

servants (whether such servants were imported into the province, bound themselves for a term of years within the province or were bound out by the county courts) was to be tried, heard and determined upon petition, any law, statute or usage to the contrary notwithstanding.¹

The court during the period covered by the *Liber* was asked to exercise jurisdiction upon complaints made by servants or slaves in about ten instances. Upon a complaint by Thomas Simmons that his master Thomas Keniston “had sold him for Runaway time and not brought him to any Court in this Province to be adjudged according to Law”, the court ordered that complainant be clearly and freely acquitted from his service. However, this order apparently did not afford a definitive settlement.² When Vins Taylor complained that John Cozens kept from her her freedom corn and clothes, the court ordered him to give complainant additional clothes and utensils.³

At the March 1697 court Jane Browne presented a petition alleging that she had been a servant to Christopher Thompson and that she had been freed and discharged from all service due, but that he nevertheless still claimed petitioner as his servant “contrary to law and justice”. The court allowed the petition and adjudged Jane Browne a free woman.⁴ However, the court rejected a petition of Ann Fowler claiming that she had hired out as servant to Edward Ball for a period of two years during which he was to clothe her and at the end of which he was to allow her additional clothes but that Ball had in no wise complied with his undertaking and requesting justice against her former master.⁵

Mary Day petitioned for reasonable satisfaction, plus costs, from Hugh Riley for serving four months beyond the term of four years for which she had engaged herself (in consideration for which Riley engaged to have her receive medical attention) but the court after hearing both parties ordered the petition quashed. John Murr, servant to Thomas Prather, complaining that he was much abused by his master, the court ordered that Prather appear the next day to answer the complaint. However, there is no indication that any further action was taken upon this complaint.⁶ Thomas Worthington, servant to Robert Wade, was set free by order of the court “by reason that he came in a Servant for Seven Years and had Servd twelve years by new Contracts without ever being a Freeman” and his master ordered to pay him a gun and clothing according to act of Assembly. Martha Wakeling complaining of her master’s (Abraham Clark) great abuse and extraordinary hard usage toward her, the court ordered that petitioner be set free. However, upon motion, petitioner was ordered to serve Bartholomew Goff for a period of four years from her arrival in the province, Goff doing his utmost to cure petitioner of her sores.⁷

1. 38 MA 117. See also 22 *id.* 20, 26–27, 44–45, 100–01, 110, during which it was declared that “no Law of England nor of this Province tollerates any Courts proceeding by way of petition in Such Case.” The “late tryall in a Court of Appeals” on this manner of proceeding (22 *id.* 27) does not appear in *PMCA*. See also the 1704 statement of the Council that “it is not usuall to suffer Servants to Swear the peace against their Masters.” 25 MA 176. In addition, servants did not have the capacity to sue at law. 65 MA xxxiii.

2. *Infra* 4, 182–83, 212, 242, 248.

3. *Infra* 163, 180, 208.

4. *Infra* 326.

5. *Infra* 61.

6. *Infra* 233, 547.

7. *Infra* 554, 590. See also the fine of 500 pounds of tobacco imposed on Clark in November 1699 for “most unchristian correction” of his servant Henry Leonard—apparently a runaway. *PGCJ, Liber B*, 1–1a.