

Sept 1st 1860

Dear Sir

Among the papers which you placed in my hands are two petitions. One dated Oct 31st signed by George P Bond and others, praying that an existing street or highway - may be widened. The other dated Decm 20th signed by Solomon Sargent and others, praying that the street (before asked for) may be extended.

Upon the first petition which had been referred to the joint committee there was an order of notice. Upon the second there does not appear to have been any.

On the 24th Decm, the Board resolved that "public convenience & safety require that the highway may be widened and laid out and established as a public highway" and thereupon proceeded to order not only the widening of the highway-way, but the location of a highway over land of Potter & Sargent.

Specimen of
St. M. Service.
Sept. 1. 1860

The Statute requires notice to the land owners. The owner of the land through which the way was located, (after leaving the papers) had no notice.

The location would appear to be friendly disposition.

Among the papers is one purporting to be an agreement on the part of Solomon Burgess and Mary Patten, to construct a path of the street over their land, within three years, without expense to the city.

This agreement bears date Jan'y 3^d 1856.

The papers disclose no consideration for the undertaking of Burgess & Patten and without a consideration, their promise is not in law binding.

I am of opinion, upon the facts as disclosed by the papers, that Burgess & Patten cannot be compelled to construct the street.

Very respectfully

N W P Rice

Hon James D Green
Mayor of Cambridge