

Nebraska Legislature Forty-Ninth Session House Roll No. 354

For an act to prevent unfair discrimination, in wholesale, retail and manufacturing business of public utilities, preventing misuse of merchandise by public utilities, by making unlawful the manufacturing, leasing, renting, distributing and selling of merchandise by public utilities, directly or indirectly, except those articles which have been owned or used by such individual, firm, corporation, or utility company, in manufacturing, distributing, or selling its utility service to the consumer, or those articles which are the direct product of the business of manufacturing, distributing, or selling its utility service, and providing a penalty therefor.

Introduced by Representative Paul Bruveleit of Stanton.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

Section 1. From and after the first day of January, 1934, it shall be unlawful for any individual, firm or corporation engaged in the manufacturing, distributing or selling heat, gas, water, or electric current, to engage in the wholesale or retail business of leasing, renting, distributing, selling, or merchandising any chattel article, commodity, or manufactured product, directly or indirectly, except those articles which have been owned or used by such individual, firm or corporation, or utility company, in manufacturing, distributing or selling its utility service to the consumers, or those articles which are the direct product of the business of manufacturing, distributing, or selling its utility service.

Section 2. Any individual, firm, corporation violating any of the terms of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than \$100.00 nor more than \$500.00 for each offense, and the manufacturing, wholesaling, retailing or leasing of

such article so manufactured, wholesaled, retailed, or leased in violation of this Act, shall be held to be a separate and distinct offense; and in addition to the penalty herein provided, any such individual firm, or corporation may be enjoined in the District Court of any such county in which such act is being committed, or threatened to be committed, by an action brought by and through the Attorney General of the State of Nebraska, or the County Attorney, or by any interested person, from violating further the provisions of this Act.

Section 3. This Act shall be in force and take effect from and after its passage and approval, according to law.

Neuman M. E. Church

23rd and S. Sts.
Rev. Geo. N. Jones, Minister.
The regular activities of the church are divided as follows:
Tuesday, 7:30 p. m., prayer and class meeting.
Wednesday, 8 p. m., literary society program.

Friday, 8 p. m., choir rehearsal.
Sunday, 9:30 a. m., church school.
Sunday, 11 a. m., morning worship.
Sunday, 6:30 p. m., meeting of the teachers and officers of the church school, followed by Bible study, Rev. Jones, teacher.
Sunday, 7:45 to 8:15, song service by the choir.
Sunday, 8 p. m., evening worship service.

The public is cordially invited to attend all of the above mentioned services (choir rehearsal excepted).

The church school attendance is very satisfactory for this season of the year—in fact, there has been no noticeable falling off from summer and fall averages. The school is very liberal in its contributions to the trustees and the other departments of the church and has virtually assumed the responsibility of raising the church's World Service apportionment.

The choir is perhaps the busiest auxiliary of the church. In addition to the service that it is called upon to render at home it has, during the past few weeks, sung in the First M. E. church, First Presbyterian, Second Methodist, Epworth, Emanuel and in several suburban churches, including those at Roca, Waverly and Pleasant Dale. It also fills an engagement with KPOR each Wednesday afternoon from 1:30 to 2:00.

Church choirs are sometimes referred to as the war department of the church, but the Neuman church choir is more like the athletic department of a university; its motto is "Team work."

Sandhill Trails

By J. M. Merritt
Sandhill trails, they lead we know not where;
Dim trails, inviting us to share
An hour, a day, what time we may,
The birthright of the Pioneer.
Along the oiled and gravelled highways in the Sandhills are many trails leading off thru the hills or down wide valleys with no apparent destination. These trails are called "hill roads" and are substantially the same as laid out by the early rancher or Kincaider, except for seasonable detours made necessary by wet meadows, snow drifts or blow-outs usually caused by the frantic efforts of quivering "Lizzies."

Except in low meadow stretches, rain makes traveling easier. It is the loose sand of dry weather that is the despair of those not initiated in Sandhill driving. Many of the main roads now have "cross-overs" or auto gates—some of them with only a few inches clearance. The traveler is found or bound to leave all gates as found, either closed or open.
To those who go far into the hills, these dim trails hold a fascination. It is then the rush of motor cars and the clash and bang of our super-civilization seem a long way off. Here on these trails there is a calm serenity brought about by the sloping hills, the wide expanse of valleys, that makes one feel that he has come to the end of a breathless and nerve-racking journey. The winding trail appears and disappears in the distance. Here no engineer has decreed that this hill shall be leveled, a valley filled merely to save time in traveling. Here time seems unessential; one can sense it in the slow movement of grazing herds, the lazily drifting clouds. Here there is an air of endless leisure.
Occasionally along these dim trails

one finds a marsh, again a grove of cottonwood trees, an epitaph to some Kincaider's dream of a great ranch. If one wishes, he may stop and enjoy the inviting shade, possibly getting a drink of cool water from a nearby windmill. One may even lie down in the white clover that grows on the damp valley margins, and enjoy the peace and contentment of a summer afternoon.

Or if one prefers, he can use his binoculars on the distant purple hills which scientists tell us were once the bed of an enormous inland sea. If one looks sharply, perhaps he may see a family of coyote puppies playing about a thicket of wild plum brush beneath a steep bank. And perchance one should whistle and the voice will carry that far, he will see the mother coyote prick up her ears, then quickly nose and push her puppies to the mouth of a den, then lope off to a nearby hill to stand guard.

In the evening, too, dim trails offer much. If one is upon them during that enchanted hour between sunset and dark, or perchance he is in a boat on one of the many marshes, he will find an indescribable calm and stillness about him—stillness disturbed only by the faint, distant ranch sounds and chirruping and calling of the marsh folk. But even these sounds blend into the vast calm that prevails throughout the winding valleys. Here, in the solitude of dusk, one has an understanding and deep appreciation of the adequacy and fullness of nature's plans.

But dim trails are not always calm and serene. Sometimes they are caught in the steel grasp of winter; it is then that the canvas-back rides down upon the roaring wind, wheeling form one pass to another; it is then that meek herds of cattle are driven before the onslaught of the blizzard to their death in the swamps.

But whether dim trails are serene or severe, they have a beauty that one may find in traveling upon them. And it is that one thinks that

You may find peace when all else fails,
If you follow down dim trails.

—Outdoor Nebraska.

Rambling Thoughts

By Rev. L. B. Smith

The rambler, in his mental journeys, which are a source of pleasure to him found a literary gem in the writings of Emerson, the New England author, which brought to mind occurrences of the long ago: Listen to the gem.

Nature
"Nature never hurries; atom by atom, little by little, she achieves her work. The lessons one learns in fishing, yachting, hunting or planting are in the manner of Nature—patience with many delays."

Our racial group should learn from Nature that in the exercise of patience great things are accomplished. It is a fact, established by history, that no submerged race in modern medieval history has made the progress along all lines of endeavor as the group has moved upward in the past sixty years. The Children of Israel were given forty years probation in the wilderness before they were allowed to enter upon a national career. They were impatient thus delaying their progress. The rambler would say to the group; exercise patience, but do not cease in their efforts to attain the fullest type of the arts and sciences. As an illustration of what may be done by a man of color, take the case of Dr. G. W. Carver, the scientist of the Tuskegee Institute. Stolen in early childhood from his owners, a nameless child who later took the name of George Washington Carver, and today is one of the leading scientists of the world. He was ransomed from his captors with an old race horse valued about three hundred dollars. He worked his way through school, earning his degree at the Iowa State College. He has taught the south to use the waste products of the farm. He has brought the peanut into prominence by producing over two hundred articles to the financial aid of the farmers of the south. From the sweet potato he has made a number of useful articles. The rambler has used ink made from the peanuts. Standing in his laboratory, the rambler has felt that genius is not a matter of race or color, but of brains, opportunity and morals. In front of me as these lines are being written, there hangs on the wall a landscape painted by this distinguished colored man. The various hues were produced from clay over which he and I had walked, during a morning stroll. Nature like our Heavenly Father is no respecter of persons. That was the secret of the ancient Egyptians, whose coloring is unfading in the sunlight of Egypt. This truly great colored man has caught the coloring secret and a factory for producing paint from Alabama clay is now functioning. One trait of character of this man is his great humility, and his loyalty to his race. When Edison offered him a great sum to leave the south and come to his establishment, he said emphatically, No! He wished to give to his race the benefit of his mental development.

We cannot all be Carvers, but in our own sphere we can work out the problems that come before us with patience and perseverance. The winner is never a quitter.

From the serious I turn to the lighter vein and close my ramblings.
John.—"You know the doctor told me last year that if I didn't stop smoking, I'd be feeble minded."
Mary.—"Why didn't you stop?"

An Extract From the Program of the National Urban League

The following is a brief summary of the primary objectives of the various branches of the National Urban League:

1. To coordinate the efforts of persons and organizations working for the welfare of the colored people.
2. To secure larger opportunities for colored people through public and private agencies.
3. To investigate the social and industrial conditions of Negroes as a basis for practical work.
4. To improve the social and industrial condition of Negroes, emphasis being placed on health, housing, education, recreation, employment, and delinquency.

Note:—There are 54 branches of the National Urban League which has headquarters in New York City. Lincoln is greatly in need of such an organization with such a program as stated above. The success of the effort of the colored people of Lincoln to have a branch of the National Urban League established here will be determined within the next few days when Mr. J. Harvey Kerns makes the report of his study which will reveal the present social and industrial conditions of the Negroes in Lincoln. Mr. Kerns is the executive secretary of the Omaha Urban League. M. T. Woods is the president of the temporary organization known as the Lincoln Urban League. Claude H. Gordon is the secretary and T. T. McWilliams is the chairman of the executive committee. Mr. Kerns' report will be made to a committee of which Dr. A. L. Weatherly, pastor of the All Souls Unitarian church, is the chairman.

Graduates Entertained

The graduates of Lincoln high school entertained with a dinner party at the home of Mr. and Mrs. Edward Dorsey, 818 So. 10th St. Each graduate, including Robert Edward, son of Mr. and Mrs. Dorsey, invited one guest.

The table was exceedingly attractive with a center bouquet of sweet peas and baby's breath. About the bouquet were silver candlesticks supporting rose candles and tied with stiff tulle.

After an elaborate meal, tables were provided for bridge. However, the evening was climaxed with pleasant conversation dealing with fond reminiscences of high school days.

Peonage Government

The N. A. A. C. P. deserves the support of all citizens in the efforts that it is making to destroy the downright peonage that it has uncovered in the federal controlled Mississippi river flood control project. These conditions are the more damnable because the work is directly under the supervision of the government.

Only government officials who wish to be blind could have been oblivious to what was happening. These officials as well as the contractors who are fattening off the profits that come from peonage are determined to kill the investigation if they can do so.

Negroes can force this investigation and make it a real honest affair if they bombard their senators with their demands. If this is done this will be prevented from being one of the farcical white wash affairs that have rewarded some of our previous efforts.

Our backs are to the wall everywhere. Private employers have discharged Negroes right and left and today we furnish far more than our proportion of the unemployed. If the government endorses peonage we will be left with no way to turn.

Kappa Doings

In Lincoln there are 13 members of the Eta chapter of the Kappa Alpha Psi fraternity. They meet regularly the first and third Mondays of every month. In addition to the 13 members there are two pledges.

This chapter is affiliated with a total of 61 other chapters. The annual Grand Chapter meeting was held at West Virginia State College at Charleston, West Virginia December 26-29. A. Moore Sherin was reelected Grand Polemarch.

Eta chapter will sponsor a program during the week of April 10th. The occasion of the celebration is the National Guide Week program that the fraternity annually sponsors.

The annual sermon will be preached for the local group in the very near future.

Everyone is anxiously awaiting the announcement of the date of the annual "Kappa Spring Party".

A plan is being made to sponsor an interfraternity debate in the interest of charity.

The following is a list of the officers, members and pledges: Wendell Willis, Polemarch; Burt Newton, Vice Polemarch; Ralph Adams, Keeper of Records; Galtha Pegg, Keeper of the Exchequer; Delmar Woods, Strategus; Roland Young, Adelbert Mouldin, Dr. A. B. Moss, Eugene Smith, Albert Burks, Traggo McWilliams, Sr., Jewel R. Kelly, and Millard T. Woods. Lonnie Thomas and Oliver Kerr are the pledges.

Anti-Merchandise Bill Introduced

Representative Paul Bruveleit Declares That Small Dealers and Wholesalers Need Protection.

"In an effort to save the independent dealers, jobbers, and manufacturers of Nebraska in the electric and gas appliance business and to prevent ruin and chaos thereby restoring to the communities of Nebraska a certain buying power, H. R. 354 was introduced Thursday of last week," said Representative Paul Bruveleit, of Stanton county, "to drive a wedge into the monopolistic control of electric and gas power interests of Nebraska, distributing and selling electric and gas appliances, in which field the power interests have now secured a strangle hold."

Representative Bruveleit, a farmer of Stanton county, when interviewed by the press relative to his proposed legislation said:

"The bill which I have proposed in this session, makes it unlawful for any public service corporation or utility company, doing business in Nebraska to manufacture, rent, distribute, or sell any electric or gas appliances, confining them to the distribution of



REP. PAUL BRUVELEIT

electric and gas energy. It was the purpose for which the public service corporations and utility companies in Nebraska were given franchises to use our public streets and alleys and to which large capitalization was dedicated.

"Since it has been demonstrated in our political economy that a public service corporation can serve the consuming public with electric and gas energy, more efficiently and economically than several, the municipalities of the State of Nebraska, gave to them a franchise, which franchise has been to the present time protected by law. It was never intended, however, that in giving a franchise to a public corporation by the municipalities of our state in the distribution of light, water and gas, that it was to work an injustice eventually upon our merchants and manufacturers engaged in the distribution and sale of electrical and gas appliances. Yet, it has been demonstrated very clearly that it is having such an effect, to the extent of driving merchants, jobbers and manufacturers in the electric and gas appliance business out of business, and now reaching a point where, unless checked, will become a serious menace to the business interests of our state, thereby taking from the several communities of Nebraska, a buying power which they have heretofore enjoyed.

"If we ever hope to restore in a measure that normal economic condition in Nebraska, which we have heretofore experienced, it first becomes necessary that we at this time, change our present views of favoring the concentration of big business in the hands of a few. The merchants, jobbers and manufacturers of our state have been compelled to stand by and witness with tolerance and with patience, the destruction of a business, which they have spent a life time to build, because of this new menace, resulting from the public service corporations and public utility companies of Nebraska having entered the field of merchandising, distributing and selling ice-boxes, radios, lamps, stoves, furnaces, and numerous other electrical and gas appliances. Unless remedial legislation is given to these merchants of Nebraska, who have assisted so materially in building up our state, the time is not far distant when these dealers, jobbers and manufacturers will be compelled to go out of business, and when that time has arrived, the public corporations and public utility companies of Nebraska will then have a complete monopoly in the field of electric and gas appliances, and as time goes on, their activities in this field will broaden, affecting other classes of merchants and industries of our state, and that philosophy of favoring the CONCENTRATION OF BUSINESS IN THE HANDS OF THE FEW will have been fulfilled.

"The proposed legislation prohibiting the public service companies and utilities of Nebraska in engaging in the sale of gas and electrical appliances is not a new and novel thing in the life of our nation. This proposed legislation has been considered in many other states of our nation. At the present time the states of Oklahoma and Kansas have adopted such legislation, and other states are in their present legislative sessions, considering similar legislation.

"The abuse of merchandising departments by public utility companies af-

fords abundant reason for the elimination of this privilege. A few of the common misuses are:

(1) Expenses of merchandising and even losses on merchandise are paid out of current income from the sale of electricity and gas. This is sometimes charged to ordinary expense of doing business and sometimes to a new customers' campaign. In either case the public foots the bill.

(2) Gas and electric companies sell merchandise not necessarily for profit, but to get people to using more gas and electricity. They make their money off the gas and electricity these appliances use. Since legitimate merchants do not own a gas or light plant to make their profit off of they cannot compete with gas and electric companies on merchandise. For this reason, gas and electric companies should not sell merchandise.

(3) Being placed in a position of advantage by the municipalities and given a monopoly in the sale and distribution of gas and electricity, utilities are in a position to virtually monopolize the appliance business. For this reason it is not fair to legitimate merchants for the state to allow them to deal in merchandise.

(4) If the utility companies of Nebraska claim to sell electric and gas appliances at the price charged by the dealers of our state, and show a profit from the sale of merchandise, why have they not reduced the rate of electric and gas energy to the consuming public? On the other hand, if they have sold electric or gas appliances at or below cost, which has been demonstrated in other states, they must necessarily charge such loss sustained as a part of their fixed charges and operating expenses, upon which the rate that the consuming public ultimately pays for electric and gas energy is fixed.

"A public corporation or utility company, engaged in manufacturing, distributing and selling electric gas appliances, is engaged in a private business, notwithstanding it is a public service corporation, clothed with a public service and duty, to serve the public with gas and electric energy at a minimum cost, for which purpose it has been given a franchise from the municipalities of this state, and to which its capitalization was dedicated. Nevertheless, the public corporations and utility companies are using their capitalization primarily dedicated for the purpose of distributing and selling gas and electric energy to the public in distributing and selling gas and electrical appliances. Since there is no law in the state of Nebraska that requires the public service corporations to allocate or separate their expenses of doing business in selling and distributing electrical and gas appliances, from their public duty of serving the public with electric and gas energy, it is obvious that if any losses are sustained in the merchandising department, they can very readily allocate or charge the loss to their general operating expenses and fixed charges, upon which the rate to the consuming public for electric and gas energy is ultimately fixed.

"No doubt there will be a concerted movement on the part of the public service corporations and utility companies in Nebraska, assisted by certain newspapers of our state in its frantic effort to defeat this proposed legislation by broadcasting and propagandizing that such legislation is unconstitutional. In answer to such propaganda as may be circulated against my proposed legislation, I briefly call attention to the 'Heppburn Act', passed by congress in 1906, which stopped the railroads of our nation from engaging in the coal business. The railroads at that time, cared nothing about the coal business, as a business. They were willing to sell coal at a little or no margin basis, making their profit from freight charges. The railroads' primary interest in being in the coal business was not the sale of coal, but to increase their freight revenue. Meanwhile, utility companies of Nebraska are allowed to sell electrical and gas appliance, not primarily interested in a profit therefrom, but rather primarily interested in increasing the output of the sale of electrical and gas energy. So why the partiality? The principle involved is the same in either case."

Scottsboro Girl Admits Perjury

A stricken conscience or some untold outside force urged Ruby Bates to categorically deny the charges she previously brought against nine young Alabama boys. Had it not been for two organizations, the International Labor Defense and the National Association for the Advancement of Colored People, that brought about the United States Supreme Court's decision of mis-trial, the nine youths would no doubt have been lynched legally by the state of Alabama.

However, with this written testimonial of perjury the defense council has a weapon that ruins the frail framework of the prosecution to get rid of nine more Alabama Negroes.

The letter is said to contain startling facts with reference to the case. Among the things the letter said was that the police had forced her (Ruby Bates) to tell this lie under threats of jail sentence. She further admits that none of the boys ever touched her.

Because the defense attorneys were denied the privilege of obtaining photostatic copies of the letter, and because Knight, the prosecuting attorney, maneuvered to get an adjournment, it is thought that Alabama will continue her efforts to legally lynch the nine innocent colored youths that range from 14 to 20 years of age.

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