

CLASSES OF THAYER'S COUNSEL.

They Think Boyd's Quo Warranto Answer an
Evasion of the Question.

NO DENIAL OF THE ALIEN ALLEGATION.

**The Attorneys Allege That Nothing
Remains for the Supreme Court to
Do but Enter Judgment
of Ouster.**

LINCOLN, Neb., Feb. 17.—(Special Telegram to The Bee.)—None of Governor Boyd's attorneys were present in the supreme court this morning when Mr. Blair, Governor Thayer's legal representative, asked as to what disposition would be made of the motion filed last night in the quo warranto case. The court said that the court would make an order to show cause in two or three weeks from today. Mr. Blair intimated that he did not think it was the purpose of the attorneys for the defendant to give the other side a chance to discuss the question. The justice said if such should prove to be the case, the court would find a means to afford the attorneys of the other side the necessary opportunity.

Governor Thayer's attorneys consider the motion filed by Governor Boyd as an evasion of the law. They say that if they are to claim no denial of the allegations of the complaint, it is an alien, and the absence of such a denial, it is claimed, is an admission of the same. They say that the court should find that Boyd could not make the denial necessary on his oath and has consequently refrained from

but a mere judgment of censure against him as governor of the state.

THE BEET SUGAR QUESTION.

It is Discussed at Length By the Members of the Senate.

LINCOLN, Neb., Feb. 17.—[Special to THE BEE].—In the committee of the whole, Senator Collins in the chair, Senator Coulter moved that House Roll No. 65 be substituted for Senate File No. 68, relating to time reap of the bounty on the manufacture of beet sugar. The motion prevailed. The file bill after a long debate was recommended to pass.

Senator Coulter moved that when the com-

"At the last legislature the farmers demanded the passage of the law as it stands at present, but five or six farmers in both houses, only three voted against it. I proposed the present law of two years ago, because I thought the bounty should be divided between the farmer and manufacturer—that there be a limit to the amount paid and the amount to be paid to the farmer. The amendment which I offer and with Mr. Oxnard's consent contains these features.

"If we raised bees enough alone to supply the wants of the people of this state, and the

that grow out of the state. This industry will give employment to thousands of men and the taxes on the plants will in a few years exceed the bounty paid."

The committee heard that according to the statements of M. Ornduff, a ton of beets would yield 140 pounds of sugar. But the committee agreed to allow him 150 pounds and make a computation on that basis. One acre would yield fifteen tons of beets, which would make 2,250 pounds of sugar, which at a cost of 45 cents would realize \$1,012.50. Adding to this amount the bounty of \$112.50, the factory would receive \$1012.50. By a continuation of this method of calculation he con-

beets was \$84.375. Deducting from this the cost of working, \$30.000, and the income would be \$54.375.

Then he said that those were the latest figures which the Germans had first attempted to obtain. The estate bought and had made an entirely different calculation. Then they claimed that the average yield of sugar from a ton of beets was 300 pounds. The average crop of beets per acre was twelve tons. Therefore the total yield of refined sugar per acre was 2,400 pounds. The value of sugar produced from one acre of beets at 6 cents per ton was \$144, plus the bounty \$73, \$216. The cost of manufacturing a ton of beets was

2,500 acres and the net value of the crop was \$170,000. The proceeds of 2,500 acres consequently would be \$70,000. Deducting the cost of production would be \$20,000. The net value of the proceeds, were the sugar unrefined, had produced the same result two years ago. Either Mr. Oxnard must have been mistaken then or he must be mistaken now.

Senator Carpenter here asked the secretary the Amendment which he proposed, and which was read. It provides in substance as follows:

That a bounty of a half-a-cent shall be paid on each and every pound of sugar manu-

labeled "A" a bounty will also be paid to the manufacturer of the sugar, to wit: 10 cents per ton on beets testing from 12 to 13 per cent on sugarbeet matter; 12 cents per ton on beets testing from 14 to 15 per cent; and \$1.30 per ton on beets testing over 16 per cent. The bounty shall be paid to the manufacturer of the sugar, and shall be paid for a period of one year, or to be continued for two years, the scale of prices of beets to remain the same as it was in 1890.

No bounty shall be paid on sugar not containing at least 80 per cent of crystallized sugar, the quantity and quality of sugar to be determined by the secretary of state.

The sugar manufactured shall be placed in original packages which shall be branded

with the quantity and quality of the sugar produced in the State, and that I had conferred with the secretary of state together with the number of tons of beets from which said sugar was manufactured, from whom obtained and the richness of the beets in saccharine matter as shown by the tests.

"I have also been informed by a resident inspector, at each town where one or more sugar manufactories may be located, of the aggregate output of which exceeds 2,000,000 pounds of sugar per day.

"Senator Switzer of Omaha then rose and spoke as follows:

"There was only one question which bothered my mind in the consideration of this matter, and that was whether or not the last

legislature, having passed the bill giving that bounty on coal, and the Government treating the bounty as a precedent, the Legislature to repeal the bounty at present. In the investigation of the subject there was nothing presented which changed my views in regard to the question. We have submitted to stretches of the constitution under such circumstances as will justify a starving family in taking coal from a train of cars—that law of necessity to sustain life. It was clearly invalid for us to have passed relief measures, but the whole state should be relieved. I am sure that the Legislature should relieve the starving families of this state, constitution or no constitution. I asked the gentlemen who appeared before the com-

"The bounty last year amounted to \$7,500. The question was asked, how much bounty would there be in a good season, and the answer was that they did not know the state of Nebraska. They did not know whether the bounty would stay or not. They did not know whether the farmers would raise the crops, and so they laid their plan on the land upon which they could rely as the best basis."

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United States \$37,500, making a total of \$50,250 on this industry in a fair year, which is 10 per cent on over \$500,000, or 5 per cent on over \$1,000,000, just from the bounty alone.