

CAP. IV.

An Act to amend the ninety-eighth chapter of the Consolidated Statutes for Upper Canada.

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Council and Assembly of Canada, enacts as follows:

1. The third section of the ninety-eighth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act to protect the inhabitants of Upper Canada, against lawless aggressions from the subjects of Foreign Countries at peace with Her Majesty*, is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the third section of the said Act:

Sect. 3 of cap. 98 Con. Stat. U. C. repealed and new provision made.

“3. Every subject of Her Majesty and every citizen or subject of any foreign state or country who has at any time heretofore offended or may at any time hereafter offend against the provisions of this Act, is and shall be held to be guilty of felony, and may, notwithstanding the provisions hereinbefore contained, be prosecuted and tried before any Court of Oyer and Terminer and General Gaol Delivery, in and for any County in Upper Canada, in the same manner as if the offence had been committed in such County, and upon conviction shall suffer death as a felon.”

Her Majesty's subjects or foreigners offending against that act to be guilty of felony and punishable accordingly.

2. In case any person shall be prosecuted and tried under the provisions of the next preceding section and found guilty, it shall and may be lawful for the Court before which such trial shall have taken place, to pass sentence of death upon such person, to take effect at such time as the Court may direct, notwithstanding the provisions of an Act of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting New Trials and Appeals and Writs of Error in criminal cases in Upper Canada*.

Sentence may be carried out notwithstanding Con. Stat. U. C. cap. 113.