

notwithstanding this, sustain any great Hardship by the Loss of one or more of  
 their servants in his Majesty's Service, and if in doing that any considerable  
 Burthen should fall upon the whole Community, upon a Representation of it  
 to his Majesty, it will doubtless have a proper Consideration given it: And their  
 scarce but hope, that the Assembly will upon a cooler Thought of this Affair judge  
 to be a more eligible Method of Proceeding, than to invite the Populace to pursue  
 the violent Measures which the Address seems to point out to them.

I am Sir Your Honors most obedient  
 humble servant  
 W. Shirley

Honoured Sir: Kent County Goal March 25: 1756.

In consequence of fresh and positive Orders which I received by an  
 Express last Thursday, I have enlisted some servants, and am now in confinement  
 for it, My Orders are to apply to your Excellency in such a Case, and hope you will fall  
 in some Measures for my Enlargement, as the Service has already suffered by my  
 confinement. I am with the greatest Respect, your Excellency's most devoted & true Servant

Robert Sterling

The Governour's Compliments to M<sup>r</sup> Dulaney, and shall be much obliged to him  
 for his Opinion on and Answers to the following Questions:

1. Whether a servant indentured *bona fide* has a Right to enlist in his Majesty's Service?
  2. Whether a military Officer enlisting such a servant knowing him, or not knowing  
 him to be such, is in either, and which Case liable to an Action?
  3. Whether the Governour, or Governours, can discharge such an Action?
- Annapolis March 22: 1756.

As to the first Question I conceive that a servant indentured *bona fide* can't deprive  
 his Master of his Property in him by enlisting in his Majesty's Service.

As to the second Question, I conceive that an Officer enlisting such a servant as aforesaid  
 and knowing him to be such, may be liable to the Action of the Master, but if an Officer  
 should enlist such a servant without knowing him to be such, I think he would not  
 be liable to any Action for enlisting such a servant, unless after Notice of the Master's  
 Rights of Property in such a servant the Officer should detain the servant against  
 the Will and Consent of his Master.

As to the third, I am of Opinion that the Governour can't legally discharge  
 a civil Action brought by a private Person in defence of his Property. Dan: Dulany  
 22<sup>nd</sup> Mar 1756