

and Thirty-eight, a Legislative Council, consisting of nineteen Members. *And whereas*, such Legislative Council was in the last Session of the General Assembly convened in General Assembly, and did, together with the House of Assembly, sit and act in General Assembly during the said last Session, until the prorogation thereof, on the Second day of April, in this year of Our Lord One Thousand Eight Hundred and Thirty-eight. *And whereas*, Her Majesty was pleased, by Letters Patent, under the Great Seal of the United Kingdom, bearing date at Westminster on the Sixth day of February now last past, to appoint the Right Honorable John George, Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, to be Captain General and Governor in Chief in and over this Province. *And whereas*, after therein reciting Her Majesty's pleasure, that there should be two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of the said Province, Her Majesty, by the said Letters Patent, did direct and declare Her Royal pleasure to be that the powers formerly vested in the Council of the said Province, as far as respected the enactment of Laws, should be and were thereby vested in the said Legislative Council, and that all other powers whatever, vested in the said Council, should be and were vested in the said Executive Council, and did declare that the said Councils should consist of such and so many Members as Her Majesty should from time to time nominate and appoint under Her Royal Sign Manual and Signet, or as should be provisionally appointed by the said Earl of Durham, until Her Majesty's pleasure should be known, provided that the number of Members for the time being, resident within the said Province of the said Executive Council, should not be more than nine, and of the said Legislative Council should not be more than fifteen, by any such provisional appointments. *And whereas*, Her Majesty hath been pleased to transmit to His Excellency the Lieutenant-Governor of this Province, the said Letters Patent, and to vest in His Excellency, in the absence of the said John George, Earl of Durham, as Her Majesty's Lieutenant-Governor in and over the said Province, all the powers and authorities which by the said Letters Patent are granted to the said Earl of Durham. *And whereas*, His Excellency the said Lieutenant-Governor, in virtue of the authority so vested in him, and for carrying into effect Her Majesty's Royal intentions, and fulfilling the object of the said Letters Patent in that behalf, having thought fit provisionally to appoint a Legislative Council consisting of fifteen Members; the said Legislative Council so provisionally appointed under and in virtue of such Letters Patent, is now duly convened by His Excellency's Proclamation in General Assembly. *And whereas*, in the last Session of the General Assembly, and before the Prorogation thereof, certain Acts were passed by the said General Assembly. *And whereas*, it is proper to prevent any doubt as to the validity or effect of the said Acts:

Acts passed during last Session declared to be in full force

I. *Be it therefore declared and enacted, by the Lieutenant-Governor, Council and Assembly*, That all Acts passed in the last Session of the General Assembly shall have and be deemed, and adjudged to have had, from and after the passing thereof respectively, full force, power, efficacy and authority, as Acts of the General Assembly, to all intents and purposes whatsoever, according to the intent, purport, provisions, and enactments of such Acts respectively, and the same, together with every matter and thing, had or done under the same respectively, shall be, and are hereby declared to be, in all respects, and in every particular, severally and respectively ratified, confirmed and established.

Preamble

*And whereas*, many Bills, Resolutions, Orders, Proceedings, Matters and Things, were had, passed and agreed to, and pending and undetermined in the Legislative Council and in the House of Assembly, and it is expedient to facilitate the business of the present Session, that such Bills, Resolutions, Orders, Proceedings, Matters and Things, should be revived and be acted upon with as little delay as possible:

Proceedings of Council and Assembly of last Session revived, and declared to be subsisting

II. *Be it therefore enacted*, That all Bills, Resolutions, Orders, Proceedings, Matters or Things, had, done, passed, and agreed to in the Legislative Council or in the House of Assembly, either jointly, or by each House separately, or which at the time of the Prorogation of the General Assembly at its last Session were respectively subsisting, pending and undetermined, in any stage thereof, whether before either House, or before a Select Committee thereof, or a Committee of the whole House, as well as all such Committees as aforesaid, which have not finally reported, shall be, and the same are hereby revived and declared to be subsisting, and shall and may be continued and opened, and finally settled, determined and disposed of, in the same manner as if instead of the Prorogation of the last Session, and the opening