

BRINGS SUIT AGAINST BANK

Duluth First National Defendant
in Action to Recover Bank-
ruptcy Payments.

Preferences in the payment of claims against David Polinsky, bankrupt, are alleged in separate actions brought in the district court yesterday by Norman S. Marshall, the trustee in bankruptcy, against the First National bank of Duluth and the Brunswick company.

In the suit against the bank, the referee says that judgment against Polinsky for \$457.55 was obtained by the bank and that this amount by execution was taken from the assets and paid to the defendant. Practically the same allegations are made in the other complaint, where it is alleged that the Brunswick company collected \$514 on a claim against Polinsky. Polinsky confessed judgment to both claims, it is alleged.

Mr. Marshall, the trustee in bankruptcy, says Polinsky, a former Duluth pawnbroker, was, in fact, a bankrupt at the time these claims were paid, and for this reason the defendants should not have any more priority than the other creditors. At the time Polinsky was declared a bankrupt by the United States court, his debts amounted to \$3,500 while his assets did not exceed \$2,000, according to the complaint.

The plaintiff says he has made demand on both defendants for the return of the amounts each collected, but they have refused to pay over the money to him.