

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES CITY COUNCIL—OFFICIAL

REGULAR MEETING.

CITY HALL, NEW ORLEANS, Tuesday, July 28, 1870. Mayor Flanders called the Council to order at half past seven P. M., and presided over the meeting.

The roll was called. Present: Administrators J. R. West (Improvements), Alfred Shaw (Accounts), L. F. Delassize (Public Buildings), S. C. Emley (Commerce), E. W. Pierce (Police), J. S. Walton (Finance), and H. Bonzano (Assessments).

Department Reports.

Mr. West presented the following: DEPARTMENT OF IMPROVEMENTS, City of New Orleans, July 26, 1870.

To the honorable the Council of the City of New Orleans: The undersigned respectfully reports the following proposals as having been received in response to the respective advertisements hereinafter specified:

- Proposals for North river curb stones: T. J. Davis, bids seventy cents per superficial foot. McLellan & Co. bids sixty-five cents per superficial foot, and thirty cents per running foot for setting.

Proposals for banquettes on Josephine street: P. Harman, Jr. bids \$2.50 per running foot. Proposals for banquettes on Locust and Freret streets: P. Harman, Jr. bids \$2.30 per running foot for seven feet eight inches; \$2.50 per running foot for eight feet; \$3.12 per running foot for ten feet.

In accordance with the foregoing exhibit, it is respectfully recommended that the accompanying resolutions be passed, adjudicating the contracts as follows: For North river curb stones, to McLellan & Co. For banquettes on Josephine street, to P. Harman, Jr. For banquettes on Locust and Freret streets, to P. Harman, Jr.

Very respectfully, Your obedient servant, J. R. WEST, Administrator.

Resolved, That the proposal of McLellan & Co. for delivering on St. Charles avenue, between Sixth and Tuleau streets, two thousand (2000) feet of curb stones at sixty-five (65) cents per superficial foot, and offering George W. Murphy as surety in the sum of five hundred dollars (\$500), be and the same is hereby accepted, and the Mayor authorized to enter into contract on behalf of the city, per notarial act before the City Notary, for the faithful performance of said contract.

Resolved, That the proposal of P. Harman, Jr. to construct a brick sidewalk on Josephine street, between Liberty and Claiborne streets, at three dollars and fifty cents (\$3.50) per running foot, and offering Thomas Ong and James McVally as security in the sum of three thousand (\$3000), be and the same is hereby accepted, and the Mayor authorized to enter into contract on behalf of the city, per notarial act before the City Notary, for the faithful performance of said contract.

Resolved, That the proposal of P. Harman, Jr. to construct banquettes on Freret and Locust streets, between Calhoun and Washington streets, at two dollars and thirty cents (\$2.30), for seven feet eight inches banquettes at two dollars and fifty-nine cents (\$2.59), for eight feet banquettes, and at three dollars and twelve cents for ten feet banquettes per running foot; and offering Thomas Ong and James McVally as security in the sum of three thousand (\$3000) dollars, be and the same is hereby accepted, and the Mayor authorized to enter into contract on behalf of the city, per notarial act before the City Notary, for the faithful performance of said contract.

The report and resolutions were adopted. By Mr. West: DEPARTMENT OF IMPROVEMENTS, City of New Orleans, July 26, 1870.

To the honorable the Council of the City of New Orleans: The undersigned respectfully returns herewith the "bill of E. Dupre for services as wharfinger," with the information that this account, and these following are correct and just: E. Dupre, wharfinger, four days, at \$1800 per annum, \$7200; G. Gallager, wharfinger, four days, at \$1800 per annum, \$7200; R. Hamilton, assistant wharfinger, four days, at \$1200 per annum, \$4800; C. Boyle, assistant wharfinger, four days, at \$1200 per annum, \$4800; R. Brewster, assistant wharfinger, four days, at \$1200 per annum, \$4800; D. Waters, assistant wharfinger, four days, at \$1200 per annum, \$4800; and reports that as these amounts are due for the four days from the first to the fourth of April, 1870, this department will, with the sanction of the Council, take up the aforesaid persons on the pay roll of the Bureau of Wharves and Landings for the time and amounts hereinbefore set forth.

Very respectfully, Your obedient servant, J. R. WEST, Administrator.

Adopted. By Mr. West: DEPARTMENT OF IMPROVEMENTS, City of New Orleans, July 26, 1870.

To the honorable the Council of the City of New Orleans: The undersigned respectfully returns herewith the "bill of J. Moylan, for services as Commissioner of the Sixth District, for \$125 for April," and reports that this department will, with the sanction of the Council, take up the said J. Moylan on the pay roll of the Bureau of Streets for five (5) days at four dollars per diem (twenty dollars).

Very respectfully, Your obedient servant, J. R. WEST, Administrator.

Received and accepted. By Mr. Shaw laid before the Council the following report: DEPARTMENT OF PUBLIC ACCOUNTS, City of New Orleans, July 26, 1870.

account of wharves and levees, and is signed B. W. Hebrard, Controller. By a protest made on A. Barnett, notary public, it appears that a warrant was issued by Hon. Benjamin F. Flanders, Treasurer, who answered that said warrant was a fraud upon the city of New Orleans, and that the same would not be paid. This answer was based, as I understand on the opinion that the action of the Council, taken just before their going out of power, was illegal and greatly to the disadvantage of the city.

But after its recognition a second time, in 1869, and the payment in 1870 of seven years' back interest, it seems scarcely possible for the city now to contest the claim. However, as the matter arose out of a release of wharf leases from this contract, I recommend that the whole subject be referred to the Department of Improvements to investigate the subject *in toto*. If the result of this investigation shows no valid defense that can be made on the part of the city, it will be wisdom on the part of the city to recognize the claim and pay it.

ALFRED SHAW, Administrator. The report was received, and, on motion of Mr. Shaw, was referred to the Department of Improvements.

Mr. Shaw offered the following, to be read a first and second time and laid over. Read and laid over accordingly. An ordinance providing for the payment of the several accounts therein named. That the following appropriations be and are hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in the payment of the same.

Salary of the Mayor and Administrators for July, 1870, \$1250. Pay roll of City Attorney's Department for July, 1870, \$1558 33. Pay roll of the Department of Public Accounts, for July, 1870, including extra force employed on floating debt statement, revision and division of bills, revision of back pay rolls, night labor on the several matters named, and investigation of affairs in the City of Jefferson, which has been lost.

Firemen's Charitable Association, for amount due for July, 1870, \$10,000. E. Lillie, clerk of the office of Administrator of Public Accounts, \$40. E. Merie, for clerk's costs paid by him in the case of the State of Louisiana ex rel. E. Lillie, \$100. The Commercial Bulletin, for advertising, etc., \$75. The Commercial Bulletin, for advertising, etc., \$75. Steel & Co., for stationery, \$133 35. Dr. W. S. Mitchell, for allowance by order of the Judge of the First District Court for examining the mental condition of John Sweeney, \$25.

Pay roll and expenses of the Mayor's Department for July, 1870, \$1324 59. New Orleans Republican, for job printing, not including notices and proceedings, month of May, \$119. New Orleans Republican, for month of June, \$169. William Davidson, for his services as Librarian for the month of July, \$150 and for the sum of \$50 in favor of Samuel Jackson for his services as Assistant Librarian for the same time.

By Mr. Shaw: Resolved, That the Administrator of Accounts be and is hereby authorized to warrant upon the Administrator of Finance in favor of H. Conquest Clarke, for the sum of four hundred and fifty dollars for three months' salary as Secretary of the City Council of New Orleans, as per account rendered. Carried unanimously. By Mr. Shaw: An ordinance to provide for the payment of certain accounts therein named.

Be it enacted by the Council of the city of New Orleans, That the Administrator of Public Accounts be authorized to settle with holders of registered bills not embraced in the floating debt, at the following sum: \$1000 in two places, to wit: \$10,000 in the fifth assessment district, and \$2000 in the sixth assessment district.

They also complain that a building owned by them in square No. A, fourth assessment district, which was in the course of erection during the said year, is assessed at \$20,000, and asks the assessment to be reduced. As to the assessment of \$10,000 tax on capital, I recommend relief. The assessment on the real estate I deem correct.

Very respectfully, H. BONZANO, Administrator of Assessments. Resolved, That Daniel and James D. Edwards, machinists, on Front street, between Gray and Poydras streets, be and are authorized to furnish the Administrator of Public Accounts with a corrected tax bill, and to cancel the erroneous assessment of \$10,000 capital, assessed in the fifth assessment district.

Report by the Administrator of Assessments on the petition of M. T. Carroll, policeman second precinct, city of New Orleans: Petitioners complain that they are assessed on a property consisting of four lots, 1869 in two places, to wit: \$10,000 in the fifth assessment district, and \$2000 in the sixth assessment district.

They also complain that a building owned by them in square No. A, fourth assessment district, which was in the course of erection during the said year, is assessed at \$20,000, and asks the assessment to be reduced. As to the assessment of \$10,000 tax on capital, I recommend relief. The assessment on the real estate I deem correct.

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is due him for sexton's fees, and respectfully recommend the adoption of the following resolution. Very respectfully, E. W. PIERCE, Administrator.

Resolved, That the Administrator of Public Accounts be and is hereby authorized to warrant on the Department of Finance for eighty-three dollars and fifty cents (\$83 25), in favor of Tim Tracy, late sexton city cemeteries, for his fees as such, during the period mentioned below, viz: April, 1870, \$20 00 June, 1870, five days, 6 25 Total, \$26 25 Adopted.

By Mr. Pierce: DEPARTMENT OF POLICE, City of New Orleans, July 26, 1870. To the honorable the Council of the City of New Orleans: During the early part of the present year, the Surveyor of the late City of Jefferson came upon owners of lots in the Sixth District, and they were ordered to come forward and present their titles, as it was designed to survey the cemetery.

The titles of Christian Schopp, for five lots of ground, were handed in on May 15. The confusion attending the recent change of administration, have been lost. I have examined the Treasurer's books of Jefferson City, and, under date of May 15, 1868, find an entry to the effect that Christian Schopp had deposited the sum of two hundred and twenty-five dollars (\$225) as purchase money for five lots of ground in the cemetery of Jefferson City.

I, therefore, recommend the adoption of the following resolution. Very respectfully, E. F. PIERCE, Administrator. Resolved, That the Administrator of Police be and is hereby authorized to issue to Christian Schopp, a certificate entitling him to five lots of ground in the Sixth District cemetery, and to investigate of affairs in the City of Jefferson, which has been lost.

Adopted. By Mr. Walton: Report of Administrator of Finance. I have received a communication from J. Numa Avego, with documents, showing that he was assessed in the year 1868, on a lot of ground in the eighth assessment district, in square bounded by Dauphine, Ursulines, Burgundy and Hospital streets; and that he had been sued for the taxes on the same for said year 1868, notwithstanding the fact that he had already paid said taxes.

The books of this department show the error in sending two bills to the Sheriff for the same property, and the Sheriff's receipt on one of the bills for the taxes for 1868 have been paid. I therefore recommend the adoption of the following resolution: Resolved, That the Sheriff is hereby authorized to cancel the bill of seventy-five dollars (\$75) and costs for city tax for the year 1868, upon a lot of ground belonging to J. Numa Avego, in square bounded by Dauphine, Ursulines, Burgundy and Hospital streets, the same having been erroneously taxed twice for the year 1868.

I recommend relief, and offer the annexed resolution. Very respectfully, J. S. WALTON, Administrator of Finance. Mr. Bonzano presented the following series of tax petitions to be printed and laid over: Report by the Administrator of Assessments on the petition of Daniel and James D. Edwards, machinists, doing business in square No. 2, fourth assessment district, New Orleans.

DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870. Petitioners complain that they are assessed on a property consisting of four lots, 1869 in two places, to wit: \$10,000 in the fifth assessment district, and \$2000 in the sixth assessment district.

They also complain that a building owned by them in square No. A, fourth assessment district, which was in the course of erection during the said year, is assessed at \$20,000, and asks the assessment to be reduced. As to the assessment of \$10,000 tax on capital, I recommend relief. The assessment on the real estate I deem correct.

Very respectfully, H. BONZANO, Administrator of Assessments. Resolved, That Daniel and James D. Edwards, machinists, on Front street, between Gray and Poydras streets, be and are authorized to furnish the Administrator of Public Accounts with a corrected tax bill, and to cancel the erroneous assessment of \$10,000 capital, assessed in the fifth assessment district.

Report by the Administrator of Assessments on the petition of M. T. Carroll, policeman second precinct, city of New Orleans: Petitioners complain that they are assessed on a property consisting of four lots, 1869 in two places, to wit: \$10,000 in the fifth assessment district, and \$2000 in the sixth assessment district.

They also complain that a building owned by them in square No. A, fourth assessment district, which was in the course of erection during the said year, is assessed at \$20,000, and asks the assessment to be reduced. As to the assessment of \$10,000 tax on capital, I recommend relief. The assessment on the real estate I deem correct.

Very respectfully, H. BONZANO, Administrator of Assessments. Resolved, That Daniel and James D. Edwards, machinists, on Front street, between Gray and Poydras streets, be and are authorized to furnish the Administrator of Public Accounts with a corrected tax bill, and to cancel the erroneous assessment of \$10,000 capital, assessed in the fifth assessment district.

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They also complain that a building owned by them in square No. A, fourth assessment district, which was in the course of erection during the said year, is assessed at \$20,000, and asks the assessment to be reduced. As to the assessment of \$10,000 tax on capital, I recommend relief. The assessment on the real estate I deem correct.

Very respectfully, H. BONZANO, Administrator of Assessments. Resolved, That Daniel and James D. Edwards, machinists, on Front street, between Gray and Poydras streets, be and are authorized to furnish the Administrator of Public Accounts with a corrected tax bill, and to cancel the erroneous assessment of \$10,000 capital, assessed in the fifth assessment district.

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1868. Early in that year they failed in business. I recommend relief, and offer the annexed resolution. Very respectfully, H. BONZANO, Administrator of Assessments.

Resolved, That inasmuch as Mead & Newton were wrongfully assessed for the year 1868, on capital to the amount of one hundred and twenty dollars and fifty cents, the Sheriff is hereby authorized to return the writ in the case of the City of New Orleans against Mead & Newton, No. 980, District Court, as satisfied, upon full payment of costs.

Report by the Administrator of Assessments on the petition of John K. Collins, No. 315: The petitioner, when calling for his tax bill for 1869, finds he has been assessed for \$10,000 capital, instead of \$1000, an error committed by himself in making his return, and the Sheriff is hereby authorized to return the writ in the case of the City of New Orleans against Mead & Newton, No. 980, District Court, as satisfied, upon full payment of costs.

Very respectfully, H. BONZANO, Administrator of Assessments. Resolved, That the Administrator of Accounts be and is hereby authorized to furnish the Administrator of Finance with a corrected tax bill for 1869 against John K. Collins, with an assessment of one thousand dollars capital in lieu of the erroneous amount of ten thousand dollars.

Report by the Administrator of Assessments on the petition of Peter B. Pederson: DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870. In regard to the petition of Peter B. Pederson, I would respectfully report that the assessment of forty-five hundred dollars on his property, No. 425 Dauphine street, is erroneous, and should be corrected. With this view, I recommend the following resolution.

Very respectfully, H. BONZANO, Administrator of Assessments. Resolved, That in lieu of the tax on forty-five hundred dollars, Peter B. Pederson pay on an assessment of twenty-five hundred dollars, that being the cash value of his property in square 261, ninth assessment district. The Administrator of Public Accounts is hereby authorized to furnish the Administrator of Finance with a corrected tax bill for 1869.

Report by the Administrator of Assessments on the petition of Messrs. Banks & McEnany: DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870. The property owned by petitioners, in square No. 1869, is assessed in the eighth assessment district. This is an erroneous and extraordinary assessment. It was brought by petitioners on the 20th of July, 1869, on time, equivalent to a "year" for 1869, against Banks & McEnany for the assessment of their property, in square sixty-six, third assessment district, at \$2000, in lieu of the bill for the erroneous assessment of \$20,000.

The taxes for 1869 are paid for those of 1868 there is a judgment in favor of the city. I have examined into the matter, and find that the property has been assessed for double its value. As a matter of justice, I recommend that the Sheriff be instructed to return the writ as satisfied. I recommend a full and complete relief, and offer the annexed resolution. Very respectfully, H. BONZANO, Administrator of Assessments.

Resolved, That the Administrator of Public Accounts be and is hereby authorized to furnish the Administrator of Finance with a corrected tax bill for 1869 against Banks & McEnany for the assessment of their property, in square sixty-six, third assessment district, at \$2000, in lieu of the bill for the erroneous assessment of \$20,000.

Report by the Administrator of Assessments on the petition of Theodore Slatte, agent for the estate of Clayton Moore: DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870. The property belonging to the estate of Clayton Moore, consisting of four lots, twenty-one by forty-eight feet, on North Market street, square fifty-three, second assessment district, was assessed erroneously at \$20,000, and should be corrected to \$2000. The taxes for 1869 are paid for those of 1868 there is a judgment in favor of the city.

I have examined into the matter, and find that the property has been assessed for double its value. As a matter of justice, I recommend that the Sheriff be instructed to return the writ as satisfied. I recommend a full and complete relief, and offer the annexed resolution. Very respectfully, H. BONZANO, Administrator of Assessments.

Resolved, That the Administrator of Public Accounts be and is hereby authorized to furnish the Administrator of Finance with a corrected tax bill for 1869 against Theodore Slatte, agent for the estate of Clayton Moore.

Report by the Administrator of Assessments on the petition of Louis Mather, 308 Ursulines: DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870. The property belonging to the estate of Louis Mather, consisting of four lots, twenty-one by forty-eight feet, on North Market street, square fifty-three, second assessment district, was assessed erroneously at \$20,000, and should be corrected to \$2000. The taxes for 1869 are paid for those of 1868 there is a judgment in favor of the city.

I have examined into the matter, and find that the property has been assessed for double its value. As a matter of justice, I recommend that the Sheriff be instructed to return the writ as satisfied. I recommend a full and complete relief, and offer the annexed resolution. Very respectfully, H. BONZANO, Administrator of Assessments.

Resolved, That the Administrator of Public Accounts be and is hereby authorized to furnish the Administrator of Finance with a corrected tax bill for 1869 against Louis Mather, 308 Ursulines.

Report by the Administrator of Assessments on the petition of Vizard & Herriek, No. 39 Maga: DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870. The property belonging to the estate of Vizard & Herriek, consisting of four lots, twenty-one by forty-eight feet, on North Market street, square fifty-three, second assessment district, was assessed erroneously at \$20,000, and should be corrected to \$2000. The taxes for 1869 are paid for those of 1868 there is a judgment in favor of the city.

I have examined into the matter, and find that the property has been assessed for double its value. As a matter of justice, I recommend that the Sheriff be instructed to return the writ as satisfied. I recommend a full and complete relief, and offer the annexed resolution. Very respectfully, H. BONZANO, Administrator of Assessments.

Resolved, That the Administrator of Public Accounts be and is hereby authorized to furnish the Administrator of Finance with a corrected tax bill for 1869 against Vizard & Herriek, No. 39 Maga.

Report by the Administrator of Assessments on the petition of Vizard & Herriek, No. 39 Maga: DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870. The property belonging to the estate of Vizard & Herriek, consisting of four lots, twenty-one by forty-eight feet, on North Market street, square fifty-three, second assessment district, was assessed erroneously at \$20,000, and should be corrected to \$2000. The taxes for 1869 are paid for those of 1868 there is a judgment in favor of the city.

gether with full amount of costs accrued thereon. Monthly Reports. Mr. Bonzano presented his monthly report, as follows: DEPARTMENT OF ASSESSMENTS, City of New Orleans, July 26, 1870.

During the month of June past the employees of this department have been busily engaged in the work of appraising and assessing "real and personal" property subject to taxation for the current year. The progress is satisfactory, but owing to the delay in the organization of the department, the work is somewhat behind, and, to my regret, the laborers of the assessors cannot be submitted to the inspection of the taxpayers at as early a date as I had hoped for.

Judging from the present condition of the department and the progress made, I expect to be able to exhibit the tax roll in the next few days. Many of these applications are unreasonable, and do not deserve the time they take up to read. It would be well for the Council to direct that I respectfully request they do direct, a suspension of investigations of all such claims, if not for an indefinite period, at least until the current year's assessments are in proper shape.

Very respectfully, H. BONZANO, Administrator of Assessments. The Claim of Dr. Southworth. Mr. Bonzano moved a suspension of the article nineteen of the rules, which reads as follows: "When a motion has been made and carried, in the affirmative or negative, it shall be in order for any member of the Council to move for its reconsideration; provided, it is made on the same day, or at the next regular meeting."

The rule was unanimously suspended. Mr. Bonzano moved to reconsider the vote taken at the meeting of the twelfth instant, ordering payment of the following claim in seven-thirty certificates: M. A. Southworth, Reorder of Mortgages for the parish of Orleans, for making one hundred and thirty-five general indexes of all conventional mortgages in the mortgage office prior to March 1869; twenty-seven indexes of all judicial mortgages and twenty-seven indexes of donations, \$27,500; for transferring from the books of the Registrar of Mortgages to the books of the Registrar of Mortgages, conventional mortgages, etc., as per account rendered, \$10,001, \$37,501.

His motion to reconsider was unanimously passed. The Mayor declared that the question was now again before the Council. Mr. Bonzano stated that at a committee meeting of the Council, the Administrator of Assessments had been authorized to employ experts to examine into Mr. Southworth's bill, with instructions to report as early as possible. In accordance with that resolution he had appointed Mr. Thomas Gilmore, attorney; Mr. P. C. Cavellier, notary; and Mr. Thomas H. Higginbotham, accountant experts, to examine into the account. These gentlemen had the matter now under consideration, and he had their assurance that they would report in the course of a week or so. Perhaps in ample time for the next regular session of the Council. In the meantime he would ask the Mayor why the ordinance had not been promulgated, and if the Council desired to relieve the Mayor from responsibility in this respect, he was perfectly willing to withdraw all objection.

The Mayor explained that the question of consideration being before the Council, he had refrained from promulgating the ordinance. The provisions of the rules on this subject did not at that time occur, but in any case he should not have thought it proper to promulgate an ordinance which the Council at a private meeting had expressed a desire to reconsider. He looked to the Council to sustain him in the action he had taken, their approval was all he desired; their disapproval was all he had to fear.

The reconsideration of the ordinance was deferred till the next meeting. Reports from City Officers. The following report from the City Attorney, omitted from the proceedings in the matter of the Livandais compromise, at the last meeting, was ordered to be printed: OFFICE CITY ATTORNEY, City of New Orleans, July 14, 1870. To the honorable the Mayor and Members of the City Council: GENTLEMEN—At the request of His Honor the Mayor, I have carefully examined into all matters connected with the contemplated compromise between the heirs of Livandais and David on the one part, and the city of New Orleans on the other, in relation to the property on which Dryades Market is situated.

I found no difficulty in disposing of all questions presenting themselves for consideration, except those in reference to the title of the heirs to the property, and the interest in the real estate, and the validity of the title given by the parties representing the deceased owners, Livandais and David. It is true that the title of the heirs to the ground upon which the market is situated is not in dispute, for such title has been confirmed to them by the Supreme Court in a certain proceeding, and the title is in their hands, and they are entitled to it in relation to the title, the parties with their interest in such real estate might be regarded in the light of a sale rather than that of a compromise. The claim of the heirs, however, is not limited to the land alone, but extends to the rents and revenues arising from the property while in possession of the city, and the question of rents and revenues is not, like the title, settled directly with the city, and they are to be put in relation to the title, the parties with their interest in such real estate might be regarded in the light of a sale rather than that of a compromise. The claim of the heirs, however, is not limited to the land alone, but extends to the rents and revenues arising from the property while in possession of the city, and the question of rents and revenues is not, like the title, settled directly with the city, and they are to be put in relation to the title, the parties with their interest in such real estate might be regarded in the light of a sale rather than that of a compromise. 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