

“ for transacting all business in which their advice  
 “ and consent may be requisite, acts of legislation  
 “ only excepted, in which he is not to act without  
 “ a majority of the whole.

“ By this instruction it appears, that the Go-  
 “ vernor is impowered to proceed upon business  
 “ (acts of legislation only excepted) with a board  
 “ of five Counsellors, if more do not attend his  
 “ summons; but it does not, as we conceive, de-  
 “ legate authority to him to select and appoint  
 “ any such persons by name, as he shall think fit  
 “ to make a *Quorum*; or extend to excuse him  
 “ from calling into Council all such thereunto  
 “ belonging, as are within convenient distance  
 “ from the place of meeting. In this sense of your  
 “ Majesty's instruction, we humbly recommend it  
 “ to your Majesty, to direct a second additional  
 “ instruction to your Governor, which, by en-  
 “ joining a discontinuance of the mode hitherto  
 “ pursued, of nominating and appointing what  
 “ has been termed a Privy Council, may, by an  
 “ explanation of the second article of your Ma-  
 “ jesty's general instructions, confirm to the Coun-  
 “ cil at large the trusts, powers, and privileges,  
 “ intended to be reposed and vested in them by  
 “ your Majesty's said general instructions. This  
 “ being submitted, it is our duty to lay before  
 “ your Majesty, the proceeding to which the  
 “ Chief-Justice's motion refers; and we find, in  
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