

Time for application by persons convicted at assizes limited.

Order of Superior Court on such application.

III. Any person convicted of any such offence as aforesaid at any Court of Oyer and Terminer or Gaol Delivery, shall not be allowed to make any application to either Superior Court of Common Law for a new trial, unless such application shall be made to such Superior Court on or before the last day of the first week of the Term next succeeding such Court of Oyer and Terminer or Gaol Delivery, and upon such application such Superior Court shall make such rule or order, either for affirming the conviction or granting a new trial, or otherwise, as the justice of the case may require, and shall further make all other necessary rules and orders for carrying such rule or order into effect.

If the Superior Court affirm the conviction, the party convicted may appeal to the Court of Error and Appeal.

Proviso: time for such appeal limited. And for decision upon it. Order of the said Court to be final.

IV. Any person so convicted as in the next preceding section mentioned, whose conviction shall be affirmed by either of the said Superior Courts of Common Law, may appeal to the Court of Error and Appeal against such affirmation, and such Court of Error and Appeal shall and may make such rule or order therein, either in affirmance of such conviction or for granting a new trial, or otherwise, as the justice of the case may require, and shall further make all other necessary rules and orders for carrying such rule or order into effect; Provided always, that no such appeal shall be made to such Court of Error and Appeal, unless allowed by such Superior Court, or two of the Judges thereof, in term or vacation; And provided also, that such allowance shall be granted and appeal heard, within six calendar months after such conviction affirmed, unless otherwise ordered by such Court of Error and Appeal, and that any rule or order of such Court of Error and Appeal shall be final and conclusive.

V. No sentence of death in any case of capital felony, shall be passed to take effect until after the expiration of the Terms next succeeding the sitting of the Court at which such sentence of death shall be passed.

Judges to make rules for giving effect to this Act.

VI. The Judges of the said Superior Courts of Common Law, or a majority of them, and the said Court of Error and Appeal, shall have full power and authority from time to time to make such rules and orders as they may consider necessary more effectually to carry out all or any of the provisions of this Act.

Act not to repeal 14-15 V. c. 13.

VII. Nothing in this Act contained shall be construed to repeal the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, chaptered 13, and intituled "*An Act for the further amendment of the administration of the Criminal Law*," except in so far as the same may be inconsistent with the provisions of this Act.

Act limited to U. C.

VIII. This Act shall apply only to Upper Canada.