

bly, shall have a right to vote for the whole number of electors, Qualified voters. and the several persons to the number required to be chosen, having the highest number of votes, shall be declared and deemed duly appointed electors; but forasmuch as some of the persons voted for as electors may have an equal number of votes, so as to defeat a choice between them; *Be it enacted,* Case of tie; by lot. That in such case, the governor and council shall determine by lot, which of the persons having such equal number of votes, shall be electors, so as to complete the whole number to which the state shall be entitled.

SEC. 2. *And be it enacted,* That in all other respects than is herein before provided for, the said election shall be conducted, Election conducted. the returns thereof made in the same manner as is provided for Returns. in the act to which this is a supplement.

SEC. 3. *And be it enacted,* That upon the meeting of the persons returned elected electors of president and vice-president, as provided for by this act, or as many of the said persons as may attend on the day appointed by the constitution and laws of the United States, before proceeding to perform the trust reposed in them, the place or places of any absent member or members may be supplied by the members present, who shall have power to appoint the same, and the said person or persons when appointed and qualified, shall be entitled to all the rights and privileges of those proclaimed by the executive authority of the state, as duly elected electors of president and vice-president of the United States. Case of absence of electors.

#### CHAPTER 262.

AN Act Supplementary to the Act, passed at December session, eighteen hundred and thirty-one,\* extending the Powers of Executors of Last \* Ch. 315. Wills and Testaments, and for other purposes.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That in all cases where an executor shall hereafter sell real estate of a testator or testatrix, by virtue of last will and testament, and shall account to the orphans court of the county, in which letters testamentary were granted, as is directed by the provisions of the act of which this is a supplement, the said court may allow such executor or executrix, a commission on the proceeds of sales of such real estate, not less than two per cent. nor more than ten per cent. Compensation for selling estate.

SEC. 2. *And be it enacted,* That all parts of the act of which this is a supplement, that are inconsistent with this act, be and they are hereby repealed. Repeal.