

DIVISION OF FORESTRY AND PARKS.

By F. B. MOCBY.

All of the powers granted by former legislatures to the State Board of Forestry and the State Park Board, with respect to the management of the so-called forest reserves and state parks, were delegated to the Conservation Commission. The work of the two divisions since August 1, 1915, has been under the direct supervision of the forester member of the commission.

The report of the former State Forester for the two preceding years prior to the consolidation of the Departments was not issued, and it has not been deemed necessary to report on the work of the Forestry Board for that period, except in a general way.

The status of forestry in Wisconsin is a peculiar one, and in order to present the matter clearly, the following statement is made, setting forth the reasons why the whole question was brought before the Supreme Court for adjustment.

THE FORESTRY CASE.

The policy of the Forestry Board in acquiring large tracts of land under a land contract caused the questions to be raised during the 1913 session of the legislature as to whether the purchase of forest reserve lands is not "works of internal improvement" which is prohibited by the State Constitution. Since, upon careful study of the question by the Attorney-General's department, they were unable to find that this question had ever been decided by the courts in any state, they advised that the question be brought before the Supreme Court of Wisconsin. The Court agreed to take original jurisdiction of the case, and it was brought before the Court upon "the petition of the Attorney-General seeking to obtain a writ of mandamus against the defendant, the Secretary of State, to compel the auditing of certain vouchers issued by the State Forester and the issuance of warrants thereon against the State Treasurer for the payment of part of the purchase price of certain lands attempted to be purchased from the G. F. Sanborn company to be added to the State Forest Reserve."

The suit was a friendly one, and the Secretary of State agreed to refuse payment of the vouchers so the case could be brought promptly before the Supreme Court.

Upon the submission of briefs by both sides, other points were brought out, among them: (1) Whether the Forestry Board has correctly construed the Statute in presuming to have authority to bind the State by