OPINION.

File No. 3790 Continued.

more, and that no other than this standard measure shall be used. It will be observed that this statute makes no distinction between oysters opened for the purpose of shipping the same beyond the State, and oysters opened for the purpose of shipping the same within the State. In both cases, the prescribed gallon cup must be used.

City Code 1893, Article 28, Section 33, etc., provides for the
2970 appointment of keepers of the standards of weights and measures. These standards shall be the same as the standards of the United States (Section 36). Section 39 provides that "all weights and measures within the City of Baltimore, in the vending of articles", shall be inspected and stamped by the standard keepers, and when properly adjusted shall be stamped with the letters "B.S.", meaning thereby "Baltimore Standard". No weights and measures other than those thus stamped "shall be used in the City of Baltimore in the vending of such articles as are directed by law to be or are usually sold by weight and measure".

It seems clear to me that these provisions of the City Code are broad enough to include oysters, and that oyster dealers in Baltimore City are, therefore, not allowed to sell oysters unless their measures
2971 are stamped as provided by Section 39. Even if Section 39 were not broad enough to cover oysters (as I think clearly it is, and, indeed, as the oyster dealers themselves do not deny), still Section 80 of Article 72 of the Code, as already shown, requires that the oyster gallon cups used in opening oysters shall be inspected and stamped by the same officers as are now required by law to inspect and stamp measures. These officers are the standard keepers appointed under Article 28 of the City Code.

It will be seen that the City Code makes no distinction between oysters shipped beyond the State and oysters shipped within the State, but requires the measures used in both cases to be stamped in the same
2972 way.

I understand from Mr. Sugar that some of the oyster dealers in Baltimore have two sets of gallon measures,- one set conforming to the prescribed standard, and the other set not so large. These dealers claim that they use the former set to measure oysters shipped within the State, and the latter set to measure oysters shipped beyond the State. Other oyster dealers have only one measure, which is below the