



WESTERN AUSTRALIA.

ANNO OCTODECIMO

VICTORIÆ REGINÆ.

No. II.

**An Ordinance to amend the Public House
Licensing Ordinance, 4th and 5th Victoriæ,
No. 8.**

WHEREAS it is expedient further to regulate appeals to Quarter Sessions under the 4th and 5th Victoria, No. 8 ;—Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Preamble.

Legislative Council thereof, that the 34th clause of the said Ordinance shall be, and the same is hereby repealed.

Power of appeal recog-
nized.

License.

Deposit £50.

II. THAT if any person shall think himself aggrieved by any judgment or conviction, any act done, or any refusal to grant or renew a license under the said Ordinance, such person may appeal therefrom to the next Court of Quarter Sessions. Provided that notice of such appeal be given by the Appellant to the Justice or Justices from whose judgment or conviction such appeal shall be made within three days after such judgment, conviction, act, or refusal to grant or renew a license; and that such appellant deposit with such Justice or Justices, such sum as such Justice or Justices may, in his or their discretion, deem sufficient, not exceeding Fifty Pounds, or enter into a recognizance to that amount, with two sureties, for the purpose of securing the costs of such appeal.

Costs.

III. THAT the court at such Quarter Session shall hear and determine the matter of such appeal, and shall make such order therein, with or without costs, as to the said court shall seem meet; and in case the act appealed against shall be the refusal to grant or renew any license, and the judgment under which such act was done be reversed, it shall be lawful for the said court to grant or renew such license in the same manner as if such license had been granted or renewed at the General Annual Licensing Meeting, or at a Special Sessions; and the judgment of the said court shall be final and conclusive to all intents and purposes. And, in case of the dismissal of such appeal, or of the affirmance of the judgment on which such act was done, and which was appealed against, the said court shall adjudge and order the said judgment to be carried into execution, and costs awarded to be paid, and shall, if necessary, issue process for executing such order.

Costs, even if exceeding
the £50 deposit.

IV. THAT in every case where notice of appeal against the judgment of any justice in or concerning the execution of the said Ordinance, shall have been given, and such appeal shall have been dismissed, or the judgment so appealed against shall have been affirmed, or such appeal shall have been abandoned, it shall be lawful for the said court to whom such appeal shall be made, in the event of the appellant so decided against, refusing or failing to pay such sum as he shall be by them adjudged to pay, whether exceeding the sum of £50 or other-

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18th Vict. No. 2.

wise, to commit the said appellant to any common gaol for any term not exceeding three calendar months, unless such sum be sooner paid, Distress or to issue a distress warrant for the recovery of the same, at their discretion.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN CHIEF.

*Passed the Legislative Council }
this 12th day of April, 1855. }*

A. O'GRADY LEFROY.
Clerk of the Council.