

given to the other side to answer it, the case was referred to a master to make inquiry and report such particulars. *Chicot v. Lequesne*, 2 Ves. 318; *Edney v. Jewell*, 6 Mad. 165. And the Court is much in the habit of directing inquiries with respect to material points, in order to supply the defect of proofs in the case, where a sufficient ground has been shown of the propriety of such inquiry. *Parkinson v. Ingram*, 3 Ves. 605.

In general, there is no question of law or equity, or disputed fact, respecting which a master may not be called upon to make a report, *Pottinger v. Wightman*, 3 Meric. 68; *Toosey v. Burchell*, 4 Cond. Chan. Rep. 73; *Brown v. De Tastet*, 4 Cond. Chan. Rep. 135; *Cook v. Collingridge*, 4 Cond. Chan. Rep. 286; and in order to enable him to do so, the parties should lay before him a statement of facts, 1 *Newl. Pra.* 330; and he may call for proofs, and himself examine witnesses on oath. *Beam's Ord.* 285. But although such examinations before a master himself are made privately, no publication passes, as of depositions taken before commissioners. *Parkinson v. Ingram*, 3 Ves. 603; *Forum Rom.* 109. If proof be wanted, and the master so certifies, a commission * may be issued, as of course; or the proofs may be taken before an **57** examiner, which are returned, and an order of publication passes, as in all other cases. *Beam Ord.* 220. The report of a master ought to be without any unnecessary recitals, as succinct as may be; and confined to that which has been referred to him; for as to all else, it may be treated as a nullity; and it should reserve the matter clearly for the judgment of the Chancellor, who alone is the judge. *Dick v. Milligan*, 2 Ves. Jun. 24; *Jenkins v. Briant*, 9 Cond. Chan. Rep. 427. But if a master conceives it to be proper, under the peculiar circumstances of the case, to make a special report, in doing so he is not to set forth the evidence with his opinion upon it, but only the bare facts for the opinion of the Court, in the same manner as in a special verdict, *Marlborough v. Wheat*, 1 Atk. 454, unless he should be specially directed to give his reasons. *Cook v. Collingridge*, 4 Cond. Chan. Rep. 293. But under a decree for an account, he may, if he thinks proper, state special matter, although he has no direction for that purpose. *Anon.* 2 Atk. 621. If, however, a master is directed to ascertain a particular fact, he ought himself to draw the conclusion from the evidence before him, and not merely to state the circumstances. *Lee v. Willock*, 6 Ves. 605.

Besides these masters in Chancery, there are other standing officers of the Court of Chancery of England, whose duties are, in some respects, similar to those of masters, called examiners, who are appointed by the master of the rolls. The office of the examiners is to examine, upon oath, the witnesses on both sides, that are brought before them in any case, as also parties in contempt; and to put their answers and depositions in writing; which they