

George Hofferbert, Esq., Acting President, Commissioners for Opening Streets (cont'd)

(a) When there is an express prohibition in the Charter creating that particular cemetery company, or

(b) Where the cemetery company is a public one created under Article 23 of the Code of Public General Laws, and the portion sought to be condemned has been used or appropriated for the purpose of burial. This prohibition is set forth in Section 175 of Article 23, Public General Laws, which provides, in part, that no streets, etc., shall be opened through the property of any cemetery company incorporated under the provisions of this Article, which is used or appropriated for the purpose of burial.

St. James Church vs. B. & O. R.R., 114 Md. 442  
109 A.R.L. 1502,  
Opinions of City Solicitor, Vol. 22, page 6581.

Very truly yours,

(signed) WILBUR J. PRESTON

Assistant City Solicitor

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