

may be present, but, of course, not dominantly in illustrations of the other class.

"Now I affirm that it is not to be expected in the light of human experience in this land at least, that the establishment and conservation of great forest areas for the public good should be undertaken by private enterprise, and I also affirm my belief, as previously stated, that such work is preëminently a public work, and hence one of the essential functions of government. It has not been recognized as such until recently perhaps, but that is merely because the conditions which make it such have only recently arisen and become acute. So in my judgment every act which is necessary to be done in successfully carrying on afforestation and reforestation, including the purchasing of the necessary lands, may properly be done by the state. My original opinion was that this might properly be done by the state. My original opinion was that this might properly include the erection of sawmills and the manufacture of lumber out of the timber which under the rules of scientific forestry ought to be cut, but I yielded my opinion on this point, and I stand by the concession. I do think, however, that it covers every necessary and proper act up to and including the sale to third persons of standing timber which ought to be cut.

"I have not desired to argue out these propositions, but only to state them." (Northwestern Reporter, Vol. 151, No. 3, pp. 377-378, *State vs. Donald*.)

Following out the decree of the Court, a special referee (Samuel D. Hastings) was appointed to render the accounting ordered by the court (see 11th item of the decree). Mr. Hastings, with reference to the newly acquired lands, says in part:

"The judgment is that they have the cast of the constitutional trust fund lands and will be administered accordingly, until upon a full accounting, it shall be found what part, if any, will remain after fully restoring the integrity of the trust fund lands and trust funds.' The accounting shows a large indebtedness to each of the four constitutional trust funds. The integrity of said funds will not be fully restored until all of said indebtedness is paid. The reason for such lands having such cast is stated in the opinion as follows: 'On account of the unwarranted confusion of the different classes of trust fund lands with lands purchased by proceeds of trust fund lands and other moneys, including money drawn from the general fund, and income from trust funds and other confusions, all must be regarded as having the cast of trust fund lands and money, so far as necessary to the full restoration of such trust fund lands and property, and identification of the amount belonging to each fund as to the date of chapter 367, Laws of 1897, and further back if found practicable.' * * *

"I have construed the opinion and judgment of the court to be that upon the facts and conclusions pointed out in this report all the newly acquired lands have the cast of Normal School lands, and are to be administered as such until the entire debt of the General Fund as found in this report is fully paid.

"Following the interpretation of the Court's opinion and judgment, and of the constitution and statutes, as above explained, I find and report:

1st. As to the Normal School Fund:

(a) All of the lands conveyed to the State of Wisconsin pursuant to the provisions of the Act of Congress approved September 28, 1850, and the Act of Congress approved March 2, 1855, and known as swamp and indemnity lands, respectively, to which the state still holds title, belong to the Normal School Fund. * * *

"(m) The General Fund is indebted to the Normal School Fund in the sum of One Million Five Hundred and Seventeen Thousand Five Hundred and Fourteen Dollars and Twenty-three Cents. (\$1,517,514.23), which arose as follows:

1. The value of Normal School lands given away without consideration.....	\$96,063.14
2. Moneys belonging to the principal of this fund placed in income fund and spent.....	70,939.02
3. Moneys taken from the principal of the trust fund and used as part of the General Fund for general state purposes.....	515,700.00
4. Proceeds from sales of Normal School lands, paid into and used as part of the General Fund.....	419,674.69
5. Proceeds from sale of Normal School lands paid into the Forest Reserve Fund and used for forestry purposes.....	414,162.20
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	\$1,515,539.05
6. One-half amount received from Fuller and others for interest in swamp lands patented to state.....	1,975.18
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	\$1,517,514.23

“(n) The Normal School Fund has a lien upon all the lands acquired by the state under the ‘forestry laws,’ either by purchase or by tax deeds, for the full amount of said indebtedness of the General Fund to said Normal School Fund. All of said lands have the case of Normal School Fund lands, and are to be administered as such until upon a full accounting it shall appear that said indebtedness has been fully paid from the proceeds of said lands or other sources. Said lands are described in Schedules I and K. The quantity shown is 157,091.44 acres.”

Under the decision the Conservation Commission having as a primary object the production of school fund money, has the right to manage all of the state lands with the exception of the school lands proper, which are small in amount, totalling some 12,100 acres. Therefore, it is possible for the State to hold the forest lands now possessed and to acquire other lands, provided such purchases are made to enhance the value of the trust. With the same object in view, it is possible to reforest portions of the so-called forest reserve.

The Supreme Court decision did not, in any way, affect the management of the State Park properties, or lands granted to the State for forestry purposes.

GRANTS OF LAND FOR FORESTRY PURPOSES.

Under the Federal grant of 1906, approximately 20,000 acres of vacant government land were transferred to the State for forestry purposes. The act provides that any or all of the land may be sold with the consent of the Secretary of the Interior, provided the proceeds be used only in the reforestation of the permanent reserves.

Of this grant 5,963.47 acres have been sold for a price of \$21,966.92, which constitutes a reforestation fund, in which there is now a balance of \$9,284.00, and more than two-thirds of the lands are still held, which are probably worth from \$45,000.00 to \$50,000.00.

In 1912 another grant was made conveying all of the unsurveyed and unattached islands to the State north of Town 33, to be used as additions to the forest reserve only. Some 637 islands totalling about 875 acres have been surveyed and listed to date.