

may be issued as of course ; or the proofs may be taken before an examiner, which are returned, and an order of publication passes, as in all other cases. (*f*) 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. (*g*) 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, (*h*) unless he should be specially directed to give his reasons. (*i*) But under a decree for an account, he may, if he thinks proper, state special matter, although he has no direction for that purpose. (*j*) 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. (*k*)

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 are to keep close and private until publication. But if the witnesses reside more than twenty miles from the place where the court is held, then a commission issues to certain commissioners, nominated by the parties, who are authorized and directed, to take the depositions of such witnesses in private ; which are returned and kept secret, until an order of publication is passed. The examination of witnesses was originally in chancery before the master of the rolls, who was one of the judges of the court ; and therefore, such examinations now by a master, by an examiner, or by commissioners, must be considered as a delegation, by the court, of a part of its authority to them. (*l*)

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(*f*) Beam. Ord. 220.—(*g*) Dick v. Milligan, 2 Ves. jun. 24 ; Jenkins v. Briant, 9 Cond. Chan. Rep. 427.—(*h*) Marlborough v. Wheat, 1 Atk. 454.—(*i*) Cook v. Colingridge, 4 Cond. Chan. Rep. 293 ;—(*j*) Anon. 2 Atk. 621.—(*k*) Lee v. Willock, 6 Ves. 605.—(*l*) Forum Rom, 124 ; 1 Harr. Prac. Chan. 430, 482.