

33. In all suits by joint owners to sell lands, the court may decree a sale free from the claim of dower by the wife of any of the parties.

34. Where there is a decree for the sale of lands, and a widow is entitled to dower therein and will not consent to a sale of her dower, the court may, if it appears advantageous to the parties, appoint five commissioners to assign and lay off the dower of such widow, subject to the confirmation or rejection by the court.

#### FRAUD.

35. In no case of a proceeding in equity to vacate any conveyance or contract, or other act, as fraudulent against creditors, shall it be necessary for any creditor or plaintiff in the cause to have obtained a judgment at law on his demand, in order to the relief sought in the case, either in his own behalf or in behalf of any other creditors who shall claim to participate in the benefit of the decree in the case; but when the debt of such plaintiff shall not be admitted by the pleadings in the case on the part of the defendant interested in contesting the same, the court shall, on application of any of the parties, send to any court of law an issue for determining the fact of such indebtedness, subject to the rules usually applied to issues out of chancery.

#### INFANTS.

36. Where an infant is entitled to any real or personal property in this State, of any kind, or entitled to a reversion, vested or contingent remainder, or an executory devise in any such property, or any use, trust or equitable interest therein, the court may, if it shall appear to be for the benefit and advantage of such infant, decree a sale thereof, if the provisions of the following sections are complied with.

37. No decree for sale shall pass under the preceding section but upon the petition of the guardian or prochein ami of such infant, and the appearance and answer of such infant, by guardian to be appointed by the court, and proof by the depositions of at least two discreet and respectable witnesses, to be taken under a commission to be issued for that purpose; and the witnesses shall state in their depositions the value and quantity of the property, and the facts and circumstances which show