LIGHT ON THE QUESTION OF APPEAL

Views of the Catholic Press on the Judgment of the Court and the Bishop's Public Letter_The Court's Sentence.

The recent decision of the metropolitan court of Dubuque on the joint appeal of Fathers Murphy and Fitzgerald from the sentences imposed by the bishop of Lincoln, continues to be a topic of unabased interest in Catholic circles. Among the priests of Omaha considerable satisfaction is expressed, but it is tempered with regret over the prolonged delay in reaching a conclusion under church laws. While rejoteing over the vindication of their brethren of the Lincoln diocese, they condemn the policy that rendered the proceedings necessary. The bishops if either as accessories or consequences, it becomes necessary to review the record on certain points and to settle the question of costs. The record shows, and we have decided that the bishop of Lincoln without any should have suppressed Honacum long ago, said one clergyman. "They were well aware of his wrongloing and his contempt of church law. It is admitted that they would have done so but for the fact that his sup-pression would have seemed to be a victory for the prisats. They took the stand that his suppression would be the greater of two cylls. Let them now contemplate the re-cylls. It Benezum should now be retired, it will be more surprising than the fact that a decision was given against him in the pastropoliton count."

cided that the bishop of Lincoln without any authority in law assumed and stated pub-surprising the stand that whereas he was not suspended. In an offi-cial decument sent to the defendant by the bishop, the latter, in order to deceive the own rootion, the expulsion from the diocese, whereas this was done on the instruction of the apostopiliton count."

This criticism of the bishops is not wholly deserved. It is learned that several of them made diligent efforts to restore peace them. made diligent efforts to restore peace in the to the damage of the defendant, in a letter Lincoln diocese and effect a settlement that to the public press, published this same as-Lincoln diocese and effect a settlement that would be satisfactory to priests and hishop. Their efforts were unavailing. When Archbishop Hennessy of Dubuque notified the priests, some months ago, that a trial by a metropolitan court had been ordered by the propaganda, he appealed to them to propose a settlement to the bishop and abandon the trial. The priests did so. They proposed to let bygenes be bygones—to forgive and forget. But the olive branch was rejected. Just before the court convened in Dubuque the archbishop personally endeavored to harmonize the warring elements. The priests of the first the court was that the monize the warring elements. The priests were willing; the bishop was not. He insisted on amends that amounted to punishment. The proposal was rejected and the trial proceeded.

THE QUESTION OF APPEAL. What the outcome of the case will be is, of course, problematical. Bishop Bonacum announced in a letter given to the press on the 5th inst, that he would appeal from the decision of the court to the apostolic Gelegate in Washington. An Associated press dispatch from Marshall, Mich., the home of Father Heart, judge of the court, quotes Judge Baart as saying that the time within which the time within which an appeal might be filed expired last Friday and that he had received no communication from the bishop of Lincoln. According to authorities, the only part of the court's decree against which an appeal would lie is the amount of damages and costs assessed against the Lincoln curia. The accused against the limited and cannot be ried again for acts committed up to the time of the trial. This feature of the celebrated case is best explained by the Western Watchman of St. Louis, edited by Father Phelan, a well wn canonist. In last week's Issue Father

"By a late decision of a judge specially appointed by the propaganda to try the case, two priests of the diocese of Lincoln were acquitted of the criminal charges pre-ferred against them by their ordinary and restored to their parishes, from which they had been dismissed. This decision was final, as there is no appeal for the prosecution in church or state. If the accuser had the right to both make the accusation and drag his victim from court to court until he got one to condemn, there would be little chance of justice for the poor and weak. A crim-inal case comes to an end with the first judgment in favor of the accused. In this case the bishop of Lincoln was permitted by the propaganda to act the part of accuser, and it was in that capacity, and not An appeal is from a sentence, and only he can appeal on whom a sentence falls. An appeal from an acquittal in a criminal case is one of the strangest claims ever set up in a court of

The public letter of Bishop Bonacum attacking both the verdict of the court and the fairness of the presiding judge is regarded by the clergy as a serious mistake. The rules of the church strictly forbid the dis cuesion of church matters in the public prints. Bishops cannot violate this rule without incurring the displeasure of their superiors. Hence the bishop's letter is likely increase the difficulties that beset him The reference made to Father Raart's "strained relations" with his own bishop is claimed to be far-fetched. On two occasions Father Baart acted as attorney for pricats who had been removed from their parlahes by Bishop Foley of Detroit. The question nvelved in both cases was the right of the bishop to remove them from one parish to another—both parishes being of equal importance-without just cause. The decision of the diocesan court was against the bishop. These cases are said to constitute the only grounds for the "strained relations" alleged \$170, to exist between Father Baart and the curin bishop of the diocese of Detroit. The tone of Rishop Bonacum's public letter is so radical as to provoke expressions of autonish public he treated the assumptions of the priests with lofty ridicule and pooh-pooled their hopes of final triumph, The Dubuque decision changed all this and provoked a denunciation of both court and

Father Baart, who is the resident priest at Marshall, Mich., is about 37 years of age against him; and, therefore, we order the read has achieved a wide reputation as a moval of Rev. E. J. Fenny from the quasicanonist. That he enjoys the confidence of the legation is further evidenced by the fact that after the trial at Dubuque he was ordered by Martinelli to preside over a like court elzewhere. These facts strengthen the belief expressed by the pricats that the ver-dict of the metropolitan court will not only from the defendant, if later it is found be confirmed, but that Bishop Bonacum's necessary or advisable that he be given deposition is a foregone conclusion.

deposition is a foregone conclusion.

The amount of the money damages and costs assessed against the Lincoln diocese and decide that he must be given a mission and decide that he must be given a mission and quasi-parish at least equivalent to the and time for its payment into the chancery of Dubuque expires January 1. Much speculation is indulged as to what will happen then. Many of the clergy believe that Hishop Honacum will pursue to the end his policy of "no surrender," and that the civil courts of the state may yet be called upon for power to enforce the decrees of the church

CATHOLIC PRESS COMMENT. While no mention has been made of the case by the local Catholic paper, the Western Recorder, the Catholic press of the mid-west is not silent. The Northwestern Catholic of Sioux City, edited by Hon. John Brennen, has this to say respecting Hishop Bonacum's public letter: "It falls far short of a justification. It is a sweeping attack upon the integrity of the court and a naked assertion that the proceedings were null and void in toto. It is garnished with un-dignified flings at the newspapers and per-sons not named, and is altogether beneath the dignity of a bishop. * * No charitable person will rejoice over Bishop Bona-

cum's humiliation, but all lovers of justice Father Malone's paper, the Colorado Catholic, says the decision hardly justifies the ciaim that it signalizes the catablishment of clesiastical law in America, for the reason Bishop Bonacum "spuras it, treats it contemptuously, and maliciously attacks the by the Catholics here. But such does no vindicated priests. As long as such things seem to be the case. While Rev. Mr. Caraker can endure, we are a very long ways from

having ecclesiastical laws in America." The Western Watchman of St. Louis says: "We have received from the court copies of the sentences in the cases of Fathers Fitzgerald and Murphy in Dubuque. We can't publish even extracts from them. They are well calculated to make Cacholics blush for their religion. There has been terrible scandal, and it has lasted five years, but the court places it at the door of the bishop of

SENTENCE OF THE COURT. Following is a copy of the verdict of the a first-class liniment, Salvation Oil, for 25c.

metropolitan court in the case of Rev. D. G. Fitzgerald of South Auburn. It differs from the verdict in Father Murphy's case only in the amount of damages awarded, the BEARS PLAYING FOR PROFIT Tormer receiving \$850 and the latter \$325.

"None of the specifications under the motond charge have been proven. As was found above none under the first charge were proven. Even the fiscal procurator in his first review distincts procurator in his Force Prices Down Now to Realiza on

"From this sentence, however, the con-clusion may not be drawn that the conduct of the defendant, pending this whole contro-

ctormine the amount due by the mission of the defendant in the diccean chancery and

Since it is our duty as judges in this

se not only to determine the merits of the rinelple cause, but also to consider and pass

algment on those matters which belong to

ort from the Lincoln curia was that the fendant could get no redress and relief

from the legation.
"He was, therefore, forced in great dis-

tress to go to the additional expense and trouble of making recourse to Rome, When the recourse had been granted by the pro-

paganda, the bishop of Lincoln, in a letter to Mr. Kelligar, intending to injure the de-

"Furthermore, we inhibit the curia of Lin-

on trial, and we order that the defendant forthwith be reinstated with all his rights

against him,
"That there may be no misunderstanding.

this sentence pertains to us as judge dele

politan curla, on the 1st day of Decem 1896. PETER A. BAART,

"JOHN J. TOOMEY, Chancellor."

Given in Dubuque, Iowa, in the metro

Father Caraker Goes to Fairbury. TECUMSEH, Neb., Dec. 13,-(Special.)-At

of the metropolitan court at Dubuque, and

narmuch as that henorable body instructed Bishop Bonacum of Lincoln to remove the priests he had installed in Auburn and Te-

cumseh in apposition to the rebelling priests

then conducting services in the churches in these two cities, it was announced that Rev. J. C. Caraker, the priest installed here, had been removed by Bishop Bonacum. Tecum-tary people supposed Bonacum was carrying

cut the instructions of the court in the mat-icr and that this would end the opposition in the matter of choosing a place to worship

has been withdrawn from here, Richon Hon

acum has submitted another priest. Rev. Mr. McKenna, and the opposition services are announced to be continued, notwithstanding

the instructions of the metropolitan court. Rev. Mr. Caraker, although he has been

placed before our citizens in an embarrassing position, has conducted himself in the carry-

ing out of his duties in such a way as to win the esteem of our people. He will take

the esteem of our people. He charge of the parish at Fairbury.

amteably arranged.

versa. This matter should be fairly and

from review distinctly admits that the charges against the defendant have not been proved. We therefore judge, decide and declare that the defendant, Rev. Denis G. Fitzgerald, is not guilty of the charges lodged BUSINESS TIDE IS SLOWLY RISING

Feeling in Trade Circles Baoyant and Hopeful, Being Well Grounded on Conditions Existing at Present.

Early in January.

of the defendant, pending this whole controversy, was exemplary and without fault. The records of the case show that at times even the most reverend apostolic delegate was not treated with proper respect. The irreverence, however, was rebuiled by the apostolic delegate himself and the rebuile was made public by the bishop of Liucoln. We may therefore no longer consider this fac-NEW YORK, Dec. 13.—Henry Clews, head of the banking house of Henry Clews & Co., writes of the situation in Wall street:

During the past week, the course of affairs in the investment markets has been somewhat irregular, though preponderantly steady to strong. Among would-be buyers there is naturally a disposition to use the inactivity incident to the close of the year for depressing prices, in order to get stocks for the buoyant period that usually comes with the opening of the New Year, and this induces may be expected to make ibself felt until the end of this month. This tendency has been encouraged by the effect of the storms upon railroad traffic and by the seasonable decline in the movement of grain and cuttle. But, at the same time, the feeling among railroad managers is one of much confidence in an early increase of business, which is evidenced by their generally enlarged orders for rails and for repleuishments of rolling stock.

Although the opening of congress has excited considerable interest in Wall sireet, yet it can hardly be said to have had any disturbing effect. The president's message was, upon the whole, well received. There can be no doubt that the past uncertainty as to the disposition of the administration on the Cuban question has in some measure held in cheek the current of prosperity Co., writes of the situation in Wall street ay, therefore, no longer consider this fea-re of the controversy. "Neither does this judgment and sentence

fendant, wrote that the defendant had de-ceived the cardinal prefect of the propaganda and had obtained under false prefenses the TRADE REVIVAL IS CERTAIN. grant of his recourse and a rehearing be-fore this metropolitan curia. More than this, after the bishop of Lincoln knew that the whole case of the defendant was in the juris-diction of this metropolitan court, be nevertheless again illegally rentenced the defend-ant most severely, and in the final clause of the sentence gave notice that the hearing of this case of the defendant was postponed indefinitely, thus deceiving the public and greatly injuring the defendant. When finally this metropolitan curls took cognizance of a mutilated form, having withheld several escential documents, among which was the sentence he had inflicted on the defendant on October 2, 1895, which was the very basis of the recourse the defendant made to the propaganda.
Thus he also attempted deceit on this metropolitan curia in a most serious matter, much to the injury of the defendant. After inflicting the lifegal sentence of October 2. 1895, the bishop of Lincoln further published an excommunication against the defendant so that all defendant's parishioners became aware of his disgrace, much to the injury of his reputation. When on August 13, 1896 the hishop revoked his illegal censures of October 2, 1895, he nevertheless in no way repaired the damage done the defendant. Moreover, the bishop deprived the defendant of all his means of support by appointing another pricet in December, 1895, to take charge of his quasi-parish and damaged him so much in the estimation of his people that

charge of his quasi-parish and damaged him so much in the estimation of his people that it is doubtful whether this epecial damage can ever be repaired. And of this whole case of the defendant the bishop truly says "it has distracted the diocese and scandalized the country." All this trouble, damage, expense and scandal the bishop of Lincoln puts upon himself in his letter to the defendant wherein over his own signature he admit that the basis of all the trouble, damage, expense, scandal, viz. the sentence which he passed on October 2, 1895, is defective and void. Underlying all these proceedings evidently was some other motive than a sense of justice; considering these things and the additional fact that not one of the specifications under either charge was proved and that little or no testimony was offered to sustain them, thus consiltuting legal calumary, there is nothing left for us as judge but to declare that the defendant is entitled and must receive from the bishop and the curia of Lincoln not only his taxable costs, which are in the sum of \$179, but that he must also be relimbursed for the damages unlawfully and unjustly sustained, which hereby we determine and declared to be the sum of \$170. Both the costs of this metropolitan curia in this costs of this metropolitan curia in the costs of this m

politan curia in this case, which are hereby determined and declared to be the sum of \$170. Both the costs of this metropolitan curia and the costs and damages of the defendant given above, we order to be paid into the chancery of Dubuque by the proper officer of Lincoln diocese within thirty days from the date of this present sentence. at New York.

AMERICA SAVES EUROPE.

In the impecunious condition of London and Herlin this temptation to make a handsome profit on our stocks and at the same time stop the shipments of gold to New York was too atrong not to be turned to account, and some \$20,000,000 of our securities were sont home within a few drys. This reflux of stocks was taken here without a wince and with no very visible result upon prices. It had, however, the gratifying effect of licelidating \$20,000,000 of our indebtedness to Europe, in lieu of increasing it by sending out a fresh large amount of our obligations—which had been anticipated. Thus if, owing to exceptional conditions, the effect of the election unon forcian investors did not turn out in the way anticipated, we had instead a result quite as beneficial to ourselves and better calculated to bespeak confidence in American finance. Nor is this the only evidence of the revival of home finance. Our capitalists are today holding some \$20,000,000 to \$25,000,000 of export bills which had they gone forward after the usual course, would have created virtual panic in Europe by bringing hither an equal amount of gold. By thus virtually lending g large amount of gold to European banks we are saving them from threatened serious difficulties. Contest this condition of financial resource with the condition of affairs in Wall street up to the election, and some estimate may be formed of the extent of the recovery of financial confidence since November 3. A little reasonable patience will later bring still further evidences of the great revival consequent upon the defeat of free colnage. The easier tendency in the London money market is an encouraging symptom, the market rate being now fully I per cent below the bank rate. This change has stopped the local demand for export bills for hone financial confidence of the great revival consequent upon the effect of weakening the market for sterling bills. As, however, remittances will now have to be made for interest payments to forcism investors, AMERICA SAVES EUROPE. coln from further persecuting the defendant because of the charges for which he has been in the quasi parish, as it existed on June 15, 1895, when these charges were first brought cian investors did not turn out in the way anticipated, we had instead a result quite as beneficial to ourselves and better calculated to bespeak confidence in American finance. Nor is this the only evidence of the revival of home finance. Our capitalists are today holding some \$25,000,000 of export bills, which had they gone forward after the usual course, would have created virtual panic in Europe by bringing hither an qual amount of gold. By this virtually lending g large amount of gold to European banks we are saving them from threatened serious difficulties. Contrest this condition of financial resource with the condition of affairs in Wall street up to the election, and same estimate may be formed of the extent of the recovery of financial confidence since November 3. A little grassonable pattence will later bring still further evidences of the great revival consequent upon the defeat of free coinage. The easier tendency in the London money market far being mow fully I per cent below the bank rate. This change has storped the local demand for export bills for hoarding, with the effect of weakening this market for storiling bills. As, however, remittances will now have to be made for interest payments to forcism investors, the reduced outsilons for bills of exchange this Stock Excepted.

SUGAR TRUST BATTLE THE FEATURE Fransactions on 'Change Duil with This Stock Excepted.

NEW YORK, Dec. 12.—Transactions on the New York Stock exchange this week have barely aggregated 100,000 shares per day. This is construed by bear speculators as flavorable to them, Such reasoning is, however, auperficial, though inactivity has mission of Auburn as it existed on June 15, 1895, when these charges were first lodged all parties are notified that by special dele-gation given ad cautelam, the execution of he time of the handing down of the findings

considering the state of the week. Out of twelvers appeared in the quarter of the Gould millions there in the quarter of the Gould millions there is the q as favorable to them. Such reasoning is, however, superficial, though inactivity has

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GRAIN: PROVISIONS: AND: STOCKS

Week Choses with an I bunsailly Light Run of Cattle.

SOUTH OMAIA, Dec. 12—Receipts for New England bunkers are not encouragement be strange if something extremely interested by any trustworthy reports that reach thom to be strange if something extremely interested by any trustworthy reports that reach them to be strange if something extremely interested into Chicago does not develop in this match be strange if something extremely interested in the Chicago does not develop in this match be strange if something extremely interested in the Chicago does not develop in this match be stranged in the control of the strange of the strange in the strange of the stra

HYE. No. 2, 12 by 1. Reminal No. 3, f. o. b., 25 B RABLEY No. 7, nominal No. 3, f. o. b., 25 B RABLEY No. 1, 176 175c.
FLANSEELE No. 1, 176 175c.
PHOVISIONS—Mess pers, per bbl. 46.875 B PHOVISIONS—Mess pers, per bbl. 46.875 B Sylven No. 1, 18823.275, short ribs sylven house, 31.8924.10; dry salied shoulders, boxed, 34.264 50; short clear sides, boxed, 34.2036 WHISKY-Distillers' finished goods, per gal.

4.000 27.000 122.000 414.000 11.000 57.000 4,000 129,000 54,000 194,000 147,000 On the Produce exchange today the butter market was steady; creamery 15s23c; dairy, 10@ 19c. Ezgs. weak; fresh, 16c. Cheese, steady;

REALING STOCK CONSPICUOUS.

In the railway list Reading stock has suddenly become conspicuous. Bear traders hammer it viciously. They are deversally over apprehensions that the reorganized company will be seriously affected by adverse legal proceedings brought in the name of the state of Peansylvania.

Of course the people who warry most are speculators who have not a single Pennsylvania investment interest at stake. Their present Reading bogabon has the same substance to it that has been disclosed in a long line of preceding fakes.

The antics cut by bear raiders of the Reading property would be a refreshing spectacle were it not for the fact that their siyle of attack, however silly, imposes penalties upon innocent investors. Cool headed business men, sagacious and experienced, have controlled the reorganization of the Reading property. They are not impaisive speculators; they plan before they act; enterprises of magnitude are not new to them; they are not bunderes.

Even were a suit begun questioning the legality of Reading's reorganization to its safe to count implicitly on ample justification being ready for every step that has been taken. Sales of Reading securities, long stock or short stock, on the theory that the conquanys reorganization to the sales by people with little Wall street experience.

Next to Reading in the railway list there

xperience. Next to Reading in the railway list there

COMPETITION IN MATCHES.

a matter of fact, every intedigent observer understands that, these powerful interests are so engaged, however much their direct relations may be disguisted.

Unless signs ordinarily to be trusted are now all wrong, large amounts of Sugar trust mount affect of the stock have been marketed during the week plong stock from the boxes of insiders. A per cent dividend comes off the common stock within the next day or two and another properties of the common stock within the next day or two and another properties of the common stock within the next day or two and another properties of the common stock within the next day or two and another properties of the common stock within the next day or two and another properties of the properties of the public into his confidence in this particular matter of overtures comfined to him from certain Diamond Match interests, it can be relied upon that the steps I speak of have been taken Recent snags struck in Match affairs at Chicago have discouraged people having Match interests. Some of them are more than discouraged people having the stock within the next day or two and another than the relied upon that the steps I speak of have been taken Recent snags struck in Match affairs at Chicago have discouraged people having Match interests, it can be relied upon that the steps I speak of have been taken Recent snags struck in Match affairs at Schedul people having Match interests, it can be relied upon that the steps I speak of have been taken Recent snags struck in Match interests, it can be relied upon that the steps I speak of have been taken Recent snags struck in Match affairs at Schedul people having Match interests, it can be relied upon that the steps I speak of have been taken Recent snags struck in Match interests, it can be relied upon that the steps I speak of have been taken Recent snags struck in Match interests and the steps I speak of have been taken and overtures comfigures comfigures comfigures comfigures comfigures comfigures to him the second people having and the

successfully used before in the same quarter. The Sugar trust itself is not in happy shape. Trade conditions are unsatisfactory and the status of affairs in Cuba has direct discouraging influence upon the business of the trust.

Many voelferous announcements have been made during the week of a settlement of the difficulties between the trust and the millionaire coffee impairers, who are aircally at work upon the construction of new opposition refineries. No foundation exists for any such staticmonts. This particular competition is about as certain as anything in the business world can be. An earlier influence, however, will probably be excreted by developments at Washington. It can be stated as certain that Sugar trust insiders expect congressional attacks. It is a courageous man who will give up good maney just now in exchange for Sugar trust insiders expect congressional attacks. It is a courageous man who will give up good maney just now in exchange for Sugar trust insiders expect congressional attacks. It is a courageous man who will give up good maney just now in exchange for Sugar trust insiders expect congressional attacks. It is a courageous man who will give up good maney just now in exchange for Sugar trust insiders expect congressional attacks. It is a courageous man who will give up good maney just now in exchange for Sugar trust insiders expect congressional attacks. It is a courage does not develop in this matter before the early several position for the first of the state of Peansylvania.

READING STOCK CONSPICUOUS.

In the railway list Beading stock has and dark that the recognized company will be seriously affected by individual to the probability of the prob

MANCHESTER TEXTILE MARKET. Quiet Week the Feature of Trade in that Direction.
MANCHESTER, Dec. 13.—This has been quiet week with irregular prices. The

amount sold was considerably below the output, extravagant figuring on the cropyield and a break in the cotton market hindering business. A fair India trade was hindering business. A fair India trade was done on a low basis. China was buying daily small parcels. The rising exchange helped the South American trade. The Levant was doing fairly. Numerous large orders are alloat, but the limits show an unbegrable loss for the makers. Yarns were moderately active and is sit cheaper. More weavers are spinning their own yarn and are much better off than those who are buying yarns. Fancy specialties were the best situated. The market for Germany was quiet and very little was doing. Rouen was also quiet.

LONDON WEEKLY GRAIN REVIEW. Early Sown Wheat Looks Well with the Weather Unsettled.

LONDON, Dec. 13.—The weather during the last week has been unsettled, but fairly

SOUTH OMAHA, Dec. 12.—Receipts for

CHICAGO GRAIN AN DPROVISIONS. Features of the Trading and Closing

Prices on Saturday. CHICAGO, Dec. 12.—Wheat started strong