

tion, and under or by whom the plaintiff or plaintiffs shall claim, shall have assented to the prayer of the bill or petition, or where upon proof, with or without answers, the claim of the complainant or complainants shall have been established against such person or persons, or body corporate; and where the equitable pretensions of the complainant or complainants shall be controverted by other parties in the said cause, either on answer or cross bill or otherwise, whose alleged equitable claims shall appear to the court to require, or make proper if established or set up, a sale of the property or estate in question, the court at its discretion may before final hearing, decree a sale, giving a day to the grantor to redeem as provided in cases of sales of mortgaged property, of said property or estate, or any part thereof, upon motion of any parties in the case and notice to the other parties, and on such proof as to the court shall appear satisfactory of the propriety of a sale for the benefit of the parties claiming a sale as aforesaid upon their respective pretensions; and such sale shall be on such terms as to the court shall seem most advantageous: and be made and conducted according to the course of the court in sales in equity, and the proceeds of such sales, shall be subject to the order of the court, to be deposited or invested from time to time as it may direct, to abide the issue of the case, in place to every effect of the said property or estate.

CHAP. 380.

Parties assenting

Or in case of proof

Sale may be ordered

Notice

Reservation

Terms

Proceeds at order of court

Sec. 2. And be it enacted, That 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 creditors, plaintiff or plaintiffs, in the cause, to have obtained a judgment on his demand, in order to the relief sought in the case, either in his or her own behalf, or in behalf of any other creditors who shall claim to participate in the benefit of the decree in the case; *Provided, however,* that when the insolvency of such plaintiff or plaintiffs, shall not be admitted by the pleadings in the case on part of the defendant or defendants interested in contesting the same, the court shall on applica-

Case of proceedings to vacate conveyance for fraud, &c prior judgment not required

Proviso—if debt be not admitted