

No. XL.

GEELONG
INCORPORATION.

An Act to incorporate the Inhabitants of the Town of Geelong and to extend and apply thereto the Laws now in force for the regulation of the Corporation of Melbourne. [12th October, 1849.]

Preamble.

Inhabitants of Geelong incorporated.

WHEREAS for the better protection care and management of the local interests of the Town of Geelong and for the improvement thereof it is expedient that the inhabitants of the said Town be incorporated Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act the inhabitants of the said Town of Geelong and their successors inhabitants of the same shall be and they are hereby constituted a body corporate and politic by and under the name style and title of the "Mayor Aldermen Councillors and Burgesses of the Town of Geelong" and under that name shall have perpetual succession and shall be capable in law by the Council hereinafter mentioned to sue and be sued and to implead and be impleaded in all Courts of Law and Equity and other places 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 moveable and immoveable estates and to grant sell alienate assign demise and convey the same and to do and suffer all acts as a body corporate under and subject to the provisions hereinafter contained and shall and may have a common seal and in all cases of legal proceedings service of notice thereof upon either the Mayor or Town Clerk for the time being shall be deemed and taken as a good and sufficient service upon the body corporate.

Limits of town defined.

2. And be it enacted That the said town shall consist of the portion of land which is defined in the Schedule to this Act annexed marked A.

Division of town into wards.

3. And be it enacted That the said town shall be divided into four wards to be called respectively—Villamanta Ward Bellerine Ward Kardinia Ward and Barwon Ward and that the said wards shall be those which are described in the Schedule to this Act annexed marked B.

Town and ward boundaries not to be altered except by Legislative enactment.

4. Provided always and be it enacted That the boundaries of the said town and of the said several wards shall be and remain as they are hereby respectively fixed and determined until the same shall be duly changed by Legislative enactment.

Extends and applies Melbourne Corporation Acts to Geelong. 6 Vic. No. 7.

5. And whereas an Act was passed by the Governor and Legislative Council of New South Wales in the sixth year of the reign of Her present Majesty intituled "An Act to incorporate the Inhabitants of the Town of Melbourne" And whereas the said recited Act was amended by an Act of the said Governor and Council passed in the eighth year of the reign of Her present Majesty intituled "An Act to amend an Act passed in the sixth year of the reign of Her present Majesty intituled 'An Act to incorporate the Inhabitants of the Town of Melbourne'" And whereas the said recited Acts were explained and amended by a certain other Act passed as aforesaid in the eleventh year of the reign of Her present Majesty intituled "An Act to explain and amend the Acts relating to the Corporation of the Town of Melbourne" and it is expedient to extend and apply the said Acts to the Town of Geelong and to the body corporate hereby constituted

8 Vic. No. 12.

11 Vic. No. 17.

Geelong Incorporation.

constituted and established within the same Be it enacted That from and after the passing of this Act the said first recited Act as explained and amended by the said other recited Acts shall except as herein otherwise provided extend and apply to the Town of Geelong and to the body corporate hereby constituted and established within the same in as full and ample a manner to all intents and purposes so far as the same are applicable and can be applied thereto as if the several clauses and provisions thereof were herein contained and re-enacted "Geelong" instead of "Melbourne" being in each case specially named therein.

6. And be it enacted That the Council of the said town elected under the provisions of the said recited Acts shall have and enjoy all the like powers authorities duties and immunities in respect to markets within the said town as are given to the Commissioners to be elected and appointed under and by virtue of an Act of the said Governor and Legislative Council passed in the third year of the reign of Her present Majesty intituled "An Act to authorize the establishment of ^{3 Vic. No. 19.} Markets in certain Towns in the Colony of New South Wales and for the appointment of Commissioners to manage the same" and shall also possess exercise and enjoy all the like powers authorities duties privileges and immunities as are now possessed exercised and enjoyed by the Councils of the Cities of Sydney and Melbourne within their respective corporate limits under and by virtue of an Act passed in the sixth year of the reign of Her present Majesty intituled "An ^{6 Vic. No. 18.} Act to remove doubts in respect to the exercise of certain powers by the Councils of the City of Sydney and Town of Melbourne and to declare the competency of Witnesses and the jurisdiction of Magistrates in certain cases within the same."

7. And be it enacted That it shall be lawful for the Council of the said town to appoint by notice published in one or more of the Geelong newspapers a fit and proper place to be used as a Cattle Market and from and after the expiry of fourteen days from the publication of such notice the place so appointed shall be taken to be and be a market overt and be the only place within the said Town of Geelong where any market for the sale of any horse mare gelding foal ass mule or any neat cattle or any sheep lamb pig or goat shall be held or kept and if any person shall sell or expose for sale any horse mare gelding foal ass mule or any neat cattle or any sheep lamb pig or goat in any place or places within the said Town of Geelong other than the Cattle Market so appointed every such person shall upon conviction of such offence forfeit and pay for every animal so sold or exposed for sale any sum not exceeding five shillings Provided always that nothing herein contained shall be taken to prevent any person from selling or exposing for sale by private contract any horse mare gelding foal ass or mule in any private stable or yard within the said town.

8. And be it enacted That the Council of the said Town of Geelong shall possess exercise and enjoy with respect to the said Cattle Market all the like powers authorities duties privileges and immunities which are now possessed exercised and enjoyed by the Council of the City of Melbourne with respect to the Cattle Market duly established within the said city.

9. And whereas at the first elections to be held after the passing of this Act the provisions of this Act cannot be complied with unless certain officers be appointed to preside at such elections and to exercise all other necessary functions Be it enacted That it shall and may be lawful for His Honor the Superintendent or the Chief Officer of the Government residing within the District of Port Phillip for the time being by warrant under his hand to appoint some fit and proper person

Defines powers of Council as to markets.

³ Vic. No. 19.

⁶ Vic. No. 18.

Provides for the establishment of a Cattle Market.

Defines powers of the Council with regard to Cattle Market.

His Honor the Superintendent may appoint persons to preside and perform other necessary functions at first elections

Geelong Incorporation.

person to preside at each of such elections and also to appoint in like manner such and so many persons as may be necessary to perform any of the acts hereinbefore required to be done by the Mayor Aldermen Councillors Town Clerk Collectors or other officers before such officers can be appointed or elected under the provisions of this Act and every such appointment shall be notified in one or more of the public newspapers published in the said district.

and fix the time for performance of matters under this Act required to be done in the present year.

10. And whereas certain matters are directed to be done under the provisions of this Act on certain days herein specified And whereas it may be impossible or inconvenient that they should be done in the present year at the times so respectively fixed Be it therefore enacted That it shall be lawful for His Honor the Superintendent or the other Chief Officer of the Government residing within the said District of Port Phillip for the time being to fix the same or some other more convenient times for the performance of the several matters hereby required to be done during the present year Provided that notice thereof shall be previously given in one or other of the public newspapers published in the said district and that the same intervals of time between the performance of each particular matter shall be allowed as are herein fixed and directed.

Exclusion of the said town from the Charter of Incorporation of the District Council of Grant.

11. And whereas by virtue of an Act made and passed in the fifth and sixth years of the reign of Her present Majesty Queen Victoria intituled "*An Act for the Government of New South Wales and Van Diemen's Land*" His Excellency the Governor by Letters Patent under the Great Seal of the said Colony did incorporate the inhabitants of the County of Grant in the said Colony and by such Letters Patent did establish a Council in the district thereof for its local Government subject to the provisions in such Act contained And whereas the said Town of Geelong is and stands included in such Charter of Incorporation and it is expedient that the same should be hereby excluded from the operation thereof Be it enacted That the said Town of Geelong as the same is specified and defined by its metes and bounds contained in the said Schedule hereunto annexed shall be and the same is hereby discharged and excluded from the operation of the said Charter of Incorporation and from all clauses matters and things therein mentioned.

Reserves Royal Prerogative and provides for the alteration or repeal of the Act.

12. Provided always and be it declared and enacted That nothing in this Act contained shall be deemed to affect or interfere with the Royal Prerogative or to prevent the alteration or repeal of the whole or any part thereof whether such repeal or alteration shall affect the franchises immunities or privileges of the body corporate created hereby or otherwise.

SCHEDULES REFERRED TO.

A.

BOUNDED by a line drawn from a point on the eastern shores of Corio Bay near Point Henry at a distance of two miles from the north-east corner of the Township of Geelong as a centre bearing southerly to a point bearing east from the said corner thence by a line south crossing a small portion of Corio Bay parallel with and at a distance of two miles from the eastern boundary of the said township to a point bearing east from the south-east corner of the said Township of Geelong thence by a line drawn westerly at a distance of two miles from the southern boundary of the said township crossing the Barwon River and Waurn Chain of Ponds to a point two miles west of the south-west corner of said township thence by a line bearing north parallel with and at a distance of two miles from the western boundary of the said Township of Geelong to a point bearing west from the north-west corner of the said township thence by a line drawn at a distance of two miles from the north-west corner of said township as a centre to the western shore of Corio Bay near Cowie's Creek and also to include the remaining portion of the reserve at Point Henry and the reserve at the junction of the Moorabool with the Barwon River.

B.

Cumberland Roads.

B.

THE four wards of the Town of Geelong shall be the four parts into which the town will be divided by the drawing of the two following lines intersecting each other at right angles namely—lines drawn along the centres of the two streets named Moorabool-street and Rirey-street and intersecting each other at the points where Moorabool-street crosses Rirey-street and by the prolongations of the said lines until such prolonged lines reach the boundaries of the town and the said wards shall be respectively called the North-east or Bellerine Ward the North-west or Villamanta Ward the South-east or Barwon Ward and the South-west or Kardinia Ward.
