The Donaldsonville Chief.

Published Every Saturday.

Official Journal, Town of Donaldsonville.

Entered at the Post-Office at Donaldsonville, La., as Second Class Matter.

LINDEN E. BENTLEY,
EDITOR AND PROPRIETOR.

☞ Job Printing of all kinds, from a full sheet poster to a bread ticket, executed on shortest notice, at city prices and in best style at the CHIEF office.

☞ The CHIEF is received by all subscribers POSTAGE FREE.

Saturday, December 20, '84.

To all our readers, friends and patrons, rich and poor, of high degree and humble estate, the CHIEF extends its annual holiday greeting and wishes them a very Merry Christmas and a prosperous, Happy New Year.

Sazerac whiskey at Mechanics' Exchange. Just received.

Mr. Thos. A. Garrett, who ably edited the Ouachita *Telegraph* in the interest of Gen. King's candidacy for Congress during the recent campaign, has retired from the tripod and Col. McCranie again assumes control of the paper.

I XL Cistern Manufactory has just received a large lot of the best seasoned cypress. Now is the time to order your cisterns.

Taking advantage of the few days still remaining of the year 1884, a number of young ladies have concluded to give an impromptu leap year party at Phœnix Hall next Wednesday evening, the 24th inst., and from all indications the affair will be a delightful one. The ladies will invite the gentlemen, of course, and will show them the attentions which are customarily extended by the rougher to the gentler sex, excepting on occasions of this special character. We hope the weather will not be too inclement for our delicate young men to venture out, and that their fair escorts will see that the tender creatures are well wrapped so as to prevent their taking cold. It is a pity the boys could not have had earlier notice of the entertainment, in order that they might have had time to prepare some elaborate toilettes for the auspicious occasion. As it is we shall not look for a great deal of highfalutin dressing among them.

Prof. Tremaine's two closing entertainments at Phœnix Hall last Monday and Tuesday evenings were quite as largely attended as the preceding four of the series, the hall being well filled on each occasion. Tuesday evening the Knights of Honor took a recess at 8 o'clock in order to witness the Professor's display of scenes in bible lands, and the members felt amply repaid for the time taken from the business of the lodge in this way. At the close of Tuesday's entertainment, the Professor thanked the people for the liberal patronage bestowed upon him, and expressed the hope that it would be his lot to return to Donaldsonville at no distant day. Should he do so, he can rest assured that his beautiful sun pictures will test the capacity of the most spacious hall the town affords. His next point of exhibition will be Plaquemine, where he opens Monday night, and we feel confident he will be as cordially received there as he has been in Donaldsonville.

Cheap Tony's Magnificent Donation.

Go to Cheap Tony before buying elsewhere for bargains in his line of business. You will not only make from 25 to 40 per cent. by purchasing your goods from him, but all who buy FIVE DOLLARS *worth will have a free number in his* MAGNIFICENT DONATION OF ONE SEWING MACHINE. *Remember, the drawing will positively take place as soon as the chances are all taken.*

GRAND BALL.—At the last meeting of Ascension Hook and Ladder Company a resolution was adopted that a ball should be given on the 8th of January, and President Kline has appointed Messrs. Thos. W. Cook, Pierre Klopman and Myer Lemann a committee of arrangements with full power to make all necessary preparations for the projected entertainment. Ladies' invitations will be sent out during the approaching week, and the various committees of invitation, reception and floor managing will be duly announced. Gentlemen will be charged an admission fee of $1; ladies to be admitted free, by invitation, as usual. A displayed advertisement of the ball appears elsewhere in this issue of the CHIEF, and will no doubt be noticed with considerable interest, as it has been some time since an entertainment of this kind has been given here. The composition of the arrangement committee gives assurance that the affair will be managed in the best style, and we hope the friends of the firemen and all who love dancing will combine to render the ball a complete success.

The National Surgical Institute

Will open a Branch at 165 St. Charles street, New Orleans, Dec. 1, 1884, where they will be prepared to treat SURGICAL cases, club feet, paralysis and all deformities of the face, spine, limbs, and diseases of the joints, eye and ear; also catarrh, piles, fistula, female diseases, etc. The proprietors of the Institute open this office in New Orleans in accordance with the request of scores of their patrons in Mississippi, Louisiana and Texas who desire to avail themselves of the reduced rates of travel offered during the World's Exposition, thus enabling them to visit us and the Exposition as well. For full particulars address K. H. ROLAND, secretary, Atlanta, Ga., or 165 St. Charles street, New Orleans, La.

THE CIRCUS.—The Robinson & Van Amburg circus exhibited on the batture just below the wharf last Saturday night, the weather being too wet and disagreeable to permit of an afternoon performance. In spite of the muddy streets and sidewalks, a large crowd turned out and nearly all the seats in the little tent were occupied. There had been a very general opinion existing here that the show didn't amount to much, but this impression was agreeably disappointed, as the performance was one of the best and most interesting to be seen under a circus canvas. This eulogium will apply to the concert as well as the main exhibition, and circus concerts as a rule are very mediocre affairs. The audiences were well pleased with both performances, and none regretted the small price of admission. On the contrary, we heard a number of persons say this half-dollar show was superior to many of the dollar concerns. Robinson & Van Amburg will visit us again on Christmas day, and unless the weather is too awfully awful, we feel sure their tent will be crowded to its fullest capacity.

THE OPENING.

In accordance with the programme previously arranged, the doors of the World's Exposition at New Orleans were thrown open last Tuesday, so to speak, and the great enterprise from which so much is expected was formally inaugurated in the presence of some 20,000 people.

The details of this important ceremony are briefly related by our correspondent Argus, whose initial letter is published on our first page, and who will contribute regularly to the CHIEF during the continuance of the Exposition. We do not deem it necessary, therefore, to give more than a passing editorial reference to the opening, particularly as the space at our command is extremely limited.

We congratulate the management upon the auspicious beginning they have made and trust it will be the precursor of the most perfect success of their momentous enterprise.

ASCENSION'S CAUSE CELEBRE.

Judgment Rendered by Judge Duffel in the Church Suit.

We present herewith the full text of the decision rendered by our District Judge, last Saturday, in the noted case of the President and Board of Church Wardens of the Roman Catholic Congregation of Ascension *vs.* Rev. N. J. Perché, Bishop, *et als:*

This case has consumed six days in its trial, and through it all has received the close attention of the court. The different points of it, as they arose, were ably argued by able counsel on each side. As the trial proceeded, the pleadings were subjected to tests which were not at first applied to them by the litigants. New issues, new constructions and new interpretations were being continually brought forward and argued lengthily. The court is reluctant to attach to the long continued trial a long and possibly a disconnected judgment, but as it has followed laboriously the different phases of the suit, and had again to wade through the voluminous record, and to recall and review the many arguments delivered in the case, it may now be the best and most convenient way to take up one by one the points made, and dispose of them.

Plaintiffs allege that in their corporate capacity they represent the Catholic inhabitants of this parish, who owned long previous to the charter of 1817 the property known as the "church property." That the Roman Catholic Congregation of the Parish of Ascension was incorporated by an act of the Legislature, approved 18th February, 1817; that said charter was renewed by act of 1824, and again by acts of the Legislature of 1836 and 1856, and was to expire by the limitation of the act of 1856, on the first day of March, 1881, and did then expire.

They further represent that they formed a corporation by notarial act, dated 12th February, 1882, and took under it the control and administration of the common property. They averred the utter nullity of the action of the then church wardens under the charter of 1856, to-wit: their resolution of 30th May, 1874, and the nullity of their subsequent action, to-wit: the notarial act of 18th June, 1874, by which said wardens undertook to transfer to the Archbishop, N. J. Perché, the administration of the church property and its revenues. They averred that said Archbishop did not even fulfill the conditions of the pretended donation or mandate, and pray that he and his curate and agents Father F. X. Ceuppens, and the said Ceuppens individually, as curate, be enjoined from interfering with their administration of said property, etc., etc., etc., and that said Archbishop and curate be cited to answer, etc. Defendants filed their exception of no cause of action, which, after having been argued during six hours, by five attorneys, was overruled, for the reasons adduced in the written opinion of the court. In the argument defendants' counsel admitted that the charter of act of 1836, amended by act of 1856, had expired, and also, that the donation of 16th June, 1874, had become extinct by the death of the usufructuary. They argued that plaintiffs were fighting against wind-mills; that defendants were not in court; that there were no defendants in existence; that the curate could not represent the Archbishop in this suit; that no money judgment was asked for by plaintiffs, and that it was time and labor lost to try this cause.

After reading the exception, and defendants' answer, which followed (to be considered in case the exception be overruled), and after hearing arguments of defendants' counsel, the court seriously considered whether judgment could not at once be decreed in favor of plaintiffs. At this point of the trial it appeared to have been admitted by defendants that they were not in court, nor in existence; that they were not threatened with any money judgment; that they were not seeking to regain possession of the property or its revenues or be maintained in possession, and that they simply sought as a matter of curiosity to have the charter of 12th February declared null and void. Two days afterward, and when plaintiffs had introduced five witnesses to prove the amount of revenues received by defendants, the progress that had been made on the new church, which defendants had bound themselves to build; the forfeiture of the property for the taxes, which defendants had promised to pay, and other matters concerning the administration of defendants, all of which testimony had been taken in presence of counsel for defendants, and without objection, they moved to strike out several pages containing said testimony, on the grounds that they were irrelevant and foreign, and not necessary to the decision of the case. The motion, after long argument on the part of defendants, was refused, without hearing plaintiffs' attorneys, for the reasons assigned in the written decree thereon.

In the argument in support of their motion defendants' counsel reiterated that which they had stated previously, and this so persistently that the court interrupted them to ask what person they represented in the case? Surely not the curate, F. X. Ceuppens, whose *principal*, the Archbishop, was dead, and not at all in court, according to their admission, for how then could this *agent*, the curate, stand in judgment? To which they replied that the agent was obliged to continue to administer, notwithstanding the death of his principal, until relieved *parqui de droit*, so that throughout to this phase of the trial the curate, as the agent, was bearing the burden of his principal, the Archbishop, who was defunct, and who, according to counsel's theory, was not in court. When plaintiffs had closed their evidence, defendants placed on the witness stand one of the defendants, Father F. X. Ceuppens, and offered to prove by him the mode and manner of the formation of the charter of 12th February, 1883, and its illegality, to which evidence plaintiffs objected, because defendants by their general denial had admitted the existence of said corporation, because they had no interest in disputing it, because as they had admitted that the donation to them had expired 1st March, 1881, and as they pretended to no claim on the church property, and as they had never been authorized to represent other Catholics of this community, they could not be allowed, as their *proche ami*, much less as *amicus curiæ*, to question the validity of the act of 12th February, 1883, and to ask of this court a decision on a theoretical question, which in no manner touched them. Thereupon, for the first time, counsel for the defendants stated broadly, squarely and unequivocally, that although Archbishop Perché was dead and not in court, although Archbishop Leray had never accepted his succession, and had washed his hands of the whole matter, that one of the defendants, to-wit: Father Ceuppens, was still in court *individually*, if not as curate and agent; that he is a *Roman Catholic* and a *resident* of the parish of Ascension, and as such that he was championing his own individual interests in enquiring into the validity of the said Act of 12th February, 1883, incorporating plaintiffs, and had a standing in court and could stand in judgment, although no other Catholic of this parish had joined him in this suit so far.

This position was a new one, and antagonistic to the stand and admissions already made, but for fear that an exclusion of the testimony might delay the final termination of this case before the Supreme Court, and the further fear that the exclusion might be prejudicial to Francois Xavier Ceuppens individually and as a resident Catholic of this parish, the evidence was admitted.

The court therefore considered that at this stage of the trial, no one stood opposed to plaintiffs, except F. X. Ceuppens individually, who *ex rei necessitate* must represent the whole Catholic community of this parish and stand in judgment for them, else it would be a vain and idle thing to prosecute the present suit to its termination, if the same issues are to be decided again between plaintiffs and every other individual Catholic of the parish, who, like F. X. Ceuppens, would desire to test the legality of the notarial act of 12th February, 1883, incorporating said plaintiffs.

In the final arguments in this case defendants leveled all their objections solely against the legality of said act of incorporation of 12th February, 1883, concentrated their force against said act, denying that it was in conformity with existing laws, that it was a religious association, and asserting that it was manufactured secretly in a corner, and no publicity given prior to its formation. They averred, not that they hold any title or right or possession over the property in contest, or its revenues, but simply that plaintiffs have no right of action, cannot represent any one but themselves, have not the exclusive right to manage said property, and to force other Catholics, in spite of themselves, to become members of the new corporation, or to submit themselves to their administration, and pray that their pretensions be rejected. So that under these pleadings on the part of defendants this court is called upon to decide a question which does not touch upon their rights, otherwise than as it simply interests the other Catholics of the parish who have not taken an active part in the formation of the corporation, including one of the defendants, Father Ceuppens, individually as a resident Catholic inhabitant of this parish. The act of 12th February, 1883, is said to have been passed by virtue of sections 677 and 678 R. S., 1870, and it seems to have been admitted that, since the adoption of the constitution of 1879, there is no other mode of forming a corporation of the character of the present one, except it may be by calling out the mass of the Catholics in convention. Is there a law on our Statute books directing such a mode of procedure? I know of none, and therefore plaintiffs have violated no law in that direction. That an appeal to the mass of the people, through posters, and by publications in the newspapers during thirty days or more, would have been the best way, may well be admitted, but as no law directs these formalities, corporations may be legally formed without them. The notarial act is legal in form and has received the sanction of the representative of the State here. It has been in operation during nearly two years, has caused injury to neither persons nor property, and is susceptible of a speedy and peaceable alteration, and the powers under it transferred to other wardens under the annual elections for which it provides. The incorporated appear by the record to be Catholics in good standing, men of families, old residents, former church wardens, sextons, and many who, in 1874, had favored the passage of the act of 18th June, 1874. By force of circumstances and a pressing necessity they may have organized hastily and on short notice, but the record shows there was no secrecy about it, that the question of the organization was talked of freely and openly in the parish, that lists were circulated, that every one who desired could join or could oppose the proposed organization. The record shows further that after its formation a number of Catholics gave their active support to the corporation and cast the largest vote for wardens under its first election than was ever polled before on similar occasions. The act of incorporation in evidence shows that it is almost identically in words and figures the same as were the charters from the year 1817 down. It states that the corporation is for the purpose of administering the temporalities of the church. It provides for the annual election of church wardens, the curate to be *ex officio* one of them, and if its preamble does not contain the cabalistic words for which defendants contend, the body of the act and its whole tenor demonstrate that the congregation of the Roman Catholics of the parish of Ascension have formed a corporation for religious purposes, for purposes of worship and the welfare and benefit of the Catholics of this community. It is difficult to conceive how differently the act could have been worded. Under said charter equal rights to all Catholics are fully guaranteed. The doings of said corporation, their acts of administration have never been attacked. No body of Catholics have so far even attempted to organize another body corporate, and all that has been shown here was that after the formation of said charter a certain number of Catholics protested against the same. Should this court decide that the charter of 1883 be null and void, into whose hands would fall the property and its revenues? If plaintiffs here have enjoined defendants from the further administration of said property and the injunction be dissolved, then necessarily the administration, the revenues fall back in the hands of defendants, although the naked ownership of the property itself be in the Catholic community of this parish. The defendants have already asserted that they were the trustees of the Catholics of this parish, and entitled to control as such the property. They have said here in their pleadings and in their arguments that their usufruct expired on the first day of March, 1881, and notwithstanding that solemn admission, notwithstanding their reiterated asseverations that the property reverted to the Catholics of this parish since 1st March, 1881, still have they continued to enjoy its revenues, amounting to $800 a year, without in any way attempting or offering to account for them to the rightful owners.

These reasons are not given on the ground of expediency; they are founded on facts proven in the trial of this case, and the court is seriously asked to declare, as utterly null and void and of no effect, a *bona fide* contract, entered honestly into by a large number of respectable Catholics of this parish for the management of *their* property, so that its control may again fall in the hands of those who do not own the property, who so acknowledge the fact, who have already jeopardized said property, who have violated every condition of the contract under which they took possession of the property, and who have here stated in open court that it never was their intention to comply with said conditions! Under this state of facts, and the record so reads, the act of 12th February, 1883, would have to be most glaringly illegal, most unjust, unreasonable and obnoxious for this court to set it aside. But nothing of the kind was shown. It was simply urged that the act of incorporation was not properly worded, that no publicity was given of its intended formation, and that it could not include the Catholics who had not participated, and a wide scope in verbal criticism was indulged in. As before stated, the act is in legal form, intended for religious purposes, violates no law, and as the incorporators have possession, and have administered honestly, and as no counter corporation has been formed to dispute their rights, said act of 12th February is legal and valid.

It was stated by defendants that their case would stand or fall with the decision on the validity of the act of incorporation of 12th February, 1883, and it might possibly be said that this court need not go further in its judgment. But as defendants have put at issue every allegation of plaintiffs, and as it cannot now be surmised what view the Supreme Court may take on the other points of the case or what course defendants may adopt before said tribunal, it may be well for this court to adjudicate further. The act of donation of 18th June, 1874, was void. The wardens were not authorized under their charter to pass that act; they were not even authorized by their constituents to do so, the signers of the petition addressed to them and on which they predicated said act of donation.

These constituents, the Catholics of Ascension, could not, as contended in argument by defendants, divest themselves of the property even by revolutionary action. The property was donated for certain purposes by the original grantor; the confirmation of the grant was made by Congress for the same purposes, to-wit: the benefit of the Catholics. The donor *dedicated* the property for certain Catholics and succeeding generations of Catholics. An abandonment of that property would cause its reversion to the donor. The wardens had no authority to transfer the whole administration of the temporalities of the church to *an agent*; the charter made them the agents. The donation gave nothing to the donee under a faithful administration, for he had to apply the revenues exclusively for the benefit of the donors. The donation was never perfected according to the provisions of the civil code, and under these facts defendants may well be regarded as trespassers from the moment they took possession.

If at all valid the donation expired with the term of office of the wardens, and their term expired on the day of the donation, the same day that the act of 18th June, 1874, was signed and said donation fell stillborn. Or it expired on 18th June, 1884, the ten years having elapsed. Or it died with the donee, or was at an end on 1st March, 1881, when the charter ran out. It became extinct again by reason of the non-fulfillment of the conditions, the forfeiture for taxes, the mortgage of $250,000, and as the conditions were never *intended* to be filled and were not, it died at its birth.

The venerable Judge Martin said in a somewhat similar case that the Bishop had no authority except a spiritual one, but here he desires to control the temporalities. He desires to purchase at a tax sale property which belongs to the Catholics, for the purpose of returning it to them. The law mercifully provides that so much only of the property be sold as will suffice to pay the taxes, but defendants insist on the sale of the whole property in block that they may buy it, for what purpose? That they may return it, and yet they now contend that plaintiffs are not the Catholics to whom they would have returned the property. To whom, then? They have never been appointed stakeholders, the judges to settle disputes, if any exist. Courts of justice alone sit to enforce civil obligations, they never attempt to coerce the performance of those of a spiritual character. They are jealous of their jurisdiction and will tolerate no usurpation of their functions.

At best defendants could not be considered as acting in good faith since the extinction of the charter on 1st of March, 1881; they can not claim that they have acted in good faith as usufructuaries or as agents, and when they come into court to question the validity of the acts of plaintiffs, they should have clean hands themselves. There is not a redeeming trait in their defense. Spoliation from beginning to end marked their administration. They increased the revenues of the church, so as to share them themselves. They mortgaged property which did not belong to them, they attempted to divest the rightful owners by a tax sale of their property. They do not attempt to justify themselves under the gravest charges and strong evidence in their support. They simply contend and have been contending since nearly two years in this court that they are not accountable to plaintiffs, and it would seem to no one else. They do not stand on the strength of their case, but on the weakness of their adversaries. Fortunately for plaintiffs, they have proven that they have to the best of their knowledge and ability striven to do what was legal, honest and just, and that all that can be said against them is that they might have done better. With defendants it will be said from the record that they could scarcely have done worse.

The law, the evidence and equity are all on the side of plaintiffs, and stand arrayed against defendants, and therefore this court rejects defendants' demands and grants those asked by plaintiffs.

Wherefore it is here ordered, adjudged and decreed that plaintiffs herein do have judgment in their favor and against defendants, and that the injunction herein sued out be maintained and perpetuated, plaintiffs quieted in the possession and enjoyment of the property described in their petition, and that defendants pay the costs of these proceedings.

Given, read and signed, in open court, parish of Ascension, December 13, A. D. 1884.

HENRY L. DUFFELL, Judge.

As we reported last week, defendants moved for a suspensive appeal to the Supreme Court and it was granted, the appeal bond being fixed at $500.

He Thanks His Paper.

Mr. Editor:—I was induced by reading your good paper to try Dr. Harter's Iron Tonic for debility, liver disorder and scrofula, and three bottles have cured me. Accept my thanks. JOS. C. BOGGS.

The miniature cistern built by Mr. John P. Forcha for display at the Exposition as a specimen of his handiwork and a compact exhibit of twenty-four species of wood growing in this parish, presented a unique and attractive appearance when completed. It was surmounted by an ornamental tin cover, made by Mr. Henry Schaff and painted by Mr. A. J. Gingry, while upon each stave appeared in ornamental letters the name of its wood. The title and locality of the Acme Cistern Manufactory completed the inscription.

ADVERTISEMENTS.

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PHYSICIANS AND DRUGGISTS RECOMMEND IT.

Trade Mark. QUALITY PURITY NOT QUANTITY. On Every Bottle.

THE BEST TONIC.

This medicine, combining Iron with pure vegetable tonics, quickly and completely **Cures Dyspepsia, Indigestion, Weakness, Impure Blood, Malaria, Chills and Fevers, and Neuralgia.**

It is an unfailing remedy for Diseases of the **Kidneys and Liver.**

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It does not injure the teeth, cause headache, or produce constipation—*other Iron medicines do.*

It enriches and purifies the blood, stimulates the appetite, aids the assimilation of food, relieves Heartburn and Belching, and strengthens the muscles and nerves.

For Intermittent Fevers, Lassitude, Lack of Energy, &c., it has no equal.

☞ The genuine has above trade mark and crossed red lines on wrapper. Take no other.

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Old gold and silver bought. Clocks, watches and jewelry sold and repaired.

For a Good Meal, For a Clean Bed, } 25 Cts Each

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STRANGER'S HOME,

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The table will bear comparison with that of any hotel in town. Bar attached, fully supplied with good liquors, cigars, etc. Special rates for permanent guests.

J. H. SOMERVILLE, Proprietor.

For Sale.

Desirable Residence in Donaldsonville.

THE desirable property lately occupied by Mr. Michael Feely and family, located corner Iberville and St. Vincent streets, opposite St. Vincent's Institution—one of the most pleasant portions of the town for a residence—will be sold on very favorable terms. The house is in excellent repair, contains six rooms and has a double kitchen attached, also a spacious yard.

For further information apply to or address WM. D. PARK, Donaldsonville, La.

1885.

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Postage Free to all subscribers in the United States or Canada.

The volumes of the WEEKLY begin with the first number for January of each year. When no time is mentioned, it will be understood that the subscriber wishes to commence with the number next after the receipt of order.

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1885.

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and furnish labor for some at rates that will compare favorably with those of any other contractor or agent.

Planters will find it to their interest to consult me before concluding arrangements for earthwork, as I have unexcelled facilities for supplying skilled, reliable labor and doing the best kind of work at cheapest rates. First-class references furnished whenever required.

Apply at Mechanics' Exchange, or addres through Donaldsonville post-office,

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FERRY'S Seed ANNUAL FOR 1885 INVALUABLE TO ALL! Will be mailed FREE to all applicants and to customers of last year without ordering it. It contains illustrations, prices, descriptions and directions for planting all Vegetable and Flower SEEDS, BULBS, etc. D. M. FERRY & CO. DETROIT, MICH.

For Sale and Rent.

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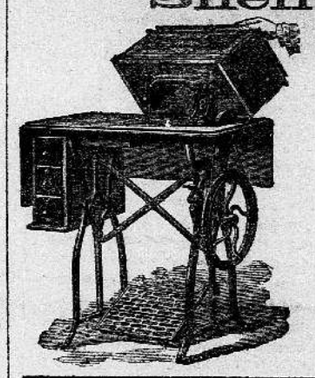

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