



DUNEDIN TOWN BOARD DISSOLUTION ORDINANCE, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XX., No. 188.

ANALYSIS :

<p>Title. Preamble. 1. Town Board of Dunedin Dissolved. 2. Certain Sections in the "Dunedin Town Board Ordinance, 1855," and the "Dunedin Improvement Ordinance, 1862" repealed. 3. Superintendent authorised to appoint three Commissioners for the City in lieu of the present Town Board. 4. Commissioners Incorporated. 5. Appointment of Chief Commissioner—his casting vote. General powers of Commissioners. 6. Disqualification of Commissioners. 7. Meetings of Commissioners regulated.</p>	<p>8. Appointment of Officers. 9. Property of present Town Board transferred to Commissioners. 10. Suits, &c. already in progress not to abate or be discontinued. 11. Powers of present Town Board vested in Commissioners. 12. Regulations as to Accounts of Commissioners. 13. Yearly Report of Commissioners. 14. Town Board Ordinances in Schedule B to be read as if Commissioners mentioned instead of Town Board. 15. Short Title. Schedules.</p>
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AN ORDINANCE *to Dissolve the Town Board of Dunedin and to provide for the Appointment of Commissioners in lieu thereof.* Title.
[12TH APRIL, 1865.]

WHEREAS by an Ordinance of the Superintendent and Provincial Council of Otago made and passed in the nineteenth year of the reign of Her present Majesty and intituled "An Ordinance to constitute a Public Board for the Town of Dunedin" a Public Board was constituted within the Town of Dunedin for the purpose of carrying into execution the powers and provisions of the said Ordinance or of any other Ordinance or any duties the execution of which should be devolved upon the said Board and the said Board was thereby incorporated under the name of the Town Board of Dunedin: AND WHEREAS by an Ordinance of the said Superintendent and Provincial Council made and passed in the said nineteenth year of the reign of Her said Majesty intituled "An Ordinance to regulate the Management and Control of Streets and Other Things in and about Dunedin" certain powers and duties were conferred and imposed on the said Town Board of Dunedin and the Members and Officers thereof for the Manage-

ment and Control of Streets and Other Things in and about Dunedin: AND WHEREAS by an Ordinance of the said Superintendent and Council made and passed in the twenty-fifth year of the reign of Her present Majesty Queen Victoria intituled "An Ordinance for promoting the Improvement of the City of Dunedin" the two firstly hereinbefore recited Ordinances were altered and amended and divers powers and duties were conferred and imposed on the said Board and the Members and Officers thereof for the improving the said City or Town and for the Control and Management of the Streets therein and of the Sewerage Drainage and Lighting thereof: AND WHEREAS the Town Board of Dunedin has not answered the purposes for which it was established and it is expedient to dissolve the same and to provide for the appointment of Commissioners in lieu thereof for a limited period and for the regulation of such Commissioners;

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof as follows:—

Town Board of Dunedin dissolved.

I. From and after the date of the coming into operation of this Ordinance the said Town Board of Dunedin established by an Ordinance passed in the nineteenth year of the reign of Her present Majesty and intituled "An Ordinance to constitute a Public Board for the Town of Dunedin" and by a certain other Ordinance of the said Superintendent and Provincial Council passed in the twenty-fifth year of the reign of Her present Majesty and intituled "An Ordinance for promoting the Improvement of the City of Dunedin" is hereby dissolved and the Members thereof shall thenceforth cease to hold such offices respectively.

Certain Sections in the Dunedin Town Board Ordinance 1855, and the Dunedin Improvement Ordinance 1862, Repealed.

II. From and after the date of the coming into operation of this Ordinance the firstly hereinbefore recited Ordinance and the sections of "The Dunedin Improvement Ordinance 1862" and of "The Dunedin Improvement Ordinance Amendment Ordinance 1862" mentioned and specified in the Schedule hereunto annexed marked A shall so far as relates to the City or Town of Dunedin and the Inhabitants thereof be repealed.

Superintendent authorised to appoint three Commissioners for the City in lieu of the present Town Board.

III. It shall be lawful for the Superintendent of Otago for the time being and he is hereby authorised and required to nominate and appoint three fit and proper persons to be Commissioners for the purpose of carrying into effect the provisions for the Management and Control of the Streets of the said Town of Dunedin and for the Cleansing Draining and Lighting the said Town or City of Dunedin and all other measures for the Sanitary improvement and good rule and Government of the said City or Town which might have been carried into effect by the said Town Board under the powers conferred upon them by the Ordinances mentioned and specified in the Schedule hereunto annexed and marked B except such of the said provisions as are hereby repealed and also for the carrying into effect all and any other provisions in the said Ordinances contained or in any other Ordinances which might have been carried into effect by the said Town Board under the powers

conferred upon them by such Ordinances and the said Superintendent shall have the power at any time to remove or suspend any person so appointed and as often as any person so appointed shall die resign or become incapable or under the provisions herein contained shall cease to be a Commissioner or shall be removed or suspended or be absent it shall be lawful for the said Superintendent in like manner to appoint either permanently or temporarily as the case may require another fit and proper person to be a Commissioner in the place of the Commissioner so dying resigning or becoming incapable or ceasing to be a Commissioner or being removed suspended or absent: Provided always that any two Commissioners for the time being may continue to act notwithstanding one vacancy by any means in the number of Commissioners.

IV. The Commissioners so to be appointed as aforesaid and their successors in office shall be and they are hereby constituted a Commissioners Incorporated. Body Corporate and Politic by and under the name style and title of "The Commissioners for the City of Dunedin" and under that name shall be capable in law to sue and be sued and to implead and be impleaded in all Courts of Law or Equity in all manner of actions causes and matters whatsoever and to accept take purchase and hold goods and chattels lands and tenements real and personal movable and immovable estates and to grant sell alienate assign demise and convey the same and to do and suffer all acts matters and things incidental or appertaining to a Body Corporate and shall and may have a Common Seal and in all cases of legal proceedings service of notice thereof upon the Chief Commissioner or Secretary for the time being shall be deemed and taken as good and sufficient service upon the said Commissioners as a Corporate Body.

V. One of the said Commissioners shall be appointed by the said Appointment of Chief Commissioner. Superintendent to be Chief Commissioner and any two of such Commissioners shall form a Quorum and if there be an equality of votes upon any question at any meeting of the Commissioners duly convened such Chief Commissioner shall have a Casting Vote in His Casting Vote. addition to his own Vote and such Commissioners or any two of them at a duly constituted meeting shall have full power and authority to do all such acts matters and things as shall be necessary for General powers of Commissioners. carrying into effect the purposes of this Ordinance.

VI. In case the Provincial Council of the Province of Otago shall Disqualification of Commissioners. by address to be presented by the Speaker to the Superintendent pray for the dismissal of any of the said Commissioners the appointment of such Commissioner shall be forthwith superseded.

VII. The said Commissioners shall appoint regular periodical Meetings of Commissioners regulated. times of meeting of which public notice shall be given and shall also be at liberty to meet at all other times as occasion may require: Provided that no extraordinary meeting from which any one of such Commissioners shall be absent shall be deemed to be duly constituted unless the absent Commissioner shall previously have had not less than twelve hours' notice of the time and place of such

meeting which said notice shall be in writing signed by the Secretary and shall be delivered to such Commissioner in person or left at his usual place of abode or transmitted to him by post so that he may in the ordinary course of the post receive the same twelve hours before the time appointed for such meeting.

Appointment of Officers.

VIII. The Commissioners shall and may subject to the approval of the Superintendent appoint employ and continue in office respectively a Clerk a Treasurer and a Surveyor or Surveyors of the said City and such Engineers Collectors Workmen and other Officers Agents and Servants as in their discretion they may deem necessary and proper for the execution of the powers and duties vested in the said Commissioners by virtue of this Ordinance or by virtue of any other Ordinance of the said Provincial Council and may assign and allow Salaries Wages and Remuneration to such Officers Agents and Servants and may from time to time subject to the approval of the Superintendent remove or dismiss such Officers Agents or Servants respectively and in case of a vacancy in any such Office or Employment as aforesaid by Death Resignation Removal or otherwise or of the illness or the absence of any such Officer the Commissioners may subject to the approval of the Superintendent appoint another fit and proper person permanently or temporarily as the case may require in the place of the person so making such vacancy or being ill or absent.

Property of present Town Board transferred to Commissioners.

IX. All the lands tenements buildings hereditaments and real estate chattels real and personal estate and property whatsoever and all powers rights remedies and capacities in respect of the same which shall on the day of the coming into operation of this Ordinance be vested in or held in trust for the said Town Board of Dunedin established by the said recited Ordinances shall by force of this Ordinance be vested in or held in trust for the Commissioners to be appointed under this Ordinance and all moneys then due and owing by or to or on account of the said Town Board shall be receivable by or from the said Commissioners and all Contracts Agreements Mortgages Bonds Covenants and Securities made or entered into with or in favour of or by or for the said Town Board or any person in their behalf shall take effect and may be proceeded on and enforced by against with reference to and in the name of the said Commissioners as fully in all respects as they might have been enforced by against and with reference to the said Town Board if this Ordinance had not been passed.

Suits &c., already in progress not to abate or be discontinued.

X. No action suit prosecution or other proceeding whatsoever commenced or carried on previously to the day of the coming into operation of this Ordinance either by or against the said Town Board shall abate or be discontinued or prejudicially affected by force of this Ordinance but shall continue and take effect both in favour of and against the said Commissioners and all decrees and orders made and all fines and penalties imposed and incurred respectively and all rates made or so much thereof as shall not have been levied and paid before the day of the coming into operation of this Ordinance shall be enforced levied recovered and proceeded for by and in the

name of the said Commissioners in such and the like manner as they could have enforced levied recovered and proceeded for by and in the name of the said Town Board of the said City or Town of Dunedin if this Ordinance had not been passed.

XI. All the powers rights and privileges interests authorities and immunities whatever possessed by and all the duties imposed upon the said Town Board of Dunedin by the Ordinances mentioned in the said Schedule B or any other Ordinances except such as were conferred or imposed by any of the Sections mentioned and specified in the said Schedule marked A and hereby repealed shall be possessed by and are hereby imposed upon the Commissioners to be appointed under this Ordinance.

Powers of present Town Board vested in Commissioners.

XII. The Treasurer appointed by the said Commissioners shall in books to be kept for that purpose and in such manner and form as the Commissioners shall direct enter true accounts of all moneys received and paid and such books shall be at all times open to the inspection of the said Commissioners and all the accounts with all vouchers and papers relating thereto shall in the months of January and July in each year be submitted to the inspection of two Auditors to be nominated and appointed by a Resolution of the Provincial Council of the said Province for the purpose of being examined and audited from the day of coming into operation of this Ordinance to the 1st day of July next ensuing and from the 1st day of July to the 1st day of January inclusively in every year and if the said accounts shall be found to be correct the Auditors shall sign the same and certify to such correctness and after such accounts shall have been so examined and audited in the month of July and January every year the said Treasurer shall make out in writing and submit to the said Commissioners a full abstract of his accounts for the previous year in such form as the Commissioners may direct and the said Commissioners shall forthwith cause the same to be printed and a copy thereof shall be open to the inspection of all the ratepayers in the said City and copies thereof shall be delivered to all such ratepayers on payment of one shilling for each copy and a copy of the said abstract shall in the months of July and January in each year be published in the *Provincial Government Gazette* of the Province of Otago.

Regulations as to accounts of Commissioners.

XIII. The said Commissioners shall once at least in every year and at such other times and in such other manner and form as the Superintendent shall direct furnish full and true reports of their proceedings and accounts of all monies raised and expended under the provisions of this Ordinance which Reports and Accounts shall be laid by the Superintendent before the Provincial Council as soon thereafter as possible.

Yearly Report of Commissioners.

XIV. Wherever in the unrepealed parts of the Ordinances mentioned in the Schedule hereunto annexed marked B or in any other Ordinances mention is made of the "Town Board" of the said City or Town of Dunedin the enactment shall be read and applied as if the said Commissioners had been named therein instead of the

Town Board Ordinances in Schedule B to read as if Commissioners mentioned instead of Town Board.

said Town Board and wherever mention is made of the Clerk of the said Board the enactment shall be read and applied as if the Clerk to the said Commissioners had been named therein instead of the Clerk of the said Town Board and whenever mention is made of the Treasurer Surveyor or other Officers and Servants of the Town Board the same shall be read and applied to the Treasurer Surveyor or other Officers and Servants whom the Commissioners subject to the approval of the Superintendent may appoint for the performance of the duties of the Treasurer or other Officers and Servants mentioned in the said Ordinances or duties corresponding thereto.

Short Title.

XV. This Ordinance may be referred to and cited as the "Dunedin Town Board Dissolution Ordinance 1865."

SCHEDULE A.

ORDINANCES OF SUPERINTENDENT AND PROVINCIAL COUNCIL OF OTAGO.

Parts Repealed.	Title, or Short Title of Ordinance.	Session, Number, Date.	
Section 4 to Section 19, both inclusive.	The Dunedin Improvement Ordinance, 1862.	25th Vict. 1862. Session XV., No. 67.	
Section 2.	The Dunedin Improvement Ordinance Amendment Ordinance, 1862.	26th Vict., 1862 Session XVI., No. 101.	

SCHEDULE B.

ORDINANCES OF SUPERINTENDENT AND PROVINCIAL COUNCIL OF OTAGO REFERRED TO.

1. An Ordinance to regulate the Management and Control of Streets and other things in and about Dunedin.
2. An Ordinance constituting as an Estate for purposes of Public Utility to the Town of Dunedin the Local Municipal Estates reserved by the New Zealand Company's Terms of Purchase.
3. An Ordinance to Amend the Dunedin Roads and Streets Ordinance, 1855.
4. Dunedin Improvement Ordinance, 1862.
5. Dunedin Building Ordinance, 1862.
6. Dunedin Improvement Ordinance Amendment Ordinance, 1862.
7. Dunedin Municipal Estate Ordinance, 1862.
8. Dunedin Municipal Loan Ordinance, 1862.