



ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. lxxxii.

An Act to alter the Constitution of the Corporation for preserving and improving the Port of *Dublin*, and for other Purposes connected with that Body and with the Port of *Dublin* Corporation.

[17th June 1867.]

WHEREAS in the Twenty-sixth Year of the Reign of King *George the Third* an Act was passed by the Parliament of *Ireland* “for promoting the Trade of *Dublin* by rendering “its Port and Harbour more commodious” (in this Act referred to as the principal Act): And whereas by the principal Act (Section Two) it was enacted to the Effect that the Lord Mayor and Sheriffs of the City of *Dublin* for the Time being, together with the Seventeen Persons therein named, that is to say, Viscount *Ranelagh*, the Right Honourable *John Foster*, the Right Honourable *John Beresford*, the Right Honourable Sir *John Parnell* Baronet, the Right Honourable *John Monck Mason*, *George Sutton* Esquire, *Robert Black*, *John Patrick*, *Arthur Bryan*, *Leland Crosthwait*, *George Maquay*, *Isaac Weld*, *Joseph Sandwith*, *John Hendrick*, *Joseph Wilson*, *John Carleton*, *Robert Lloyd*, Esquires, and also the following Aldermen of the said City, that is to say, Alderman *James Hamilton*, Alderman *William Alexander*, and Alderman *Henry Howison*, should be incorporated by the Name of the Corporation for preserving and improving

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the Port of *Dublin*: And whereas under the principal Act that Corporation is at present constituted of the following Members; (that is to say,)

Seventeen Members nominated by the Members for the Time being of the Corporation subject to the Approval of the Lord Lieutenant and Privy Council of *Ireland*:

Three Aldermen of the City of *Dublin* annually nominated by the Municipal Corporation of the City:

The Lord Mayor of the City of *Dublin* for the Time being:

The High Sheriff of the City of *Dublin* for the Time being:

And whereas divers Acts of the Parliaments of *Ireland* and of the United Kingdom have been from Time to Time passed relating to the Corporation for preserving and improving the Port of *Dublin*, and conferring and imposing on them various Powers and Duties in relation to the Port and Harbour of *Dublin*, and to the Acquisition and Management of Docks in *Dublin*: And whereas an Act was passed in the Fiftieth Year of the Reign of King *George* the Third, "to enable " the Corporation for preserving and improving the Port of *Dublin*, to " erect, repair, and maintain Lighthouses round the Coasts of *Ireland*, " and to raise a Fund for defraying the Charge thereof:" And whereas by that Act it was enacted (among other things) to the Effect that all Powers and Authorities by the Acts therein mentioned, or by any other Act in force in *Ireland*, vested in the Bodies or Authorities therein described with respect to the erecting, rebuilding, repairing, or maintaining of Lighthouses round the Coast of *Ireland*, and the Receipt and Management of all Dues and Funds payable or appropriated in *Ireland* for or in respect of the Erection, Repair, or Maintenance of Lighthouses, should be vested in and given to the Corporation for preserving and improving the Port of *Dublin*; and by the same Act and divers subsequent Acts further specific Powers were given to the Corporation in relation to Lighthouses: And whereas by the Merchant Shipping Act, 1854, it was (among other things) enacted (Section Two) to the Effect that in the Construction and for the Purposes of that Act the Term "the Port of *Dublin* Corporation" should mean the Corporation for preserving and improving the Port of *Dublin*; and by Part VI. of the same Act (relating to Lighthouses) it was enacted (among other things) to the Effect that, subject to the Provisions therein-after contained, and subject also to any Powers or Rights then lawfully enjoyed or exercised by any Person or Body having by Law or Usage Authority over local Lighthouses, Buoys, or Beacons, the Superintendence and Management of all Lighthouses, Buoys, and Beacons should be vested in the Bodies therein described; that is to say,

In *England* and *Wales*, and the Islands, Seas, and Places therein described, in the *Trinity House*:

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In *Scotland*, and the Seas and Islands therein described, in the Commissioners therein mentioned :

In *Ireland*, and the adjacent Seas and Islands, in the Port of *Dublin* Corporation :

And that, subject to the Provisions therein contained, the said *Trinity House* Commissioners and Corporation (therein-after termed General Lighthouse Authorities) should respectively continue to hold and maintain all Property then vested in them in that Behalf in the same Manner and for the same Purposes as they had theretofore held and maintained the same ; and by the same Act divers Powers and Duties were conferred and imposed on the Port of *Dublin* Corporation and the other General Lighthouse Authorities in relation to Lighthouses, Buoys, and Beacons : And whereas since the Enactment of the Merchant Shipping Act, 1854, the Port of *Dublin* Corporation has acted as a distinct Body Corporate from the Corporation for preserving and improving the Port of *Dublin*, and has accordingly sued and been sued by the Name of the Port of *Dublin* Corporation : And whereas it is expedient that the Severance of the Two Corporations be now fully carried into effect, and that the Two Corporations have new Names, the Port of *Dublin* Corporation having the Name of the Commissioners of *Irish* Lights, and the Corporation for preserving and improving the Port of *Dublin* having the Name of the *Dublin* Port and Docks Board : And whereas it is expedient that the Constitution of the Commissioners of *Irish* Lights remain unaltered, but that Provision be made as in this Act expressed for Alteration of the Constitution of the *Dublin* Port and Docks Board, chiefly by the Introduction into that Body of a Proportion of Members representing by direct Election the Mercantile and Shipping Interests of the City and Port in lieu of Members of the Corporation for preserving and improving the Port of *Dublin* nominated by the Members for the Time being of that Corporation : And whereas the Objects aforesaid cannot be attained without the Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

1. This Act may be cited as *The Dublin Port Act, 1867.*

Short Title.

2. On the passing of this Act the Port of *Dublin* Corporation shall be deemed to be severed from the Corporation for preserving and improving the Port of *Dublin*, and thenceforth the Name of the first-mentioned Corporation shall be "the Commissioners of *Irish* Lights," and the Name of the secondly-mentioned Corporation shall be "the *Dublin* Port and Docks Board," and each of those Corporations shall be

Change of Names of the Two Corporations.

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be and be deemed to be a separate and distinct Body Corporate, with perpetual Succession and a distinct Common Seal.

Constitution
of Commis-
sioners.

3. The Constitution of the Commissioners of *Irish Lights* (to whom the Expression "the Commissioners" when used in this Act refers) shall remain and be as if this Act had not been passed.

Constitution
of Board.

4. The Constitution of the *Dublin Port and Docks Board* (in this Act referred to as "the Board") shall, until the Second *Friday* in *January* One thousand eight hundred and sixty-eight, remain and be as if this Act had not been passed, and on and after that Day the Constitution of the Board shall be as follows; (namely,)

The Lord Mayor for the City of *Dublin* for the Time being:

Three Citizens of *Dublin*, to be appointed by the Municipal Corporation of the City:

Seven nominated Members, being Persons from Time to Time nominated (subject and according to the Provisions of this Act) by the Commissioners of *Irish Lights* from among themselves:

Fourteen Elective Members, being Persons from Time to Time elected (subject and according to the Provisions of this Act) by the following Classes of Electors, of which Classes respectively they shall be deemed Representatives; (namely,)

Seven by Traders and Manufacturers of the City of *Dublin* (in this Act referred to as Traders and Manufacturers):

Seven by Owners of Shipping registered in the Custom House Books of the Port of *Dublin*, or trading to the Port (in this Act referred to as Shipowners).

First Seven
Commission-
ers Members
of Board.

5. The First Seven of the Commissioners who are to be Members of the Board shall be the following, namely, *Robert Callwell, Henry Thompson, Thomas Bewley, John Jameson Robertson, Richard Martin, James Chaigneau Colwill, and Thomas Weldon Adams*, Esquires, and they shall be deemed nominated Members, and their Powers and Functions shall, subject to the Provisions of this Act, commence on the Second *Friday* in *January* One thousand eight hundred and sixty-eight.

Subsequent
Nomination
of Commis-
sioners as
Members of
Board.

6. On the *Wednesday* next preceding the Second *Friday* in *January* One thousand eight hundred and seventy-one the Seven Commissioners who are nominated in this Act as Members of the Board shall go out of Office as Members of the Board, and on the same or the next following Day the Commissioners shall nominate from among themselves Seven Persons to be Members of the Board in their Stead, and the Powers and Functions of the Persons so nominated as Members of the Board shall, subject to the Provisions of this Act, commence on the Second *Friday* in that Month, and so from Time to Time at the Expiration of every successive Period of Three Years.

7. Every

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7. Every Commissioner ceasing to be a Member of the Board by Effluxion of Time shall be capable of being again forthwith nominated a Member of the Board.

Re-nomina-
tion of
retiring Com-
missioners.

8. On the Third *Wednesday* in *December* One thousand eight hundred and sixty-seven Elections shall be held for the Fourteen Elective Members.

Time for
First
Elections.

9. The Powers and Functions of the Elective Members of the Board shall, subject to the Provisions of this Act, in all Cases commence on the Second *Friday* in the Month of *January* next following their Election.

Commence-
ment of
Powers of
Elective
Members.

10. On the Third *Wednesday* in *December* in the Year One thousand eight hundred and seventy, and in every Third Year subsequently, Elections shall be held for Elective Members (and in this Act the Years One thousand eight hundred and sixty-seven, One thousand eight hundred and seventy, and every Third Year subsequently, are respectively comprised in the Term "Year of Election").

Time for
subsequent
Elections.

11. The Qualification of Electors of Representatives of Traders and Manufacturers shall be regulated as follows; namely,

Qualification
of Traders
and Manufac-
turers.

(1.) Every Person, Partnership, or Body Corporate carrying on any Business as a Wholesale Trader or Wholesale Traders within the City of *Dublin* shall be qualified to give One Vote for each Elective Member to be elected as a Representative of Traders and Manufacturers :

(2.) Every Person, Partnership, or Body Corporate carrying on any Business within the City of *Dublin*, and paying Customs Duties at the Port of *Dublin* to the Amount of Five hundred Pounds or upwards in the Twelve Months ending the Thirtieth Day of *September* in the Year of Election, shall also be qualified to give Votes for each Elective Member to be elected as a Representative of Traders and Manufacturers according to the Scale set forth in the Schedule to this Act, Part I. :

(3.) Every Person, Partnership, or Body Corporate carrying on any Business within the City of *Dublin*, and paying Excise Duties in the City of *Dublin* to the Amount of Five hundred Pounds or upwards in the Twelve Months ending the Thirtieth Day of *September* in the Year of Election, shall also be qualified to give Votes for each Elective Member to be elected as a Representative of Traders and Manufacturers according to the Scale set forth in the Schedule to this Act, Part I. :

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(4.) Every

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- (4.) Every Person, Partnership, or Body Corporate carrying on any Trade or Manufacture within the City of *Dublin*, and rated to the Rate for the Relief of the Poor on an annual rateable Value of One hundred Pounds or upwards in respect of his or their Property used for the Purposes of such Trade or Manufacture, shall also be qualified to give Votes for each Elective Member to be elected as a Representative of Traders and Manufacturers according to the Scale set forth in the Schedule to this Act, Part II.:

Provided always, as follows, namely,

- (1.) In case of One Person, such Person shall not be so qualified unless he resides in the City of *Dublin*, or within Fifteen Miles of the Boundary thereof:
- (2.) In case of a Partnership, the Partnership shall not be so qualified unless One at least of the Partners, being the Person or One of the Persons actually managing or superintending the Business, Trade, or Manufacture, so resides:
- (3.) In case of a Body Corporate, the Body shall not be so qualified unless a Director or other Officer of the Body, being the Person or One of the Persons actually managing or superintending the Business, Trade, or Manufacture, so resides.

List of
Persons
paying
Customs
Duties.

12. On or as soon as may be after the First Day of *October* in each Year of Election the Collectors of Customs and of Inland Revenue for the Port of *Dublin* shall respectively make out a List of the Persons, Partnerships, and Bodies Corporate carrying on any Business within the City of *Dublin*, and paying Customs and Excise Duties at the Port of *Dublin* to the Amount of the several Sums set forth in the Schedule in this Act, Part I., in the Twelve Months ending the Thirtieth Day of *September* in the Year of Election, and shall sign the List, and shall deliver the same to the Board not later than the Seventh Day of *October* in the same Year, and the Board shall pay such Sum as the Commissioners of Customs from Time to Time direct in respect of the making of the List.

Claims to be
on List of
Electors.

13. In the Month of *September* in each Year of Election the several Persons, Partnerships, and Bodies Corporate that desire to claim to have their Names inserted in the List of Traders and Manufacturers being Electors shall deliver to the Board a Statement of their respective Claims.

Notice of
Time for
Delivery
of Claims.

14. The Board shall in each Year of Election publish Notice of the Time for Delivery of Claims as aforesaid, and such Publication shall be completed not less than Seven or more than Fourteen clear Days before the First Day of *September* in that Year.

15. On

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15. On or as soon as may be after the First and not later than the Fourteenth Day of *October* in each Year of Election the Board shall cause to be framed, and shall authenticate under their Common Seal, a List in alphabetical Order containing the following Particulars ; namely,

Framing of
List of
Traders, &c.
by Board.

- (1.) The Surname of every Person so claiming, with his Christian Name or Names, and his Place of Business, and his Place of Residence :
- (2.) The Partnership Name of every Partnership so claiming, and the Place of Business of the Partnership, and the Surname or Surnames and Christian Name or Names, and the Place or Places of Residence of the Partner or Partners actually managing or superintending the Business, Trade, or Manufacture :
- (3.) The Name of every Body Corporate so claiming, with their Place of Business, and the Surname or Surnames and Christian Name or Names, and the Place or Places of Residence of the Director or Directors, or other Officer or Officers of the Body actually managing or superintending the Business, Trade, or Manufacture :
- (4.) In each Case the alleged Qualification or Qualifications of the Claimant or Claimants.

16. Within Four Days after the Completion of such List by the Board they shall cause the same to be printed, and thenceforth until the Thirty-first Day of *October* in each Year of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price (not exceeding One Shilling for each Copy) to all Persons desiring to buy the same.

Printing and
Sale of List.

17. The Qualification of Electors of Representatives of Shipowners shall be regulated as follows ; namely,

Qualification
of Ship-
owners.

- (1.) Shipowners respectively registered as Owners of not less in the whole than One hundred and fifty Tons of Shipping shall be qualified to give Votes for each Elective Member to be elected as a Representative of Shipowners according to the Scale set forth in the Schedule to this Act, Part III. :
- (2.) Where a Ship is registered in the Name of One Person or Partnership, that Person or Partnership shall be deemed the Owner :
- (3.) Where a Ship is registered in distinct and several Shares in the Names of more Owners than One, the Tonnage shall be apportioned among the Owners as nearly as may be in proportion to their respective Shares, and each of such Owners shall be deemed the Owner of the Tonnage so apportioned to him :

(4.) Where

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- (4.) Where a Ship is registered jointly, without Severance of Interest, in the Names of more Persons than One, not registered as constituting a Partnership, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between them, and each of such joint Owners shall be deemed to be the Owner of the equal Share so apportioned to him, but if it is not so sufficient the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners as is first named on the Register :
- (5.) For the Purposes of any Apportionment under this Section any Portion may be struck off so as to produce a divisible Amount :
- (6.) The whole Amount of Tonnage so owned by each Person, Partnership, or Body Corporate, whether in Ships, or in Shares of or Interests in Ships, shall be added together, and, if sufficient, shall constitute his or their Qualification :
- (7.) Shipowners not registered in the Port of *Dublin*, but having an Office and representative Manager in *Dublin*, and paying Harbour Rates to the Amount of One hundred Pounds or upwards in the Twelve Months ending the Thirtieth Day of *September* in the Year of Election, shall be qualified to give One Vote for each Elective Member to be elected as a Representative of Shipowners, and to give One additional Vote for every additional complete Amount of One hundred Pounds so paid, but the maximum Number of Votes to which any Person shall be so entitled shall be Ten : Provided always, that Shipowners registered in the Port of *Dublin* and paying Harbour Rates shall, in lieu of qualifying as such registered Owners, have the Option of qualifying as Payers of Harbour Rates in the same Manner, and with the same Qualification and Number of Votes, as Shipowners not registered in the Port of *Dublin*, and the Shipowners exercising such Option shall not be inserted in the List of Shipowners in respect of any Qualification from the Tonnage of Vessels.

Restriction
on Votes of
Shipowners.

18. Notwithstanding anything in this Act, a Shipowner registered in the Port of *Dublin* shall not be qualified to vote,—

- (1.) In respect of a Ship or Vessel not liable to Harbour Rates :
- (2.) Unless he has paid in the Twelve Months ending the Thirtieth Day of *September* in the Year of Election Harbour Rates amounting to Twenty Pounds or upwards.

19. The

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19. The Electors of Representatives of Shipowners shall be ascertained for the Purposes of each Election as follows; namely,

(1.) On or as soon as may be after the First Day of *October* in each Year of Election the Collector of Customs for the Port of *Dublin* shall make out a List or Lists of the Persons, Partnerships, and Bodies Corporate who appear by the Registry of Shipping and Books relating to the Collection of Harbour Rates to be entitled on each such First Day of *October* to vote as Shipowners:

Annual List of Ship-owners to be furnished to Board from Custom House.

(2.) The List or Lists shall contain in alphabetical Order the Surname of every such Person and his Christian Name or Names and his Places of Business or Residence, and the Name of every such Partnership and Body Corporate, with their Place of Business, and with the Number of Votes of each of such Persons, Partnerships, and Bodies Corporate:

(3.) The List or Lists shall be signed by the Collector of Customs of the Port of *Dublin*:

(4.) The Board shall pay such Sum as the Commissioners of Customs from Time to Time direct in respect of the making of the List or Lists:

(5.) The List or Lists shall be delivered to the Board not later than the Fourteenth Day of *October* in the same Year.

20. Within Four Days after the Delivery of the List or Lists of Shipowners to the Board they shall cause the same to be printed, and thenceforth until the Thirty-first Day of *October* in the same Year inclusive they shall cause printed Copies thereof to be sold at a reasonable Price (not exceeding One Shilling for each Copy) to all Persons desiring to buy the same.

Printing and Sale of List.

21. On or before the Thirty-first Day of *October* in each Year of Election the Chief Justice of the Queen's Bench in *Ireland* shall appoint a Barrister of not less than Ten Years Standing, and in actual Practice at the *Irish* Bar, to be the Revisor of the Lists of Traders and Manufacturers and of Shipowners for the Year, and the Board shall deliver to him the several Lists prepared under this Act.

Appointment of Revisor of Lists.

22. In case of the Death or Failure to act of the Revisor the Chief Justice of the Queen's Bench in *Ireland* shall appoint another Person of like Qualification to act in his Stead.

Provision for Death of Revisor.

23. As soon as may be after the First Day of *November* in the same Year the Revisor shall hold Sittings for the Revision of the Lists, having previously published Notice of the first of such Sittings,

Sittings for Revision of Lists.

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which Publication shall be completed not less than Four or more than Seven clear Days before the Day appointed for that Sitting.

Applications and Opposition before Revisor as to Traders and Manufacturers.

24. On every such Revision any Person, Partnership, or Body Corporate having claimed in accordance with this Act to be named, but not being named, in the List of Traders and Manufacturers, may, in person or by an Agent, apply to have his or their Name inserted therein, and any Person, Partnership, or Body Corporate named in that List, or having claimed in accordance with this Act to be named therein, may, in person or by an Agent, apply for the Erasure from that List of the Name of any Person, Partnership, or Body Corporate which is therein.

Application for Correction of Entries in List of Shipowners.

25. On every such Revision any Person, Partnership, or Body Corporate named in the List of Shipowners or in that of Traders and Manufacturers may, in person or by an Agent, apply for the Correction of that List by the Alteration of the Name or Names of the Person or Persons, Partnership or Partnerships, or Body or Bodies Corporate, in whose Name or Names any Ship or Part of a Ship is entered in the List on the Ground of such Entry not representing the *bonâ fide* Ownership in the Ship.

Notice of Application for Erasure of Correction.

26. Provided that no Application for the Erasure of the Name of any Person, Partnership, or Body Corporate which is in the List of Traders and Manufacturers, or for the Correction of the List of Shipowners, shall be entertained by the Revisor, (in case of the Non-appearance of any Person, Partnership, or Body Corporate concerned in person or by an Agent,) except on Proof of Notice of the intended Application having been served on such Person, Partnership, or Body Corporate Four clear Days at least before the Day appointed for the First Sitting of the Revisor.

Power to summon Witnesses, &c.

27. The Revisor may, for the Purposes of any Application under this Act, summon any Person as a Witness, and may administer an Oath to any Witness.

Penalty for Disobedience, &c.

28. If any Person wilfully disobeys any such Summons, or refuses to answer, or knowingly and wilfully answers untruly, any lawful and relevant Question put to him by or before the Revisor, he shall for such Offence be liable on summary Conviction to a Penalty not exceeding Ten Pounds.

Exception for Persons at Distance, &c.

29. Provided that any Person shall not be liable to a Penalty for Disobedience to any such Summons in case it would be necessary for him in order to obey the same to travel more than Fifteen Miles from his Place of Abode, or in any Case unless the reasonable Expenses of his

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his Attendance according to such Summons have been first paid or tendered to him.

30. The Revisor shall proceed as follows ; namely,

He shall, in pursuance of such Applications as aforesaid, correct the List of Traders and Manufacturers by inserting therein the Name of any Person, Partnership, or Body Corporate which is not in the List, and which it is shown to his Satisfaction ought to be therein, and by erasing therefrom the Name of any Person, Partnership, or Body Corporate which is therein, and which it is shown to his Satisfaction ought not to be therein :

He shall correct the List of Traders and Manufacturers in Cases where more Qualifications than One are stated therein as possessed by any One Person, Partnership, or Body Corporate by erasing therefrom all but One of those Qualifications (such One to be selected by such Person, Partnership, or Body Corporate, or, failing such Selection, to be determined by the Revisor) :

He shall, in pursuance of such Applications as aforesaid, correct the List or Lists of Shipowners by altering the Name or Names of the Person or Persons, Partnership or Partnerships, Body or Bodies Corporate, in whose Name or Names any Ship or Part of a Ship is entered in the List or Lists, on it being shown to his Satisfaction that such Entry does not represent the *bonâ fide* Ownership in the Ship :

He shall correct clerical and other Errors (if any) in the Lists so as to bring the same into conformity with the Facts.

31. The Revisor may in the Case of any Application award such Amount as he thinks just to be paid by either Party to the other by way of Costs, and the Amount so awarded shall be recoverable by summary Proceedings before a Justice of the Peace for the City of *Dublin*.

Power to
award
Costs.

32. The Decision of the Revisor with respect to the Lists shall be final and conclusive, and the Revisor shall within Three Days after completing the Revision sign his Name at the Foot of the respective Lists revised, and if the Revisor refuse to sign or wilfully make default in signing any List he shall for such Offence be liable on summary Conviction to a Penalty not exceeding Fifty Pounds:

Completion
of revised
List.

33. Every List purporting to be a List revised and signed according to this Act shall be *primâ facie* Evidence of the same being a List duly revised and signed according to this Act, and of all the Provisions of this Act in any way relating to the List or to the Revision thereof having been duly complied with.

Evidence of
revised List.

34. Within

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Delivery of
List to
Board.

34. Within Three Days after the Signature of the respective Lists the Revisor shall deliver the same to the Board.

Lists to be
conclusive
Evidence
of Electors.

35. The Lists delivered to the Board by the Revisor shall respectively be conclusive Evidence that the Persons, Partnerships, and Bodies Corporate therein respectively named, and no others, are entitled to vote at the Elections of Members of the Board as Representatives of Traders and Manufacturers and of Shipowners respectively to be held in the Month of *December* in the same Year, and that the Persons, Partnerships, and Bodies Corporate respectively named in the List of Shipowners are entitled to the Number of Votes stated in that List.

Printing and
Sale of Lists.

36. Within Five Days after the Delivery of the respective Lists to the Board by the Revisor the Board shall cause the same to be printed, and thenceforth until the Day of the respective Elections inclusive they shall cause printed Copies thereof respectively to be sold at a reasonable Price (not exceeding One Shilling for each Copy) to all Persons desiring to buy the same.

Hours and
Places for
Elections.

37. The Hours and Places at which the Elections by each of the Two Classes of Electors are to be held shall be appointed by the Board, and Notice of every such Appointment shall be published by the Board, and such Publication shall be completed as to the Elections by each Class of Electors not less than Seven or more than Fourteen Days before the Day of Election.

Partnerships
to be deemed
incorporated.

38. For the Purposes of this Act Persons carrying on any Business or Manufacture in Partnership, or registered as Shipowners in Partnership, whether as part Owners or as sole Owners, or as both, shall be deemed to constitute One Person as if they were a Body Corporate, and the Vote or Votes of a Partnership at Elections under this Act shall be given and recorded in the Partnership Name.

Votes of
Partnerships
and Bodies
Corporate.

39. Votes at any Election under this Act may be given on behalf of a Partnership or Body Corporate by any Person authorized in that Behalf by Writing in case of a Partnership signed by the Partnership's Name, and in case of a Body Corporate sealed with their Common Seal, and in all Cases attested by a Witness, and any Document purporting to be so signed or sealed shall be conclusive Evidence of the Authority of the Person producing the same to vote on behalf of such Partnership or Body Corporate.

Returning
Officers.

40. At Elections under this Act the Lord Mayor of the City of *Dublin*, or in his Absence the Deputy of the Lord Mayor, and in every Case

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Case such Two Members of the Board as the Board appoint, shall be the Returning Officers.

41. If in any Case there is an Equality of Votes for Two or more Candidates for Election to fill One Vacancy the Election shall be determined by Lots drawn by the Returning Officers. Provision for Equality of Votes.

42. The Returning Officers, or the Majority of them, shall according to the best of their Judgment and Ability make a Return to the Board under their Hands of the Persons elected, and every Person so returned shall be deemed duly elected. Return of Persons elected.

43. Subject to the Provisions of this Act, the Board shall from Time to Time make Regulations as to the Mode of conducting Elections under this Act. Regulations by Byelaws.

44. Every Male Person of full Age fulfilling the following Conditions shall be qualified, and no other Person shall be qualified, to be elected as Representative either of Traders and Manufacturers or of Shipowners; that is to say, Qualification of Elective Members.

Being resident in the City of *Dublin*, or within Fifteen Miles of the Boundary thereof, and either—

(A.) Possessing Personal Estate of the Value of Three thousand Pounds or upwards, or being in actual Possession or in Receipt or Enjoyment of the Rents and Profits of Lands which are held by or in trust for him for a Life or Lives, or in which he is entitled to some Estate of Inheritance of the annual rateable Value of One hundred and fifty Pounds or upwards; or,

(B.) Occupying Buildings or Lands situate wholly or partly in the City of *Dublin*, or wholly or partly within Fifteen Miles of the Boundary thereof, and rated to the Rate for the Relief of the Poor on an annual rateable Value of One hundred Pounds or upwards:

Provided that where Two or more Persons are jointly rated in respect of any Property, each of such Persons shall be qualified to be elected if the Property in respect of which they are rated is of an annual Value which, when divided by the Number of Persons so rated, will give for each an annual rateable Value of at least One hundred Pounds.

45. No Person shall be eligible as an Elective Member at any Election unless Fourteen clear Days at least before the Day of Election he has been proposed by an Elector, and seconded by another Elector, by Writing under their Hands delivered at the Office of the Board. Delivery to Board of Names of Candidates.

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Publication
of Names of
Candidates.

46. The Board shall before each Election publish the Names of the Candidates for Election, distinguishing the Classes of Electors whom they respectively seek to represent, and such Publication shall be completed Seven clear Days at least before the Day appointed for the Election.

Duration of
Office of
Elective
Members.

47. The Elective Members of the Board shall go out of Office as follows; (namely,)

(1.) Four of the Representatives of Traders and Manufacturers and Four of the Representatives of Shipowners shall go out of Office on the Day next preceding the Second *Friday* in *January* One thousand eight hundred and seventy-one and One thousand eight hundred and seventy-seven, and so from Time to Time in the Month next after the End of each alternate Year of Election :

(2.) Three of the Representatives of Traders and Manufacturers and Three of the Representatives of Shipowners shall go out of Office on the Day next preceding the Second *Friday* in *January* in the Years One thousand eight hundred and seventy-four and One thousand eight hundred and eighty, and so from Time to Time in the Month next after the End of each alternate Year of Election :

(3.) The Four Members of each Class to go out in the Year One thousand eight hundred and seventy-one shall be determined by Agreement among the Representatives of each Class, and, failing Agreement, by Lots drawn at a Meeting of the Board :

(4.) The Members to go out in each of the subsequent Years of Election shall be the Three or the Four Members of each Class who on each Occasion have been longest in Office :

But a Member going out of Office under this Section shall be re-eligible.

Appoint-
ment of
Civic
Members.

48. The Municipal Corporation shall, within Two Months previous to the Second *Friday* in the Month of *January* One thousand eight hundred and sixty-eight, and subsequently within Two Months before the Second *Friday* in the Month of *January* One thousand eight hundred and seventy-one, and every subsequent Year of Election, appoint Three of the Citizens of *Dublin* (herein-after called "Civic Members") to be Members of the Board, and such Civic Members shall remain in Office for a Period of Three Years from their Election, and at the Expiration of that Period shall be re-eligible; and in the event of any Vacancy occurring among the Civic Members so elected, whether by Death, Resignation, Refusal to act, or otherwise, the Vacancy so arising shall be filled by the Municipal Corporation in like Manner from among the Citizens of *Dublin*.

49. In

The Dublin Port Act, 1867.

49. In case for any Reason on any Occasion there is a Failure to elect any Member in conformity with this Act, the Board shall within One Month thereafter at a Special Meeting appoint as Member of the Board a qualified Person, and every Member so appointed shall be deemed an Elective Member, and shall in all respects be as if he had been actually elected.

Appoint-
ment by
Board in
case of
Failure
to elect.

50. Every Member of the Board shall be incapable of acting until he has made a Declaration in the Form given in the Schedule to this Act, Part IV., or to the like Effect, with such Variations as Circumstances require.

Declaration
of Member.

51. If any Person makes and signs a Declaration as aforesaid which is untrue in any material Particular, knowing the same to be so untrue, he shall for such Offence be liable on summary Conviction to a Penalty not exceeding Fifty Pounds.

Penalty for
false Decla-
ration.

52. Any Person who has at any Time been adjudicated bankrupt, or has at any Time applied to be adjudicated bankrupt, or to take the Benefit of any Act for the Relief of Insolvent Debtors, or has at any Time made any Composition or Arrangement by Deed or Writing with his Creditors, or any of them, or has at any Time stopped Payment (in the ordinary mercantile Sense), shall, unless in every such Case he has subsequently paid in full all Debts due by him at the Time of such Adjudication, Application, Composition, Arrangement, or Stoppage of Payment, be incapacitated for being nominated, elected, or appointed as a Member of the Board; and if any Person so incapacitated is nevertheless actually so nominated, elected, or appointed, or if any Person having been so nominated, elected, or appointed does or suffers anything that would make him so incapacitated, his Office as a Member shall be thereby vacated, and the Board shall declare the same within One Month after having Knowledge of such Incapacity.

Disqualifi-
cation
of Bank-
ruptcy, &c.

53. If any Person acts as a Member of the Board being incapacitated or not qualified, or before he has made or subscribed a Declaration as aforesaid, or after becoming disqualified, he shall for such Offence be liable on summary Conviction to a Penalty not exceeding One hundred Pounds; and in any Prosecution for such Penalty it shall lie on the Person accused to show that he was capacitated and qualified, and that he had made and subscribed a Declaration as aforesaid before having so acted, or (as the Case may be) that he had not so acted after becoming disqualified.

Penalty for
acting with-
out Quali-
fication.

54. Notwithstanding anything in this Act, everything before the Conviction of any Person for such an Offence done by him as a Member

Saving for
Validity of
Acts.

The Dublin Port Act, 1867.

Member of the Board, although incapacitated or not qualified, or not having made or subscribed the Declaration aforesaid, or having become disqualified, shall be as valid as if he had been in all respects lawfully authorized to act as a Member of the Board.

Vacation of Office by Neglect to act, &c.

55. If any Person elected or appointed as a Member of the Board fails for the Space of Three Months after his Election or Appointment to make and subscribe the Declaration aforesaid, or if any Person so elected or appointed, or any Person nominated or appointed as a nominated Member, absents himself from One Third of the Ordinary Meetings of the Board in any Period of Six consecutive Months without Licence from the Board previously given and entered in their Minutes, or except in case of Sickness proved to the Satisfaction of the Board, every such Person shall, from and after the Expiration of such Period of Three Months or Six Months (as the Case may be), be deemed to have refused to act, and his Office shall thereupon be declared by the Board to be and shall be vacated.

Vacation of Office by Loss of Qualification.

56. If any Person elected or appointed as an Elective Member of the Board ceases to possess the Qualification requisite for his Election or Appointment as such, his Office shall be thereby vacated, and the Board shall declare the same within One Month after having Knowledge of his Nonpossession of Qualification.

Mode of supplying casual Vacancies.

57. If any nominated or Elective Member of the Board dies or resigns, or if the Office of any nominated or Elective Member becomes vacant from any Cause between Two triennial Periods of Nomination or Election, the Vacancy shall be filled as follows; namely,

- (1.) If the Vacancy happens among the nominated Members, the surviving or remaining nominated Members shall appoint to fill the Vacancy another Person qualified to be a nominated Member :
- (2.) If the Vacancy happens among either Class of Elective Members, the remaining or surviving Members of that Class shall appoint to fill the Vacancy a Person qualified to be an Elective Member :
- (3.) Every such Appointment shall be filled within One Month after the Vacancy :
- (4.) The nominated Members or the Class of Elective Members in which the Vacancy happens shall make the Appointment at a Meeting at which Two Thirds of the nominated Members or of that Class of Elective Members shall be present, and at every such Meeting a Chairman shall be appointed by the Members present, and each Member present (including the Chairman) shall have One Vote, and if the Votes are equal the Chairman shall have a Second Vote :

Every Person appointed a Member of the Board under this Section shall be deemed a nominated or an Elective Member, as the Case may be,

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be, and shall continue in Office as long only as the Person in whose Place he is appointed would have been entitled to continue in Office, but shall in all other respects be as if he had been actually nominated or elected as in this Act provided.

58. Any Act of the Board or of any Members thereof shall not be invalid or illegal by reason of any Irregularity in the Nomination, Election, or Appointment of any Member, or by reason of the Non-delivery of, or the too late Delivery of, or any Error in, any List of Electors, or by reason of any Irregularity in the making or publishing of any such List, or by reason of any Failure or Omission on any Occasion to elect or appoint any Member, or by reason of any other Irregularity, Error, Failure, or Omission in or about any Nomination, Election, or Appointment, or in or about any Matter preliminary or incidental thereto.

Error in Elections, &c. not to vitiate Acts of Board.

59. Notwithstanding anything in this Act, no Person shall be qualified to be a Member of the Board or an Elector under this Act unless he is a *British Subject*.

Elective Members and Electors to be British Subjects.

60. Nothing in Section Thirteen of the principal Act shall apply to a nominated, Civic, or Elective Member of the Board.

Approval of Lord Lieutenant not requisite.

61. The Provisions of the principal Act respecting Byelaws shall extend and apply to Byelaws made by the Board for the Purposes of this Act.

Provisions respecting Byelaws extended.

62. Penalties recovered under this Act shall be applied as Penalties recovered under the principal Act are applicable.

Application of Penalties.

63. For the Purposes of this Act Distance shall be measured in a straight Line, and shall be determined by the Map known as the Ordnance Map.

Measurement of Distance.

64. Where the Board or the Revisor are or is by this Act required to publish any Notice or other Document, they or he shall do so by inserting the same once in the *Dublin Gazette*, and by subsequently thereto inserting the same as an Advertisement once in each of Two successive Weeks in some one and the same daily Newspaper published in *Dublin* which shall be named in the Gazette Notice, and such Publication shall be deemed to be completed on the Day on which the second of such Advertisements appears, but nothing herein shall restrict the Board or the Revisor from otherwise giving such public Information respecting the Subject of the Advertisement as they or he think expedient.

Mode of Publication of Notices, &c.

*The Dublin Port Act, 1867.*Form of
Notices, &c.

65. Every Notice, Statement, Claim, or other Document to be served, delivered, or used under this Act may be in Writing or Print, or partly in Writing and partly in Print.

Byelaws as
to Forms,
&c.

66. The Board may from Time to Time by Byelaw frame Forms of Notices, Statements, Claims, and other Documents to be served, delivered, or used under this Act, and every Notice, Statement, Claim, or other Document being in the Form so framed shall, as regards the Form thereof, be valid to all Intents.

Service of
Notices, &c.

67. A Notice or other Document under this Act may be served on any Person personally, and may be served on any Person, Partnership, or Body Corporate by means of a registered Letter sent by Post addressed to the Place of Business of that Person, Partnership, or Body Corporate, or the Place of Residence of that Person, and in every such Case Service shall be deemed to be effected on the Day on which such Letter ought to be delivered at the Place of its Address in the ordinary Course of Post.

Fabrication
of Notices,
&c. and
Personation.

68. If any Person fabricates any Notice, Statement, Claim, Authority to vote, or other Document to be served, delivered, or used under this Act, or serves, delivers, or uses, or offers to serve, deliver, or use, for any Purpose of this Act, any Notice, Statement, Claim, Authority to vote, or other Document, knowing the same to be fabricated, or if any Person personates any Elector under this Act, every such Person shall for every such Offence be liable on summary Conviction to a Penalty not exceeding Twenty Pounds.

Expenses of
Elections to
be paid by
Board.

69. The Expenses incurred in the making, obtaining, revising, and printing of Lists of Electors, and in any way incidental thereto (including the Remuneration of the Barrister appointed to be the Revisor), and in providing Places for Elections, and by the Returning Officers, or otherwise by or on behalf of the Board in relation to Elections under this Act, shall be defrayed by the Board.

Definition
of Special
Meeting.

70. For the Purposes of this Act a Meeting of the Commissioners or Board shall be deemed a Special Meeting when it is convened in manner provided by Section Eight of the principal Act, the Summons required by that Section being left (as therein directed) Fourteen clear Days at least before the Day appointed for the Meeting.

Exercise of
Powers of
Corpora-
tions.

71. The Commissioners shall have and may exercise all Powers vested in and exerciseable by the Port of *Dublin* Corporation by that Name or otherwise, and the Board shall have and may exercise all Powers vested in and exerciseable by the Corporation for preserving
and

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and improving the Port of *Dublin* otherwise than by the Name of the Port of *Dublin* Corporation.

72. Subject to the Provisions of this Act, the Provisions of the principal Act and of all other Acts relating to the Port of *Dublin* Corporation shall continue to apply to the Commissioners in like Manner in all respects as if the Name of that Corporation had not been changed and this Act had not been passed, and subject to the Provisions of this Act the Provisions of the principal Act and of all other Acts relating to the Corporation for preserving and improving the Port of *Dublin* shall continue to apply to the Board as if the Name of that Corporation had not been changed and this Act had not been passed.

Application
of Acts to
Commis-
sioners and
Board.

73. No Action, Suit, Bill, Process, Writ, Indictment, Information, or other Proceeding, civil or criminal, pending immediately before the passing of this Act either at the Suit or Instance of the Port of *Dublin* Corporation, or of the Corporation for preserving and improving the Port of *Dublin*, by those Names respectively, against any other Body or any Person, or at the Suit or Instance of any other Body or any Person against those Corporations, or either of them, by those Names respectively, shall abate, determine, or be prejudicially affected by or by reason of the Change of the Name of either Corporation.

Actions not
to abate.

74. No Notice, Tender, Requisition, Warrant, Summons, Pleading, Civil or Criminal Writ, or other Process, Record, Deed, Contract, Agreement, or Instrument, before or after the passing of this Act made, issued, written, or commenced, shall be prejudicially affected by reason only of the Commissioners or the Board being therein designated by their respective former Name.

Notices,
Pleadings,
&c. not
affected.

75. In any Bill, Suit, Indictment, Information, Proceeding, Notice, Tender, Requisition, Warrant, Summons, Pleading, Civil or Criminal Writ, or other Process, Record, Deed, Contract, Agreement, or Instrument, it shall not be necessary for the Commissioners or the Board, or any other Body or any Person, to aver that the Commissioners or the Board had been called or known at any Period by their respective former Name, and to aver the Change of Name effected by this Act, but it shall be deemed true, lawful, and sufficient therein to aver the Style of and describe the Commissioners or the Board by that respective Name only which they will have under this Act as if they had been originally incorporated, called, or known by that respective Name.

Averment in
Bills, Indict-
ments, &c.

76. Notwithstanding the Change of Names by this Act effected, all Deeds, Instruments, Purchases, Sales, Securities, and Contracts before the passing of this Act made or entered into by or with the
Port

Contracts,
&c. pre-
served.

The Dublin Port Act, 1867.

Port of *Dublin* Corporation, or the Corporation for preserving and improving the Port of *Dublin*, shall be as effectual to all Intents in favour of, against, or with respect to the Commissioners or the Board (as the Case requires) as if their respective Name had not been changed.

General
Saving of
Rights and
Liabilities.

77. Notwithstanding the Change of Names by this Act effected, everything before the passing of this Act done, suffered, or confirmed shall be as valid as if this Act had not been passed, and the Change of Names and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed, and to all Rights, Liabilities, Claims, and Demands existing or to arise at or after the passing of this Act which, if the Change of Names by this Act effected had not been made and this Act had not been passed, would be incident to or consequent on anything so done, suffered, or confirmed.

Duties of
Members,
&c.

78. The Members of the Board shall (subject to the Provisions of this Act) severally have and be subject to the same or the like Powers, Functions, Duties, Privileges, and Obligations as Members of the Corporation for preserving and improving the Port of *Dublin* severally have or are subject to under the Acts relating to that Corporation.

Acts relating
to Corpora-
tion to
remain
unaffected.

79. The Provisions of the Acts relating to the Corporation for preserving and improving the Port of *Dublin*, and of any other Act affecting the Powers, Functions, Duties, Privileges, Obligations, or Proceedings of that Corporation as a Body Corporate, and all Acts and Proceedings done, taken, or pending by, against, or in relation to that Corporation as a Body Corporate, shall remain unaffected by the Addition to and Incorporation with that Body of the nominated, Civic, and Elective Members under this Act, and, except only as in this Act expressly otherwise provided, shall, notwithstanding that Addition and Incorporation, in all respects continue and be as if this Act had not been passed.

Quorum of
Commis-
sioners and
Board.

80. The Quorum of the Commissioners shall continue to be Three, and the Quorum of the Board shall continue to be Three until the Second *Friday* in *January* One thousand eight hundred and sixty-eight, and on and after that Day the Quorum of the Board shall be Five.

Officers of
Commis-
sioners and
Board.

81. The Secretary, Ballast-master, Engineers, Harbour-masters, Dock-master, Solicitor, and other Officers of the Port of *Dublin* Corporation, and of the Corporation for preserving and improving the Port of *Dublin*, respectively holding Office at the passing of this Act, shall remain in Office as if this Act had not been passed; and no

Officer

The Dublin Port Act, 1867.

Officer of the Commissioners or of the Board holding Office at the passing of this Act shall be liable to be removed from Office otherwise than by a Vote of Two Thirds at least of the Members of the Commissioners or the Board (as the Case may be) present at a Special Meeting at which there shall be present at least Twelve Members of that Body.

82. The Board may from Time to Time grant such Superannuation or retiring Allowances by way of Gratuity or annual Payment or otherwise to any Officer or Person employed by the Board (appointed either before or after the passing of this Act) as the Board think fit, subject to the Approval in each Case of the Lord Lieutenant or other Chief Governor or Governors of Ireland: Provided always, that no Superannuation or retiring Allowance to any salaried Officer shall exceed the Proportion of his Salary which might be granted to a Person in the Public Civil Service under any Act for the Time being in force regulating Superannuation or retiring Allowances.

Superannuation Allowances, &c.

83. Notwithstanding anything in the principal Act, or in any other Act relating to the Corporation for preserving and improving the Port of Dublin, the Board may from Time to Time, with the Approval of the Board of Trade, reduce the Rates authorized to be taken under those Acts, or any of them, in such Manner as they think expedient, and may from Time to Time, with the like Approval, again raise the same, or any of them; provided the Rates levied do not in any Case exceed the Amount authorized by those Acts, or any of them, to be taken, and that the Rates be at all Times charged equally to all Persons in respect of the same Description of Vessel and the same Description of Goods.

Variation of Rates.

84. All Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation for preserving and improving the Port of Dublin.

Expenses of Act.

The Dublin Port Act, 1867.

SCHEDULE referred to in the foregoing Act.

PART I.

Scale of Votes according to Amount of Customs or Excise Duties paid.

| | |
|--|--------------|
| For Duties paid to the Amount of 500 <i>l.</i> and not exceeding 1,000 <i>l.</i> | One Vote. |
| Exceeding 1,000 <i>l.</i> and not exceeding 2,500 <i>l.</i> | Two Votes. |
| Exceeding 2,500 <i>l.</i> and not exceeding 5,000 <i>l.</i> | Three Votes. |
| Exceeding 5,000 <i>l.</i> and not exceeding 10,000 <i>l.</i> | Four Votes. |
| Exceeding 10,000 <i>l.</i> and not exceeding 20,000 <i>l.</i> | Five Votes. |
| Exceeding 20,000 <i>l.</i> | Six Votes. |

Six Votes to be the Maximum.

PART II.

Scale of Votes according to Assessment to Poor Rate.

| | |
|--|--------------|
| For Assessment on annual rateable Value of 100 <i>l.</i> and not exceeding 200 <i>l.</i> | One Vote. |
| Exceeding 200 <i>l.</i> and not exceeding 300 <i>l.</i> | Two Votes. |
| Exceeding 300 <i>l.</i> and not exceeding 400 <i>l.</i> | Three Votes. |
| Exceeding 400 <i>l.</i> and not exceeding 500 <i>l.</i> | Four Votes. |
| Exceeding 500 <i>l.</i> and not exceeding 600 <i>l.</i> | Five Votes. |
| Exceeding 600 <i>l.</i> | Six Votes. |

Six Votes to be the Maximum.

PART III.

Scale of Votes for registered Shipowners.

| | |
|--|--------------|
| For 150 Tons of registered Shipping and not exceeding 250 Tons | One Vote. |
| Exceeding 250 Tons and not exceeding 500 Tons | Two Votes. |
| Exceeding 500 Tons and not exceeding 750 Tons | Three Votes. |
| Exceeding 750 Tons and not exceeding 1,000 Tons | Four Votes. |
| Exceeding 1,000 Tons and not exceeding 1,250 Tons | Five Votes. |
| Exceeding 1,250 Tons and not exceeding 1,500 Tons | Six Votes. |
| Exceeding 1,500 Tons and not exceeding 1,750 Tons | Seven Votes. |
| Exceeding 1,750 Tons and not exceeding 2,000 Tons | Eight Votes. |
| Exceeding 2,000 Tons and not exceeding 2,250 Tons | Nine Votes. |
| Exceeding 2,250 Tons | Ten Votes. |

Ten Votes to be the Maximum.

PART

The Dublin Port Act, 1867.

PART IV.

Declaration of Elective Member of Board.

I A. B. do solemnly declare that I [here set forth a Statement of the Possession of some one of the Qualifications required by the Act, if a Qualification be necessary under the foregoing Act], and I do further solemnly declare that I have not entered, and that while I am a Member of the Dublin Port and Docks Board I will not enter, into any Contract directly or indirectly for executing the Purposes of the Acts relating to that Board, or any of them, or for supplying any Materials for carrying on or executing the same, and will not be engaged in any Security for any Person now or hereafter holding any Office by virtue of those Acts, or any of them, or for any Person at any Time entering into any Contract relating to the Execution of any of the Provisions of any of those Acts.

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