

CHAPTER THE FIFTH.

OF THE COUNCILS BELONGING TO THE KING.

THE third point of view, in which we are to consider the king, is with regard to his councils. For, in order to assist him in the discharge of his duties, the maintenance of his dignity, and the exertion of his prerogative, the law hath assigned him a diversity of councils to advise with.

1. THE first of these is the high court of parliament, whereof we have already treated at large.

2. SECONDLY, the peers of the realm are by their birth hereditary counsellors of the crown, and may be called together by the king to impart their advice in all matters of importance to the realm, either in time of parliament, or, which hath been their principal use, when there is no parliament in being^a. Accordingly Bracton^b, speaking of the nobility of his time, says they might properly be called "*consules, a consulendo; reges enim tales sibi associant ad consulendum.*" And in our law books^c it is laid down, that peers are created for two reasons; 1. *Ad consulendum*, 2. *Ad defendendum regem*: for which reasons the law gives them certain great and high privileges; such as freedom from arrests, &c, even when no parliament is sitting: because the law intends, that they are always assisting the king with their counsel for the commonwealth; or keeping the realm in safety by their prowess and valour.

^a Co. Litt. 110.

^b 1. 1. c. 8.

^c 7 Rep. 34. 9 Rep. 49. 12 Rep. 96.