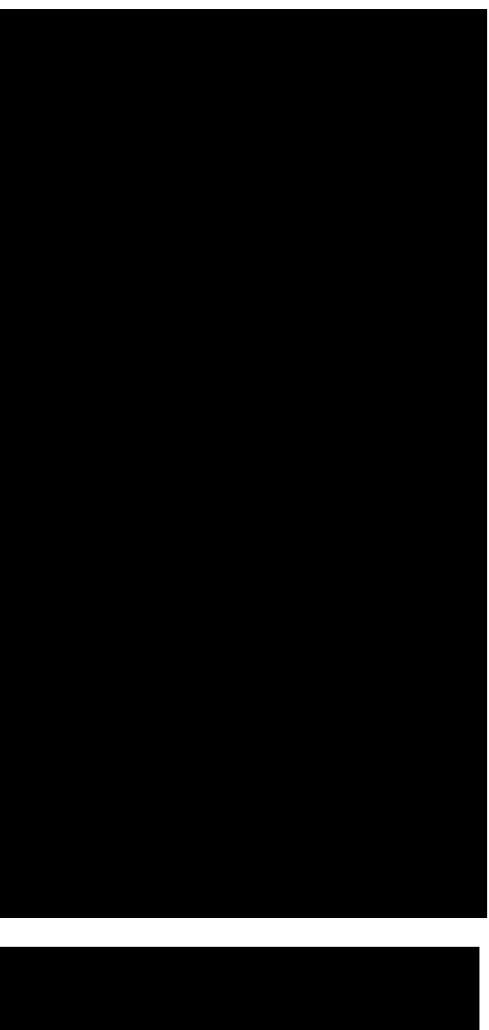
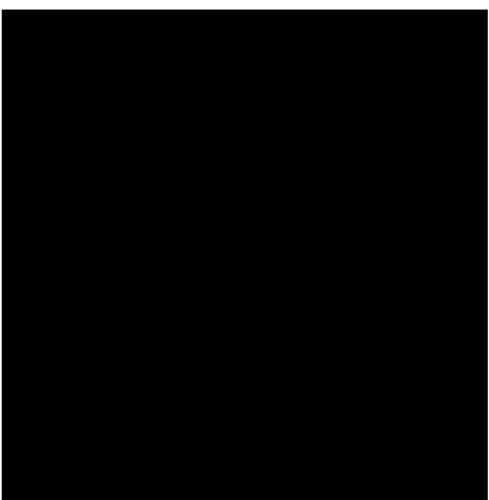
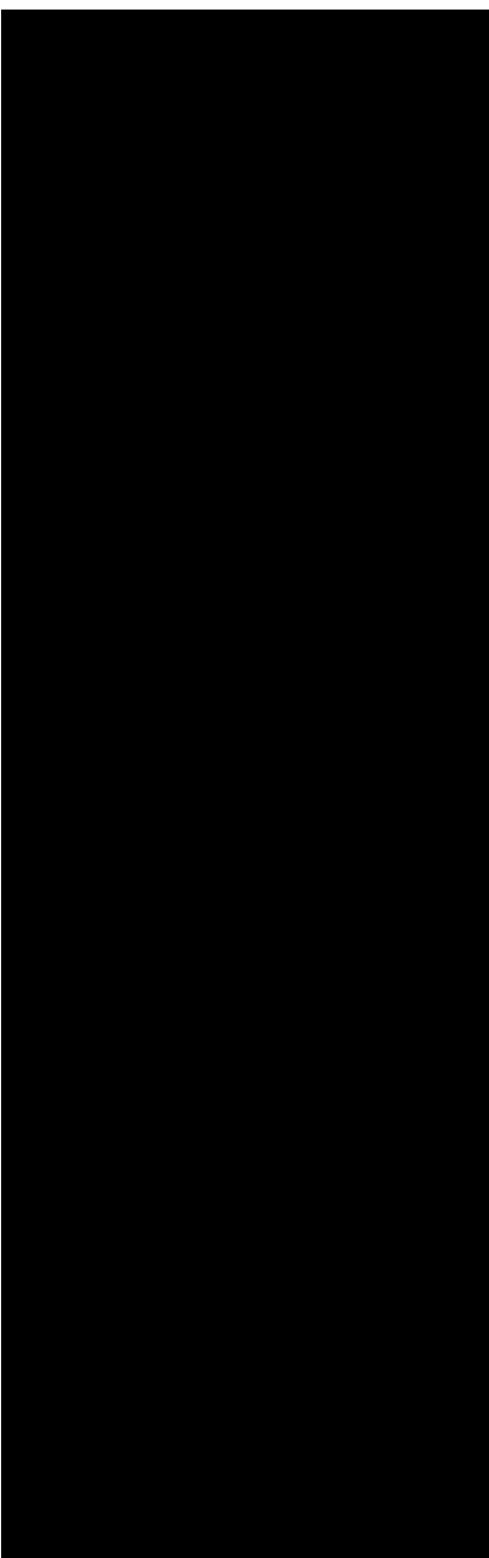


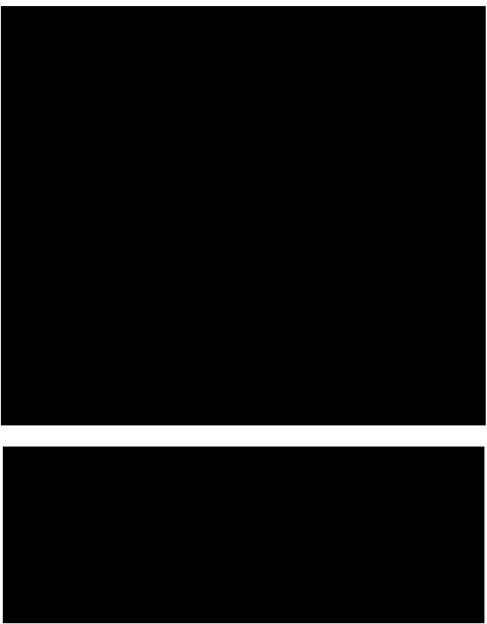
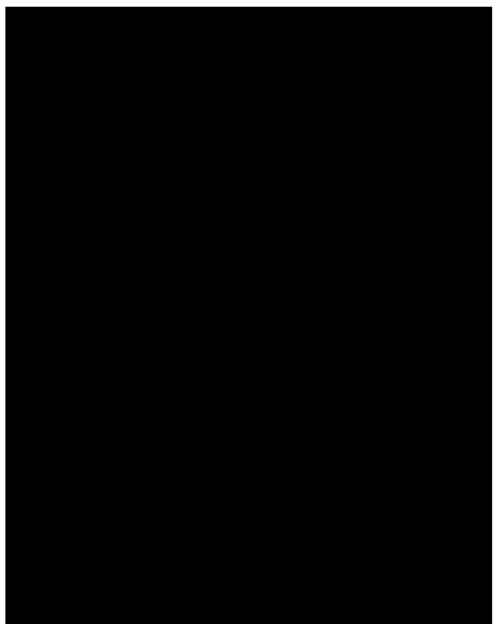
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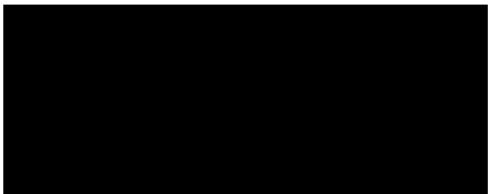
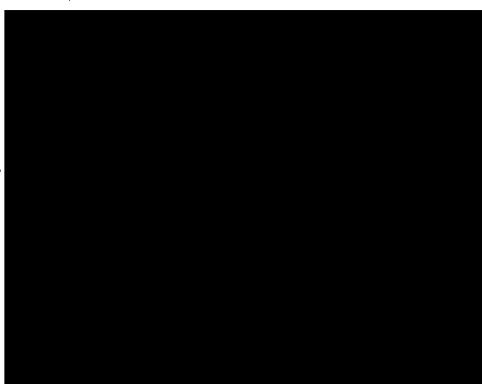
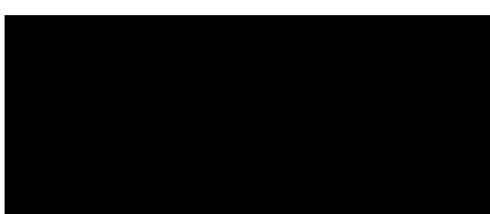
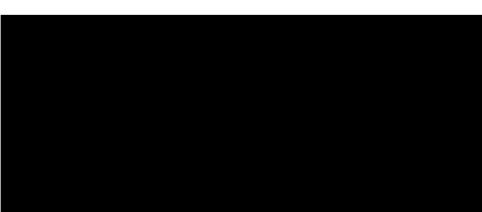
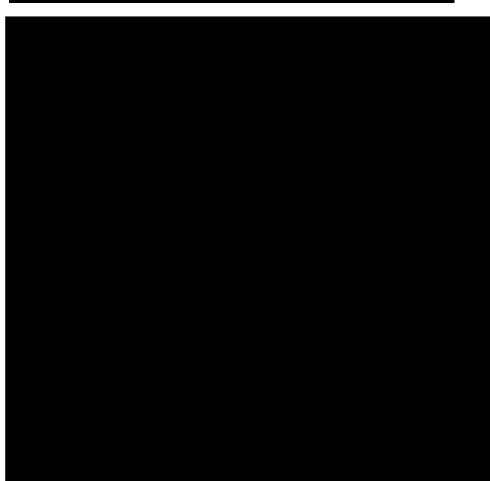
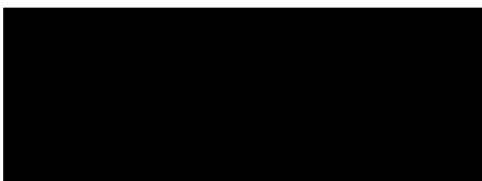
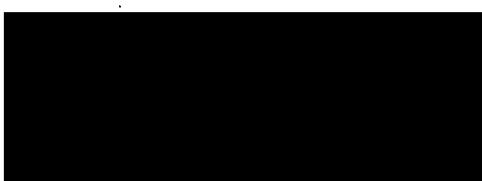
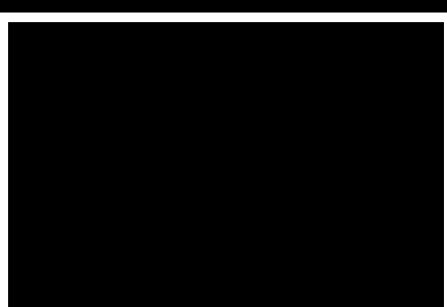
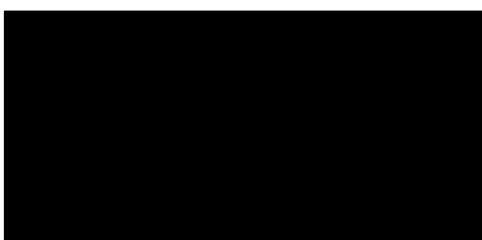


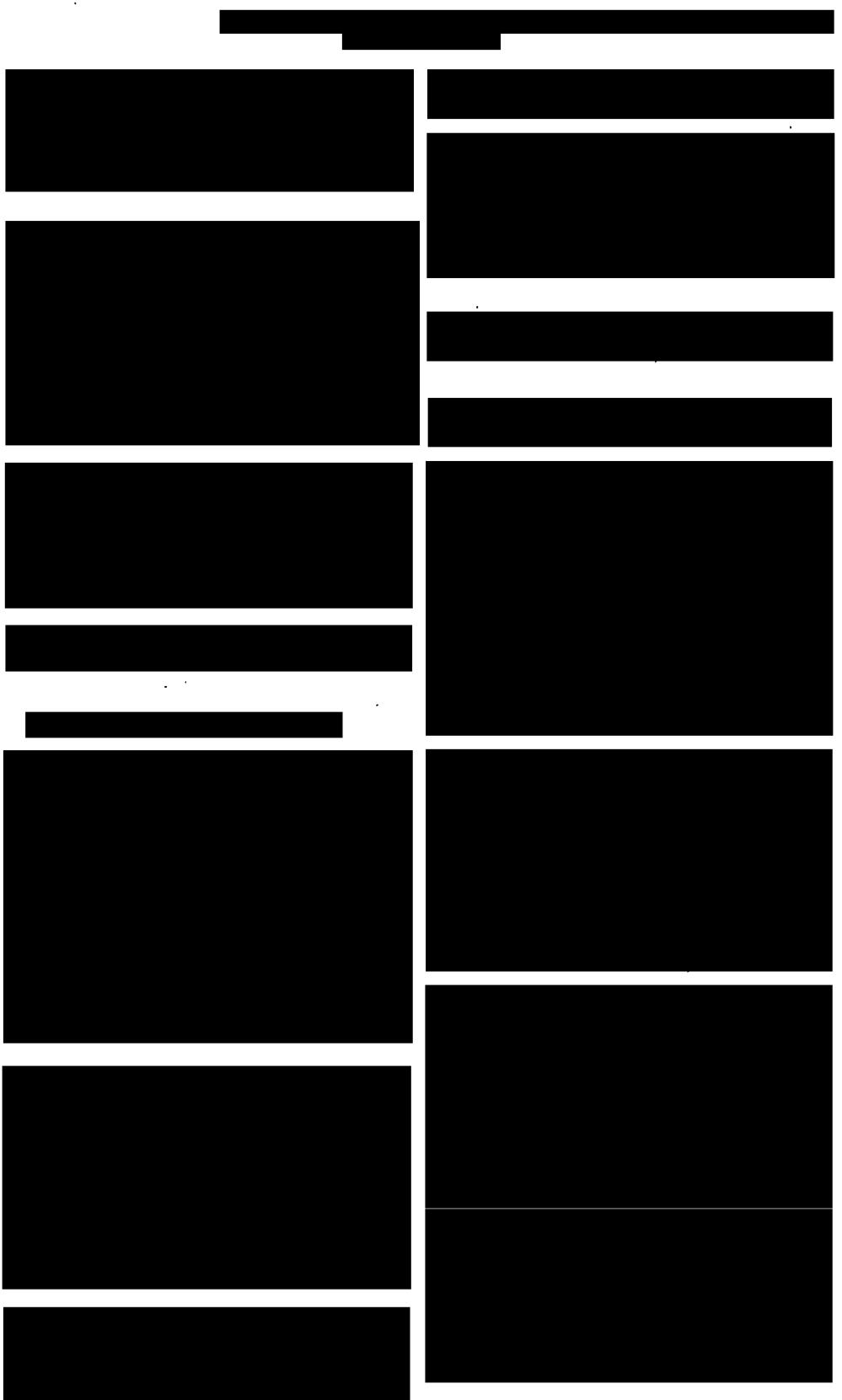


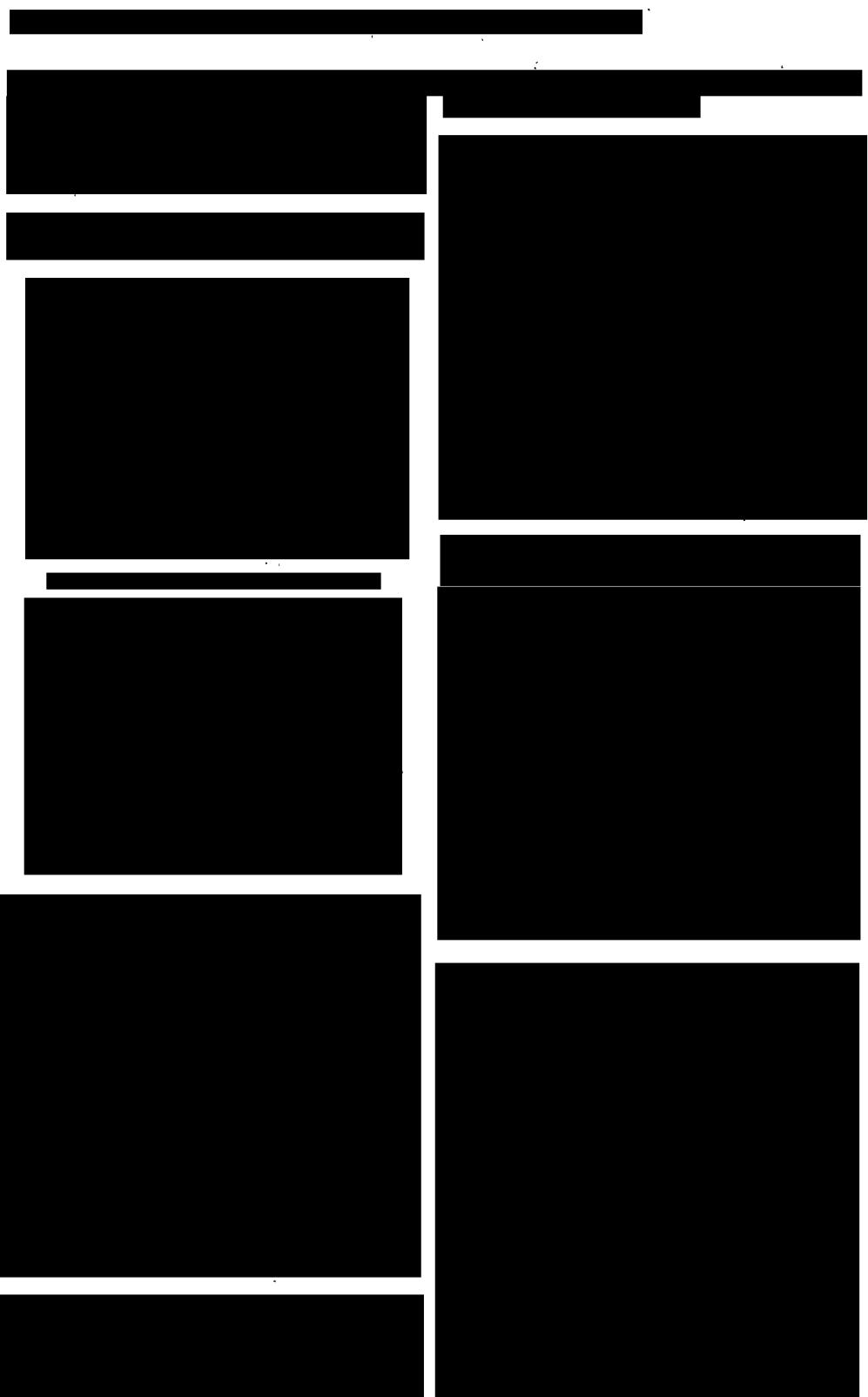


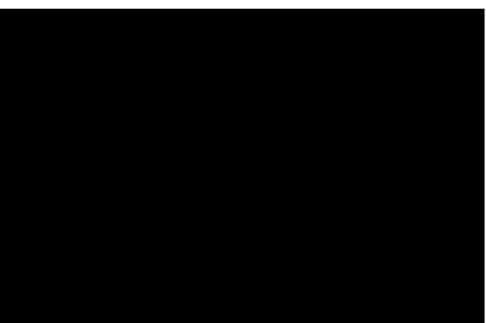
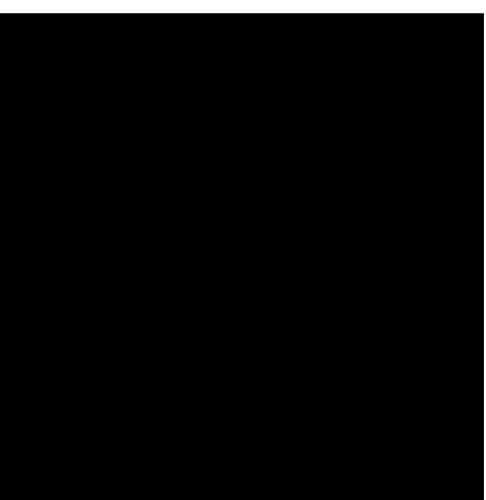
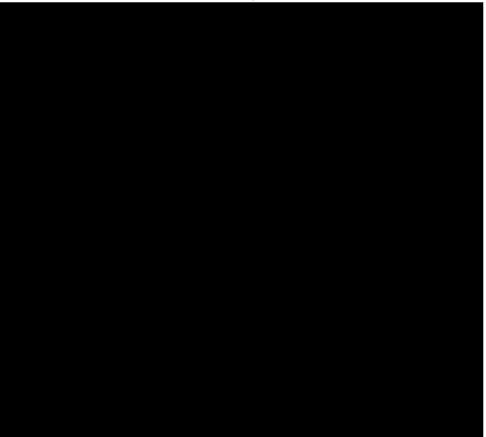
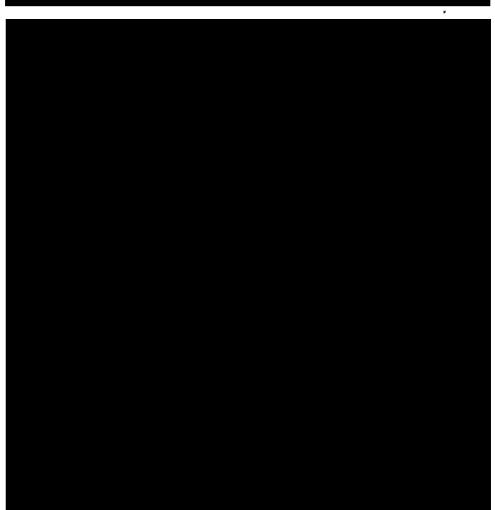
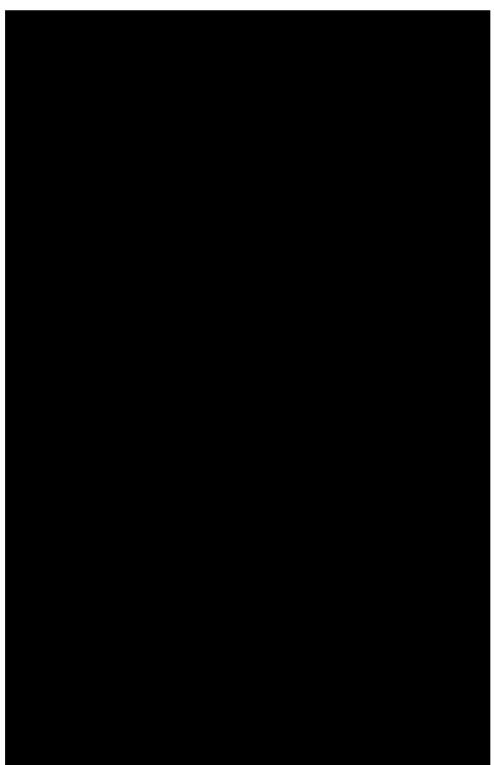
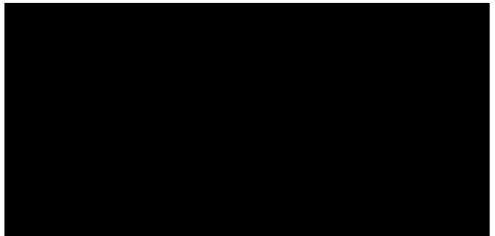


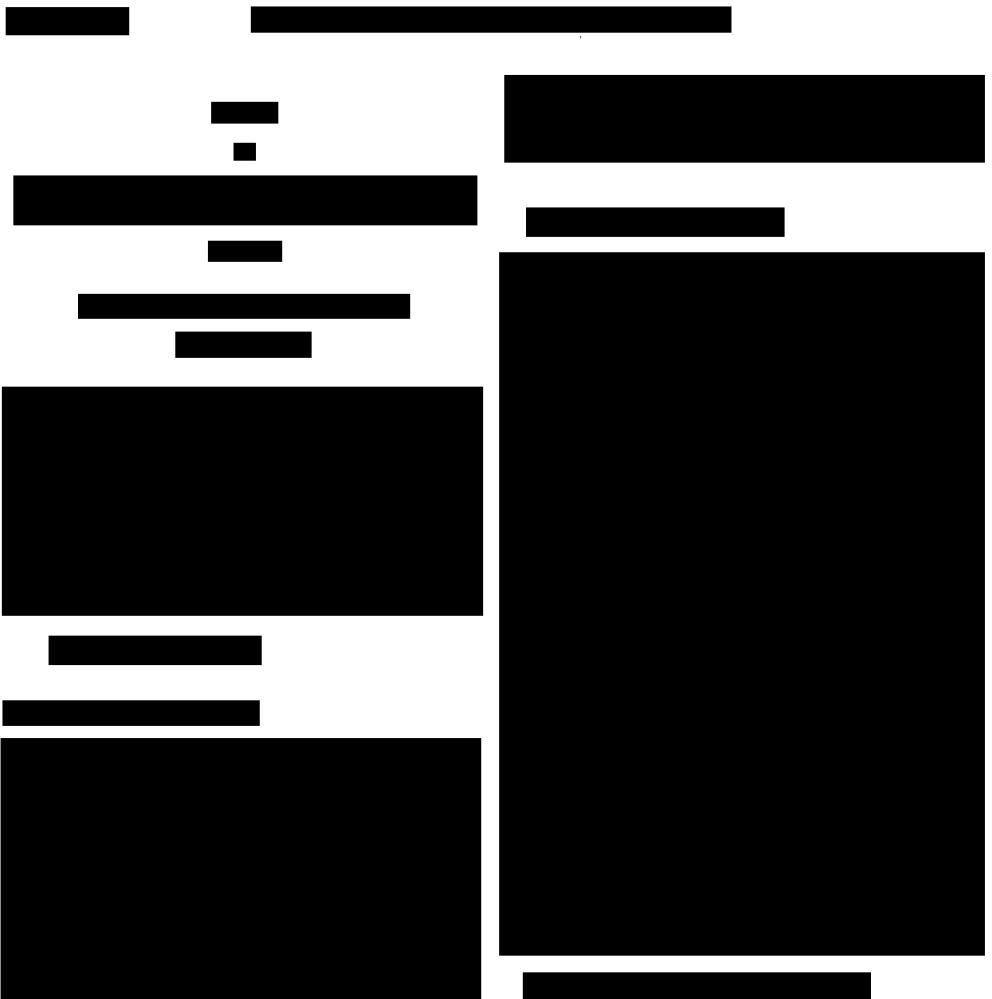
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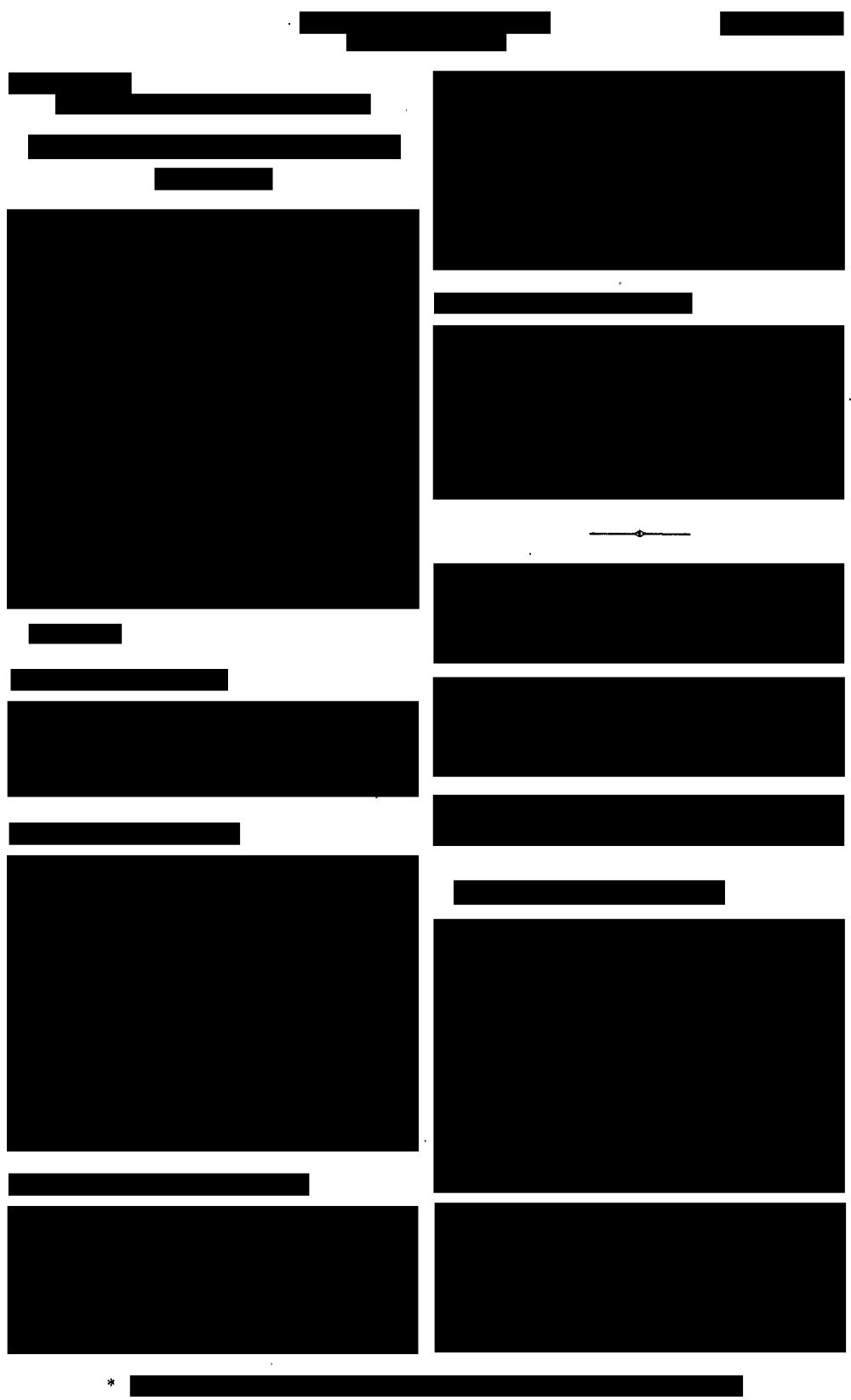






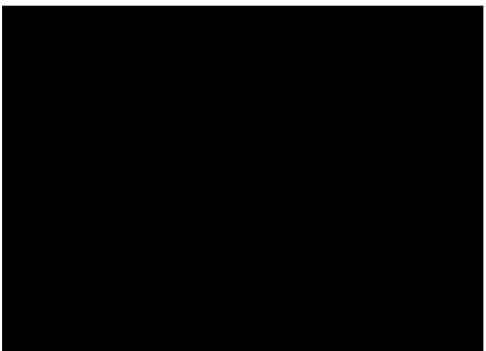
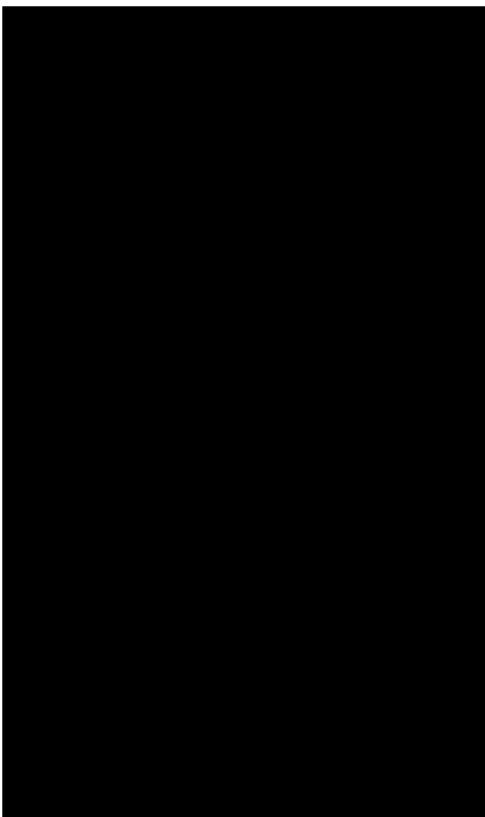
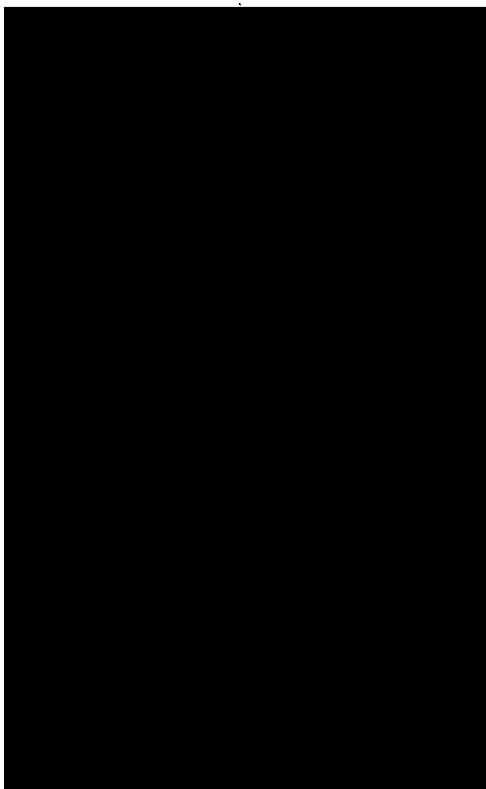






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2025 RELEASE UNDER E.O. 14176





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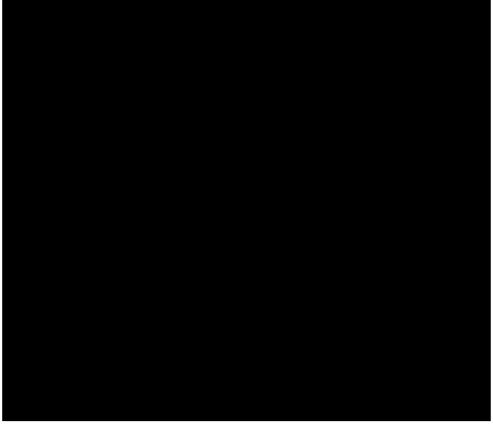
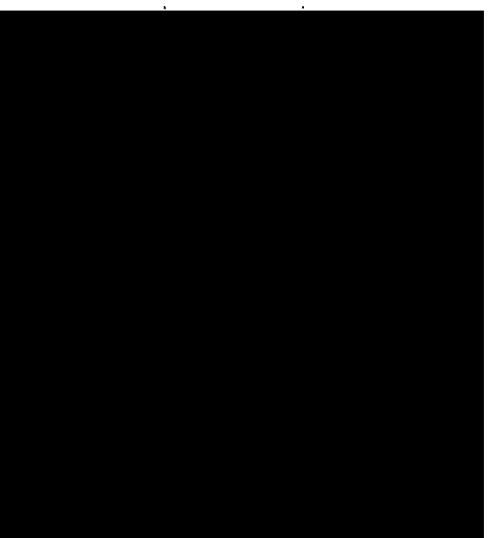
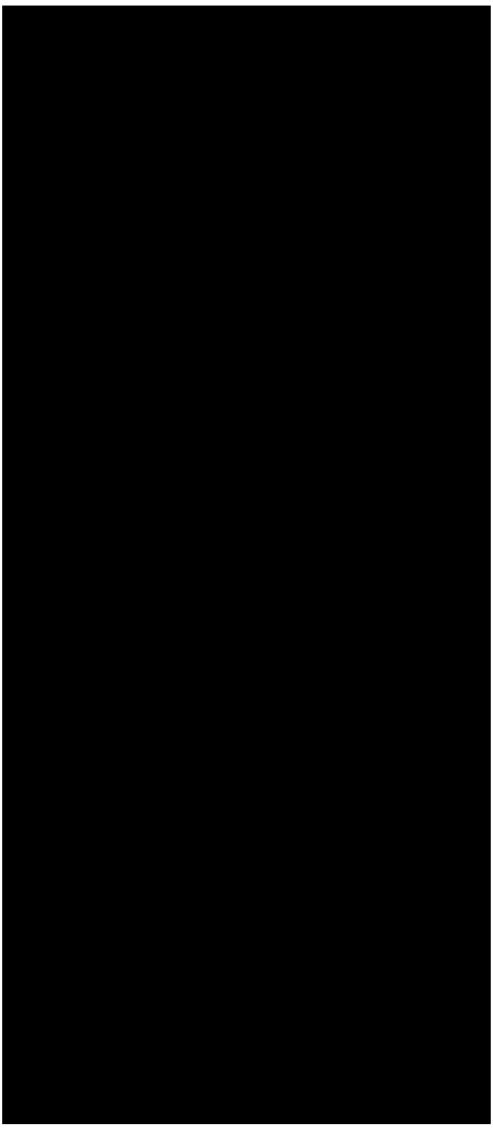
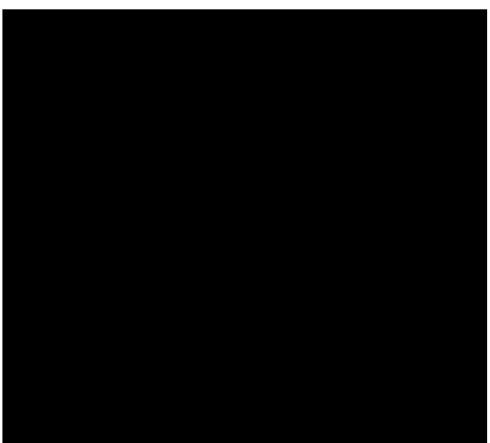
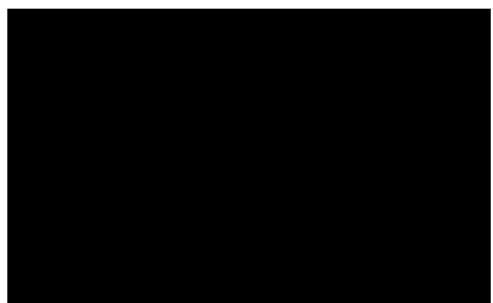
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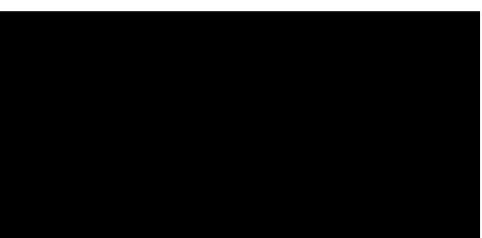
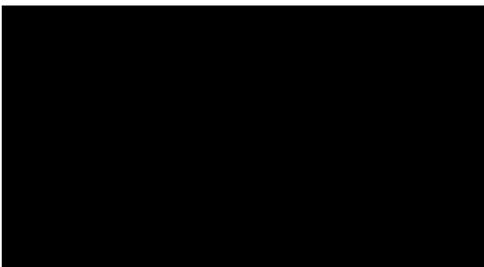
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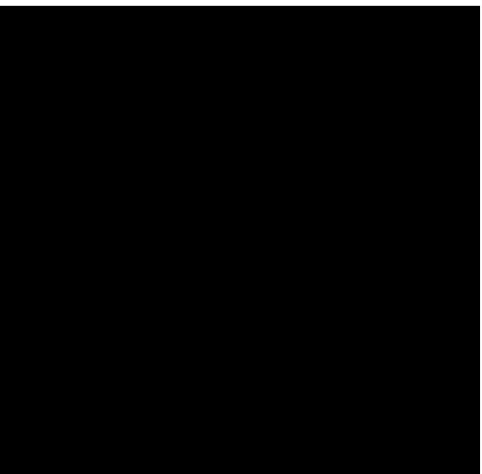
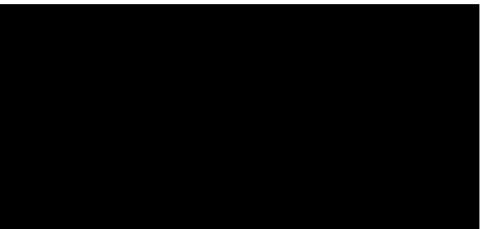
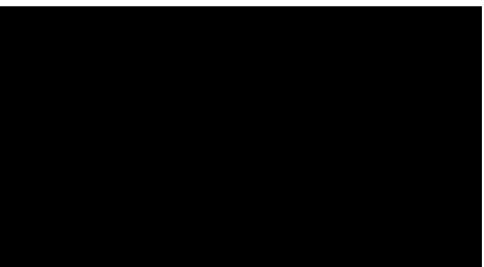
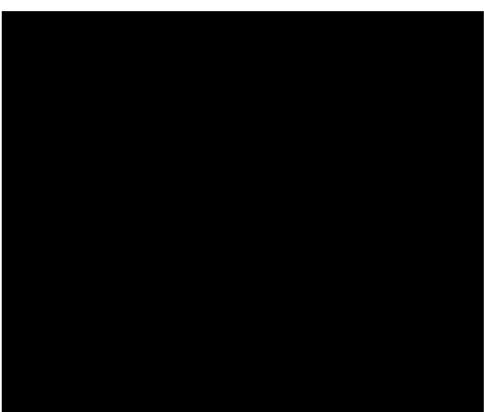
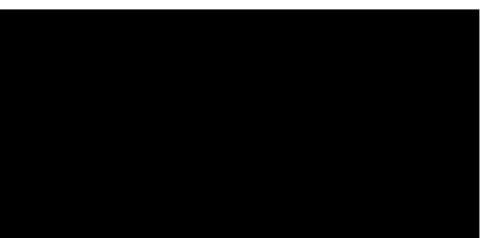


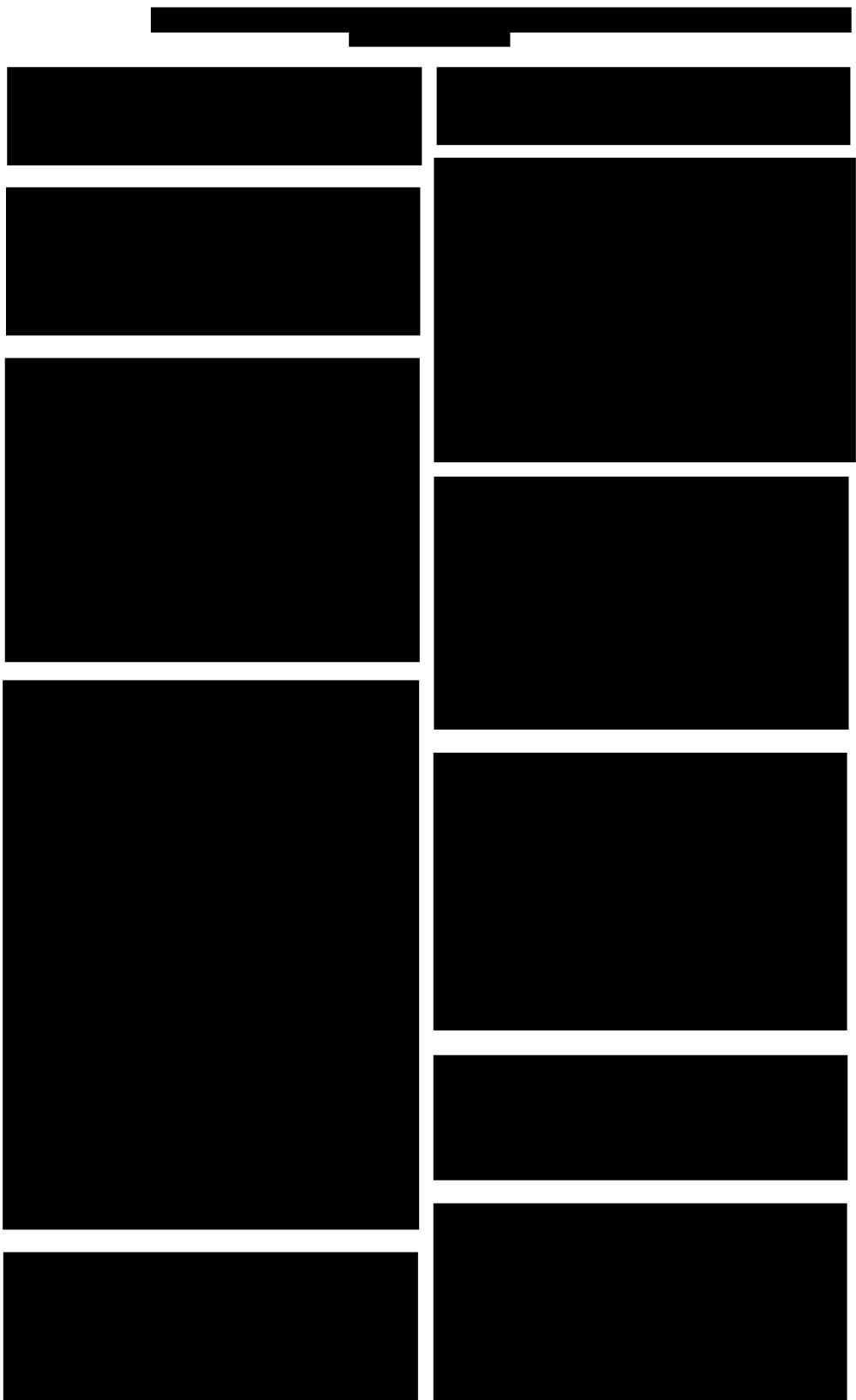
**Figure 1.** A schematic diagram of the experimental setup used to measure the effect of the magnetic field on the thermal conductivity of the nanocomposites.





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[REDACTED]

[REDACTED]  
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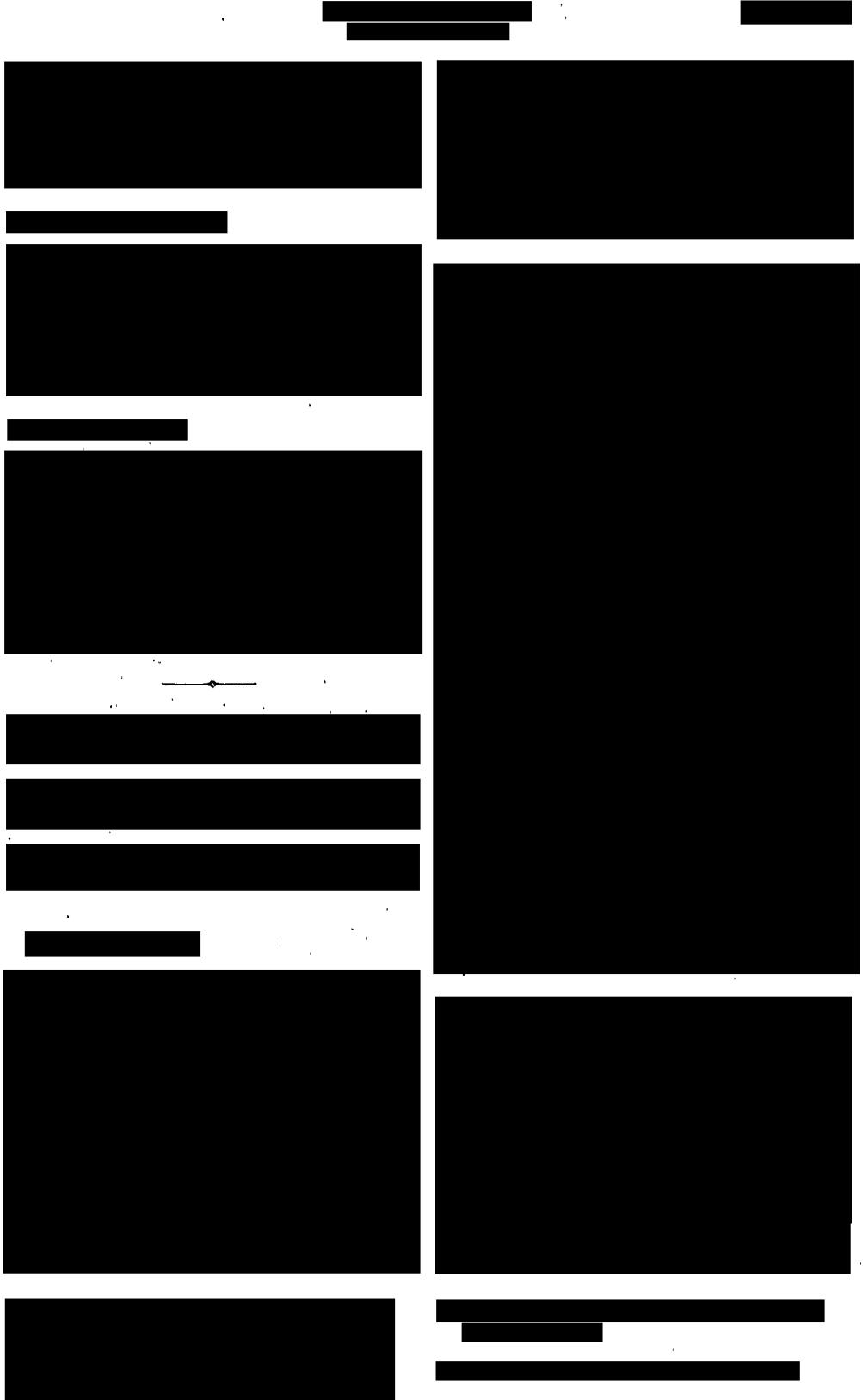
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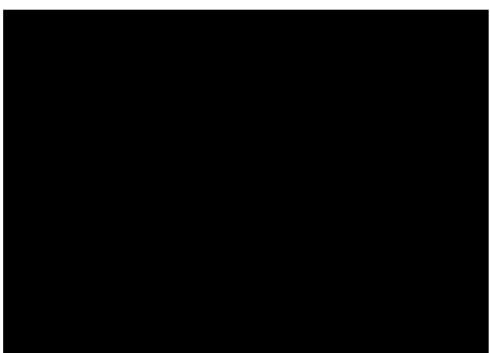
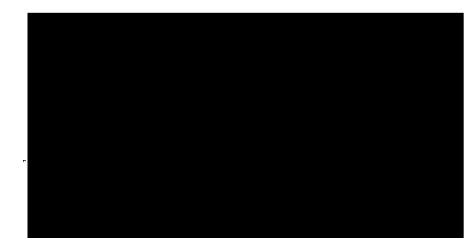
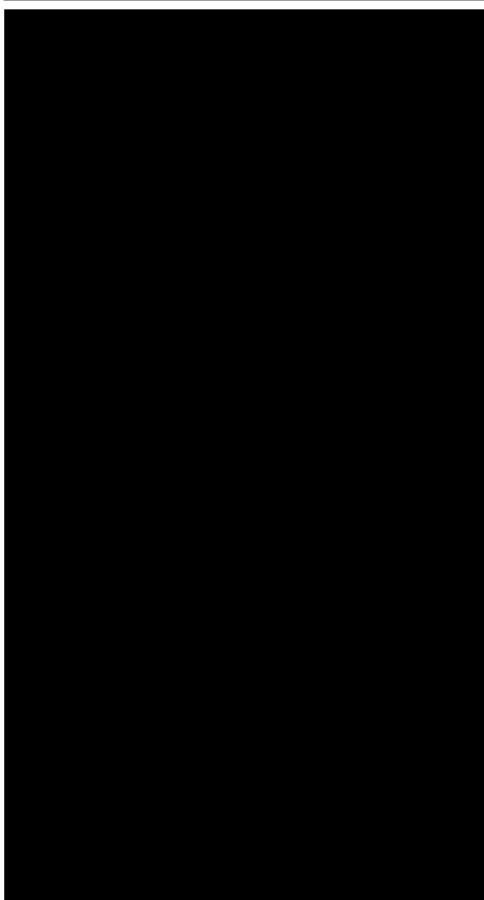
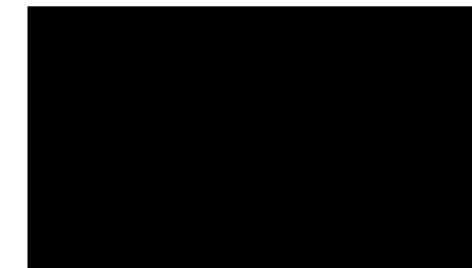
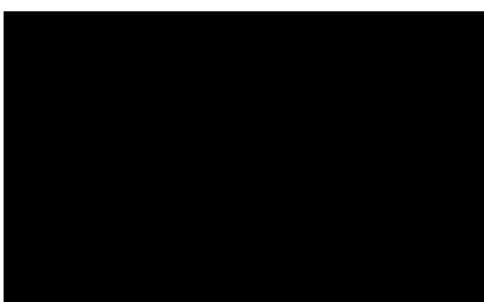
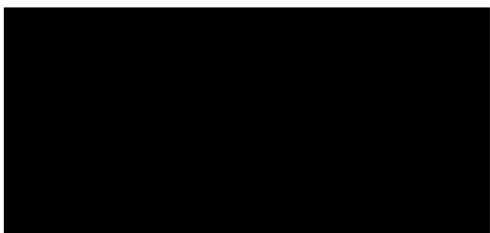
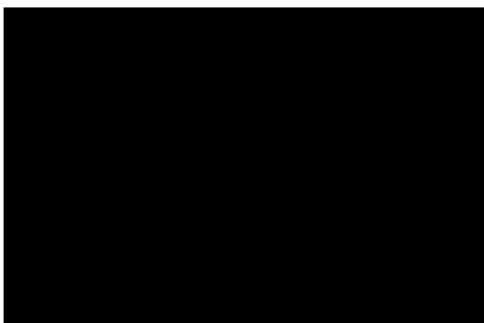
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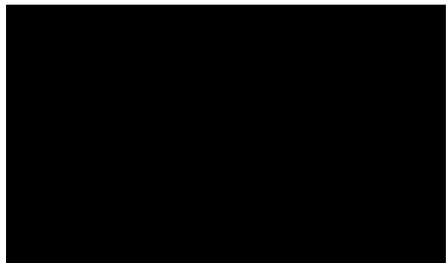
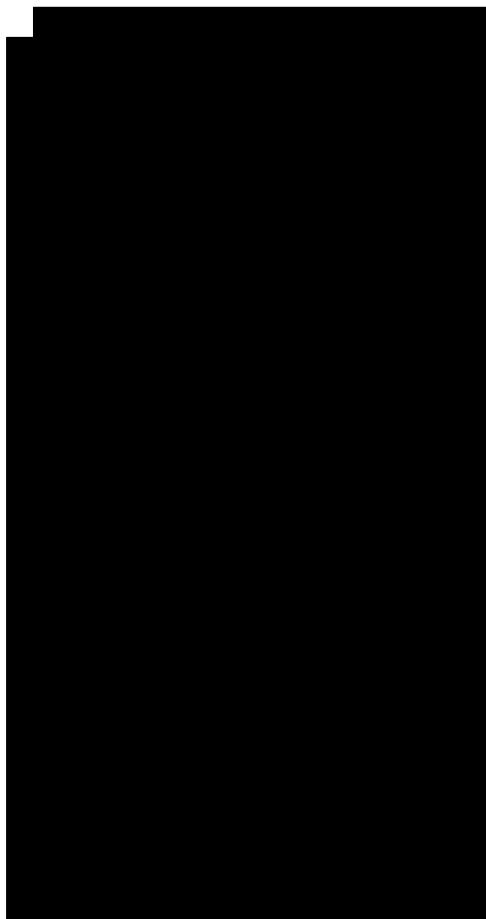
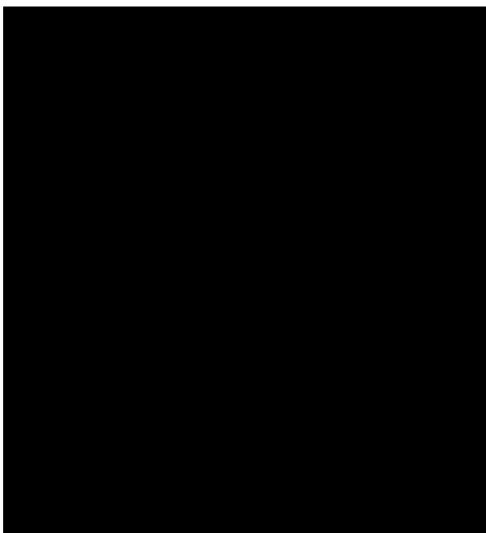
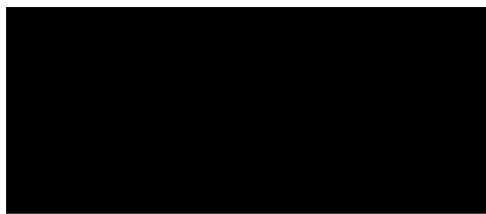
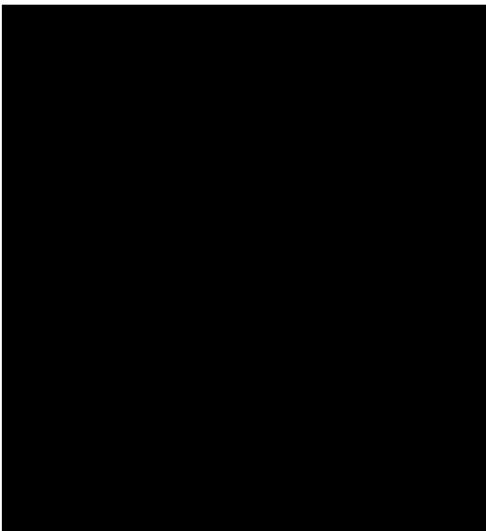
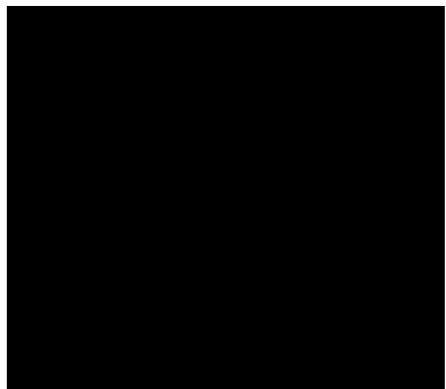
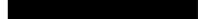
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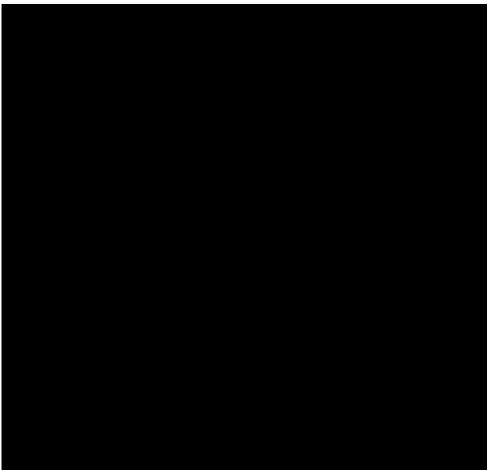
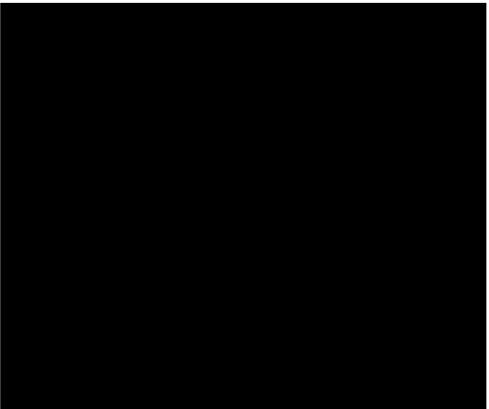
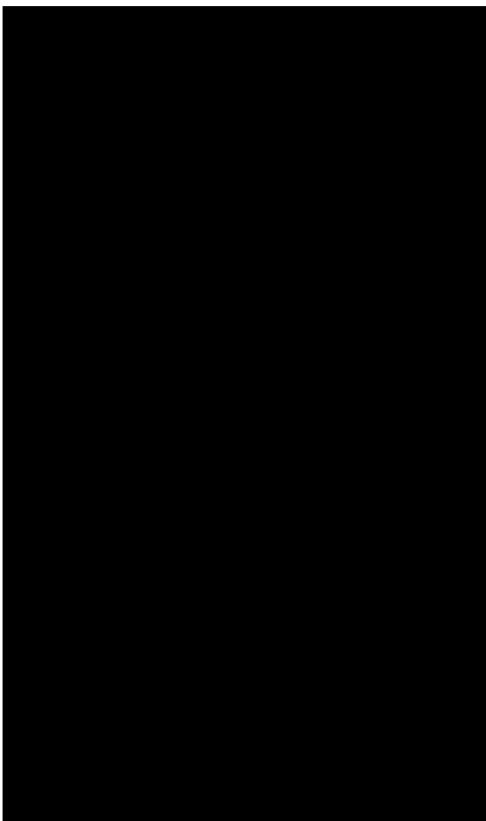
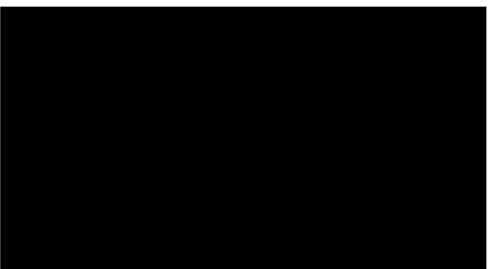
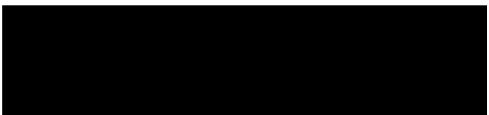
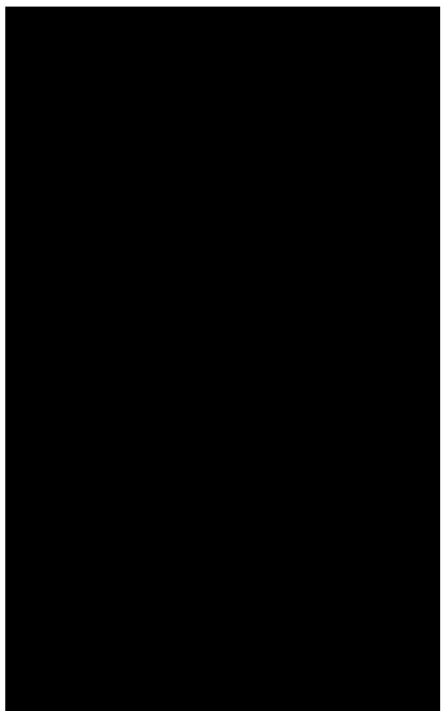
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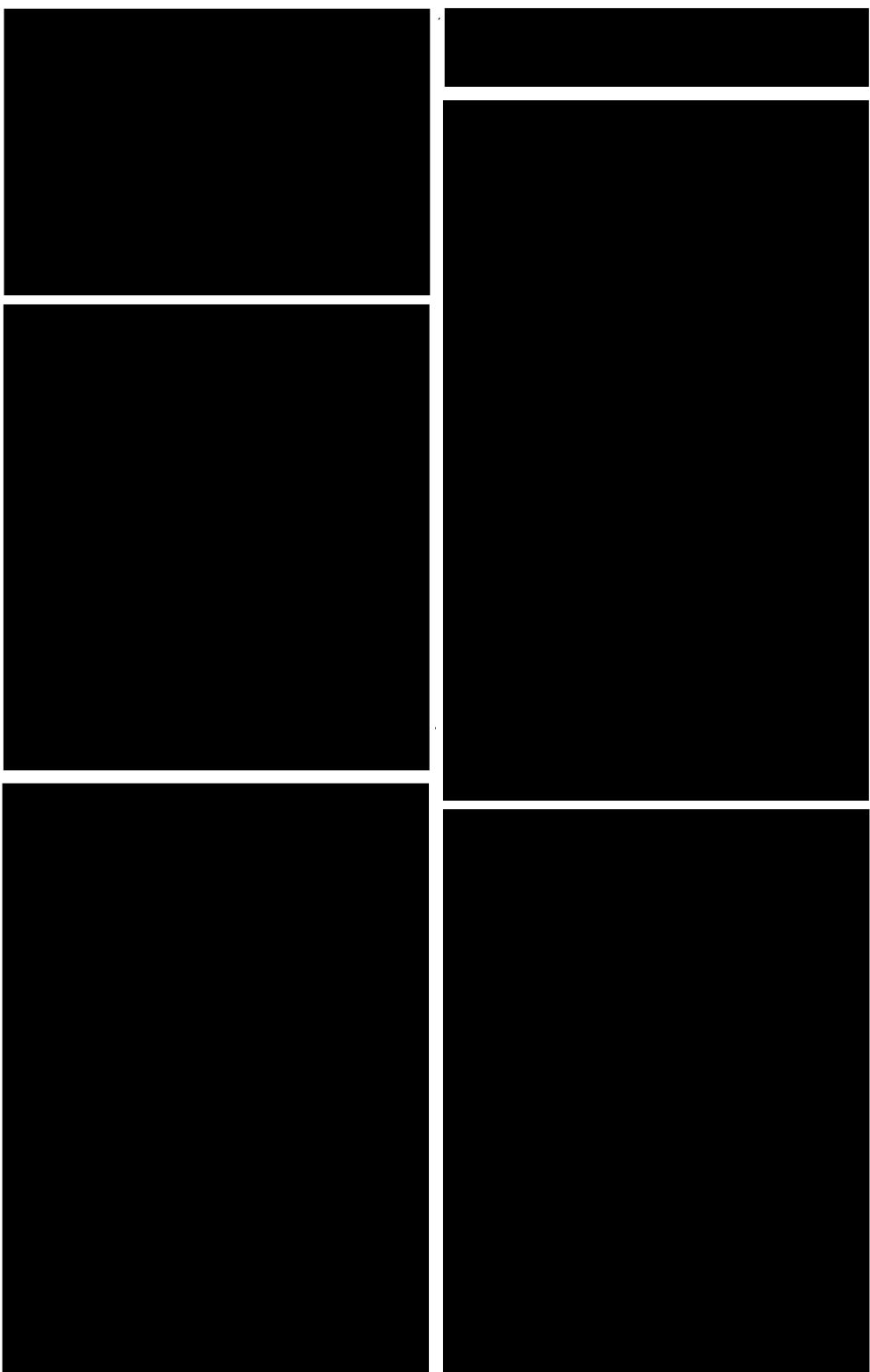
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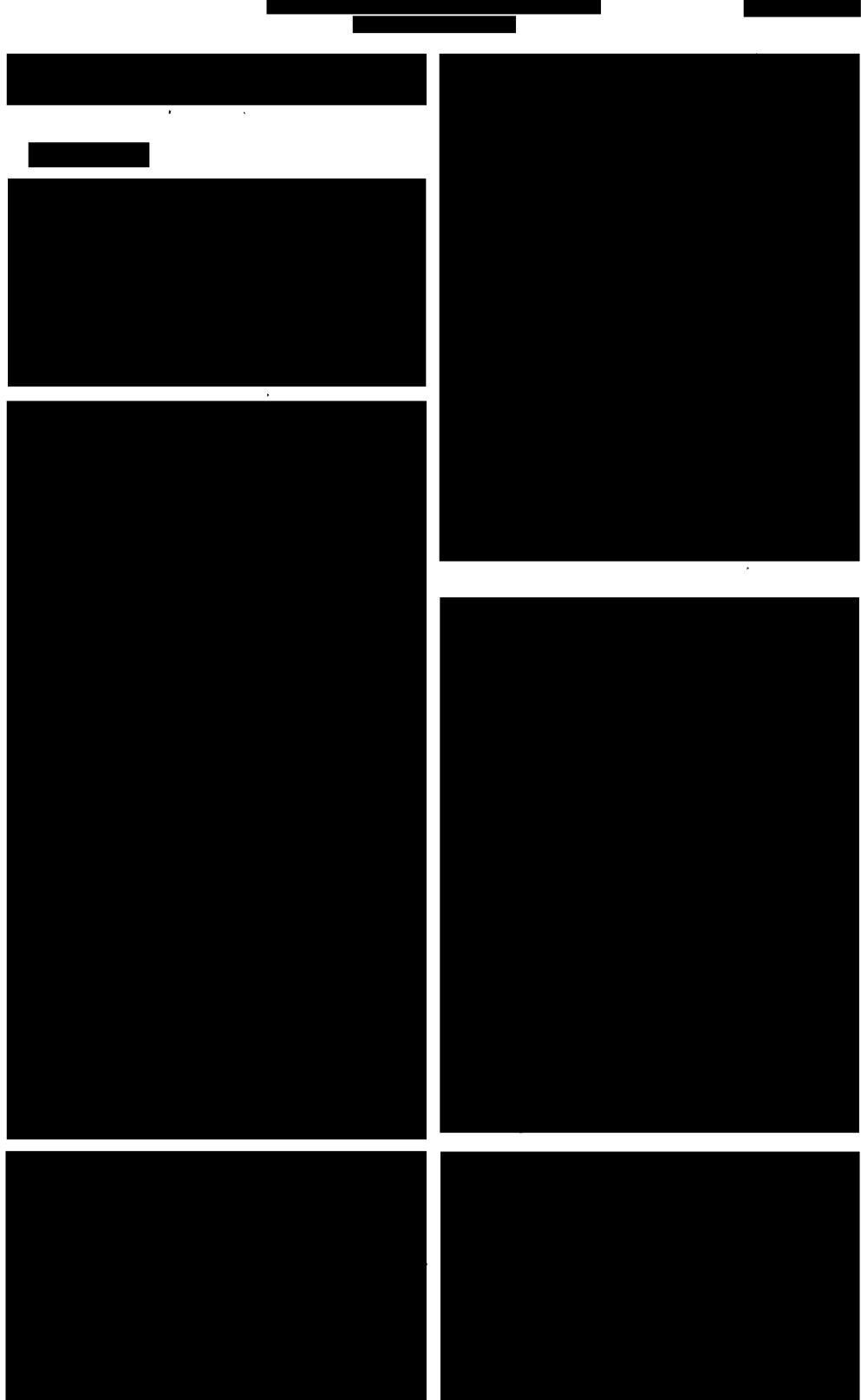
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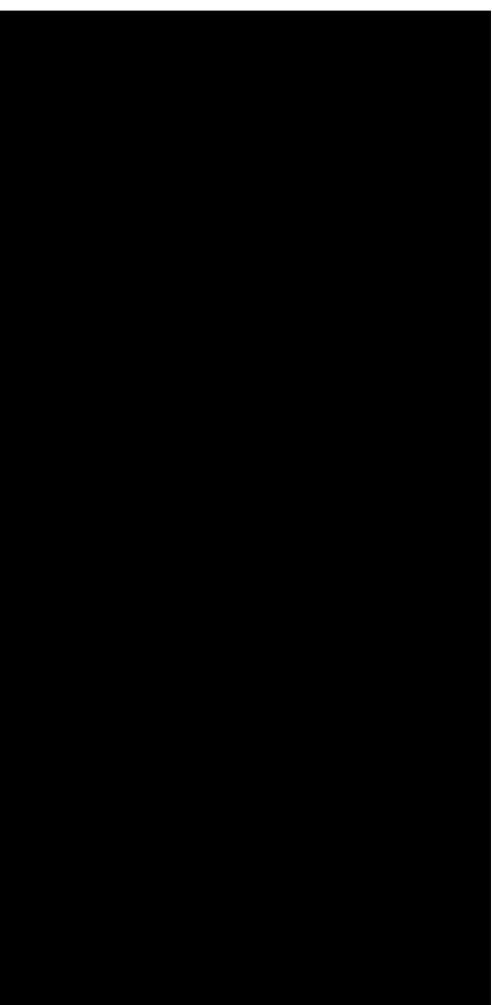
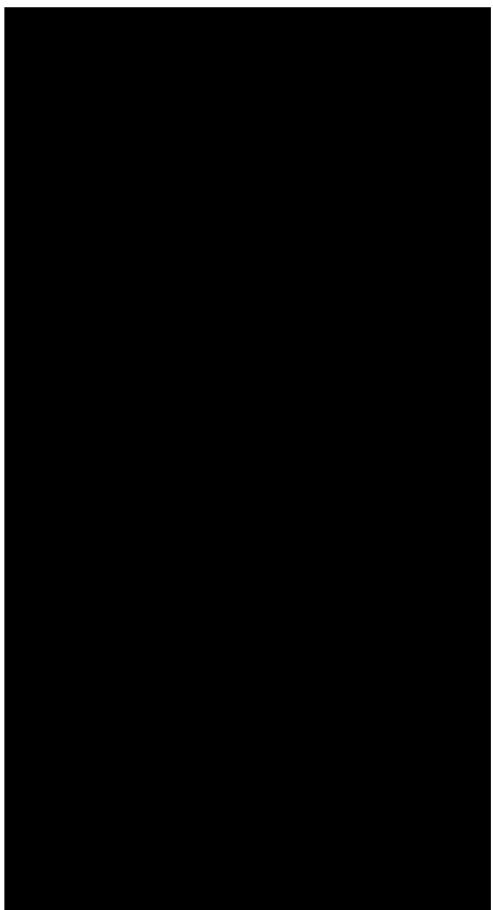
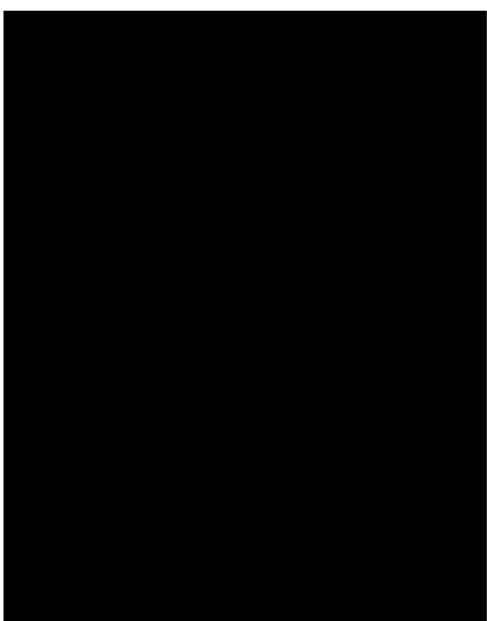
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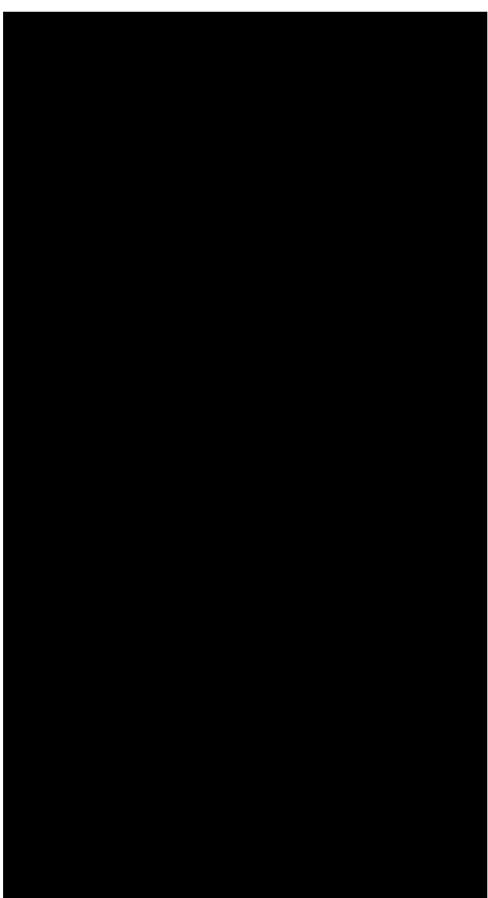
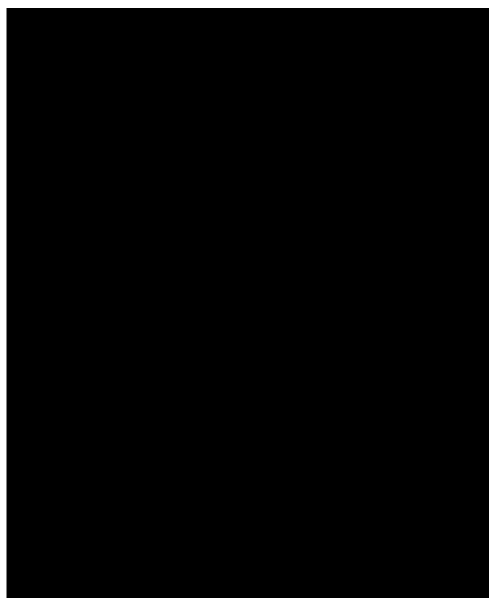
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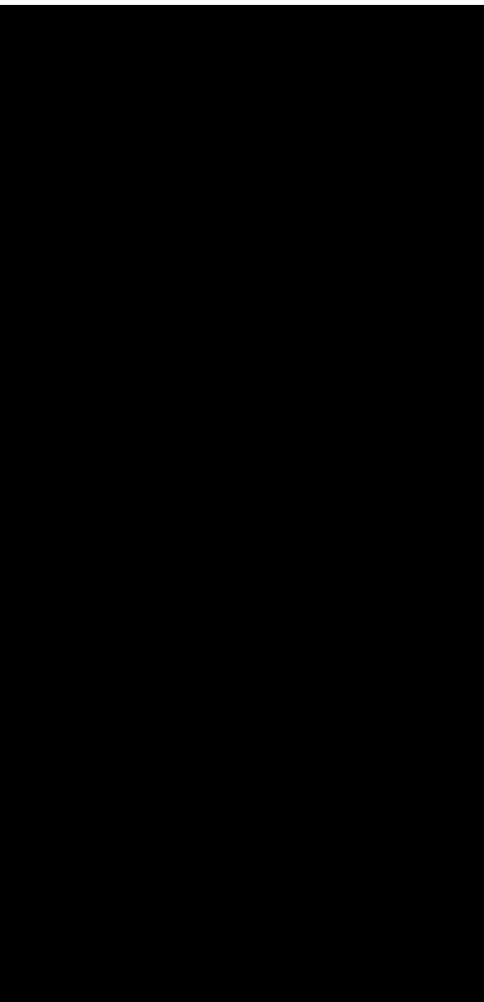
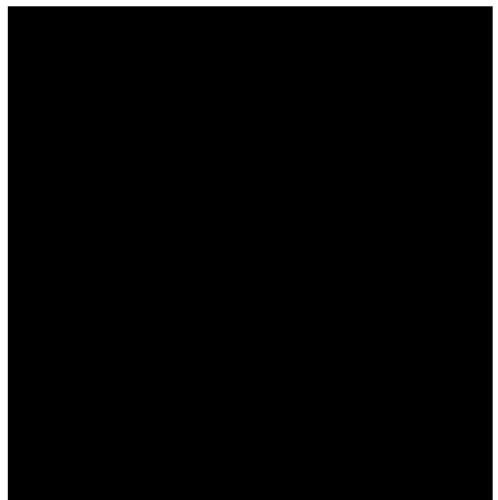
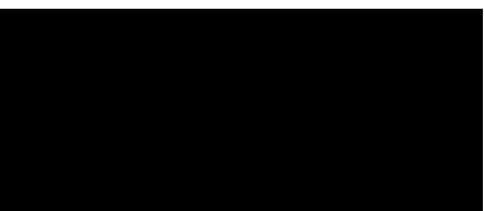
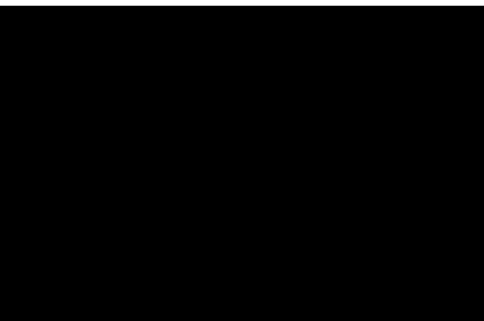
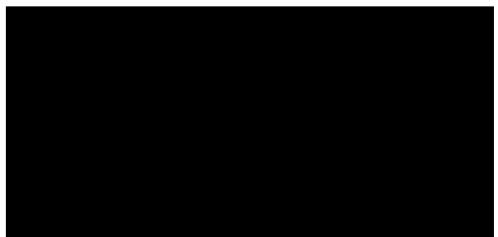
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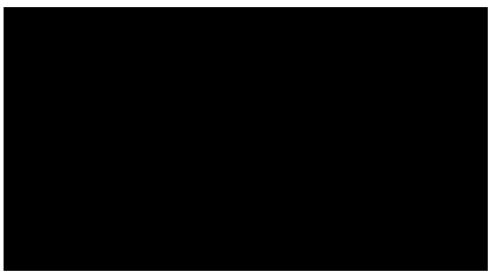
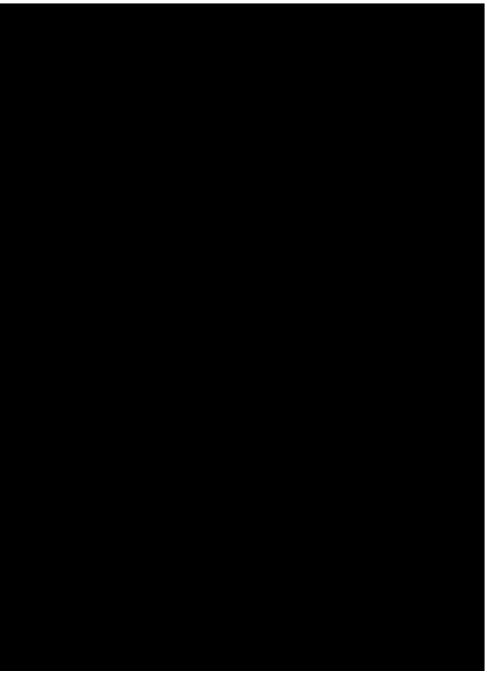
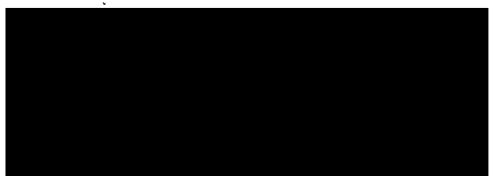
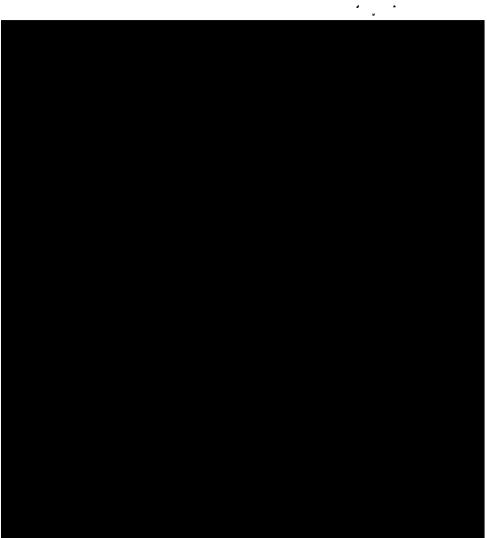
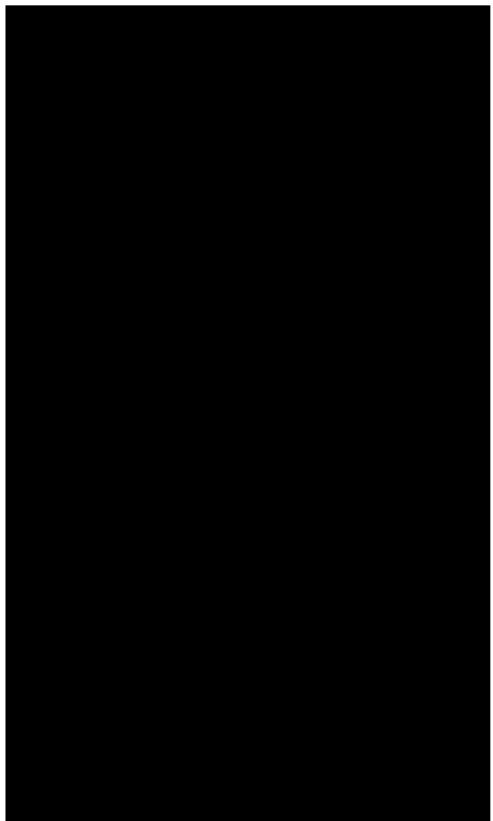
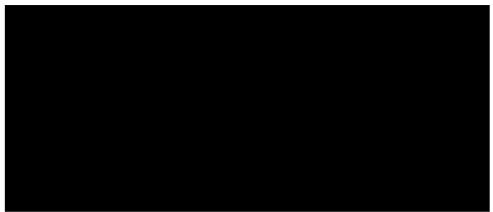
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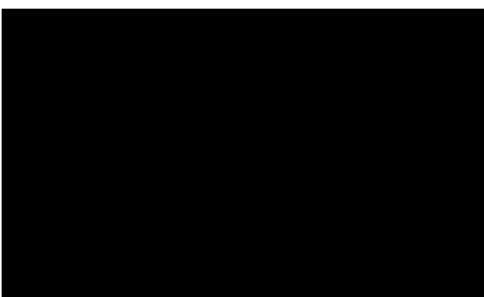
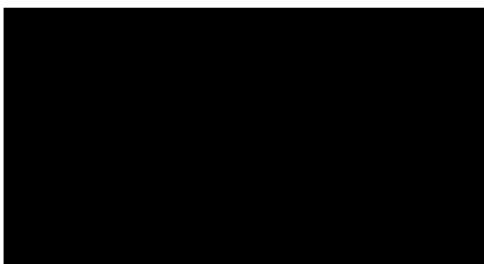
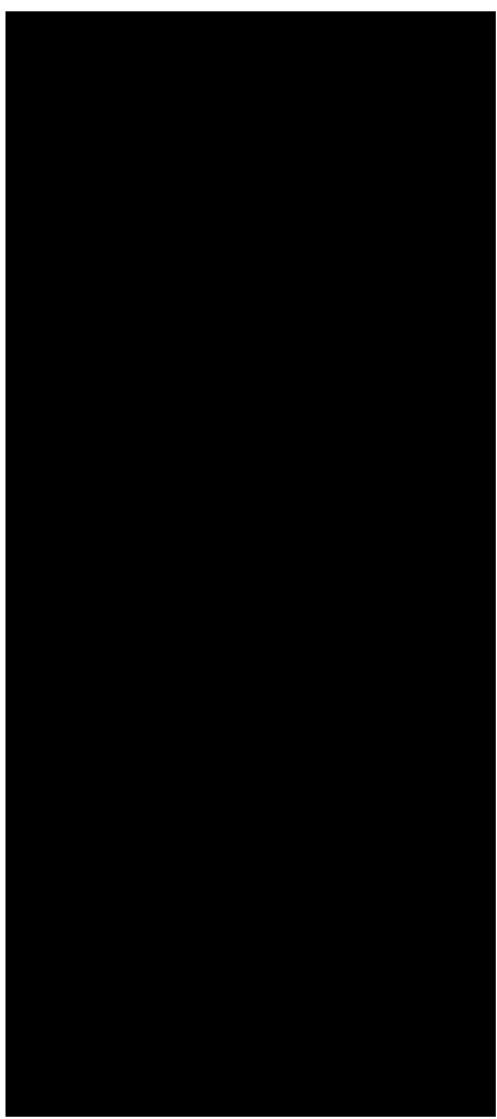
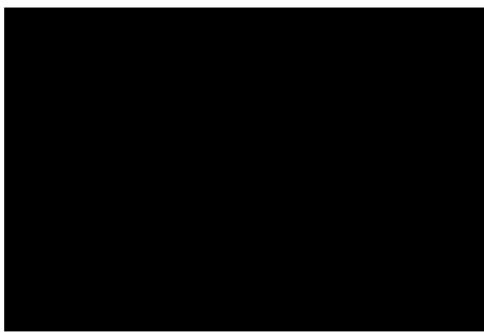
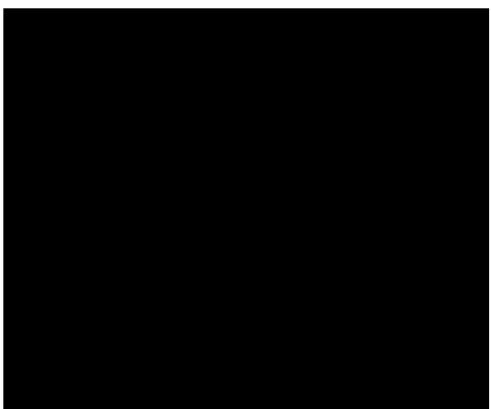
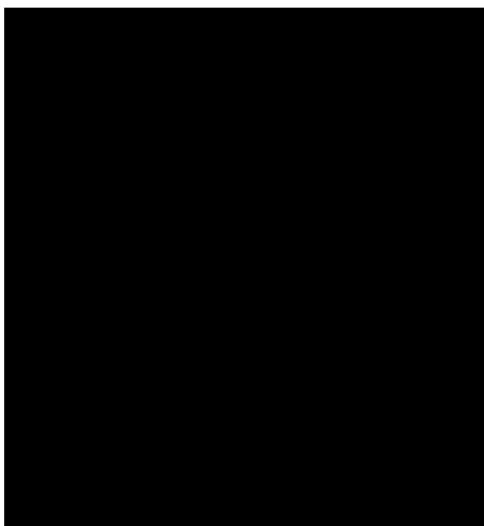
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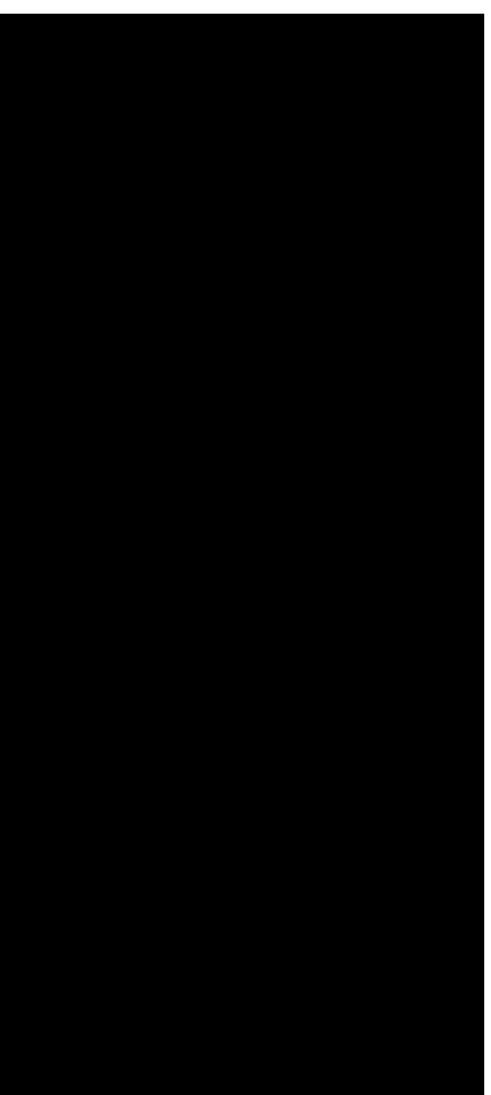
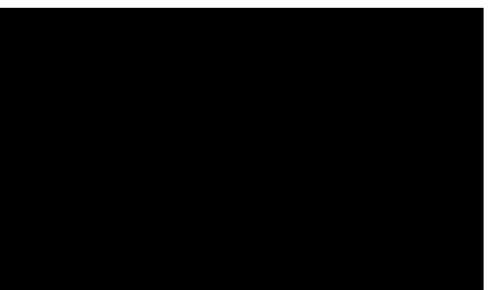
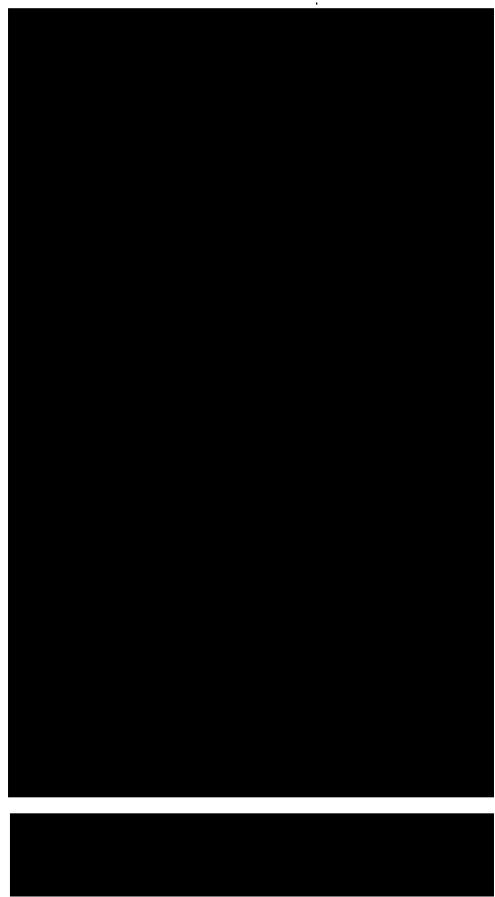
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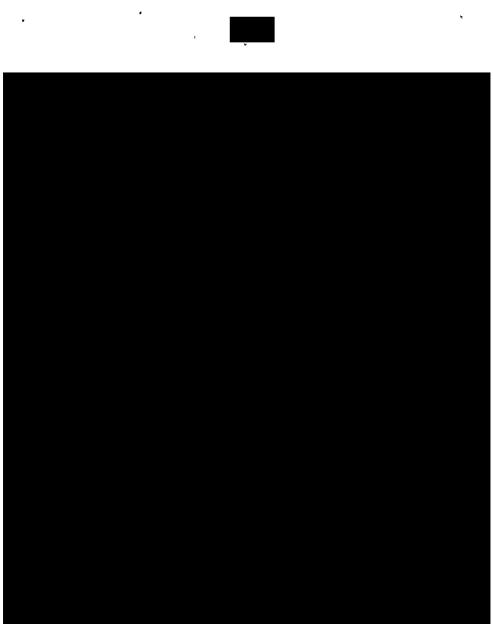
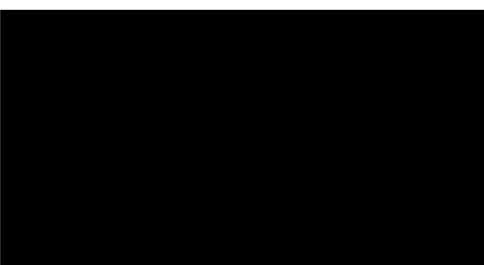
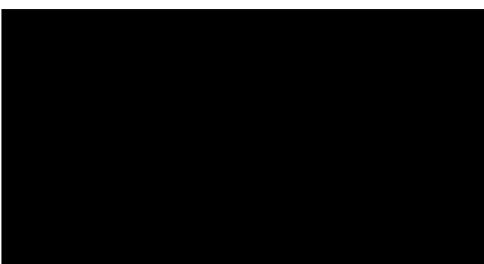
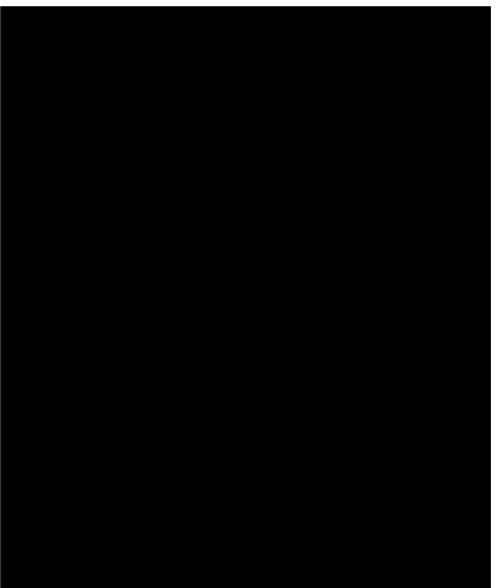
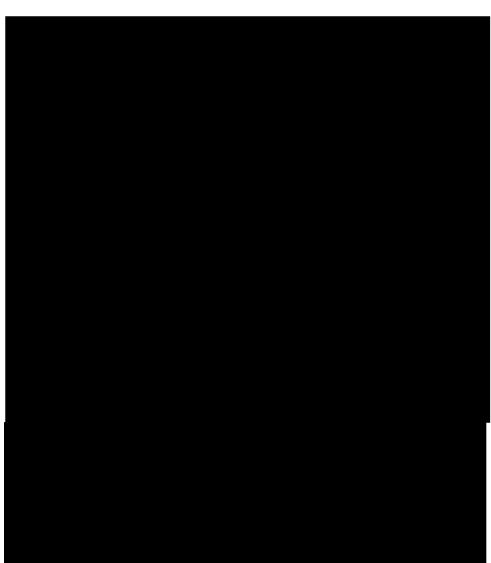
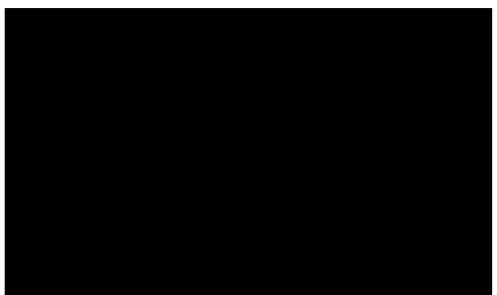
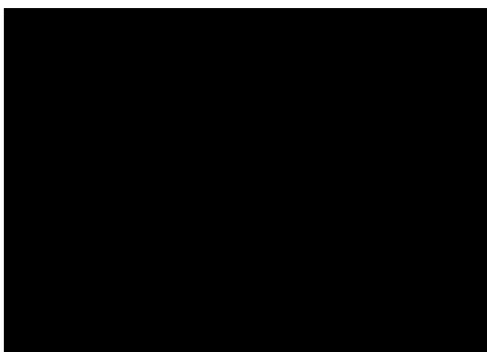


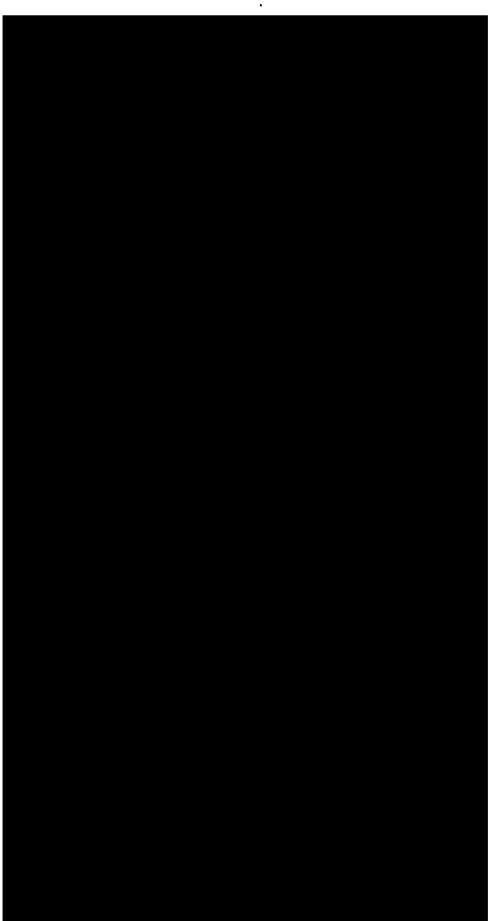
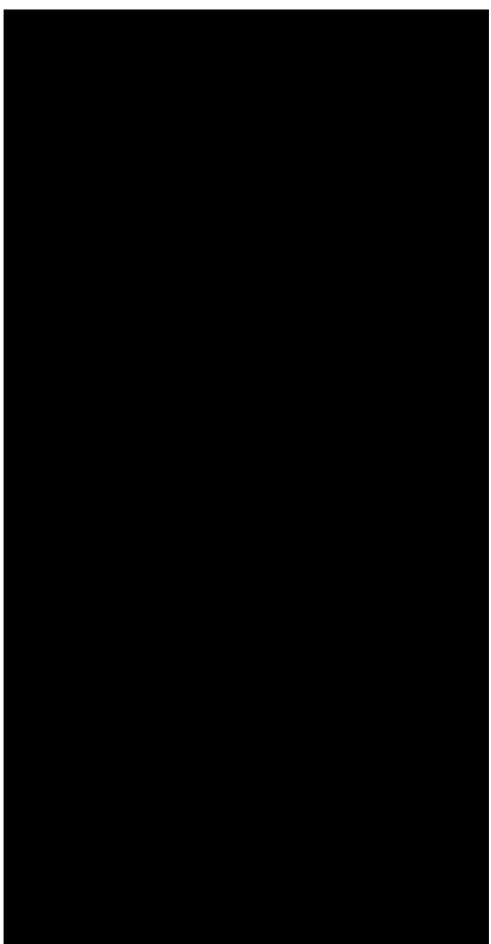
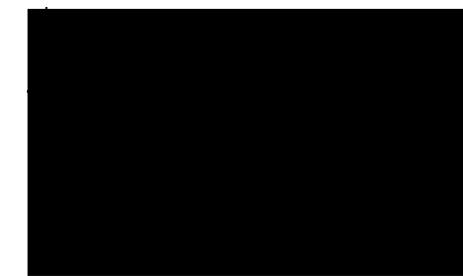
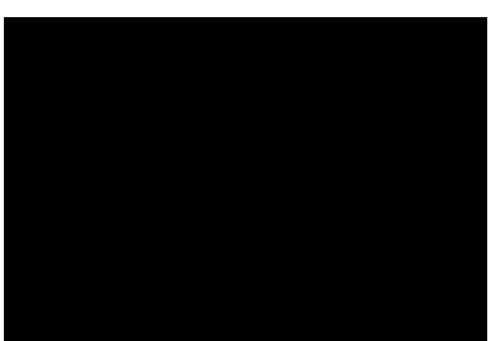
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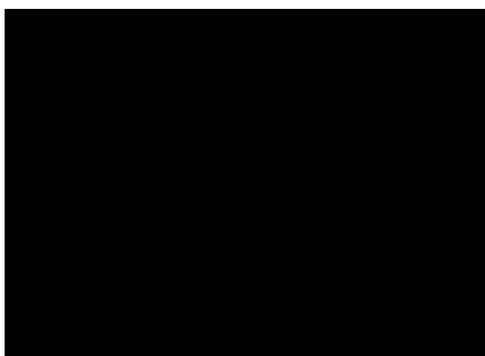
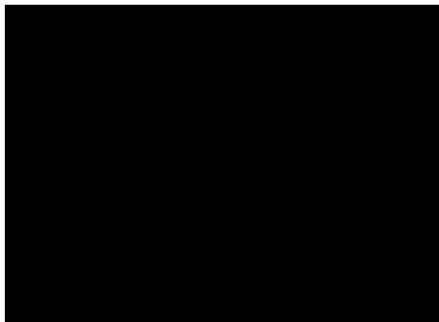
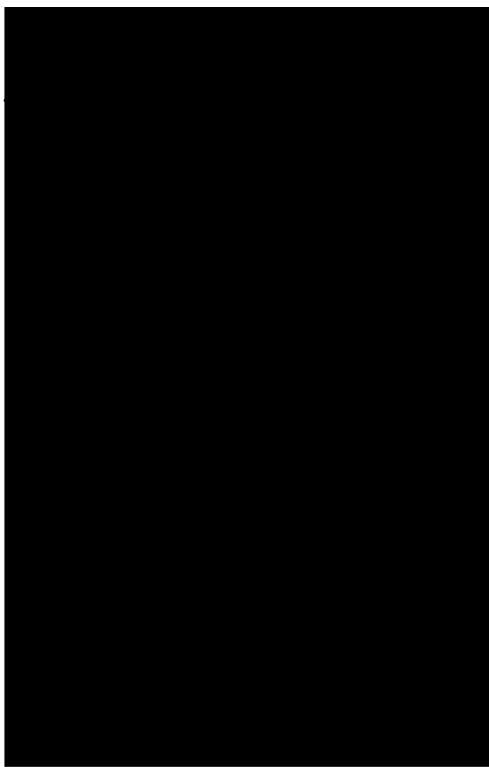


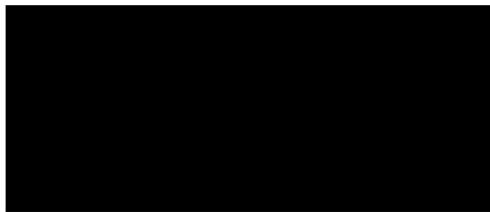
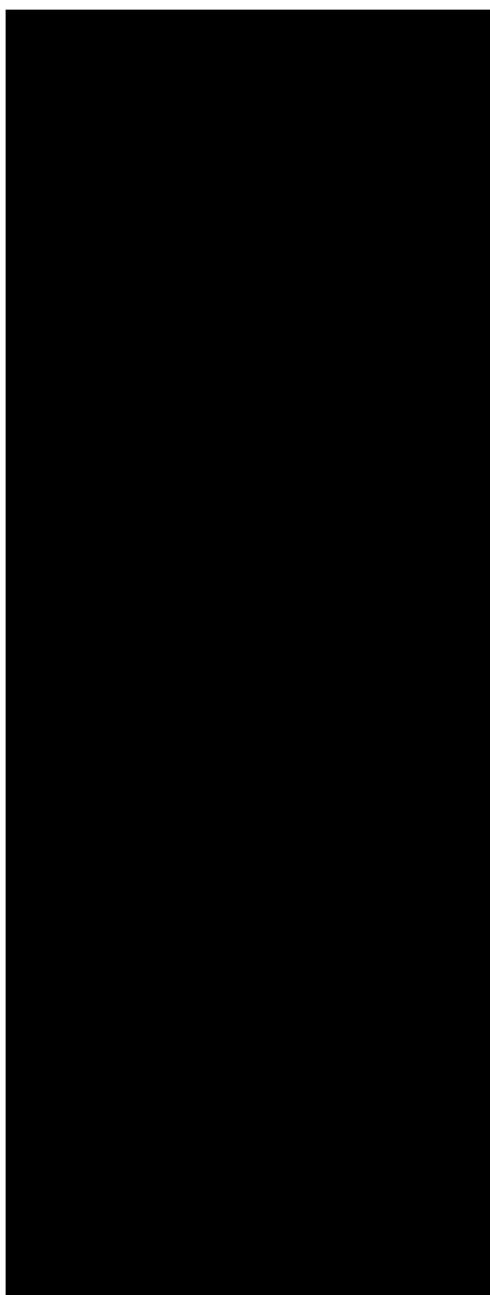
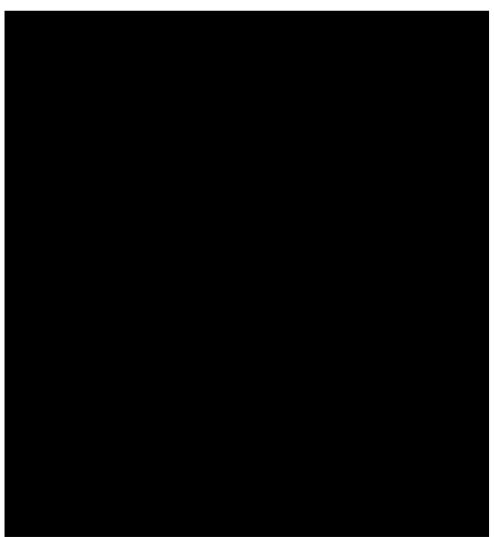
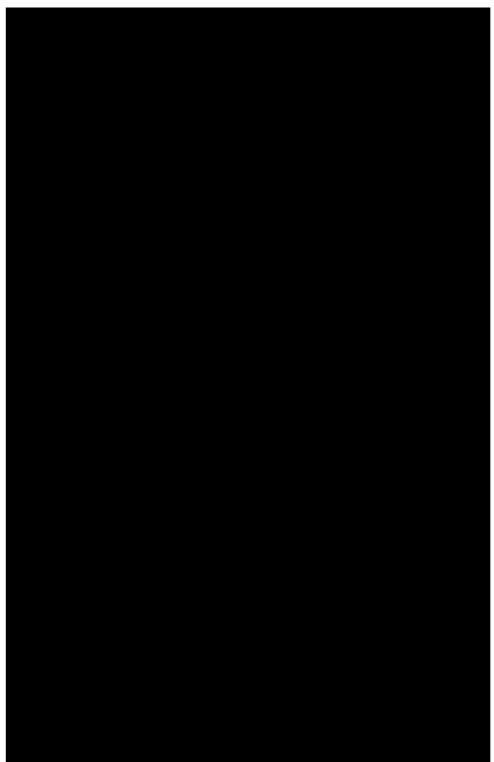
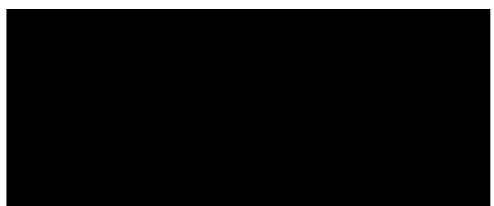














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[REDACTED]

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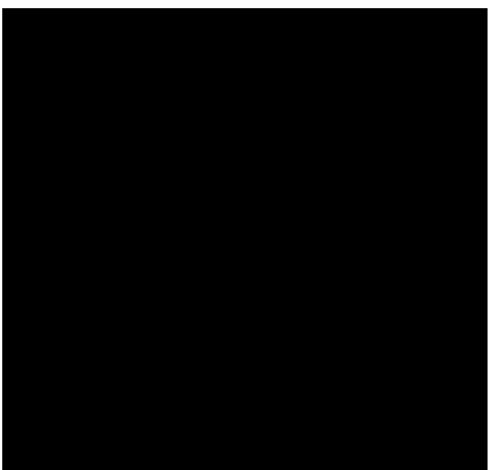
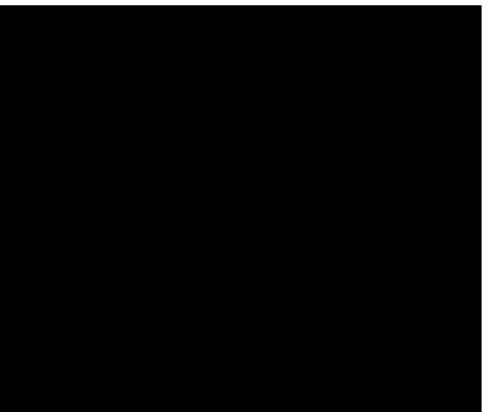
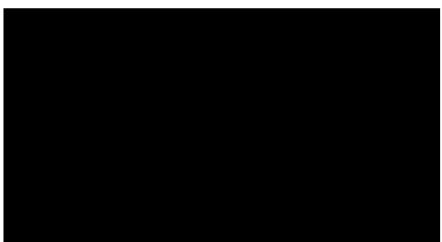
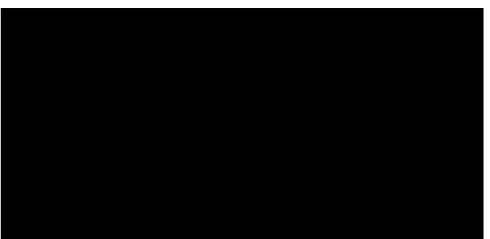
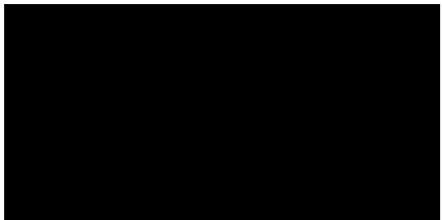
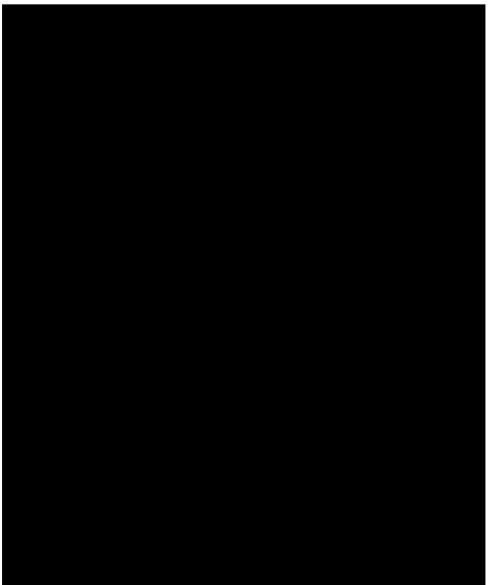
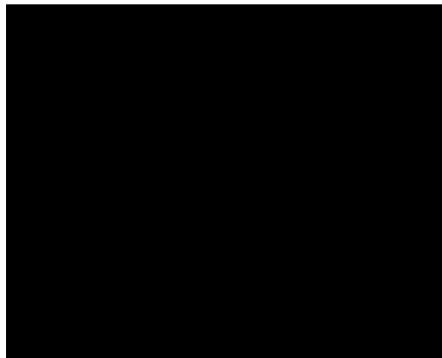
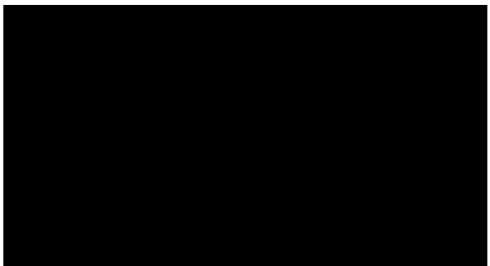
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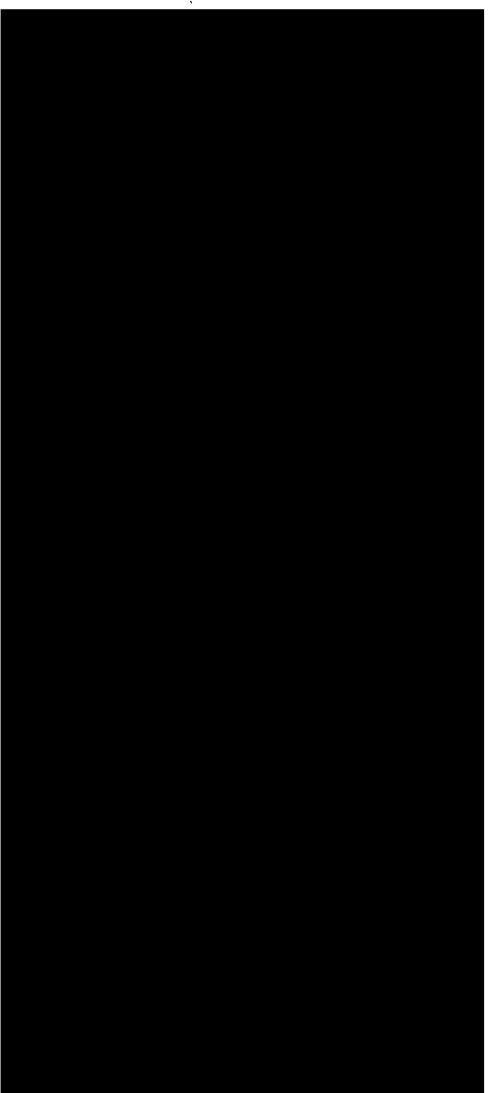
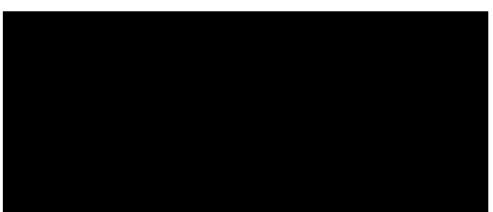
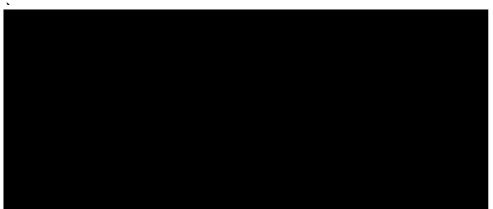
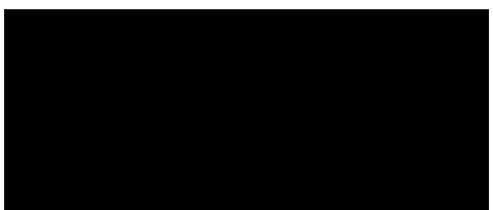
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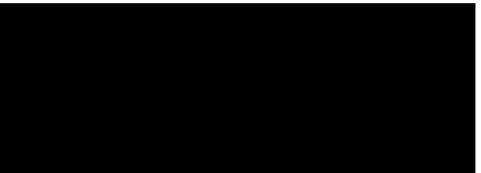
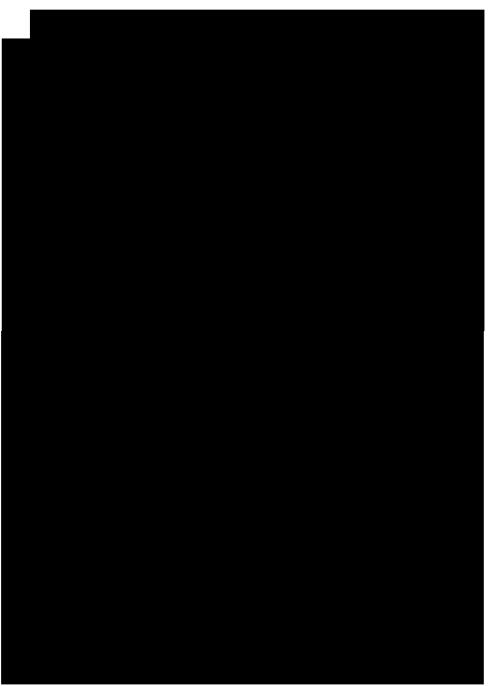
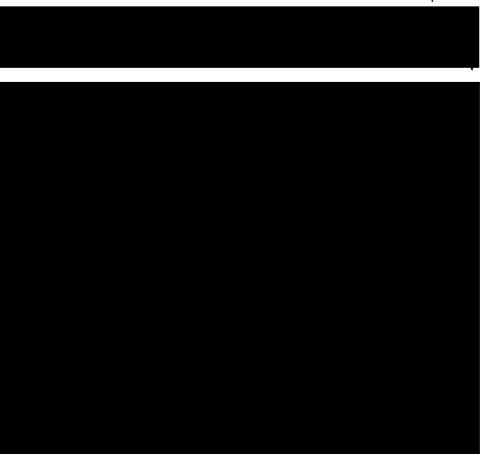
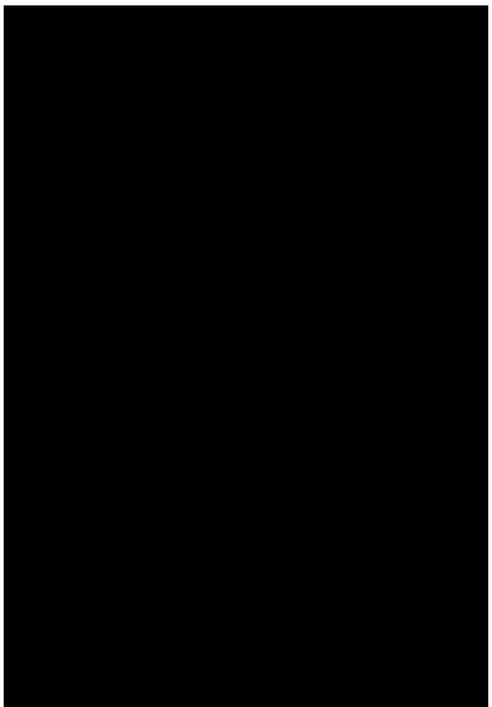
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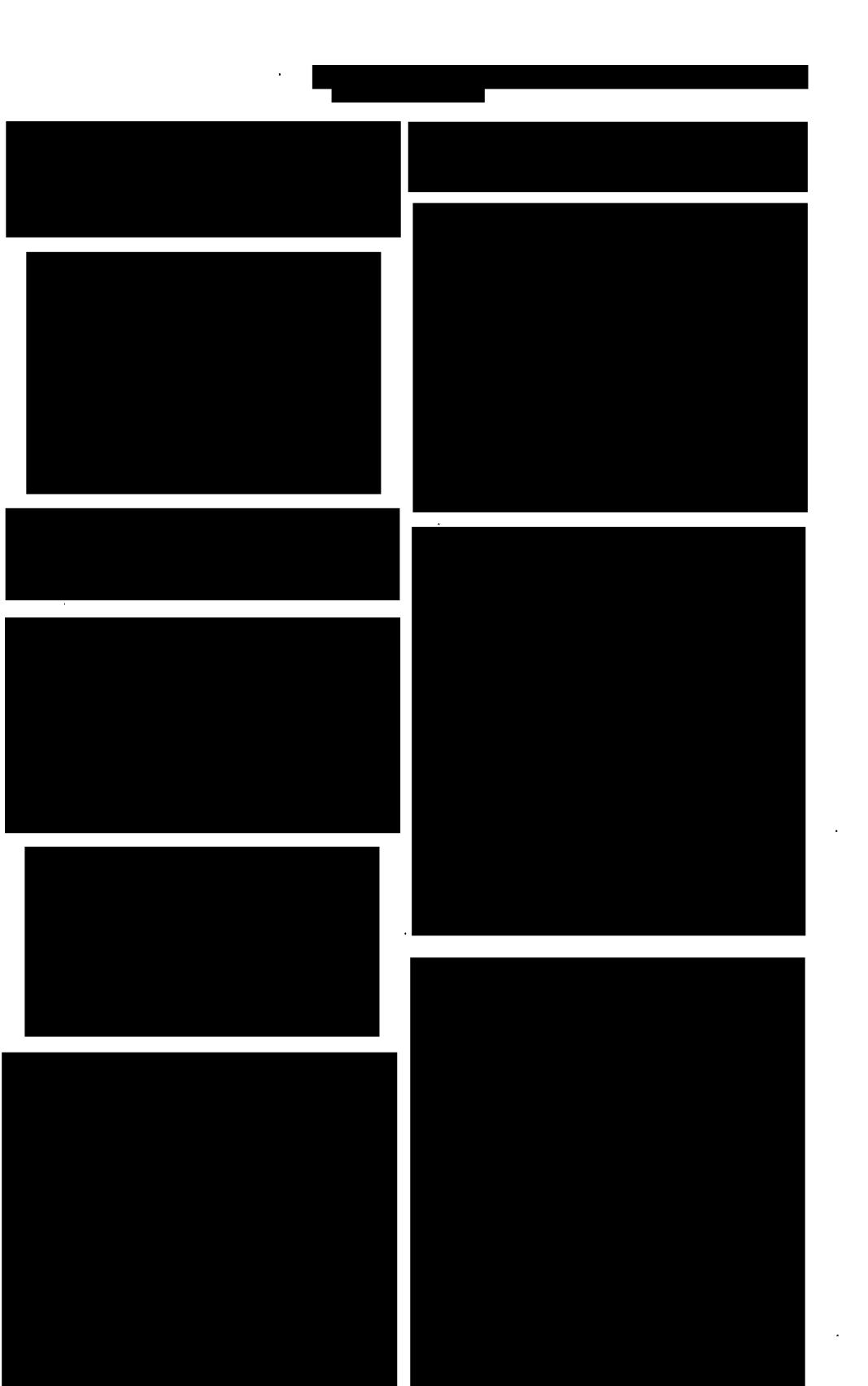
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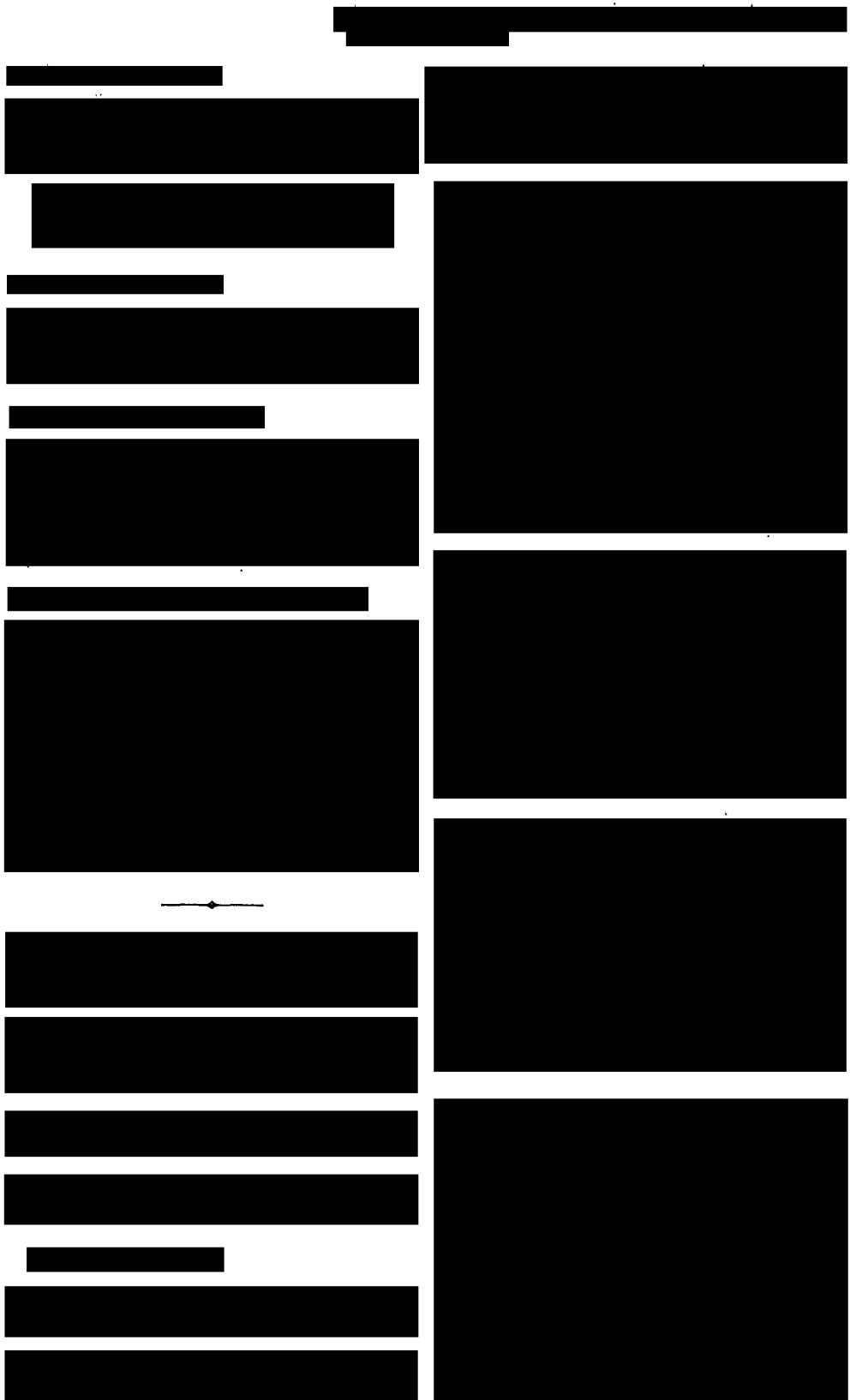




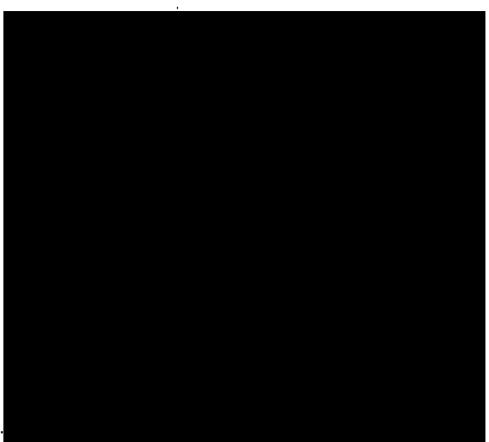
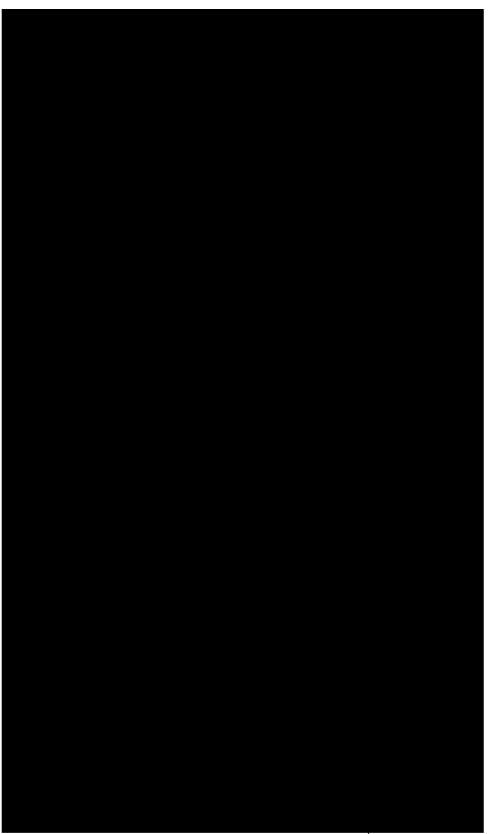
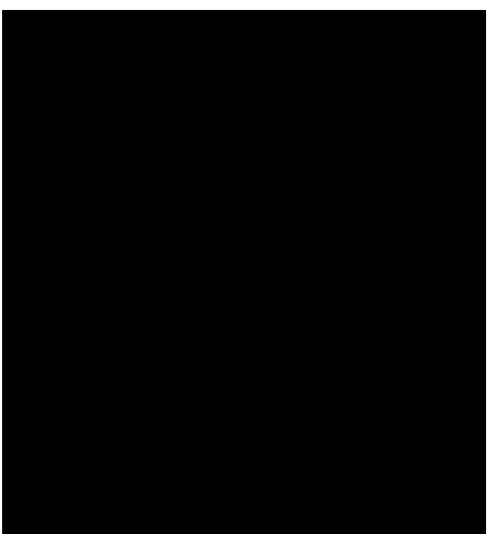
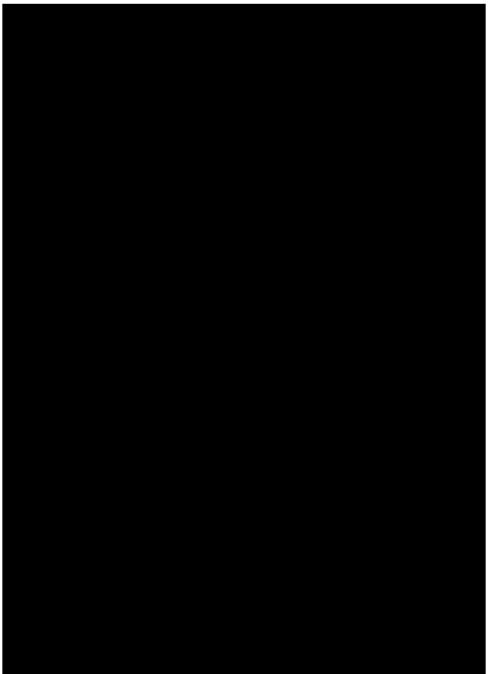
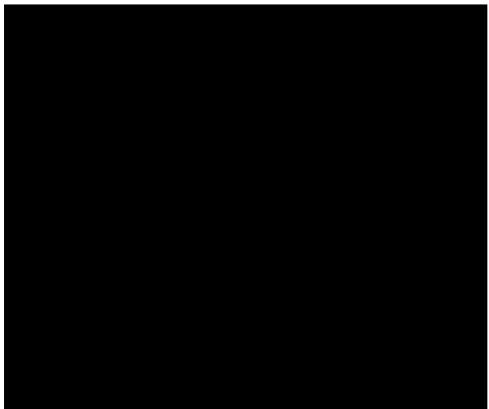






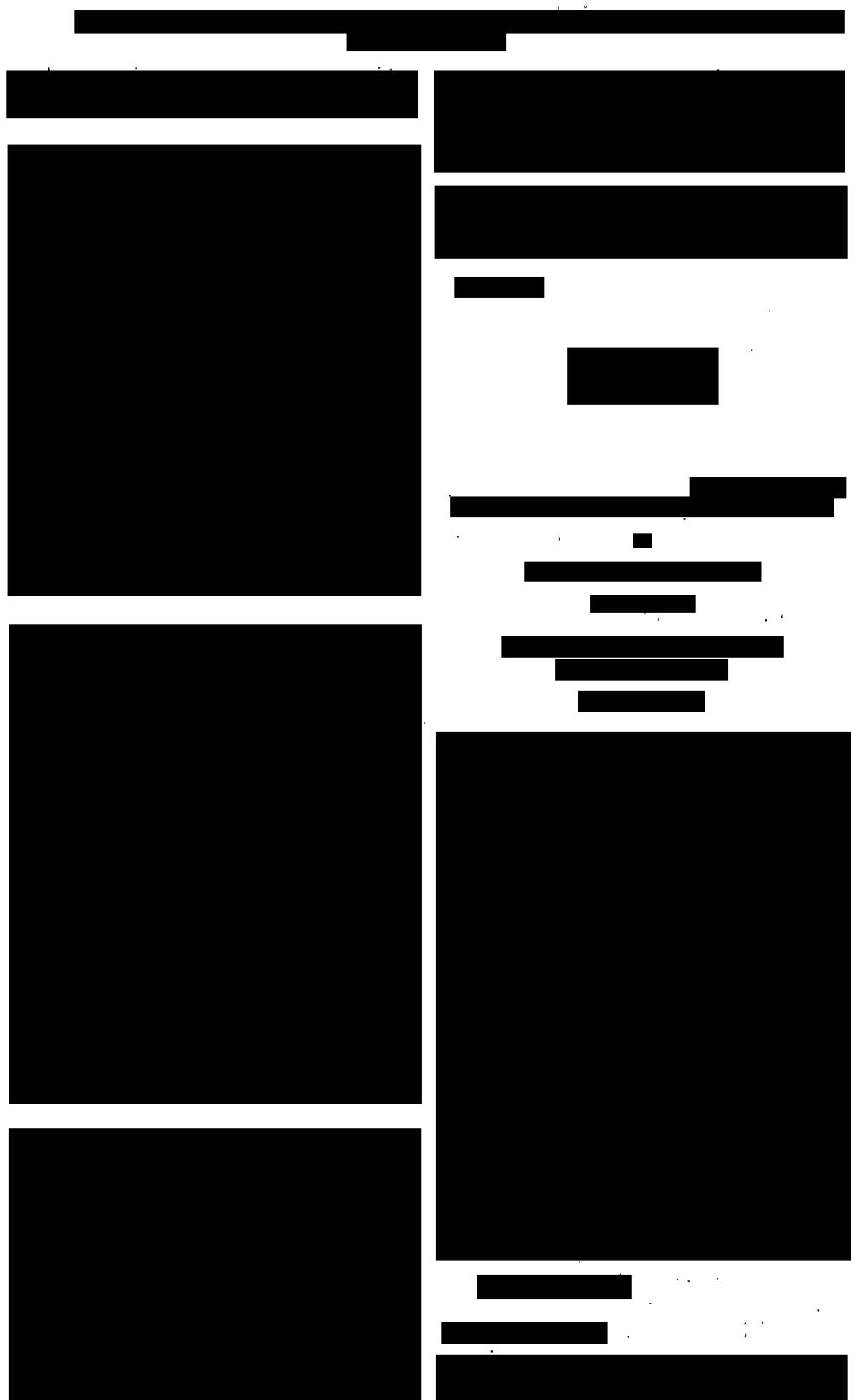


[REDACTED]



[REDACTED]

[REDACTED]



[REDACTED]

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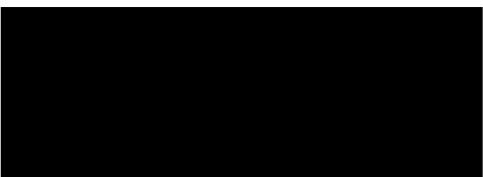
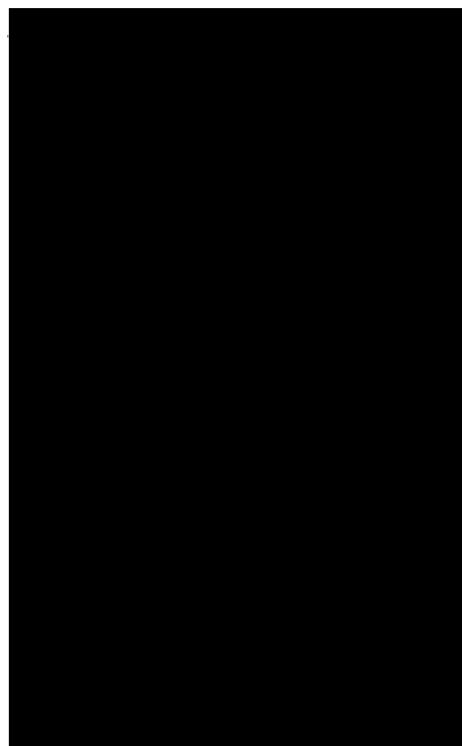
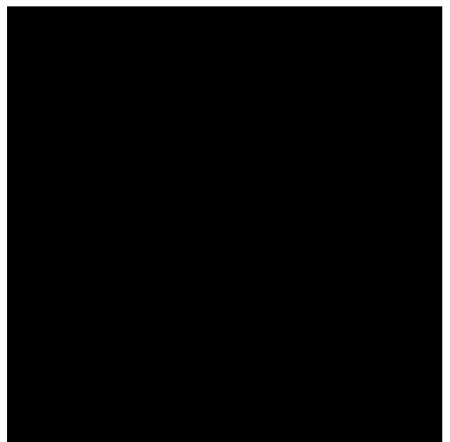
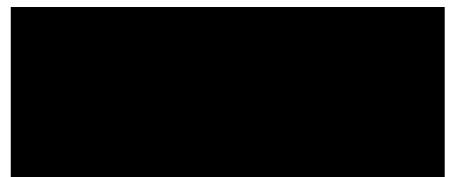
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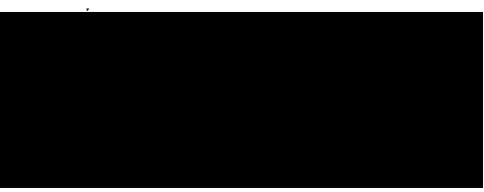
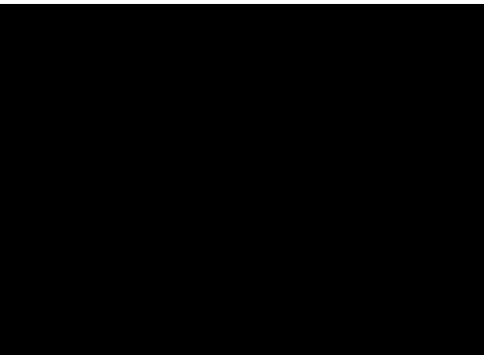
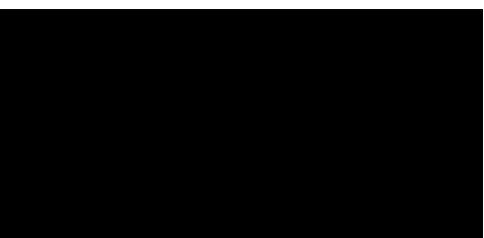
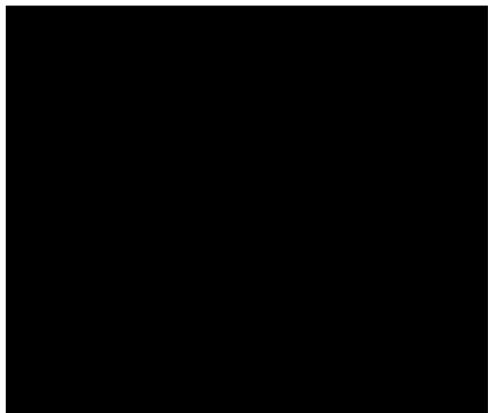
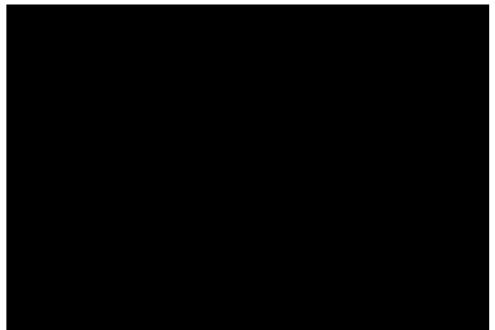
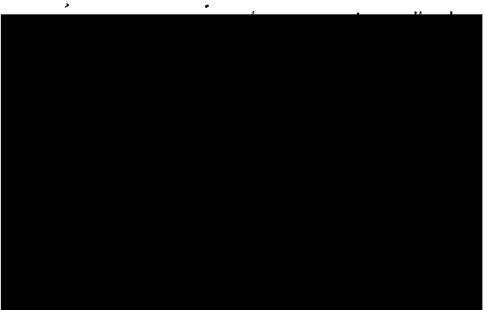
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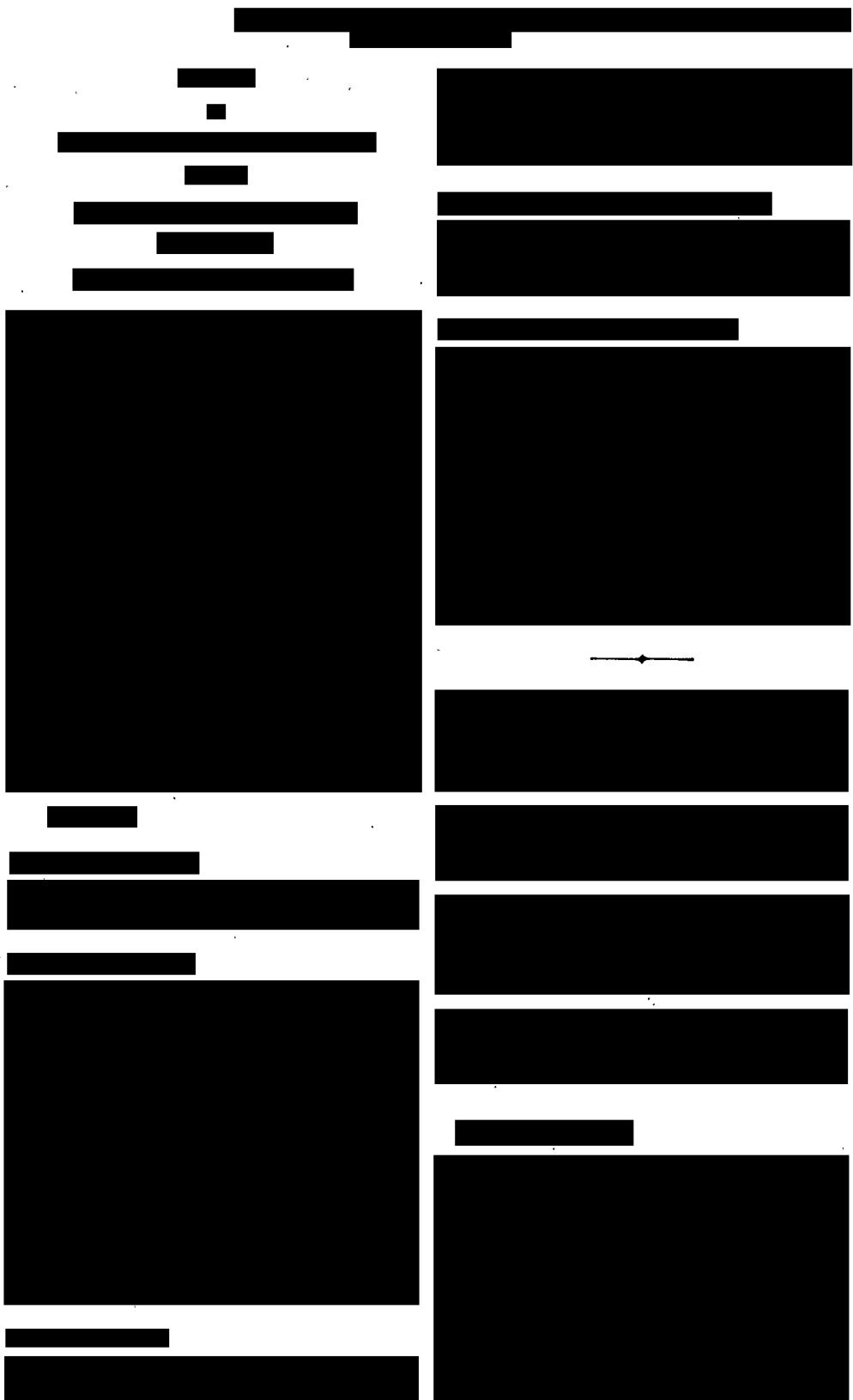
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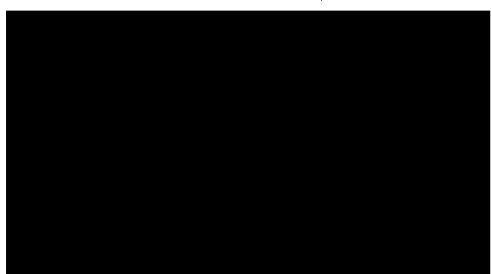
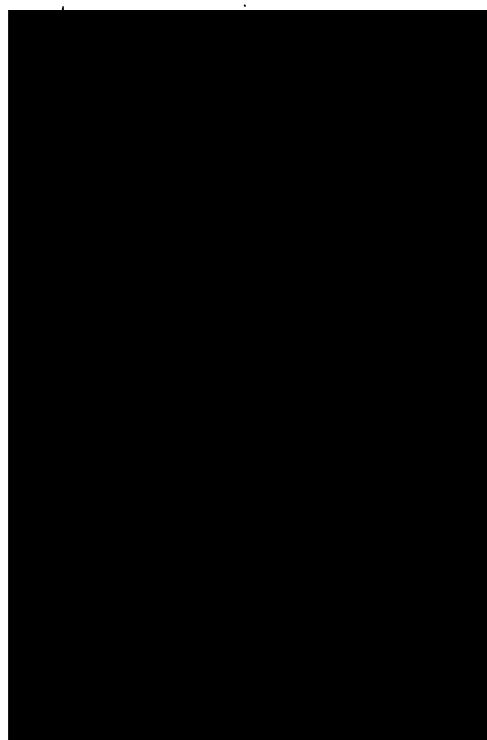
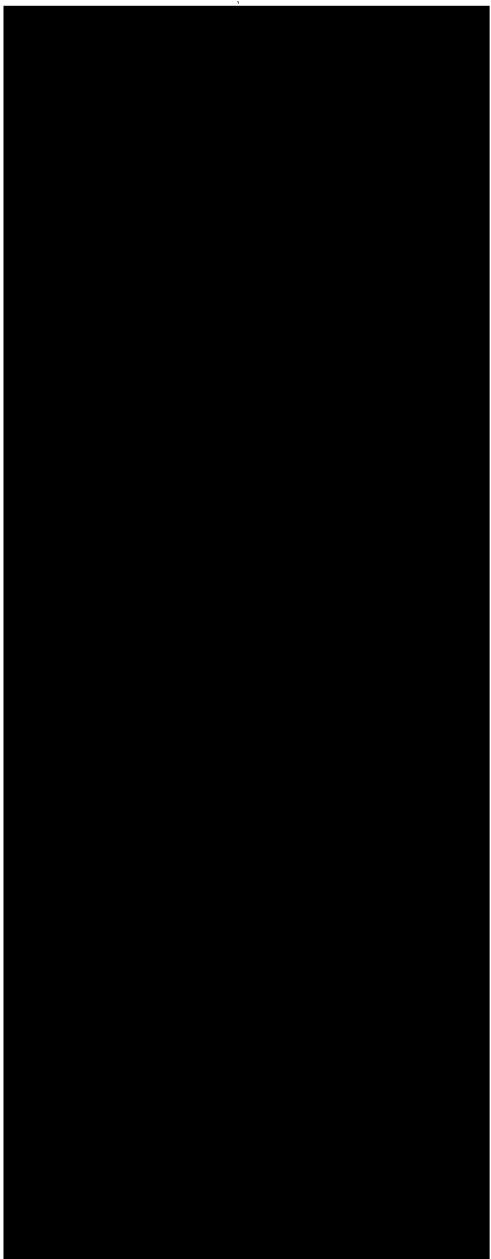
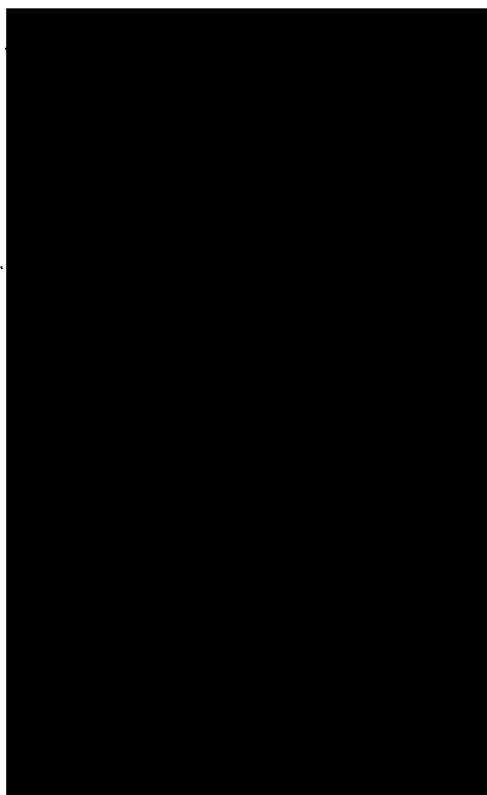
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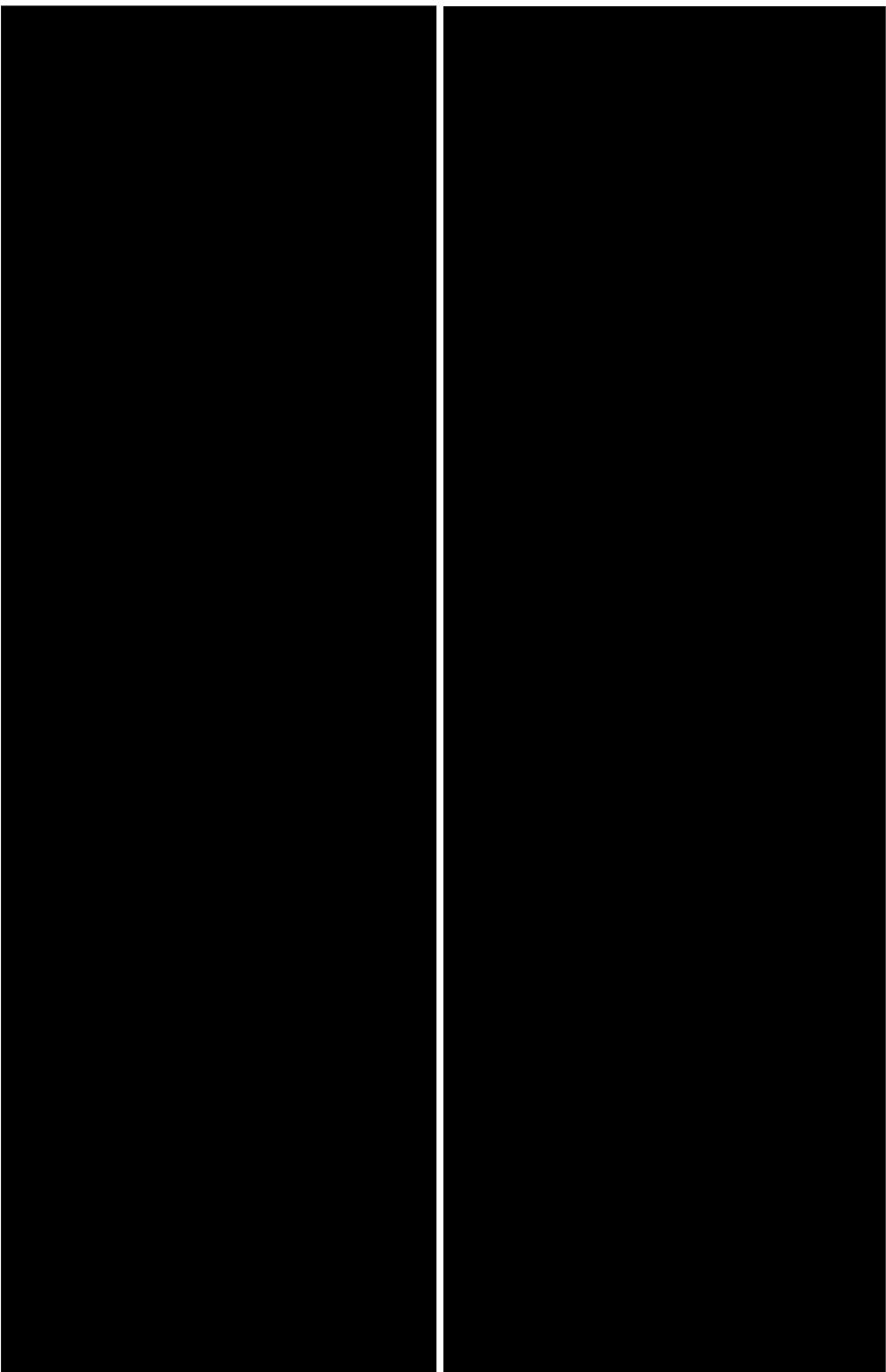
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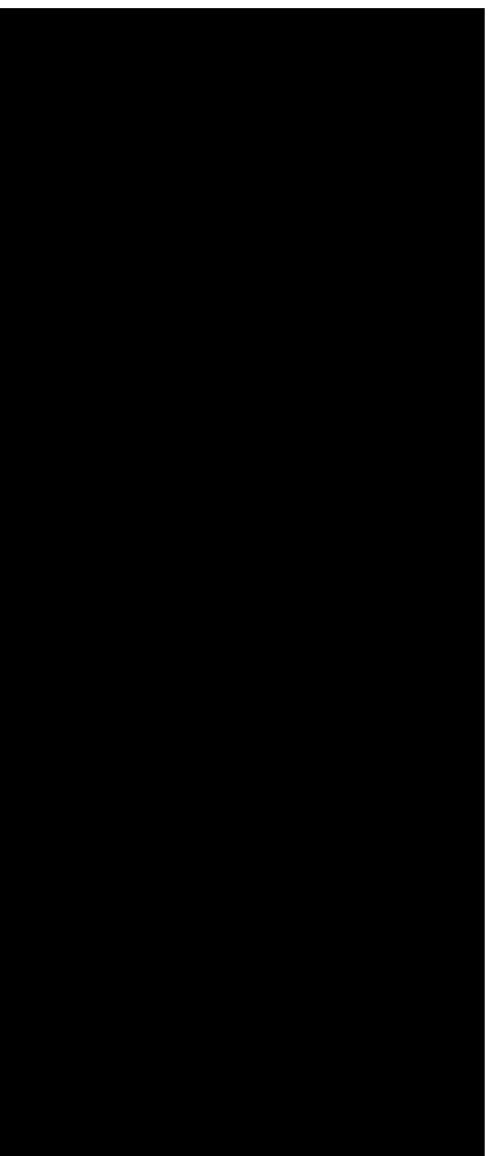
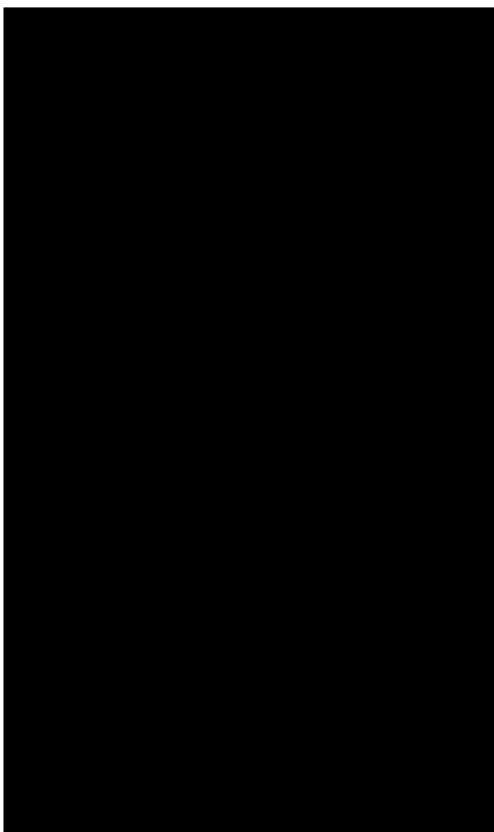
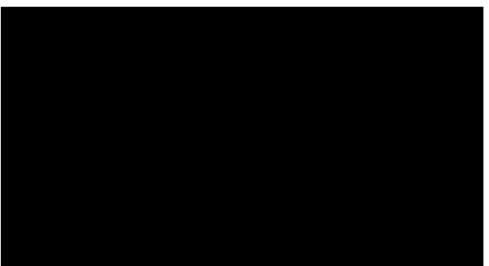
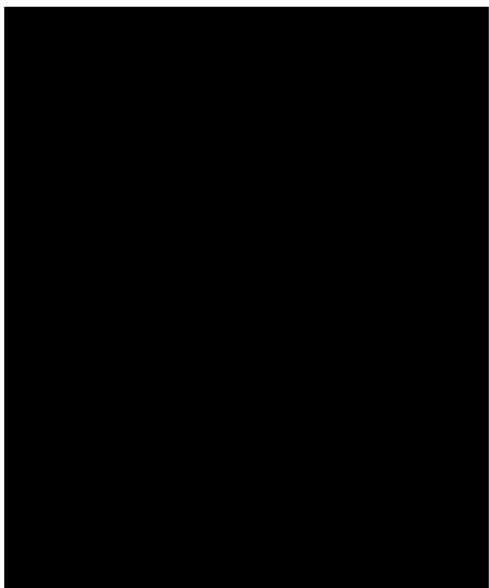
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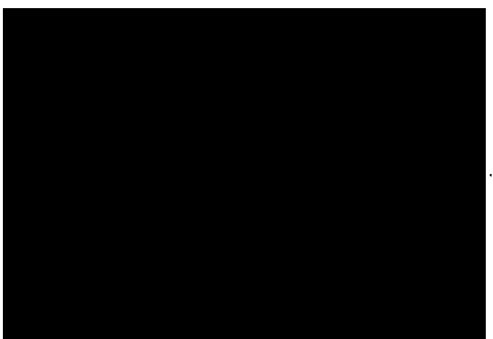
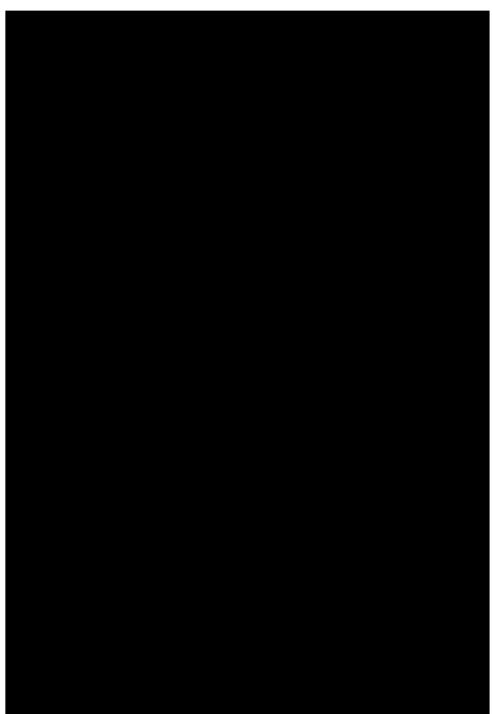
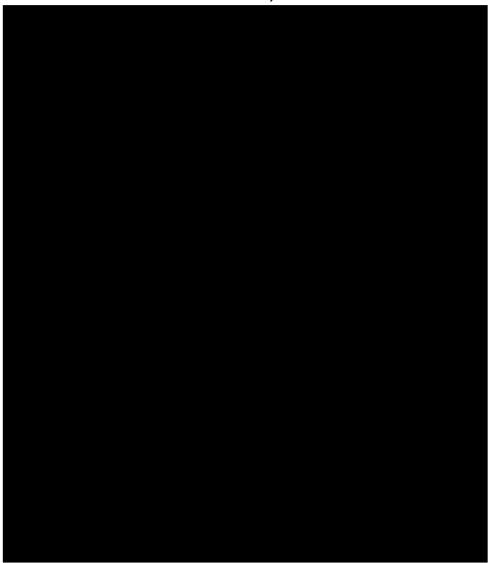
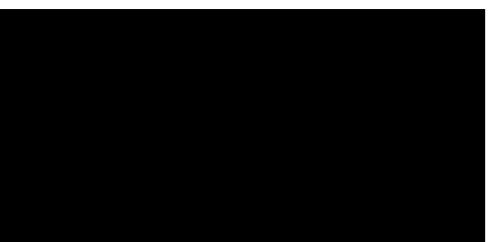
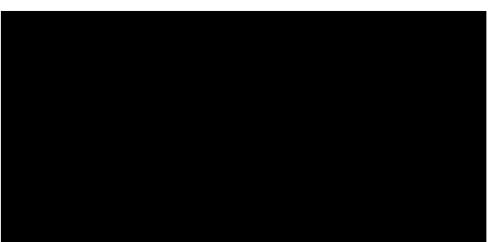
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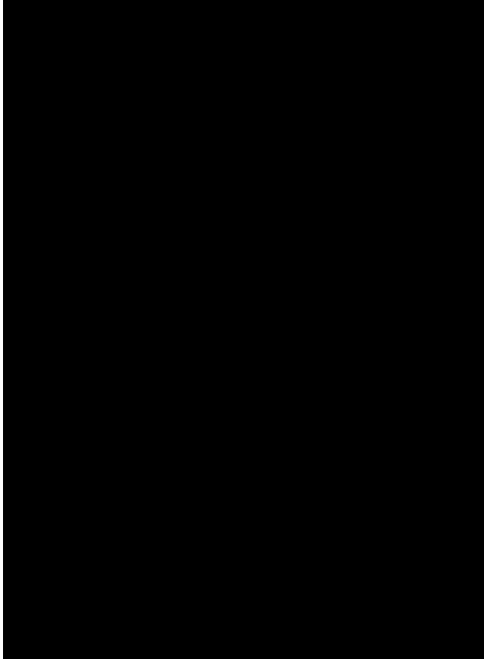
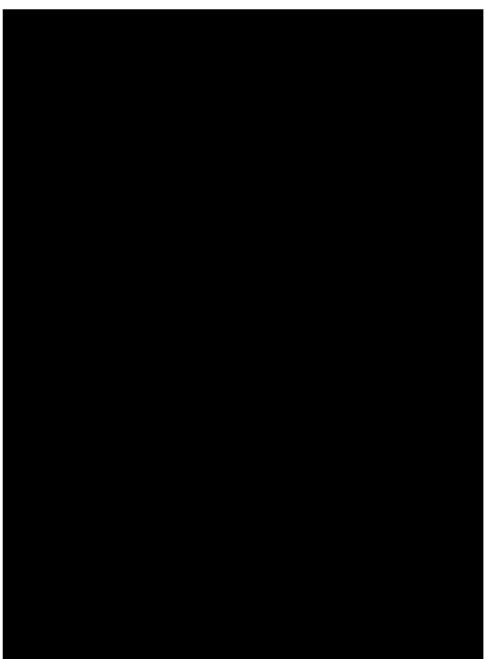
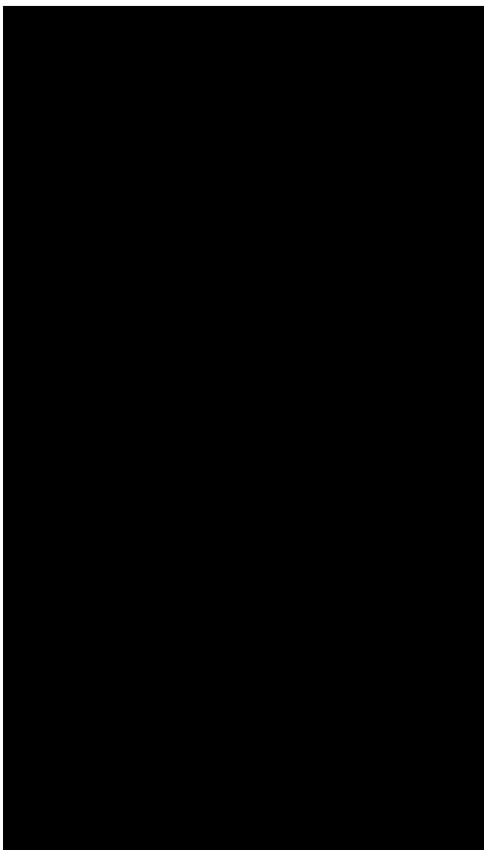
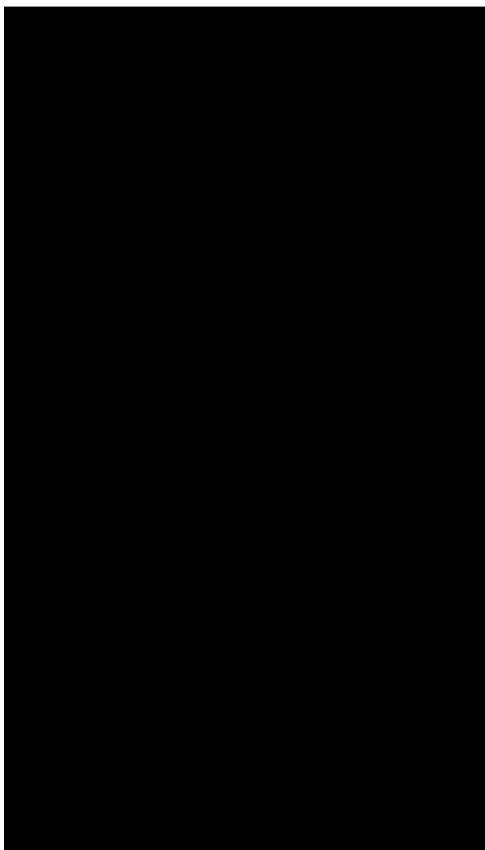


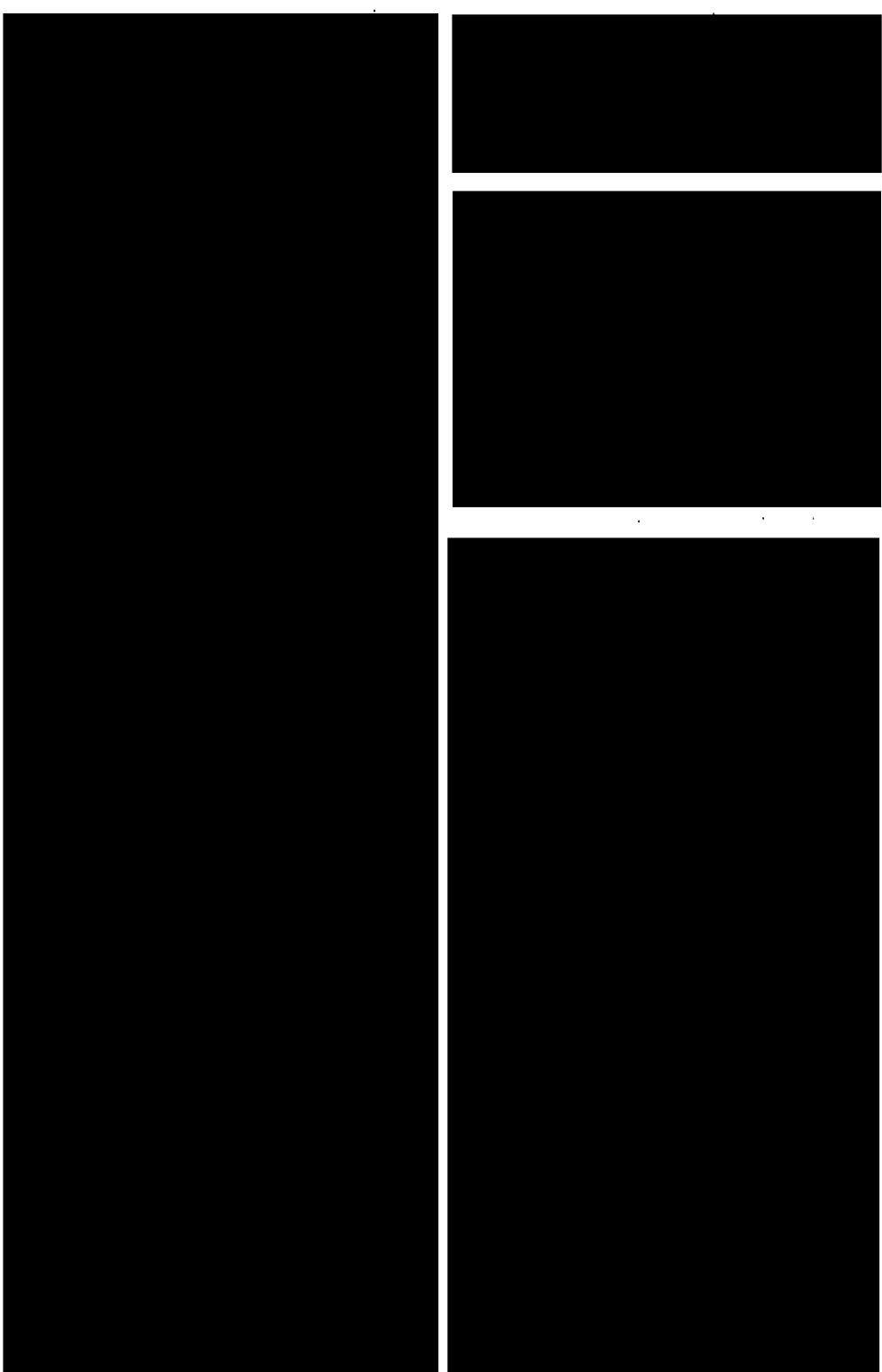


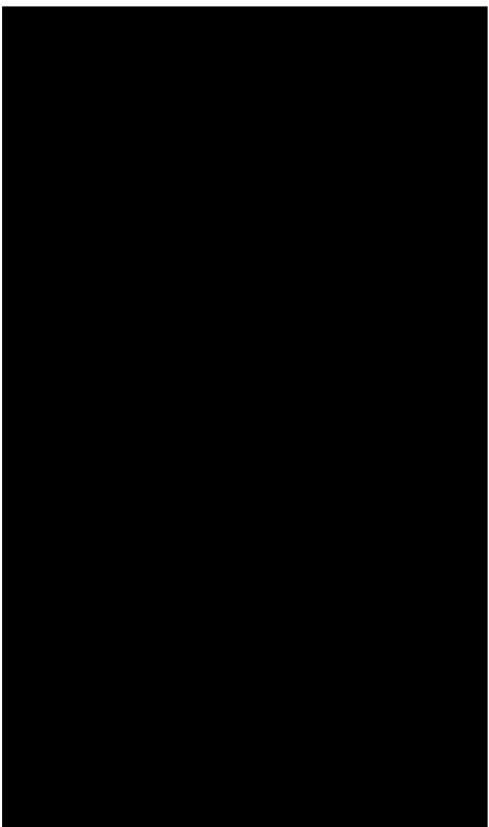
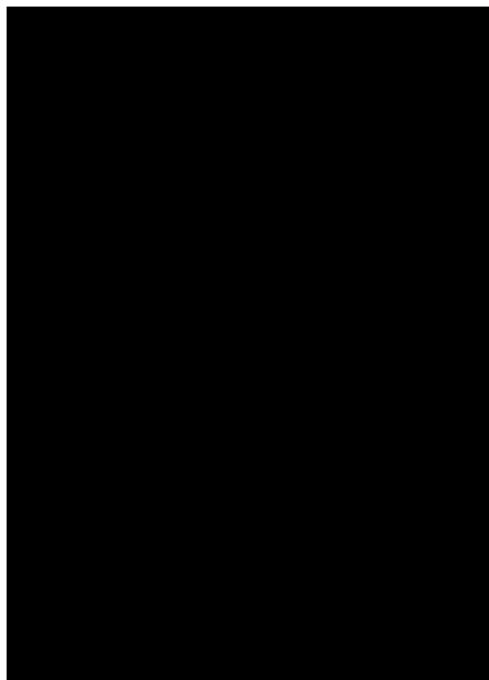


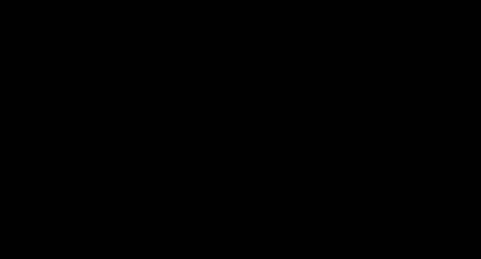
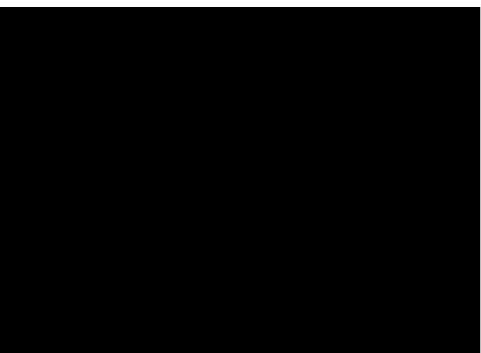
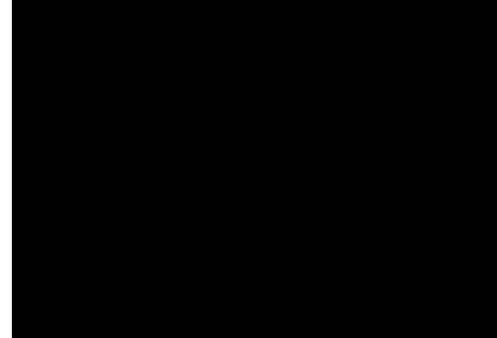
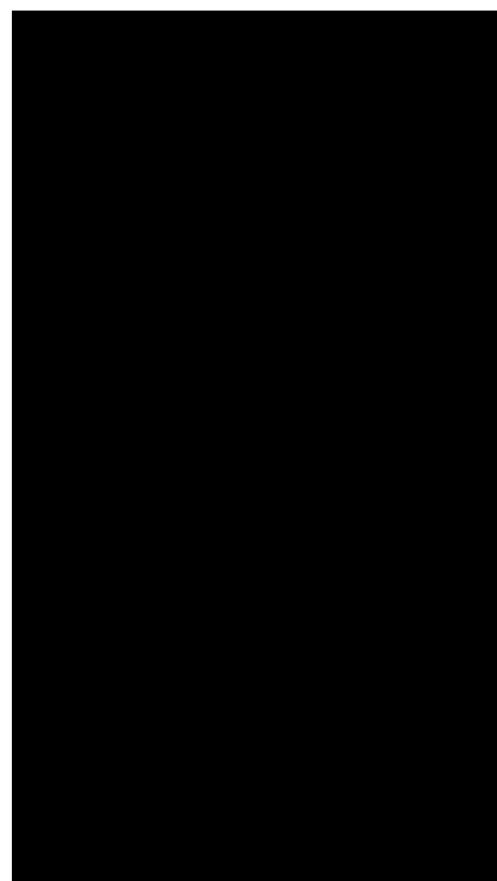
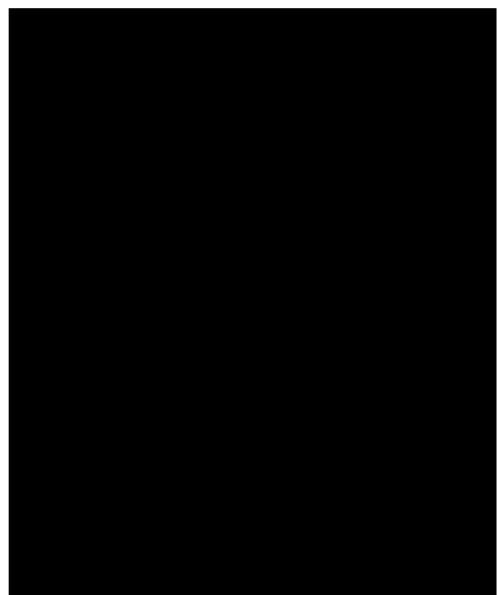


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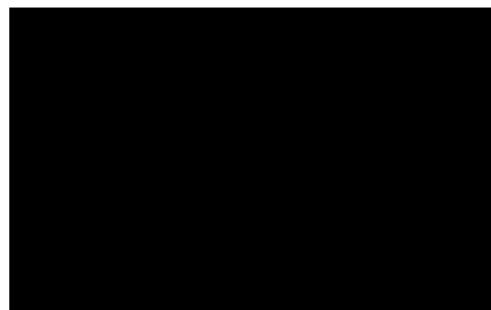
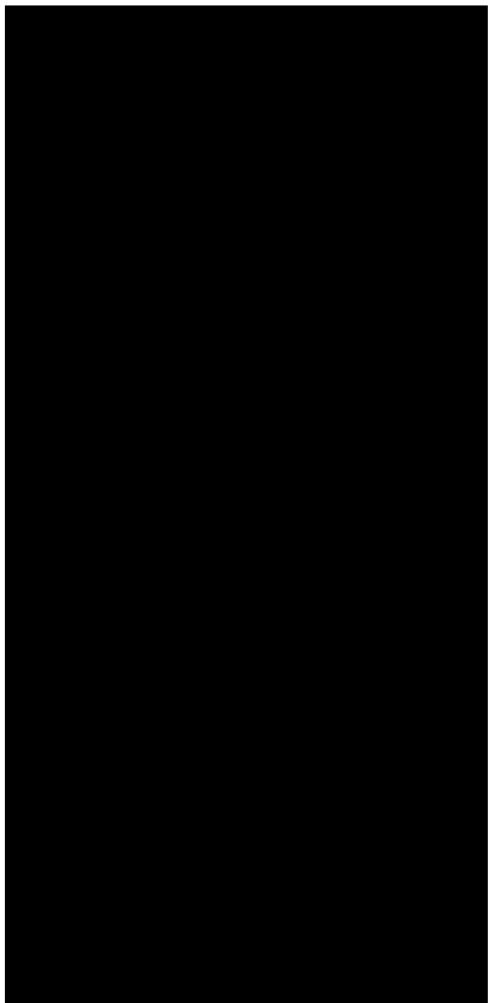
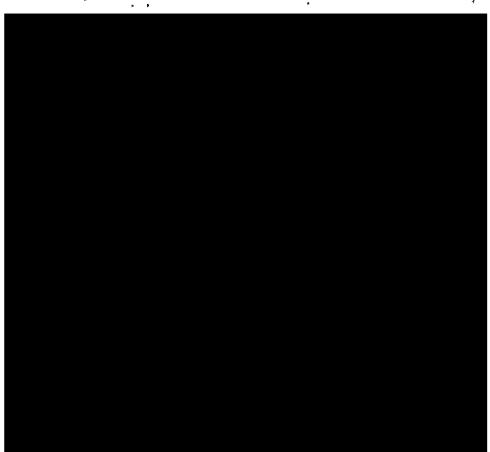
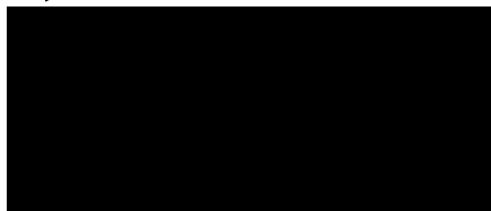
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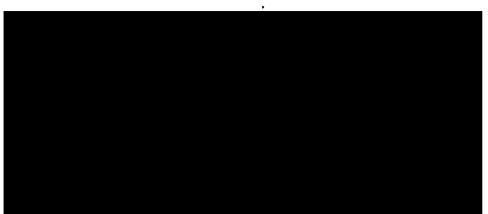
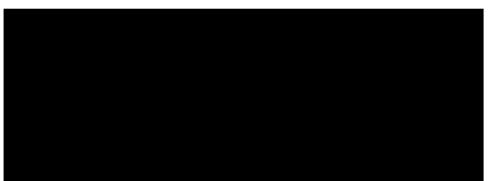
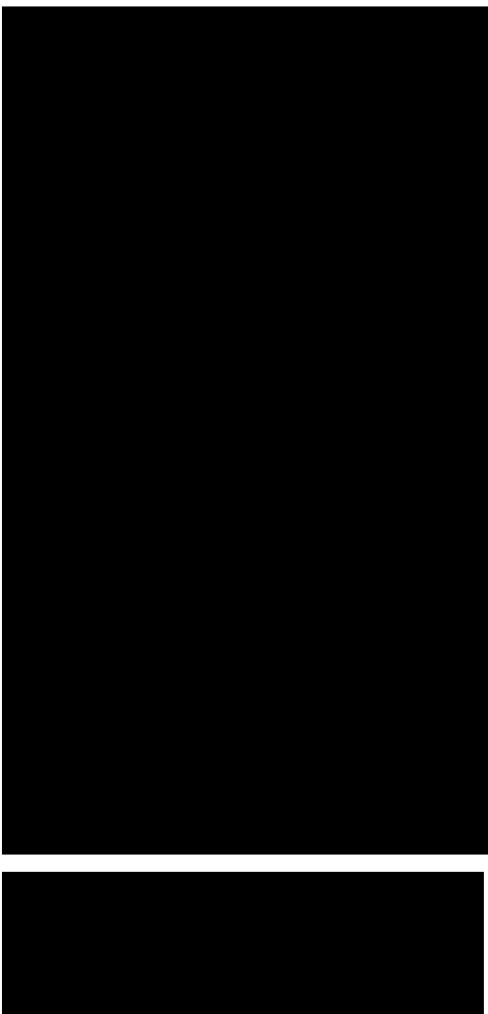
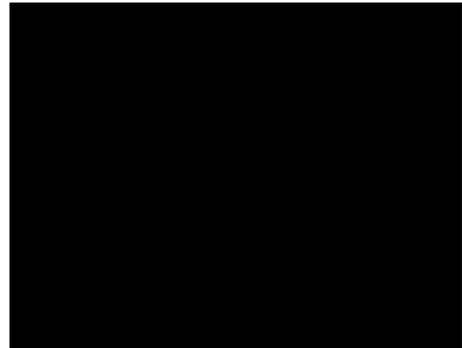
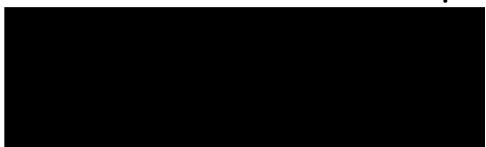
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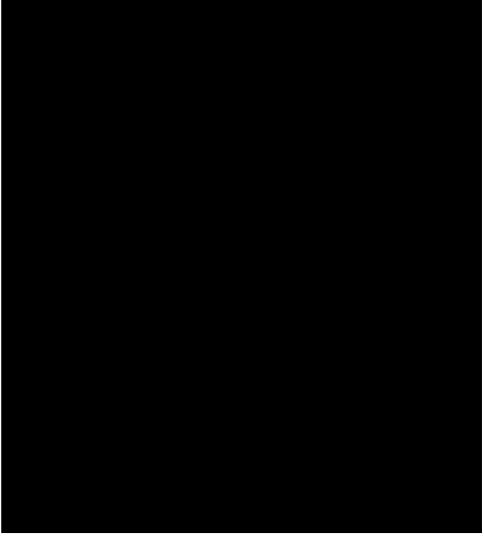
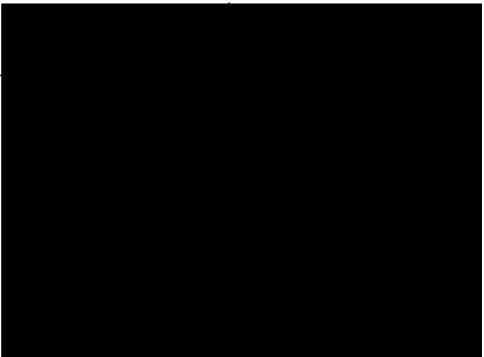
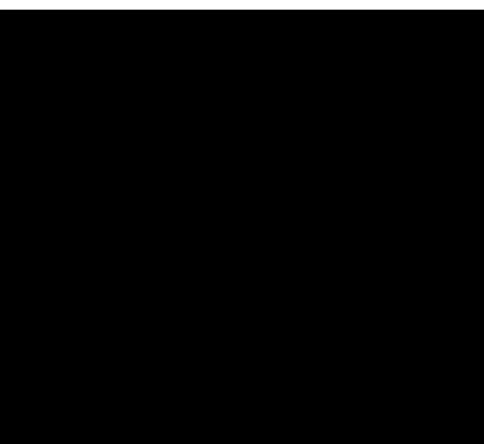
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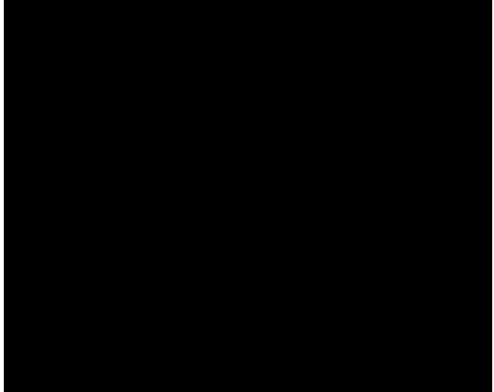
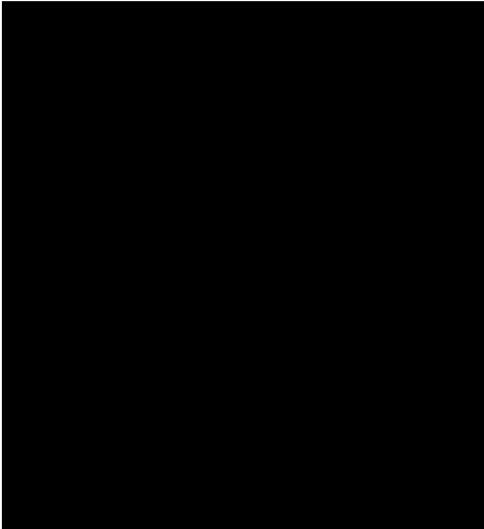
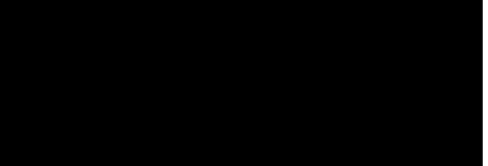
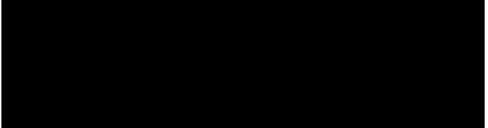
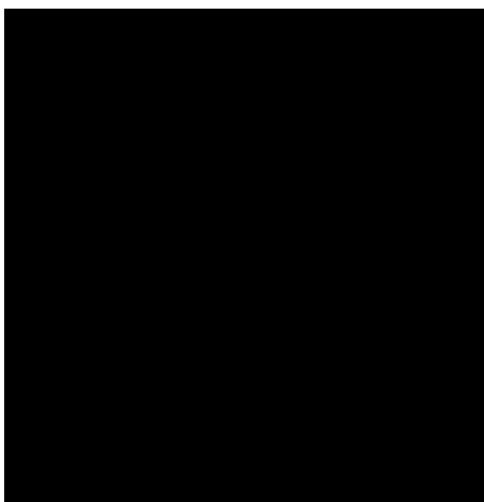
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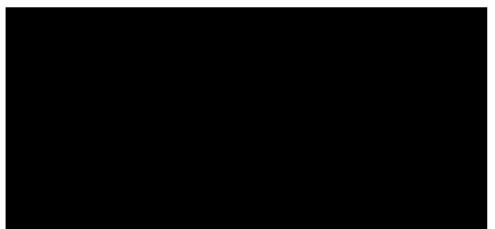
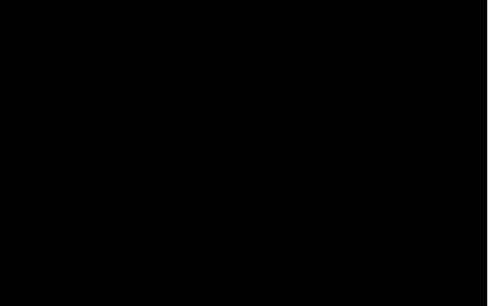
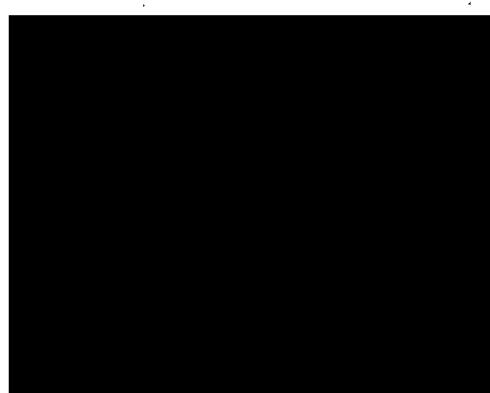
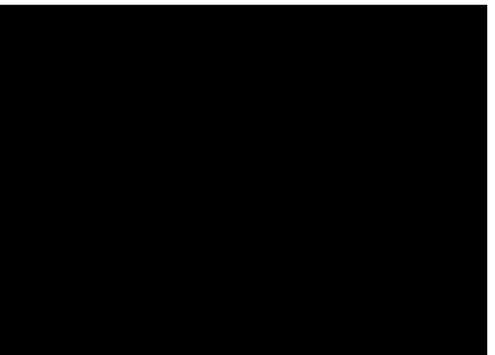
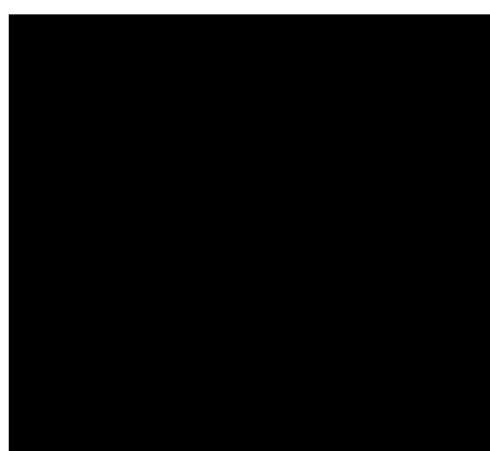
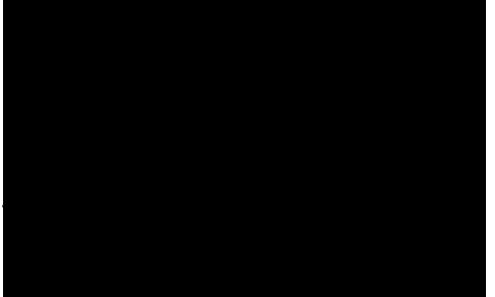
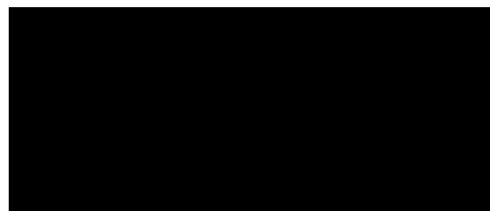
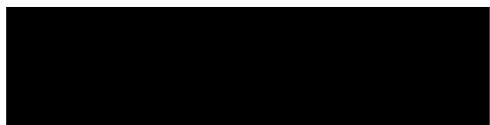
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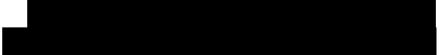
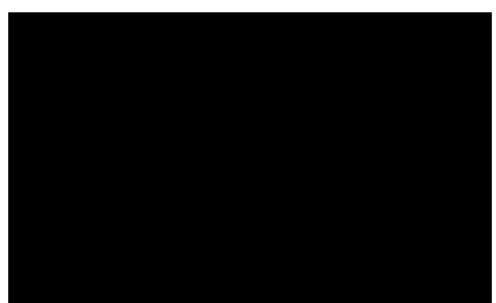
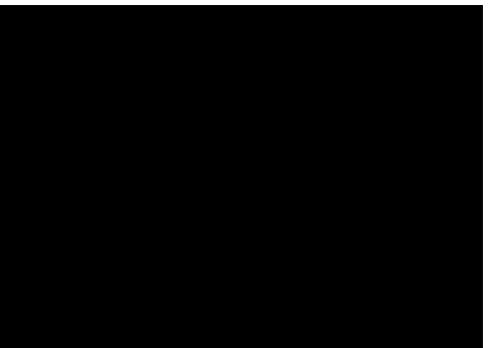
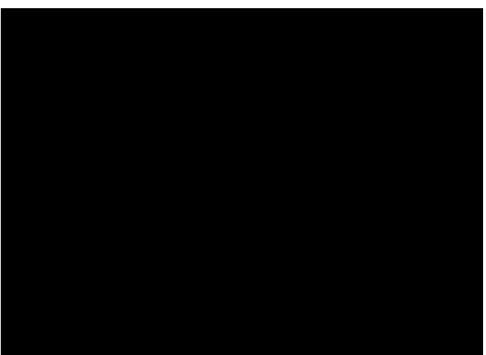
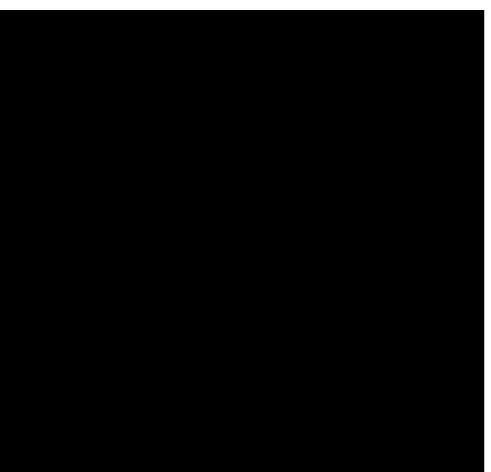
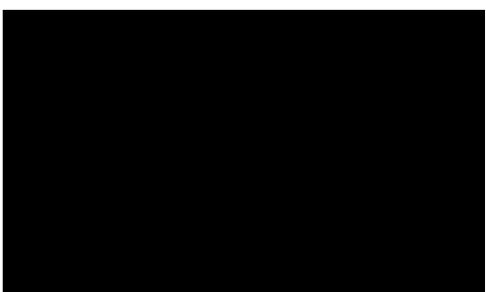
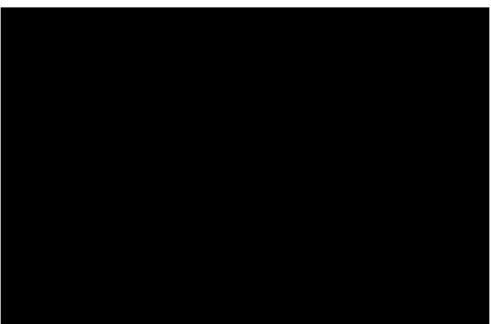
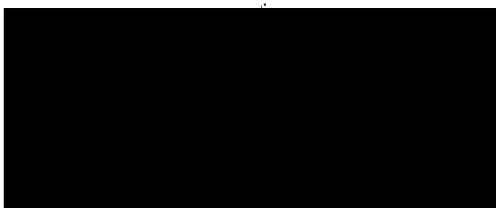






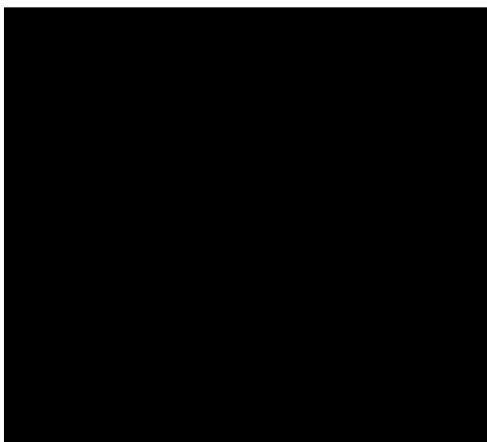
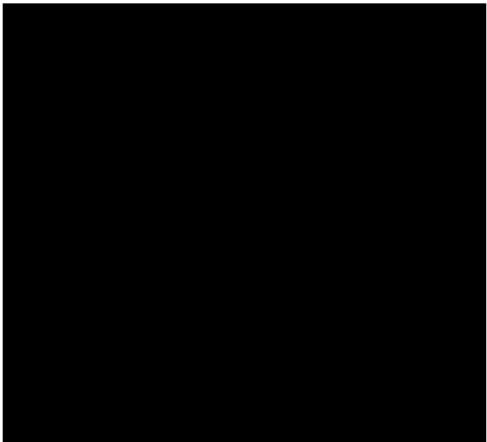






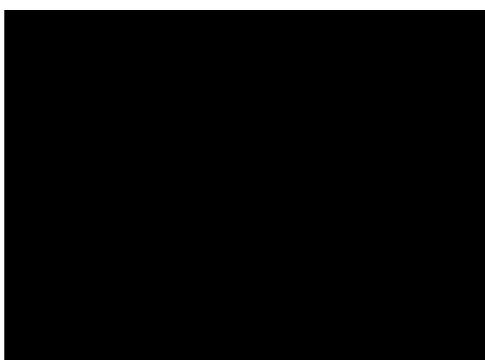


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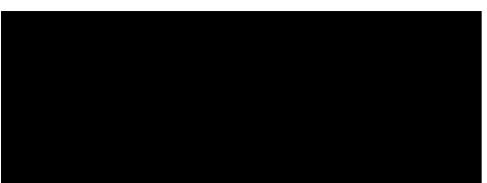
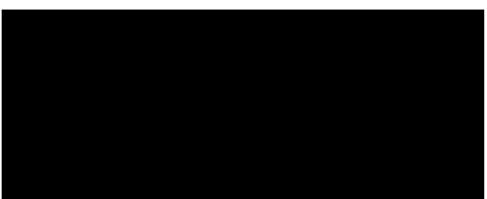
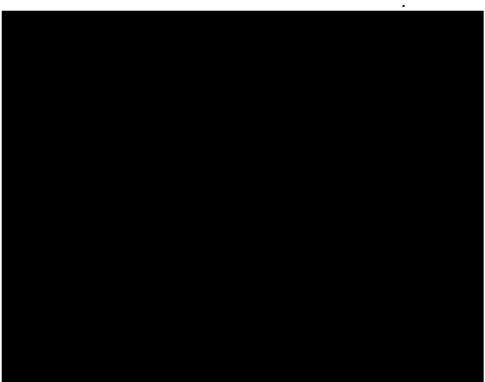
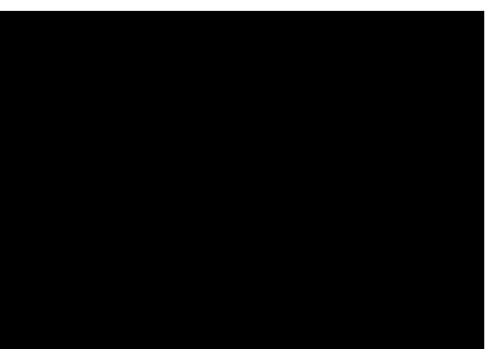
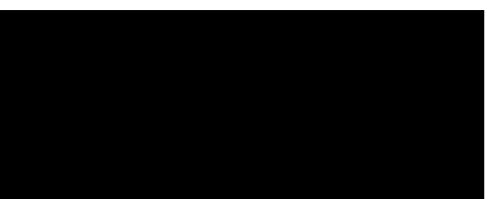


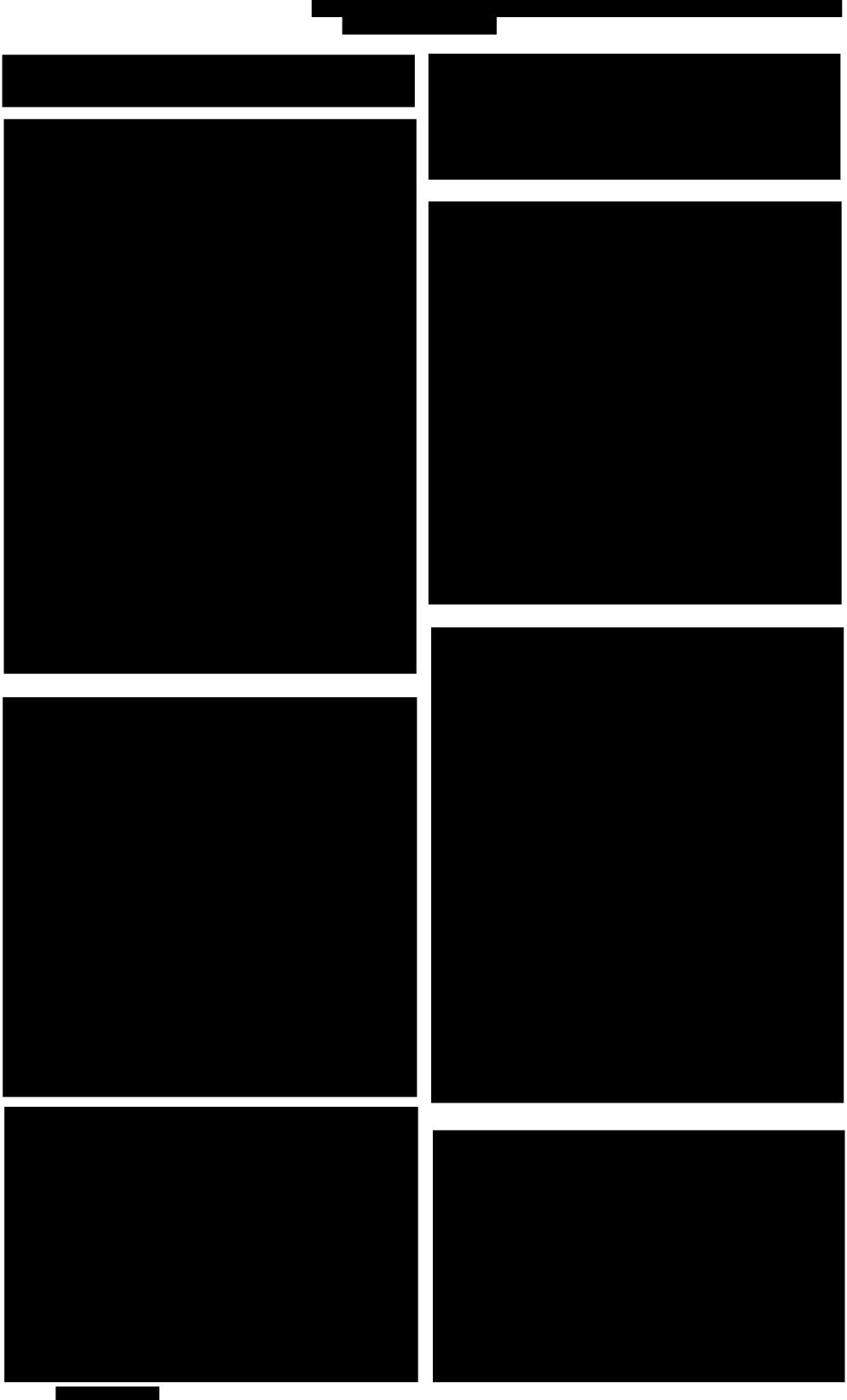


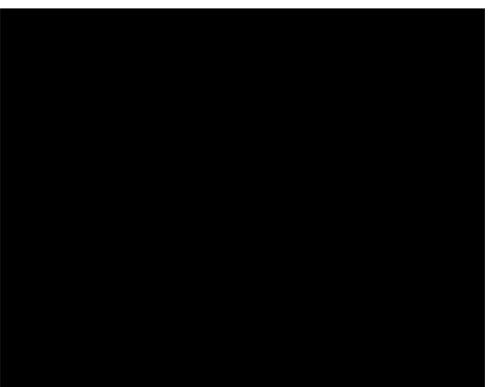
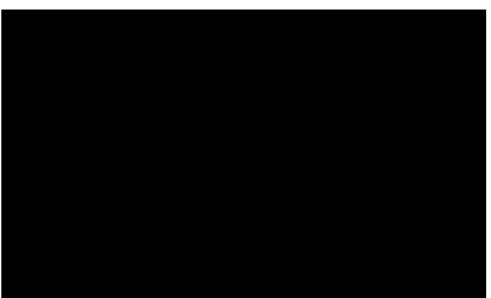
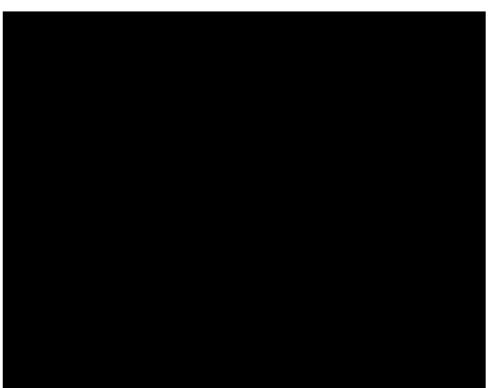
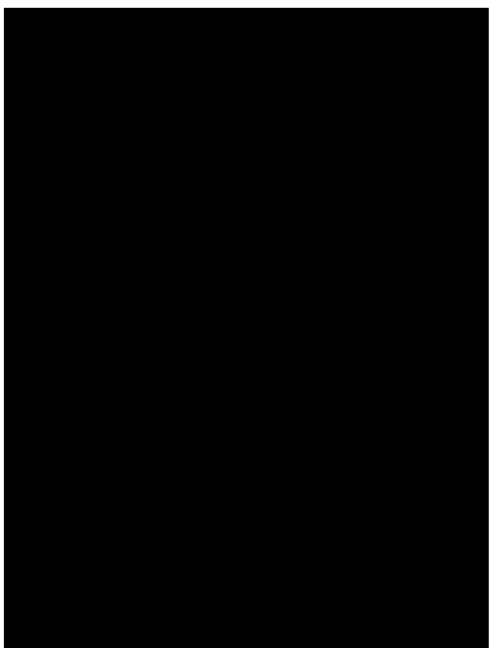
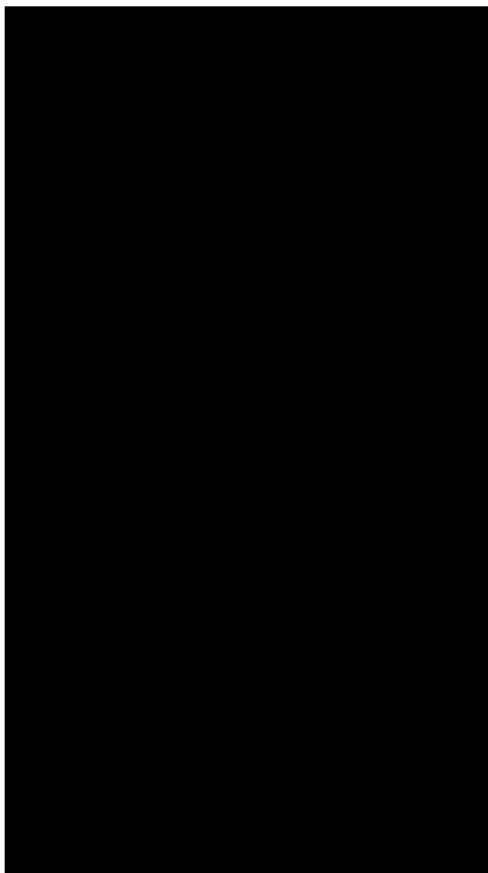
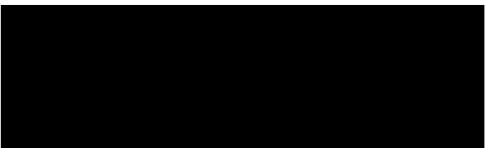




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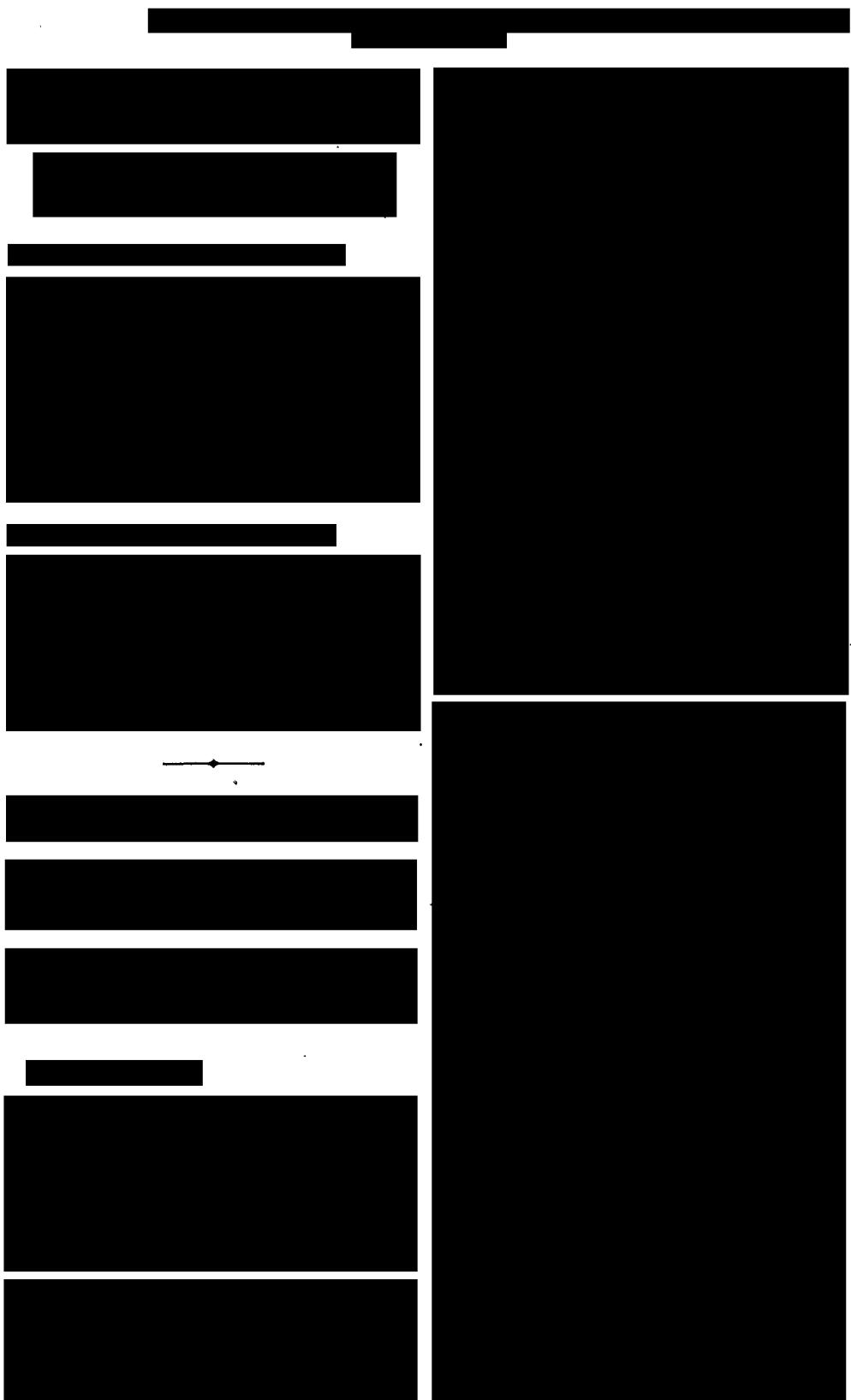


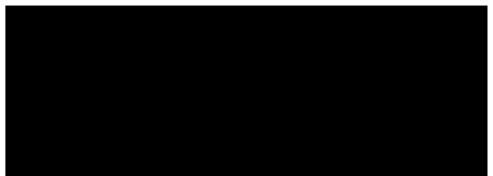
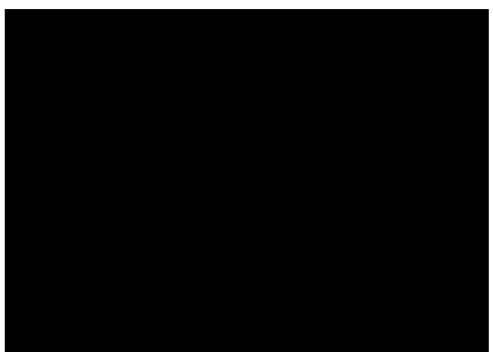
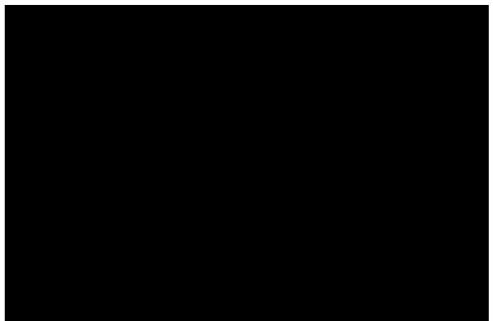
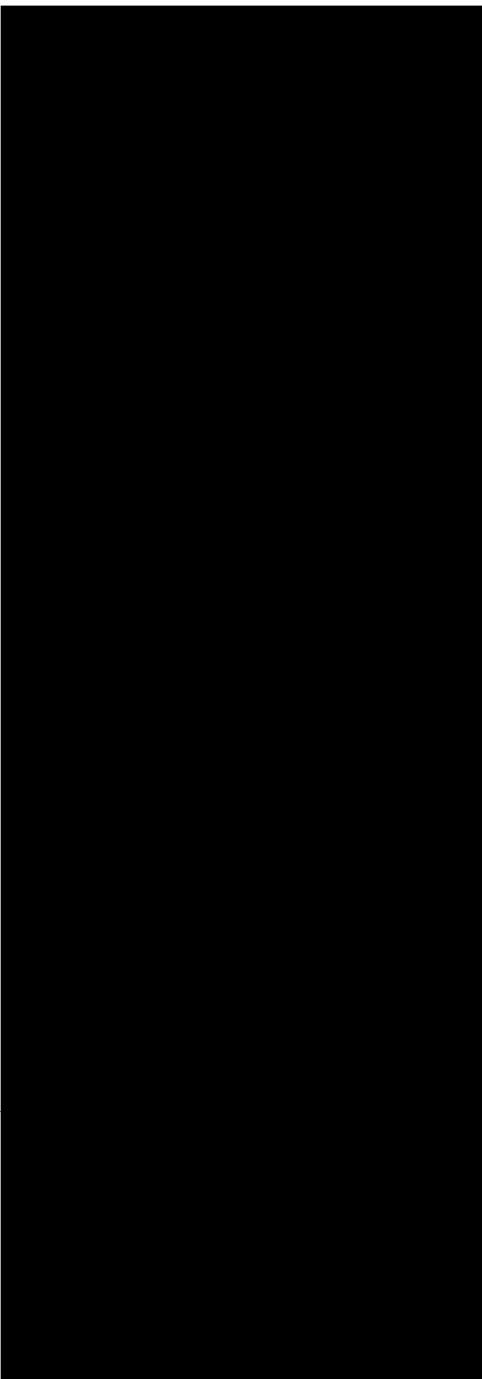
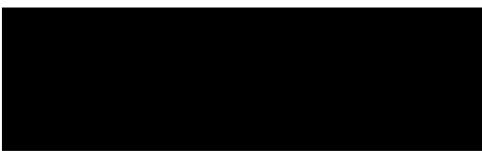


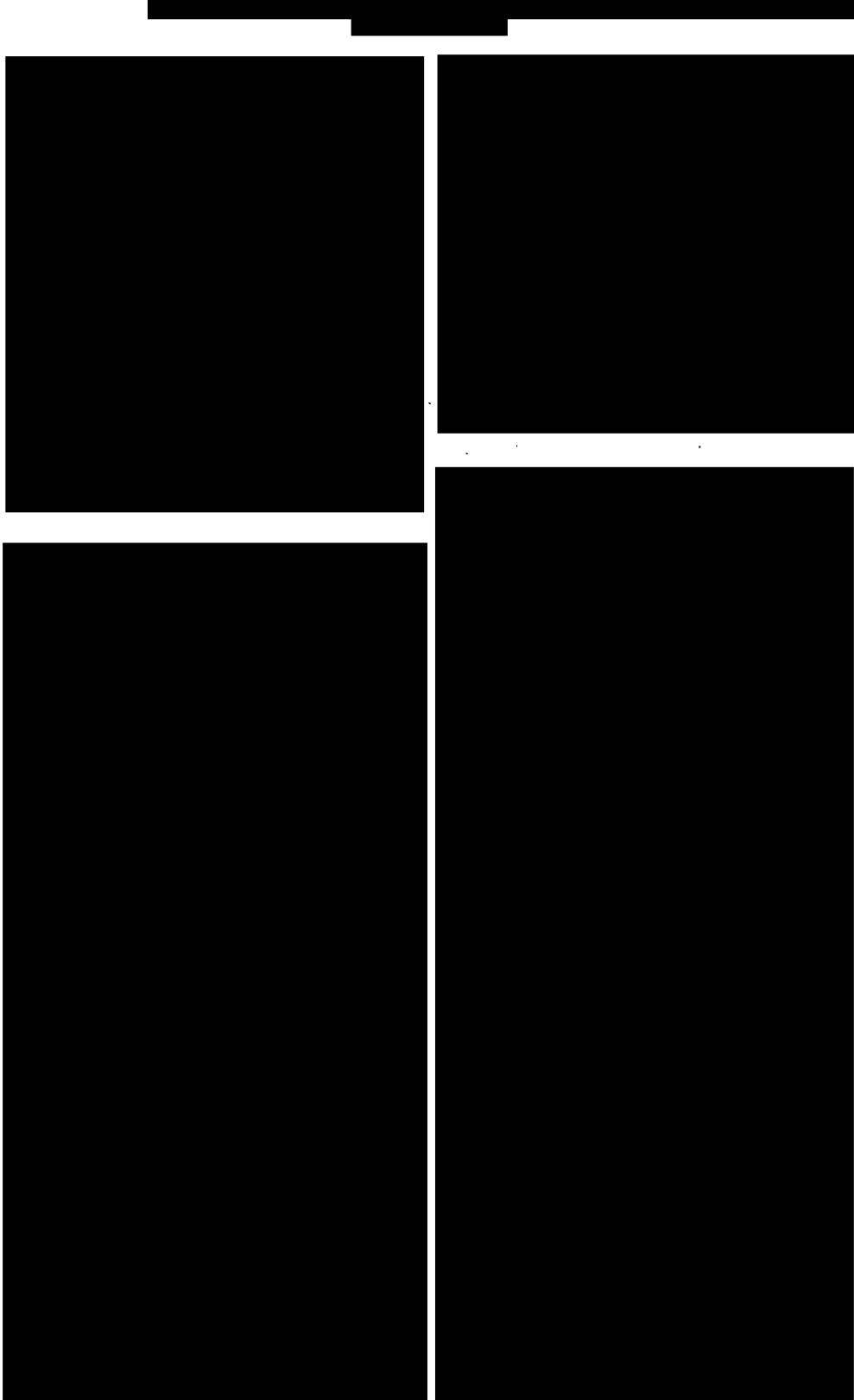


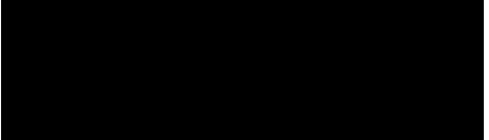
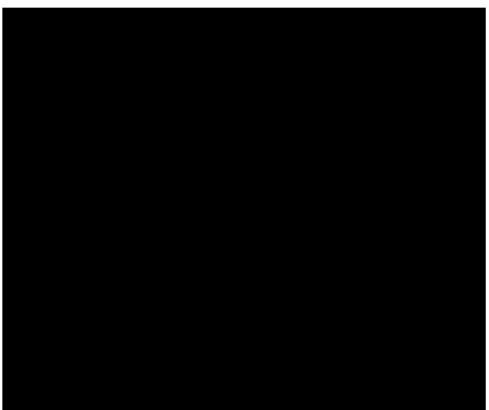
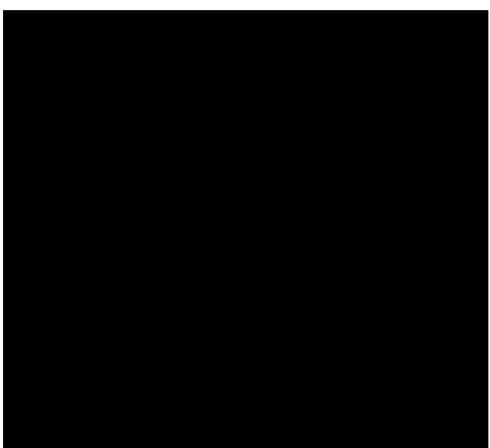
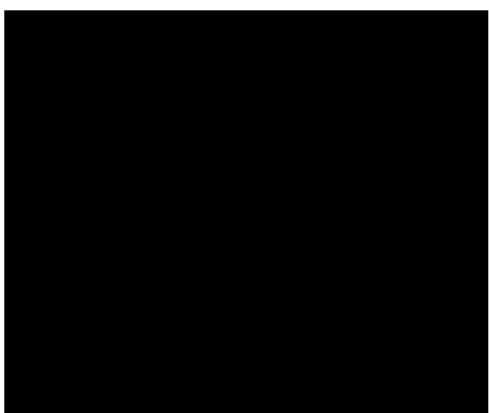






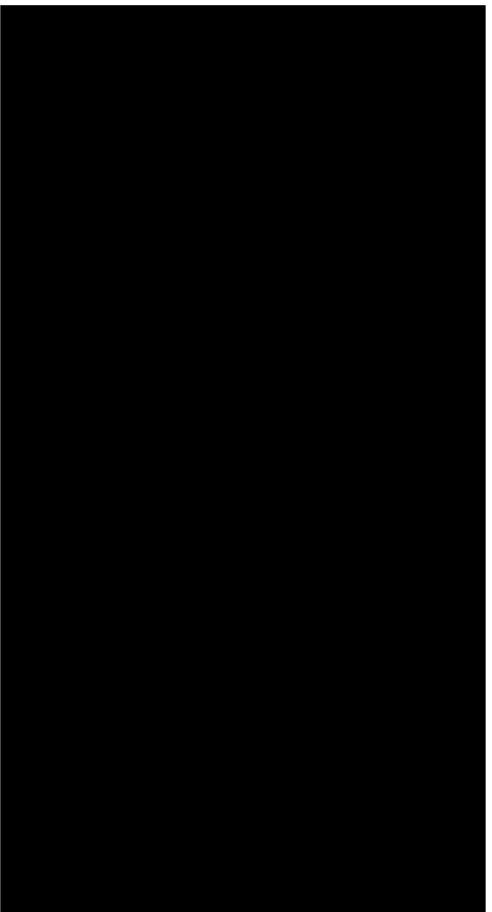
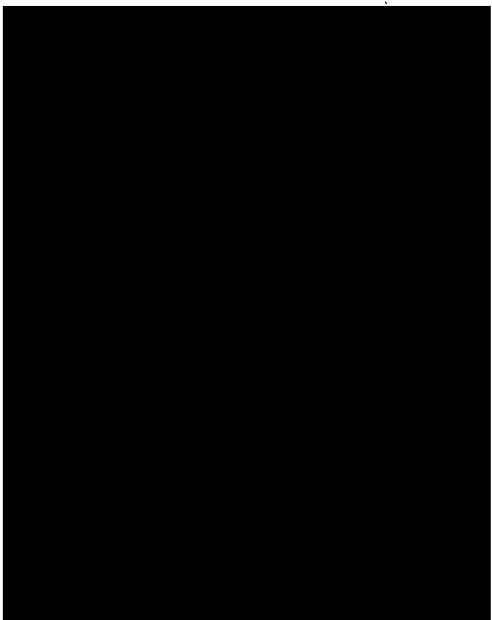
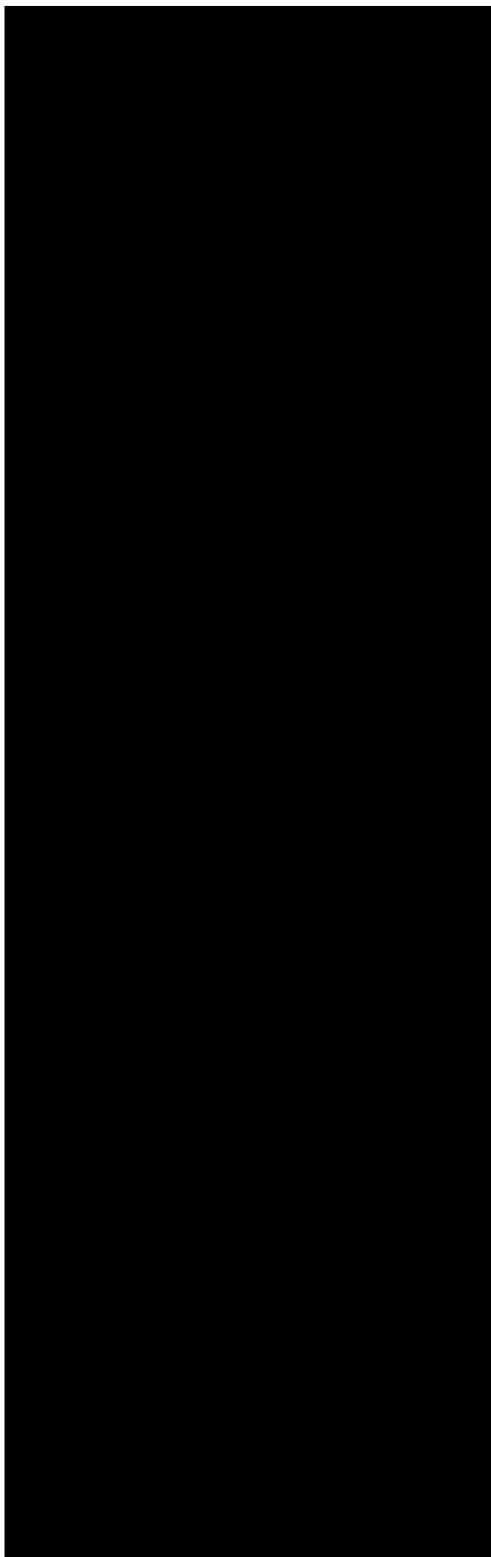


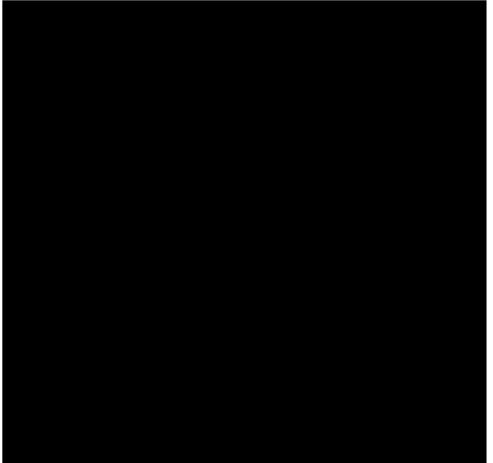
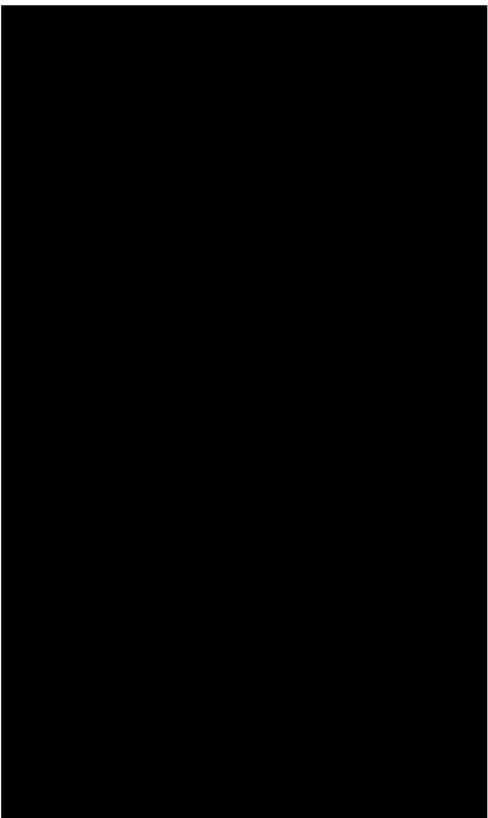
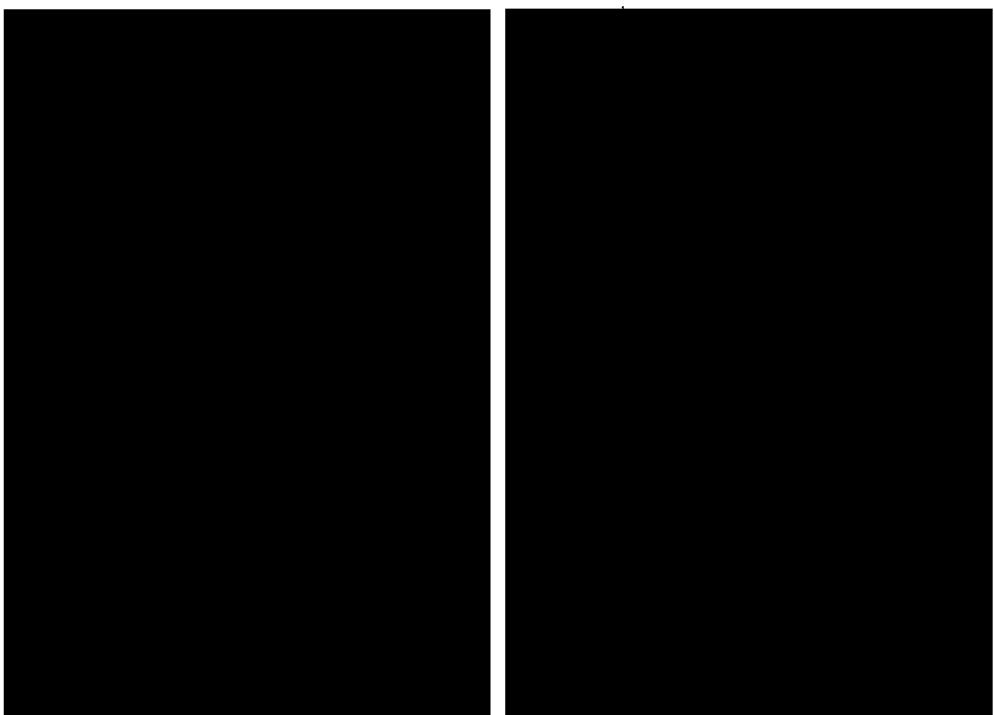


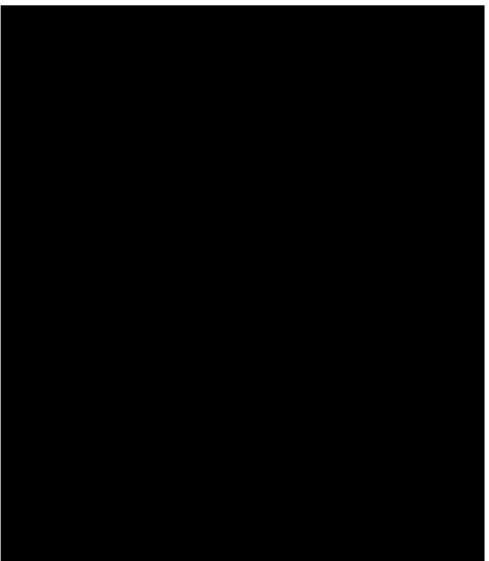
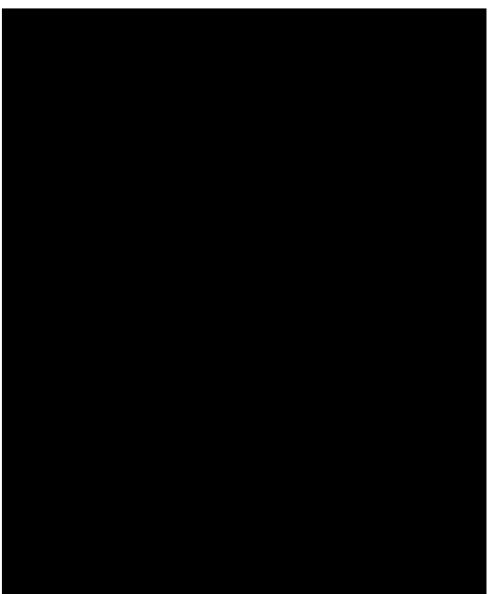
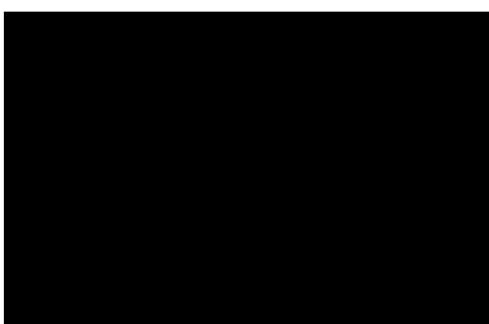


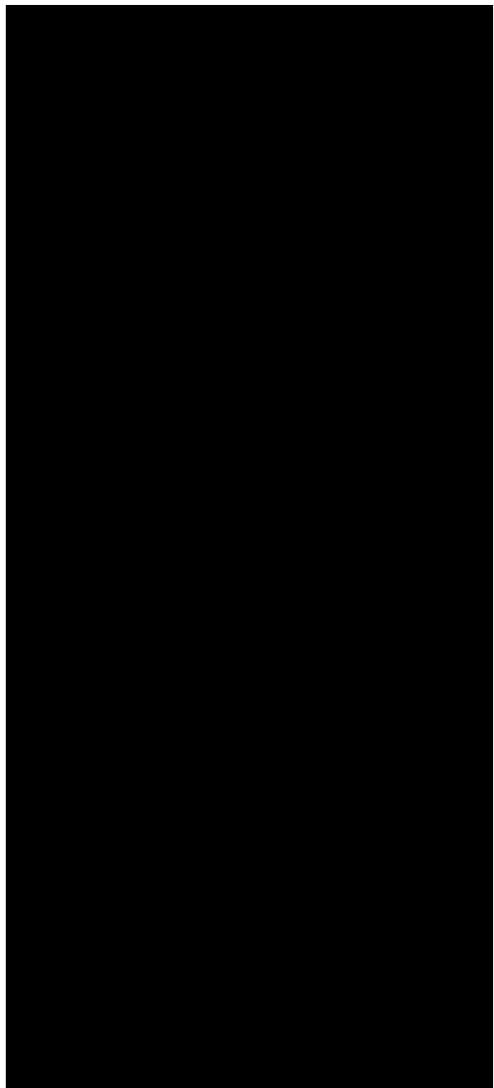
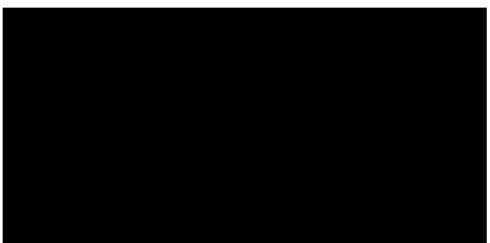
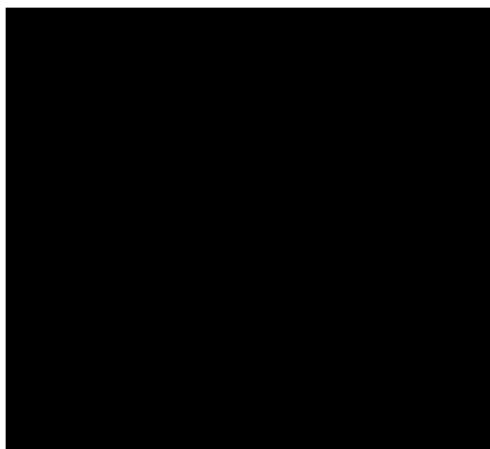


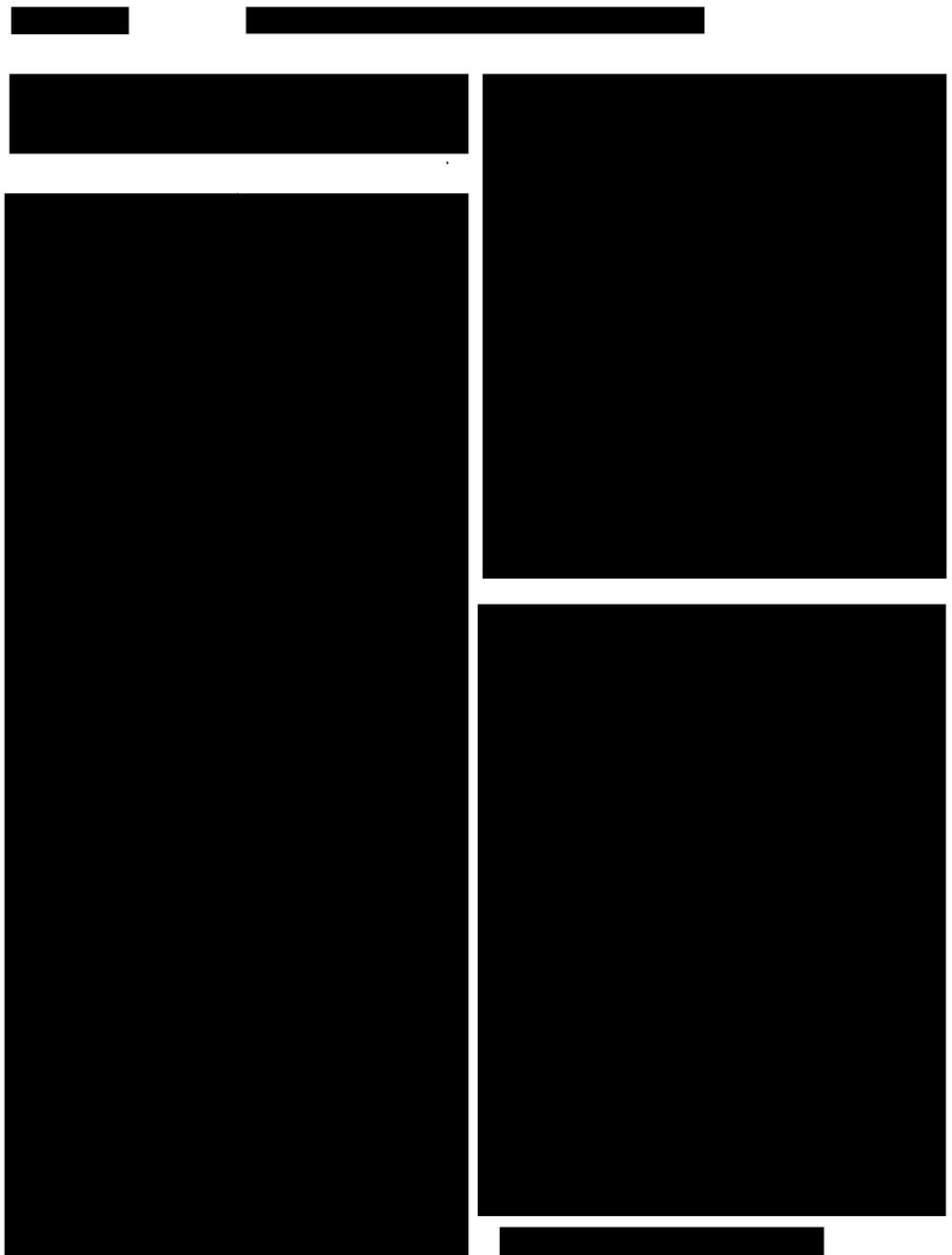
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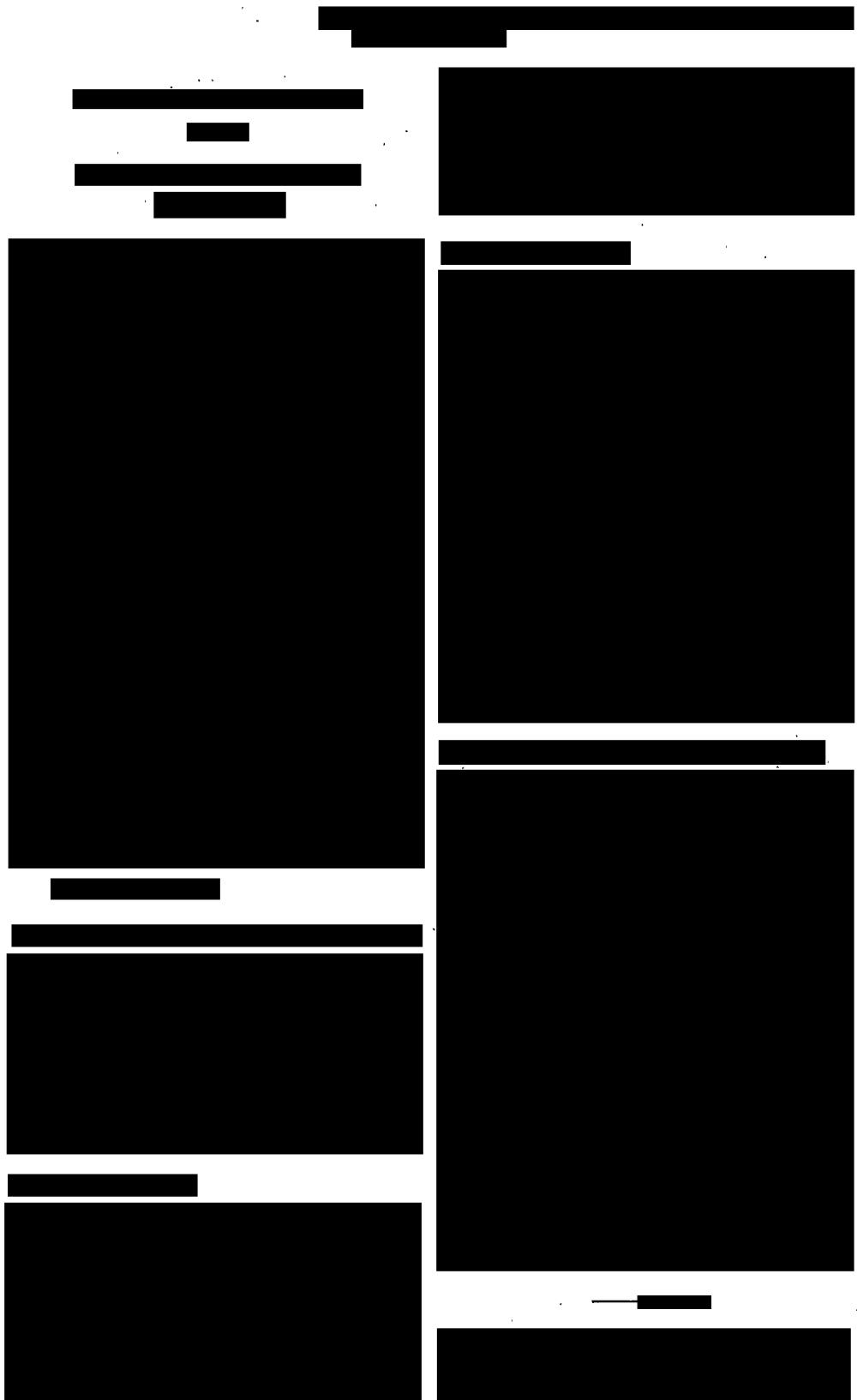




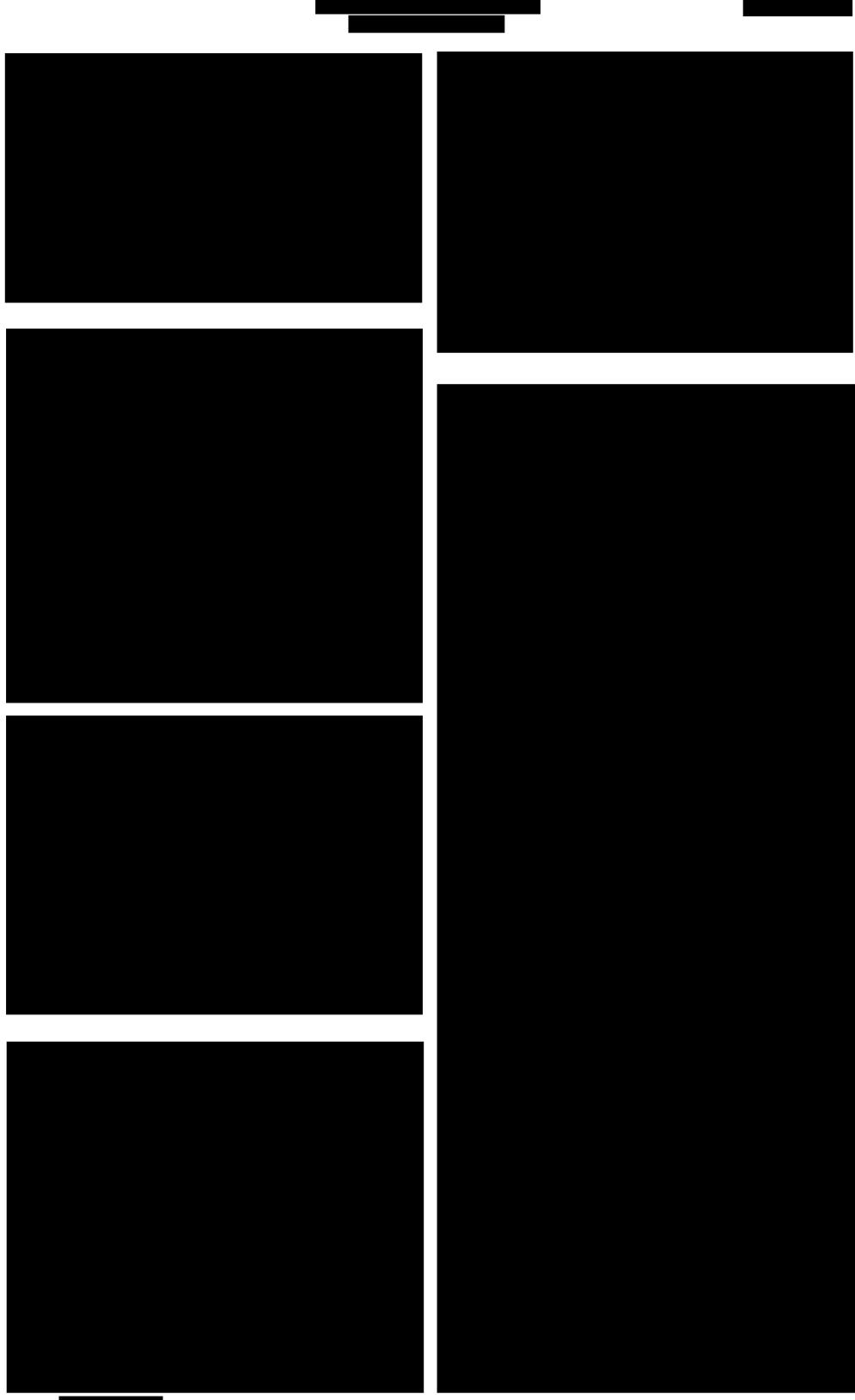








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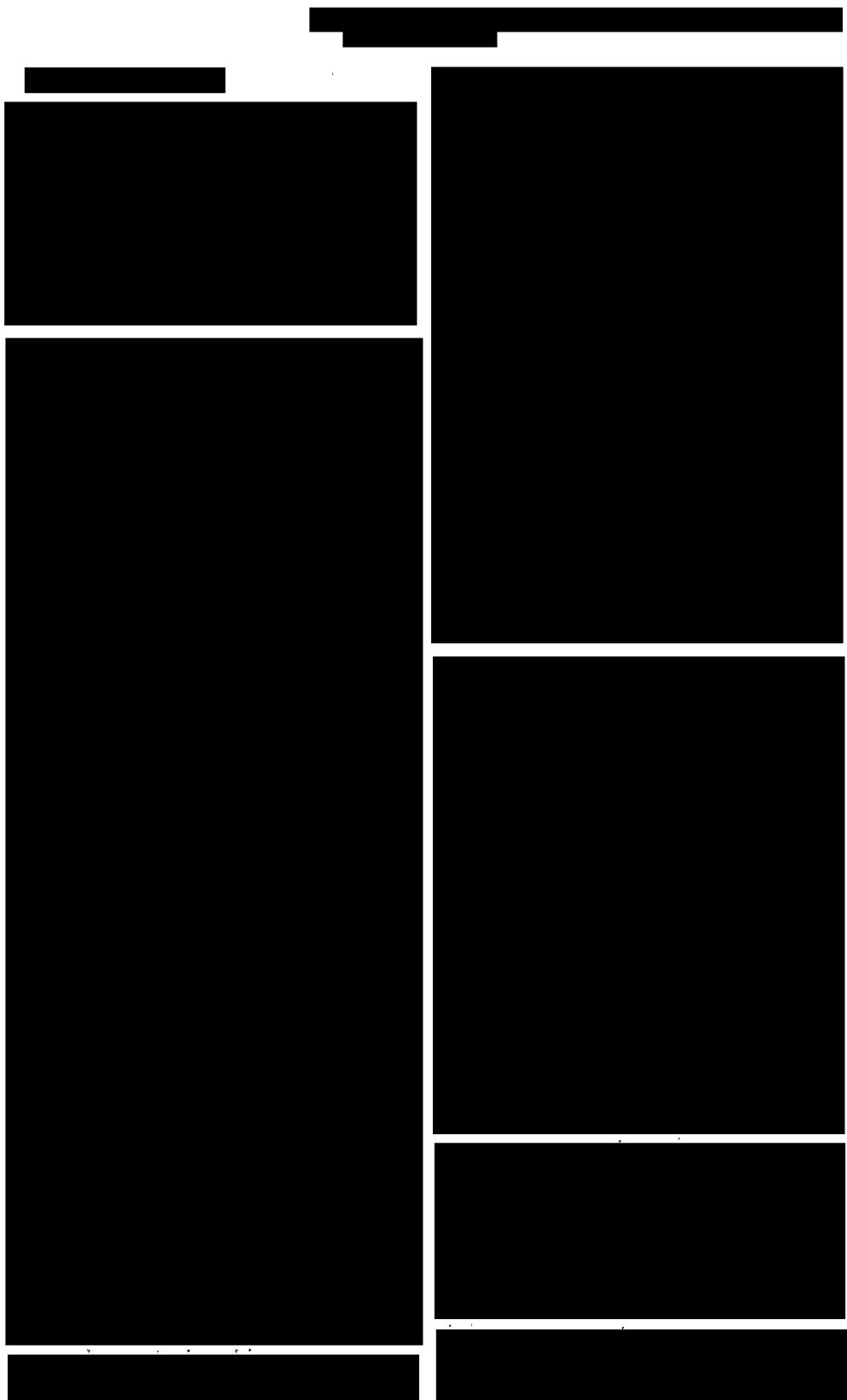
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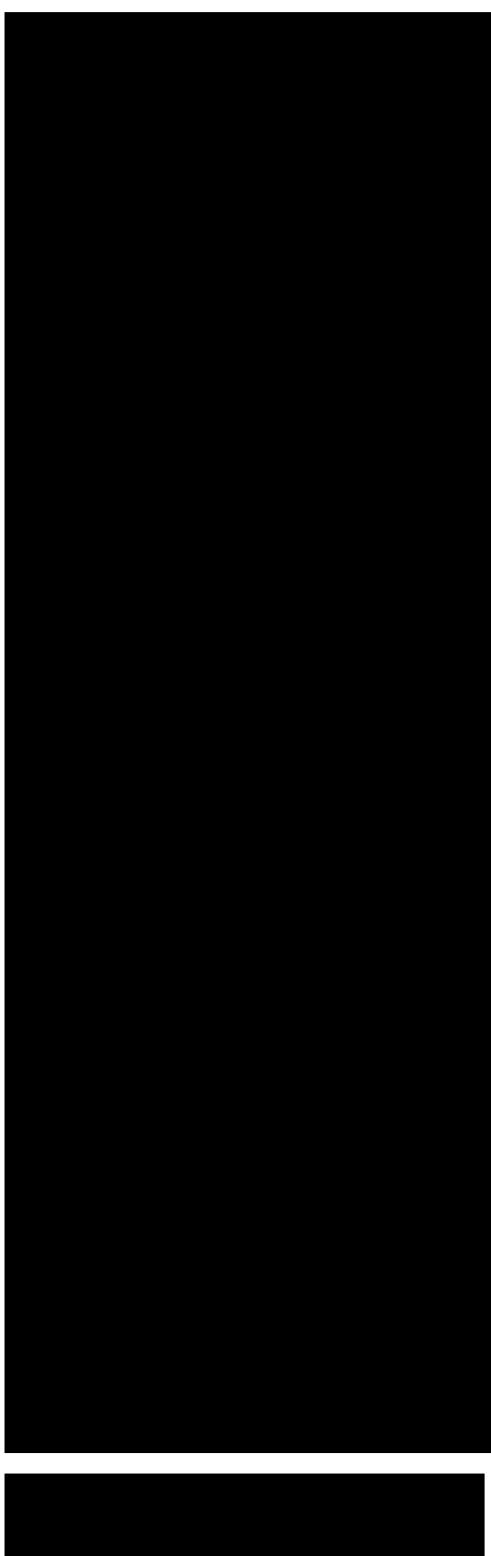
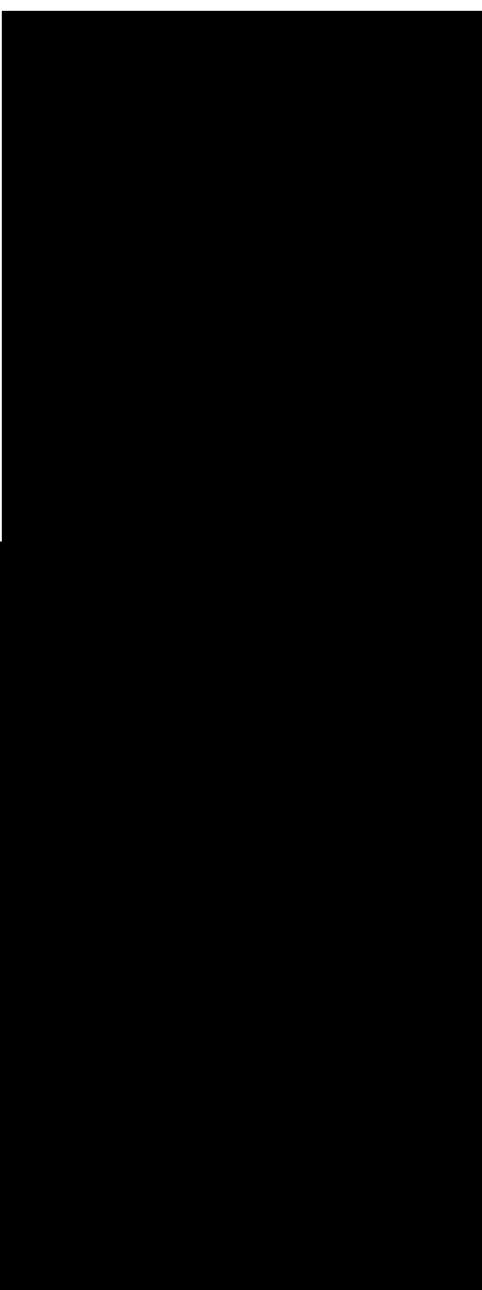
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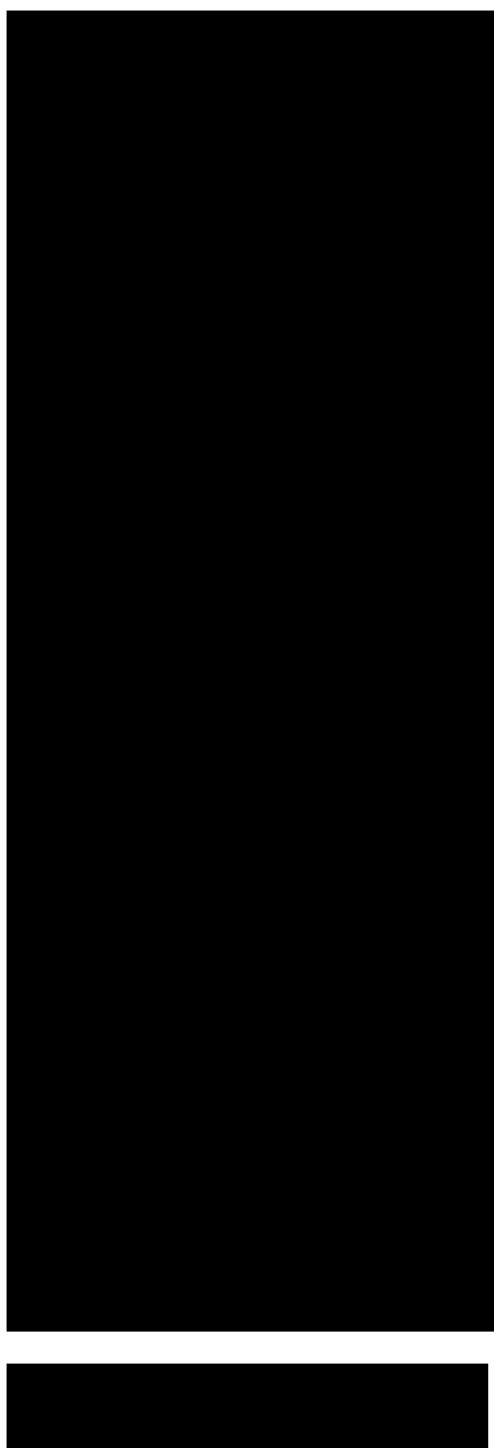
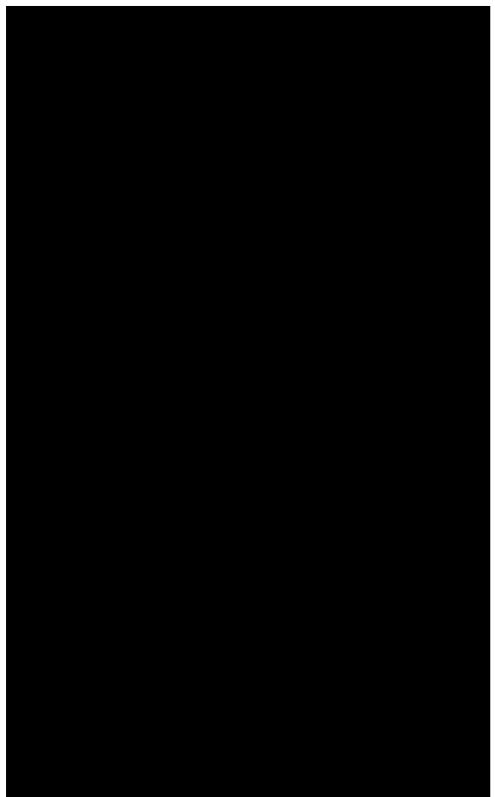
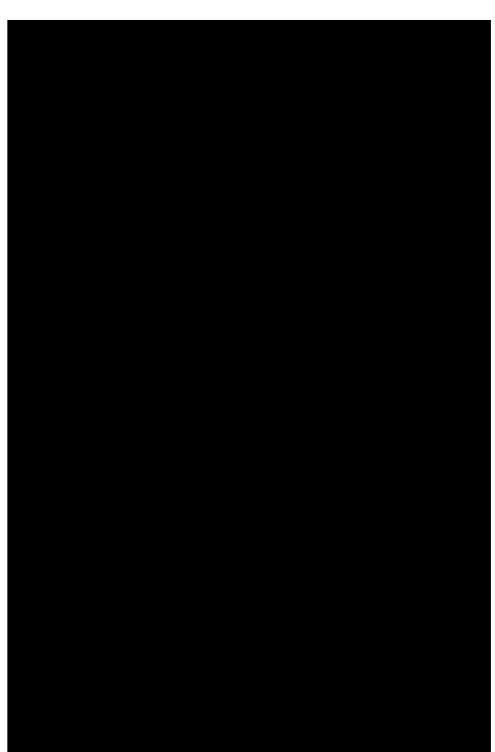
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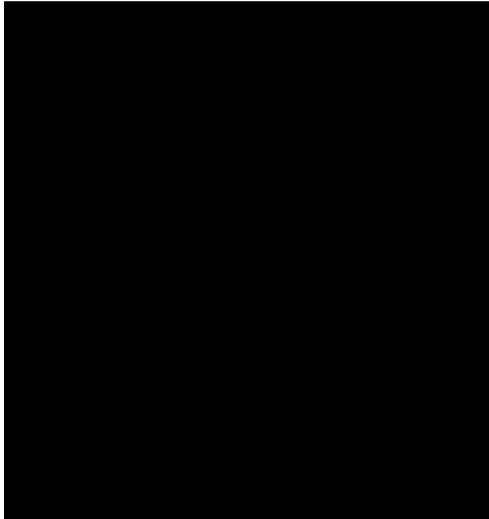
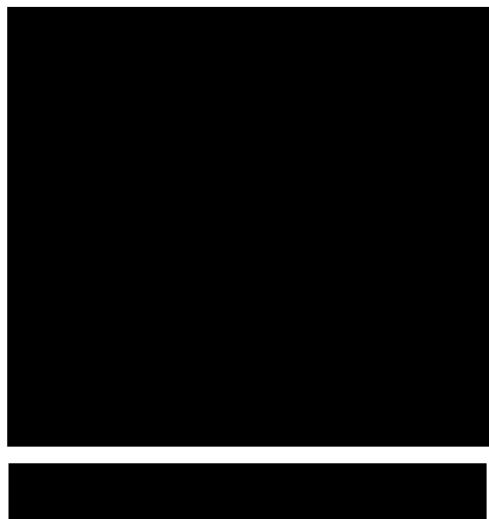
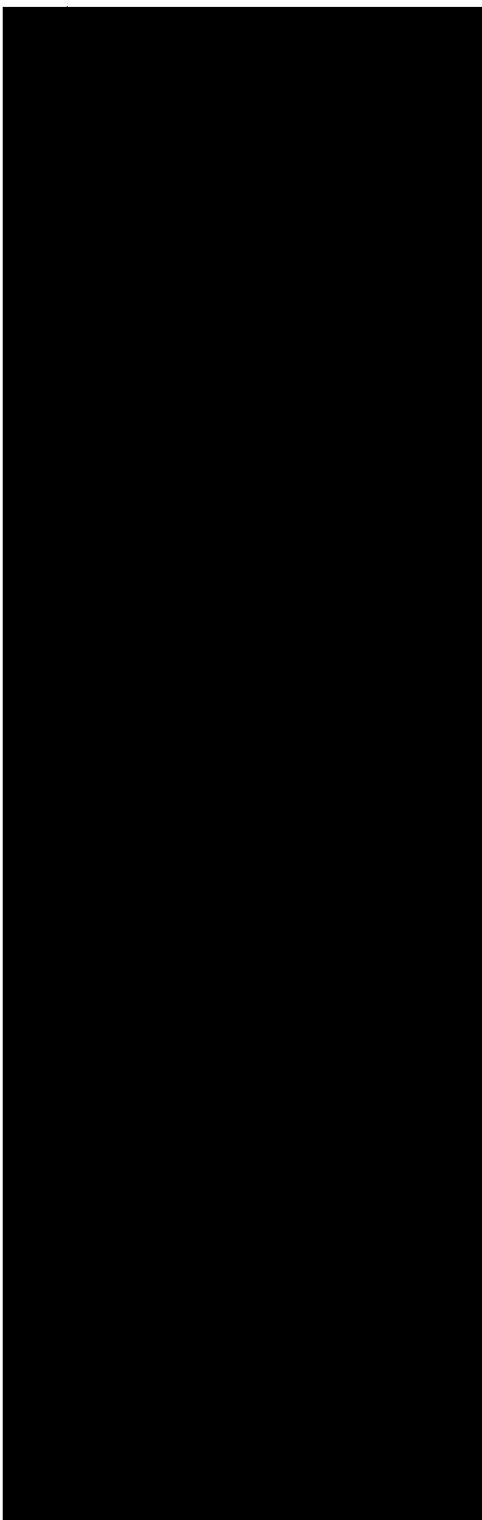
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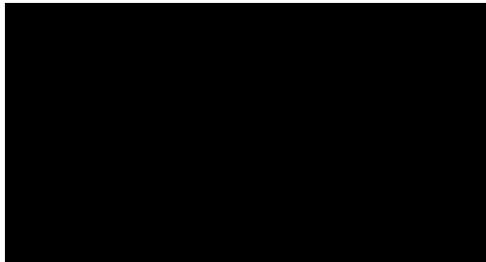
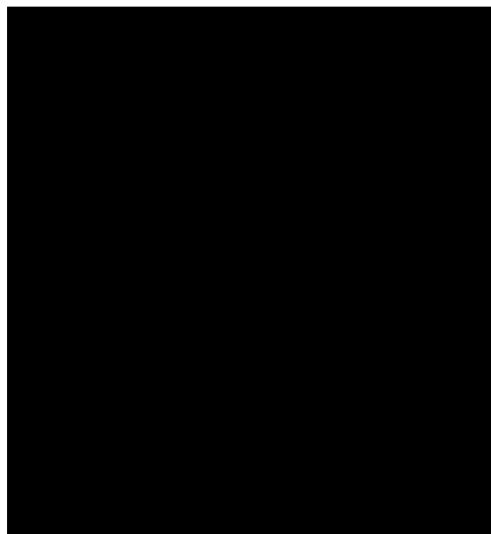
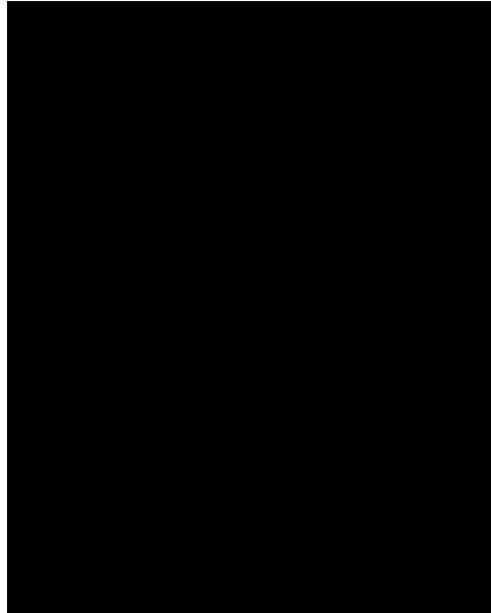
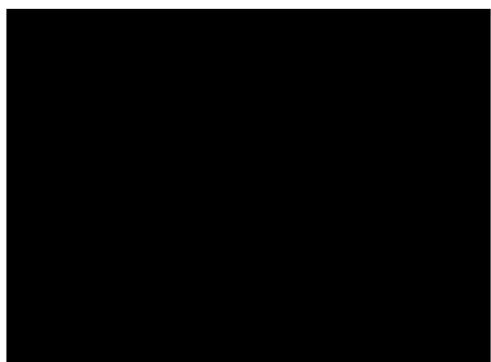
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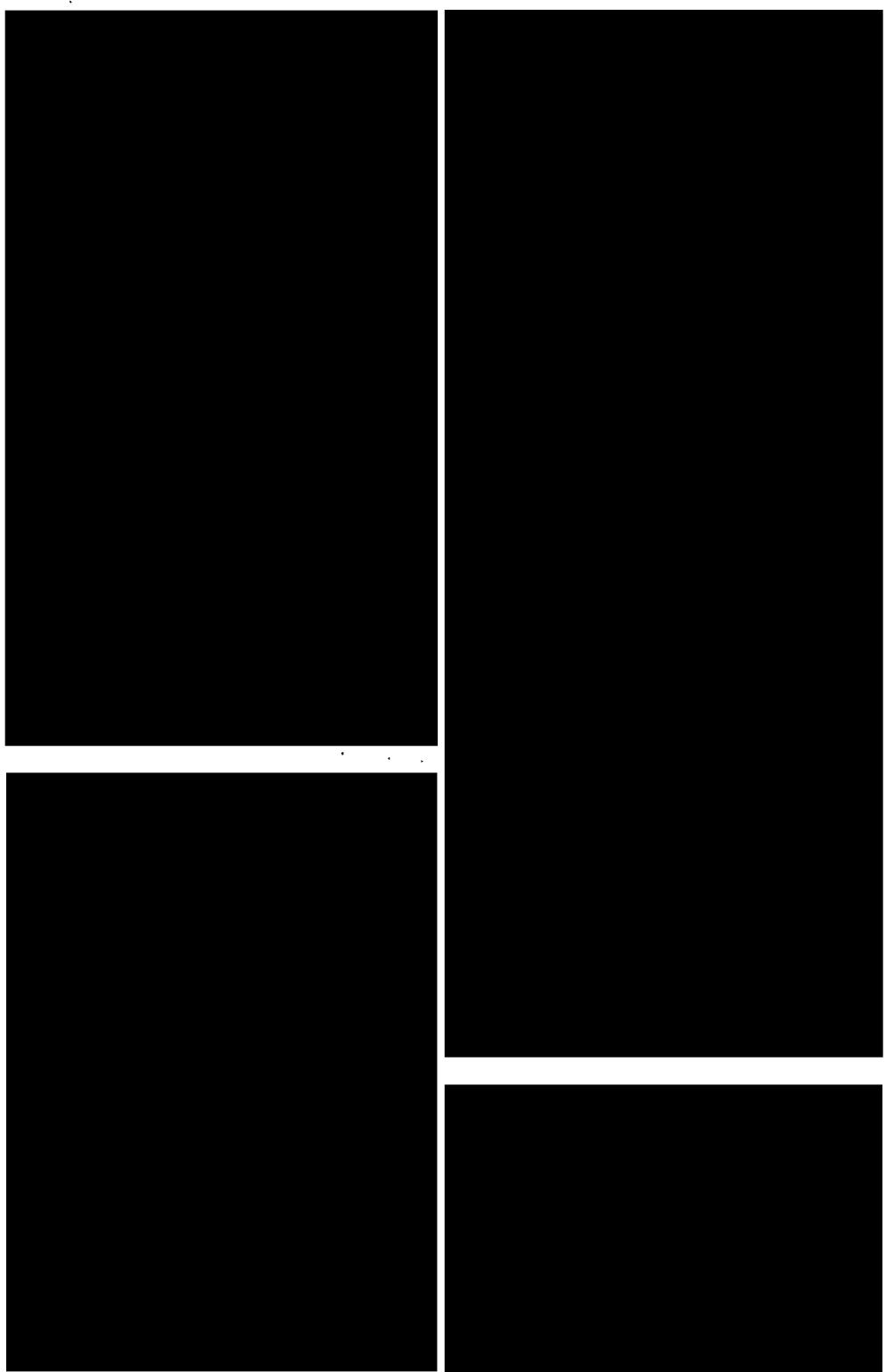
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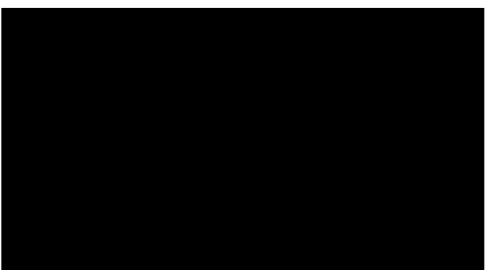
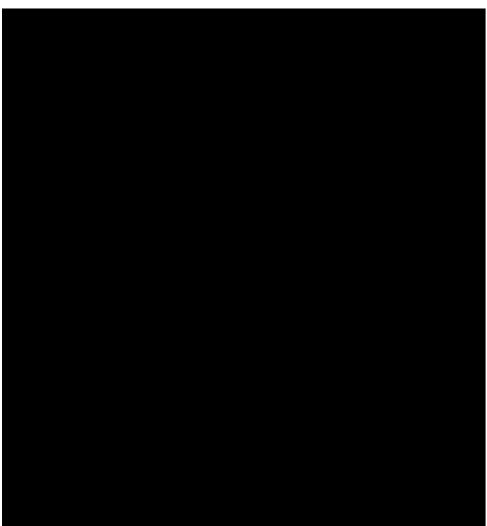
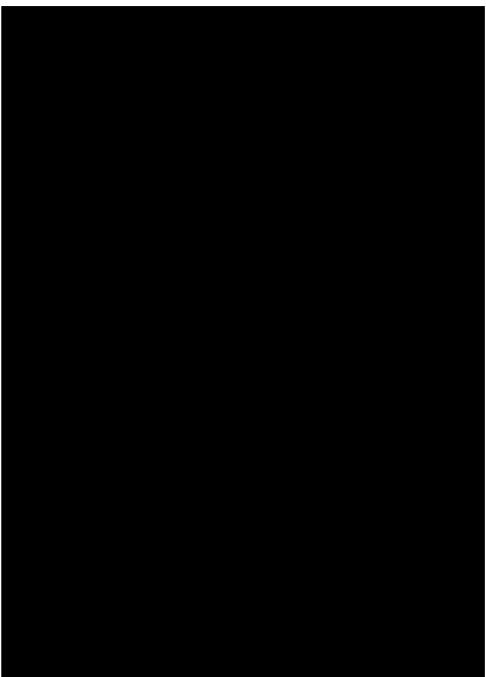
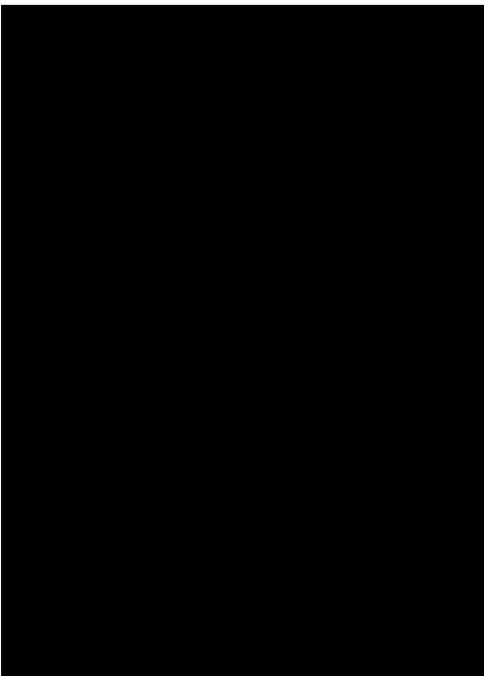
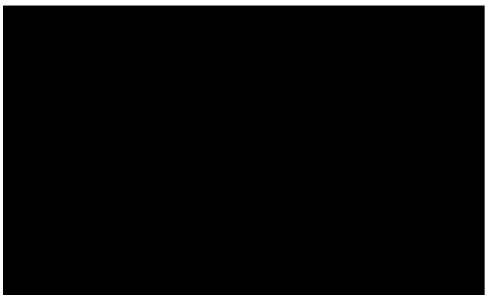
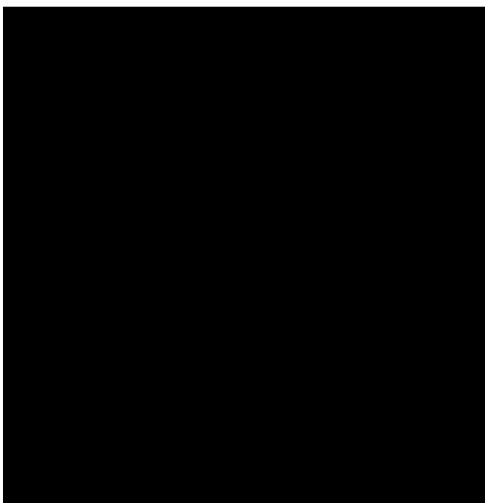
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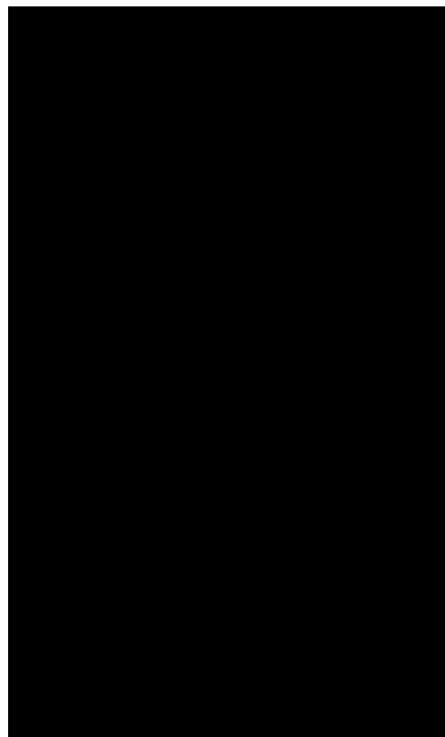
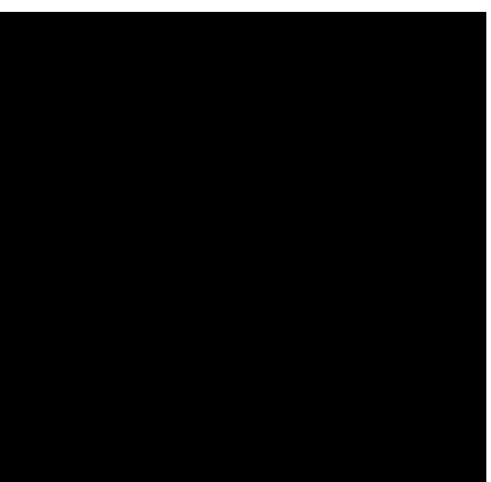
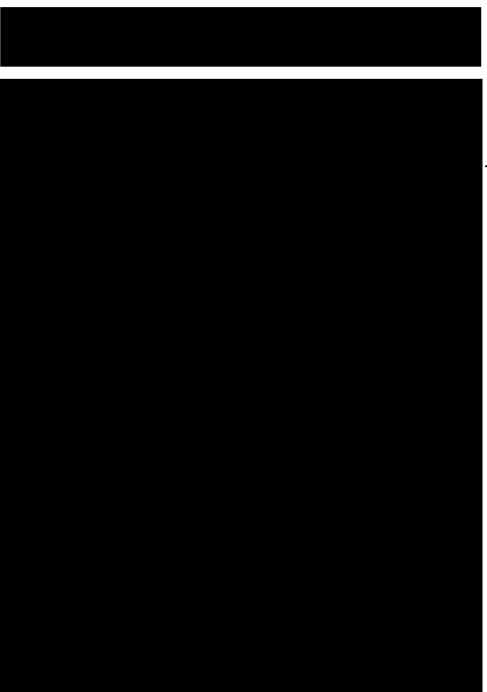
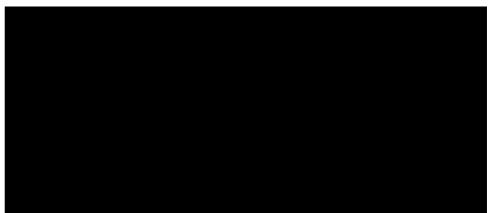
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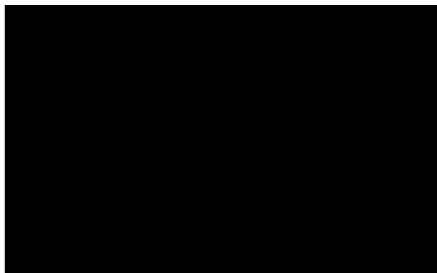
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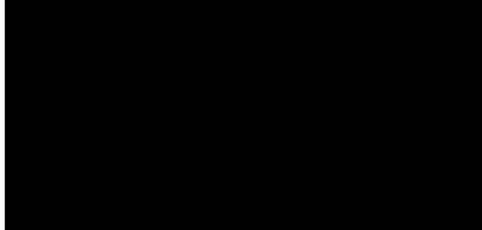


**BERRY v. KEITH.****No. 1388.**

Municipal Court of Appeals for the  
District of Columbia.

Submitted Oct. 26, 1953.

Decided Nov. 25, 1953.



Robert C. Handwerk, Washington, D. C.,  
for appellant.

Charles E. Morganston, Washington, D.  
C., for appellee.

Before CAYTON, Chief Judge, and  
HOOD and QUINN, Associate Judges.

QUINN, Associate Judge.

This case was previously before us in Keith v. Berry, D.C.Mun.App., 64 A.2d 300. It involves an action by Mrs. Keith to recover \$515 allegedly deposited with appellant toward the purchase of a house. On the previous appeal, we reversed and awarded a new trial to Mrs. Keith.

The evidence adduced at the second trial was as follows: Mrs. Keith testified that

she gave Berry, a real estate broker, \$865 over a period of months, and made 19 payments in all. It was understood between the parties that this money was to be held by Berry until such time as he could find a house for her to purchase. In July, 1946, Mrs. Keith signed a contract with Berry to purchase a house owned by one Holmes. Upon further inspection she decided that the house was unsuitable and so informed Berry. She testified that Berry advised her that the sales contract would be torn up and she would be under no obligation to buy. She then informed Berry that she was going to buy another house and requested the return of the money that he was holding for her. She returned to Berry the 19 receipts allegedly given her, and he promised to return her money the next day. Several days later he came to Mrs. Keith's home and handed her a "check" for \$600, and she signed three folded papers. Subsequent inspection showed the instrument to be a note, not a check. Since that time Berry has repaid to her \$350, and in this action she claims the balance of \$515.

Berry's testimony contradicted that of Mrs. Keith in almost every material respect. He said that she gave him \$605, not \$865, and that this sum was paid in 14 payments, not 19 payments as testified to by her. He also denied that he told her that the note he gave her was a check, or that she signed any papers at that time other than a release. The release in question was introduced into evidence. He testified that the sales contract with Holmes provided for a \$200 deposit, and this sum was applied for that purpose from the funds he had already received from Mrs. Keith. He said this deposit was forfeited by the action of the seller, and not by any action on his part. He received \$50 as his share of the forfeiture. He said that he informed Mrs. Keith that he was agent for both her and the seller, Holmes. Mrs. Keith denied ever being informed of this.

1. *Shokwan Shimabukuro v. Higeyoshi Nagayama*, 78 U.S.App.D.C. 271, 140 F.2d 13, certiorari denied 322 U.S. 755, 64

On the first appeal we reversed on the ground that Berry had violated his fiduciary position as agent for Mrs. Keith by initiating the forfeiture of her \$200 deposit. We held that it was not the function of an agent to forfeit his principal's deposit and gain a monetary advantage for himself by such action.

■ On this appeal there are six assignments of error. Only four merit discussion. The first has to do with the admission into evidence of the "day book" kept by Mrs. Keith in which she listed the date and amount of each payment made to Berry. It is contended that such book was not admissible because it was not kept in the regular course of business. Appellant is in error when he attempts to apply the Federal Shop Book Rule to this evidence. Actually it was merely the admission into evidence of a past recorded recollection. It is well settled in this jurisdiction that a document containing entries made by a witness in the past, of which he has no present recollection, but which he knew to be true and accurate at the time they were made, is admissible into evidence.<sup>1</sup>

■ Mrs. Keith's day book contained entries concerning 19 transactions made in 1945 and 1946. She could not be expected to remember the exact date and amount of each of these transactions. She testified that she made these entries within a few days of each payment made to Berry. This statement was corroborated by two other witnesses, who saw her make the entries. Thus, this book was admissible under the rule of past recollection recorded.

■ The second error assigned is that the court erred in failing to hold appellee to the terms of her contract to purchase Holmes' property. The provision appellant contends should have been enforced is one providing for forfeiture of the \$200 deposit. The answer to this argument is con-

S.Ct. 1270, 88 L.Ed. 1584; *Fowler v. Stanford*, D.C.Mun.App., 89 A.2d 885.

tained in our prior opinion. There we held that appellant, as Mrs. Keith's agent, had no right to declare a forfeiture of the deposit. Although appellant argues (as he did previously) that Holmes declared the forfeiture, we find nothing in the record to conclusively support that statement. Thus, the trial court could have resolved this factual question against appellant (agent) and found that he, not the owner, had declared the deposit forfeited. Under such circumstances, the law will not allow the agent to benefit from such a violation of his fiduciary trust.<sup>2</sup>

Appellant next argues that Mrs. Keith's acceptance of the \$600 note, and her signing of the release, bars any recovery on her part. The acceptance of the note, he contends, amounts to an accord and satisfaction. But a vital element of this principle is missing, namely, a mutual agreement to take less than the amount of the original claim.<sup>3</sup> Moreover, there was no testimony that the parties intended the note to be in full settlement of Mrs. Keith's claim, nor does the note itself indicate that any such agreement existed.

As to the release, Mrs. Keith testified that at the time of the receipt of the note she signed three papers given to her by Berry, all of which were folded over. Berry denied this. Therefore the court could have found from Mrs. Keith's statement that the release was obtained by fraud, and this was basically a question of fact.<sup>4</sup>

The last assignment of error requiring discussion is that appellee failed to prove her right of recovery by a preponderance of the evidence. Our review of the entire record fails to sustain this contention. As we noted above in setting out the factual background of the case, there was a conflict in the testimony of the two principal witnesses on almost every material point. Hence, the case resolved itself into

a question of which of the parties the trial judge chose to believe. As he found for Mrs. Keith, it is apparent that her version of the transactions between the parties was accepted. Finding no errors of law in the assignments discussed, and no merit in the ones remaining, the judgment of the court below will be

Affirmed.

**CLARKE v. DISTRICT OF COLUMBIA.**

No. 1400.

Municipal Court of Appeals for the

District of Columbia.

Argued Nov. 9, 1953.

Decided Dec. 4, 1953.

2. Keith v. Berry, *supra*, and cases cited therein.
3. H. H. Butler Stores v. Barron, D.C.Mun. App., 95 A.2d 330; Conover v. Halley, D. C.Mun.App., 32 A.2d 110.
4. Klug v. Washington Ry. & Electric Co., 61 App.D.C. 247, 61 F.2d 327.

[REDACTED]

Leonard S. Melrod, Washington, D. C., for appellant. Harold J. Nussbaum, Washington, D. C., also entered an appearance for appellant.

Hubert B. Pair, Asst. Corp. Counsel, Washington, D. C., with whom Vernon E. West, Corp. Counsel, Chester H. Gray, Principal Asst. Corp. Counsel, and Harry L. Walker, Asst. Corp. Counsel, Washington, D. C., were on the brief, for appellee.

Before CAYTON, Chief Judge, and HOOD and QUINN, Associate Judges.

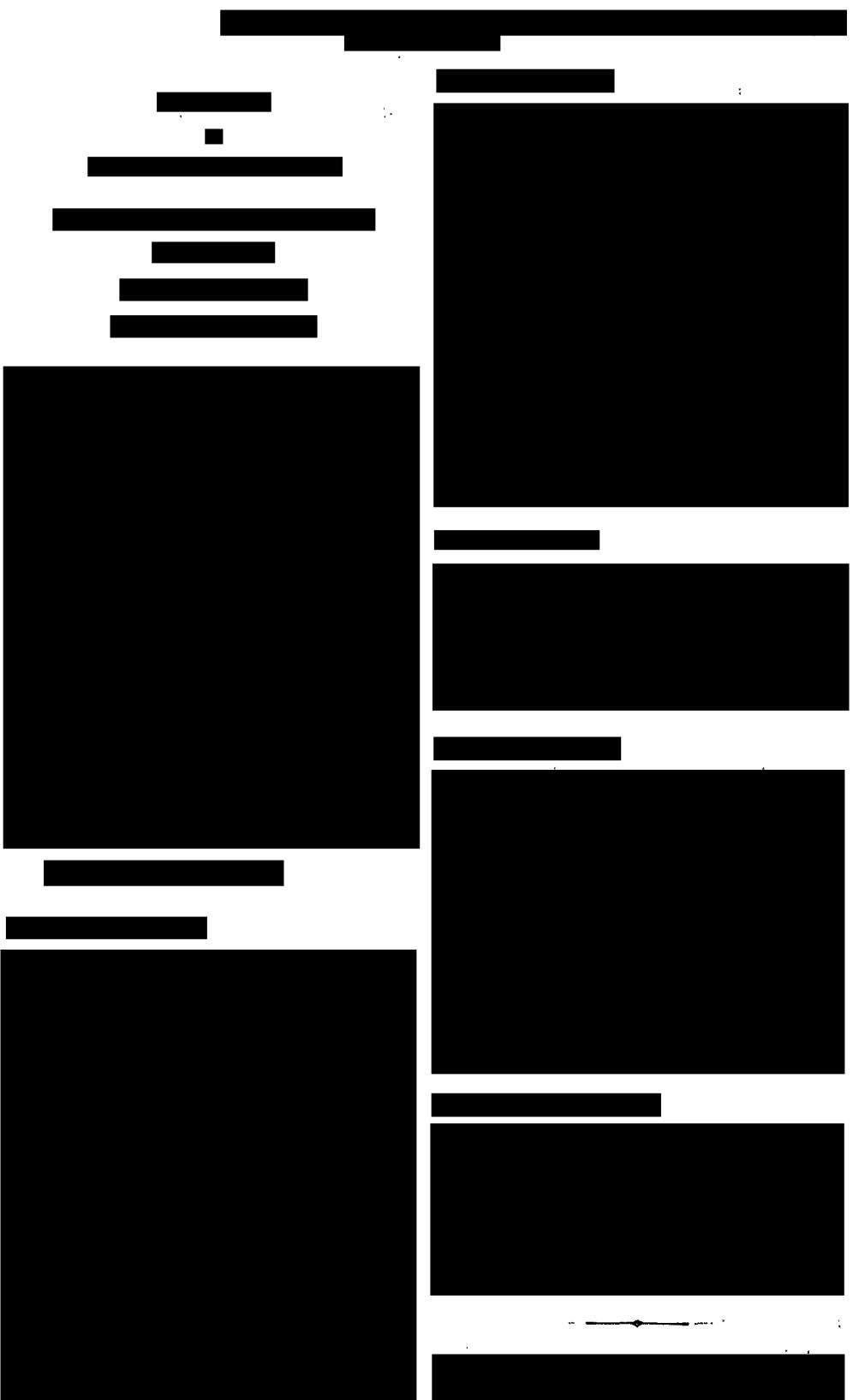
HOOD, Associate Judge.

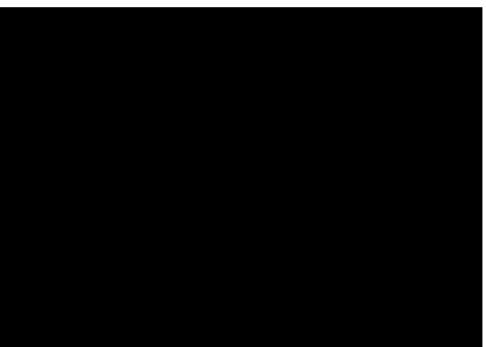
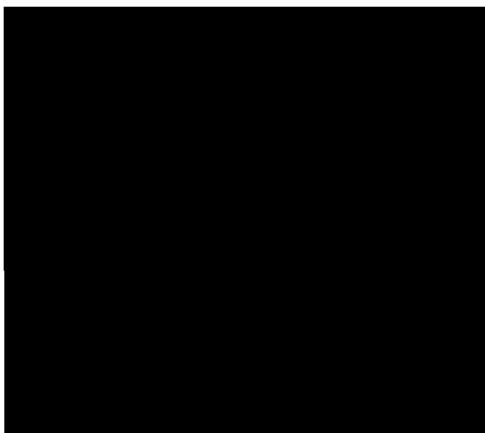
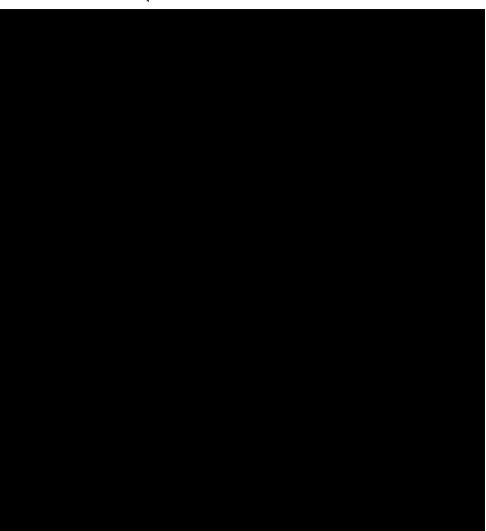
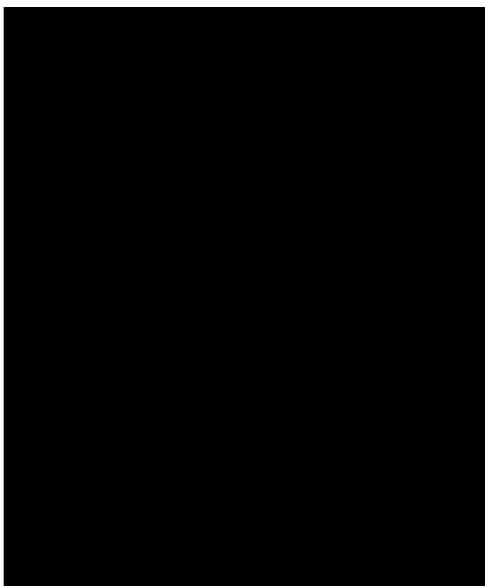
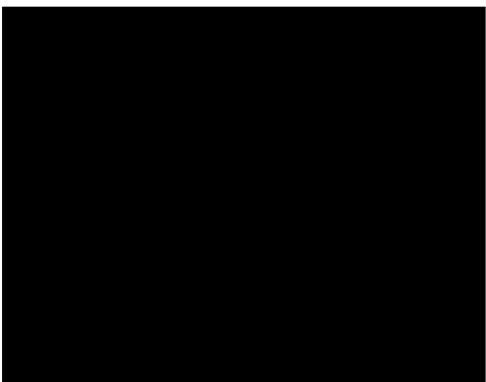
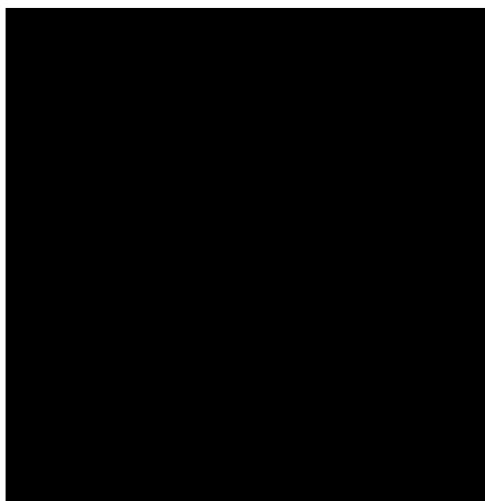
Appellant was convicted of violation of section 109 of the Traffic and Motor Vehi-

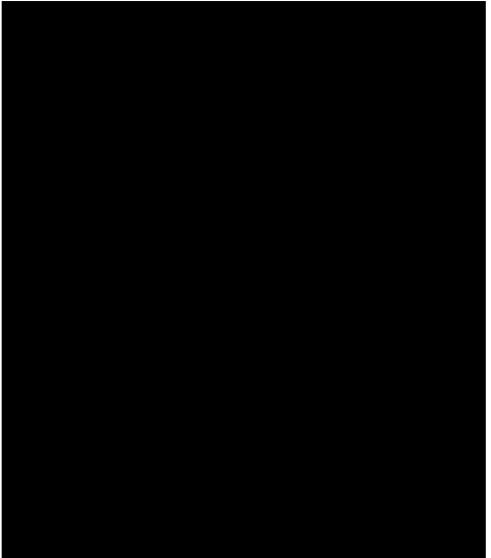
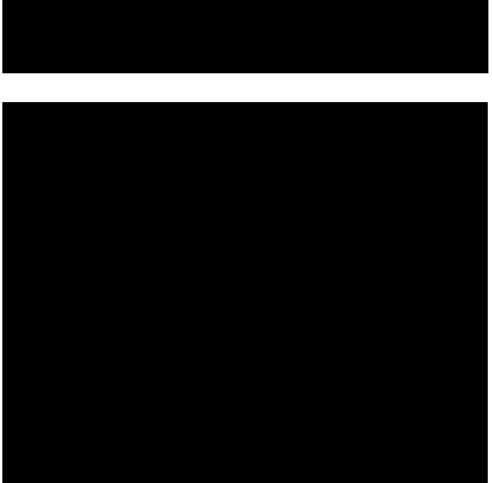
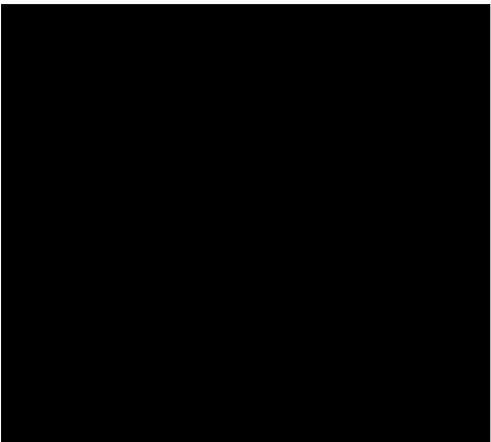
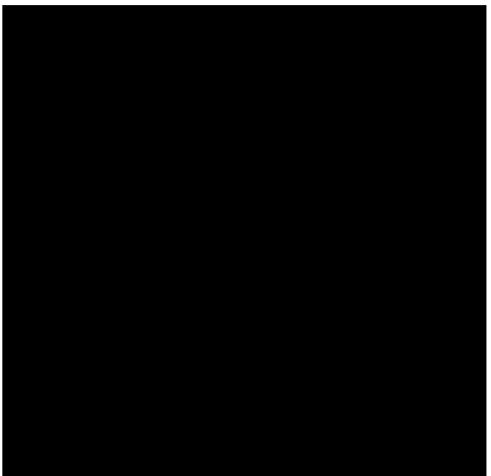
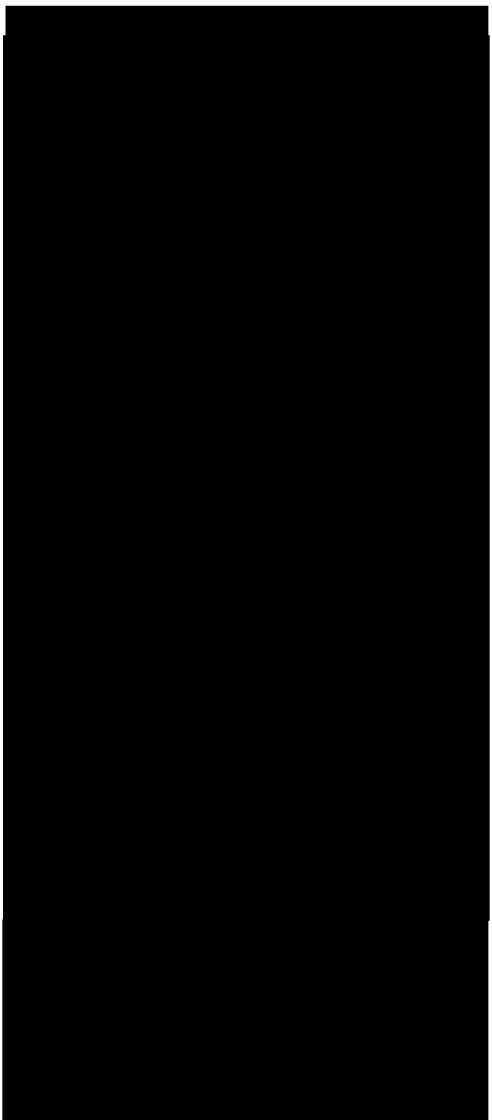
cle Regulations, which provides: "The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic." From the evidence the trial court could have found that appellant backed his automobile against complaining witness's parked automobile and pushed it back eight feet, and in so doing locked bumpers and did substantial damage to the front of complainant's automobile.

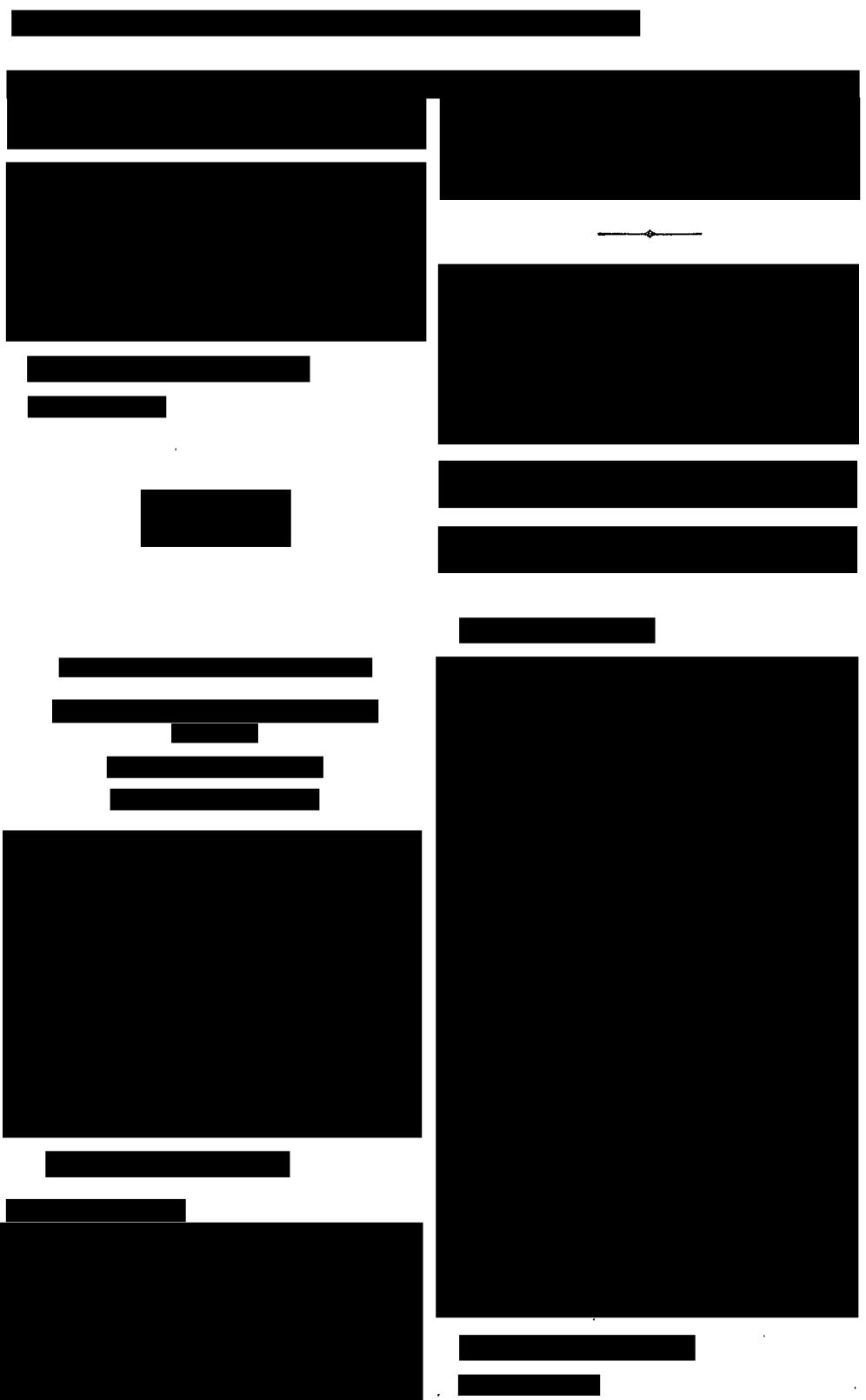
Appellant says the backing element of the offense was proved but that it was not proved "that such backing was done when it could not be performed in safety." In view of the manner in which appellant backed his automobile and the damage he did to the other, we think it is clear that the trial court was justified in finding beyond a reasonable doubt that such backing could not have been done "with reasonable safety."

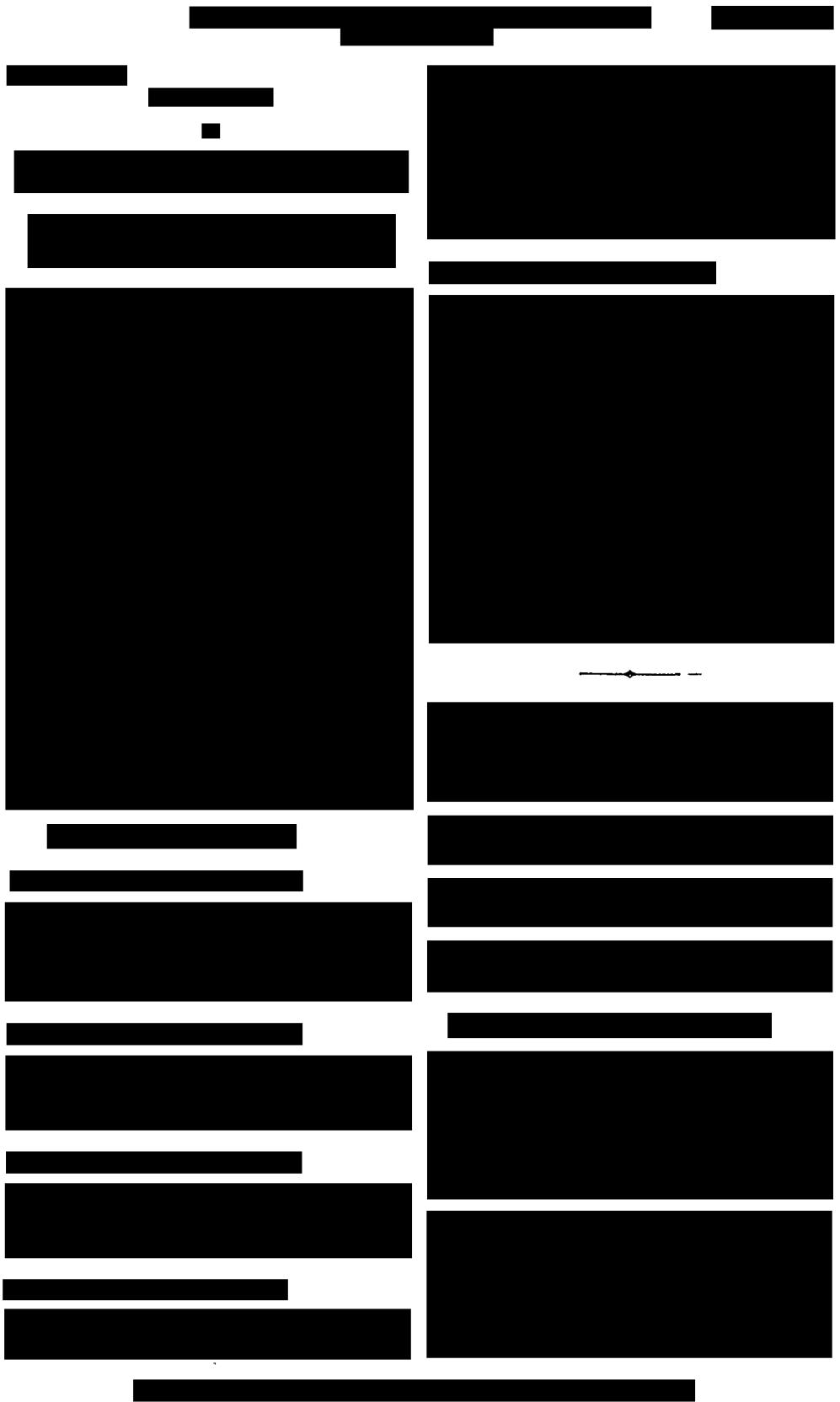
Affirmed.

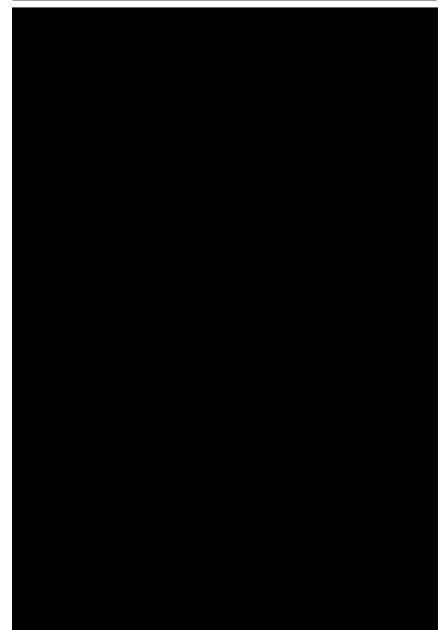
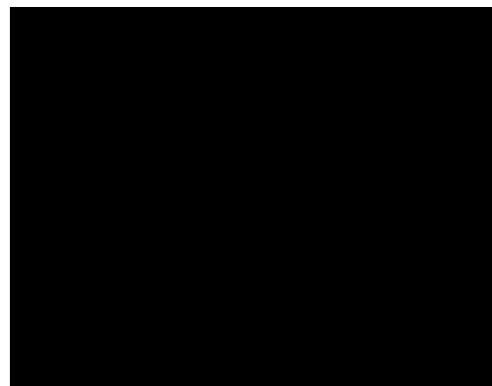
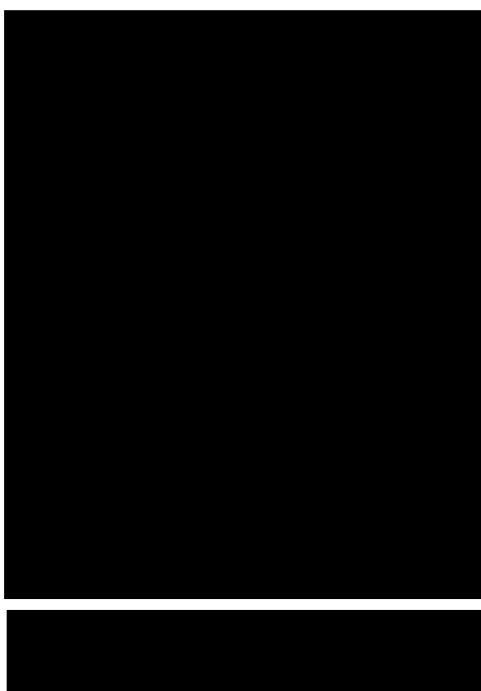


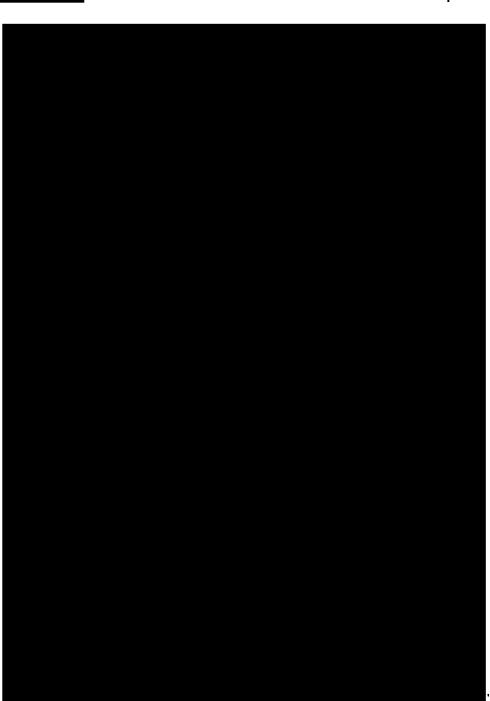
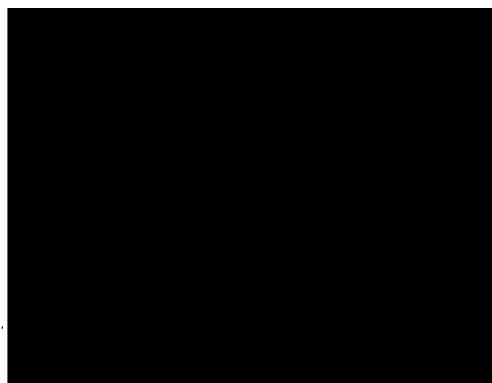
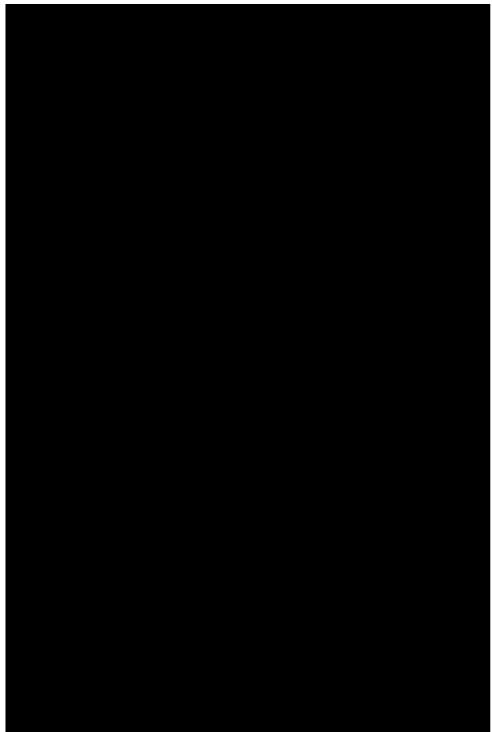












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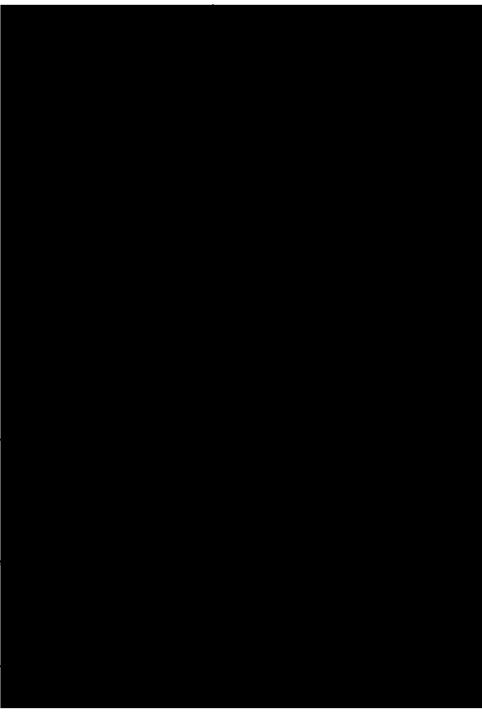
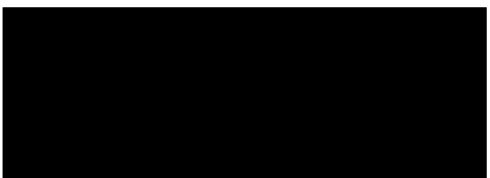
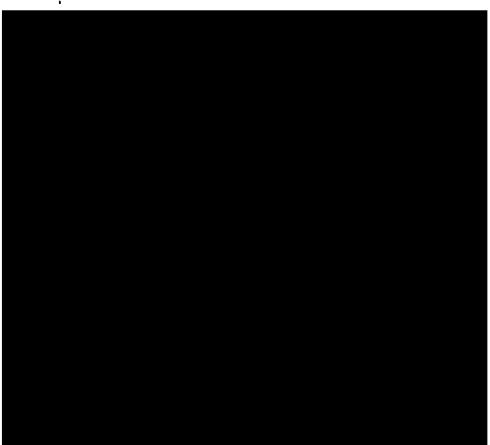
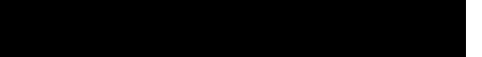
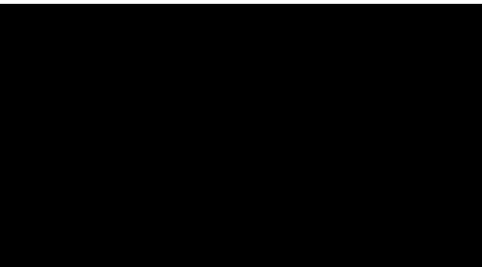
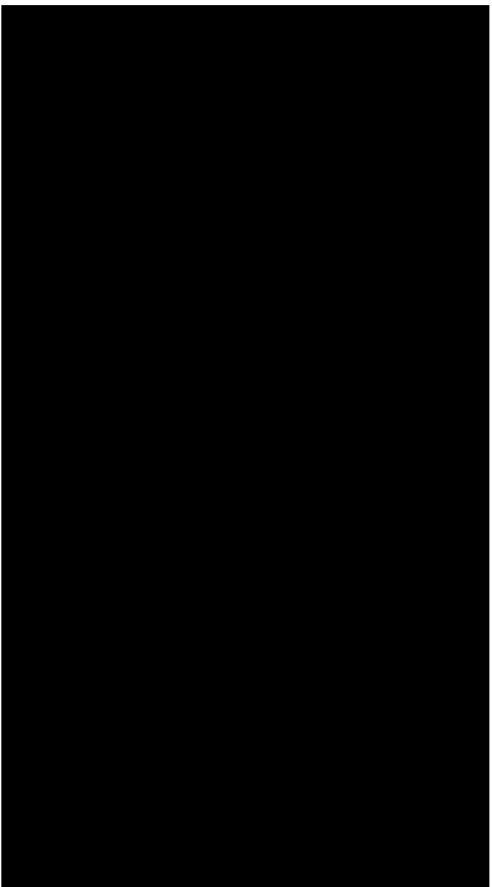
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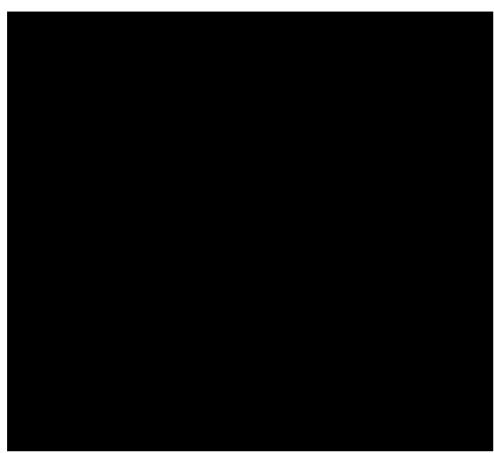
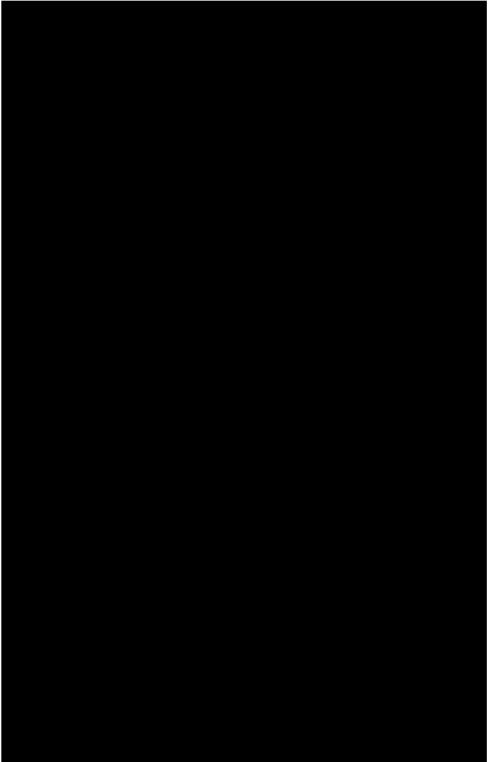
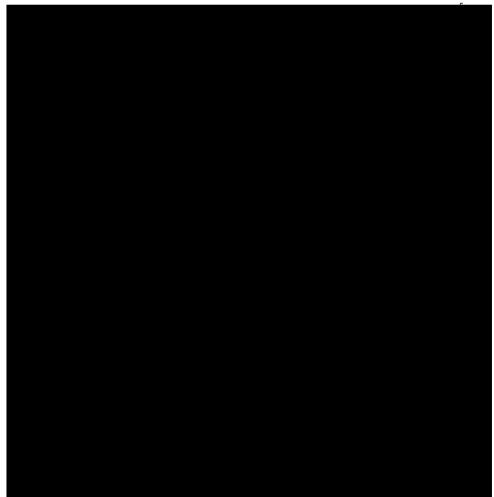
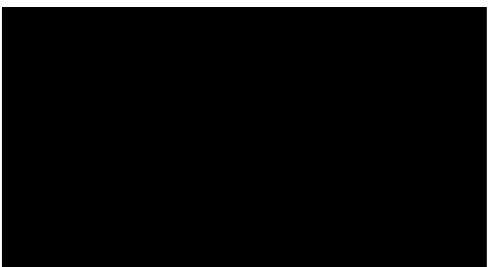
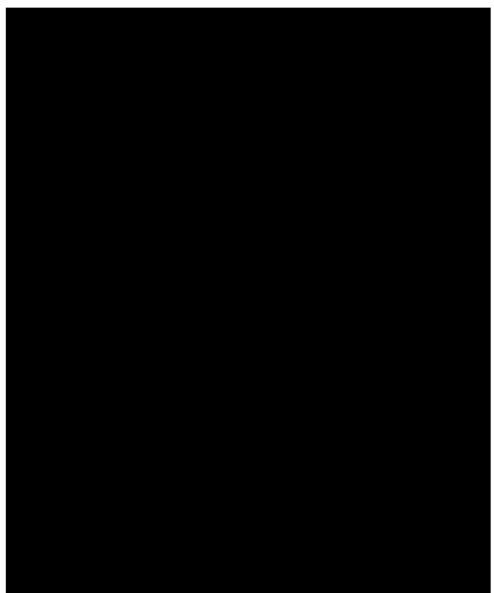
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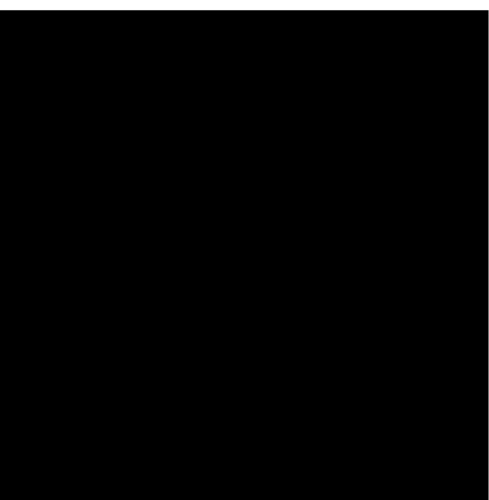
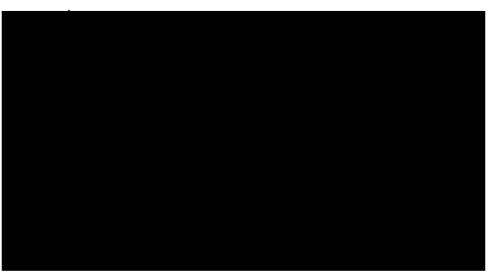
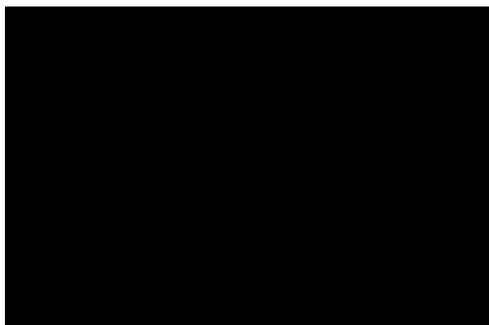
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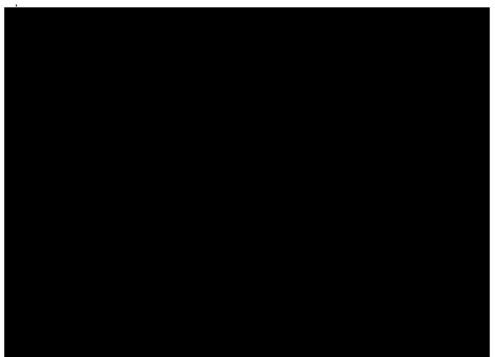
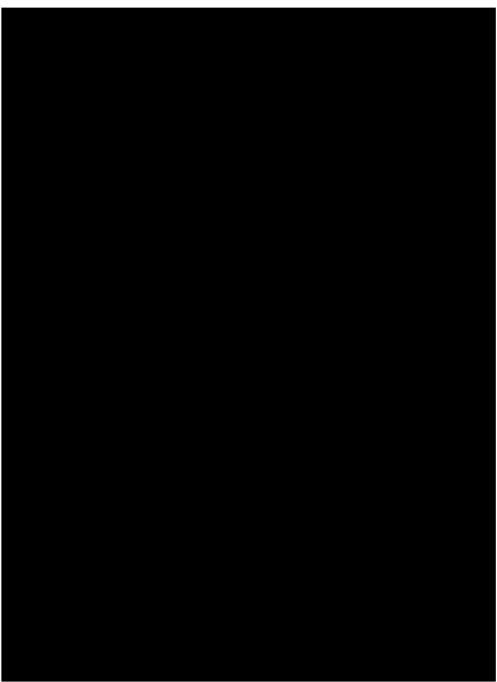
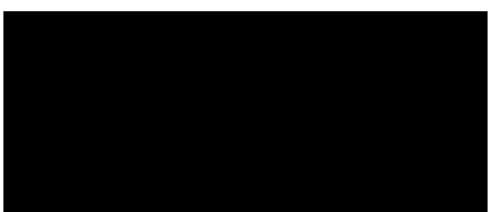


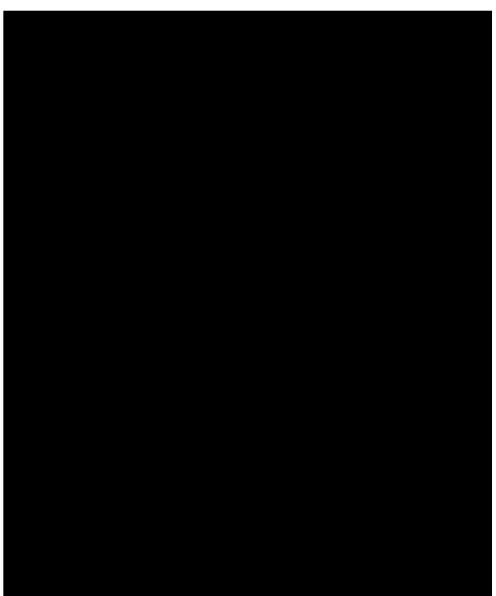
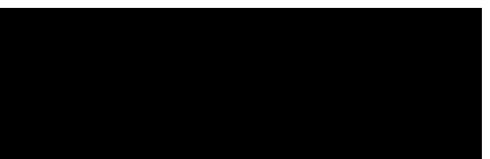
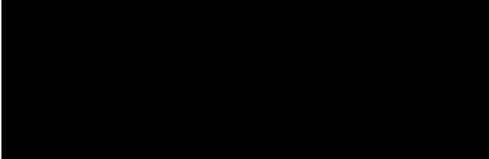
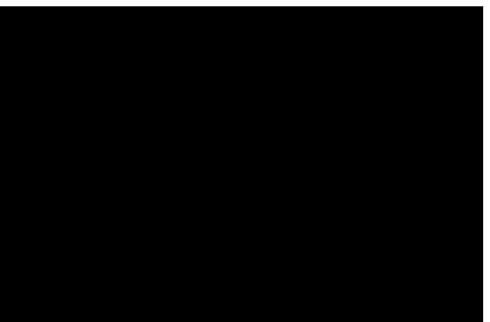
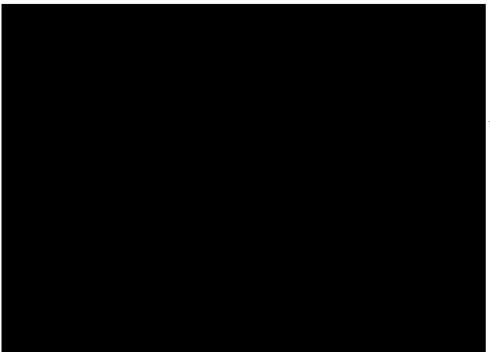
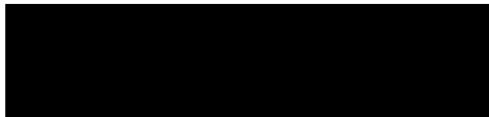






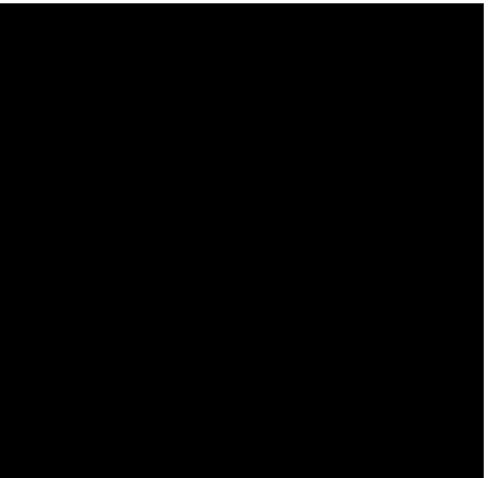
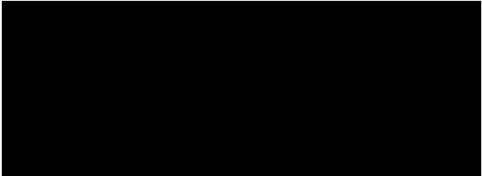
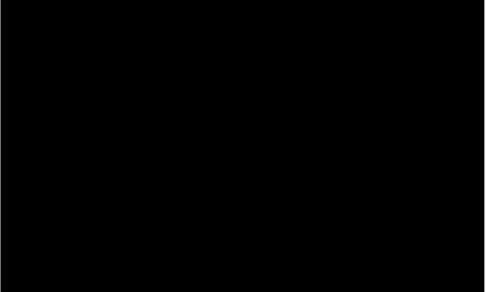
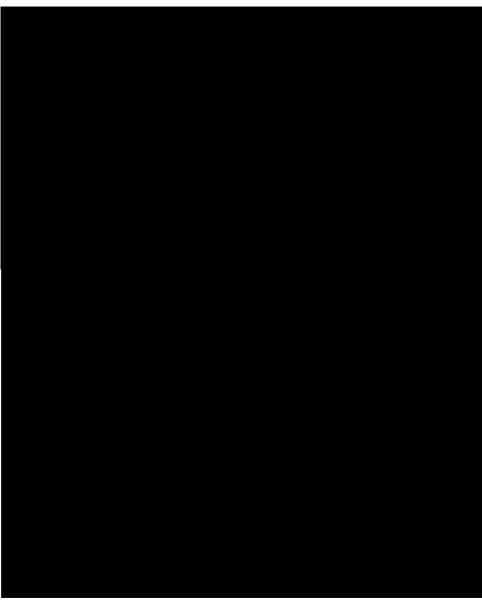
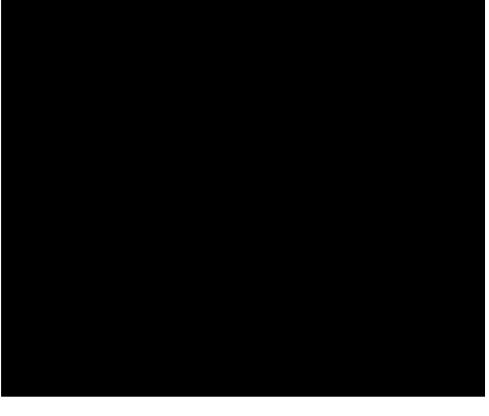
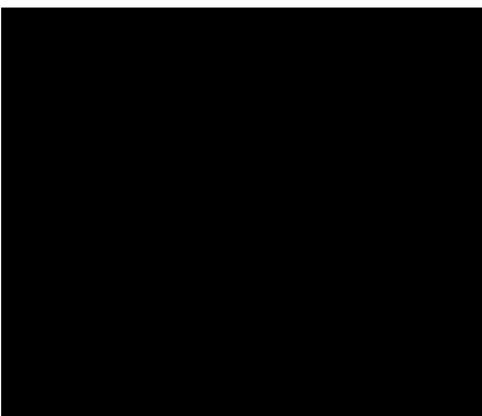
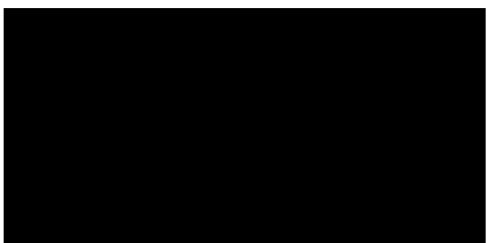
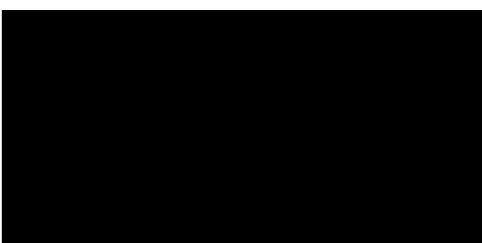
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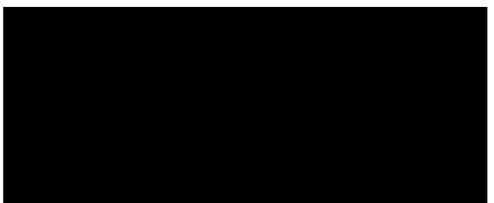
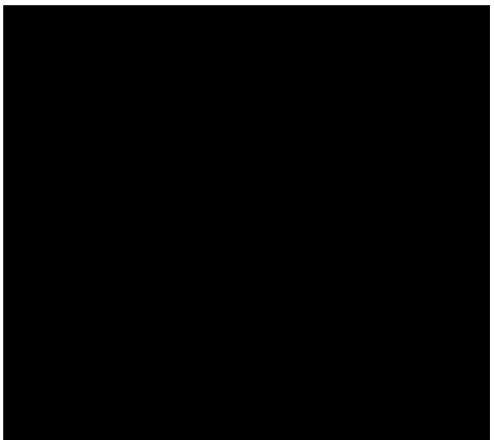
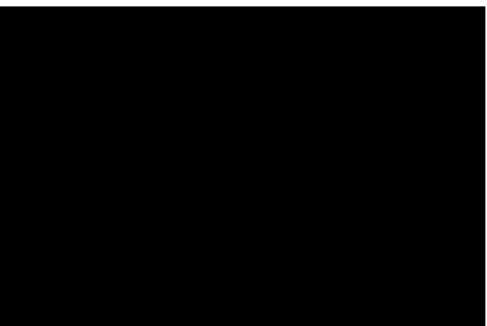
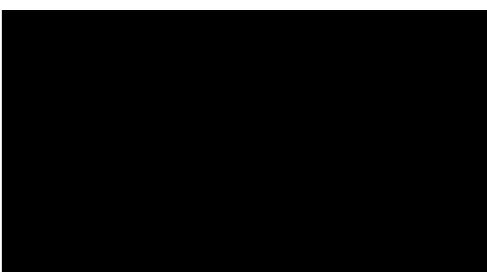
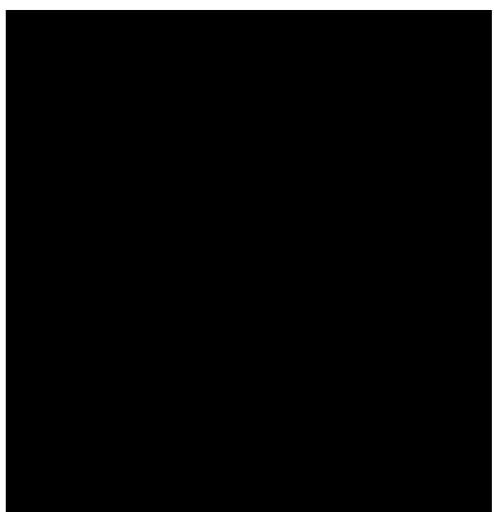


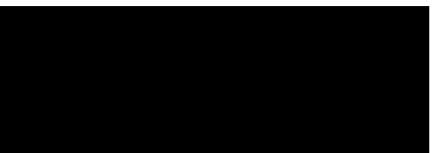
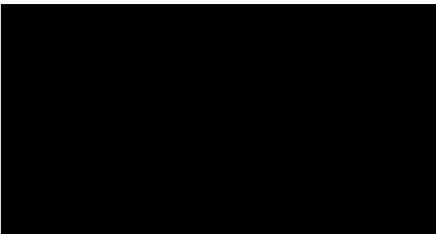
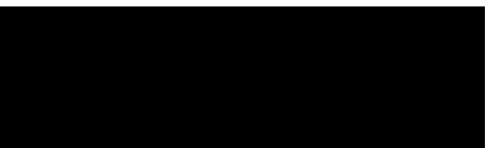
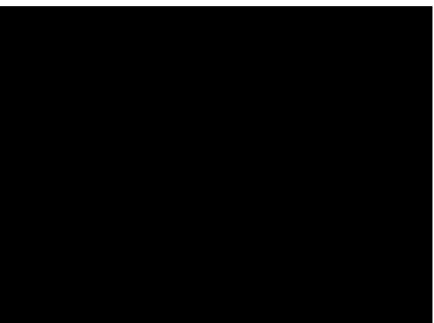
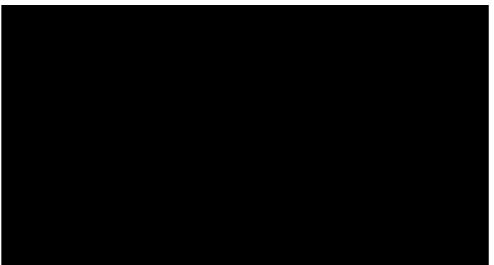
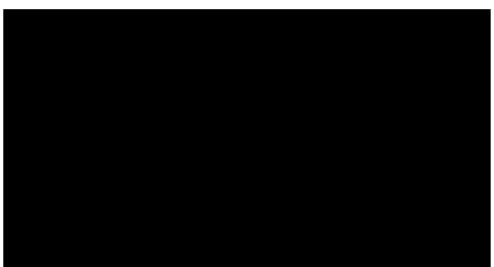
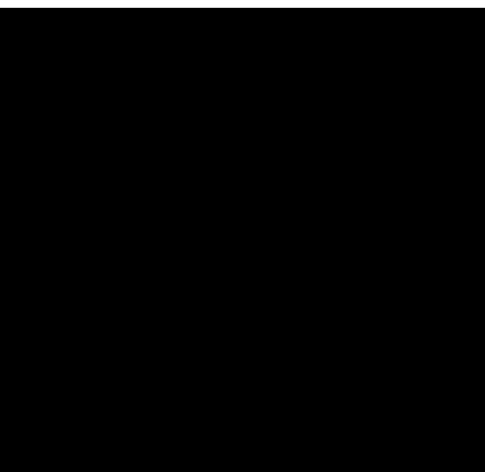
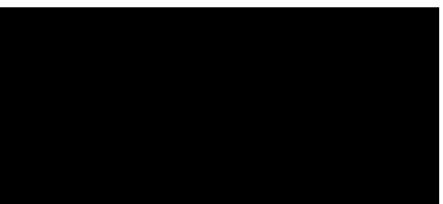
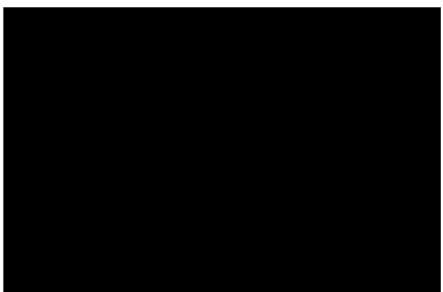


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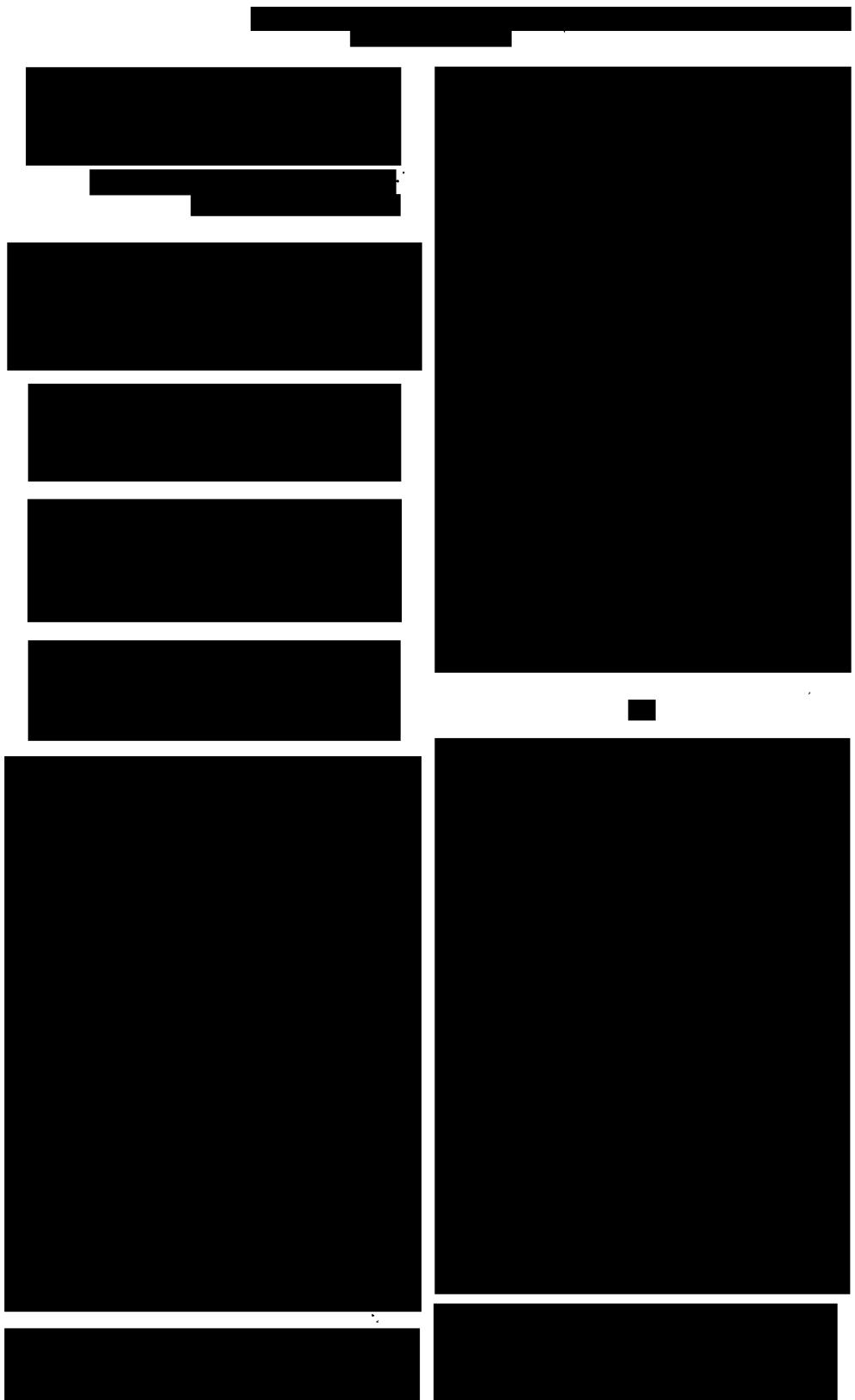
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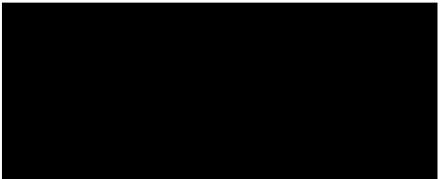
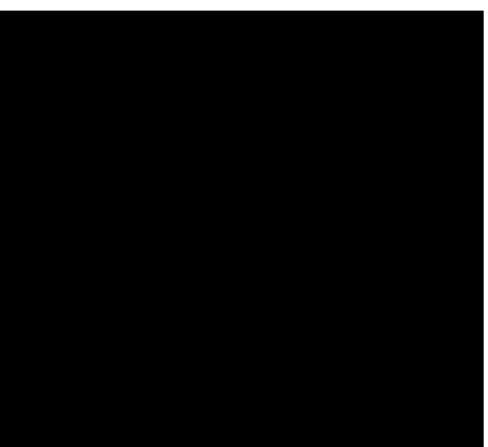
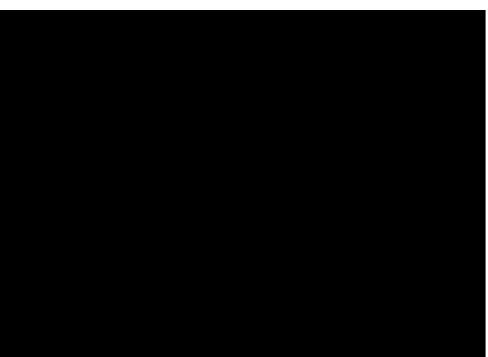
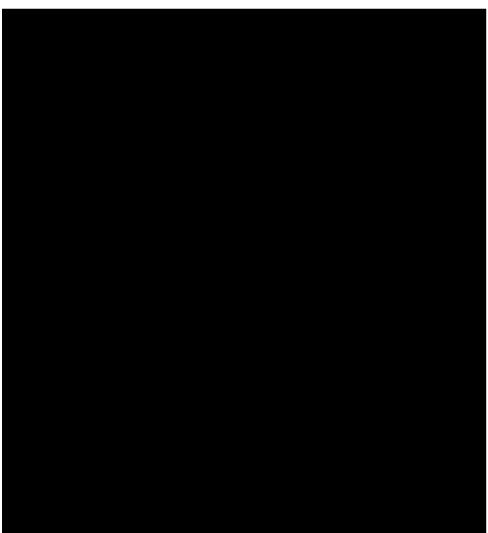
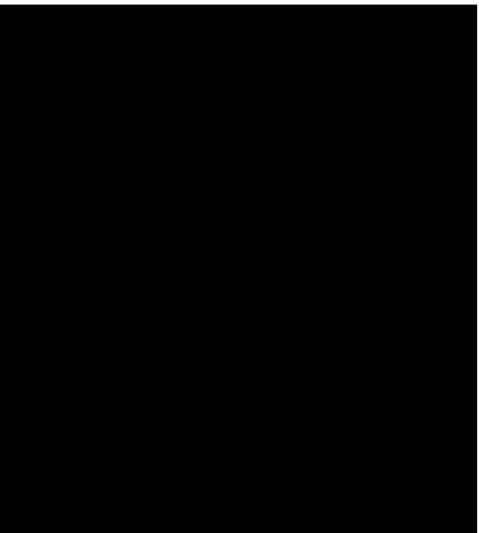
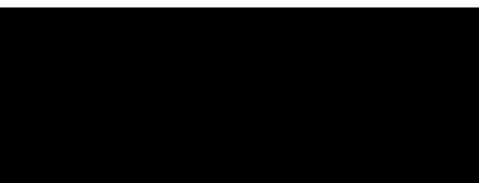
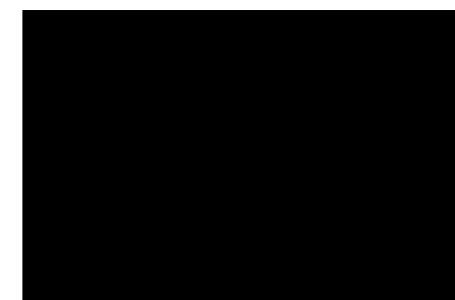
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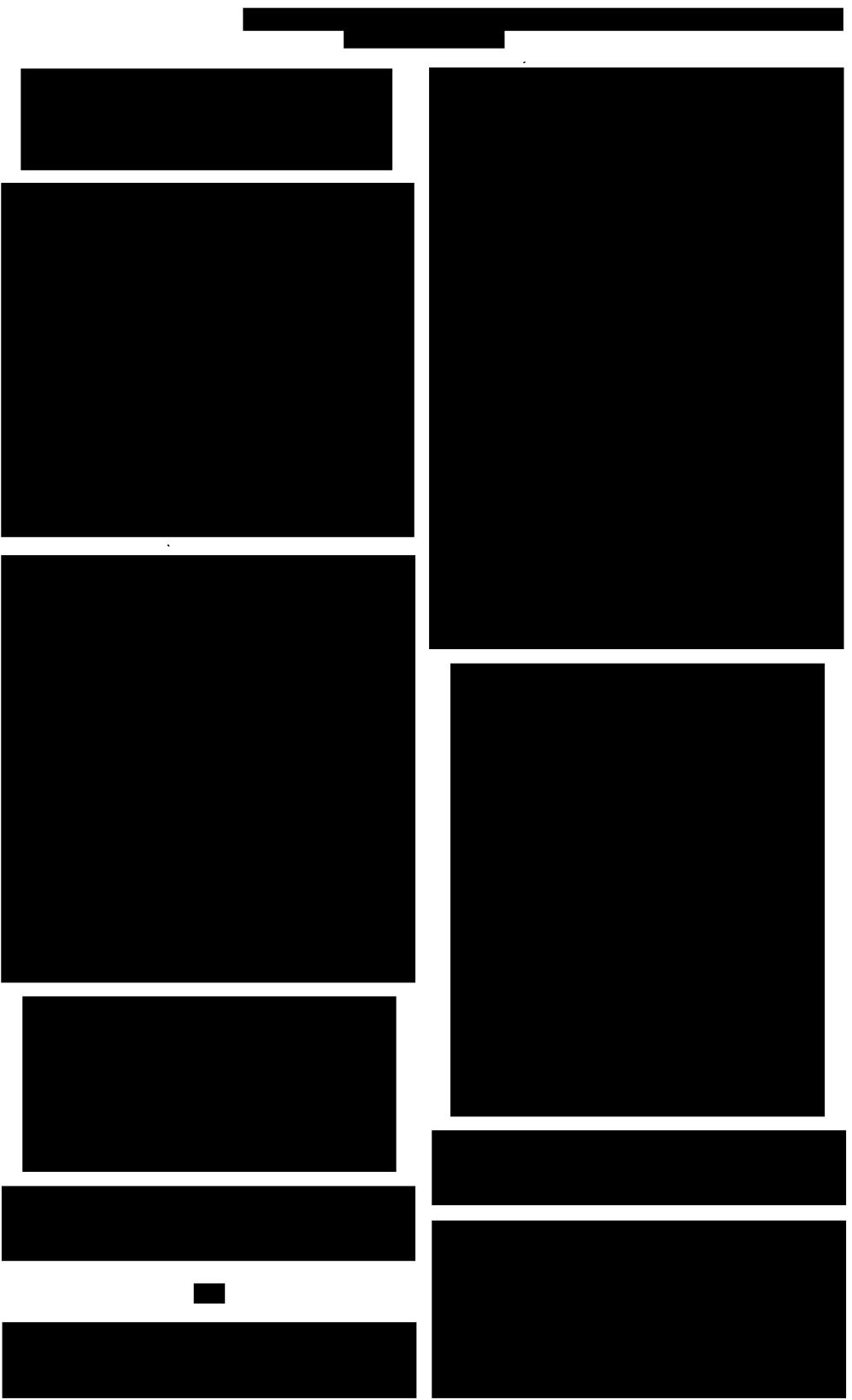
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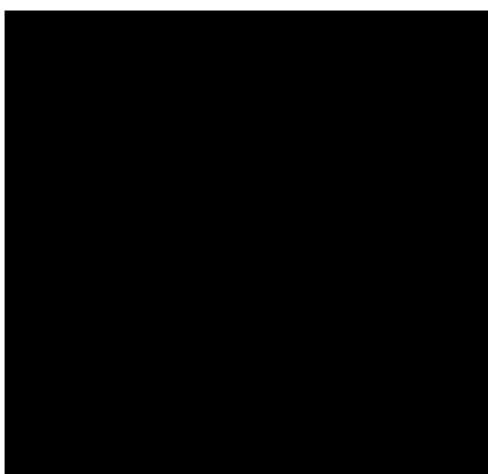
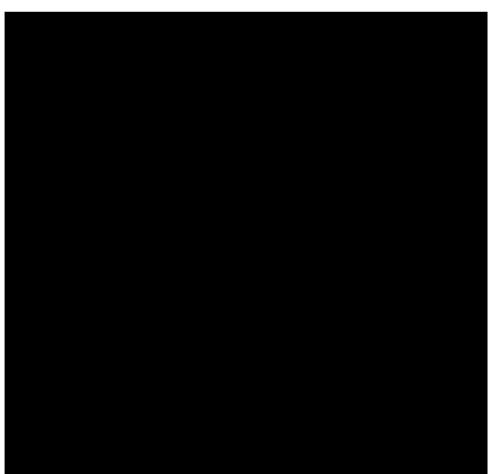
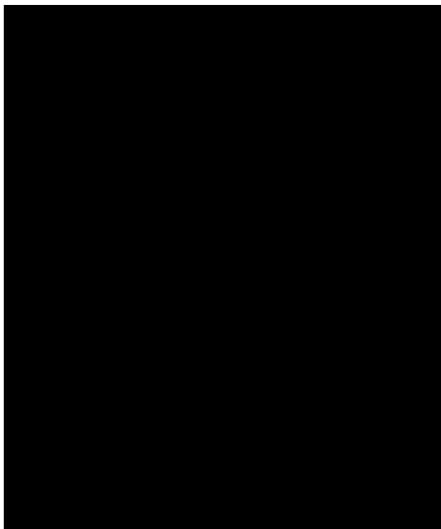
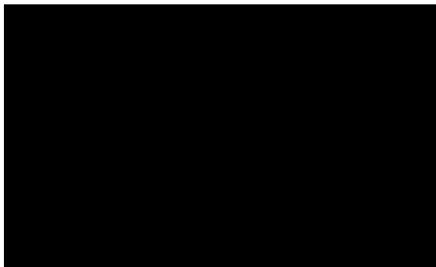
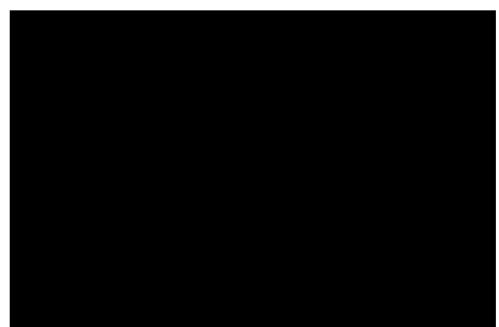
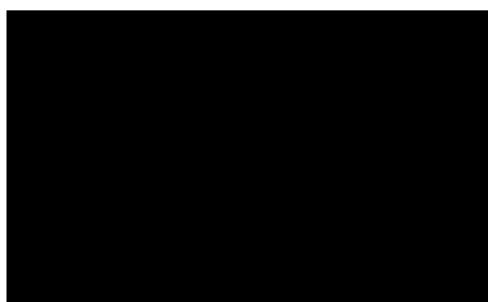
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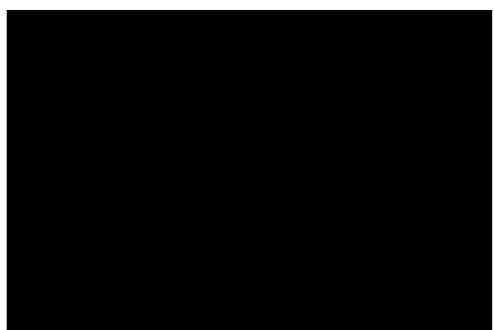
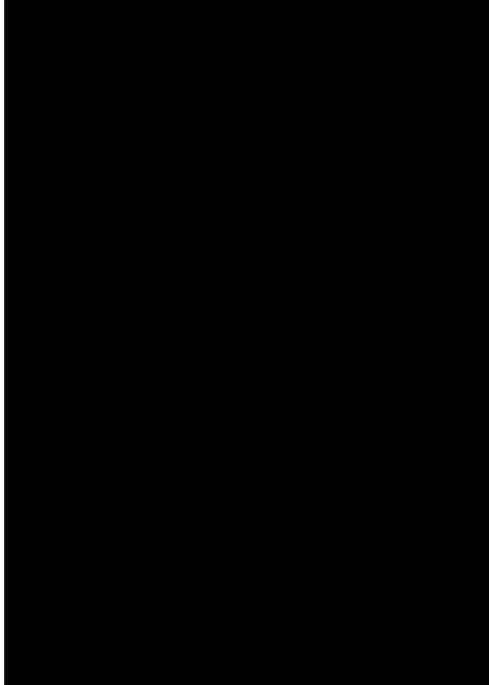
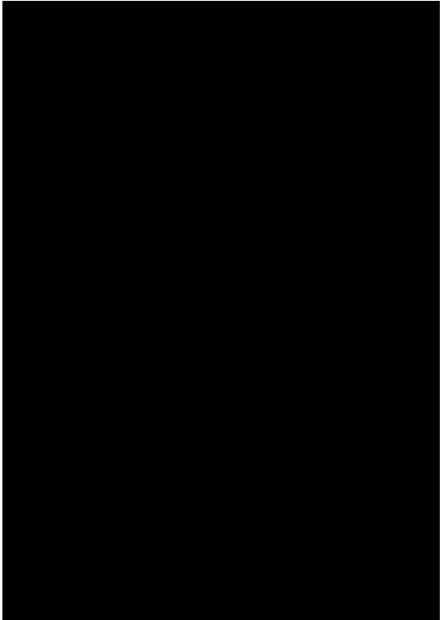
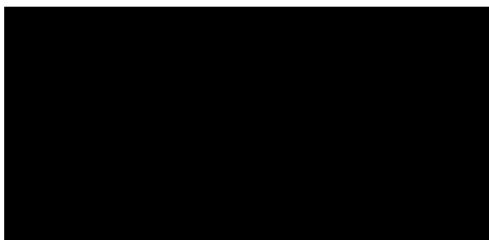
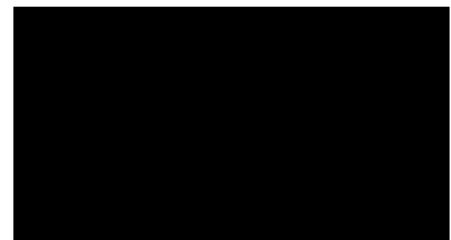




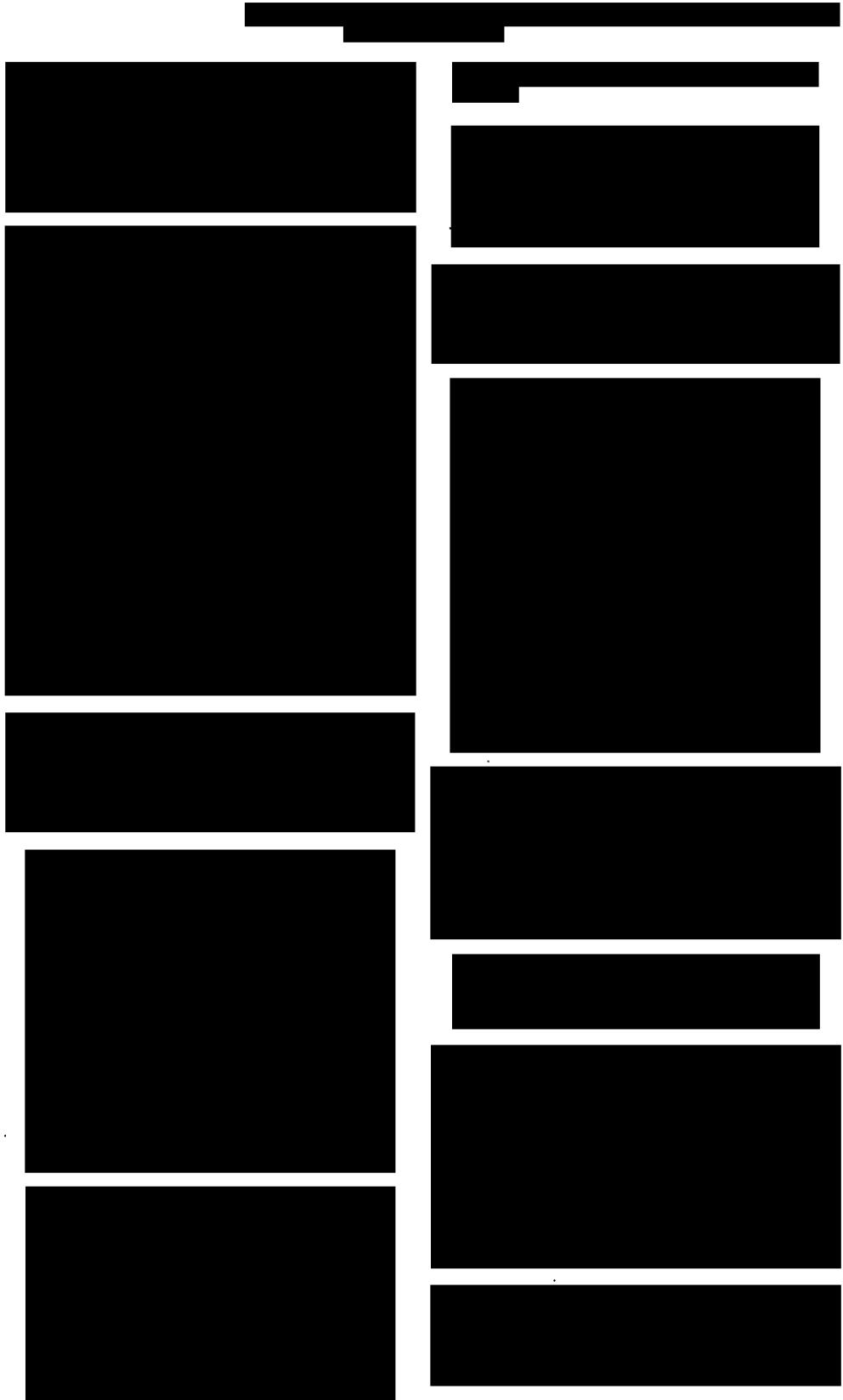








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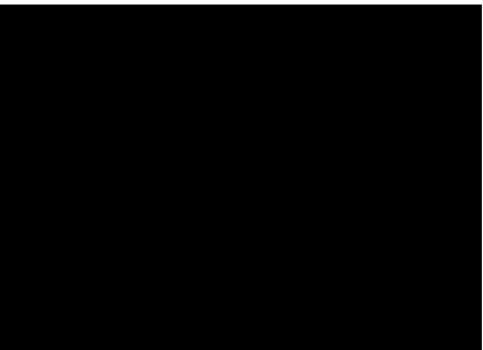
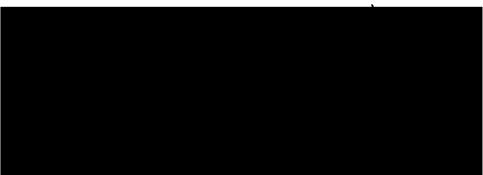
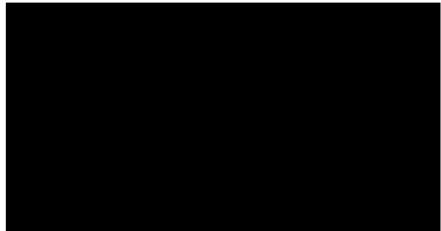
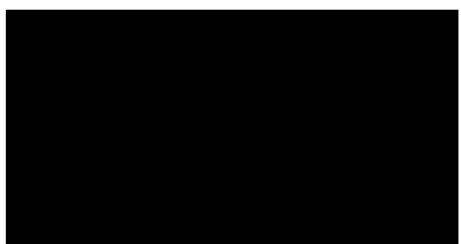
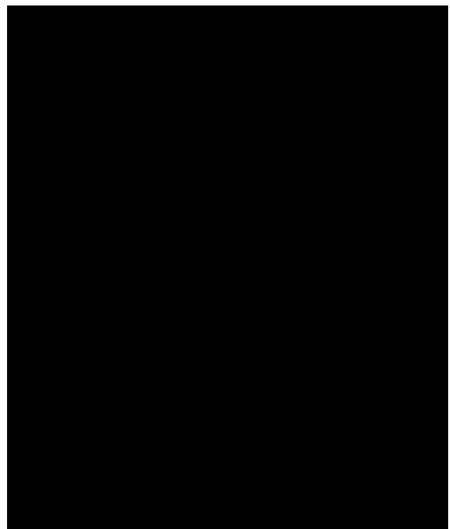
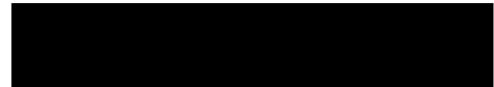
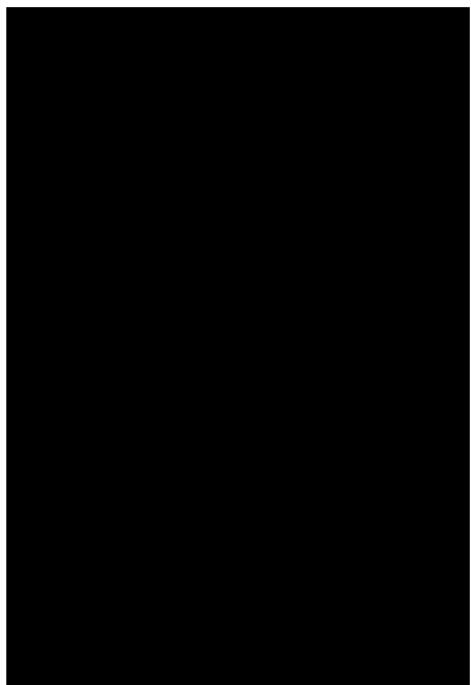
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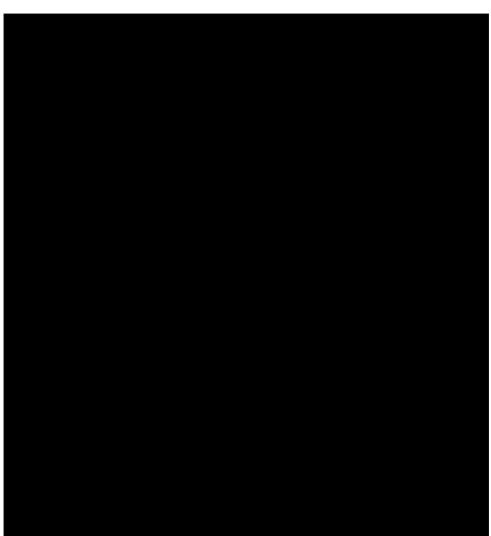
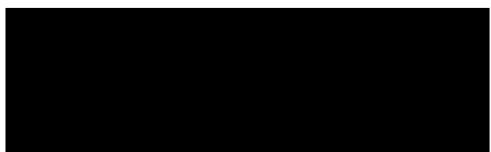
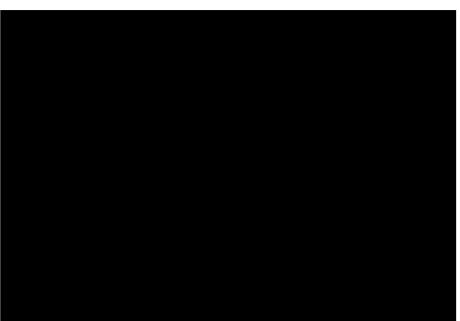
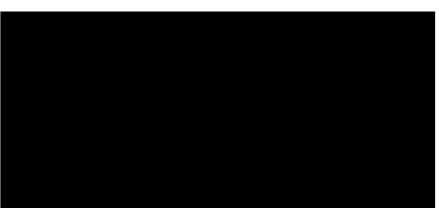
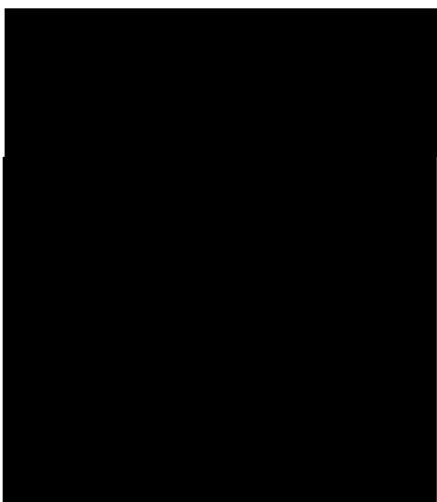
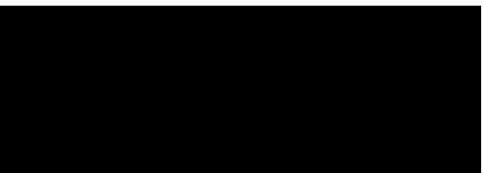
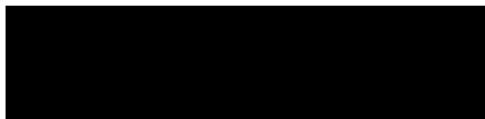
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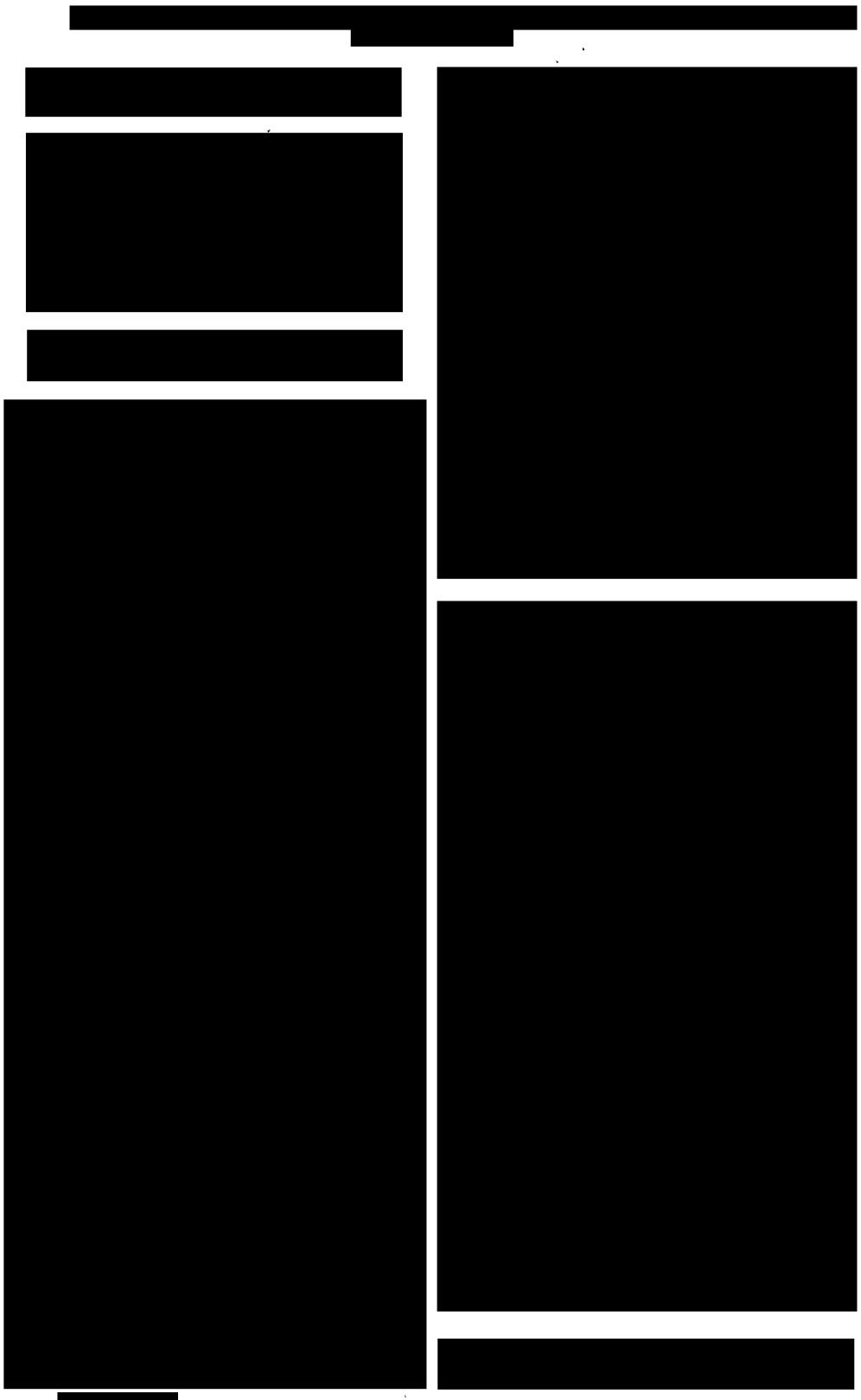
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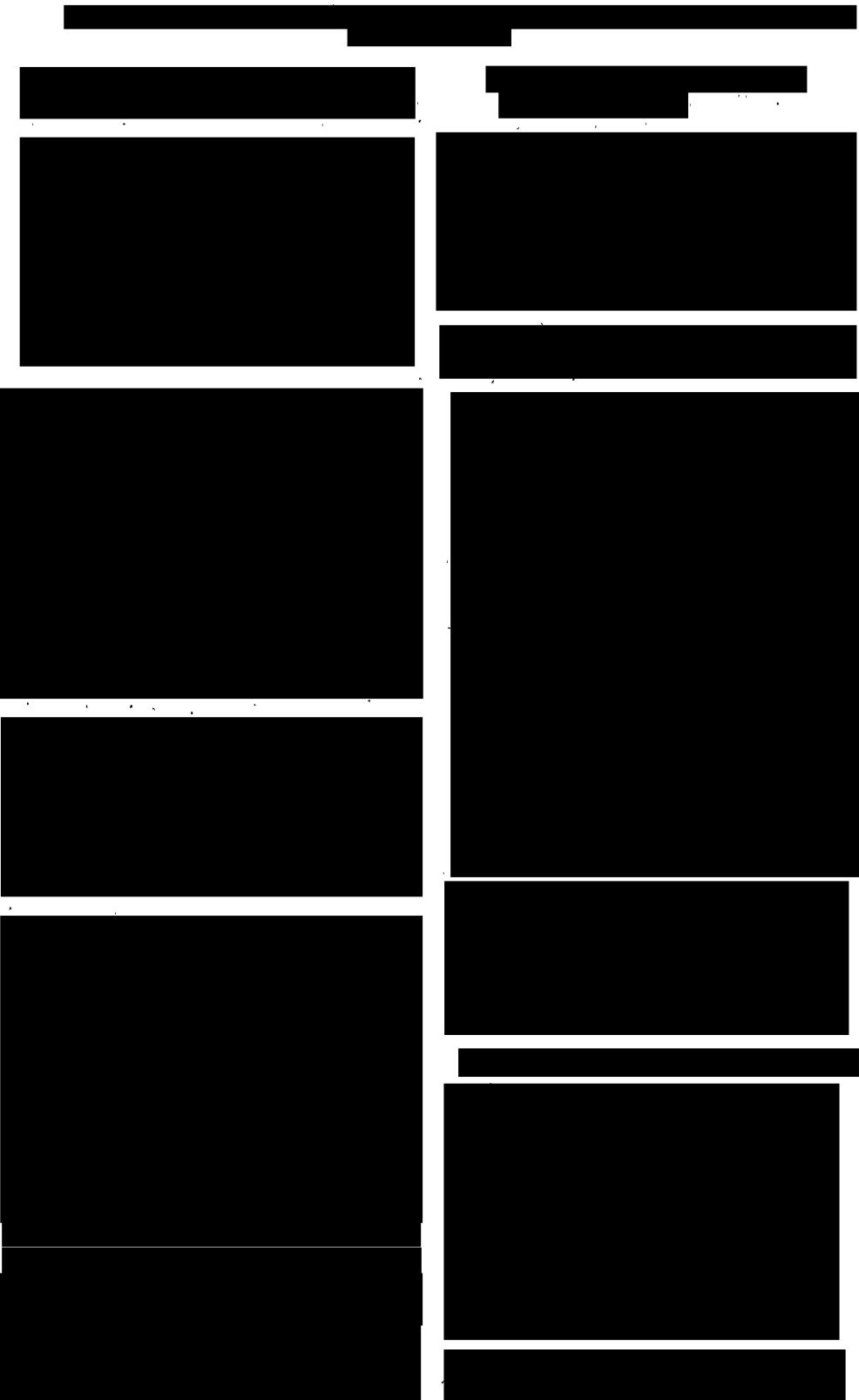


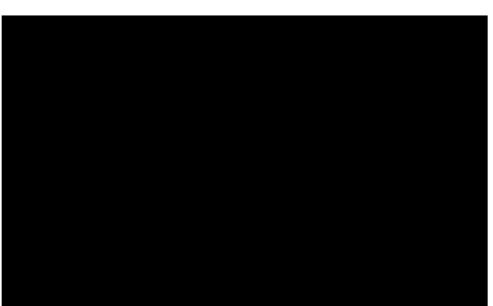
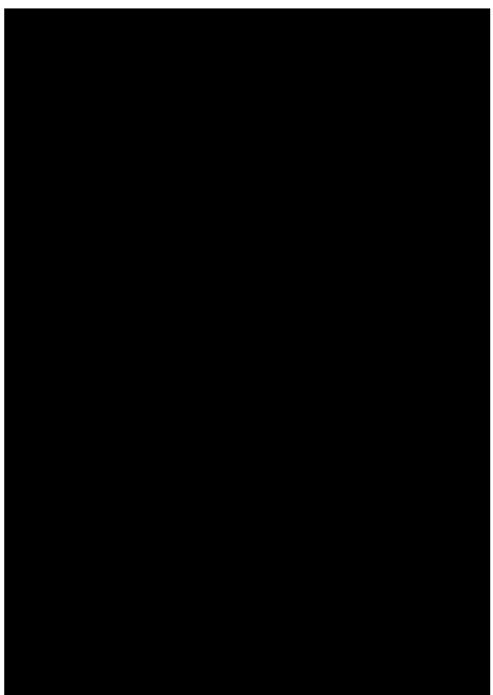
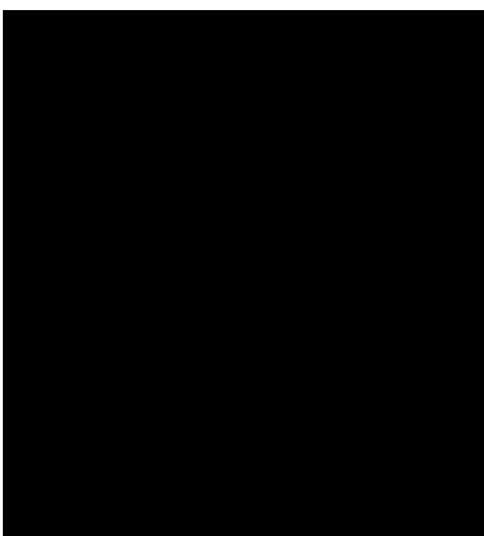
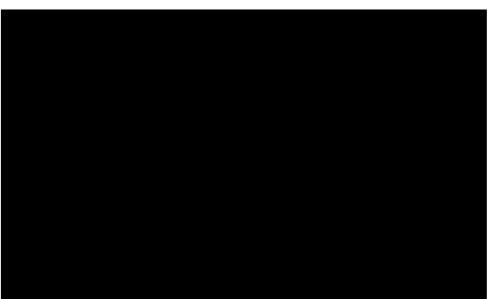
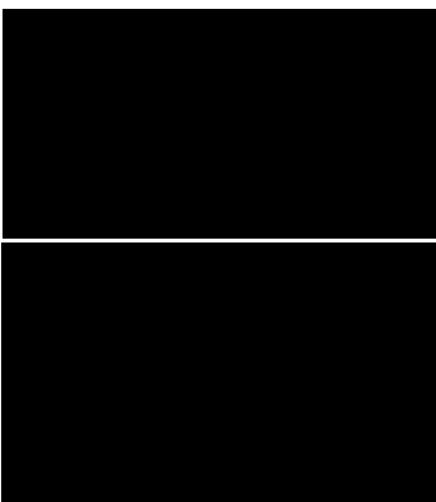


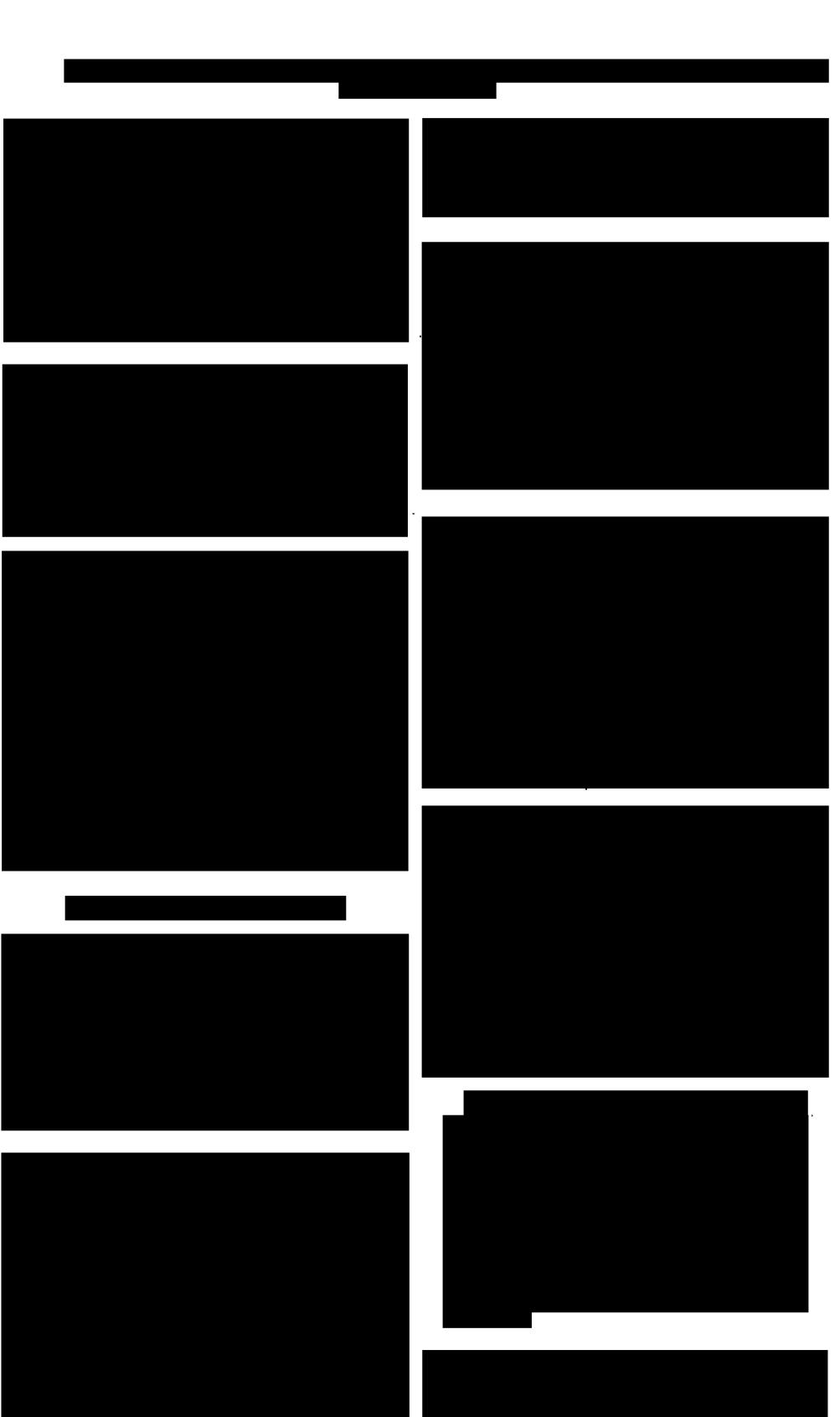
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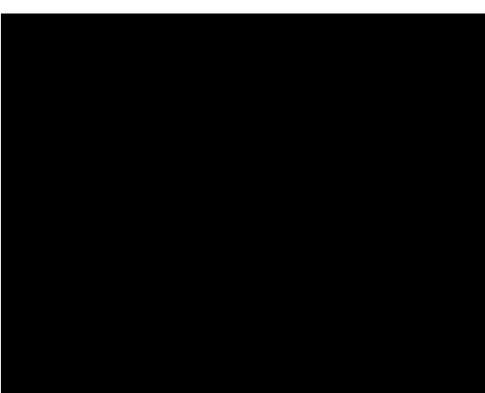
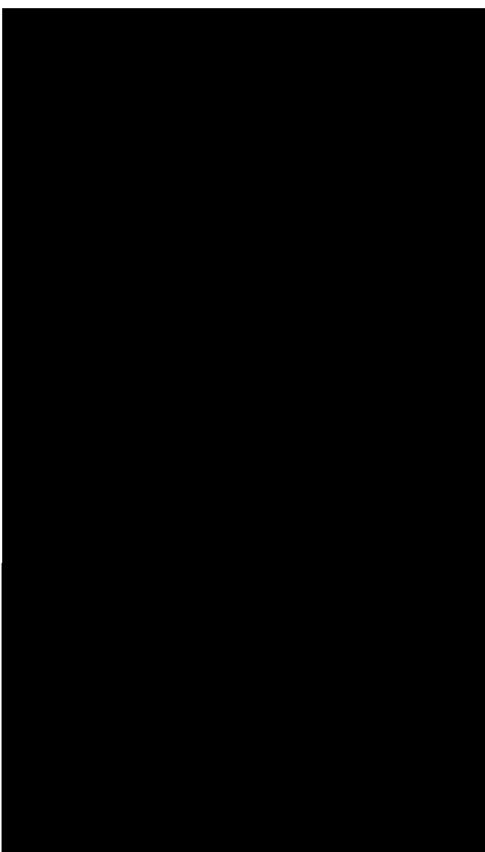


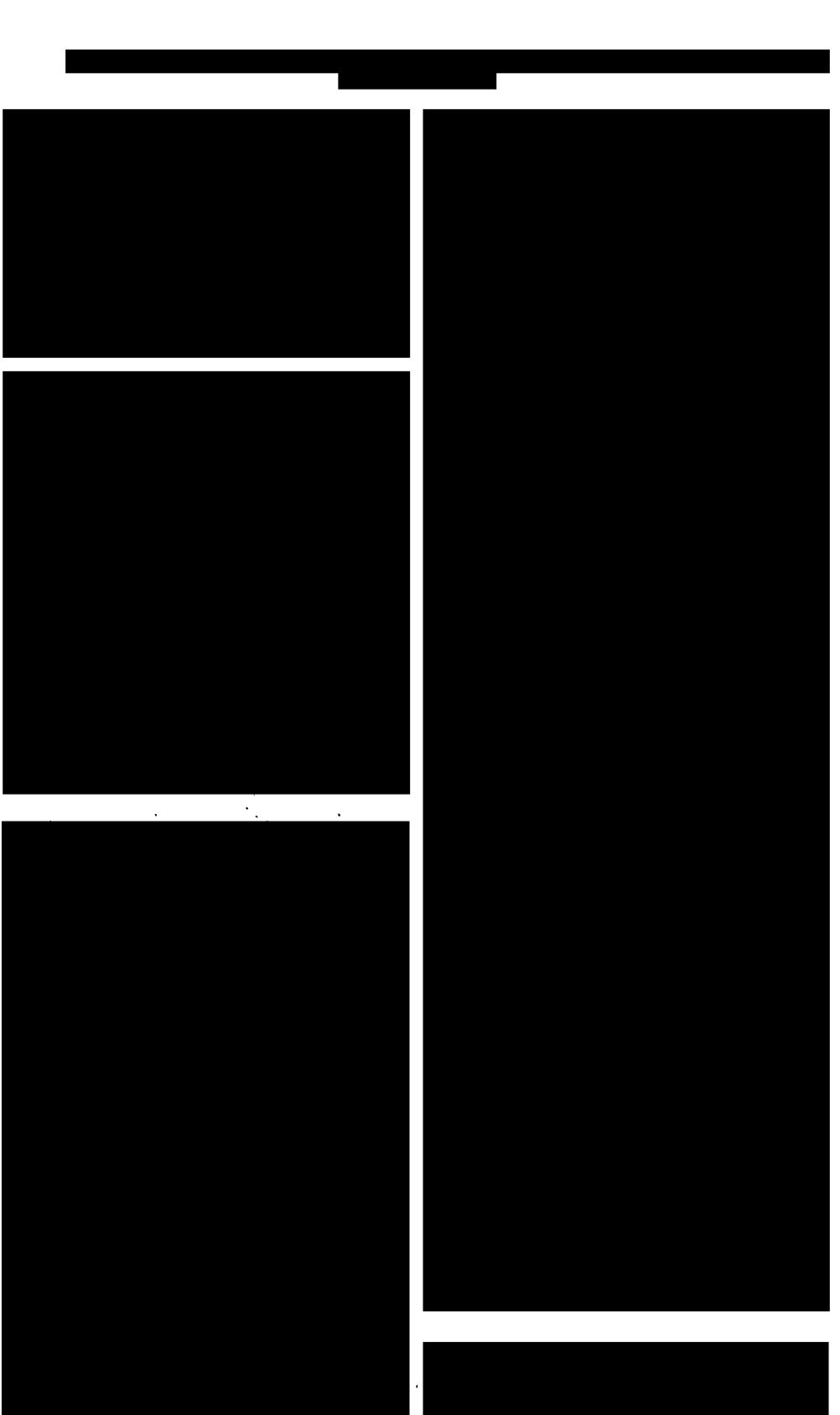
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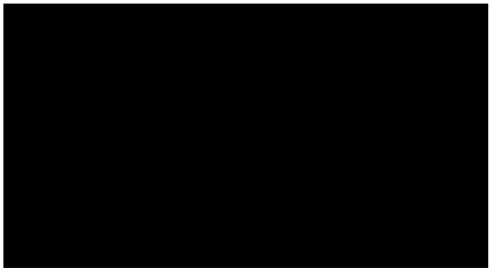
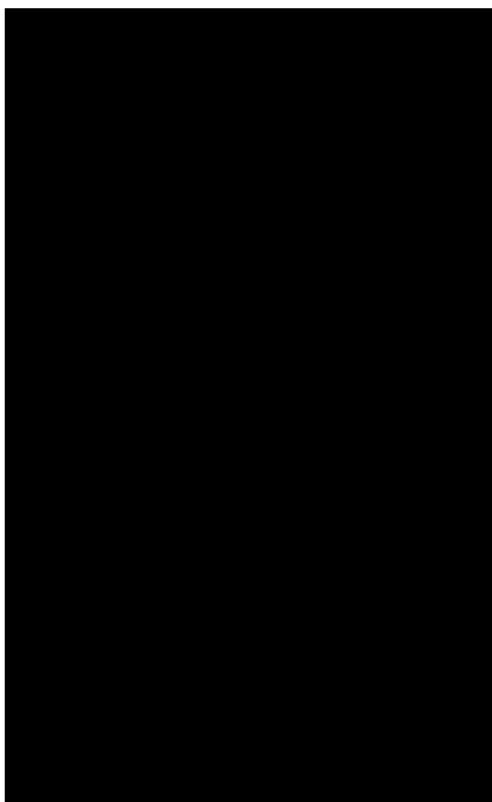
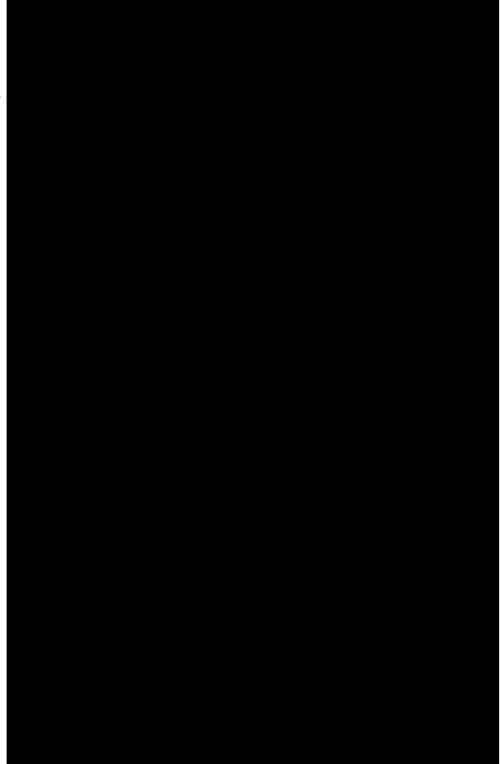
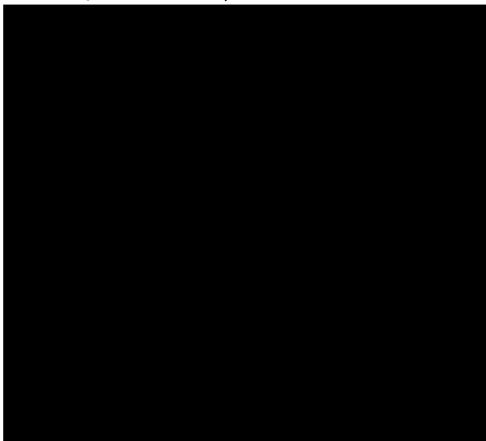
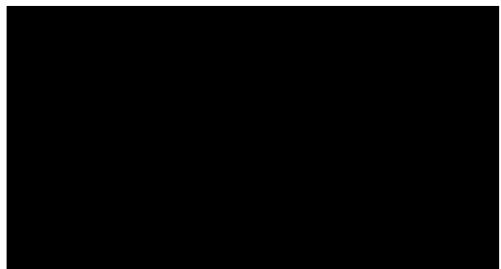
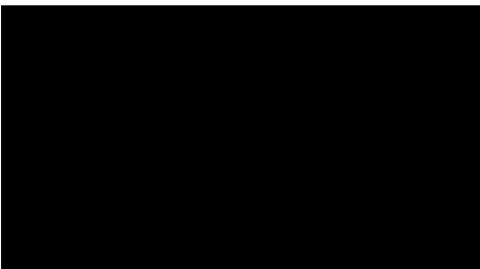












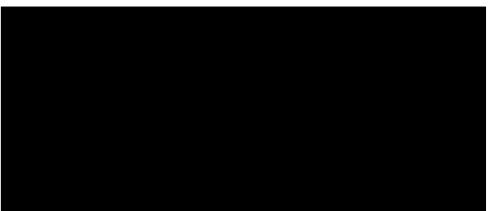
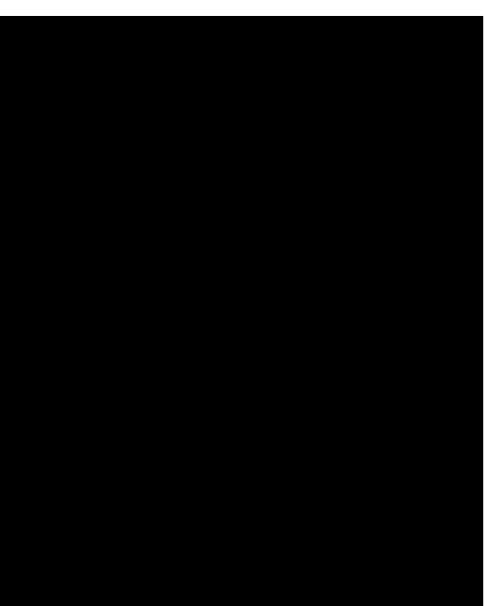
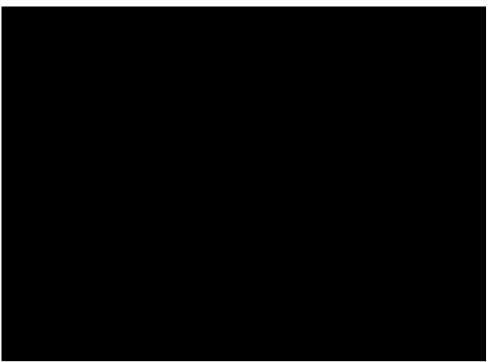
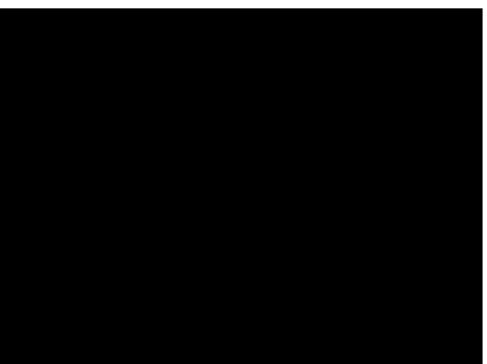
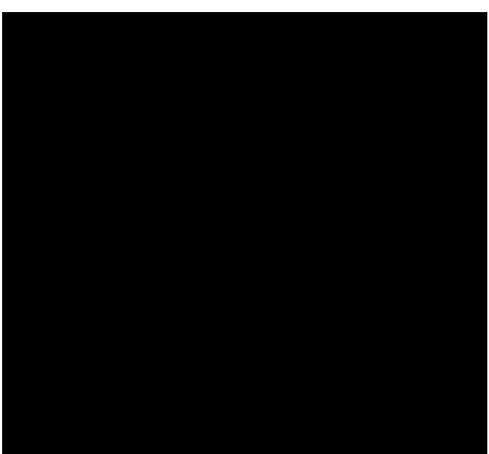
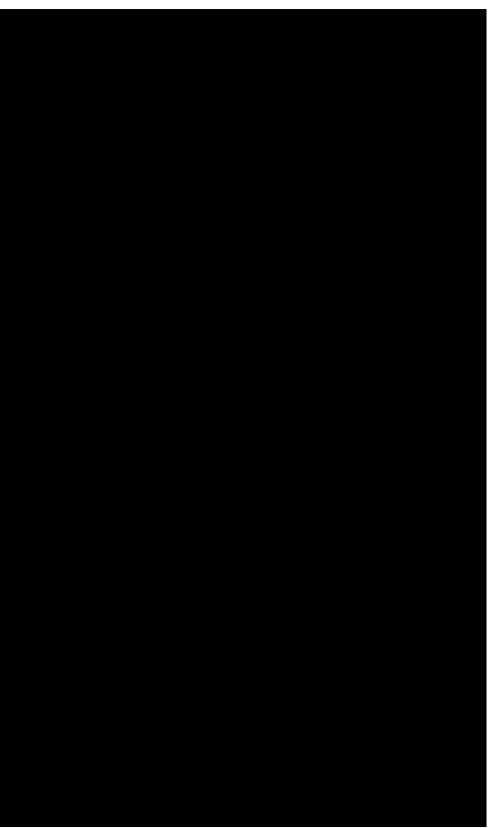
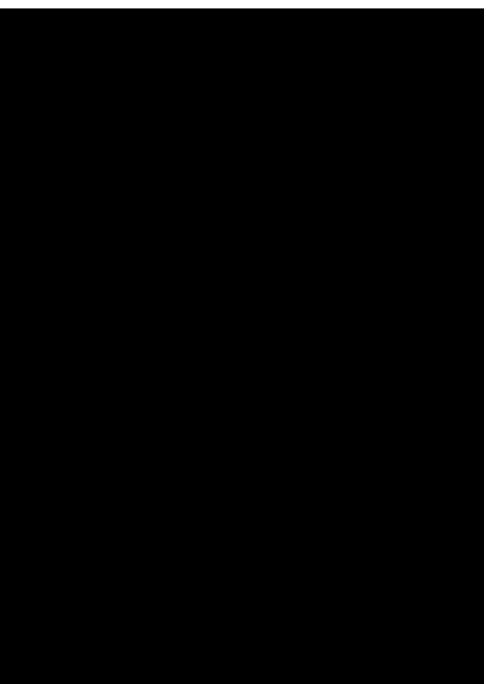
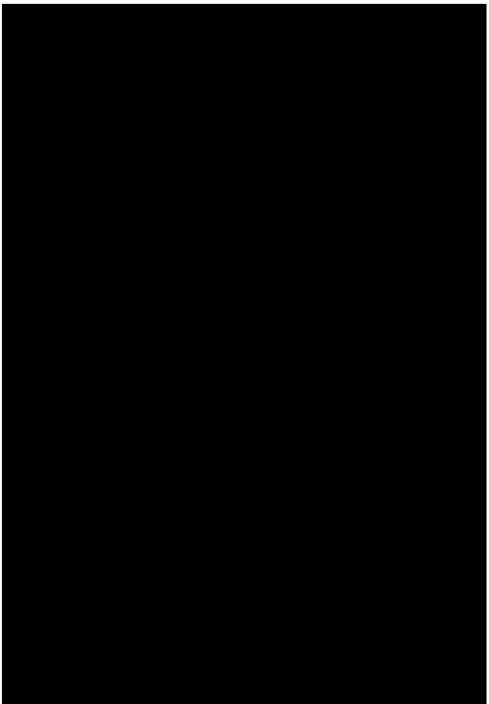
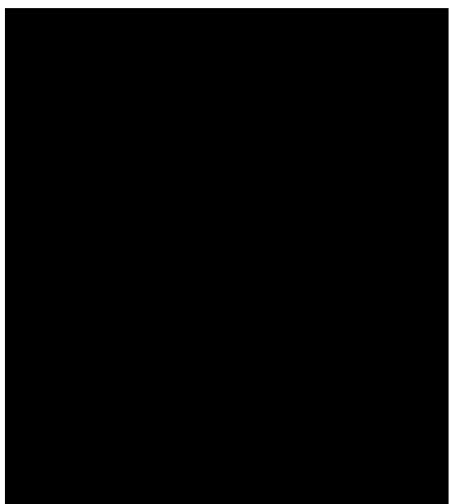
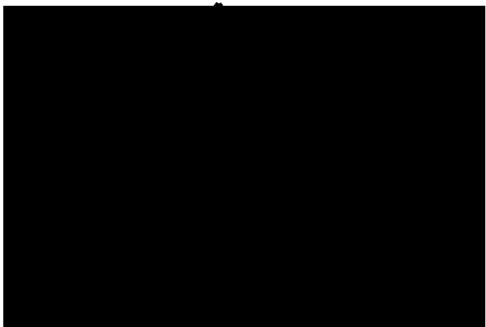
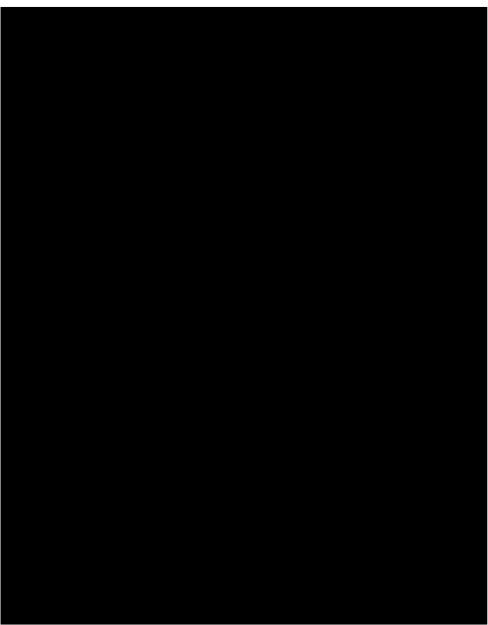
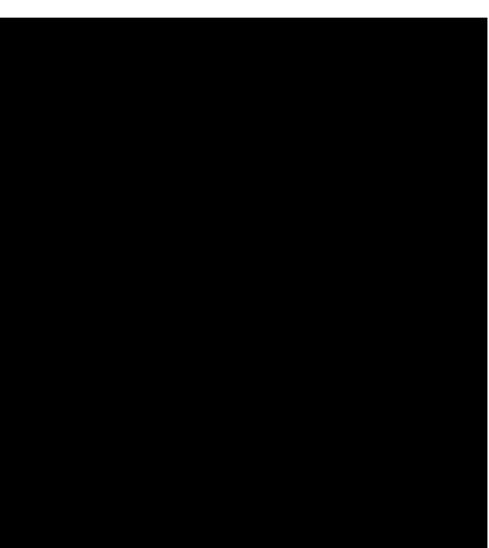
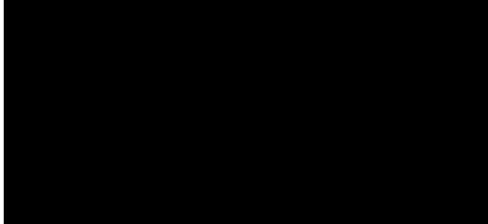
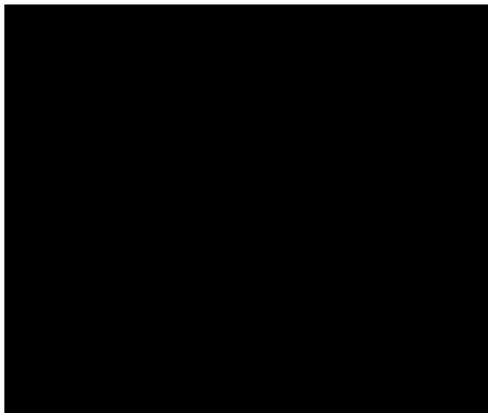
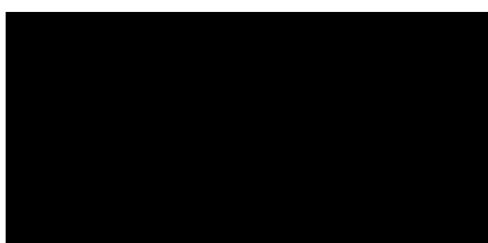
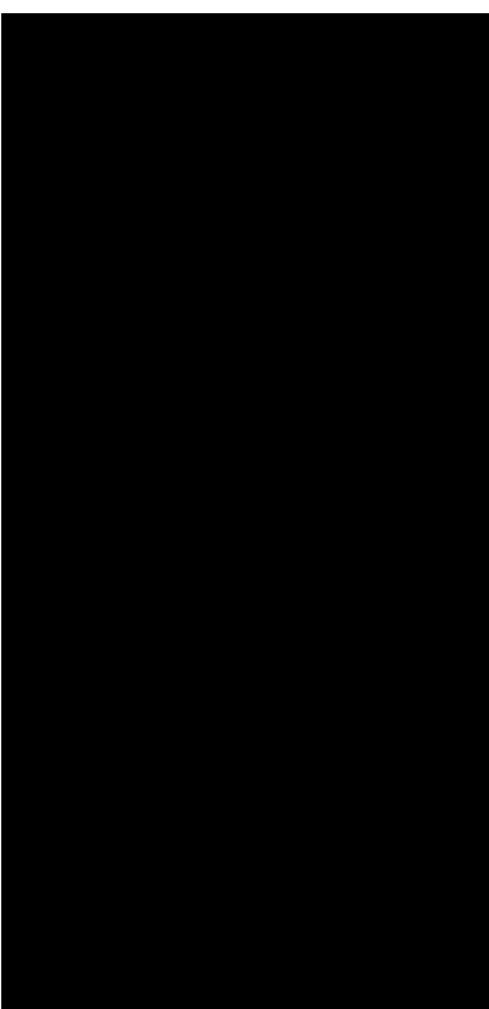


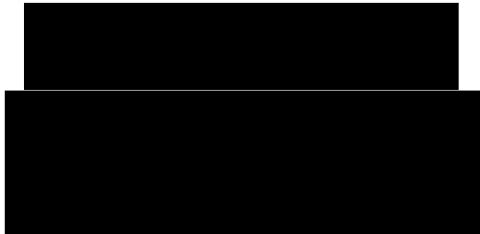
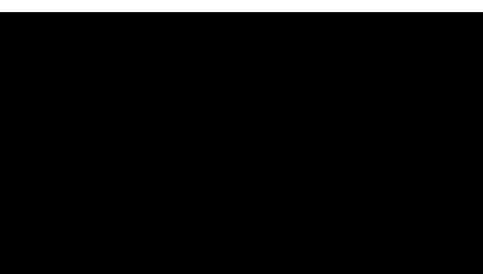
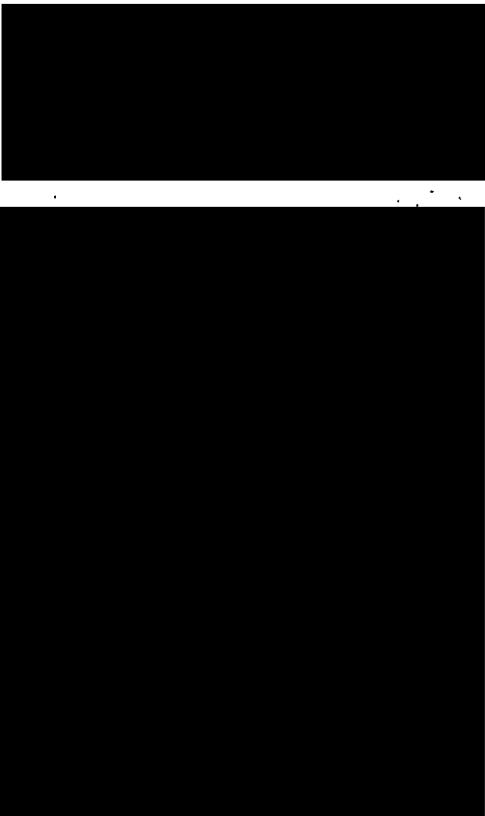
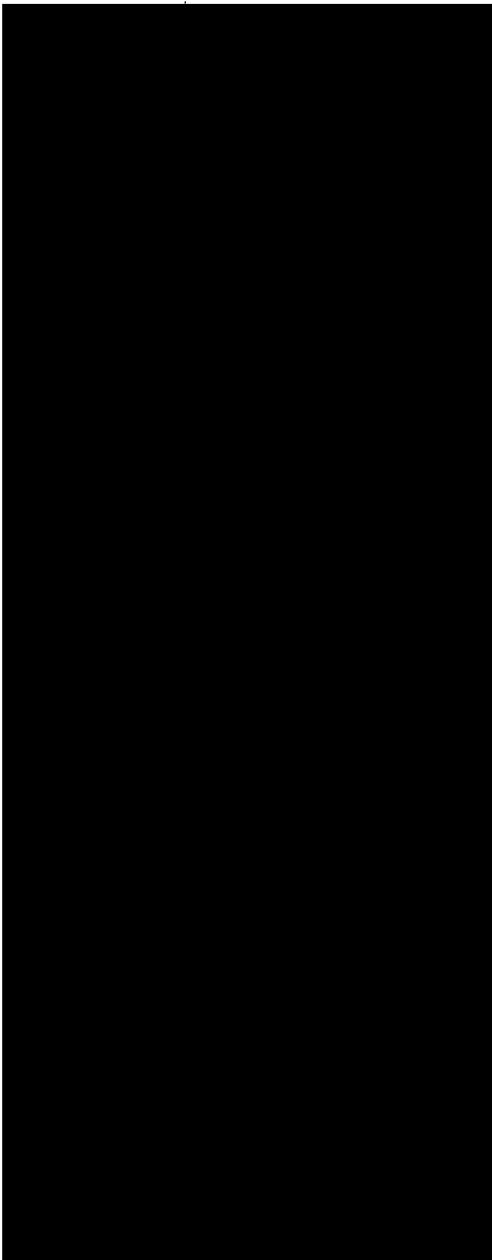


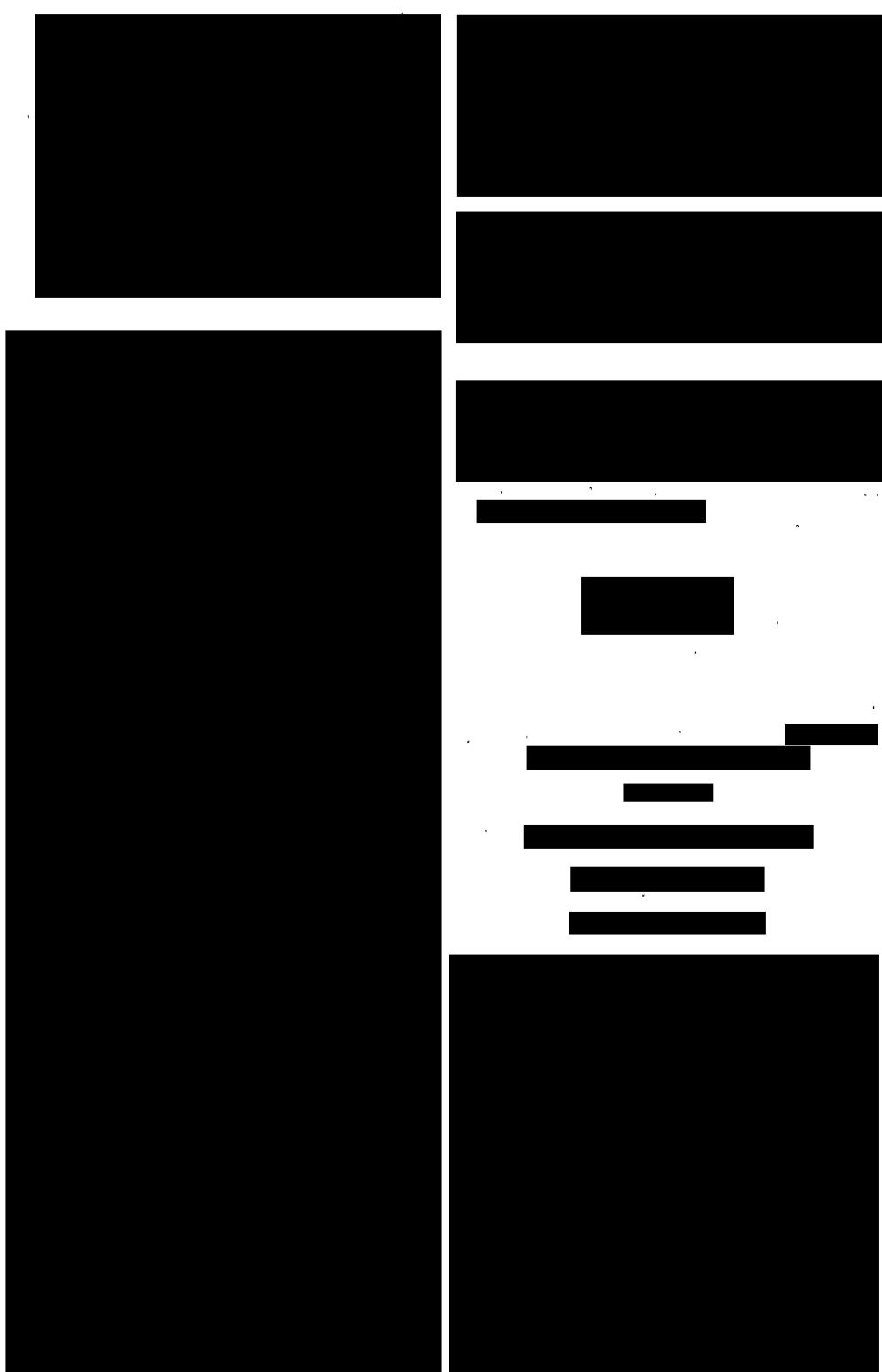


Fig. 1 Morphological variations observed in Serranus sp. collected from the eastern Mediterranean Sea





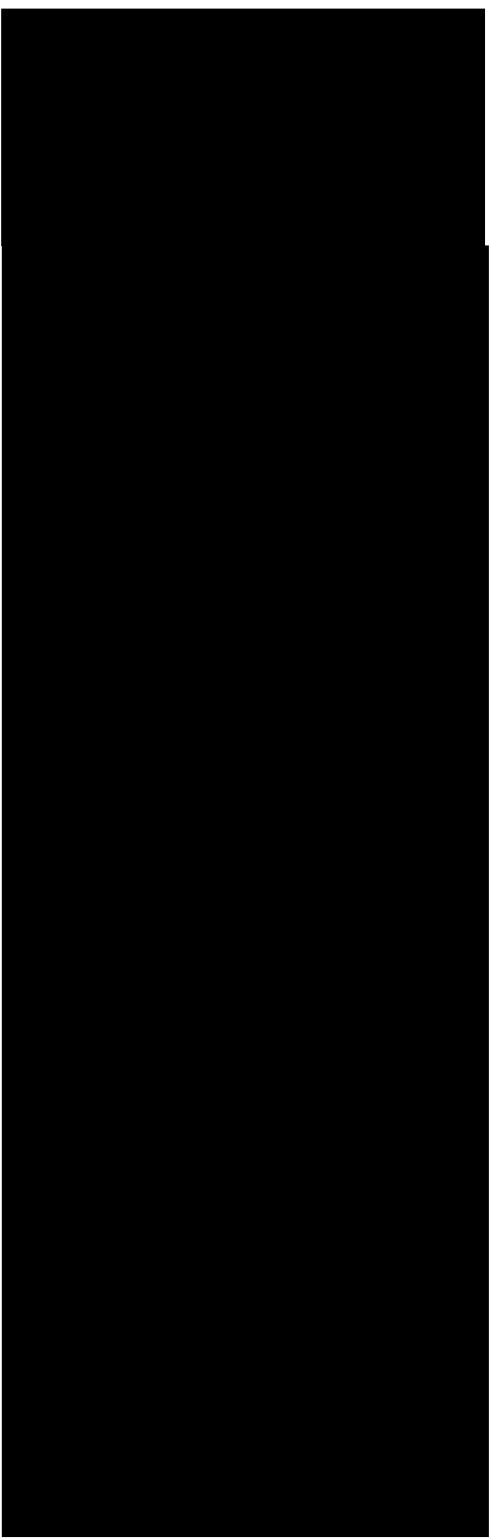
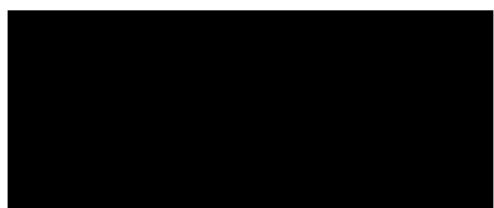
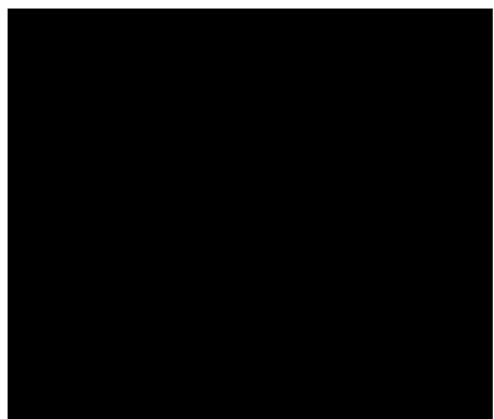
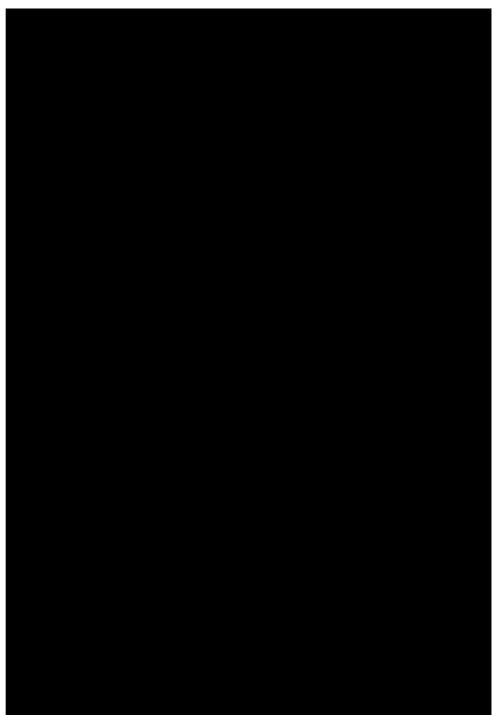
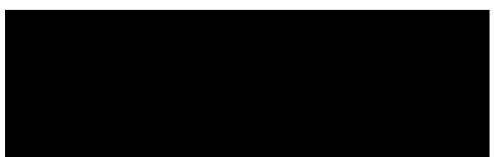


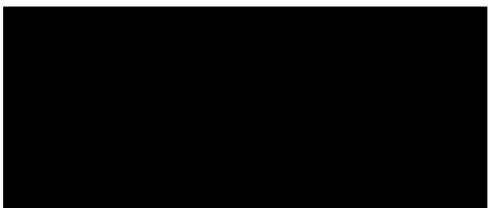
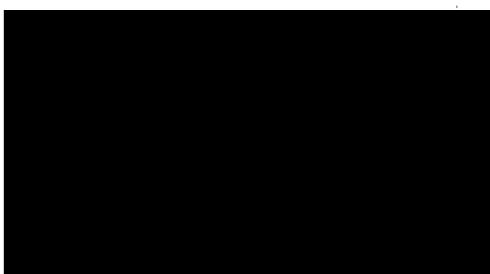
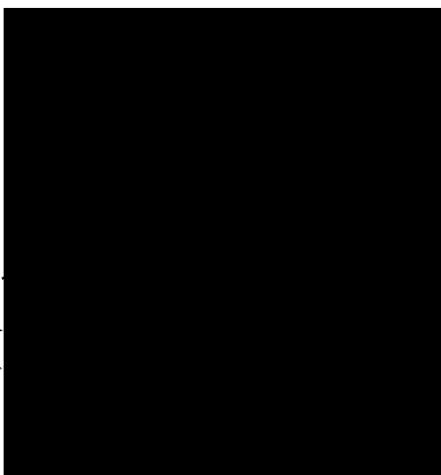
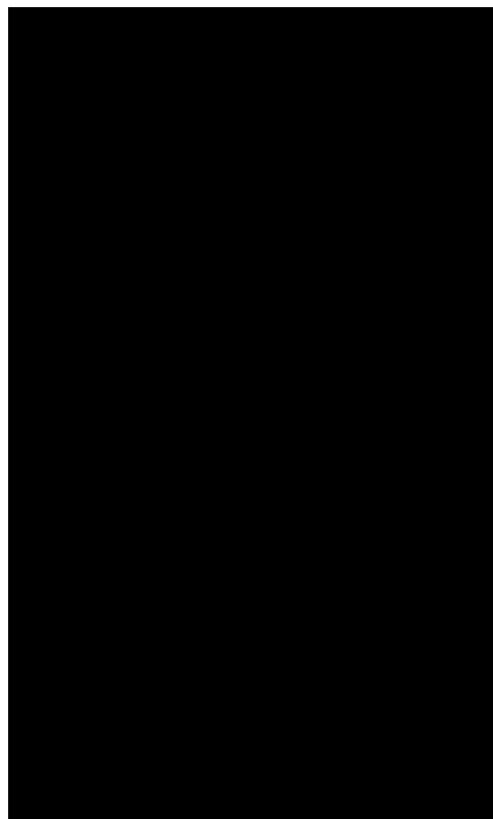
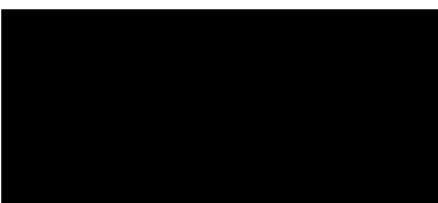
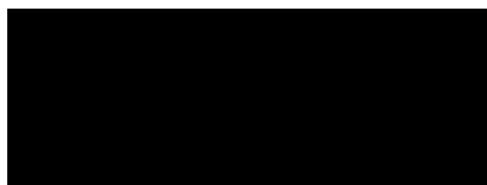


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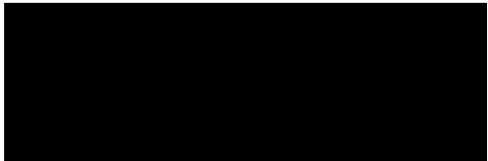
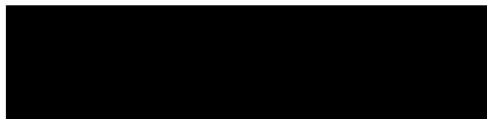
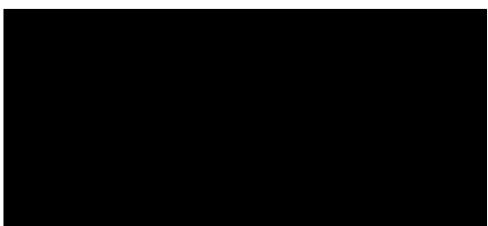
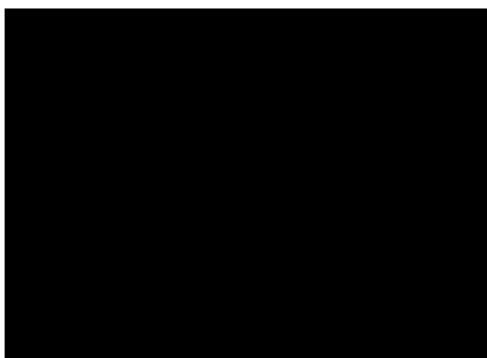
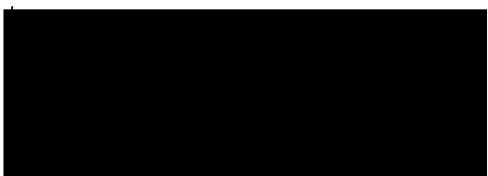
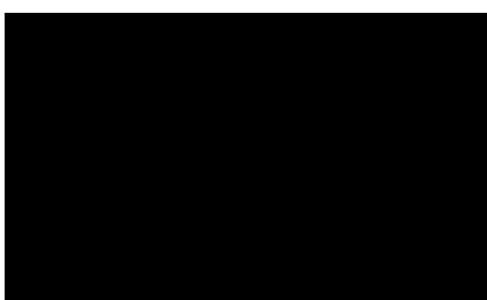
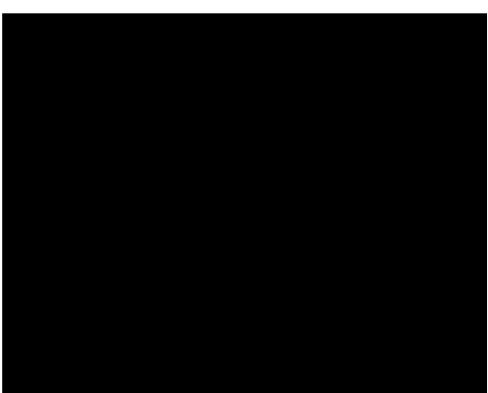
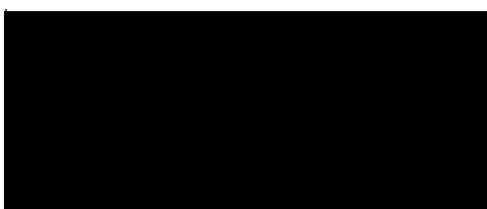
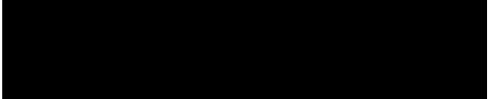
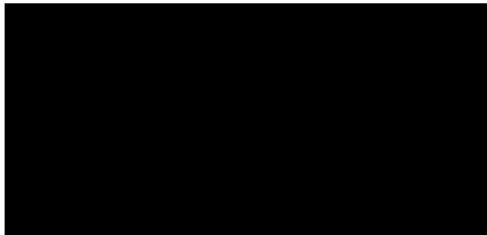
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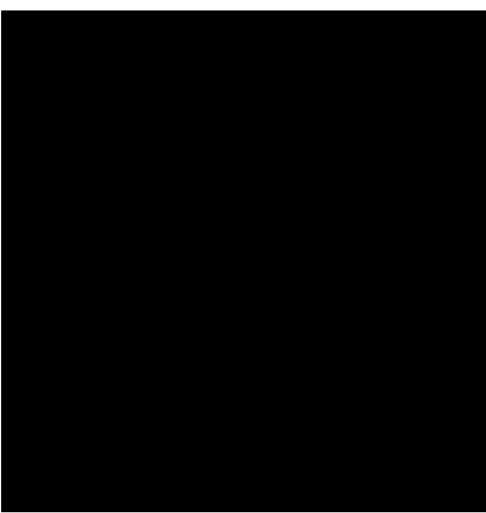
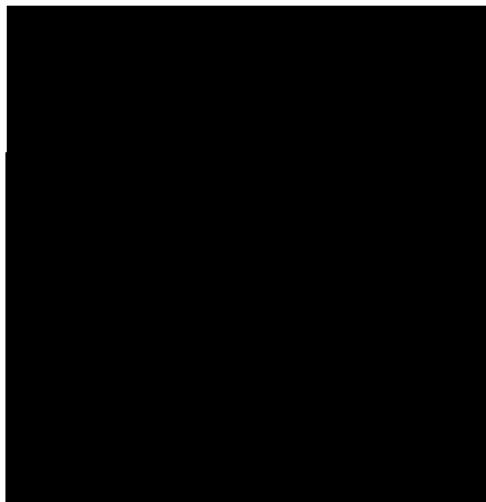
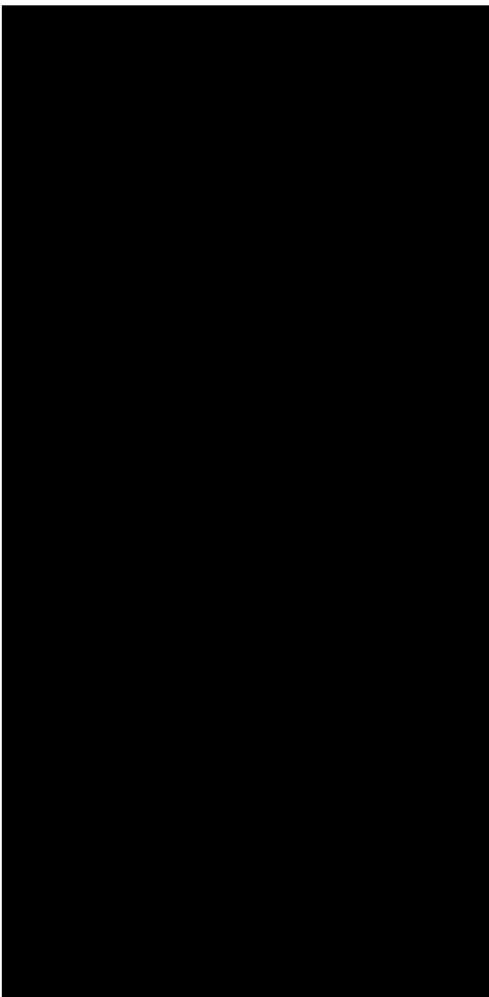
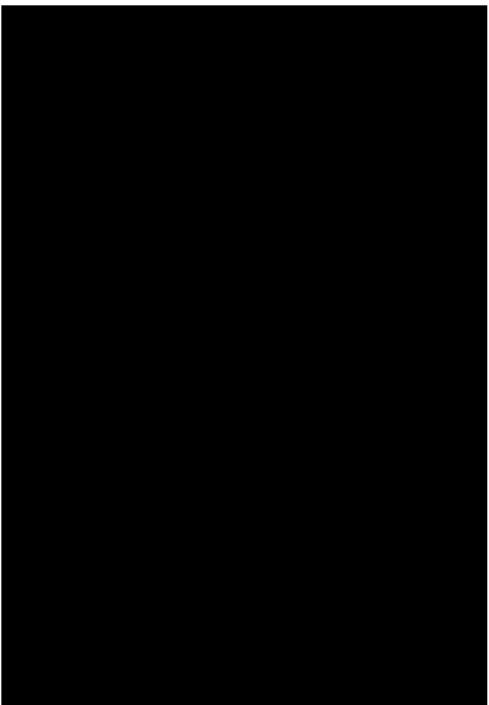
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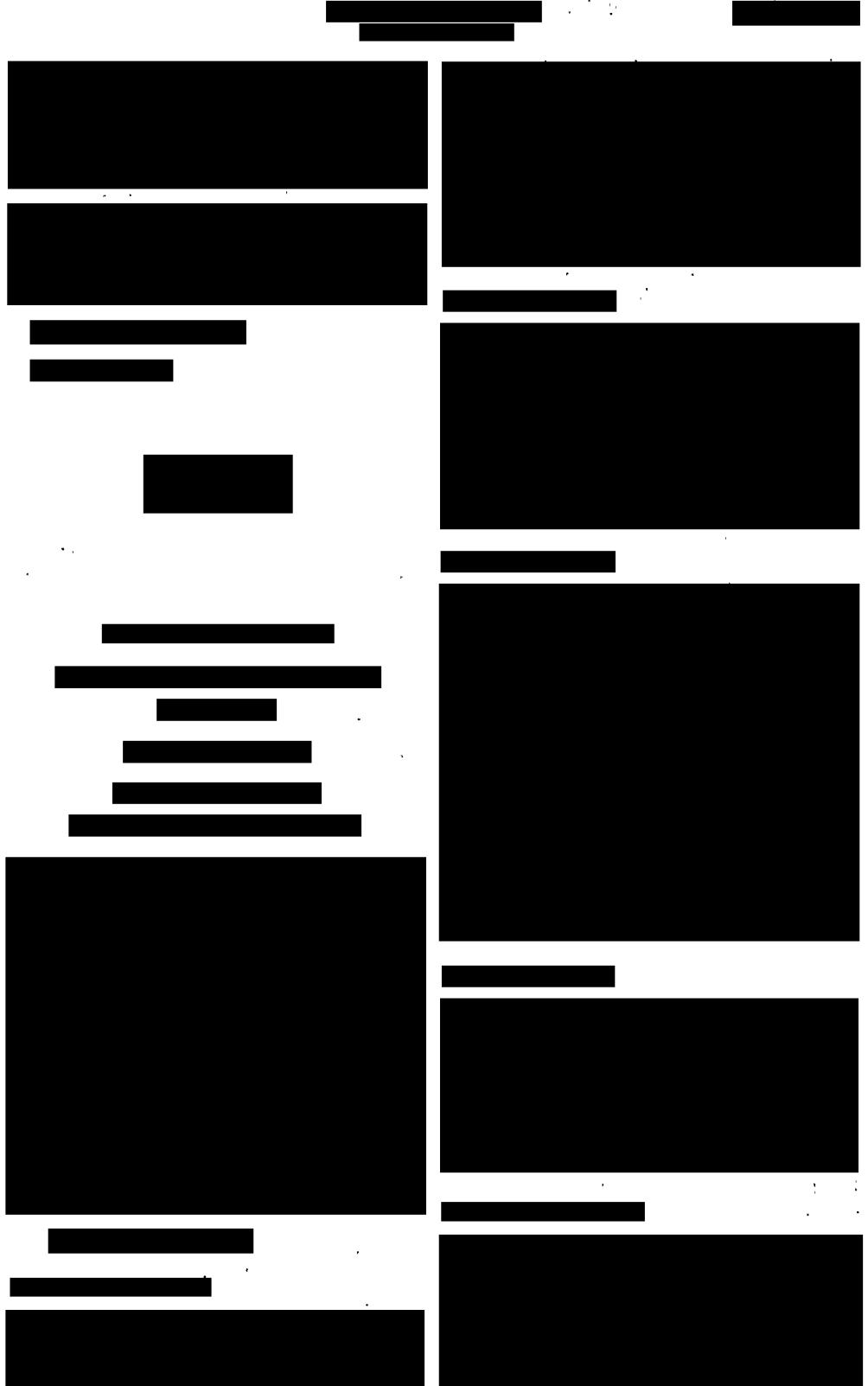


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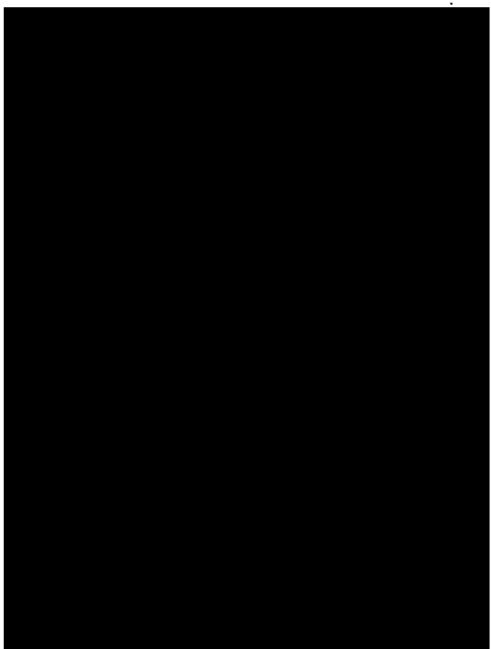
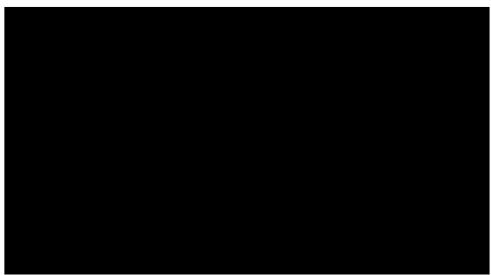
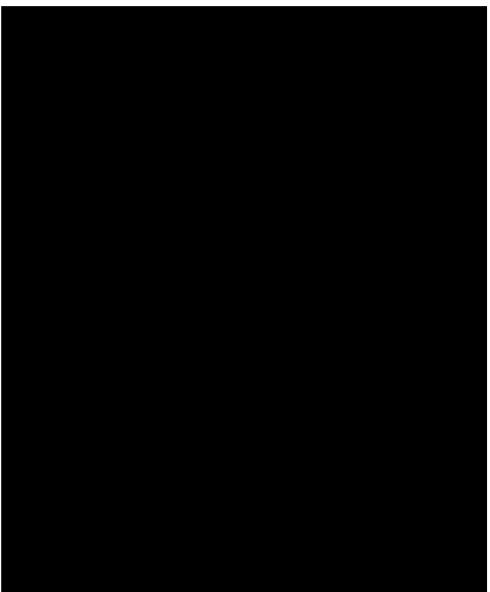
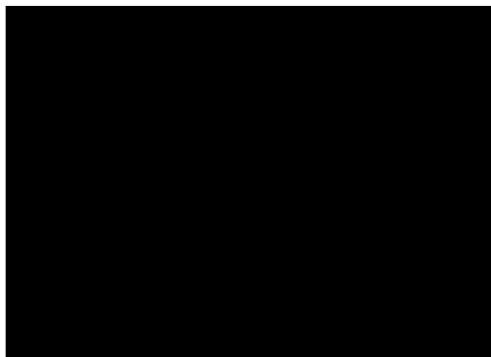


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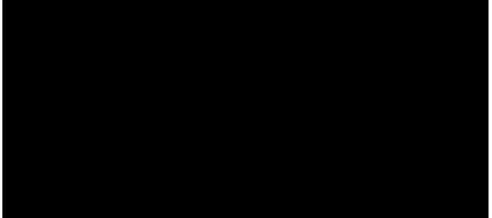
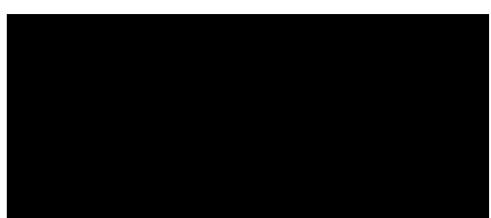
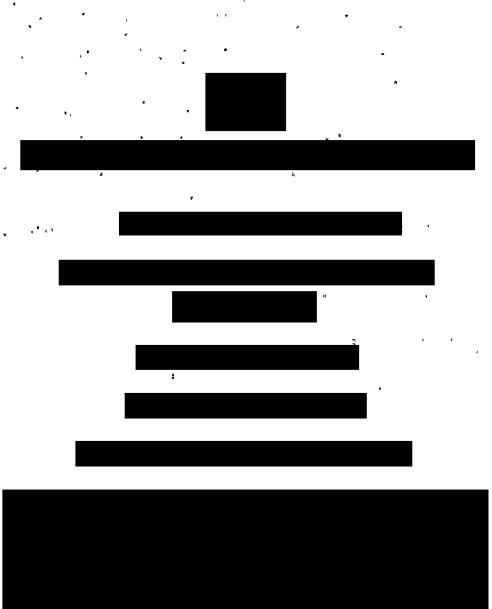
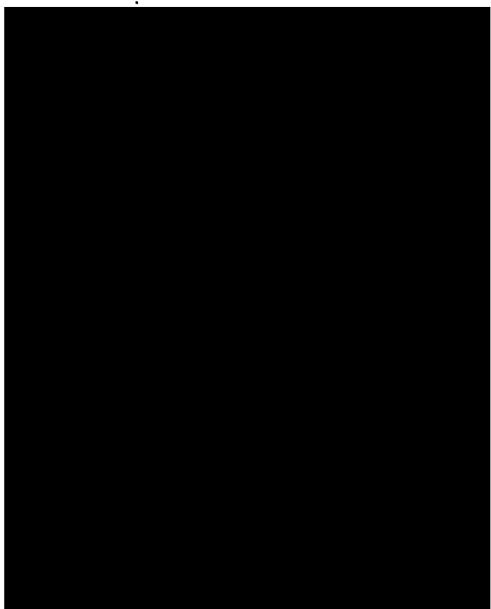
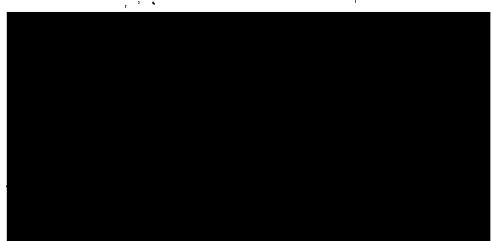
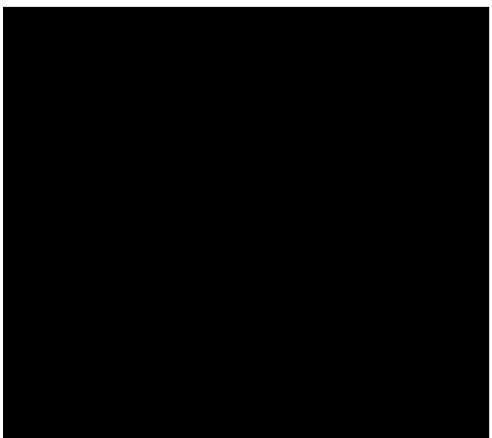
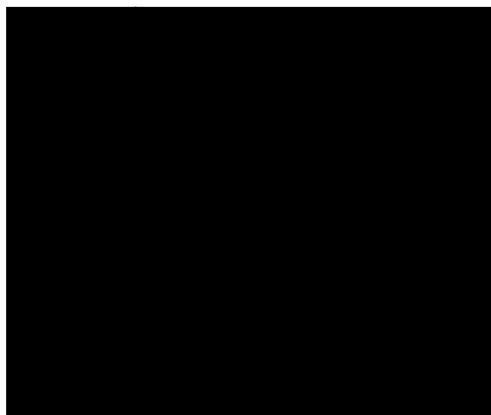
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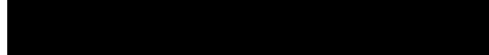
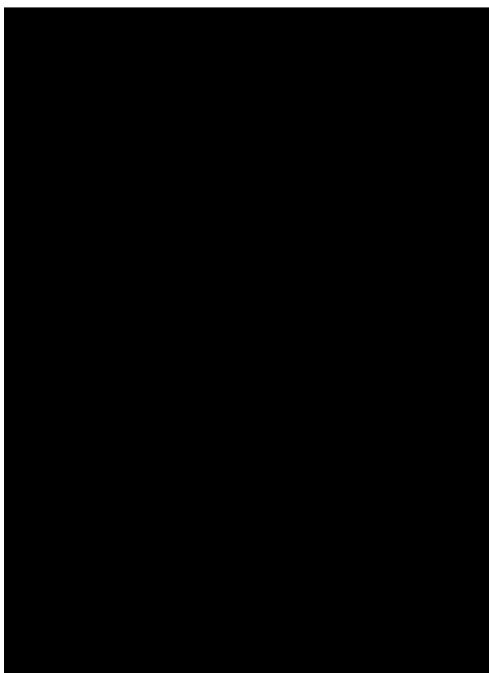
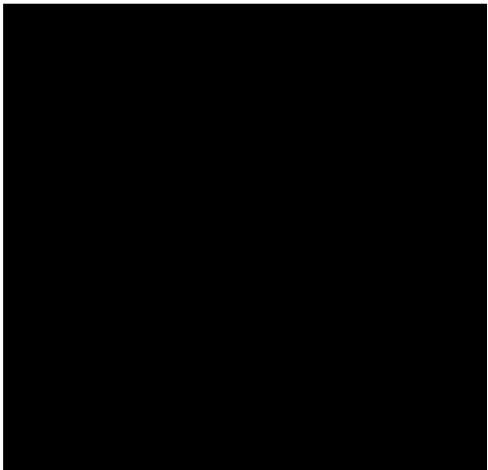
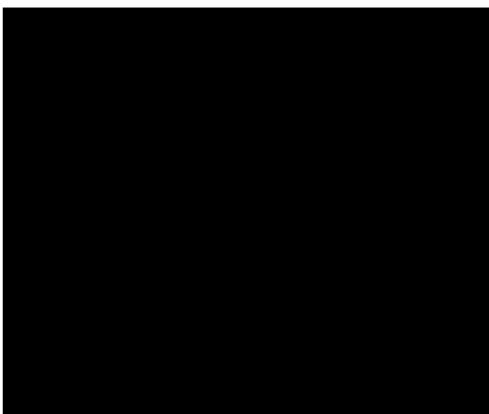
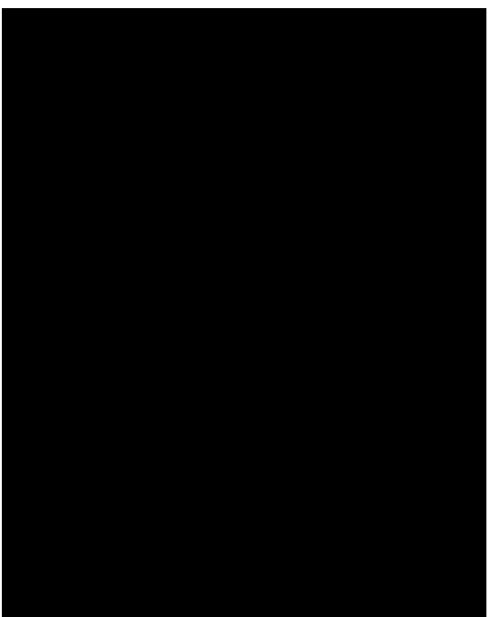
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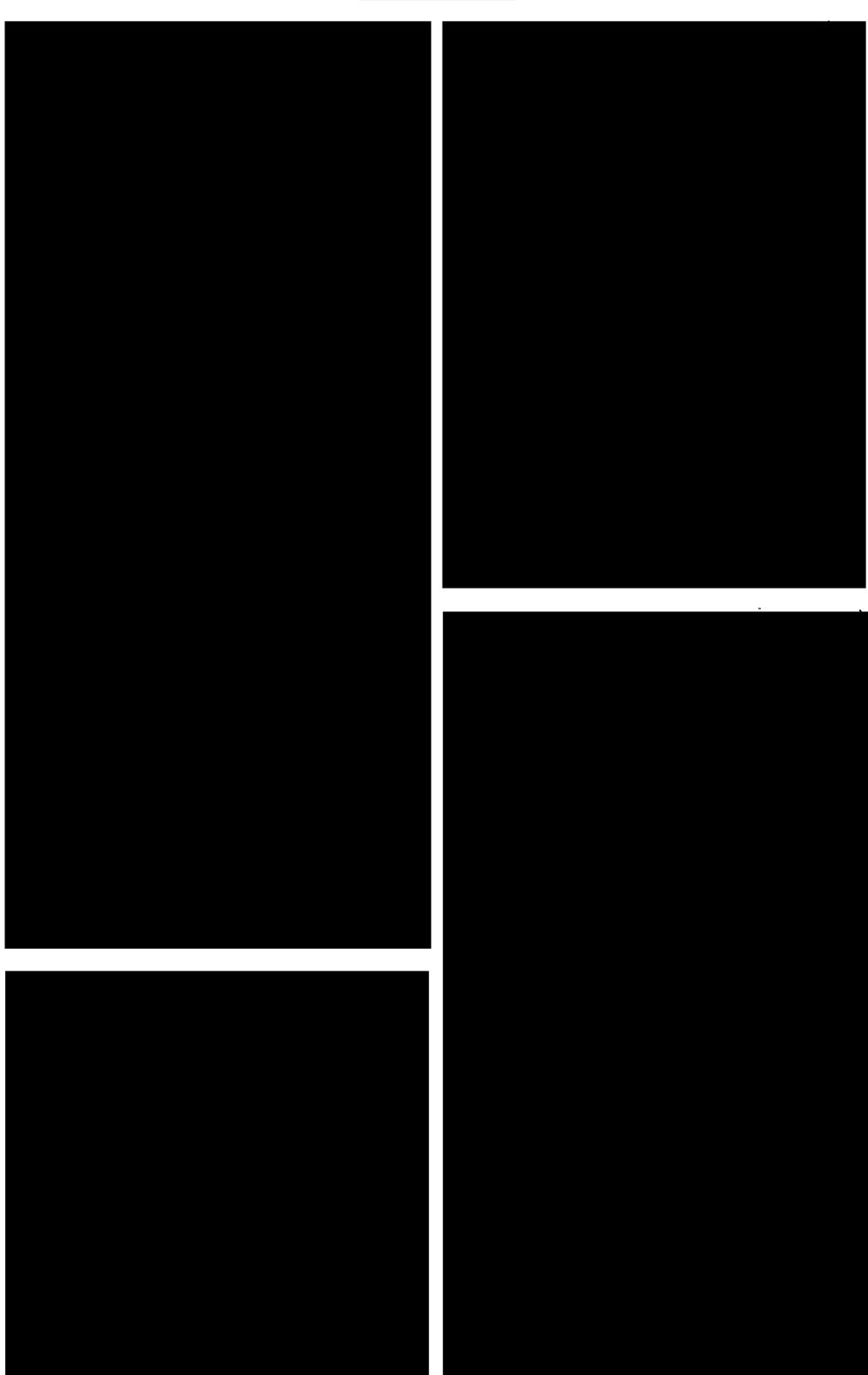


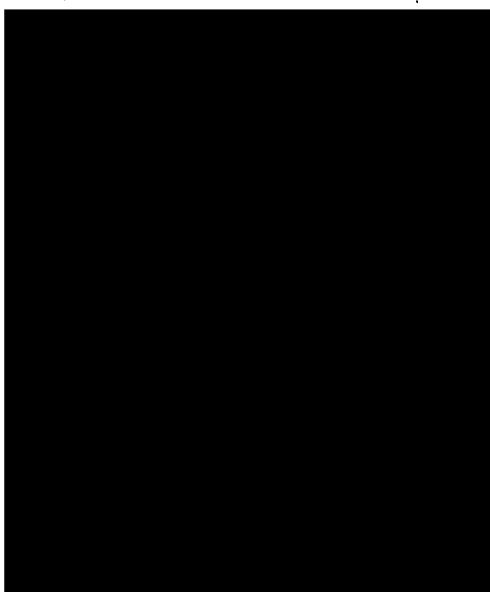
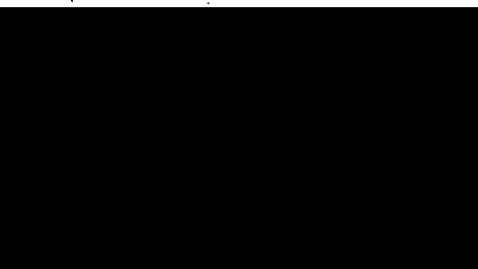
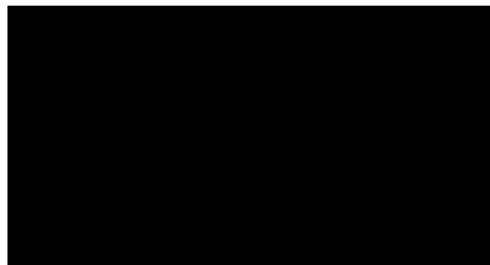
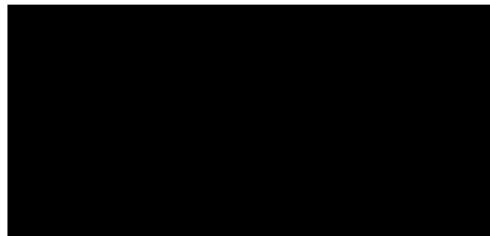
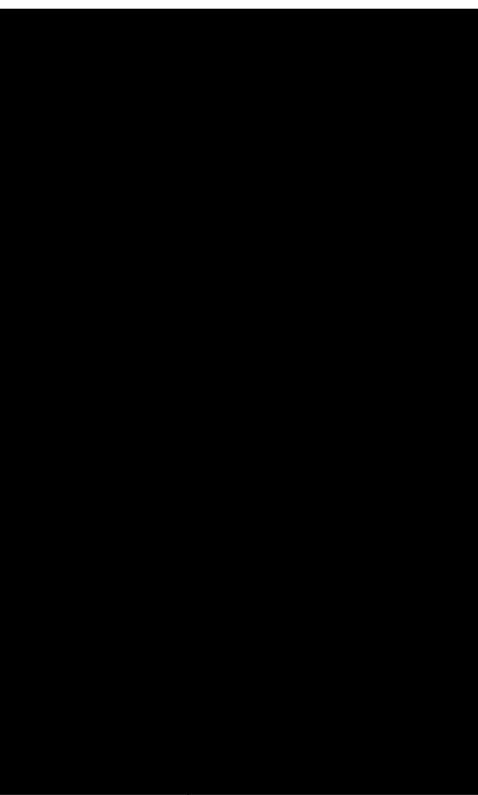
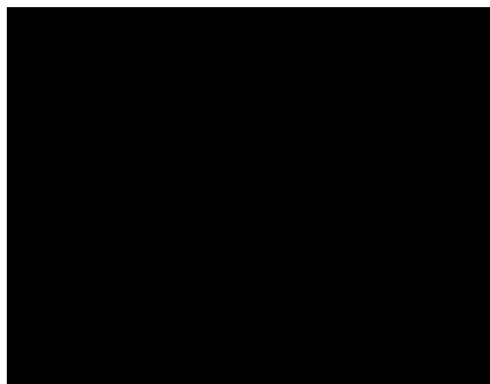
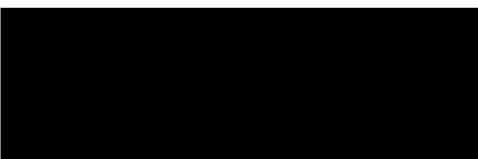
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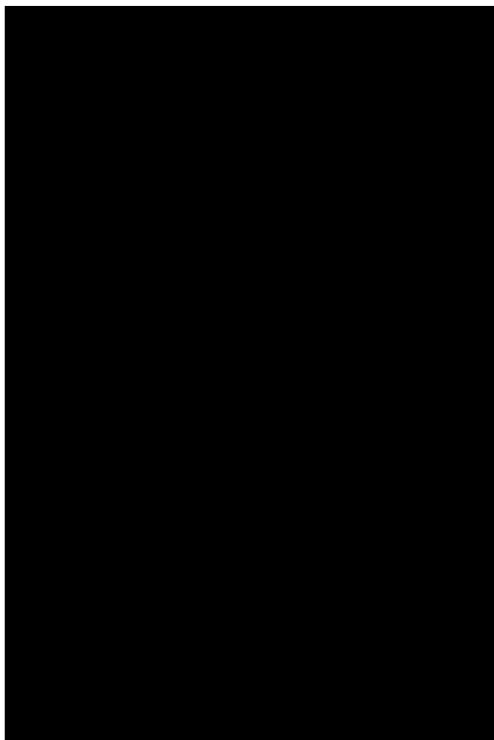






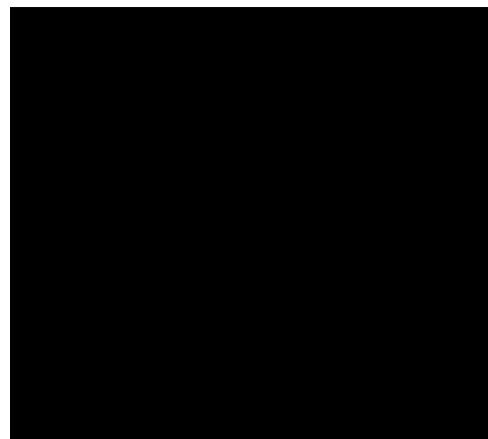
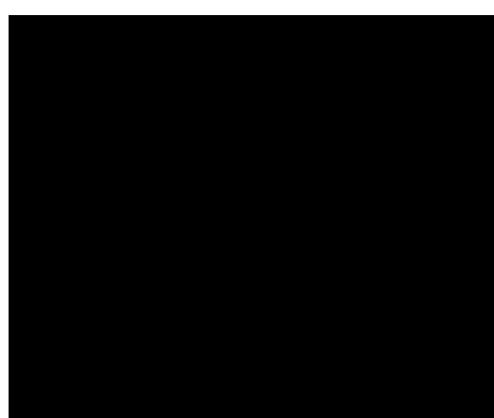
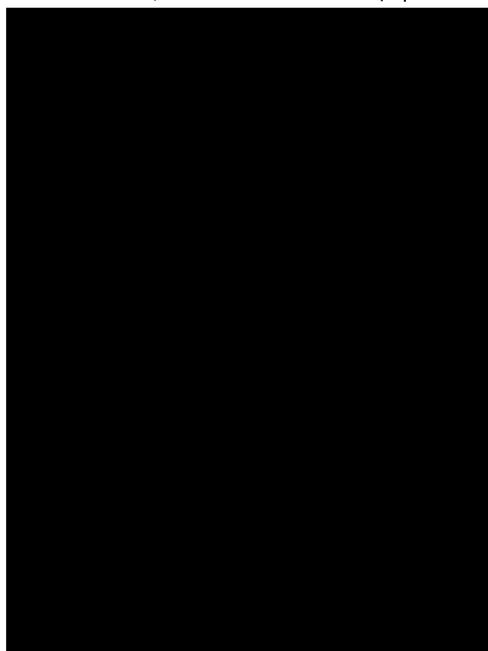
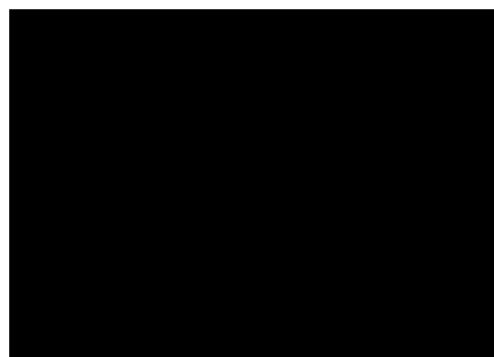


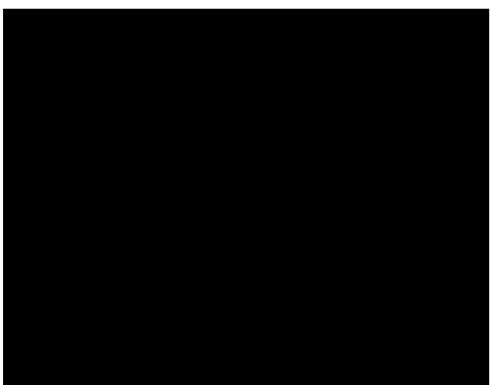


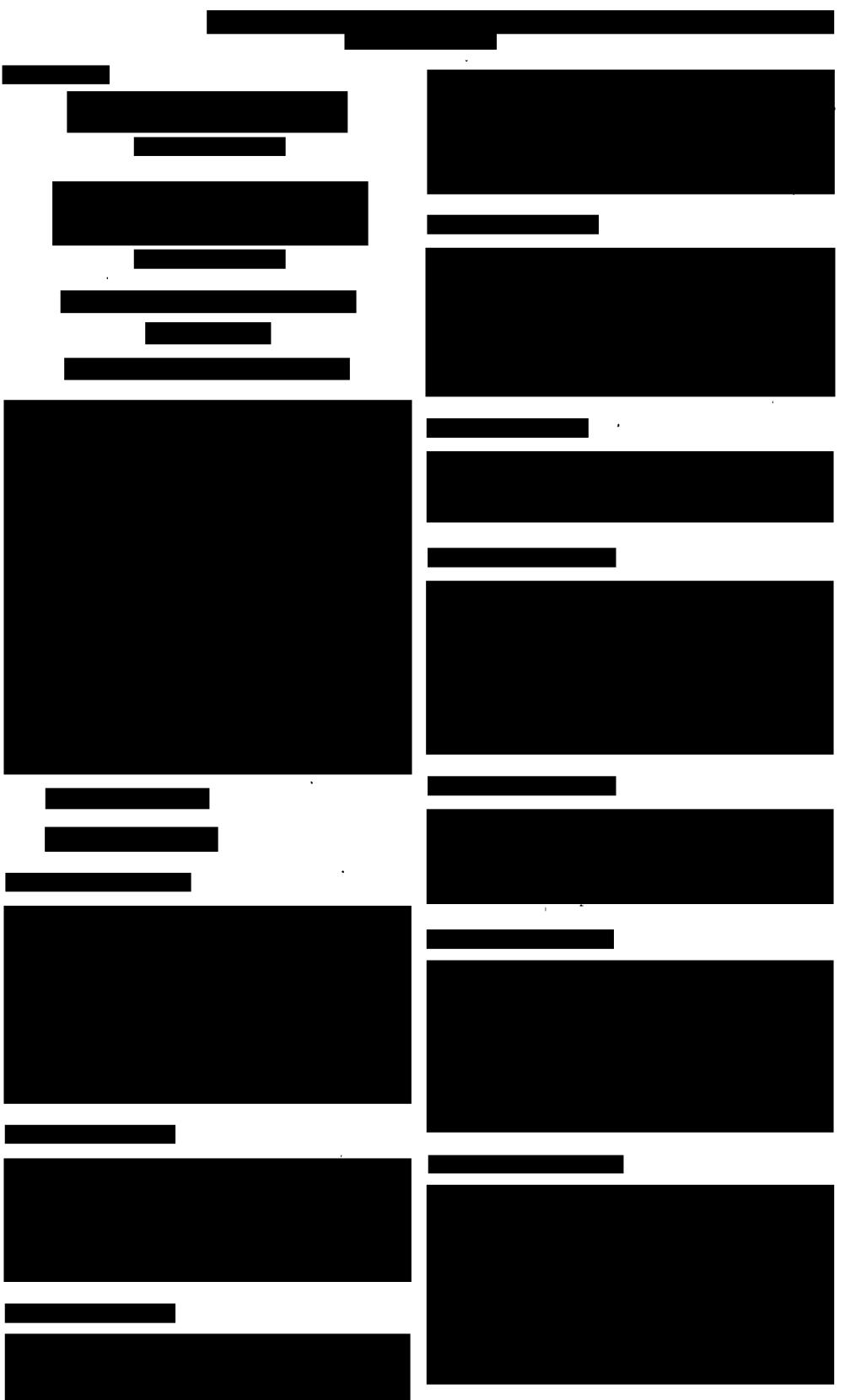


REDACTED

REDACTED







[REDACTED]

[REDACTED]

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[REDACTED]

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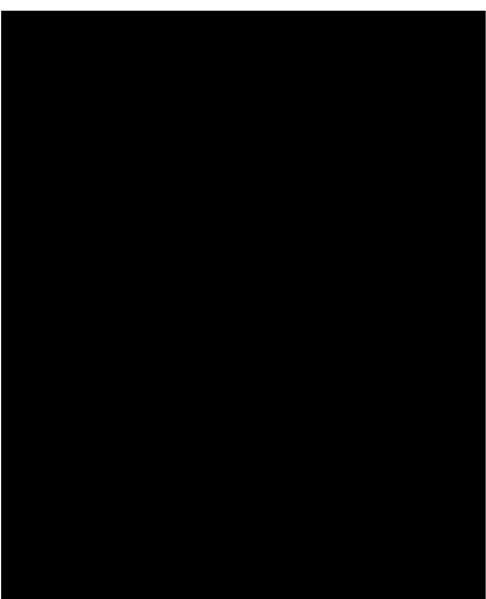
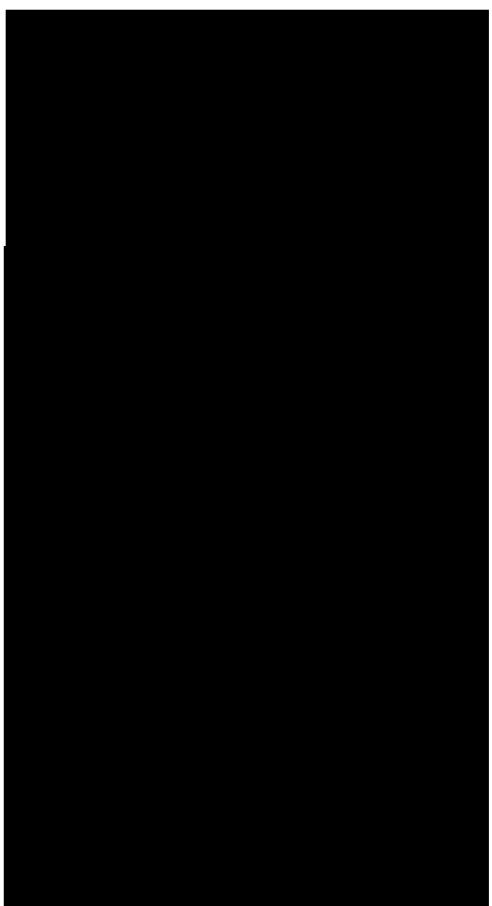
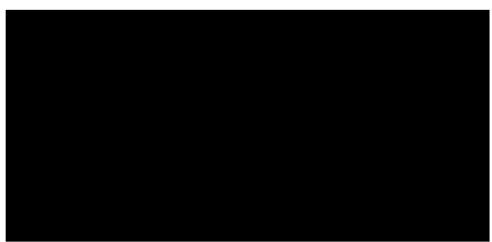
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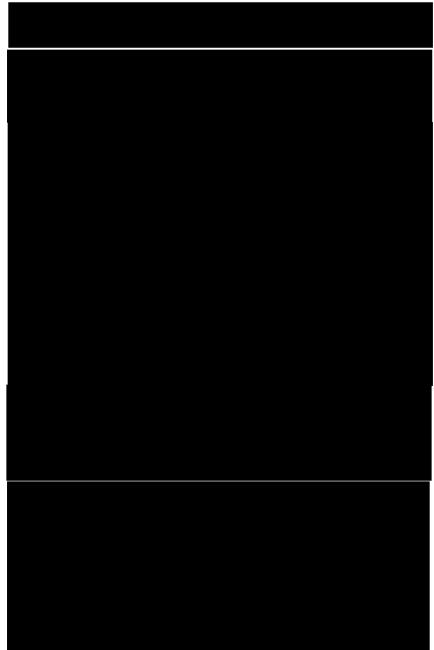
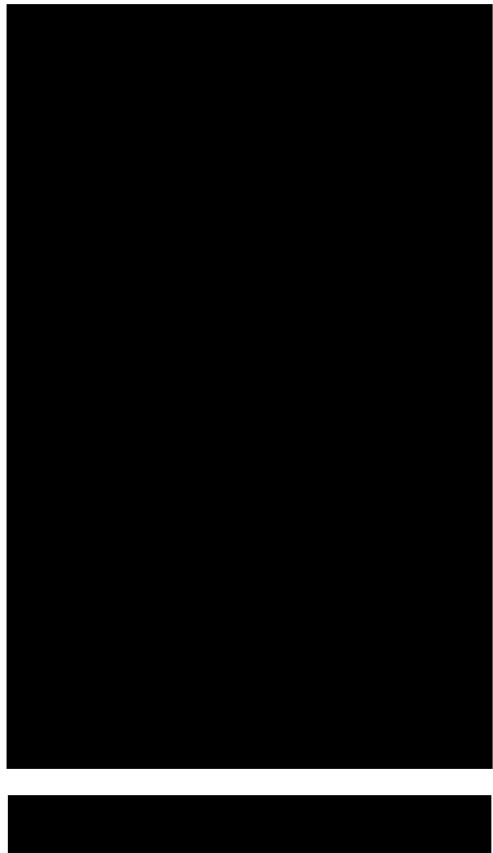
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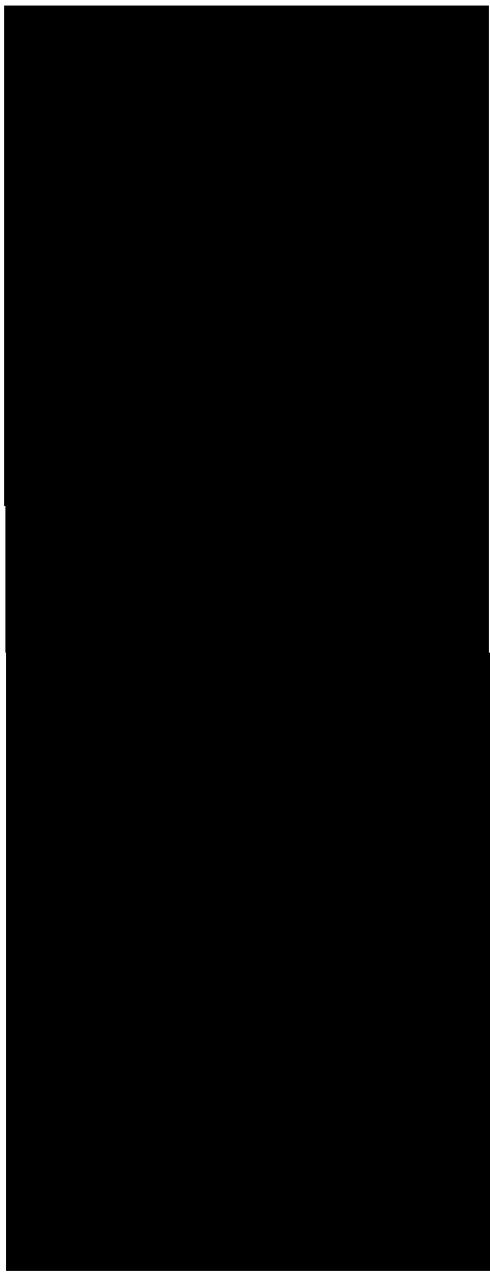
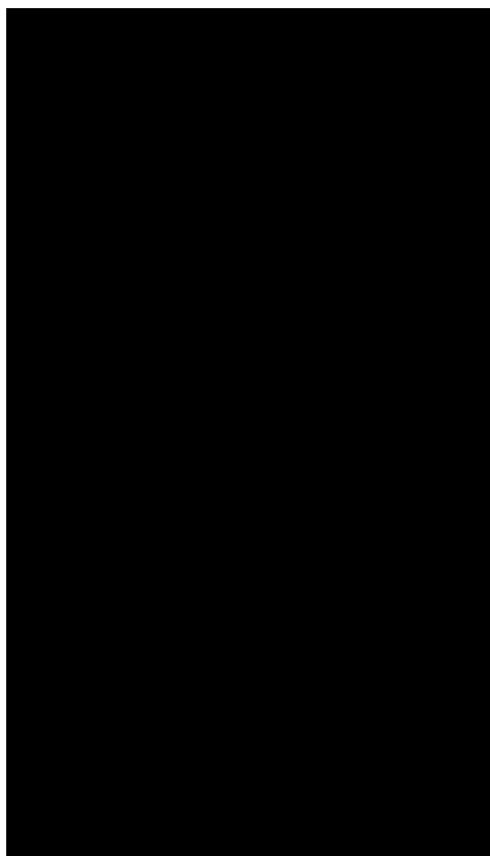
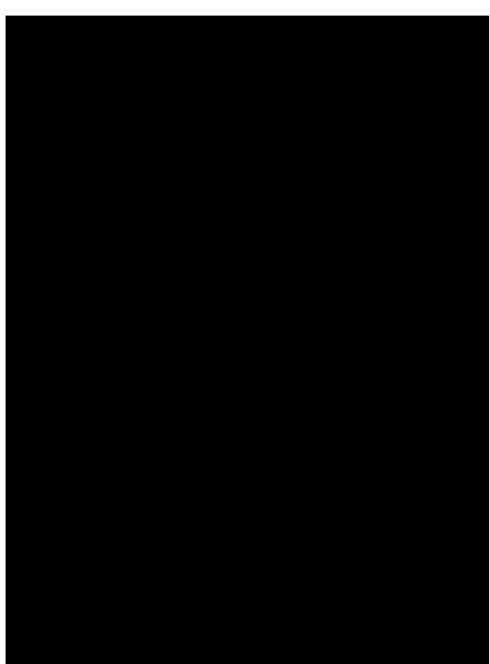
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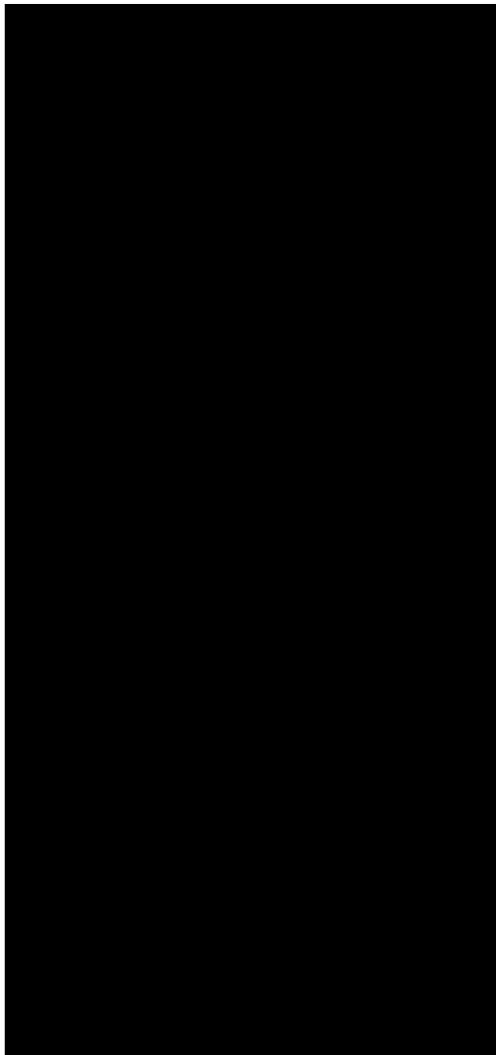
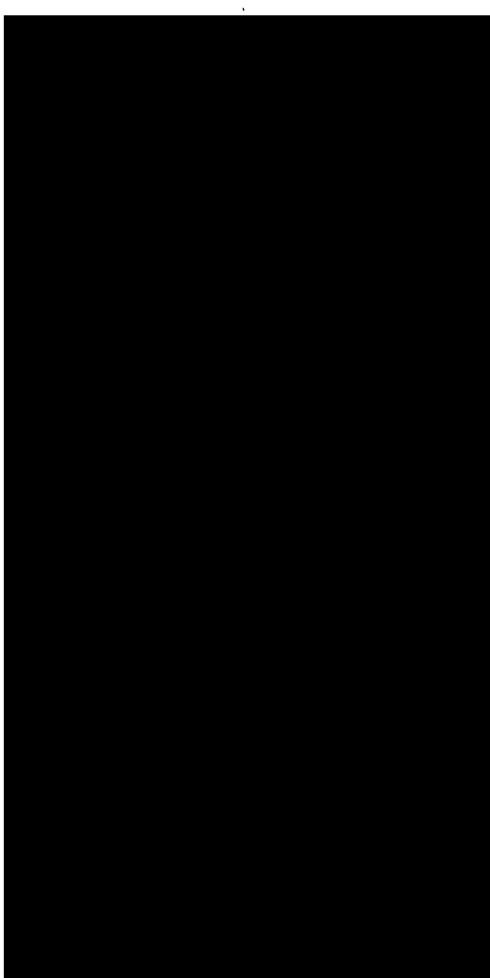
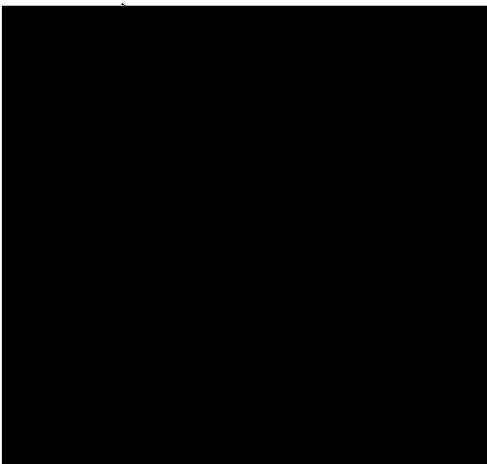
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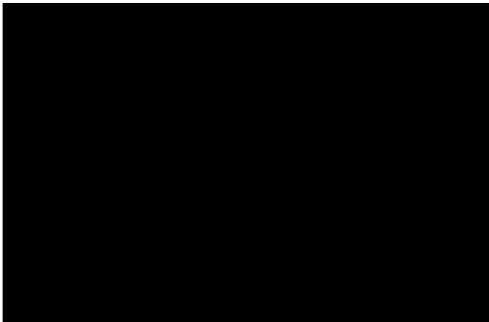
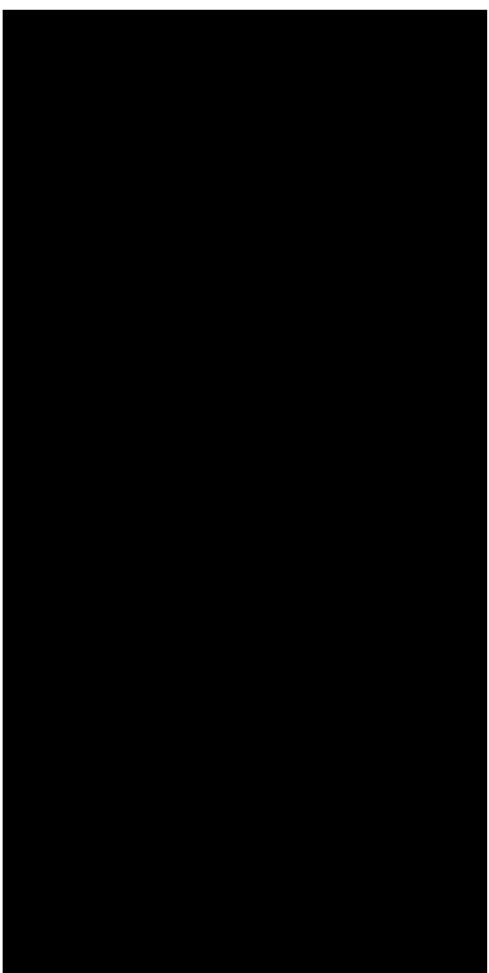
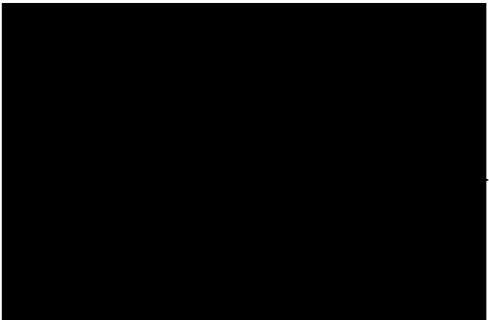
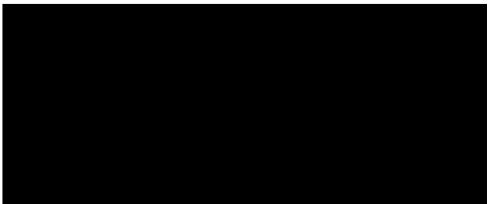
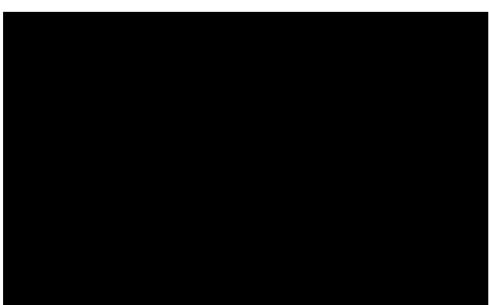
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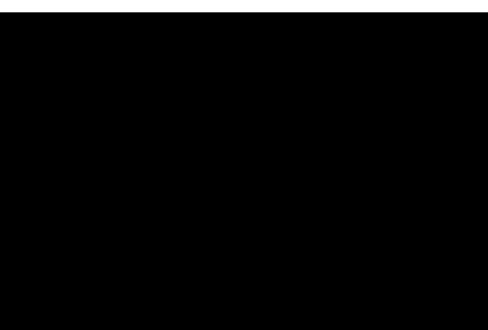
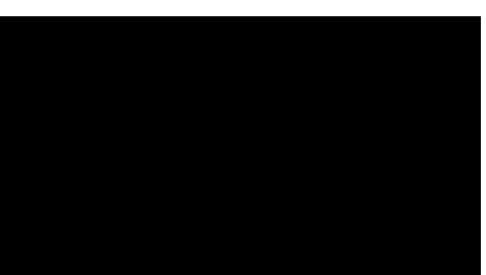
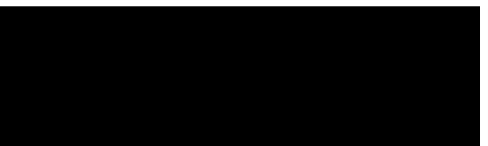
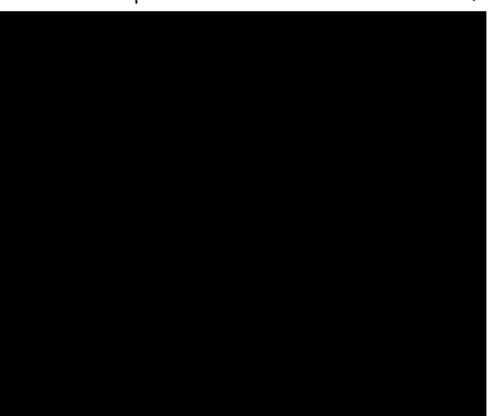
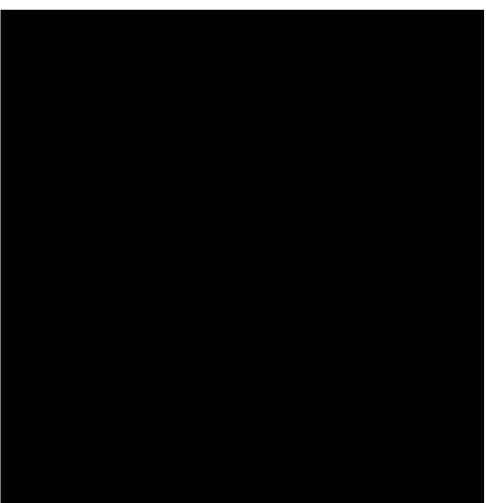
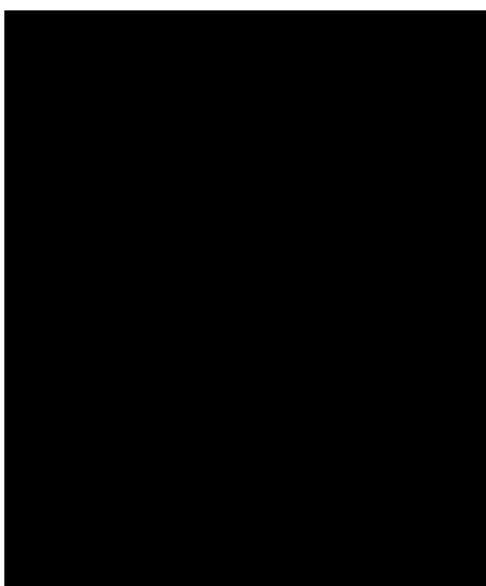


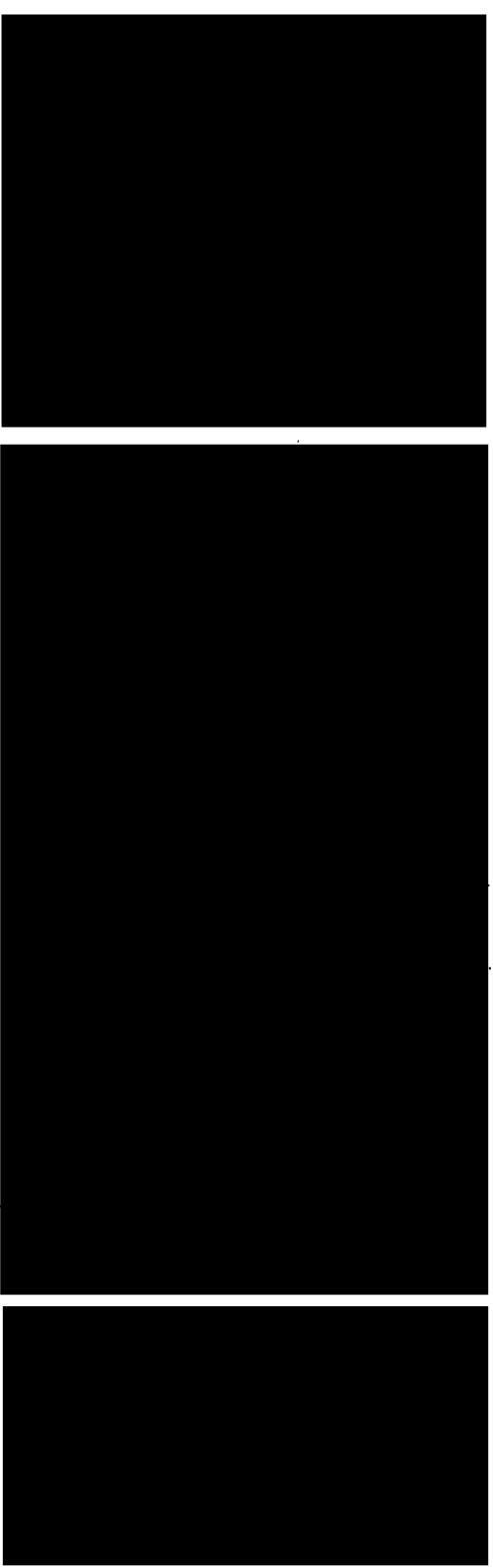
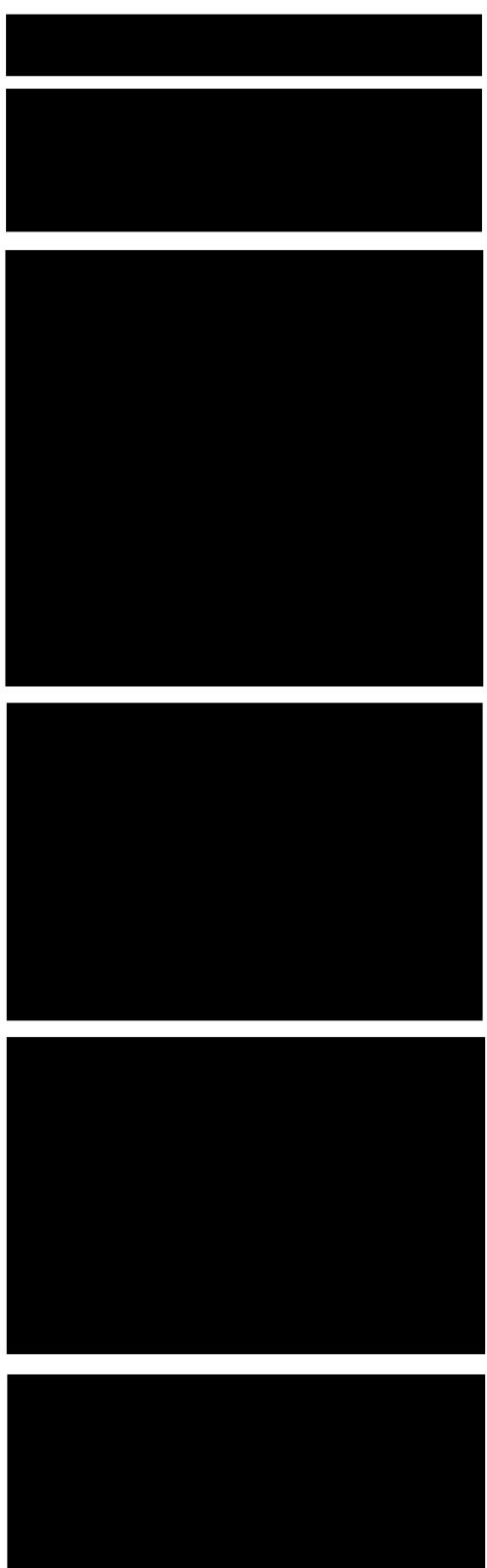


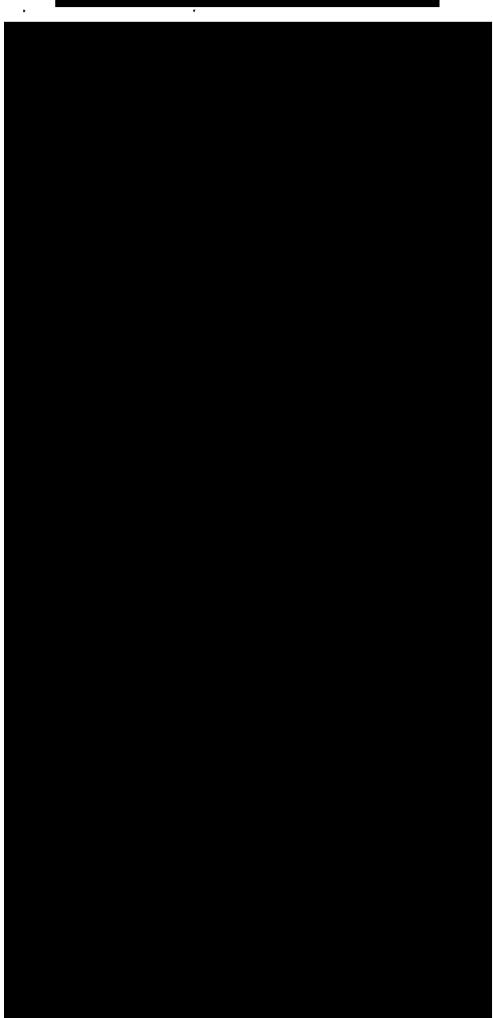
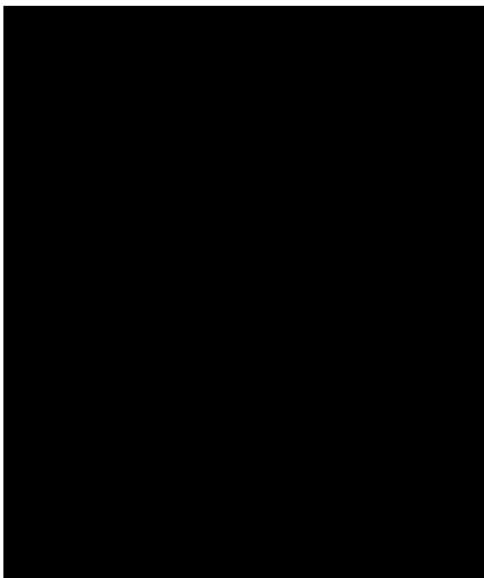
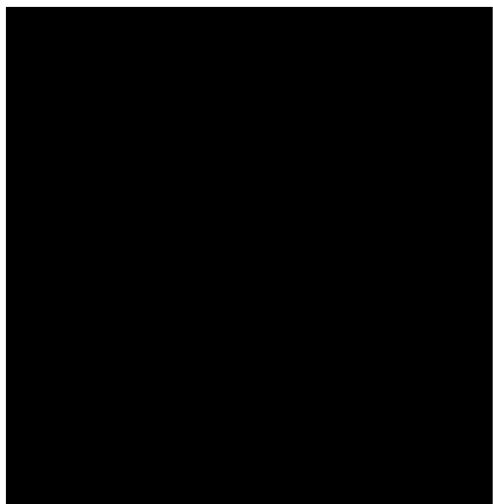


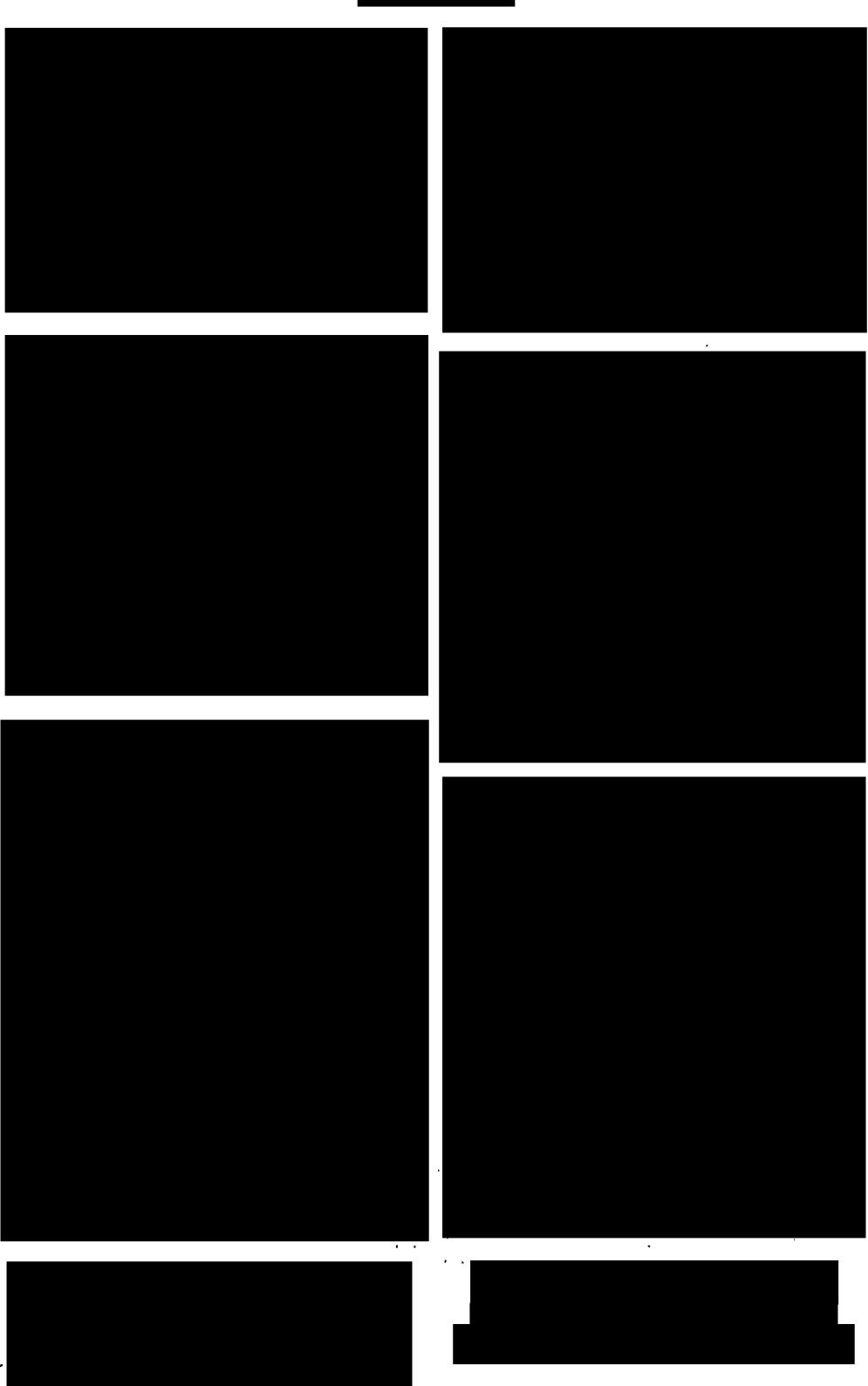












[REDACTED]



