

time to be named not less than five nor more than ten days from the mailing of the notices, to choose a permanent trustee for the estate of such insolvent, and the place of meeting shall be in the county or city in which the debtor resides, and said preliminary trustee shall cause like notice to be given to all creditors generally of the insolvent by a notice inserted once in some newspaper in the county of the debtor's residence and by two insertions in some daily newspapers published in the city of Baltimore when the debtor is a resident of such city. At the time and place named it shall be the duty of the clerk or deputy clerk mentioned in sections 18 and 19, and of the debtor and preliminary trustee to appear, and the said clerk or deputy clerk shall preside at such meeting; thereupon the creditors present having proved their claims in accordance with the rules to be prescribed by the court as hereinafter provided shall proceed to the election of a permanent trustee for said estate, and the person who shall receive the votes of the greater number of said creditors and of those holding the greater amount of indebtedness shall be elected such permanent trustee, subject, however, to the approval of the court or one of the judges thereof, and if the creditors fail to attend or any person fails to obtain the requisite majority of number and amount of creditors as before provided, or if the person elected be in the opinion of the court an unsuitable person to execute the duties of the office of trustee, the court shall appoint some person to act as permanent trustee, and when such person shall be elected and appointed as aforesaid or appointed by the court he shall give bond in manner and form as hereinbefore provided with respect to the preliminary trustee, and thereupon immediately upon the filing and approval of such bond all said estate, property, rights and claims shall vest in such permanent trustee, and such preliminary trustee, if he be a different person from the permanent trustee, shall execute to him a deed of the same, and duly acknowledge the same; and it shall be the duty of the debtor at such meeting to answer under oath any interrogatories of the creditors or any of them touching his property and the disposition of the same, his indebtedness, the judgments and suits against him and as to any matter relating to his business, and the said clerk or deputy clerk shall administer to such debtor an oath that he will speak the whole truth without concealment or evasion in answer to any interrogatories propounded to him at said meeting, and said clerk or deputy clerk may adjourn said meeting from time to time.

Title, powers and duties of trustee.

The trustee can only collect what is actually due an insolvent. He is not a *bona fide* purchaser for value and the right of set-off applies as against him. An insolvent trustee compared with a receiver and with a conventional trustee. *Colton v. Drovers' Bldg. Assn.*, 90 Md. 95. See also, *Dowler v. Cushwa*, 27 Md. 366.

While a trustee takes the property subject to valid liens, his control over it and right to recover it are not wholly limited to what the insolvent might do. The trustee represents all the creditors. *Applegarth v. Wagner*, 96 Md. 472.

The title of all the insolvent's property vests in the trustee whether the deed from the insolvent is executed or not. The trustee represents creditors