

shall during the open season in April kill more than fifteen ducks in any one day. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail not less than twenty days nor more than sixty days, or both such fine and imprisonment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 1, S.]

[Published June 2, 1903.

CHAPTER 450.

AN ACT to establish a system of state forests and promote improved methods of forestry; making an appropriation therefor; providing for the disposition of the public lands; and amendatory of chapter 15 and 73a of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State forest commission; compensation; quorum. SECTION 1. There is hereby established a department of state forestry to be organized and to perform such duties as herein provided. The governor shall appoint two persons, who with the attorney general, secretary of state and state treasurer acting ex-officio, shall constitute the board of state forest commissioners, and as such shall perform such duties and exercise such authority as may be conferred upon them by law. They shall receive no compensation except their actual disbursements to be audited by the secretary of state, and paid out of the state treasury. Any three members of said board shall constitute a quorum for the transaction of any business.

Superintendent; salary; duties of. SECTION 2. The board shall appoint a superintendent of state forests who shall receive a salary of two thousand five hundred dollars annually and his

actual expenses to be audited by the secretary of state, to be paid from the state treasury. It shall be the duty of the superintendent of state forests to act as secretary of said board of forest commissioners, to keep in his office all necessary records, books, maps, papers and documents of the board, and he shall keep the minutes of all meetings of the board, and shall prepare for the printing and publication of bulletins, reports, circulars, rules, regulations, by-laws and other documents ordered printed and published by the board. He shall procure or cause to be made accurate maps of the forest reserve, and of any and all lands belonging to the state, or which may hereafter be acquired, which maps shall be open to the inspection of any person desiring to inspect the same, but under such rules as the board may prescribe.

Superintendent to be forest warden; duties of; prosecution.

SECTION 3. Section 1636b of the statutes of 1898, as amended by section 6 of chapter 258 of the laws of 1899, as amended by section 8 of chapter 432 of the laws of 1901, is hereby amended so as to read as follows: "Section 1636b. The superintendent of state forests shall be ex-officio forest warden of the state. It shall be the duty of said superintendent to see that the provisions of law for the prevention or extinguishment of forest or marsh fires, and for the protection of public lands from trespass thereon are faithfully executed, and for that purpose to formulate all necessary and proper regulations for the government of the several fire wardens and trespass agents, and to supervise them in the performance of their duties. Whenever the superintendent of state forests, or any officer of the department of state forests, or any fire warden, or any trespass agent shall have good reason to believe that an offense has been committed by any person or persons against any of such provisions, it shall be his duty to cause the arrest of the party suspected of such offense, and he shall immediately notify the attorney general or district attorney of the proper county thereof, and it shall be the duty of the attorney general or such district attorney to prosecute such person or persons."

Where fire wardens are to be appointed; duties of; compensation; assistants; penalty. SECTION 4. Section 1636c of the statutes of 1898, as amended by chapter 353 of the laws of 1899, is hereby amended so as to read as follows: "Section 1636c. The superintendent of state forests shall appoint one or more fire wardens in each town of each of the following coun-

ties: Ashland, Barron, Burnett, Bayfield, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Polk, Portage, Price, Sawyer, Shawano, Taylor, Vilas, Waupaca, Washington and Wood; provided that he may appoint fire wardens in any other town in any county in the state upon being requested to do so by the town board of supervisors of such town. Every warden shall before entering upon the duties of his office take and subscribe an oath of office, and file the same with the forest warden. He shall take all necessary precautions to prevent the improper setting or progress of fires in his or adjoining towns within eighty rods of the line of his town when the fire warden of the adjoining town is unable or unwilling to do so, and shall, when credibly informed that a fire has been improperly set or allowed to burn in any territory within his jurisdiction, take such steps as shall be necessary to prevent the spread of, and in all proper cases to extinguish the fire. He may summon any resident of his town or the immediate vicinity of the fire to assist him in so doing, and when such summons is reasonable it shall be the duty of the person summoned to render such assistance. The fire warden and the person so summoned shall receive a reasonable compensation for their services in carrying out the provisions of this and succeeding sections, not to exceed twenty-five cents per hour for the time actually employed, to be paid out of the treasury of the town where such fire shall occur and in which such service shall be rendered, and which account shall be audited and paid as other accounts; but the total of such accounts shall not exceed one hundred dollars for each thirty-six sections, in any one year, in any one town. Any fire warden who shall refuse to carry out the provisions of this section, or any person who shall refuse, when called upon by the fire warden to render any reasonable assistance, shall be punished by a fine of not more than ten dollars and the costs of the prosecution, or by imprisonment in the county jail not more than ten days, or both fine and imprisonment.

Notices to be posted; report. SECTION 5. Section 1636d of the statutes of 1898 is hereby amended so as to read as follows: "Section 1636d. Every fire warden shall cause to be conspicuously posted in such parts of his town wherein fires are most likely to occur, any and all notices which shall be furnished to him by the superintendent of state forests, and shall receive

therefor from his town such reasonable compensation as the town board of supervisors shall allow him, not exceeding twenty-five cents per hour, and shall report to the said superintendent on or before the first day of each November, upon suitable blanks provided by the superintendent of state forests for that purpose, and also at such other times as the said superintendent may request all fires which have occurred, been extinguished or prevented from doing any damage in his town, and any and all violations of the provisions of law relating thereto, and all other facts required, and the said superintendent of state forests shall report a summary of such facts to the board of state forest commissioners on or before the first day of December of the year of each general election."

Sale of state lands to cease, when. SECTION 6. The sale of all lands belonging to the state, except lands that are in fact swamp lands and lands suitable for agriculture, wood lots convenient to farm homes, and isolated tracts not exceeding eighty acres each, shall cease after this act shall have gone into effect and no such lands shall thereafter be sold, excepting according to the provisions of this act, provided, however, that this act shall not be construed as to affect in any manner the rights and interests of any person or persons to or in any of the lands belonging to the state which such person may have acquired previous to the day on which this act shall go into effect.

State forest reserve, how constituted; duty of superintendent. SECTION 7. All public lands remaining unsold, and all lands so withdrawn from sale, and such other lands as the state may hereafter acquire for that purpose shall constitute the state forest reserve. As soon as practicable after this act shall go into effect, the superintendent of state forests shall make a detailed inquiry into the character and condition of each parcel of land contained in said forest reserve, and acquire all information concerning the same, which may in his judgment be necessary for the purpose of proper forestry management. For this purpose he may act as trespass agent of the state, may use the records, maps, plats and other documents of the land office. All information so obtained shall be properly recorded and preserved in the office of said superintendent. If in the course of such investigation the said superintendent shall come to the conclusion that it shall be for the best interests of the state that any particular parcel or parcels of the public lands be not re-

served as part of the state forest, he shall notify the board of public land commissioners, who may thereupon in their discretion proceed to sell such parcel or parcels of land, or any portion of the timber standing or being thereon in such manner as the state forest commissioners shall prescribe.

Trespass agent; duties; oath. SECTION 8. Every person appointed as trespass agent under authority of this act shall before entering upon the office take and subscribe the following oath of office: I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will not engage either directly or indirectly in the purchase for my own benefit or for the benefit of any other person of any public land or timber so long as I remain as agent of the board of forest commissioners; and that I will faithfully and to the best of my ability discharge the duties of such agent, so help me God. Such oath of office shall be filed in the office of the superintendent of forests, and every such agent is prohibited from purchasing any of the public lands, directly or indirectly, either in his own name or in the name of any other person in trust for him, and for every subdivision of land purchased in violation thereof he shall forfeit two hundred and fifty dollars. It shall be the duty of every trespass agent appointed under the provisions of this act to immediately report to the superintendent of state forests, and to the commissioners of public lands, any person found trespassing on any lands belonging to the state, and to immediately communicate to the attorney general and to the district attorney in the county in which lands are located any and all information received by them respecting the commission of any trespass or waste upon said lands.

Land grants. SECTION 9. The said board of state forest commissioners are hereby authorized to accept on behalf of the state of Wisconsin any grant or grants of land within this state for forest purposes. No such grant shall be accepted unless the attorney general shall first certify that he has investigated the title to such lands, and that the proposed grantor has title to such lands free from incumbrance.

Timber; proceeds of sale, how applied. SECTION 10. The superintendent of state forests shall as soon as practicable, with a view to the best possible financial return to the state, remove

from the lands under his control all dead and down timber as he deem expedient and sell the same to the best advantage in such manner as the board of state forest commissioners may prescribe. All contracts for the cutting, logging, or sale of any timber in the state forest shall be signed, on behalf of the state, by the superintendent of forests, or in his absence by the assistant superintendent, provided, that no such contracts shall be of effect until it shall have been approved by the board of state forest commissioners. All funds received from the sale of any timber, wood or other products of the state forests which shall be derived from any land known as school, university, agricultural, normal school, drainage, or indemnity land shall be paid into the respective funds into which the proceeds of the sale of such lands may now be payable. The revenues from all other lands in the state forest reserve shall be paid into the general fund of the state.

Supplies, stationery and postage. SECTION 11. The superintendent of state forests may from time to time purchase, in such manner as shall be prescribed by the board of state forest commissioners, all supplies necessary for the proper conduct of the work in the state forests. He shall be entitled to such stationery, postage and other supplies as may be necessary to properly transact the business of his office, to be furnished to him by the superintendent of public property.

Forest experiment stations. SECTION 12. The superintendent of state forests shall as soon as practicable after this law shall have gone into effect with the approval of the state forest commissioners, establish one or more forest experiment stations, on lands belonging to the state forest reserve, for the purpose of conducting researches into the best methods of forest management under the conditions prevailing in the various portions of Wisconsin. For the purpose of making such researches the superintendent may co-operate, whenever expedient, with the state university, the state geological and natural history survey, the various scientific bureaus of the government of the United States, and other institutions of like character. The results of such investigations shall from time to time be printed and published in the same manner as other public documents are published, and distributed in such manner as the board of state forest commissioners shall determine. They shall as far as possible be written in non-technical language, so as to be easily understood by the public.

Sale of public lands, how made. SECTION 13. Section 207 of the statutes of 1898 is hereby amended so as to read as follows: "Section 207. The appraisal of the public lands, heretofore provided for by law shall be fully completed on or before the first day of August, A. D. 1903, and such appraisal is hereby fixed as the minimum price of said lands, provided, that the commissioners of public lands may, by order, in their discretion, whenever said lands or any part thereof shall have become enhanced in value or for other cause, fix an increased price upon such lands. No such change in price shall affect any bona fide application for the purchase of lands filed immediately prior to such change. Except as herein provided, all lands that are in fact swamp lands and all lands suitable for agriculture, wood lots convenient to farm homes, and isolated tracts not exceeding eighty acres each, shall be offered for sale on and between the fifteenth day of October and the fifteenth day of November, A. D. 1903, at public auction as hereinafter provided; and no such lands except mortgaged lands bid in by the state and preempted lands, shall be subject to private entry until they shall have first been offered for sale at public auction. All such sales shall be made at some public and convenient place at the county seat of the county where such lands lie; provided, that in the case of any county having less than one thousand acres to be sold such sale may, in the discretion of the commissioners, be made at the time and place of sale of the lands in the nearest and most accessible county having a greater number of acres to be sold. Such sales shall be made at such times, except as herein provided, as said commissioners shall designate; and they shall previously to any such sale, cause a notice thereof, specifying the time and place of such sale and the places where a list of said lands with an appraisal thereof is required by law to be filed, to be published once a week for four successive weeks in at least one newspaper printed in the county where such lands are situated. A list of all public lands to be sold in any county together with the appraisal thereof shall, at least forty days before the making of any such sale be forwarded to the county clerk and to each town, village and city clerk within such county and be by him immediately posted in a convenient place in his office, at all reasonable times open to the inspection of the public, and a copy of such list shall be furnished by said commissioners to any person applying therefor. Said commissioners may at any time when in their judgment the public interest can be best subserved thereby, withdraw any school and

university lands from sale and withhold from sale all or such portions thereof as in their opinion it may not be advantageous to sell, and for so long a time as in their opinion will be most beneficial to the funds derived from such sale. Provided, that when re-offered the lands so withdrawn shall first be offered at public sale in the manner prescribed by law.

Sale, how conducted. SECTION 14. Section 208 of the statutes of 1898 is hereby amended so as to read as follows: "Section 208. At the time and place specified in such notice said commissioners shall commence the sale of such lands as are then to be sold by them, and shall continue the sale from day to day (Sunday excepted) between nine o'clock in the forenoon and four o'clock in the afternoon, so long as shall be necessary. The order of sale at auction shall be to begin at the lowest number of the sections, townships and ranges in each county, and proceed as regularly as convenient to the highest until all then to be sold are offered for sale. Such contiguous tracts as the commissioners may select, not exceeding one hundred and sixty acres, may first be offered at the minimum price fixed by law, and shall be cried long enough to enable anyone to bid if he desires, and if the minimum price or more be bid the same shall be struck off to the highest bidder, and if the minimum price be not bid, such lots or tracts shall be offered separately in the same manner, but if such minimum price be not bid, the same shall be set down as unsold."

Terms of sale. SECTION 15. Section 209 of the statutes of 1898 is hereby amended so as to read as follows: "Section 209. In all cases of the sale of any public lands the purchaser shall upon complying with the provisions of law and the payment of twenty per centum of the purchase price be entitled to receive the certificate provided for in section 213 of the statutes of 1898. The balance of the purchase price with interest at seven per centum per annum shall be paid within sixty days from the date of the certificate, whereupon patent shall issue as provided by law, unless the same shall for any reason have been ordered withheld. Upon the failure of any person to make payment of the balance at the expiration of said sixty days the said commissioners may, in their discretion, forfeit said lands and cancel such certificate, or may extend such sixty days for a time not exceeding in all six months."

Affidavit of purchaser; certificate with endorsement. SECTION 16. Section 210 of the statutes of 1898 is hereby amended so as to read as follows: "Section 210. No more than one hundred and sixty acres shall be sold to any one person. Every person having bid in any such lands at a public sale or making application for the purchase thereof at private sale shall, before such sale is made, make and file with the commissioners of public lands, or their agent making such sale, the following affidavit:

State of Wisconsin, }
 ——— County. } ss.

....., being duly sworn, on oath says that he is a resident of the county of, and state of; that he is desirous of purchasing (description of lands) situated in the county of, and state of Wisconsin; that the public lands of this state, sold by it since the fifteenth day of October, A. D. 1903, now owned by the affiant, together with the lands hereinbefore described, do not exceed one hundred and sixty acres; that he has no agreement or understanding and is under no contract, express or implied, with any person, co-partnership or corporation, for any sale, transfer or conveyance of said lands, now, or at any future time, bona fide mortgages for raising some part of the purchase price excepted; and that he has not been engaged or instrumental, directly or indirectly, in inducing any person or persons to remain away from or to refrain from bidding at the last public sale at which said lands have been or are being offered.

Subscribed and sworn to before me this day of, A. D. 19...

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Forfeiture for failure to pay for bid or make affidavit. SECTION 17. Every successful bidder at any sale as aforesaid shall make this affidavit and pay the amount required by law to be paid at the time of the sale immediately after having bid off the same; and if he shall refuse to so pay or make such affidavit, the lot, tract or parcels so bid off by him shall again be offered for sale; and the purchaser shall, for each successful bid on which he shall so refuse or neglect to pay or make such affidavit, forfeit twenty-five dollars for each such bid, which the commissioners shall in the name of the state cause to be immediately sued for and collected, and when collected paid into the school fund.

Whenever the said commissioners or their agent at such sale shall believe that the affidavit so made is false, or that such purchase is made to enable any one person to secure a greater part of the public lands than herein provided, he or they may, in his or their discretion, withhold the patent to said lands, and the said commissioners may, if such shall be found to be the fact, after giving such purchaser an opportunity to be heard, vacate such sale at any time within six months, and thereupon any certificate outstanding shall be delivered up and canceled and all payments refunded to such purchaser after deducting a penalty of twenty-five dollars and ten per centum of the amounts paid, which amounts shall be paid into the school fund.

The indorsement upon the certificate issued to the purchaser of the words, "patent withheld," or the filing in the office of the register of deeds of the county where the lands lie of a certificate signed by one of the commissioners, or their agent making such sale, stating that the patent has been withheld upon certain lands, describing them, shall be sufficient notice to purchasers after such indorsement or filing that such certificate is liable to be forfeited as aforesaid.

Appropriation. SECTION 18. There is hereby appropriated out of any money not otherwise appropriated in addition to the salary herein provided a sum of money sufficient to carry out the provisions of this act, not exceeding three thousand dollars.

Conflicting laws repealed. SECTION 19. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed in so far as the same are inconsistent or in conflict with the provisions of this act.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.