

1880, ch. 172, sec. 24. 1886, ch. 298, sec. 24.

23. A petition may be filed in any of said courts having the right to take jurisdiction of the debtor so committing any act of insolvency in the preceding section mentioned, by any one or more creditors, the aggregate of whose debts against the insolvent amounts to at least the sum of two hundred and fifty dollars, at any time within four months after the recording of any of the conveyances, creation of liens, or committing of any of the acts of insolvency in this article specified; the said petition shall allege the facts upon which the application is grounded, and pray for process against the debtor and an adjudication of insolvency, and shall be verified by the affidavit of the petitioner; the court shall thereupon issue summons for the debtor and require him to show cause in not less than five nor more than ten days why such adjudication shall not be made; upon any issue of fact which may arise out of said petition and answer, either party shall be entitled to a trial by jury, but the parties to said cause may waive the jury trial and be heard by the court on the issue of fact, and the trial shall take place at the term during which the petition was filed, and as speedily as may be; and if the petition be filed in any circuit court for any county during the term and whilst the jury shall be in attendance thereon, the court shall not discharge the petit jury until the parties to said petition shall file their waiver of a jury trial, as hereinbefore provided; and if the petition be filed in any such court after the jury has been discharged for the term, the court, or any judge thereof, shall, upon the demand of a jury trial by either party as aforesaid, order the sheriff to summon a special jury, which shall be convened in not less than five nor more than ten days from the date of such order, to hear and determine the question of fact between the parties; provided, that the said petition shall be filed more than thirty days prior to the beginning of a new term of said court, and pending the determination of the application for such adjudication, and pending any question of the validity of any preference by mortgage, judgment or otherwise, and of any gift, sale, assignment, conveyance, or transfer or removal of all or any part of the property of the debtor with intent to hinder, delay or defraud his creditors, or to give an unlawful preference to any creditor, endorser or surety, the court, or any judge thereof, shall, on the ap-