

ferent places for Maryland and Ohio and not less than three different places for Kentucky and Virginia tobacco and in as many more places as may be necessary to fully determine the contents of said hogshead, and if the inspector shall be of the opinion that such tobacco is sound, clean and in good order, then he shall select from each break as many bundles as will correctly represent the different qualities of tobacco contained in the break, and the bundles so selected shall be considered the sample of the hogshead; he shall also have the hogshead properly marked with its number, the year of inspection and the names legibly written of the owner on each head and bilge and shall have the tare and net weight marked with iron on the bilge as directed in the preceding section.

The inspector in preparing samples is as much the agent of the buyer as of the seller, and neither buyer nor seller has redress if they both act in good faith and upon the credit of samples thus obtained. Admissibility of evidence. *Gunther v. Atwell*, 19 Md. 170.

For a case under the compulsory inspection law formerly existing, involving the marking of hogsheads of tobacco, see *Turner v. State*, 55 Md. 258 (affirmed in 107 U. S. 38). See also, section 47.

1904, art. 48, sec. 23. 1888, art. 48, sec. 23. 1886, ch. 101, sec. 11 A. 1898, ch. 314.

22. Whenever any dispute shall arise concerning the correctness of any sample furnished by the inspector of tobacco under the seal of the State said controversy shall be referred to a committee of arbitration consisting of three persons to be selected as follows: one thereof shall be selected by the inspector, one thereof shall be selected by the claimant or claimants or his or their agents, and the two thus selected shall select the remaining member of said committee; provided, however, that no person shall be so selected, or if selected shall be competent to serve as a member of any committee of arbitration who shall have a direct or indirect interest in the tobacco in controversy.

See sec. 48.

Ibid. sec. 24. 1888, art. 48, sec. 24. 1886, ch. 101, sec. 11 B.

23. The said committee of arbitration when duly constituted and appointed shall fully examine and investigate all the facts concerning the subject in controversy before them, and to that end they shall have power to send for persons and papers, to compel the attendance of witnesses, to administer oaths, and to examine witnesses on oath; they shall determine all questions which may be submitted to them by a majority vote, and shall assess whatever damages, if any, they may adjudge due by reason of any false or erroneous inspection, and from their finding or award there shall be no appeal; all damages shall be assessed upon the basis of the market value of the particular grade of tobacco on the date of the reclamation; and no claims on tobacco shipped to any point in the United States shall be considered or allowed after the expiration of six months from the date of its inspection, nor after the expiration of nine months from the date of its inspection, if shipped to any foreign country; nor shall any claim be allowed upon tobacco which shall have changed by fermentation.