

The Governor complies to Mr. Dorsey and shall be much obliged to him for his Opinions, & answers to the following Questions.

Whether a servant indentured here has a Right to indent in his Majesty's service  
Whether a military Officer enlisting such servant knowing or not knowing him to be such is in either and which is liable to an Action?

Whether the Governour, as Governour, can discharge such Action?

to the first.

James of Opinion that a Master has a Property in the Labour of his indentured servant for the time he has contracted to serve, and that he has no Right to indent in his Majesty's service without his Master's consent, until the Expiration of his time of service.

to the 2.

James of Opinion that a recruiting Officer who enlists a Man's indentured 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 lie 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 lie against him.

to the 3.

James 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. Mar 1756.

Which being read

It is the Opinion of this Board, that as Mr. Sterling is arrested on a civil Action for Damages, the Governour as Governour cannot discharge it but they advise his Excellency to recommend it to Mr. 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 Majesty's Officers Proceedings, under the General's or his superior Officers instructions.

At a Council held at the City of Annapolis on Tuesday the 30. th Day of March, in the fifth Year of his Lordships Dominion, Annoque Domini 1756

Present

The honourable	Benjamin Tasher Esq.	Richard Lee Esq.	
	Samuel Chamberlaine Esq.		Benedict Calvert Esq.
	Colonel Tasher.		Colonel Goldborough

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. Instant, being read, it is the Opinion and Advice of this Board to his Excellency that he be pleased to acquaint Governor Dinwiddie thereof, and the following Letter being read was approved of and sent accordingly.