

State of Massachusetts, said land being the property of the heirs of John Harris, late of said Charlestown, deceased.

Appraisers to be selected.

SEC. 2. *And be it further enacted*, That the price and value of said land may be fairly and justly estimated, the Secretary of the Navy is hereby authorized to agree with said heirs in selecting and choosing three disinterested, discreet, suitable men, who, after being sworn, and having fully examined said land, shall estimate and appraise the same: *Provided*, It can be purchased for a reasonable sum.

Proviso.

Good and sufficient deed to be given to the United States.

SEC. 3. *And be it further enacted*, That, when the appraisal shall be made known to the Secretary aforesaid, and a good and sufficient deed of the same land shall be tendered or given to the United States by the said heirs, then the Secretary of the Navy shall pay said heirs the amount of said appraisal, being the consideration for the premises, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

Appropriations.

CHAP. LXXVI.—*An Act making appropriations for building a pier at the northern extremity of Winnebago lake, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the security of the navigation of the commerce of the United States, the following sums be, and the same hereby are, appropriated to be paid out of any money in the Treasury not otherwise appropriated, and to be applied to the following objects:

Pier at northern extremity of Winnebago lake.

For building a pier at the northern extremity of Winnebago lake, in the Territory of Wisconsin, the sum of five hundred dollars;

Buoys at the mouth of Neenah river.

For placing buoys at the mouth of Neenah river, at the head of Green bay, in said Territory, to mark the channel thereof, the sum of five hundred dollars.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

Grant of land to Iowa for the erection of public buildings.

Proviso.

Further proviso.

Lands reserved, &c.

CHAP. LXXVII.—*An Act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon the public buildings for the use of the Executive and Legislative departments of the Government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the register of the land office in the district in which the land is situated within one year from the passing of this act: *And provided, further*, That nothing herein contained shall authorize the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right to pre-emption recognized by law, shall be prejudiced thereby.

SEC. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sec-

thing. Land cannot be appurtenant to land. The soil and freehold of the streets did not pass to the United States, under and by virtue of the term "appurtenances."

The right of the plaintiffs to the freehold of the streets is not barred by the first section of the act of the Legislature of Massachusetts of 30th October, 1781.

The law in Massachusetts is well settled, that where a mere easement is taken for a public highway, the soil and freehold remain in the owner of the land, encumbered only with the easement; and that upon the discontinuance of the highway, the soil and freehold revert to the owner of the land. *Harris and others v. Elliott*, 10 Peters, 25.

tions thereto have not been made subject to public sale, or being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the public buildings, from selling and disposing of the residue of said section in lots or otherwise, for the use of said Territory, in the erection and completion of said buildings.

1842, ch. 110.

Iowa may dispose of such part of said land as is more than sufficient, &c.

APPROVED, March 3, 1839.

CHAP. LXXVIII.—*An Act for the improvement and survey of certain rivers, and the repair of certain roads in Florida.*

STATUTE III.
March 3, 1839.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for the purposes herein specified, that is to say,

For the removal of obstructions at the mouth of the Suwannee river, and for the survey of the said river, with a view to its improvement, fifteen thousand dollars;

Removal of obstructions and survey of Suwannee riv. Survey of Yellow river.

For the survey of Yellow river, Florida, to ascertain the practicability and cost of removing the rafts which obstruct its navigability, five hundred dollars;

For the repair, including the alteration if necessary, of the road from Jacksonville, by the way of Garey's ferry, to Newmansville, Florida, five thousand dollars;

Repair of road from Jacksonville, by Garey's ferry. Road from Jacksonville to St. Mary's.

For the construction of a road from Jacksonville to St. Mary's, Florida, in part or in whole upon the route of the existing road, as may be found expedient, seven thousand five hundred dollars; all which sums shall be expended under the direction of the Secretary of War.

APPROVED, March 3, 1839.

STATUTE III.
March 3, 1839.

[Obsolete.]

CHAP. LXXXIX. — *An Act granting to the judges of the supreme court of Iowa the same compensation as by law is given to the judges of the supreme court of Wisconsin.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the commencement of the next quarter, after the passage of this act, the judges of the supreme court of the Territory of Iowa shall receive the same salary as is now received by the judges of the Territory of Wisconsin.

Act of April 20, 1836, ch. 54, sec. 11.

APPROVED, March 3, 1839.

STATUTE III.
March 3, 1839.

CHAP. LXXX. — *An Act to provide for taking the sixth census or enumeration of the inhabitants of the United States. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshals of the several districts of the United States, and of the District of Columbia, and of the Territories of Wisconsin, Iowa, and of Florida, respectively, shall be, and are hereby, required, under the direction of the Secretary of the Department of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective districts and territories (omitting, in

Act of Feb. 26, 1840, ch. 3.
Act of Jan. 14, 1841, ch. 3.
Act of Sept. 1, 1841, ch. 15.
Resolution of Sept. 1, 1841.
Resolution of April 14, 1842.
Number of inhabitants to be taken, &c.

(a) Notes of acts providing for the enumeration of the inhabitants of the United States, vol. 1, 101.