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Volume 20

Issue 8

Published Monthly

Aug/Sept 2015

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Cover: The Celsus Library at Ephesus. They chose option 2.

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August is usually very quiet for us with both customers and staff away on holidays. We do see a number of visitors however, who call in while passing through on their own holidays. It is always very pleasant to meet people we have corresponded with or spoken to on the phone.

Our new books *Trials & Tribulations* by James Wilson and *Manufactured Obscurity* by Amy Kellam are now published. See pp 35-36 for full descriptions. James has previously written the popular *Court & Bowled* along with *Cases, Causes and Controversies*. Amy's book examines the changing situation of Tibet within China.

It is worth noting that the Wildy Book of the Month for September is *Lions Under The Throne: Essays on the History of English Public Law* by Stephen Sedley. Francis Bacon wrote in 1625 that judges must be lions, but lions under the throne. From that day to this, the tension within the state between parliamentary, judicial and executive power has remained unresolved.

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Rikki Breem
1934-2015

We were very saddened to hear of the death of Rikki Breem (nee Parnham) on the 12th of August. Rikki had been at the Inner Temple Library from 1961 until her retirement as Librarian in 1991. After her retirement she remained in touch with many of her friends at the British and Irish Association of Law Librarians, of which she was a founder member along with her late husband Wallace. She also had a keen interests in Egyptology and the Tolkien Society and led a very active life after retiring.

WILDY'S TRIPS AROUND THE WORLD IN 2015

A chance to meet our representatives at conferences and other venues

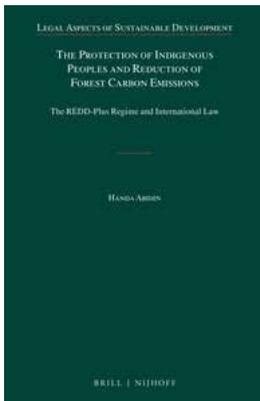
11 - 13 September, Grenada, Abbie Sinkins and John Pethick will be attending the OECS conference. They will be staying at the Grenada Grand Beach Raddison Hotel, and then will be going on to Trinidad until the 18th where they will be staying at the Hilton.

20 - 24 September, Steven Ross will be attending the IALL annual conference in Berlin

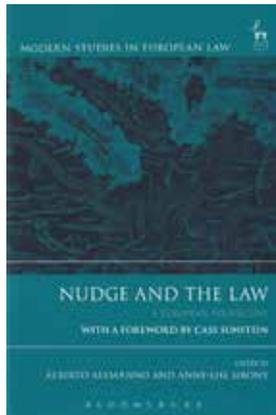
4 - 9 October, Vienna, Charlie Alpera and John Sinkins will be attending the annual IBA conference

MAJOR NEW TITLES THIS MONTH

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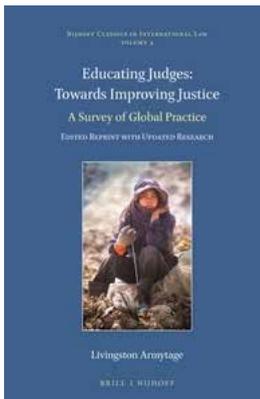
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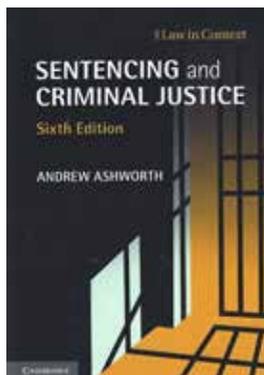
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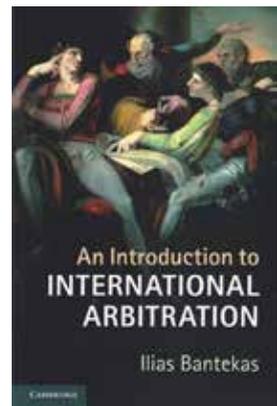
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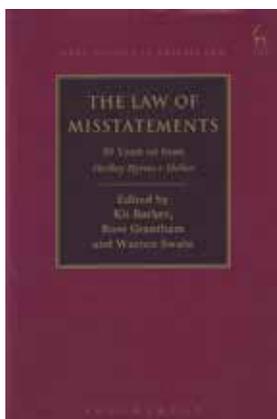
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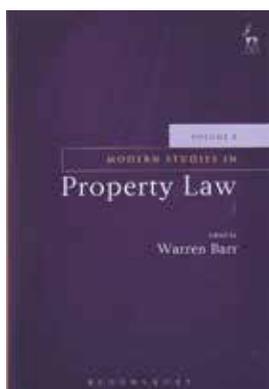
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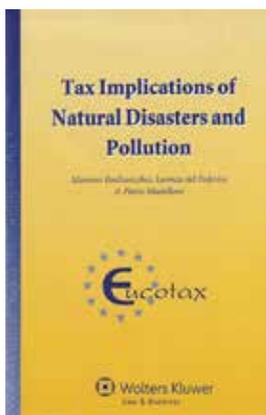
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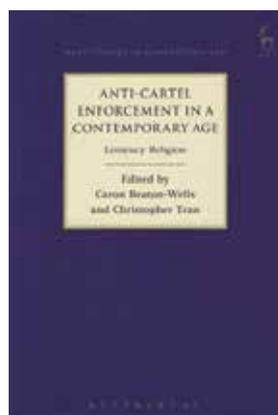
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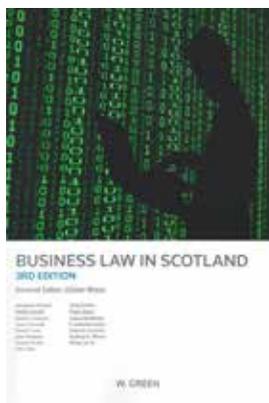
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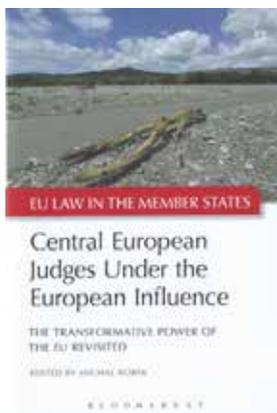
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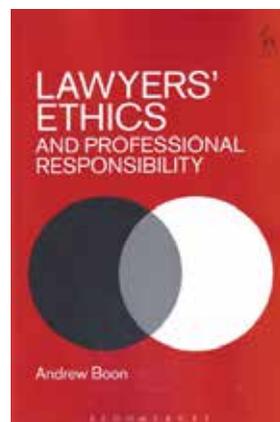
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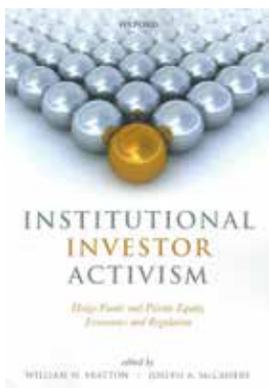
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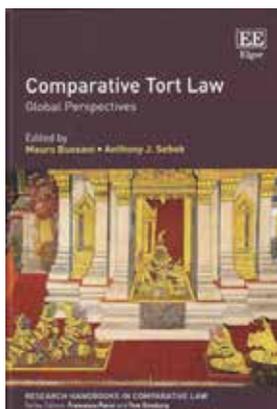
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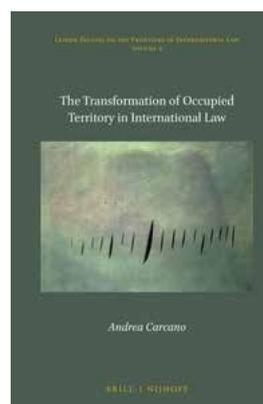
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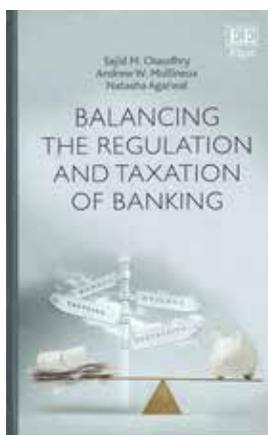
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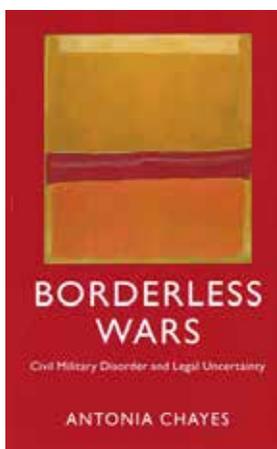
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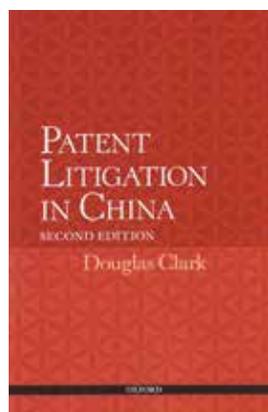
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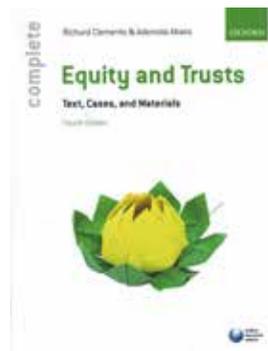
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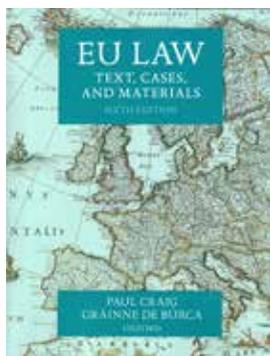
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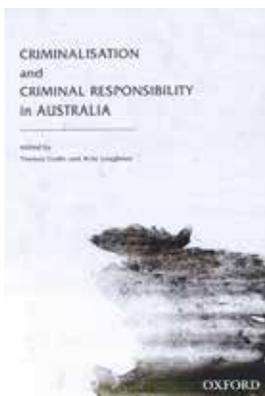
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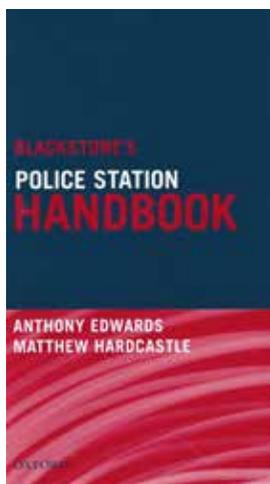
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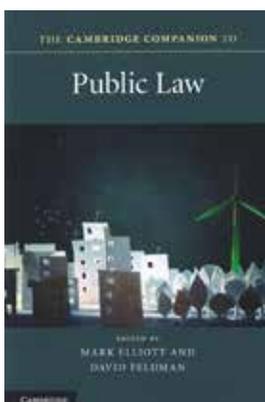
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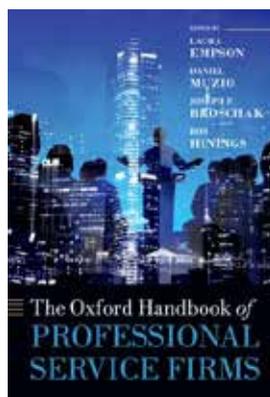
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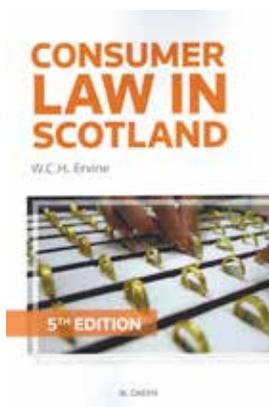
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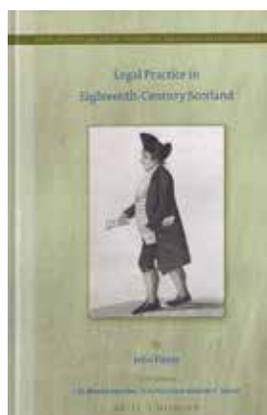
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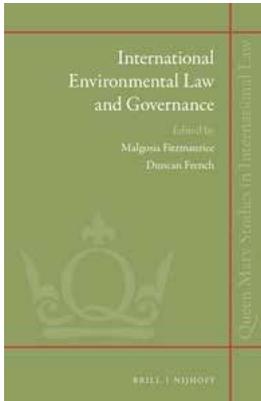
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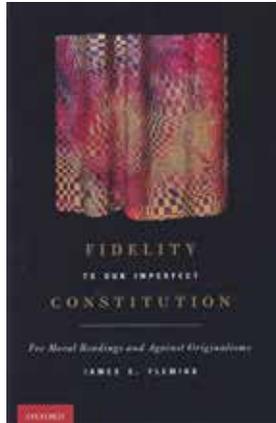
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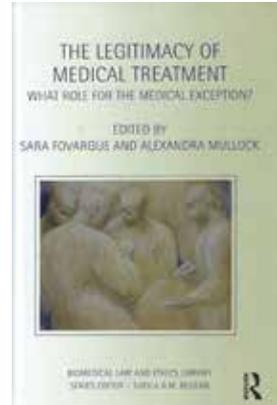
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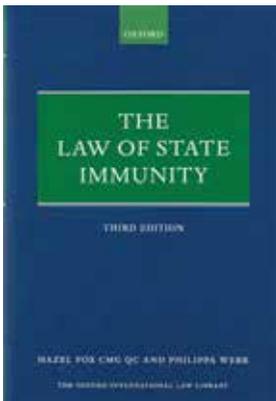
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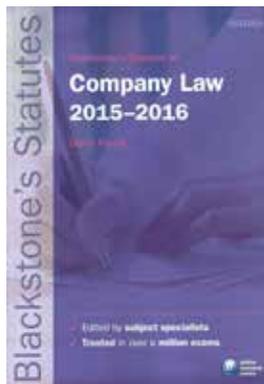
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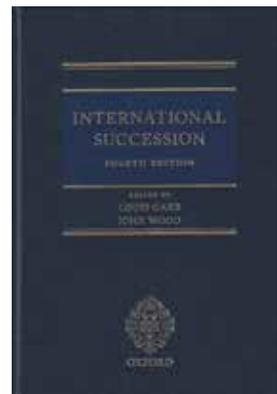
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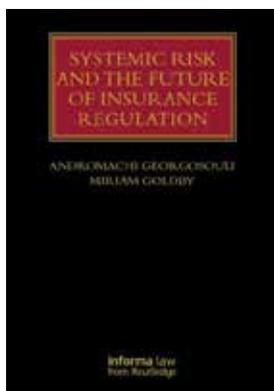
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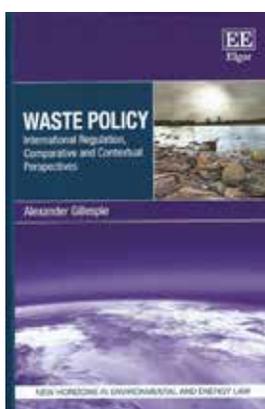
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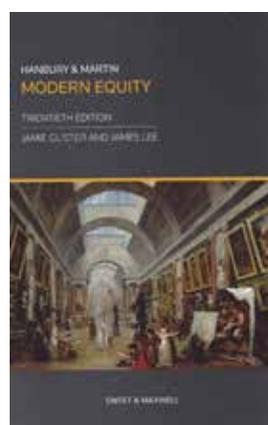
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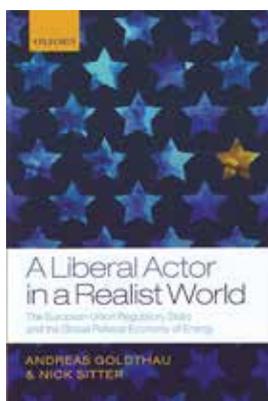
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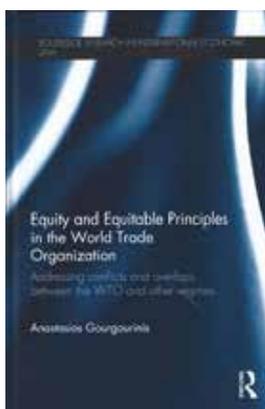
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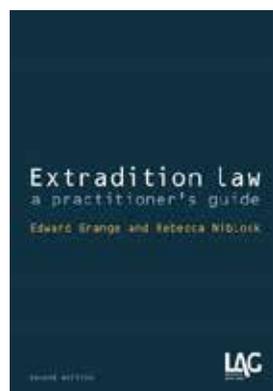
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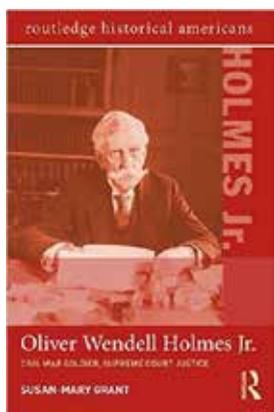
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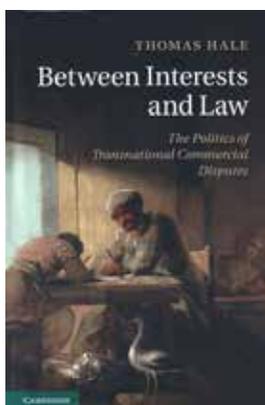
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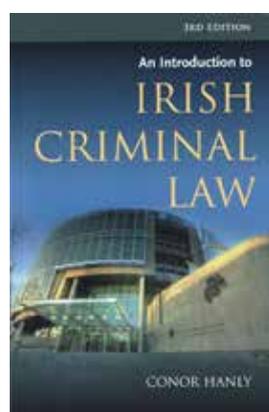
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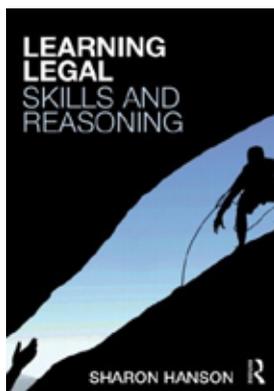
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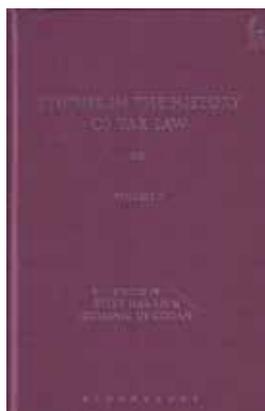
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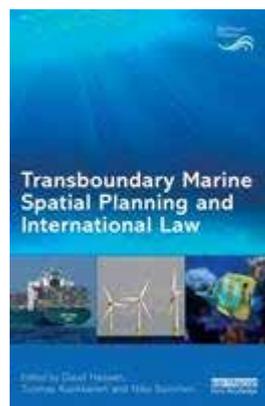
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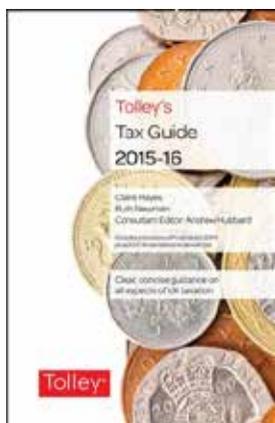
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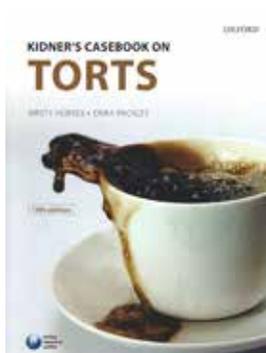
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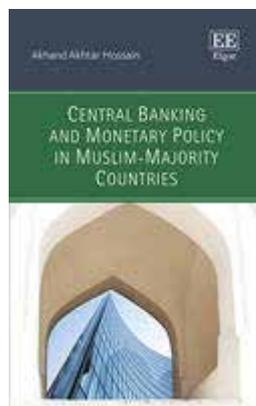
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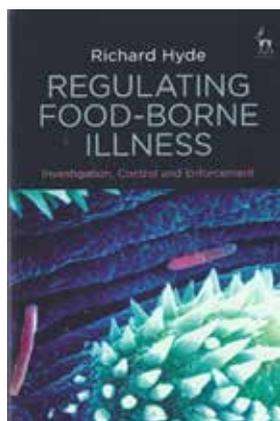
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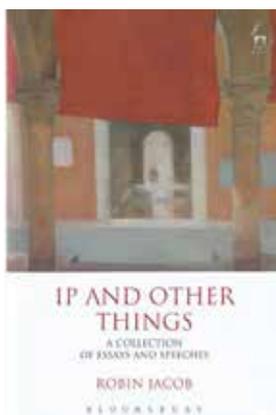
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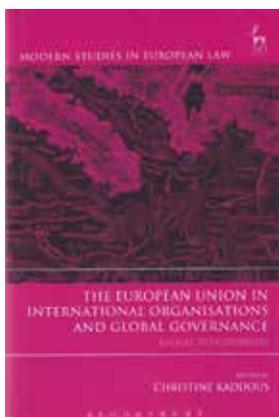
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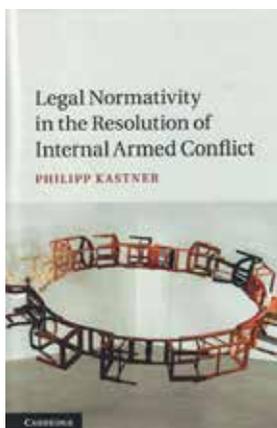
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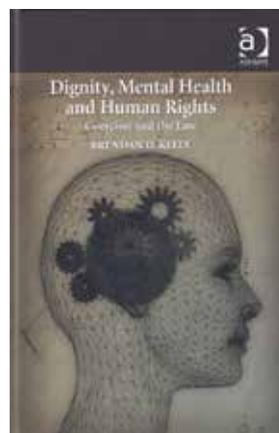
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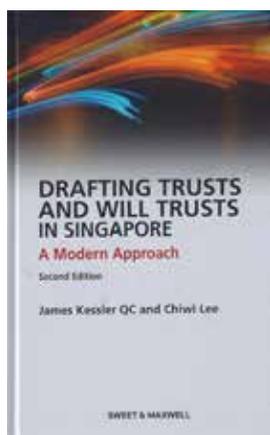
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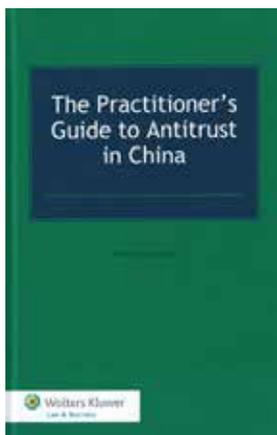
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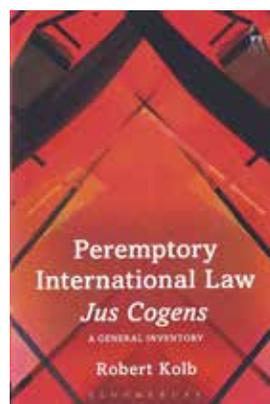
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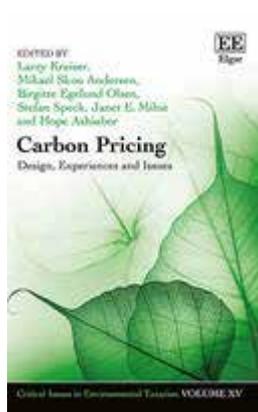
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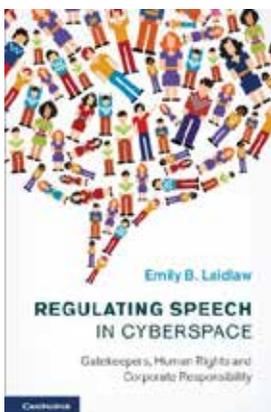
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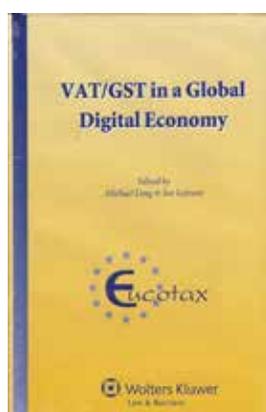
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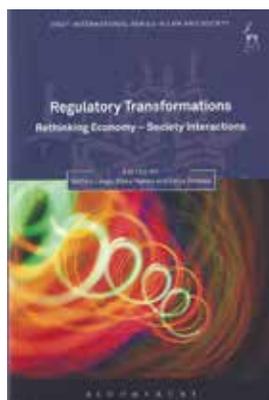
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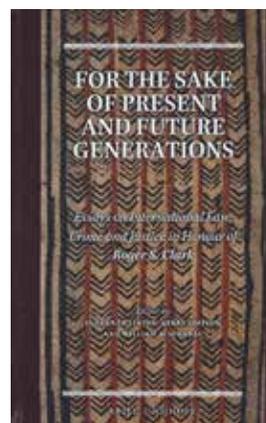


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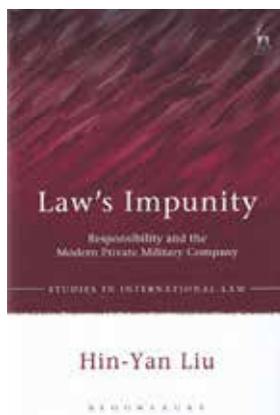
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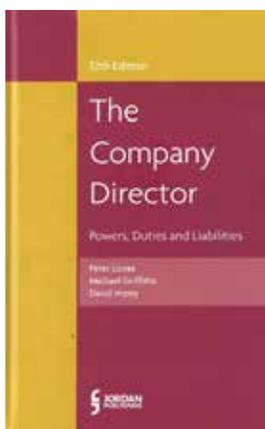
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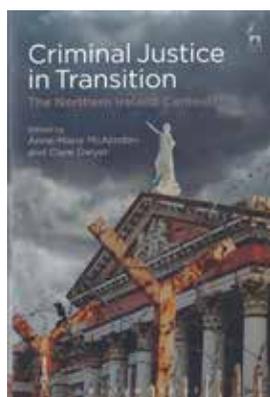
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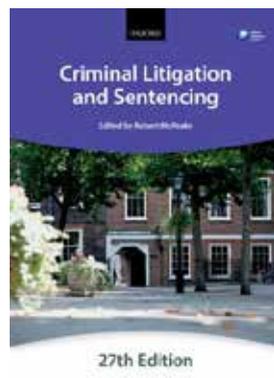
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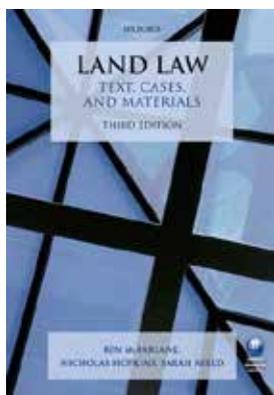
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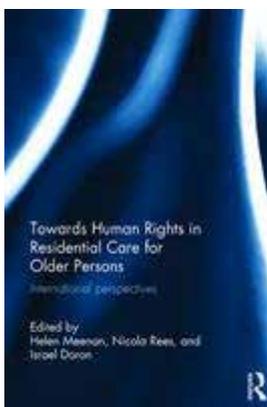
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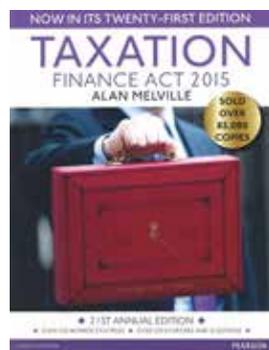
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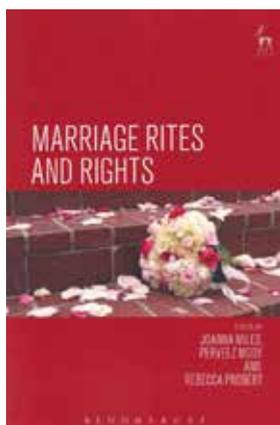
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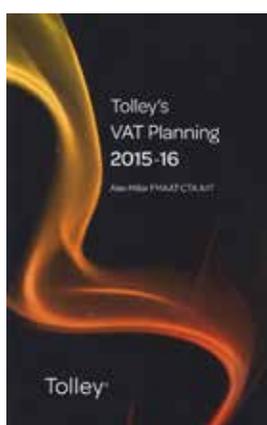
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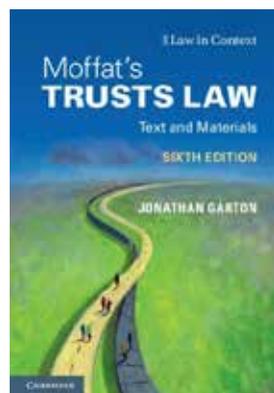
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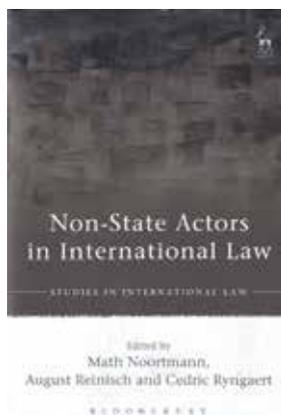
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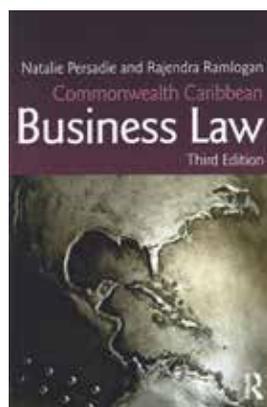
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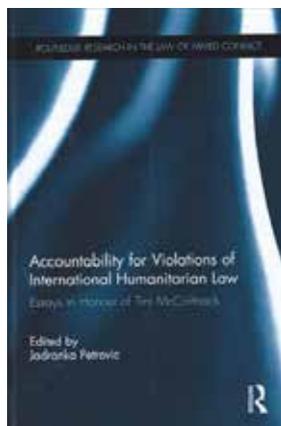
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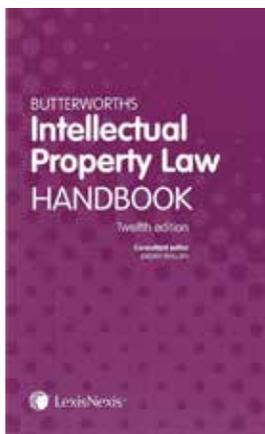
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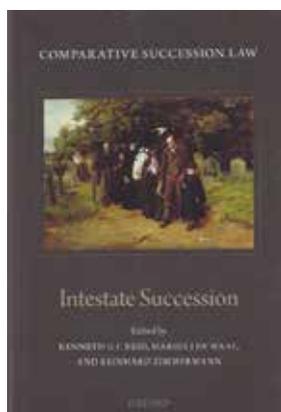
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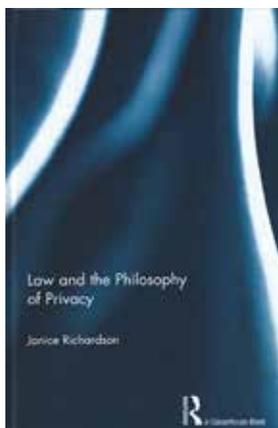
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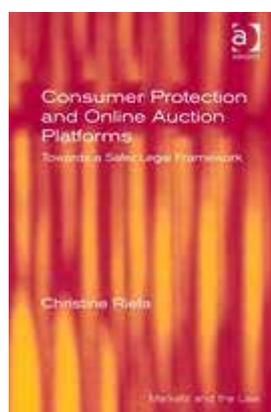
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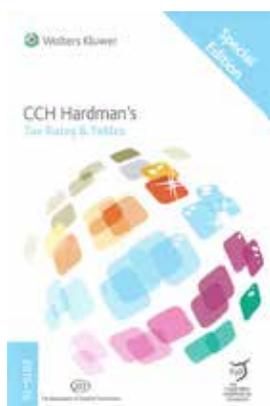
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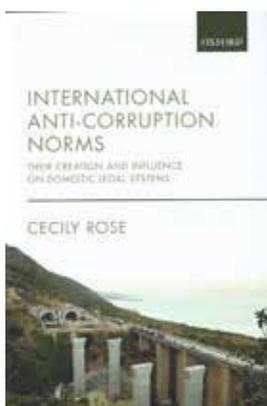
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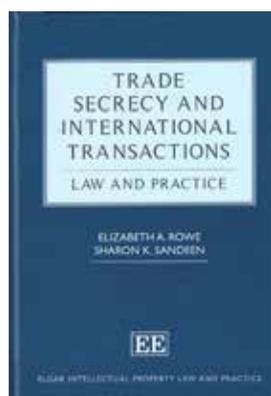
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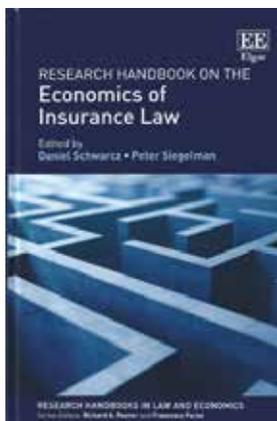
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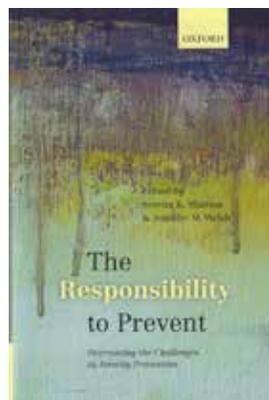
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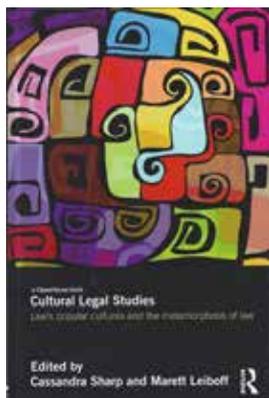
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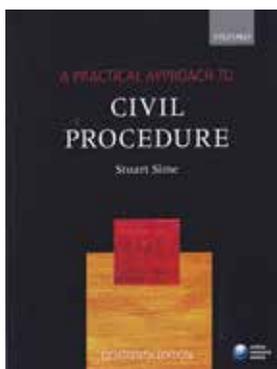
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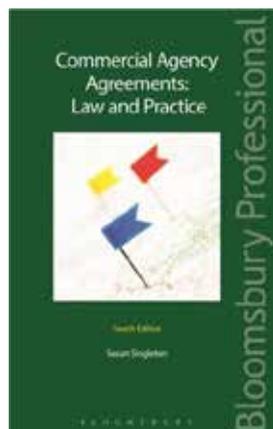
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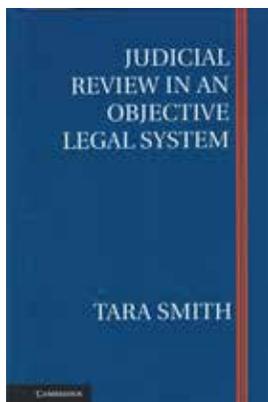
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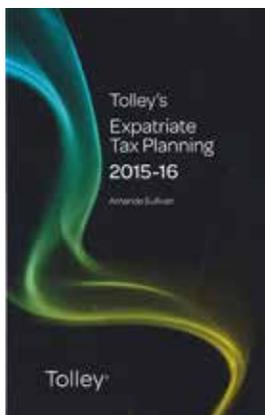
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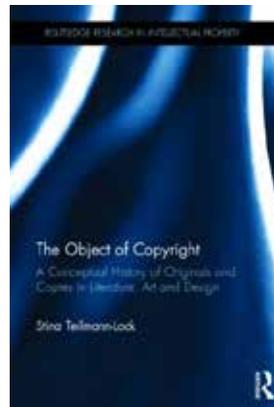
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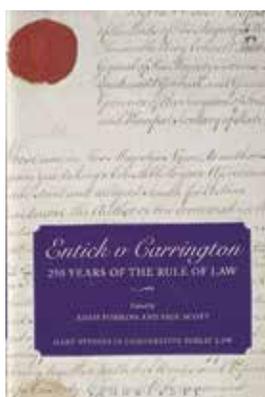
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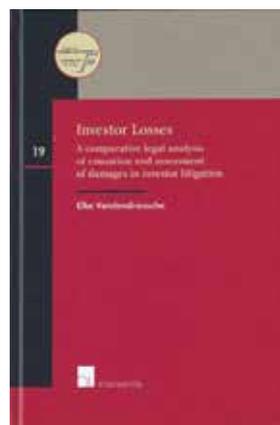
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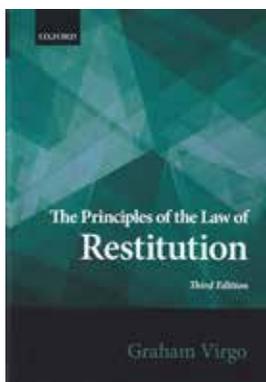
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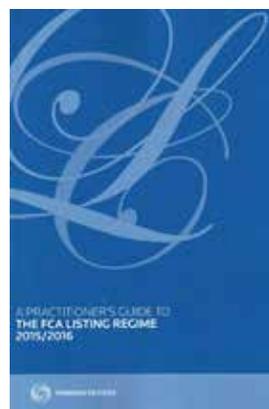
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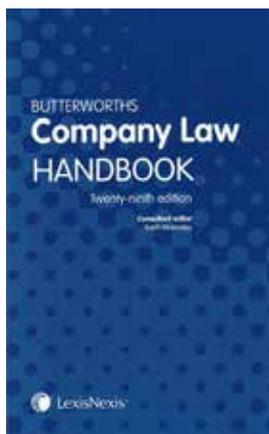
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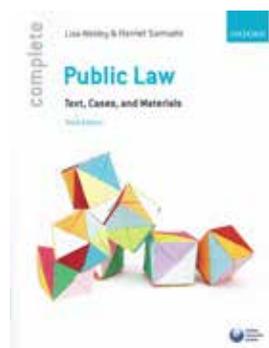
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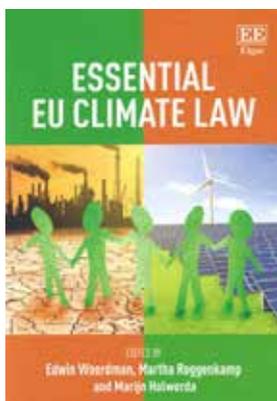
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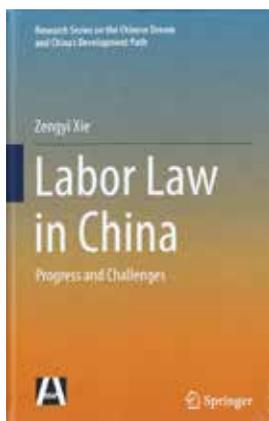
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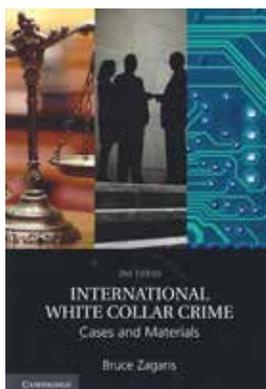
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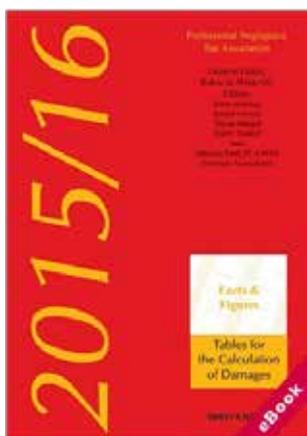
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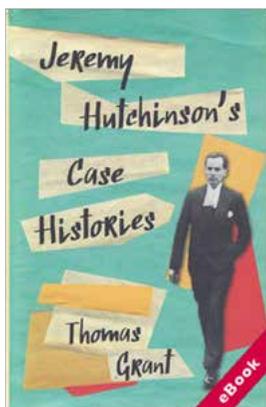
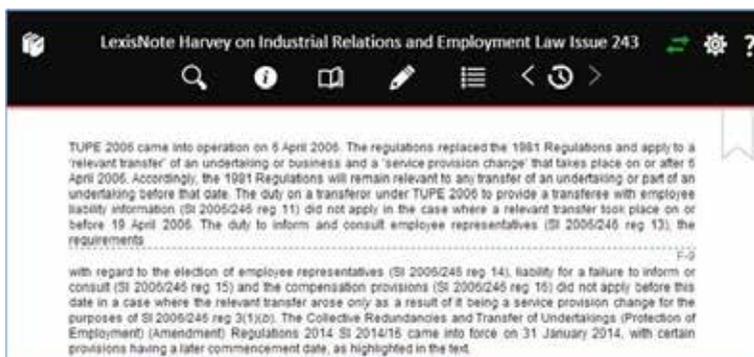
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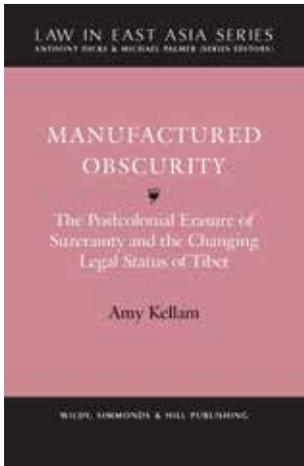
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the Changing Legal Status of Tibet***

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In 1951 Tibet was incorporated into the People's Republic of China by the Seventeen Point Agreement. Today the legal status of Tibet remains a matter of contention between the PRC and the Tibetan-Government-in-Exile. Both rely upon on legally ambiguous British engineered treaties to make their case. The inconsistent representation of Tibet's status in treaties is not, however, a reflection of the ambiguity of Tibet's status itself; it is a reflection of the ambiguity of such treaties in the context of the positivist-colonial encounter.

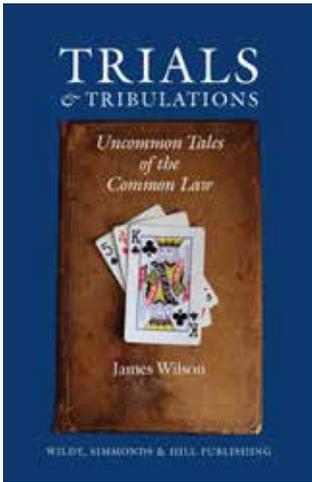
Drawing upon British Government archives, this book examines the issue: to what extent, in what ways, and with what effects has the British imperial legacy in the region converged with Chinese formulations of law and governance in Tibet to prejudice understanding of Tibet's legal status. This addresses a significant gap in international legal literature, which seldom discusses Tibet outside of considerations of minority rights within the PRC.

This book argues that an assessment of imperialism and its relationship with nineteenth century international law is essential to explaining the events of 1951, but it is only through a reassessment of the postcolonial that the absence of discussion of Tibet's status in international legal discourse can be explained. The history of Tibet's legal status highlights contradictions embedded within modernity and exposes the mythological foundations of the modern secular state's narrative of progress.

Manufactured Obscurity concludes that the much emphasised clash between Western and East Asian values in the field of international law in truth operates along a much narrower divide than might be presumed. This is best assessed as a reflection of the contradictions inherent to the postcolonial within international law; involving both a pushing away of the imperialistic past and a reaffirmation of its continuity in order that modern commitments to the rule of law retain value.

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This book is a collection of 50 stories of notable court cases spanning more than a century. There are great ethical dilemmas – the tragic case of the conjoined twins where one, but not both, could survive, or the football fan Tony Bland who was left in a persistent vegetative state after the Hillsborough Disaster, and whose family faced the tragic choice of ending treatment. There are significant legal cases such as *Donoghue v Stevenson* and *Carlill v Carbolic Smoke Ball Company*. There are also great Victorian scandals such as Oscar Wilde’s fall from high society, or the wrongful imprisonment of Captain Dreyfus. Then there are more topical cases, such as those involving religion and the law and the ‘clash of rights’ that sometimes occurs when devout people find their conscience will not allow them to act according to the law.

And then there are cases that can only be described as absurd. The writer Julie Burchill was once sued by someone who was offended by her calling him ‘ugly’. In another case, an unfortunate marital dispute required the judge to look at reams of hard-core pornography, and to try to find judicially-appropriate neutral language to describe it.

Written in an accessible style with an eye to the human as much as legal interest, the book will be of interest to lawyers and non-lawyers alike.

Planning Enforcement



David Travers QC,
Edward Grant and
Emmaline Lambert

Wilby, Simons and Hill Publishing

PLANNING ENFORCEMENT

A Wilby Practice Guide

David Travers QC
Edward Grant
Emmaline Lambert

Price	£32.50
ISBN:	9780854901166
Extent:	239pp
Binding:	Paperback

This book is a comprehensive and practical guide to planning enforcement. Planning enforcement is often seen as a minefield that straddles planning and criminal law. This book provides a thorough guide helpful to Local Authorities and private sector practitioners on matters ranging from the decision to issue a notice through to proceedings under the Proceeds of Crime Act 2002 as well as dealing with the appeal system.

Planning Enforcement sets out the very detailed technical complexities of enforcement through an easy-to-follow structure. The book draws together the statutory framework, case law and guidance. The authors intend the book to serve as a practical reference and include useful examples of Notices and appeal forms. Topics covered include:

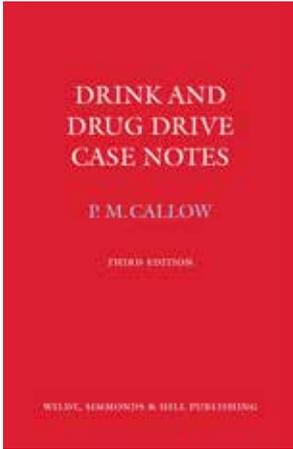
- Content and issue of an Enforcement Notice
- Validity and nullity
- Grounds of Appeal
- Inquiry Procedure
- Listed Building Enforcement Notice
- Consequences of failure to comply including criminal prosecution and injunctive proceedings

Planning Enforcement takes into account the ever-changing landscapes of planning law and guidance, including the Localism Act and the National Planning Policy Framework.

The authors are practising barristers from 6 Pump Court and practise Planning, Public Law and Regulatory work. David Travers QC is also Visiting Professor in the Business Accountability and Responsibility Centre at Newport Business School. Emmaline Lambert and Edward Grant both have extensive planning practices and are regularly instructed by developers, third parties and local authorities to advise and appear on their behalf at Planning Inquiries. They have significant experience in enforcement matters including public inquiries and both prosecuting and defending enforcement offences and in the use of injunctions to remedy breaches of planning control.

DRINK AND DRUG DRIVE CASE NOTES

P M Callow



Price: £69.00

<http://www.wildy.com/isbn/> 9780854901685

Extent: 691pp

Binding: Hardback

Many thousands of people are prosecuted each year for drink and drug driving offences. The legislation favours the prosecution in a number of ways, for example, by requiring those under investigation to give evidence against themselves in the form of specimens of breath, blood or urine,

but also affords certain safeguards to suspects. The conviction rate is exceptionally high, and the provisions have given rise to a wealth of case law.

Drink and Drug Drive Case Notes comprises summaries of the many cases on drink driving, and the fewer cases on drug driving, which have come before the High Court, the Court of Appeal, the House of Lords and, in one instance, the Supreme Court. Over six hundred judgments are summarised. Each note is presented as a short statement of the facts of the case, the question(s) put to the appeal court and an extract from the judgment. The notes are intended to provide a broad outline of the trends in the case law and as starting points for readers seeking guidance on particular issues.

This third edition includes notes of some seventy-five cases decided since the second edition was published. Themes running through the new cases include the interpretation of the provisions on reasonable cause to believe that the breath analysis device has not produced a reliable indication of the suspect's breath alcohol level, and on the application of the Criminal Procedure Rules to proceedings for drink and drug driving. At the time of publication, the so-called "statutory option" has just been removed, and section 5A of the Road Traffic Act 1988, creating new offences of driving, attempting to drive, and in charge, with a concentration of a specified controlled drug above a specified limit, has come into force. The offences are framed in much the same terms of the excess alcohol offences, but testing will be by the analysis of blood or urine only. While much of the case law concerning drink-driving will be relevant, the new provisions will no doubt give rise to their own body of case law in due time.

Drink and Drug Drive Case Notes was first published, as *Drink Drive Case Notes*, as a product of collaboration between Lion Laboratories – the manufacturers of much of the breath-testing equipment used in the UK and throughout the world – and the author. This expanded and updated edition of *Drink and Drug Drive Case Notes* will prove a useful reference for police, prosecutors, defenders and legal advisers.

"As a reference guide, this is an extremely helpful addition to a legal adviser's kitbag."

The Justices' Clerk, of the first edition

"[A]n extremely useful complement to any standard text book on drink driving matters. I would commend it not only to defence lawyers but also to those who prosecute in this area of law."

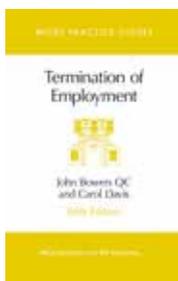
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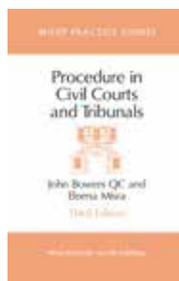
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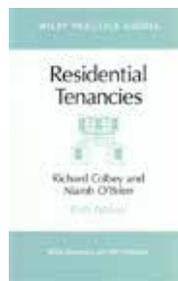
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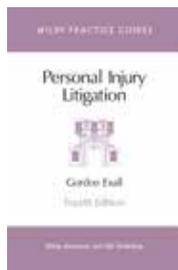
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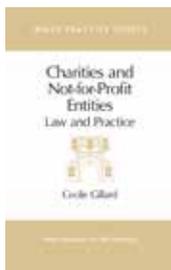
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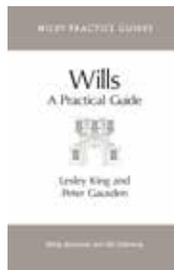
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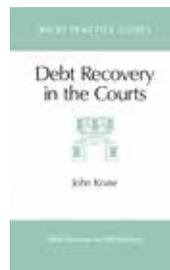
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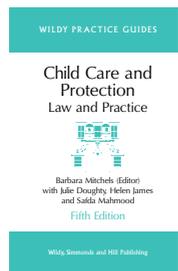
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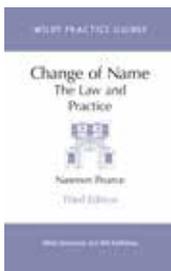
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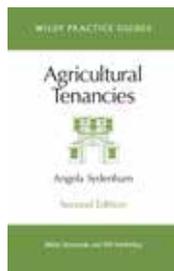
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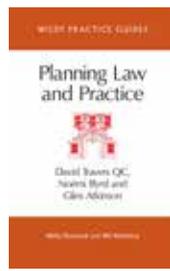
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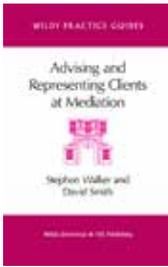
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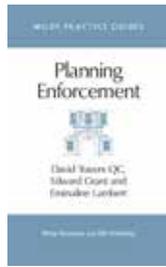
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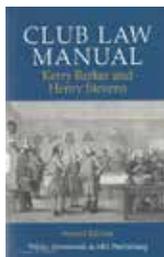
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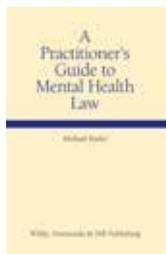
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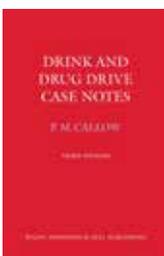
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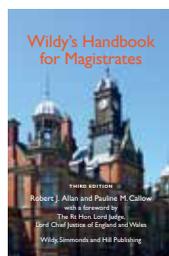
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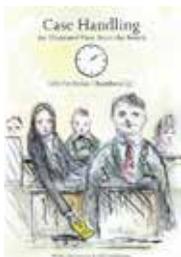
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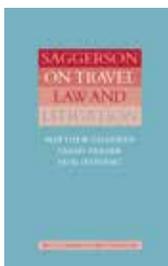
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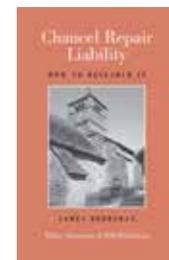
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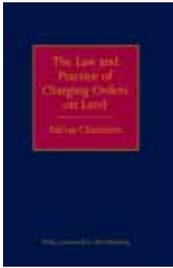
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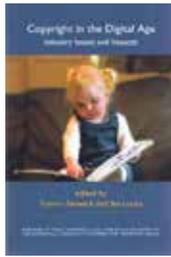
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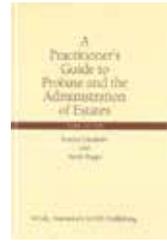
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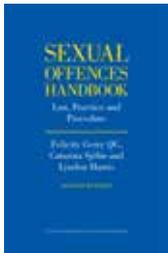
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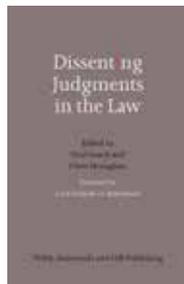
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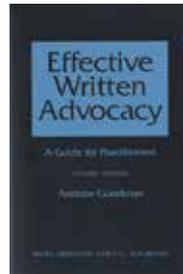
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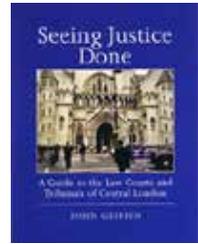
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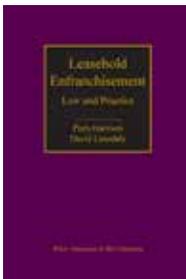
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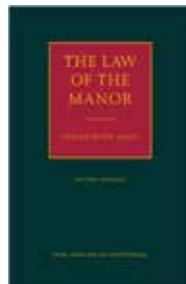
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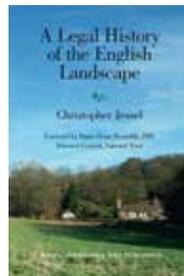
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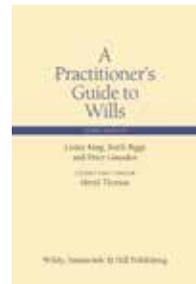
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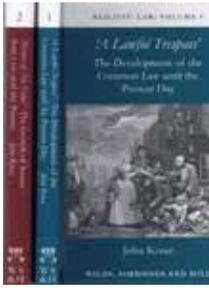
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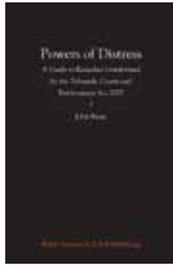
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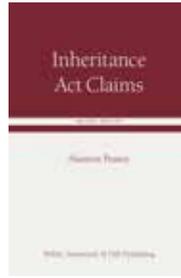
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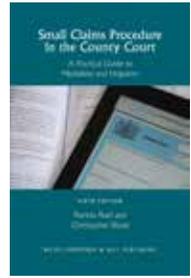
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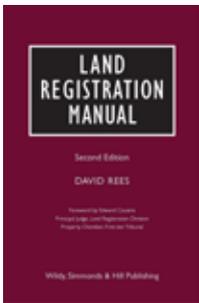
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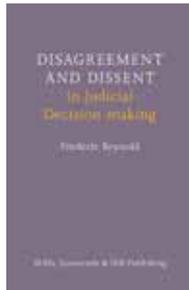
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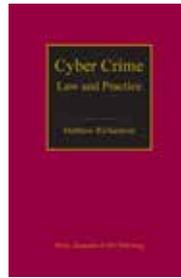
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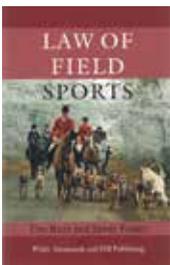
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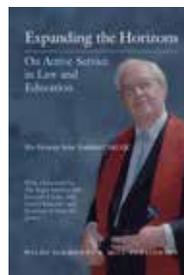
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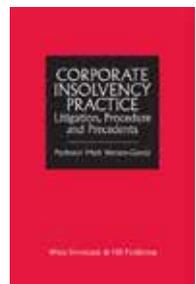
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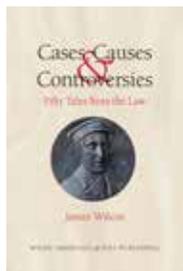


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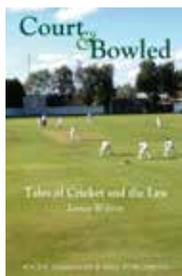


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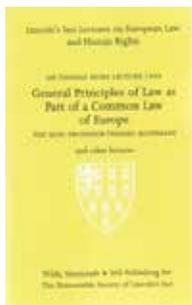
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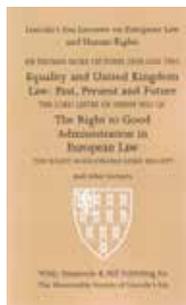
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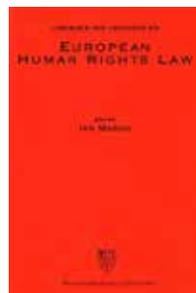
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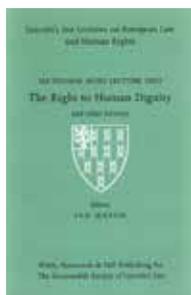
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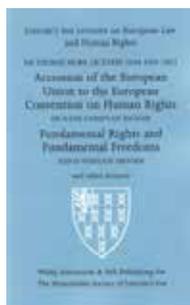
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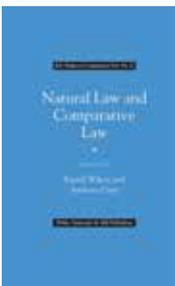
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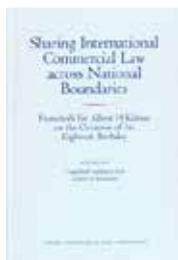
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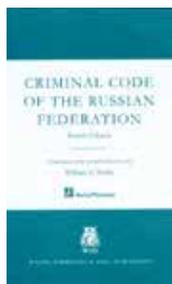
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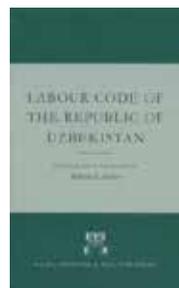
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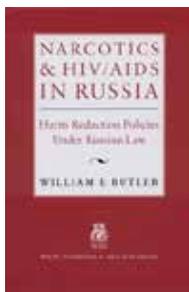
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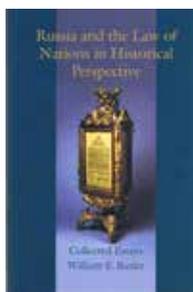
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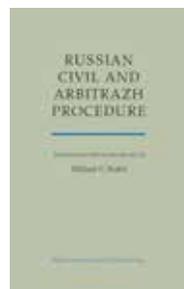
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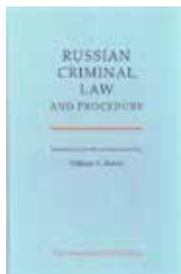
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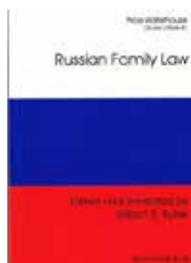
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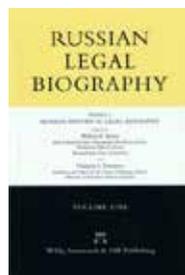
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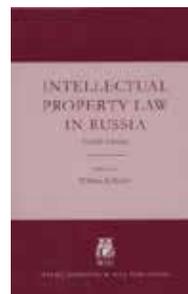
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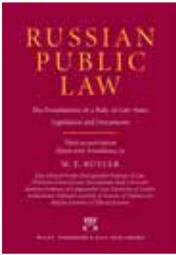
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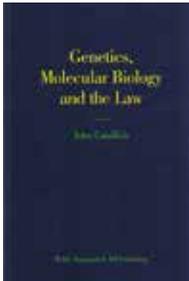
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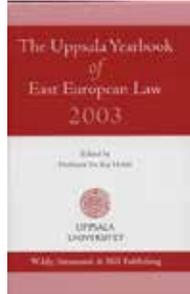
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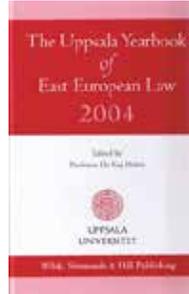
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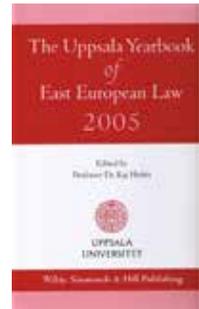
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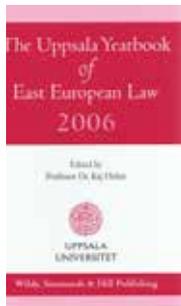
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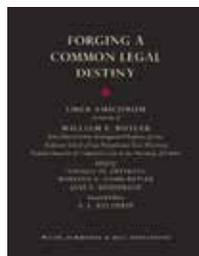
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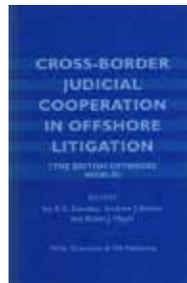
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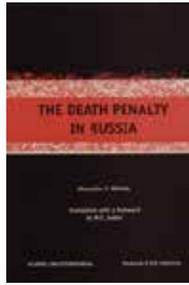
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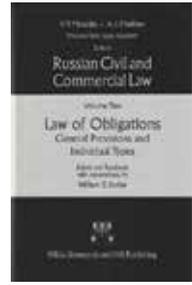
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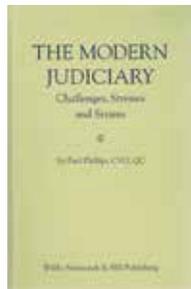
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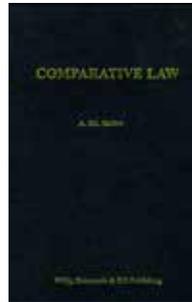
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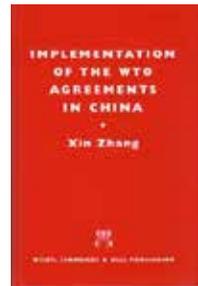
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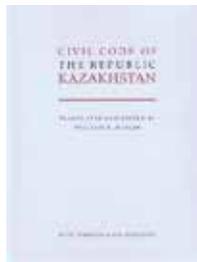


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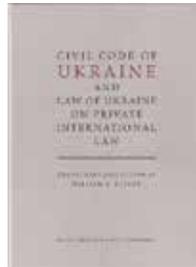
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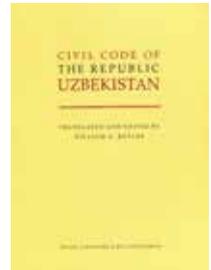
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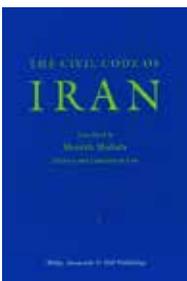
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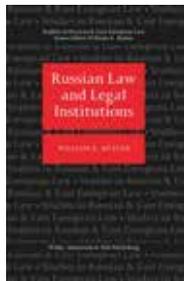
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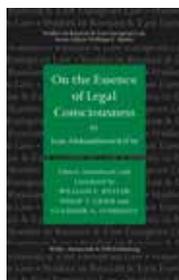
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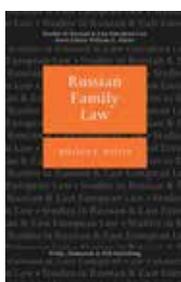
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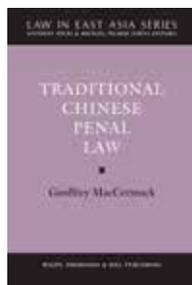
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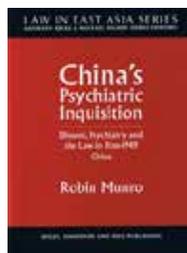
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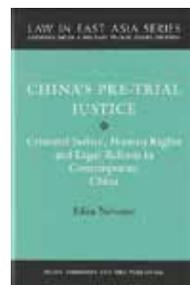
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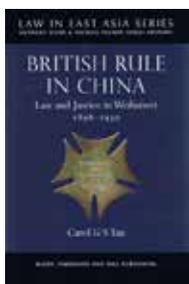
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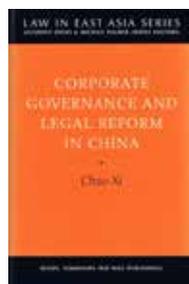
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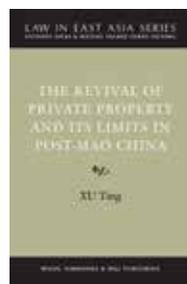
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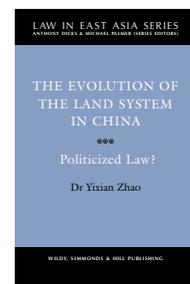
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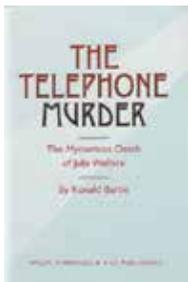


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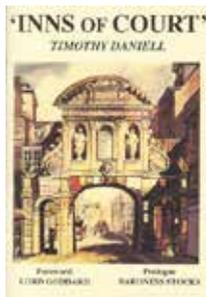
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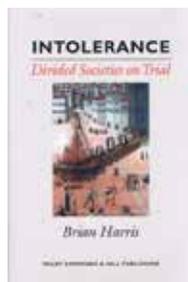
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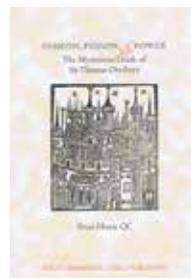
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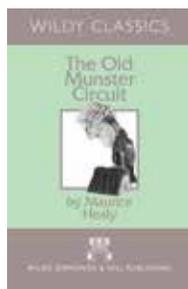
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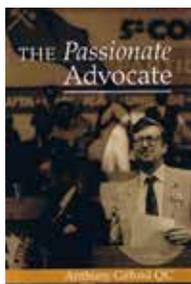


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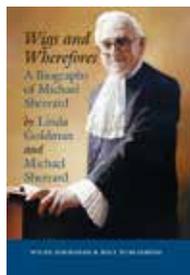
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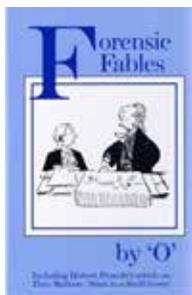
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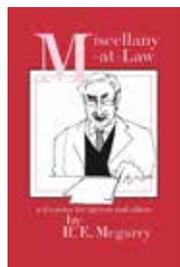
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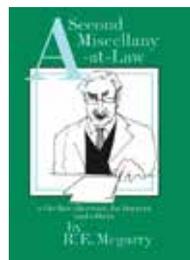
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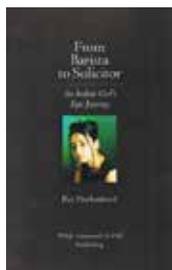
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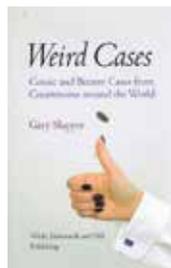
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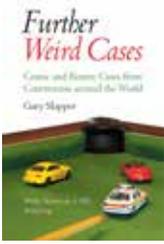
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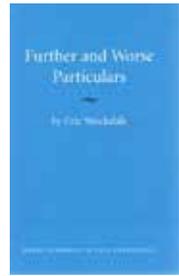
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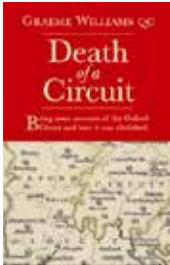
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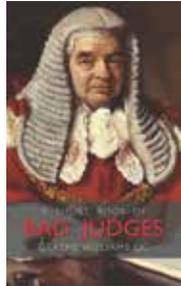
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