PUBLICATIONS

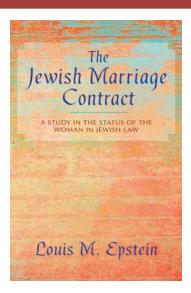
WOMEN AND FAMILY LAW

November 20, 2018



TALBOT

L'AWBOOK EXCHANGE



Louis M. Epstein

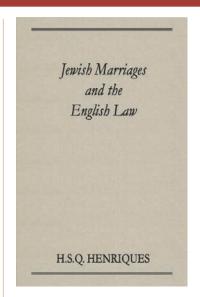
The Jewish Marriage Contract

A Study in the Status of the Woman in Jewish Law (1927)

xvii, 316 pp.

Paperback 2015 ISBN 978-1-1619-571-3 \$29.95

A cogent and compelling examination of the history and significance of the Jewish marriage contract, the Ketubah, with extensive notes in Hebrew and English. As Epstein notes in the preface, the Ketubah offers an excellent introduction to the character of Jewish marriage because it is not a sentimental, rhetorical or subjective text. Instead, it is "a legal document embodying the essential points agreed upon by the parties and sanctioned by the law as to the manner of their living together as husband and wife" [2]. This work will interest those concerned with property rights, family, divorce, and the evolution of betrothal and marriage.



H.S.Q. Henriques

Jewish Marriages and the English Law (1909)

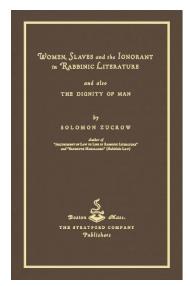
[iv], 59 pp.

Hardcover 2006 ISBN 978-1-58477-642-0 \$19.95

An authority on the legal status of English Jews, Henriques [1866-1925] was the author of *The Jews Return to England* (1905), *The Jews and the English Law* (1908) and several historical and critical essays. An expanded version of an essay from the *Jewish Quarterly Review*, the present work was intended to be a supplement to his 1908 study. A compact treatise that analyzes the law and its historical development, it offers an interesting perspective on English marriage law. Reprint of the sole edition. With side-notes.

With a New Introduction by Steve Sheppard

William Enfield Professor of Law, University of Arkansas School of Law



Manu (Lawgiver) Sir William Jones, translator and editor

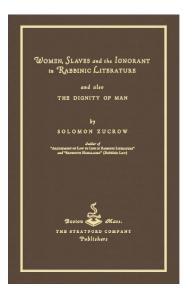
Institutes of Hindu Law

Or, the Ordinances of Manu, According to the Gloss of Culluca. Comprising the Indian System of Duties, Religious and Civil. Verbally translated from the original Sanscrit. With a Preface, By Sir William Jones. Sir William Jones, translator and Preface (1796)

(v-xxiv new Contents, Introduction and Further Reading), xvi, 366 pp.

Hardcover 2007 ISBN 978-1-58477-731-1 \$34.95

The Manusmriti, or Laws of Manu, is an important statement of Hindu law. Attributed to Manu, the progenitor of humanity in Hindu theology, it was compiled in its final form around 200 BCE. It is a collection of laws governing individuals, communities and nations and is an important (and somewhat controversial) source of information about the caste system and the status of women. This work achieved its international prominence through Jones [1746-1794], the able judge of the High Court of Calcutta and brilliant linguist, who produced the first complete English translation. Jones was attracted to this work because of its structural similarities to the Institutes of Justinian. Intending to establish Manu as the "Justinian of India," he intended to follow this translation with translations of other texts that resembled other parts of the *Corpus Juris Civilis*. He did not live long enough to complete his great project.



Solomon Zucrow

Women, Slaves and the Ignorant in Rabbinic Literature and Also The Dignity of Man [1932]

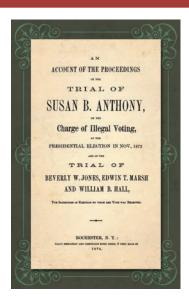
ix, 253 pp. Frontispiece.

Hardcover 2008 ISBN 978-1-58477-883-7 \$29.95

Reprint of the sole edition. A view of the legal status of women in Rabbinic literature in the following periods: pre-Biblical, Biblical, Talmudical and post-Talmudical periods.

Contents: Part I: The Legal Status of Woman Among the Jews. Part II: The Legal Status of the Slave Among the Jews. Part III: I: The Attitude of the Rabbis Towards the Am-Haaretz. II: The Dignity of Man.

Important Trials of Notable Women



Susan B. Anthony

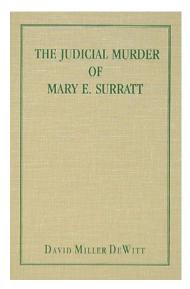
An Account of the Proceedings in the Trial of Susan B. Anthony, on the Charge of Illegal Voting, at the Presidential Election in Nov., 1872

And on the Trial of Beverly W. Jones, Edwin T. Marsh and William B. Hall, the Inspectors of Election by whom her Vote was Received

Originally published: Rochester: Daily Democrat and Chronicle Book Print, 1874 vii, 212 pp.

Hardcover 2018 ISBN 978-1-58477-187-6 \$23.95

An account of the landmark suffragist trial before the U.S. Circuit Court for the Northern District of New York, at Canandaigua in June, 1873, that brought the cause of women's voting rights to the forefront of national attention in the United States. A group of women led by preeminent abolitionist and woman's rights advocate Susan B. Anthony [1820-1906], attempted to vote during the presidential election of 1872, claiming they were entitled to do so according to the Fourteenth Amendment. The presiding officials, Jones, Hall, and Marsh, decided by a majority to accept their ballots. The women were soon arrested for this act and indicted for "knowingly voting without having a lawful right to vote." The officials were also indicted. This volume reprints the text of the indictment and a transcript of the testimony with connecting commentary. The appendix offers an address by Anthony delivered before her trial, a speech on her behalf cause by Joslyn Gage, and a critical assessment of the trial by John Hooker.



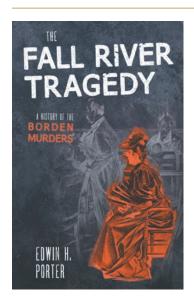
David Miller DeWitt

The Judicial Murder of Mary Surratt

Originally published: Baltimore: John Murphy & Co., 1895 vi, 259 pp.

Hardcover 2003 ISBN 978-1-58477-352-8 \$19.95

Reprint of first edition. Mary Surratt was the first woman tried and executed by the United States. She owned and ran a boardinghouse in Washington, D.C. where John Wilkes Booth and other conspirators in the assassination of Abraham Lincoln often met. She was tried and convicted of complicity in Abraham Lincoln's assassination and hanged on July 7, 1865. Though current scholarship indicates otherwise, many writers have portrayed her as an innocent victim of a vengeful military tribunal that did not have the right to try her for her involvement in the assassination plot. Two events supported this view. One was the 1866 Supreme Court decision Ex parte Milligan, which invalidated the authority of military courts to try civilians in places where civil courts were functioning. Ambiguity concerning military and civil authority in Washington, D.C. in 1865 raised questions about the legality of her trial. The other event was the trial of her co-conspirator son, John Surratt, before a civil jury in 1867, two years after her death. Surratt's testimony was similar to that of his mother. When his trial ended in a hung jury, it seemed to many that the military court had executed an innocent woman.



Edwin H. Porter, Reporter

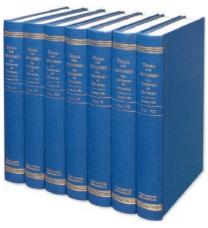
The Fall River Tragedy

A History of The Borden Murders. A Plain Statement of the Material Facts Pertaining to the Most Famous Crime of the Century, Including the Story of the Arrest and Preliminary Trial of Miss Lizzie A. Borden and a Full Report of the Superior Court Trial, with a Hitherto Unpublished Account of the Renowned Trickey-McHenry Affair Compiled from Official Sources and Profusely Illustrated with Original Engravings

Originally published: Fall River: J.D. Munroe, 1893. 312 pp. Illustrated

Hardcover 2015 ISBN 978-1-58477-546-1 \$49.95

Compiled nearly contemporaneously with Lizzie's sensational trial, the author aims to provide "a connected story of the whole case, commencing with the day of the tragedy and ending with the day that Miss Borden was set free." He touches on such topics as the discovery of the murders, the adjournment of the preliminary hearing and some the many theories that were advanced before any arrests were made. The book is handsomely illustrated with photos and line illustrations of the deceased, the accused the jury and others. Edwin H. Porter was the Police Reporter of the Fall River Globe.



Seven volumes Hardcover 2006 ISBN 978-1-58477-468-6 \$295.

[Adultery and Divorce]

Trials for Adultery

Or, the History of Divorces.
Being Select Trials at Doctors
Commons, for Adultery,
Fornication, Cruelty,
Impotence, &c. From the Year
1760, to the Present Time.
Including the whole of the
Evidence on Each Cause. ...
Taken in Short Hand, by a
Civilian (1779-1780)

Seven Vols. Numerous illustrations

With numerous engravings. This is the most extensive compilation of scandalous divorce cases produced in eighteenth-century England. Produced for amusement and titillation, the accounts in these volumes are valuable nevertheless for their combination of accurate reports and vivid background histories. In all, this collection is a fascinating document of English social and legal attitudes toward adultery and divorce at the dawn of an era of unprecedented social change.

Constitutional Equality a Right of Woman Tennie C. Claflin

Tennessee Claflin, Lady Cook

Constitutional Equality a Right of Woman

Or, A Consideration of the Various Relations Which She Sustains as a Necessary Part of the Body of Society and Humanity... Also a Review of the Rights of Children (1871)

[6], 148 pp. frontis. portrait.

Paperback 2008 ISBN 978-1-58477-911-7 \$11.95

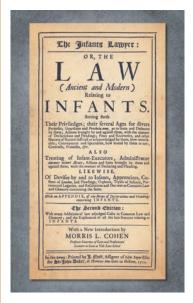
Reprint of the first edition. Written by one of the more radical women's rights activists of the nineteenth century, covers a wide range of topics concerning the role of women in American society. It also includes a chapter on the rights of children that focuses on the question of prenatal care.

Tennie Claflin [1845-1923] was the younger sister of Victoria Woodhull, one of the leaders of the nineteenth-century woman's suffrage movement and the first woman to run for President of the United States (in 1872). Together they became notorious as the first female Wall Street brokers. It was rumored that Cornelius Vanderbilt underwrote their business, and that Tennie was his mistress. The opening of their firm in 1870 created such a sensation that 100 policemen were needed to keep the throngs of the curious in order. Three months later their financial success as brokers enabled them to begin publishing Woodhull & Claflin's Weekly. They went on to publish this book in which Claflin makes a strong case for women's equality in 1871, the year Woodhull petitioned Congress for women's voting rights.

First English Treatise on the Law of Infants

With a New Introduction by Morris L. Cohen

[1927-2010], Professor of Law, Yale Law School



[Samuel Carter]

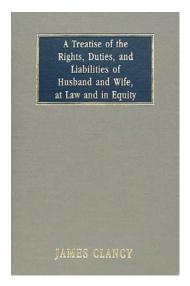
The Infants Lawyer

Or the Law (Ancient and Modern) Relating to Infants...
With an Appendix of the Forms of Declarations and Pleadings
Concerning Infants. With many Additions of Late Adjudged Cases in Common Law and Chancery; and the Explication of All the Late Statutes Relating to Infants (1712)

viii (iii-viii new Introduction), [24], 380, [27] pp.

Hardcover 2017 ISBN 978-1-58477-833-2 \$44.95

Reprint of the second edition. First published in 1697, this is the first English treatise on the subject. Its twenty comprehensive chapters consist of a digest of the case law relating to each topic with explanatory comments. Holdsworth notes that "[i]t was a useful book to practitioners since it covers all the topics connected with its subject" (*History of English Law XII*:399-400).



James Clancy

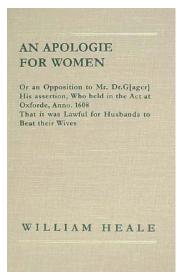
A Treatise on the Rights, Duties, and Liabilities of Husband and Wife at Law and in Equity First American from the Third

First American from the Third London Edition, with Great Additions (1828)

xxiii, 684 pp.

Hardcover 2003 ISBN 978-1-58477-281-1 \$44.95

This popular and useful work went through several English and American editions, and is instructive of the legal status of marriage at the time. It examines the equitable rights of husband and wife in their legal relationship to each other, in terms of personal property, liability, debts, survivorship, suicide, inheritance, children, cohabitation, dower, arrest of a married woman, settlement and the like.



[William Heale]

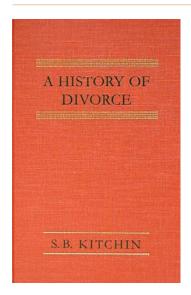
An Apologie for Women

Or an Opposition to Mr.
Dr.G[ager] His Assertion, Who
Held in the Act at Oxforde, Anno.
1608, That it was Lawfull for
Husbands to Beate their Wives
(1609)

[iv], 66 pp.

Hardcover 2003 ISBN 978-1-58477-287-3 \$39.95

William Gager [fl. 1580–1619], a controversial Latin dramatist, gave a public talk at Christ Church, Oxford in which he denounced women's "capacitie for learning, themselves adjudged worthie of blows" (p.3). Disturbed by this assertion, William Heale [1581?-1627], a chaplain-fellow at Exeter College, published this stirring response. His case is substantiated by his solid examination of civil and canon law in reference to this subject. *The Dictionary of National Biography* VII: 797 (Gager) and IX:331 (Heale). *A Short-Title Catalogue of Books Printed in England, Scotland, & Ireland, 1475-1640* 13014.



S.B. Kitchin

A History of Divorce (1912)

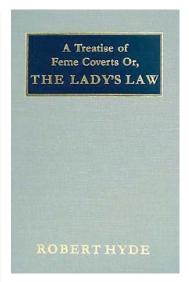
xvi, 293 pp.

Hardcover 2002 ISBN 978-1-58477-190-6 \$24.95

A history of divorce from the early Roman era to the present.

"It covers in a brief, readable way the law during the Roman period, in the Eastern Church and Eastern Europe, in the canon law and Western Europe, from the Reformation to the French Revolution, in England, the United States and the British Colonies."

Julius J. Marke, A Catalogue of the Law Collection
at New York University (1953) 758



[Robert Hyde]

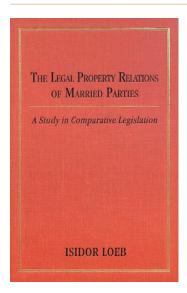
A Treatise of Feme Coverts

Or, the Lady's Law. Containing All the Laws and Statutes relating to Women, and Several Heads: I. Of Dissents of Lands to Females, Coparceners, etc. II. Of Consummation of Marriage, Stealing of Women, Rapes... And Select Precedents of Conveyances in all Cases concerning Feme Coverts (1732)

[viii], 264, [16] pp.

Hardcover 2002 ISBN 978-1-58477-286-6 \$35.

Reprint of the first edition of *The Lady's Law* which examines the doctrines of English Common Law relating to a "feme covert" or a woman whose legal status was covered by a male head of their household. A "feme covert" was therefore a woman not yet married or already married, but not widowed. (The legal status of a widow was a different matter entirely.) Written from a perspective sympathetic to women, it deals with precedents of conveyances not covered in *The Law of Baron and Femme*, and as such can be seen as a companion volume. The work concludes with Robert Hyde's argument in the case of Manby v. Scott in the Exquequer Chamber in 1663 in which he argued that a husband who is separated from his wife is not liable to a vendor for goods the wife purchased from the vendor. Commenting on the case in his diary, Samuel Pepys referred to Hyde's judgment as "most amusing."



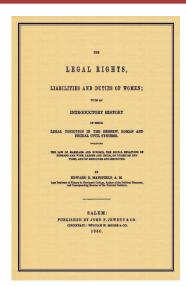
Isidor Loeb

The Legal Property Relations of Married Parties A Study in Comparative Legislation (1900)

197 pp.

Hardcover 2004 ISBN 978-1-58477-421-1 \$24.95

A title in Columbia's important series Studies in History, Economics and Public Law, this monograph is based on a doctoral thesis in jurisprudence written under the direction of E.R.A. Seligman and Frederick Hicks. Using examples from latenineteenth century American and European legislation and codes, Loeb examines how industrial capitalism, urbanization and new ideas about the status of women and children during the late nineteenth century affected the field of matrimonial property relations, one of the oldest and most conservative areas of the law. His general observations are followed by detailed sections on changes in the areas of marriage and legal capacity, matrimonial property systems and the succession of married parties.



Edward D. Mansfield

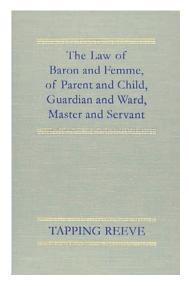
The Legal Rights, Liabilities and Duties of Women

With an Introductory History of Their Legal Condition in the Hebrew, Roman and Feudal Civil Systems. Including the Law of Marriage and Divorce, The Social Relations of Husband and Wife, Parent and Child, of Guardian and Ward, and of Employer and Employed (1845)

369 pp.

Hardcover 2005 ISBN 978-1-58477-469-3 \$34 95

Published three years before the Seneca Falls Convention, this lay guide for women is probably the first ever published in the United States. It is infused with the spirit of early feminism. As Mansfield [1801-1880] states in the preface: "Rights, and the knowledge of rights are no longer hidden from the masses of men; and why should they be from women?" (6). The book has four parts. The first is a general history of woman's legal status from biblical times to the 1840s. The second is an account of the American woman's civil rights. The third reviews the laws of property common to both genders. The final section reviews the rights, liabilities and duties of women in domestic relations. Mansfield was a Connecticut lawyer who later moved to Cincinnati, where he became professor of constitutional law and history at Cincinnati College.



Tapping Reeve

The Law of Baron and Femme, of Parent and Child, Guardian and Ward, Master and Servant, and of the Powers of the Courts of Chancery; with an Essay on the Terms Heir, Heirs, Heirs of the Body Third Edition (1862)

xlvi, 677 pp.

Hardcover 1998 ISBN 978-1-886363-58-8 \$39.95

"American text writing as a significant force in our legal development begins in 1816 with Reeve's Baron and Femme."

Roscoe Pound, The Formative Era... 140

Third and final edition of the first American work devoted to the law of women is chiefly valued for its description of the legal character of domestic relations. This treatise delineates the marital, parental, guardian, master and chancery authority and rights of property, debts, wills, contracts and settlements.

In 1782 Reeve [1744-1823] founded the first American law school, Litchfield Law School, where he was the only teacher until 1798 when he was appointed to the superior court bench. Amasa J. Parker was one of the founders of Albany Law School



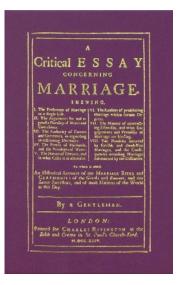
Chilton Latham Powell

English Domestic Relations 1487–1653 A Study of Matrimony and Family Life in Theory and Practice as Revealed by the Literature, Law, and History of the Period (1917)

xii, 274 pp.

Hardcover 2001 ISBN 978-1-58477-096-1 \$34.95

From its first appearance in English writing in 1487, the marriage contract, its making and breaking, and its subsequent effect on English family life, is examined here through the lens of the law, literature and events of the period. Powell includes discussions of contemporary attitudes toward women, and domestic conduct books, with selections from several conduct books included in the appendix. This unique treatise also offers the only existing account of English writings on the subject of the divorce of Henry VIII at the time of original publication.



[Thomas Salmon]

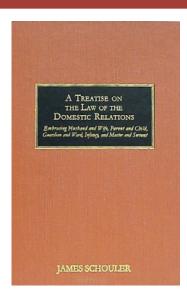
A Critical Essay Concerning Marriage

Shewing, I. The Preference of Marriage to a Single Life. ... IV. The Power of Husbands, and the Privileges of Wives. V. The Nature of Divorce... To Which is Added, an Historical Account of the Marriage Rites and Ceremonies of the Greeks and Romans, and Our Saxon Ancestors, and of Most Nations of the World at this Day (1724)

[xx], 310, 5 pp.

Hardcover 2005 ISBN 978-1-58477-460-0 \$34.95

Reprint of the first edition. Salmon [1679-1767] was a prolific writer on legal, historical and geographical subjects. He claimed that he went to sea and explored the world for many years. These travels may have furnished the information used in the book's section on marriage rites, which discusses the practices of Denmark, Livonia, Lapland, Germany, Greece, Armenia, Turkey, Persia, India, Ceylon, Siam, China, Japan, Morocco, Guinea, Ethiopia, Chili, Peru, Brazil, Paraguay, America, Mexico, Canada, Russia and Sweden. Whether he actually visited these places or not, Salmon's book remains a fascinating document of English social values, anthropological views and legal philosophy in the immediate decades after the Civil War and Restoration. This book was published anonymously in 1724. The second edition, which states the author's name, was published later that year.



James Schouler

A Treatise on the Law of the Domestic Relations

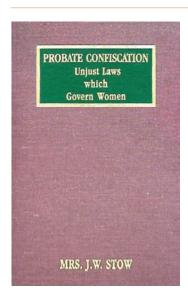
Embracing Husband and Wife, Parent and Child, Guardian and Ward, Infancy, and Master and Servant (1870)

lix, 670 pp.

Hardcover 2004 ISBN 978-1-58477-419-8 \$39.95

Reprint of the first edition.

Schouler [1839-1920] was America's leading authority on family law. His book on domestic relations, the first thorough study published in the United States since Tapping Reeve's *The Law of Baron and Femme* (1816), describes domestic law as it stood in the states and territories during the 1860s. A standard text, it went through six editions, the final appearing in 1921.



I.W. Stow

Probate Confiscation

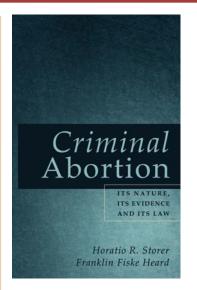
Unjust Laws which Govern Women Fourth edition revised and enlarged (1879)

[irregular pagination] 381, 34, 288-301 pp.

Hardcover 2003 ISBN 978-1-58477-340-5 \$29.95

Reprint of the fourth revised and enlarged edition, originally published in 1876. Printed for the author and sold on her lecture tours throughout the United States in an effort to enlighten citizens of those states and demand repeal of probate laws in each state. Mrs. J.W. Stow [d.1902], returned from a trip abroad to find that her husband, a prominent San Franciscan, had passed away. Although her husband was considered to be quite wealthy, Mrs. Stow found herself nearly penniless. Here she vigorously describes her dealings with the San Francisco Probate Court, and attempts to expose the injustice of the probate system.

A fascinating source for scholars of women's history and legal history alike, the volume is a passionate and insightful first-hand account of the legal system as it was experienced by women in the United States in the latter quarter of the nineteenth-century, as well as a well-informed feminist legal tract calling for economic justice and property rights for women and widows and their children.



Horatio R. Storer and Franklin Fiske Heard

Criminal Abortion

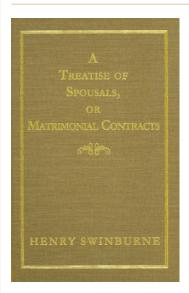
Its Nature, Its Evidence, and Its Law (1868)

viii, 215 pp.

Hardcover 2008 ISBN 978-1-58477-767-0 \$24.95

Paperback 2012 ISBN 978-1-61619-267-9 \$14.95

Containing both medical and legal perspectives, this is an important document from the early decades of the anti-abortion crusade. Dr. Storer led the medical campaign against abortion during the second half of the 19th century. His efforts were supported by Heard, a notable jurist and legal scholar. The motivations for both men were primarily racist, xenophobic and sexist. They were horrified by declining birthrates among Americans of Anglo-Saxon ancestry and the influx of immigrants, many of them non-white, Catholic and Jewish. In their minds abortion in the non-immigrant community, which they attributed to modern fashion and feminism, was leading to "race suicide" and a country overtaken by "inferior races."



Henry Swinburne

A Treatise of Spousals, or Matrimonial Contracts

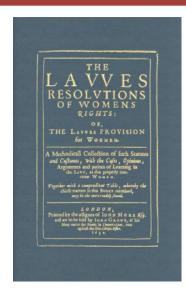
Wherein all the Questions Relating to that Subject are Ingeniously Debated and Resolved (1686)

[xvi], 240 pp.

Hardcover 2003 ISBN 978-1-58477-288-0 \$34.95

Reprint of the first edition. Published posthumously, this was the first English ecclesiastical law treatise devoted to marriage, the relationship between spousal contracts and marriage contracts, the dissolution of those contracts and divorce. He offers a definition of the term "spousals": "Spousals are a mutual Promise of future Marriage, being duly made between those Persons, to whom it is lawful. In which definition I observe three things especially: One, That this Promise must be mutual; Another, That it must be done rite, duly: The Last, By them to whom it is lawful." (p.5)

Henry Swinburne [1560?-1623] was commissary of the exchequer and judge of the consistatory court at York.



[T. E.]

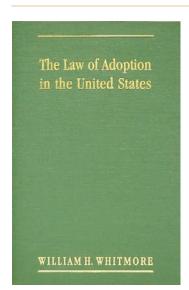
The Lawes Resolutions of Womens Rights

Or, The Lawes Provision for Woemen. A Methodicall Collection of Such Statutes and Customes, With the Cases, Opinions, Arguments and Points of Learning in the Law, As Doe Properly Concerne Women... (1632)

[xiv], 404 pp.

Hardcover 2005 ISBN 978-1-58477-525-6 \$65.

Reprint of the rare first edition. The first work devoted exclusively to women's law, this incomparable digest of laws in force at the time of the Civil War is also known as *The Womens Lawyer*. An anonymous work, its preface is signed T.E. Often attributed to Thomas Edgar [fl. 1615-1649], some believe the author was actually Sir John Doderidge [1555-1628], an important legal figure during the reign of James I. Lord Campbell considers it "a learned work on the subject of marriage" (cited in Sweet & Maxwell). It also treats such diverse topics as age of consent, dower, hermaphrodites, polygamy, wooing, partition, chattels, divorce, descent, seisin, treason, felonies and rape. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth of Nations* I:500 (24).



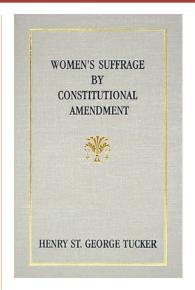
William H. Whitmore

The Law of Adoption in the United States, and Especially in Massachusetts (1876)

vii, 111 pp.

Hardcover 2003 ISBN 978-1-58477-344-3 \$29.95

Reprint of first and only edition. In 1875 the Massachusetts legislature considered a proposal to revise the state's adoption laws. Before it proceeded, however, it commissioned this study from Whitmore to serve as a reference for the legislators. Written in two parts, the first contains the texts of laws and related cases from twenty-two states. He also includes a brief summary of relevant European statutes. Organized by topic, the second part describes how these laws compare and differ. Though written for a specific purpose, this study remains a valuable guide for the scholar of the history of adoption law or family law to all aspects of American adoption law during the nineteenth century.



Henry St. George Tucker

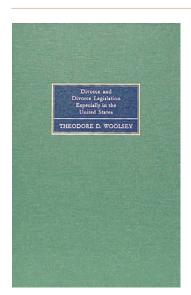
Woman's Suffrage by Constitutional Amendment (1916)

x, 204 pp.

Hardcover 2003 ISBN 978-1-58477-342-9 \$27.95

Tucker [1853–1932], the grandson and namesake of Henry St. George Tucker [1780–1848], was a Congressman from Virginia and an opponent of most social legislation. He argues that a Constitutional amendment providing for women's suffrage would violate the division between state and federal powers. According to Tucker, the right to vote is not a federal issue, but a local one.

Reprint of the 1916 Yale University Storrs Lectures.



Theodore D. Woolsev

Divorce and Divorce Legislation, Especially in the United States (1882)

x, [9]-328 pp.

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Reprint of the revised second edition. Woolsey presents his viewpoints on divorce legislation with extensive statistical support for his view that, with the exception of the statutes enacted in the state of New York, the United States courts are careless in their execution of divorce legislation. He also questions their adherence to Christianity. His views on the decline of divorce legislation are supported by a scholarly examination of the roots of divorce law in Hebrew, Greek and Roman law, the doctrine of divorce as portrayed in the New Testament and in the Christian Church, and in Europe since the reformation. First published in 1868, this second edition revision includes new material in the chapter on divorce legislation in the United States that brings it up to date at the time of publication.

Woolsey [1801-1889] was a theologian, educator and scholar, a professor of classical studies whose knowledge thereof informs this work. He was also President of Yale University for twenty-five years during which the University enjoyed growth and advancement in many areas. See *Dictionary of American Biography* X:519-520.

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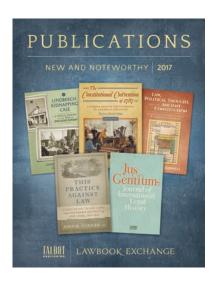
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