

Whether the Governour, as Governor, can discharge such Action? Lib. J. R.
& U. S.

As to the first: I am of Opinion that a Master has a Property in the Labour of his indented servant for the time he has contracted to serve, and that he has no Right to inlist in his Majestys Service without his Master's Consent, until the Expiration of his time of Servitude:

As to the 2^d I am of Opinion that a recruiting Officer who enlists a Man's indented Servant, knowing him to be such is liable to the Action of the Master, and that he ought to recover Damages adequate to the Injury he sustains by the loss of his Servant, but if an Officer should enlist a Servant not knowing him to be such I think no Action will lye against him unless he should detain the servant from his Master, after he is informed of his being a Servant, in which Case I think an Action would lye against him;

As to the 3^d: I am of Opinion that the Governour cannot discharge any civil Action, commenced by a Man for the Recovery of his Property and such is an Action commenced by a Master against an Officer for taking his Servant out of his Service.

E: Dorsey 22^d: Mar 1756.

Which being read

It is the Opinion of this Board, that as M^r Sterling is arrested on a civil Action for Damages, the Governor as Governor cannot discharge it, but they advise his Excellency to recommend it to M^r Sterling to give Bail for his Appearance at the next County Court to be held for the said County, and in the mean time to order his Lordships Attorney General to prepare himself, and at the said Court to defend his Majestys Officers—Proceedings, under the General's or his superior Officers Instructions.

At a Council held at the City of Annapolis on Tuesday the 30th Day of March in the fifth year of his Lordships Dominion, Annoque Dom: 1756—

Present

The honourable	{	Benjamin Tasker Esq ^r Samuel Chamberlaine Esq ^r Colonel Tasker	}	Richard Lee Esq ^r Benedict Calvert Esq ^r Colonel Goldsborough
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A Copy of a Certificate sent by Colonel Cresap in relation to the Murder of Captain Gordon of Virginia by a certain William Hallum of Frederick County on Monday the 22^d: