

Spencers, father and son, for which they were banished the kingdom, “that they by their evil covin would not suffer the great men
“ of the realm, the king’s good counsellors, to speak with the
“ king, or to come near him; but only in the presence and hear-
“ ing of the said Hugh the father and Hugh the son, or one of
“ them, and at their will, and according to such things as plea-
“ fed them ^f.”

3. A THIRD council belonging to the king, are, according to sir Edward Coke^g, his judges of the courts of law, for law matters. And this appears frequently in our statutes, particularly 14 Edw. III. c. 5. and in other books of law. So that when the king’s council is mentioned generally, it must be defined, particularized, and understood, *secundum subjectam materiam*; and, if the subject be of a legal nature, then by the king’s council is understood his council for matters of law; namely, his judges. Therefore when by statute 16 Ric. II. c. 5. it was made a high offence to import into this kingdom any papal bulles, or other proceffes from Rome; and it was enacted, that the offenders should be attached by their bodies, and brought before the king and his *council* to answer for such offence; here, by the expression of king’s *council*, were understood the king’s judges of his courts of justice, the subject matter being legal: this being the general way of interpreting the word, *council*^h.

4. BUT the principal council belonging to the king is his privy council, which is generally called, by way of eminence, *the council*. And this, according to sir Edward Coke’s description of itⁱ, is a noble, honorable, and reverend assembly, of the king and such as he wills to be of his privy council, in the king’s court or palace. The king’s will is the sole constituent of a privy counsellor; and this also regulates their number, which of antient time was twelve or thereabouts. Afterwards it increased to so large a number, that it was found inconvenient for secrecy and

^f 4 Inst. 53.

^g 1 Inst. 110.

^h 3 Inst. 125.

ⁱ 4 Inst. 53.

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