of Maryland in less than cargo lots are sold, and get from such sellers, a statement under oath as to the number of bushels sold from time to time and return to the general measurers and inspectors a certificate thereof to be forwarded to the Comptroller as required in the case of certificates for cargoes, and the payments 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 any one 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 date 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.....................[1]

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.

[**75.** Each county inspector or deputy inspector shall inspect all oysters in the district to which he is assigned by the Commissioner of Fisheries, and upon the inspection of any such oysters, he shall make a certificate of the number of bushels in triplicate, one of which shall be given to the purchaser, one to the seller and the other retained by the inspector. An inspection charge of 2¢ per bushel is hereby levied upon all oysters caught within the limits of the State of Maryland, 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 retained by the inspector shall be mailed by him 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 so indebted may be levied on and sold by the Comptroller or his agent as in cases of taxes in default, without other process of law; the said inspection charge of 2¢ per bushel hereby levied is also made a charge on

[1] This section repealed by Ch. 353, 1939, but as Act is subject to referendum vote at the November election, 1940, this section will not be repealed unless a majority of the voters voting thereon are in favor of said Act. If said Act is approved, this section will be repealed as of Dec. 5, 1940.