

*THE REGENCY ACT.*

In the last reign there was no necessity for the passing of a Regency Act, inasmuch as the heir apparent to the throne, the present King, had on the accession of the late King reached the mature age of five-and-thirty. A Regency Act will now be rendered necessary owing to the tender years of the present heir apparent to the throne, the Duke of Cornwall. The fiction of law is that the King must always be in full maturity of intellectual power, and as such exempt from the ordinary disabilities and immunities of infancy. Testamentary guardianship is the creation of statute, and it has never been suggested that the prerogative enables a King to appoint a guardian to his successor, which must be effected by legislation. The only Regency Act providing for the case of an infant Sovereign which ever took effect was that of the reign of Henry VIII., 28 Hen. 8, c. 7, s. 23, which came into operation at the accession of Edward VI. On other occasions since the reign of Henry VIII. Regency Acts have been passed nominating or giving to the King the power of nominating a Regent or a council. But the duties of royalty have never since been discharged by a Regent in consequence of the infancy of the King (see Anson's Law and Custom of the Constitution, ii., The Crown, Part 1, pp. 247-249). The principles for the determination of the question of a Regency since the accession of William IV. in 1830 have not been of an abstract character, but have in each case been laid down with reference to the actual circumstances of the situation. The three cases the subject of legislation since that event were the death of William IV. in the minority of the Princess (Queen) Victoria; the death of the late Queen Victoria while her successor, the King of Hanover, was out of the realm; and the death of the late Queen before any child of hers, being her successor, had reached the age of eighteen. In the first case the provision was that the Duchess of Kent (the mother of the late Queen Victoria) should be sole Regent uncontrolled by any council other than the ordinary responsible Ministers of the Crown: (1 Will. 4, c. 2). In the second case, that of providing for the absence from