ments of the amounts so found to be due shall be similarly enforced. All oysters found within the State of Maryland shall be presumed to have been caught within the limits of the State of Maryland and the burden of proof shall be upon anyone claiming to the contrary to establish his said claim by clear and satisfactory evidence. All such general measurers and inspectors or special inspectors may be removed at any time by the Conservation Commission for neglect or malfeasance in office. The said Commission 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) ....

The provisions of this section shall apply to all oysters caught within this State and about to be shipped outside of the State, and the tax shall be collected from the captain of the vessel or the owner of the cargo in all cases where oysters are about to be shipped out of the State. The inspection tax on oysters shall attach irrespective of actual sale of oysters and shall be effective prior to shucking and shipping same.

Sec. 69 of the act of 1910, ch. 413, held unconstitutional as an interference with interstate commerce. Foote *v.* Stanley, 58 L. Ed. 698.

Sec. 69 of act of 1910, ch. 735 (p. 211), was declared unconstitutional in case of Foote *v.* Claggett, 116 Md. 229. And see Foote *v.* Stanley, 117 Md. 337 (reversed in 58 L. Ed. 698).

Where tax imposed by act of 1910, ch. 413, was paid between time that court of appeals upheld that law and time that it was declared unconstitutional by United States supreme court, mandamus will not issue to compel Governor and officers of treasury department to recommend refund of such taxes, in accordance with art. 3, sec. 33, of the state Constitution. Foote *v.* Harrington, 129 Md. 125.

An. Code, sec. 71. 1914, ch. 154. 1916, ch. 702, sec. 71. 1922, ch. 279, sec. 71.

82. The special inspectors provided for in Section 81 of this Article shall likewise inspect in the manner set forth in said Section 81 all oysters caught beyond the limits of the State of Maryland and brought within said State, and an inspection charge of two-thirds of a cent per bushel is hereby levied in order to help defray the expense of such inspection upon all 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 thereafter to the Comptroller, or his agent, which is hereby required to be done, the properties of the parties