

Bond of trustee.

SEC. 12. *And be it enacted*, That the said courts, or the judges thereof, shall prescribe the penalty of the bond of the trustee, and approve the security therein, and may order new surety to be given, and remove on failure to comply, and shall have the same power and control over trustees under this act, which courts of equity have over trustees appointed by decree to sell property.

Deeds of trust.

SEC. 13. *And be it enacted*, That no deed or conveyance to a trustee for the benefit of creditors generally shall be deemed fraudulent, or a fraudulent or undue preference, because of a condition requiring the creditors to release the debtor and depriving any creditor who refuses to release of all benefit from property so conveyed in trust, but all such deeds of trust are hereby declared to be valid, and shall not be set aside either at the suit of a trustee under this act, or at the suit of any creditor.

Failure to give notice.

SEC. 14. *And be it enacted*, That if any insolvent shall fail to give the notice to his creditors herein required, or shall fail to appear, the court may fix another day and order new notice, in its discretion.

Property may be taken under fieri facias. Proviso.

SEC. 15. *And be it enacted*, That any property or debts not mentioned in the schedule of an insolvent, may be taken under a fieri facias or attachment, at the suit of any creditor, except such as may be exempted by law; *Provided nevertheless*, that nothing in this section shall be construed to impair the right and title of the trustee to such property or claims as provided by the second section, but shall only operate to give the judgment creditor who shall discover such property or claims, a priority to be paid out of the proceeds thereof.

Clerks courts may appoint trustee.

SEC. 16. *And be it enacted*, That the clerks of the circuit courts may receive the petitions under the act and appoint a trustee for the benefit of the creditors, take and approve his bond, and take the acknowledgment of the deed to trustee, and fix a day for the insolvent to appear and answer interrogatories or allegations, and order notice to be given to the creditors, under such rules as the circuit court may prescribe, and shall receive such compensation as the circuit court may order, the same not to exceed what was heretofore allowed to the judges of the orphans court for similar services.

Appointment of commissioner.

SEC. 17. *And be it enacted*, That the court of common pleas may appoint a commissioner who shall have the power vested in the clerks by the preceding