

City of Cambridge
July 30. 1873

To the Committee on
Roads and Bridges.

Gentlemen:

The order widening Austin street near its junction with Main street, referred to your Committee with instructions to take my opinion in writing upon the rights of Mr. Buckley, together with the petition of Mr. Buckley and the report of the committee thereon have been duly considered by me, and in accordance with the terms of the reference I now state my views to you.

The order imposes upon me an investigation into facts as well as law.

In trying to ascertain the exact facts I have relied upon the statements of the officials

of the city who I supposed would be likely to know the real facts, and the statements of persons who have from time to time lived upon the land now owned by Mr. Buckley.

There is no substantial variance in the testimony and I have no doubt that any jury would come to the following conclusions namely, that Austin street was laid out in 1840, that the boundaries thereof where it touches Mr. Buckley's estate are not known and that they cannot be made certain by the records or by monuments, that the present structures upon the land, including the piazza at the easterly end of the building, have been now standing for more than twenty years that for more than twenty (probably more than forty) years a fence stood upon the land extending from a tree standing four or five feet northeasterly of the northeasterly corner of the building, in a northwesterly direction ~~four or five feet from said building at its easterly end~~ to a point near the northeasterly corner of the projection from the westerly

half of the buildings upon the land, that this fence stood substantially as laid down on a plan drawn for Mr. Buckley by Mr. Chase and shown to me by Mr. Buckley, that this fence was removed in 1867 and that Mr. Buckley's deed conveys by its terms to him all the land between Austin and Main street west of land formerly of Edward Scott.

I have taken it for granted that Mr. B's title is good to whatever land is not within the limits of the street, as I do not understand there is any question that he owns the lot. But that the only question is as to how far the lot extends.

Upon the above statement of facts the law is plain. Section 1 of Ch. 46 of General Statutes settles it that the line of those buildings and the line of that fence "shall be deemed and taken to be the true boundary" of Austin street, and Mr. Buckley's land extends to the fence ^{as it formerly stood} and includes the land and the buildings thereon (including the piazza on the easterly end) as they now stand

I am not aware that there is any
other question involved
to remain

Yours respectfully
J. W. Hammond

Opinion
of the
City Solicitor
in claim of D. A. Buckley.
July 30, 1873.

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