

LEGAL NOTICE

PROPOSED BY INITIATIVE PETITION

322 FOR
323 AGAINST

This Act relates to cities and villages and public electric light and power districts which own or operate electric light and power plants, distribution systems and transmission lines. It authorizes the extension of such lines and systems for the purpose of serving farmers and others living outside such cities and villages and also authorizes the owners of such plants to provide means for financing same.

A BILL

FOR AN ACT relating to Cities and Villages, and public electric light and power districts, which own or operate electric light and power plants, distribution systems and/or transmission lines; to authorize the extension of such lines and systems for the purpose of serving farmers and others living outside such cities and villages, and to provide means of financing the same.

Be It Enacted By The People Of The State Of Nebraska:

Section 1. Any city, village, or public electric light and power district, within the state, which may own or operate any electric light and power plant, distribution system, and/or transmission lines may extend the same beyond its boundaries, and for that purpose is hereby authorized and empowered to construct, purchase, lease, or otherwise acquire, and to maintain, improve, extend, and operate electric light and power plants, distribution systems, and transmission lines, outside of the boundaries of such city, village or public electric light and power district, for such distance and over such territory within this state as may be deemed expedient. In connection therewith any such city, village, or public electric light and power district may enter into contracts to furnish and sell electrical energy to any person, firm, association, corporation, municipality or public electric light and power district. No such construction, purchase, lease, acquisition, improvement, or extension of any such plant, distribution system and/or transmission lines without such boundaries, however, shall be made, except upon the approval of the majority of the qualified electors of such municipality or district voting upon such proposition at an election called for that purpose.

Section 2. For the purpose of selling or purchasing electrical energy for lighting, heating or power purposes, any city, village, or public electric light and power district may by contract connect and interconnect its electrical light and power plant, distribution system and/or transmission lines with the electric light and power plant, distribution system and/or transmission lines of any other city, village, or public electric light and power district, whenever authorized by a majority of the qualified electors of each such municipality or district voting upon such proposition at elections called for that purpose.

Section 3. Such construction, purchase, lease, acquisition, improvement or extension may be paid for by the issuance of bonds or the levy of taxes as otherwise by law provided, or in lieu of any other lawful methods or means of providing for the payment of indebtedness, any city, village, or public electric light and power district within this state, shall have the power and authority, by and through its governing body or board of directors, whenever authorized by a majority of the qualified electors voting upon such proposition at an election called for that purpose, to provide for the payment of the cost or expense of purchasing, constructing, extending, improving, or otherwise acquiring, any property necessary or useful in the operation of any electric light and power plant, distribution system, and/or transmission lines, by pledging, assigning, or otherwise hypothecating, the net earnings or profits, of such electric light and power district, city, or village, derived from the operation of such electric light and power plant, distribution system and/or transmission lines.

PROPOSED BY INITIATIVE PETITION

324 FOR
325 AGAINST

This law (1) gives cities and towns owning electric light and power plants the right, provided cost is paid out of net earnings, to extend their lines beyond their border to serve farmers and others, and (2) the right to pay for power plants, etc. by pledging future earnings instead of by taxation, and (3) provides that no publicly-owned plant may be sold except upon approval of sixty percent of voters and filing of statement of original cost, etc. with Department of Public Works, and limits amount of money which may be spent in campaign for sale of plant.

A BILL

FOR AN ACT relating to cities, villages, and public electric light and power districts engaged in the generation, transmission, distribution, purchase and/or sale of electrical energy for lighting, heating and power purposes; to provide for the extension, by any city, village, or public electric light and power district of its electric light and power plants, transmission lines and service outside of the boundaries of such municipality or district; to provide for interconnection of electric light and power plants, lines, systems and service by and between cities, villages and public electric light and power districts in this state; to authorize the pledging or hypothecating of the net earnings and profits of publicly-owned electric light and power plants, lines or systems, to pay for property necessary or useful in the operation of such plants, lines or systems; to make certain requirements and restrictions concerning the sale or alienation by cities, villages and public electric light and power districts of electric light and power plants, lines and systems to private persons, firms and corporations; to define certain crimes in connection with such sale or alienation and fixing the penalties therefor; and to make applicable to cities, villages and public electric light and power districts, the general provisions of law concerning private electric light and power companies as to eminent domain, right-of-way and physical construction and maintenance of electric light and power plants, lines and systems.

Be It Enacted By The People Of The State Of Nebraska:

Section 1. Any city, village, or public electric light and power district within the state, which may own or operate, or hereafter acquire, or establish, any electric light and power plant, distribution system, and/or transmission lines may, at the time of, or at any time after such acquisition or establishment, extend the same beyond its boundaries, and for that purpose is hereby authorized and empowered to construct, purchase, lease, or otherwise acquire, and to maintain, improve, extend, and operate electric light and power plants, distribution systems and transmission lines, outside of the boundaries of such city, village, or public electric light and power district, for such distance and over such territory within this state as may be deemed expedient. In the exercise of the powers granted by this section any such city, village, or public electric light and power district may enter into contracts to furnish and sell electrical energy to any person, firm, association, corporation, municipality, or public electric light and power district. No such construction, purchase, lease, acquisition, improvement, or extension of any such additional plant, distribution system and/or transmission lines, however, shall be paid for except out of the net earnings and profits of one or more of all of the electric light and power plants, distribution systems and transmission lines, of such city, village, or public electric light and power district. The provisions of this act shall be deemed cumulative and the authority herein granted to cities, villages and public electric light and power districts, shall not be limited or made inoperative by any existing statute.

Section 2. For the purpose of selling or purchasing electrical energy for lighting, heating or power purposes, any city, village, or public electric light and power district in this state is hereby authorized to enter into agreements to connect and interconnect its electric light and power plant, distribution system and/or transmission lines with the electric light and power plant, distribution system and/or transmission lines of any one or more other cities, villages, or public electric light and power districts in this state, upon such terms and conditions as may be agreed upon between the contracting cities, villages and public power districts.

Section 3. In lieu of the issuance of bonds or the levy of taxes as otherwise by law provided, and in lieu of any other lawful methods or means of providing for the payment of indebtedness, any city, village, or public electric light and power district within this state shall have the power and authority, by and through its governing body or board of directors, to provide for or to secure the payment of the cost or expenses of purchasing, constructing, or otherwise acquiring, extending and improving, any real or personal property necessary or useful in its operation of any electric light and power plant, distribution system, and/or transmission lines, by pledging, assigning, or otherwise hypothecating, the net earnings or profits of such electric light and power district, city, or village, derived, or to be derived, from the operation of such electric light and power plant, distribution system, and/or transmission lines and, to that end, to enter into such contracts and to issue such warrants or debentures as may be proper to carry out the provisions of this section.

Section 4. No sale, lease or transfer of any electric light or power plant, distribution system, and/or transmission lines, by any city, village, or public electric light and power district to any private person, firm, association, or corporation, shall be valid unless such sale, lease or transfer shall be authorized by a vote of not less than sixty per cent of the qualified electors of such city, village, or public electric light and power district voting on such proposition at a regularly called election, and unless four months' notice of said election to vote on such proposed sale, lease, or transfer shall have been given by the governing authorities of such municipality or public electric light and power district, as the case may be, by publication once every two weeks in one or more newspapers of general circulation in such municipality or public electric light and power district.

Section 5. In order to consummate and complete the sale, lease, or transfer, of any electric light and power plant, distribution system, or transmission lines by any city, village, or public electric light and power district of this state, to any private person, firm, association, or corporation, there shall be filed in the office of the Department of Public Works of this state, prior to any delivery or change of possession, control or management under such sale, lease, or transfer, true and exact duplicate signed copies of all agreements, conveyances, contracts, franchises, deeds, leases, bills of sale, and other instruments under which such sale, lease, or transfer, is to be made. Said instruments shall be certified to under the oath of the executive or presiding officers of the seller and purchaser, respectively, as such true and exact duplicates. At the same time, and accompanying said documents and instruments of sale and transfer, there shall be filed with said Department of Public Works a statement and report, in form and detail to be approved by said Department and the Attorney General, clearly setting forth the following facts and data, to-wit:

- (a) The location and detailed description, including source and methods of generation, of all the property involved in the sale, lease or transfer.
(b) The dates of the construction, purchase, or other acquisition, by such municipality, or public electric light and power district, of such power plant, distribution system, and/or transmission lines, including all replacements, extensions, repairs and betterments, together with a detailed statement of the actual cost.
(c) A detailed description of such parts of the utility to be sold as between the time of acquisition thereof and the time of the sale under consideration shall have become obsolete, or shall have been sold, transferred, lost, destroyed, abandoned, or otherwise disposed of by such municipality or public electric light and power district, and the cost of such part of the utility including extensions or additions thereto.
(d) A complete schedule of the rates and charges made or levied by such municipality or public electric light and power district for electric current, and a full and complete statement showing the financial condition and the receipts and disbursements of such municipality or public power district in the operation of the utility during the preceding three-year period, and a statement of the bonded indebtedness, if any, of such municipality or public power district in connection with its ownership or operation of the utility, including the amount of all bonds issued and paid.

Such statement and report shall be certified and sworn to as correct by the presiding officer of the governing body of such municipality or public electric light and power district, as the case may be, and shall also have thereto attached the certificate and oath of the presiding officer, or other duly authorized executive officer, of the purchaser, under the seal of the purchaser, if a corporation, that the purchaser of said utility has examined said statement and report, has investigated the facts therein set forth, believes said statement and report to be true and correct, and that the proposed purchase of said utility has been made with reference to and in reliance upon the facts, situation, and circumstances, set forth in said statement and report. The filing of said instruments and said statement and report, certified as herein required, is hereby made a condition precedent to the validity of any such sale, lease, or transfer.

Section 6. Whoever shall make, utter or subscribe to any statement and report, or certificate, required under the provisions of the last preceding section, knowing or having reason to believe that any such statement and report, or certificate, is false, shall be guilty of a felony and upon conviction thereof, shall be fined not more than Five Thousand Dollars or shall be imprisoned in the state penitentiary not more than one year. Any instrument, statement and report, or certificate filed with the Department of Public Works as provided for in this Act, or certified copies thereof, shall be competent evidence in any hearing or proceeding involving the valuation of the electric light and power plant, distribution system, or transmission lines, covered by said statement and report and certificate, for rate making purposes, taxation, or in any other matter in which the facts and statements in such instrument, statement and report, or certificate, may be involved or drawn in question, and the purchaser thereof and his, or its successor, or assigns, shall be forever estopped to deny the facts set forth in such instrument, statement and report, or certificate.

Section 7. No private person, firm, association or corporation proposing to purchase, lease, or otherwise acquire any electric light and power plant, distribution system, or transmission lines, from any city, village or public electric light and power district of this state, nor any one on behalf or for the benefit of such proposed purchaser, may, in order to promote or bring about such sale, lease, or transfer, pay out, contribute, or expend, directly or indirectly, money or other valuable thing in excess of three thousand dollars nor, in any event, in excess of a sum, in number of dollars, greater than the number of the qualified voters in such municipality, or public electric light and power district, based on the total vote cast for governor at the last general election. Any person, firm, or corporation, violating any provision of this section shall be guilty of a felony and upon conviction thereof shall be fined in a sum not exceeding ten thousand dollars or shall be imprisoned, if a person or persons, for not more than one year in the penitentiary of the state, or shall be liable to both such fine and imprisonment, in the discretion of the court. Any violation of this section shall nullify and render wholly void any such proposed purchase, lease or acquisition; provided, however, any action to set aside and render invalid any such sale, lease, transfer or acquisition, under the provisions of this section, shall be brought in the district court of the county in which such municipality or public electric light and power district, or a portion thereof, is located, by one or more electors of such municipality or public electric light and power district, or by such municipality or district itself, or by the State of Nebraska, within ninety days after the holding of the election at which the question voted on shall have been submitted.

Section 8. Within ten days after any election upon the proposition of the sale, lease or transfer of any electric light or power plant, distribution system, and/or transmission lines, as provided by Section 4 of this Act, the person, firm, association, or corporation, proposing to make or secure such purchase, lease, or transfer shall file with the Secretary of State a sworn statement, in form and detail to be approved by the Attorney General, showing all expenditures made and all obligations incurred by such proposed purchaser, directly or indirectly, in connection with or pertaining to such proposed sale, lease, or transfer and in connection with or pertaining to such election. Any person, firm, association, or corporation who shall fail or refuse to file such statement or who shall subscribe to such statement, knowing the same to be false, shall be guilty of a felony and upon conviction thereof shall be fined in a sum not exceeding ten thousand dollars or shall be imprisoned, if a person or persons, for not more than one year in the state penitentiary, or shall be liable to both such fine and imprisonment in the discretion of the court.

Section 9. All provisions of law now applicable to electric light and power corporations as regards the exercise of the power of eminent domain, the use and occupation of the public highways and the manner or method of construction and physical operation of plants

systems and transmission lines shall be applicable, as nearly as may be, to municipalities and public electric light and power districts in their exercise of the powers and functions and in their performance of the duties conferred or imposed upon them under the provisions of this Act.

PROPOSED BY INITIATIVE PETITION

326 FOR
327 AGAINST

This is an Act relating to cities, villages, and public electric light and power districts which own or operate electric light and power plants, distribution systems and/or transmission lines; prohibiting the sale of such plants, systems, or lines, except for cash, and unless authorized by a vote of the electors; regulating such election; forbidding the giving or receiving of anything of value in connection with such sale or purchase for such plants, systems or lines, and to fix a penalty for violation thereof.

A BILL

FOR AN ACT relating to cities, villages, and public electric light and power districts which own or operate electric light and power plants, distribution systems and/or transmission lines; prohibiting the sale of such plants, systems, or lines, except for cash, and unless authorized by a vote of the electors; regulating such election; forbidding the giving or receiving of anything of value in connection with such sale or purchase for such plants, systems or lines; and to fix a penalty for violation thereof.

Be It Enacted By The People Of The State Of Nebraska:

Section 1. No city, village or public electric light and power district shall sell any electric light or power plant, distribution system, and/or transmission lines, owned by such city, village, or public electric light and power district, except for cash and unless such sale shall be authorized by a vote of the majority of the qualified electors of such city, village or public electric light and power district voting on such proposition at an election called for that purpose, and unless four weeks' notice of said election to vote on such proposed sale shall have been given by the governing authorities of such municipality or public electric light and power district, as the case may be, by publication once each week in one or more newspapers of general circulation in such municipality or public electric light and power district.

Section 2. In connection with the purchase of any equipment, material or supplies or the sale, lease, or transfer of any electric light and power plant, distribution system, or transmission lines, by any city, village, or public electric light and power district, no officer or employee of any city, village or public electric light and power district, shall take, demand or receive, and no person, firm, or corporation, shall offer pay or give to such officer or employee, directly or indirectly, any gratuity, bonus, commission, emolument, money, or other valuable consideration, in order to promote or bring about such purchase, sale, lease, or transfer.

Any person, firm or corporation violating this section shall be guilty of a felony and upon conviction thereof shall be fined in a sum not exceeding Ten Thousand Dollars or be imprisoned, if a person or persons, for not more than one year in the penitentiary of the state, or both such fine and imprisonment in the discretion of the court.

MISCELLANEOUS

- Dressmaking.—Clara Alm.
Farm Loans see R. H. Parker. 49tf
Violin Students wanted.—Geraldine Davies, phone 366. 4tf
KODAKS, FILMS, KODAK FINISHING.—W. B. Graves, O'Neill, 30-tf
Shoe hospital. Honest goods and square dealing. L. L. Cornell. 5tf.
Furnished Rooms for rent for light housekeeping.—Mrs. Ella Riley. 9tf
Stewart-Warner Radios. Come in and hear them.—W. B. Graves. 28tf
I have private money to loan on choice farms. See R. H. Parker, O'Neill, Nebraska. 27-tf
Lost: Swiss wrist watch with a white gold wristlet. Reward.—Gerrude Bauman. 10-2
Head-ache, blurring, weak or watery eyes, styes, etc., indicate a need of correct glasses. See Ferrigo Optical Co., at the Chambers Hotel August 5; Golden Hotel, O'Neill, August 6th. 10-1t
The Federal Land Bank of Omaha announces that they are anxious to secure farm loans at this time. All those desiring a loan, call on Jas. F. O'Donnell, Secretary, and submit an application. 35
Dr. A. E. Gadbois, Eye, Ear, Nose and Throat Specialist, of Norfolk, Nebraska, will be at the office of Dr. L. A. Carter in O'Neill, Wednesday, August 13th. Those wishing to consult him, should see Dr. Carter. 10-2
BOYS WANTED
Will take several boys to board and room during the coming school year.—Mrs. E. D. Henry. tf
FOR SALE
For Sale: Three flue cutters; have never been used.—Mrs. E. D. Henry.
For Sale: An extra good baby buggy.—Mrs. Ed Williams. 9-2t
Ear corn for sale.—Bazelman Lumber Co. 6-tf
For Sale: Home Comfort Range, nearly new.—Carrie N. Gibson, Opportunity, Neb. 48tf
RABBITS FOR SALE
A few good gray does, bred or open; reasonable; also young does and bucks; visitors welcome any time.—Mitchell Rabbitry, O'Neill. 41f
FOR RENT
House for rent, modern except heat.—Mary G. Horiskey. 6-tf
BOOK EXCHANGE.
Buy one book at 75c, read it and bring it back and exchange it for another for 10c. 27-tf W. B. GRAVES.
(First publication July 24, 1930)
NOTICE TO CREDITORS
Estate No. 2168.
In the County Court of Holt County, Nebraska, July 22nd, 1930.
In the matter of the Estate of Joseph L. Witherwax, Deceased.
Creditors of said estate are hereby notified that the time limited for pre-

senting claims against said estate is November 21st, 1930, and for the payment of debts is June 26th, 1931 and that on August 21st, 1930, and on November 22nd, 1930, at 10 o'clock A. M., each day, I will be at the County Court Room in said County to receive, examine, hear, allow, or adjust all claims and objections duly filed. (County Court Seal.) C. J. MALONE, County Judge

(First publication July 24, 1930) NOTICE OF FINAL SETTLEMENT
In the County Court of Holt County, Nebraska, July 23, 1930.
In the matter of the Estate of Thomas V. Golden, Deceased.

All persons interested in said estate are hereby notified that the administratrix of said estate has filed in said court her final report and a petition for final settlement and distribution of the residue of said estate and application to have determined whether or not said estate is subject to the payment of an inheritance tax; and that said application, report and petition will be heard August 13, 1930, at 10 o'clock A. M., at the County Court Room in O'Neill, Nebraska, when all persons interested may appear and be heard concerning said final report and the distribution of said estate, and whether or not said estate is subject to the payment of an inheritance tax, and the County Judge at said time and place will decree whether said estate is subject to such tax, and assess the amount of such tax if he shall determine said estate is of sufficient value to be subject to the payment of such tax. (County Court Seal.) C. J. MALONE, County Judge

(First publication July 24, 1930) NOTICE OF CHATTEL MORTGAGE SALE
Notice is hereby given that by virtue of a certain chattel mortgage dated the 2nd day of November, A. D. 1929, and duly filed for record in the office of the County Clerk of Holt County, Nebraska, on November fourth, 1929, and known in the records of said office as chattel mortgage number 2944 and executed by Mary C. O'Malley and Walter O'Malley to The Nebraska State Bank of O'Neill, Nebraska, and taken over by Clarence G. Bliss, who is the duly appointed, acting and qualified receiver of and for the Nebraska State Bank of O'Neill, Nebraska, which said chattel mortgage was executed to secure the payment of Four Thousand Two Hundred Fourteen Dollars and ten cents (\$4,214.10), on all of which there is a balance of Three Thousand One Hundred Three Dollars and seventy-one cents (\$3,103.71) with interest and costs of sale, due and unpaid, and default having been made in the payment of said sum and no suit or other proceedings at law having been instituted to recover said debt, or any part thereof, we will sell the property described in said chattel mortgage, to-wit:

One red white-faced cow with horns; one black cow and calf; two black white-faced heifers, 2 years old; one iron grey mare; one black mare, at public auction at the John L. Quig place just south of the Northwestern Railway Station at O'Neill, Nebraska, on the 16th day of August, A. D. 1930, at three o'clock p. m. of said day for the purpose of foreclosing said mortgage and satisfying said indebtedness and costs of sale. CLARENCE G. BLISS, Receiver of the Nebraska State Bank of O'Neill, Nebraska. 9-4t