

relevant. An informal proceeding was early developed for the settlement of controversies between masters and servants, upon petition, apparently the original of the proceeding on "petition for freedom" of servants and slaves, which furnished a substantial part of the business of the courts in Maryland during the eighteenth century, and in the nineteenth, until it became obsolete with the abolition of slavery.³⁵ In 1697/98, it became necessary to protect that proceeding from attacks grounded on its departure from procedural requirements in England, attacks which may, perhaps, signalize an increase in the number and influence of professional lawyers, natural grammarians of the law. An act of assembly³⁶ of the time recited that,

Whereas it hath been the common practice of this province both in provincial and county courts to hear and determine the complaints of masters and servants by way of petition, and that whereas there hath been several appeals and writs of error brought upon the said judgments and for want of due and formal proceedings according to the strict rule of law the judgments have been reversed, for prevention whereof Be it Enacted by the King's Most Excellent Majesty by and with the advice and consent of this present General Assembly that * * * no such judgment shall be reversed for want of judicial process, or that the same was not tried by jury or any matter of form either in the entry or giving of judgment, provided it appears by the record that the parties defendant were legally summoned and not condemned unheard.

35. Evans, *Maryland Practice* (1839), 402n. The act of 1715, ch. 44, has been referred to as the source of the petition for freedom, (*Peters v. Van Lear*, 4 Gill, 249, 257), but the provision in that act, section 31, is found to be a repetition of the act of 1697/8, no copy of which was available in Maryland during the nineteenth century.
36. Act 1697, c. 12, Archives, Acts of Assembly Hitherto Unprinted, 117.