

The tobacco graders shall be present when the hogshead is uncased and the sample taken, and they may proceed at once to grade the tobacco according to the grade established by them under authority of Section 11 of this Article, or may grade it in another part of the warehouse or warehouses. The same procedure shall be followed with respect to tobacco in warehouses other than the State Warehouses, and it shall be the duty of the person or persons taking samples from hogsheads in warehouses other than the State Warehouses to notify the graders of the time when and the place where samples will be taken. The State Board of Agriculture shall have the right and power to examine the work of the graders and to report the results of such examinations to the Tobacco Inspector.

It shall be unlawful for any sales agency or its representative, to which tobacco has been consigned by the owner for sale, to make any suggestions or objections as to any particular bundle to be included or excluded from the sample or to interfere or to try to use any influence in regard to same; and any person violating this provision shall, upon conviction, be subject to the penalty prescribed by Section 56 of this Article.

Inspector in preparing samples is as much agent of buyer as of seller, and neither buyer nor seller has redress if 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 compulsory inspection law formerly existing, involving marking hogsheads of tobacco, see *Turner v. State*, 55 Md. 258 (affirmed in 107 U. S. 38). See also sec. 49.

An. Code, 1924, sec. 22. 1912, sec. 22. 1904, sec. 23. 1888, sec. 23. 1886, ch. 101, sec. 11A. 1898, ch. 314. 1916, ch. 309, sec. 22. 1920, ch. 39, sec. 22. 1933, ch. 325, sec. 22.

**22.** Whenever any dispute shall arise concerning the correctness of any sample furnished by the inspector of tobacco under the seal of the State, or of any grade fixed by the Tobacco Graders, 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 with the approval of the Governor, 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. 50.

An. Code, 1924, sec. 23. 1912, sec. 23. 1904, sec. 24. 1888, sec. 24. 1886, ch. 101, sec. 11B. 1916, ch. 309, sec. 23. 1929, ch. 367. 1935, ch. 594, sec. 23. 1936 (Sp. Sess.), ch. 138.

**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 either to any point in the United States or to any foreign country shall be considered or allowed after the expiration of nine months from the date of its inspection. Claims against the warehouses for unsound or damaged tobacco shall be arbitrated as here-