

WHEREAS, The said oyster packers, or nearly all of them, upon notice of impending legal process, still declined to pay said tax, and said Dallam caused to be made and executed, under the provisions of said Chapter 735, distraint warrants against the said D. E. Foote and Company and others and proceeded to have the distraints levied upon their properties, and the said D. E. Foote and Company and others filed in the Circuit Court of Baltimore City their bill of complaint for an injunction alleging the unconstitutionality and invalidity of said act, and the said cause was tried and the said court sustained the said act and dismissed the said bill of complaint, with costs, and the said Foot and Company appealed the said cause and the said Dallam appeared and filed a brief, and argued the cause in the Court of Appeals of Maryland, but the Court of Appeals decided the act, said Chapter 735, to be repugnant to clause 3 of section 8 of Article 1 of the Constitution of the United States; and,

WHEREAS, The comptroller, many other packers having, on account of said litigation, declined to pay, placed in the hands of said Dallam many other claims, amended in amount to one cent per bushel, under the provisions of said Chapter 413, and instructed him to proceed legally to collect the same and the said Dallam gave notices of intended distraints, whereupon the said D. E. Foote and Company and others filed their bill of complaint for an injunction in the Circuit Court of Baltimore City against the comptroller and alleged that said Chapter 413 was unconstitutional and void as in conflict with and repugnant to, various provisions of the Constitution of the United States and the State of Maryland, and the said Dallam tried the said cause in the Circuit Court of Baltimore City and the Court sustained the said act and dismissed the said bill of complaint, with costs, and the said D. E. Foote and Company and others, appealed the said cause, and the said Dallam appeared, filed a brief, and argued the said cause in the Court of Appeals of Maryland and that Court affirmed the decision of the Circuit Court, and sustained the validity and legality of said Chapter 413; and,