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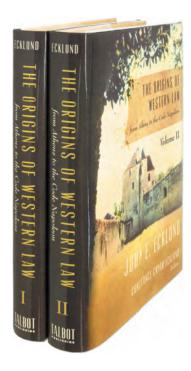
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New

THE ORIGINS OF WESTERN LAW

From Athens to the Code Napoleon

John E. Ecklund Constance Cryer Ecklund, Editor



The Origins of Western Law from Athens to the Code Napoleon charts the horizon of Western legal origins. Eternal Platonic truths versus the Sophists of individual preferences, medieval Realists against Nominalists, natural lawyers of the 17th and later centuries, Montesquieu and other Enlightenment thinkers fighting through principles and personhood—these and many more figures and ideas come alive in this comprehensive survey of the antecedents of our modern legal system. Well illustrated.

JOHN E. ECKLUND [1916–2000] a lifelong student of legal history, was a 1938 graduate of Yale College and 1941 graduate of the Yale Law School. At the Law School, Mr. Ecklund was named the case editor of the Yale Law Journal. He graduated cum laude. During World War II, Mr. Ecklund served on the general counsel's staff of the Board of Economic Warfare in Washington, D.C. Mr. Ecklund was a partner in the law firm of Wiggin & Dana, serving as general counsel for Yale for 12 years. He was appointed treasurer of Yale University in 1965.

CONSTANCE CRYER ECKLUND Phi Beta Kappa, magna cum laude Northwestern, Woodrow Wilson Fellow, and Yale Ph.D., married John E. Ecklund in 1975. A National Endowment for the Humanities Fellow, and Michael Dukakis Fellow to Anatolia College in Thessaloniki, Greece, she has written articles and given talks on French literature and pedagogy. In 2002, Southern CT State University awarded her Teacher of the Year. In addition to teaching, she is currently doing scholarship on Victor Hugo.

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2 vols. xxxiii, 1035 pp. 118 black & white illustrations Hardcover \$185. 978-1-61619-371-3

This is a magisterial book written by a magisterial man, John Ecklund, and his wife and editor Dr. Constance Cryer Ecklund. The subject, scope, and depth of the book seem to flow naturally from the man I was privileged to know in New Haven and at Yale for decades. On first meeting, most people would be struck by John's physical presence (he was tall), then by his civility, and then by his great intellect and thoughtfulness. He served Yale and New Haven as few others have. This excellent book is a living legacy that, I hope, will educate generations to come about the philosophical and historical antecedents of our system of law which remains one of America's greatest assets.

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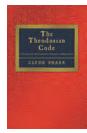
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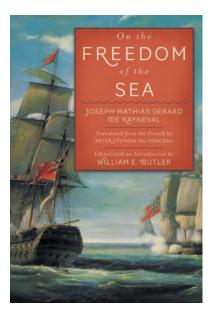
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WILLIAM E. BUTLER is the John Edward Fowler Distinguished Professor of Law Dickinson School of Law, Pennsylvania State University; Emeritus Professor of Comparative Law, University of London; Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine.

JOSEPH-MATHIAS GÉRARD DE RAYNEVAL (1736–1812) was First Deputy Minister of Foreign Affairs and an international lawyer. He was a signifi cant mediator in Anglo-French relations who composed an important memorandum of French strategy for secret assistance to the Americans entitled "Reflections on the Situation in America" (1776). He was a key negotiator in the commercial Eden Treaty (1786), which was signed by him on behalf of France. In 1804 he was awarded the Cross of the Legion of Honor for his contributions to the literature of international law.

PETER STEPHEN DU PONCEAU (1760–1844) was a Franco-American jurist who came to America at the age of 17 and lived in Philadelphia where he practiced international law until his death. He was president of the American Philosophical Society. In 1810 he published a translation of Bynkershoek's *A Treatise on the Law of War*.

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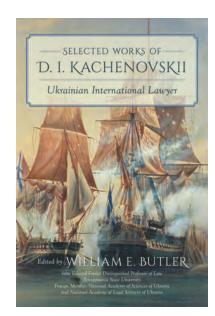
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WILLIAM E. BUTLER, xii

The development of international law and doctrine in the Russian Empire was influenced by the works (on prize law, constitutionalism and other facets of international law) of Ukrainian jurist Dmitrii Ivanovich Kachenovskii [1827-1872], who held the Chair of International Law at Kharkov University. Rare among his colleagues, Kachenovskii traveled extensively throughout Europe and spoke, wrote, and published in English.

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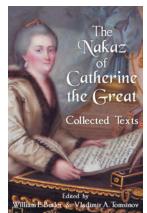
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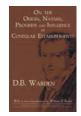
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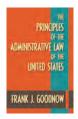
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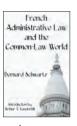
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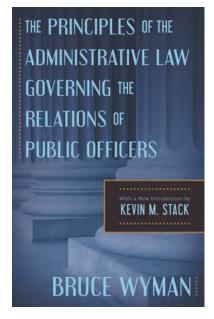
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KEVIN M. STACK

BRUCE WYMAN [1876–1926] was a law professor at Harvard Law School. He was the author of Control of the Market: A Legal Solution of the Trust Problem (1911), and, with Joseph Henry Beale, Cases on Public Service Companies, Public Carriers, Public Works, and other Public Utilities (1902) and The Law of Railroad Rate Regulation with Special Reference to American Legislation (1906).

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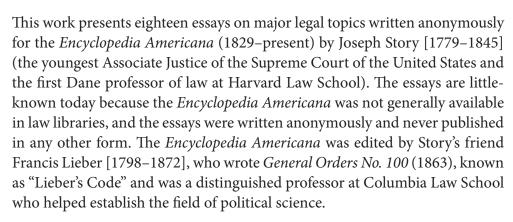
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Ranging from "Law, Legislation and Codes," "Common Law" and "Congress of the United States," to "Law of Nations," "Natural Law" and "Prize," these extended essays are fascinating distillations of Story's jurisprudence. Many of them were written during his dual tenure as Supreme Court justice and Dane Professor at Harvard Law School.

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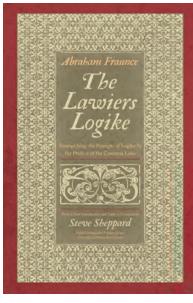
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MARK D. WALTERS
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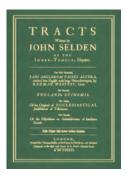
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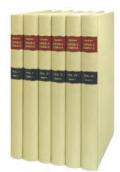
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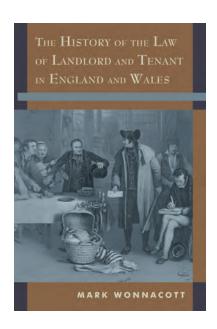
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MARK WONNACOTT is a barrister at Maitland Chambers in Lincoln's Inn, London, specialising in property litigation. If it is attached to the ground, he litigates about it, and the dustier corners of land law are his particular favourite. He was counsel for the successful appellant in Berrisford ν . Mexfield Housing Co-operative Ltd. [2011] UKSC 52, which revived the rule that a tenancy for an uncertain term is a defeasible lease for life. When not in court or writing law-books, he is collecting or repairing them, or trying to learn Italian, without much success, or appreciating wine, with somewhat more success. Previous publications include *Drafting Property Pleadings* (EMIS Professional Publishing, 1997) and *Possession of Land* (Cambridge University Press, 2006).

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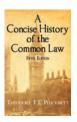
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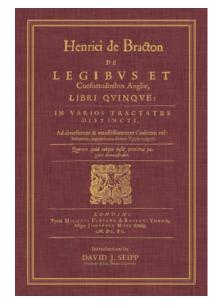
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Henry de Bracton 1640

xii (v-xii new Introduction), [xxx], 444 [i.e. 442] fol. [916 pp.]

Reprint of the second edition, which was a reissue of the first edition (1569). A systematic work, *De Legibus et Consuetudinibus Angliae* [*The Laws and Customs of England*] emphasizes the separation of procedural and substantive matters and also cites cases as sources of at least intellectual, if not formal, authority.

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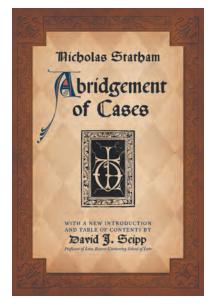
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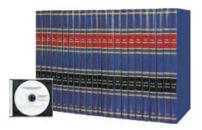
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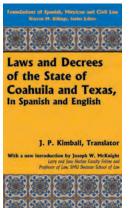
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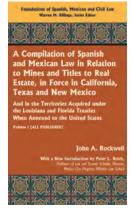
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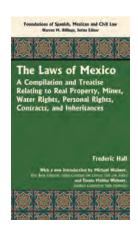
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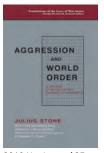
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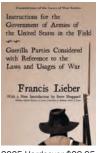
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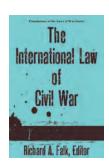
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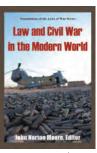
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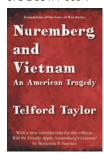
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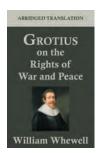
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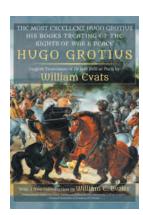
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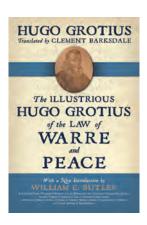
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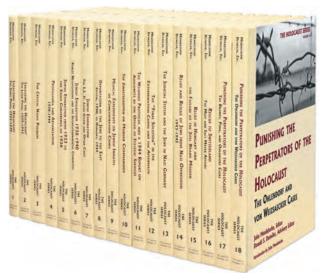
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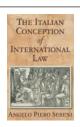
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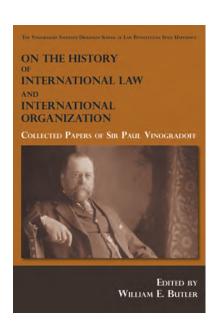
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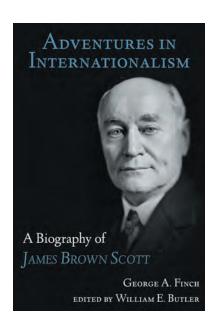
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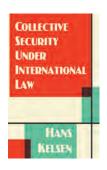
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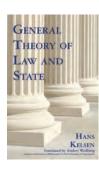


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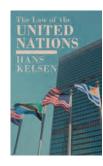


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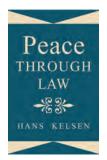
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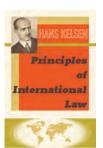


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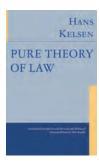
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Upon his retirement from the faculty of University of California at Berkeley in 1952, Kelsen produced arguably this his most important work, "... a systematic study of the most important aspects of international law, including international delicts and sanctions, reprisals, the spheres of validity and the essential function of international law, creation and application of international law and national law." Nicoletta Bersier Ladavac, "Hans Kelsen (1881

1973) Biographical Note and Bibliography," European Journal of International Law Vol. 9 (1998) No. 2.



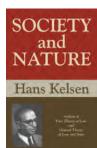
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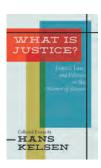
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[1946]

This interesting work offers a sociological and ethnographic perspective on Kelsen's juristic thinking. His central thesis, which ranges over the history of humanity, argues that the idea of causality developed from primitive ideas of retribution. He shows how early man developed his interpretation of nature through the laws of retribution and causality, then developed our current concept of nature and society over time. He

holds that the gradual emancipation of the law of causality from the principle of retribution is "the emancipation from a social interpretation of nature," a process "very important from the point of view of intellectual history." (Introduction viii).



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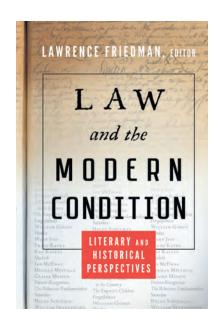
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Through the lens of science, Kelsen proposes a dynamic theory of natural law, examines Platonic and Aristotelian doctrines of justice, the idea of justice as found in the holy scriptures, and defines justice as "...that social order under whose protection the search for truth can prosper. 'My' justice, then, is the justice of freedom, the justice of peace, the justice of democracy—the justice of tolerance." (p. 24).

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Literary and Historical Perspectives

Lawrence Friedman, Editor George Dargo, Contributor Carla Spivack, Contributor



Using fiction as a lens through which to view particular developments in the law, these essays by Friedman, Dargo and Spivack discuss works of literary fiction - some classical (the tale of Ruth in the Bible, the fiction of Franz Kafka and Herman Melville, the plays of William Shakespeare), some modern (the post-September 11 fiction of William Gibson, Ken Kalfus, Claire Messud, Ian McEwan and Helen Schulman) - concerned, directly or indirectly, with the historical development of the law. This exploration of legal history through fiction pays particular attention to its relevance to our present circumstances and our growing concerns about terrorism and civil liberties.

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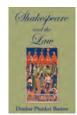
LAWRENCE FRIEDMAN received his bachelor of arts in history from Connecticut College and holds law degrees from Boston College Law School and Harvard Law School. A member of the faculty at New England Law | Boston, he has written widely in the areas of constitutional law, national security law, and law and literature. His previous books include *The Massachusetts State Constitution* (with Lynnea Thody) and *The Case for Congress: Separation of Powers and the War on Terror* (with Victor Hansen).

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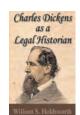
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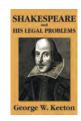
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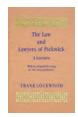
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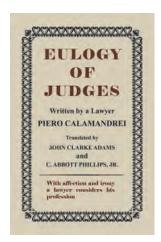
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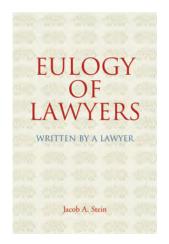
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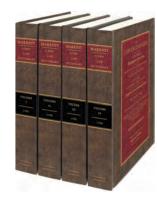


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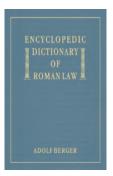
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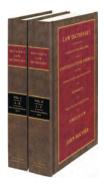
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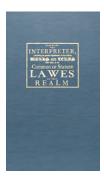


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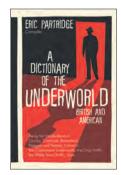


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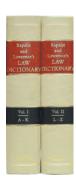
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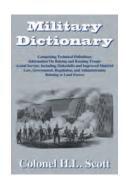


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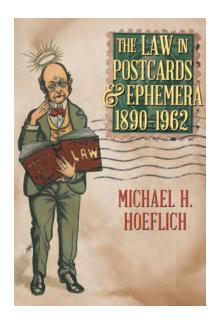
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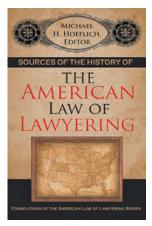
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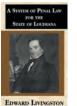
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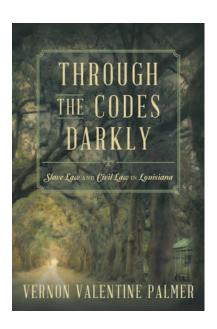


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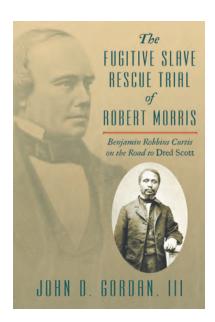
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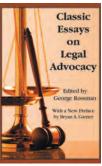
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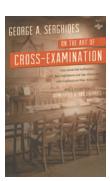
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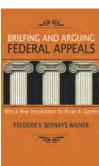
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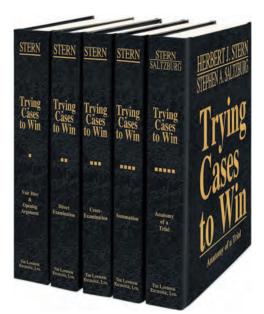
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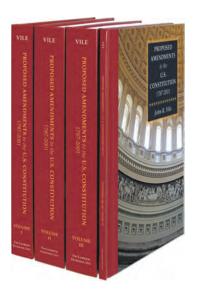
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Judge Stern was the subject of the book, *Tiger in the Court* (1973). He is the author of *Judgment in Berlin* (1984) which was made into a film with Martin Sheen as Judge Stern; and, most recently, *Diary of a DA* (2012).



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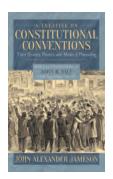
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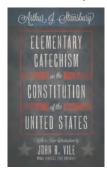
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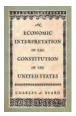


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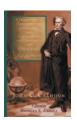
DR. JOHN R. VILE (Ph.D., University of Virginia) is a Professor of Political Science and Dean of the University Honors College at Middle Tennessee State University. Vile has written and edited six previous books on the constitutional amending process including the award-winning Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues: 1789-2010, now in its third edition. He is a coeditor of The Encyclopedia of Civil Liberties in America (2005), the Encyclopedia of the First Amendment (2009), James Madison: Philosopher, Founder, and Statesman (2008), and of Constitutional Law in Contemporary America (2011).

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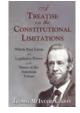
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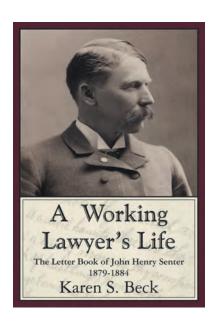
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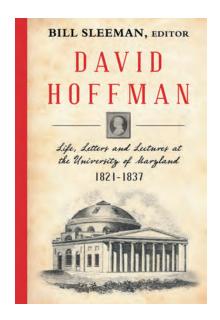
xiv, 267 pp.

Our knowledge of the everyday work, achievements, and problems of nineteenth century lawyers is constantly expanding. Much, however, remains to be learned. Karen Beck, Curator of Rare Books, Boston College Law Library, helps in this enterprise with this valuable contribution to the literature on legal practitioners.

JILL NORGREN
Law and Politics Book Review
19 No. 6 (June 2009) 351–354

JOHN HENRY SENTER [1848–1916] was a lawyer who practiced in a small Vermont town. His letter book, which contains 326 letters copied between April 1879 and 1884, records his business dealings, goals and thoughts. Richly detailed and often frank, these letters take us into the world of a small-town lawyer in the late nineteenth century. They introduce us to his clients, the legal matters he addressed, the way he ran his business and his daily difficulties (such as clients who failed to pay their bills). This book has two parts. The first part is a biography of Senter and a history of his practice. The second is a transcription of the letter book.

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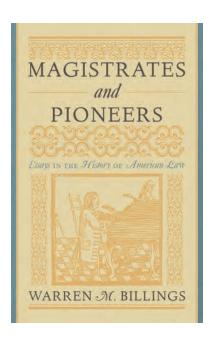
Bill Sleeman, Editor 2011

x, 487 pp.

DAVID HOFFMAN [1784–1854] was a prominent pioneer in the establishment of university-based legal education. He helped to found the University of Maryland Law School in 1816 and was its first professor. His *A Course of Legal Study* (1817) and *Legal Outlines* (1829) played a critical role in the development of law school curricula and provided guidance to hundreds of antebellum law students and attorneys.

In 1817 David Hoffman published *A Course of Legal Study*, an ambitious, systematically organized program of readings for aspiring attorneys. It was widely acclaimed upon publication; Joseph Story said it offered "by far the most perfect system for the study of the law which has ever been offered to the public." Hoffman published this book while helping to establish the Law Institute of the newly founded University of Maryland. He expounded the principles of the *Course* in his lectures. A few were published as pamphlets to promote Hoffman's ideas and attract students. In 1837 he re-published them, along with a few related texts, in a book entitled *Introductory Lectures, and Syllabus of a Course of Lectures, Delivered in the University of Maryland*. The Law Library of the Library of Congress holds the only known copy. Sleeman returns this rare volume to print and adds an illuminating biographical sketch of Hoffman and a consideration of his library that reprints an auction catalogue of his books prepared for his estate by Henry Wheaton.

BILL SLEEMAN is the Assistant Director for Technical Services and Special Collections, Supreme Court Library.



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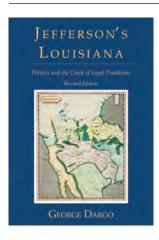
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Few scholars match Warren Billings for the depth and integrity of their research, or the elegance of their prose. These essays, the fruits of four decades of immersion in technically difficult archives and spanning four centuries of Virginia and Louisiana history, gracefully connect often arcane legal processes to the larger cultures in which they were situated. Even scholars well conversant with his work will benefit from having this selection of Billings' essays gathered in a single place. The lead essay, a charming and deeply humane scholarly autobiography, adds a grace-note to a volume rich in erudition and learning. Scholars of southern history especially will find much to savor in this superb collection.

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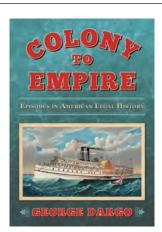
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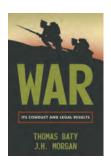
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This book will stand as a monument to an extraordinary historian. George Dargo was one of those rare legal historians with both a PhD in History and a JD in Law. The newly revised and edited essays in *Colony to Empire* reflect the depth of his background in law and history and they represent the work of an impressive life in scholarship. Few legal historians could successfully write a book of such erudition covering the colonial period to the present. Dargo's achievement is breathtaking.

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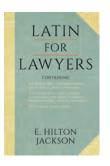
GEORGE DARGO [1936–2012] was a professor of law at New England Law|Boston from 1983 until his death. His previous books include *Roots of the Republic, Law in the New Republic*, and A History of the U.S. Court of Appeals for the First Circuit.



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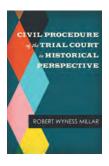
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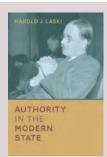
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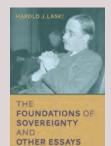
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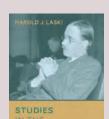
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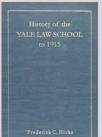
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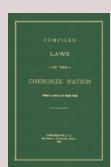
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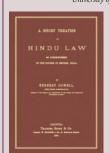


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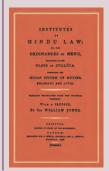
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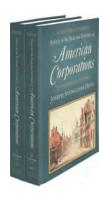
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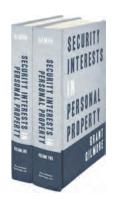
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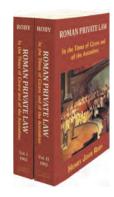


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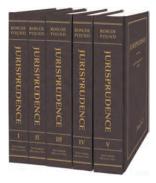
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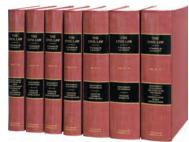
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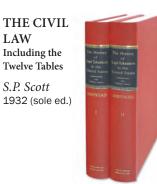
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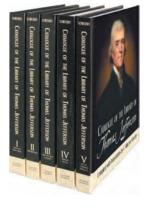
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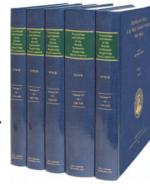
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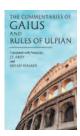
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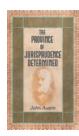
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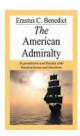
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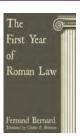
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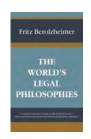


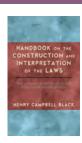














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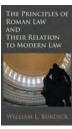
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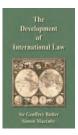
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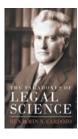
















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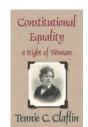
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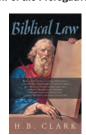
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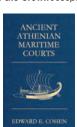
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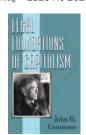
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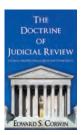
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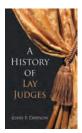


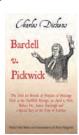












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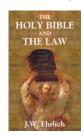
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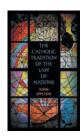




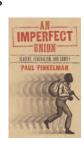


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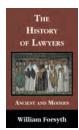
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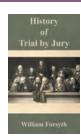
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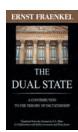
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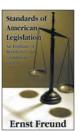
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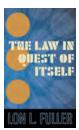


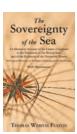


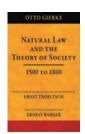












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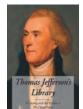
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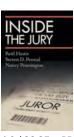


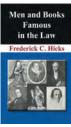








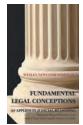


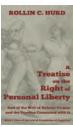


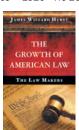


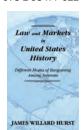
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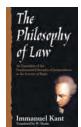




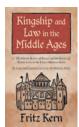


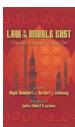


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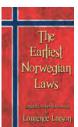




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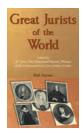
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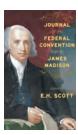
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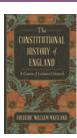
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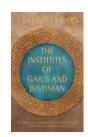
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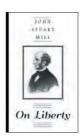


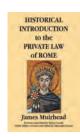


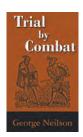












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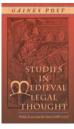
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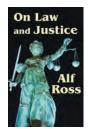
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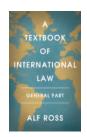
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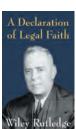
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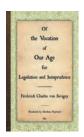
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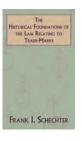
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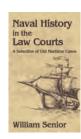












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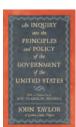
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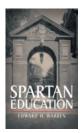




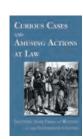












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