

forces of the United States, if such employment was resumed within 90 days after discharge from the armed forces and continued until the effective date of participation of the municipality with total interruptions thereafter of not to exceed 2 years.

(b) In each such case the earnings computed under subsection (7) (a) 1 shall be adjusted to reflect any salary increase or salary adjustment which would have altered the rate of earnings during the period of the 3 calendar years immediately preceding the effective date if such employment had not been interrupted by service in the armed forces. Whenever because of service in the armed forces an employe shall have no earnings as computed under subsection (7) (a) 1, then the rate of earnings shall be computed by dividing the earnings during the last 12 calendar months of municipal employment by 12, and such rate of earnings shall be adjusted as provided in this paragraph.

(c) The provisions of this subsection shall be effective, as to any municipality now or hereafter included in this fund, as of the date of participation of each such municipality.

Approved August 16, 1945.

No. 509, A.]

[Published August 22, 1945.

### CHAPTER 556.

AN ACT to amend 59.635 (2) and (6), 59.65 (3) and (4), 80.64, 236.02 (2) (b) and (7) and to create 59.635 (5m) and 236.03 (8) of the statutes, relating to surveying and landmarks.

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

SECTION 1. 59.635 (2) and (6) of the statutes are amended to read:

59.635 (2) Whenever it becomes necessary to destroy, remove or cover up in such a way that will make it inaccessible for use, any landmark, monument of survey, or corner post within the meaning of this act, the person or persons who intend to commit such act shall serve written notice upon the county surveyor of the county within which said landmark is located, except that such notice shall be served upon the city or village engineer if such landmark is located within the corporate limits of a municipi-

pality, to the effect that he, or they, deem it necessary to remove or destroy such landmark, giving a legal description of the same together with the reason for doing so. The county surveyor, city or village engineer upon receipt of said notice, shall within a period of not to exceed \* \* \* 30 working days, either by himself or by his deputy, make a survey of said landmark, and, if he deems it necessary because of the public interests to remove said landmark, he shall erect 2 or more witness monuments or, if within a municipality, may make 2 or more offset marks at places near said landmark and where they will not be disturbed. He shall make a survey and field notes giving a description of the landmark and the witness monuments or offset marks, stating the material and size of the witness monuments and locating the offset marks, the distance and courses in terms of the true meridian that the witness monuments bear from the landmark and, also, of each witness monument to at least one of the other witness monuments. He may also make notes as to such other objects, natural or artificial, as will enable anyone to locate the position of the landmark. The witness monuments shall be made of durable material of cement, natural stone, iron, or other equally durable material, except wood. If iron pipe monuments are used, they shall be made of 2 inch or more galvanized iron pipe not less than 30 inches in length having an iron or brass cap fastened to the top and marked with a cross cut on the top of the cap where the point of measurement is taken. If witness monuments are made of cement, stone or similar material, they shall be not less than 30 inches in length nor less than 5 inches in diameter along the shortest diagonal marked on the top with a cross where the point of measurement is taken. The county surveyor upon completing the survey shall make a certified copy of the field notes of the survey and \* \* \* record it as provided for in section 59.60 of the Wisconsin Statutes of 1931. The city or village engineer upon completing the survey shall \* \* \* record the notes in his office, open to the inspection of the public.

(6) It shall be the duty of every forest ranger, forest patrolman, conservation warden, and every other officer of the department of conservation *and the district attorney* to enforce the provisions of this section.

SECTION 2. 59.635 (5m) of the statutes is created to read:

59.635 (5m) Any person who destroys, removes or covers any landmark, monument or cornerpost rendering them inaccessible

for use, without first complying with the provisions of subsections (1), (2) and (3) shall be liable in damages to any person for the amount of any additional expense incurred because of such destruction, removal or covering.

SECTION 3. 59.65 (3) and (4) of the statutes are amended to read:

59.65 (3) For plat and certificate, except town plats, \* \* \*  
§1.

(4) For recording a survey, \* \* \* §1.

SECTION 4. 80.64 of the statutes is amended to read:

80.64 With the approval of the governing body of the municipality in which a street or highway or part thereof, is located, the county board may, to promote the general welfare, establish street and highway widths in excess of the widths in use; and likewise may adopt plans showing the location and width proposed for any future street or highway, which shall not be subject to section 80.32 (2). Such streets or highways or plans therefor shall be shown on a map (*showing present and proposed street or highway lines and also property lines and owners except in counties having a population of 500,000 or more*) then filed in the office of the register of deeds, and notice of such filing shall be published in a newspaper of general circulation in the territory in which such streets or highways are located once each week for 3 successive weeks, and shall be posted in at least 3 public and conspicuous places along each such street or highway. The notice shall briefly set forth the action of the county board. The county board, upon like approval, publication and notice, may from time to time supplement or change the same, and such supplements or changes shall be similarly filed in the office of the register of deeds. The excess width for streets or highways in use, or the right of way required for those planned, may be acquired at any time either in whole or in part by the state or county or municipality in which located; but no part shall be acquired in less than the full extent, in width, of the excess width to be made up of land on the same side of the street or highway, nor for less than the full length of such excess width lying within contiguous land owned by the same owner. Any land so acquired, whether the excess width is acquired for the full length of the street or highway or not, shall at once become available for highway purposes. The power to acquire such right of way or additional

width in portions as provided herein may be exercised to acquire the land on advantageous terms.

SECTION 5. 236.03 (2) (b) and (7) of the statutes are amended to read:

236.03 (2) (b) Such monuments shall be placed flush with the surface not more than \* \* \* 1,400 feet apart in any straight line, at all corners, at each end of all curves, at the point where the curve changes its radius from one length to another, and at all angle points in any line except where such corners or points are less than 100 feet apart, but when such corners or points fall within any street the monuments shall be placed in the side line of such street.

(7) *In counties of 30,000 or more each lot shall have an average minimum width of 40 feet and a minimum area of 4,800 square feet and in counties of less than 30,000 each lot shall have an average minimum width of 50 feet and in each case a minimum area of \* \* \* 6000 square feet.*

Approved August 17, 1945.

No. 517, A.]

[Published August 22, 1945.

### CHAPTER 557.

AN ACT to amend 194.02 and 194.23 (4) of the statutes, relating to motor vehicle transportation.

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

SECTION 1. 194.02 of the statutes is amended to read:

194.02 It is hereby declared to be the purpose and policy of the legislature in enacting chapter 194 to confer upon the motor vehicle department and the *public service commission* the power \* \* \* , authority and \* \* \* duty to supervise and regulate the transportation of persons and property by motor vehicles upon or over the public highways of this state in all matters, whether specifically mentioned herein or not, so as to protect the safety and welfare of the traveling and shipping public in their use of the highways; *to relieve the existing and all future undue burdens on the highways arising by reason of the use of the highways by motor vehicles; to carefully preserve, foster and regulate transportation to the end of developing and preserving each*