

XXXII. *And be it further enacted*, That in all cases where it shall be found necessary, on account of any actual invasion or imminent danger thereof as aforesaid, to call into real service any part of the Militia in any County, it shall and may be lawful for the Colonel or Commanding Officer of the Militia in such County, to cause all the free male Blacks or people of Colour, between sixteen and sixty years of age, to be formed into Companies as nearly as may be of the same strength with the Regimented Companies in the County, and to appoint non-Commissioned Officers thereto, from which Company or Companies shall be drafted by ballot as aforesaid, a proportion exactly according to their numbers then fit for duty, and that the persons so drafted shall serve as Pioneers with the Militia so called out, and shall be entitled to the like pay.

In case of invasion, the free Blacks to be formed into Companies and drafted to serve as Pioneers to the Militia, and entitled to the like pay.

XXXIII. *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the enemy he shall be taken care of and provided for at the expence of the Province during the time of such disability.

Wounded and disabled persons provided for.

XXXIV. *And be it further enacted*, That this Act shall continue and be in force for two Years and no longer.

Limitation.

CAP. II.

An ACT for making Procefs in Courts of Equity effectual against Persons who reside out of this Province and cannot be served therewith. Passed the 30th July, 1808.

WHEREAS sometimes persons have withdrawn themselves out of the limits of this Province, and thereby rendered it impracticable to serve them with Process for their appearance in the Court of Chancery of this Province; for remedy of the inconveniences thence ensuing.

Preamble.

I. *Be it enacted by the President, Council and Assembly*, That if in any suit which hath been or hereafter shall be commenced in the said Court of Chancery, any defendant or defendants against whom any Subpœna or other Process shall issue, shall not cause his, her or their appearance to be entered upon such Process within such time and in such manner as according to the rules of the Court the same ought to have been entered in case such Process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of the said Court that such defendant or defendants is or are out of the limits of this Province, or that upon inquiry at his, her or their usual place of abode he, she or they could not be found so as to be served with such Process, and that there is full ground to believe that such defendant or defendants is or are gone out of this Province, or otherwise abscond to avoid being served with the Process of the said Court, or that such defendant or defendants departed from this Province after the cause of action upon which such suit

Defendant not appearing to Subpœna or other process, and affidavit made that such defendant is out of the Province or cannot be found,

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