

NOTES AND COMMENTS.

PENITENTIARY OR LEGISLATURE.

Our old friend, Frederick G. Hawxby, is in a peculiar position. He secured the fusion nomination for State Representative in Nemaha county, and was triumphantly elected. I don't know who or what the other fellow was, but the best man won.

The Octopus has discovered that F. G. H. voted in Lincoln last spring—which implied, as a matter of course, that he was a resident of Lincoln—this rendered him ineligible to the legislature from the county of Nemaha—ha—ha—ha. The state constitution requires (sec. 3, art III) that the representative must be an elector and must have resided in the district for one year previous.

If (1) he was a resident of Lincoln last spring (2) he has not been a resident in the district for one year previous, and (3) is therefore ineligible, as the poet has so feelingly said!

"One, two, three,  
Out goes he."

Now, not only the reform forces, but the University also, need Hawxby every hour in the legislative halls. When the University appropriation bill comes up and some of the worthy and conscientious "soloons" object to most of the items and express a serious doubt as to the use of the University anyhow, Fritz George Hawxby will tell them a thing or two. What he says and what he does will convince them that they are being let off easy.

It is more than probable that history will repeat itself and some one will move that the University tax be "reduced from 2/3 to 1/3 of a mill," as was done once years ago.

Before the session is over there will be some "Hon. Gents," wishing they were college men, for F. George can give them clubs and spades and still beat them in parliamentary smoothness.

But why continue? He will be trowed out because he cast that vote last spring unless he was really a resident of Nemaha county for a year, which will make his vote in Lincoln illegal. There will be a slight inconvenience experienced if he adopts this line of defense, for the law says:

"Any person being a resident of this state who shall go or come into any county, and vote in such county, not being an actual resident there for forty days next preceding the election, or for such time as may be required by law, shall, on conviction thereof, be imprisoned in the penitentiary not more than three years." (Sec. 6847 Compiled Statutes of Nebraska, 1899, chapter XIX—offences

against Election Laws.) The same law provides that for voting in the wrong ward or precinct, a person shall be fined not more than five hundred dollars or less than fifty, and shall be imprisoned in the county jail not more than six months.

The most severe sentence that could be pronounced would be \$500 fine, six months in the county jail and three years in the penn.

I am willing to sacrifice F. G. H. to that extent for the good of the University—most any one would.

But if our Hero admits that the Lincoln vote was illegal and incurs the penalty he will be disqualified to vote for "No person shall be qualified to vote who is *non compos mentes*, or who has been convicted of treason or felony under the law of the state \* \* \* (State constitution art. VII.) This makes him ineligible to the office

—because he is not an elector, so we're back to where we started from. It will be a matter for the courts to decide whether this disability dates from the time the crime was committed or from the time he was convicted of it.

It seems almost certain that our friend will qualify for the penitentiary whether he does for the legislature or not.

The penitentiary is not such an unpleasant place after all. It is true that it does not boast such a large enrollment as we have, but each individual receives more personal attention from the faculty. If the head of that institution were to meet the newest arrival on the streets of Lincoln, he would speak to him, even if they had never met formally.

Personally I do not like their uniform as well as ours, but that is a matter of taste, "for which there is no accounting for," as a friend of mine said when his girl passed him up for another.

There are some delightful features about penitentiary life. You are sure of a job whether the great economic forces work or not; you get your board and clothes and have a room to yourself tho' no checks come from home.

Writing of a similar institution, Bill Nye wrote: "There is a sense of absolute security when one goes to sleep here that can not be felt at a popular hotel, where burglars secrete themselves in the wardrobe during the day and steal one's pantaloons and contents at night. This is one of the compensations of life in prison. Here the burglars go to bed at the hour that the rest of us do. We all retire at the same time and a murderer can not sit up any later at night than the smaller or unknown criminal can."



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