

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1838. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 8

An Act to authorise the appointment of a Master of the Rolls to the Court of Chancery in this Province, and to provide for such Officer. Passed 9th March 1838.

Whereas it is deemed expedient that a Master of the Rolls should be appointed to the Court of Chancery;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant governor, and he is hereby fully authorised and empowered immediately after the passing of this Act to appoint, and in case of a vacancy by death, resignation or other cause, to appoint anew, a Master of the Rolls to the Court of Chancery in this Province, who shall hold his office during good behaviour: Provided always, that such person so from time to time appointed shall be a Barrister of at least ten years standing.

II. And be it enacted, That the Master of the Rolls to be appointed under the provisions of this Act, shall have the like powers and authority, in respect to the Court of Chancery in this Province, that the Master of the Rolls in England has in respect to the like Court in that Country, except so far as the same shall or may be altered, enlarged, curtailed or regulated, by any enactment of the Legislature of this Province, at this or any subsequent Session.

III. And be it enacted, That the Master of the Rolls for the time being, in all cases, except on appeals from his decision and hearings thereon before the Chancellor, shall be and be deemed the responsible adviser and judge of the said Court of Chancery, and shall sign all rules, orders and decrees made by him therein, and the signature of the Chancellor, except in the cases aforesaid, shall not be necessary to the validity of any such rules and orders in any cause, or to any decree made in the absence of the Chancellor from Fredericton: Provided always, that the enrolment of all decrees shall be signed by the Chancellor, to whom the same shall be presented to be signed for enrolment.

IV. And be it enacted, That there be granted and there is hereby granted to His Excellency the Lieutenant Governor, or person administering the Government for the time being, the sum of eight hundred pounds currency annually, as a salary to the Master of the Rolls in the Court of Chancery in this Province, to commence from the time of the appointment of such Officer.

V. And be it further enacted, That such salary shall be paid to such officer when appointed, by quarterly instalments, by Warrant under the hand and seal of His Excellency the Lieutenant Governor, upon the Treasury of the Province, in favor of such officer.

VI. And be it enacted, That the said salary so to be allowed and paid as aforesaid, shall be in full and in lieu of all fees and emoluments whatsoever as such officer; nor shall it be lawful for such

Master of the Rolls hereafter to take and receive any fee or emolument for or in respect of his said situation as Master of the Rolls, or as a Master in Chancery, other than the salary granted by this Act.

VII. And be it enacted, That the Master of the Rolls shall be deemed ineligible for holding a seat in either of the Councils, or House of Assembly for this Province or effect in this Province, any law, usage or custom to the contrary notwithstanding.