

the contrary to establish his said claim by clear and satisfactory evidence. All such special inspectors may be removed at any time by the commander for neglect or malfeasance in office, and said commander shall report to the governor any neglect of a general measurer or inspector. The Commander of the State Fishery Force shall furnish to each of the said special inspectors certificates in book form, supplied with carbon paper, so that each of the said triplicate certificates shall be exactly the same; the form of the certificates shall be as follows:

....., 19.....
I hereby certify, that I have this day inspected for Captain.....
....., schooner....., a cargo
of oysters caught within the limits of the State of Maryland, sold to
....., and found the same to contain.....
bushels of merchantable oysters and.....bushels
of unmerchantable oysters.

(signed)

Section 69 of the act of 1910, chapter 413, is constitutional and valid. In a suit by the state for fees due under said act, fees paid by the defendant under the act of 1910, chapter 735 (held unconstitutional in *Foote v. Claggett*, 116 Md. 229), could not be recouped. The act of 1910, chapter 735, and the act of 1910, chapter 413, distinguished. Fees charged by the latter act held not excessive since this section is only a component part of a comprehensive system embodied in this article, and the expense of inspection mentioned in this section cannot be separated from the wider inspection provided by other sections or from the general expenses of the state fishery force. *Foote v. Stanley*, 117 Md. 336 (reversed by the Supreme Court of the United States—see Daily Record, March 7, 1914—and the tax imposed by this section held void).

Section 69 of the act of 1910, chapter 735 (p. 211), was declared unconstitutional in the case of *Foote v. Claggett*, 116 Md. 229. And see *Foote v. Stanley*, 117 Md. 337 (reversed by the United States Supreme Court—see Daily Record, March 7, 1914).

1914, ch. 154.

71.* The special inspectors provided for in Section 70 of this Article shall likewise inspect in the manner set forth in said Section 70 all oysters caught beyond the limits of the State of Maryland and brought within said State, and an inspection charge of one-third of a cent per bushel is hereby levied in order to help defray the expenses of such inspection upon all such oysters unloaded from vessels at the place in Maryland where said oysters are to be no further shipped in bulk in vessels, to be charged equally to the buyer and seller, but to be paid weekly to the Comptroller of the State Treasury or his agent, by the buyers; the certificate given the general measurer and inspector shall be by him mailed weekly to the Comptroller, or his agent, and in case the amounts of money shown to be due be not paid in one week there-

*Section 69A of chapter 735 of the acts of 1910 (p. 211) is void or inoperative under the decision in *Foote v. Claggett*, 116 Md. 229. And see *Foote v. Stanley*, 117 Md. 337 (reversed by the United States Supreme Court—see Daily Record, March 7, 1914).