

AGREE ON DELIVERY

Arrangements Completed for Hauling Down Spanish Flag to Music of Cannon.

INAUGURATION OF NEW REGIME IN CUBA

Proclamation Issued to People of the Island on Transfer of Government.

FINE POINTS OF EVACUATION SETTLED

Spanish Soldiers Remaining in Province and City to Be Undisturbed.

TO WITHDRAW WITH MILITARY HONORS

Any Offender of Public Dignity During the Formal Delivery is to Be Punished by American Authority.

(Copyright, 1898, by Press Publishing Co.) HAVANA, Dec. 26.—(New York World Telegram—Special Telegram.)—The United States representatives have formal notice here today that they will take control of Cuba next Sunday and that no disorder will be permitted.

By the Associated Press. The American evacuation commissioners will tomorrow issue the following proclamation to the inhabitants of the island of Cuba: "The undersigned commissioners on the part of the United States, having been invested with power by the president to arrange for and carry out the evacuation of Cuba and adjacent islands and also taking over the public property of Spain, have entered into an agreement with the commission on the part of Spain for the final ceremonies and regulations to be observed and carried out on the first day of January and thereafter until Spanish troops shall have embarked for repatriation, and the same is published for the guidance of the inhabitants and others outside of the Santiago district.

"The undersigned desire in this public manner to impress and enjoin upon all the people of the island the necessity for strict compliance with the terms of this agreement to the end that public order and due respect for the gravity of the occasion may be maintained and that no disorder will be permitted."

"Acting under a sense of duty to the people and our government, we give notice that any violation of the terms and provisions of the agreement will be resented and offenders brought promptly to justice. Representing the United States, we shall be governed by the strictest impartiality with the sole purpose of promoting the rehabilitation and pacification of Cuba. The preservation of peace, the security to persons and property and the establishment and maintenance of the government and laws impartially administered are indispensable to the welfare and happiness of the people. We therefore confidently invoke the aid and co-operation of the inhabitants in accomplishing these ends."

"Whereas, This convention entered into on the 16th day of November, 1898, between the commissioners of the United States and the commissioners of Spain provides that the final evacuation of the territory of Cuba and adjacent Spanish islands by the forces of Spain shall be completed at 12 o'clock meridian on the first day of January, 1899, and says that if for unavoidable reasons the embarkation of Spanish forces shall not be completed on the date herein fixed, in such cases suitable and convenient places shall be designated for the residence of the remaining Spanish troops until their embarkation shall be accomplished, it being well understood, however, that these troops will not be ejected from their quarters during the time that they must necessarily remain there; leaving them in their quarters and the sick in hospitals under the safeguard of the armies of the United States until they can be sent home; and,

"Whereas, Notwithstanding all the efforts made by the Spanish authorities faithfully and promptly to carry out the provisions of the aforesaid convention there will still be a number of Spanish troops in the provinces of Matanzas and Santa Clara whom it will have been impossible to embark for their native country before the first day of January next;

"Now, therefore, be it agreed between the commissioners of the United States and the commissioners of Spain, in joint session assembled, possessing for this purpose under article 17 of the protocol agreement between the United States and Spain signed at Washington on the 12th day of August, 1898, full authority from the government of the United States and the government of Spain respectively as follows:

"First—The Spanish troops remaining unembarked on the 1st of January shall remain undisturbed until their embarkation to Spain in their respective quarters, buildings and grounds actually then occupied by them and during that period shall enjoy the privileges and immunities usually accorded by the rules of international law governing foreign troops in a friendly country. The quarters, buildings and grounds actually occupied by said troops will be considered as being covered by the privileges of extrajurisdiction, the responsibility for keeping

good order in places thus occupied being upon the authorities of the United States. The commanding officer of the Spanish forces in the event of public disorder will place himself at once in communication with the commanding officer of the United States forces and in concert with him carry out such measures for the suppression of disorder as they may jointly agree upon, which they may have formulated in advance for the prevention and suppression of such disorders.

"Second—The Spanish officers in command of troops will give due notice to the nearest commanding officer of the United States forces of intended departure from quarters for their respective points of embarkation. "Third—Provincial and municipal authorities will not be allowed to tax in any manner the Spanish forces nor their belongings, nor give any order which will increase the prices of staples or other effects necessary for the subsistence of their troops. Combinations to raise the prices of supplies or to deprive the Spanish forces of what is necessary for their subsistence while in camp are prohibited under penalty of arrest.

"Fourth—Employees of the postal and telegraphic service will continue to carry the correspondence of the Spanish forces under the same official telegraphic messages under the same condition as heretofore.

"Fifth—No import duties or charges of any kind or character will be levied by customs officials upon the personal effects of the Spanish or upon the personal effects of Spanish soldiers and officers or on those of their families.

"Sixth—Hospitals with their sick, attendants and medical officers in evacuated places will be under the protection of the army of the United States. The Spanish authorities providing everything necessary for the care, subsistence and the transportation of the sick so detained and for repatriation upon recovery.

"Seventh—The general-in-chief of the Spanish army agrees that his officers and soldiers will preserve the most exact discipline and in event that any should enter the houses or lands of private persons without consent of owners he shall severely punish the offender.

"Eighth—Should any offense be committed by such officer or soldier of the Spanish army against inhabitants he will be promptly brought to trial by the proper military authorities of said forces before a proper Spanish military tribunal. Any offense committed by any inhabitant against any person of the Spanish forces will be promptly brought to justice by the commander of the United States forces in connection with the commanding officer of the Spanish forces.

"Ninth—Should any injury to public or private property be committed by Spanish troops the injured parties shall have the right to submit their claims for indemnification to the Spanish government, it being fully understood that Spain is accountable for injuries to public and private property established by proper proof. It is understood that this paragraph is subject to any provision the peace commissioners of the United States and Spain may have made on the subject of settlement of the claims thereunder pending.

"Tenth—Punctual payment will be made for whatever is purchased of inhabitants by or for the Spanish.

"Eleventh—It is understood that the Spanish authorities will use due diligence in enrolling the Spanish troops at the earliest possible time the Spanish troops remaining in Cuba.

"Twelfth—The commissioners of the United States and the commissioners of Spain, in order to accomplish with due formalities the official delivery of Cuba by representatives of the United States to representatives of the government of the United States, in accordance with the agreement between both nations, we have resolved by common accord upon the following: "First—At 12 o'clock on the first day of January, 1899, the flag of the United States shall be hoisted at the main entrance of the city of Havana and immediately thereafter the Spanish flag will be lowered from Morro castle and from all official buildings where displayed and the flag of the United States shall be raised in its place, and at the same time the salute of twenty-one guns from the same battery, these salutes to be fired by American and Spanish artillerymen respectively. American and Spanish ships of war that may be in this port, properly equipped shall also salute both flags, discharging the proper number of guns.

FOREIGN PRESS MISLEADING

Senator Frye Predicts Resumption of Cordial Relations with Spain.

MAY PROPOSE A COMMERCIAL TREATY

If We Become Insane We May Give Islands Back and If We Are Fools We May Divide Them Up Among Powers.

WASHINGTON, Dec. 25.—Senator Frye talked today to a Star reporter with respect to the conditions attending and resulting from the peace negotiations.

With respect to the frequently repeated statement in press dispatches that the sentiment of the powers, with the exception of England, was opposed to the United States and looked with disfavor upon the attitude of this government in dealing with Spain, Senator Frye said: "I saw no evidence of such sentiment existing outside of France, and in France that sentiment appeared to be confined to the press, which does not reflect the sentiment of the nation nor of the people generally."

"Do you think there will be an early restoration of cordial relations between Spain and the United States?" "I think that very soon after the ratification of the peace treaty and the restoration of diplomatic relations there will be no difficulty about negotiating a commercial treaty and a treaty for the release of prisoners and such other matters directed toward the perfect restoration of friendly relations between the two governments. I do not believe that the Spanish government will be at all disposed to keep up unfriendly feeling. The making of new treaties adapted to the present conditions would be better than would the restoration of the old treaties, some features of which were obsolete.

"What has been published with respect to the treaty of peace, seems to indicate that this government is not committed by these negotiations with respect to the future disposition of the territory, the sovereignty over which has been relinquished," was suggested by the interviewer. "It indicates very strongly that this government is not committed in any way whatever in respect to the disposition and government of these islands. If we are insane enough to do so, we might give them all back to Spain after the ratification of the treaty. If we were fools, we might divide them up among the other foreign powers. The whole matter is left in the hands of congress. Congress can make any disposition of the islands it may see fit. The ratification of the treaty will not in any way curtail any privileges of ours in this direction."

COST OF NICARAGUA CANAL

Report Will Be Sent to Congress Unanimously and Promptly as to Amount Needed.

WASHINGTON, Dec. 26.—Admiral Walker, chairman of the Nicaragua Canal company, when questioned today as to the time when the report of the commission would be sent to congress, said that the time could not be stated definitely, as the report had not been signed nor entirely completed. He presumed, however, that it would be ready within the next very few days.

In answer to further inquiries, the admiral said that there was no difference of opinion among the members of the commission, except possibly on the question of cost, and that difference might be adjusted so that the report would be unanimous on all points. Owing to the illness of Mr. Haines during the last ten days, practically nothing had been done, but now that the commission was together again a conclusion on this and other points might be expected soon. Some months ago Admiral Walker stated to a committee of the senate that the cost of the canal would not cost more than \$125,000,000. Another member of the commission fixed the maximum at \$140,000,000, but stated that it might cost considerably less, and it had been the opinion of the third member of the committee that the canal would not cost more than \$90,000,000.

All were agreed, however, that these figures were and could be only approximations. There were too many considerations and contingencies that might change the result, he said. An epidemic of cholera in the tropics might halve the work force; accidents to machinery or possibly earthquakes might damage the work in course of construction and, while none of these would be likely to happen, yet they were among the possibilities, and in estimating the cost of the canal a reasonable provision had been made for accidents of various kinds. All members of the commission, he said, are agreed that the construction of the canal on the route proposed is entirely feasible and should be prosecuted with all reasonable expedition.

DROWNED IN PASIG RIVER

Death at Manila of Private Frank N. Knouse Reported to War Department.

WASHINGTON, Dec. 26.—The following cable message was received at the War department today from General Otis, dated Manila: "The following deaths since last report: "December 15—Frank N. Knouse, private, Company C, First Nebraska; drowned in Pasig river; accident. "December 16—Martin W. Carleton, sergeant, Company E, Thirteenth Minnesota; gunshot wound; accident. "December 19—Fred Taylor, private, Company L, First Nebraska; typhoid fever. "December 20—Frank C. Hayden, private, Company D, Fourteenth infantry; ulcer of stomach. "Joe D. Wilson, private, Company L, twenty-third infantry; smallpox. "David I. Saunders, private, Company I, First Colorado; smallpox. "November 28—Ole G. Hagbert, sergeant, Company D, First Idaho; exhaustion following typhoid fever."

UNCLE SAM FILLS COAL BINS

Nearly One-Half Million Tons Will Be Kept on Hand.

WAR SHIPS WILL NOT LACK FUEL

Supplies Will Be Kept in Large Quantities on Both Coasts—Pacific Possessions to Be Closely Guarded.

NEW YORK, Dec. 26.—A special from Washington says: The Navy department is going to be prepared for any emergency that may hereafter arise in the Atlantic and the Pacific oceans by carrying on hand the enormous stock of nearly half a million tons of the best steaming coal for war ships that can be procured. This supply of the most important of all stores of modern war is to be systematically distributed in American ports most conveniently located for the coaling of ships for any operations the navy may be called upon to undertake, extending along the Atlantic and Gulf coast line, from Fremont's bay, Maine, to San Juan, de Porto Rico, as well as at the commanding positions along the lines of commerce which have already been secured by the United States in the Pacific ocean, stretching from San Francisco and Puget sound to Manila and southward to Samoa. In the naval sphere of activity in the Atlantic about 200,000 tons are to be promptly and systematically stored in accordance with the recommendation of the chief strategists of the service, and at least 120,000 tons will be sent around Cape Horn to the great western ocean, where American interests have suddenly become second to those of no other ocean and where the influence of the United States will not hereafter be subordinated to that of any European power.

The distribution of immense piles of American coal for naval purposes in the Pacific indicates the unalterable attitude which has been adopted by the administration regarding the future policy of the United States in that direction, as the initial expense involved in transporting the proper quality of fuel for use in the marine engines, as well as the elaborate character of the apparatus which must be installed for the expeditious coaling of war vessels, for which time is a most essential element, demonstrate how gravely and thoroughly the subject has been considered. The number of tons which will be held in reserve at the various coaling stations west of the American continent have been fixed for the present as follows: Manila, 25,000; Guam, 10,000; Honolulu, 25,000; Pago-Pago, 10,000; San Francisco, 25,000, and Bremerton, Puget Sound, 25,000.

Coal Supply on Atlantic. On the Atlantic coast, in addition to the fuel supplies already established at the various navy yards and naval stations, the recommendations of Admiral Belknap's board, which made its investigations early in the Spanish war, will probably be adopted without modification, for the addition of several new establishments at the West Indies. The locations of these naval bases, with their tonnage of coal supply, will be as follows: Havana, 25,000; Santiago de Cuba, 10,000; San Juan de Porto Rico, 25,000; Tortugas and Key West, 50,000; Port Royal, S. C., 25,000; Norfolk, 5,000; Washington, 10,000; and Sagadahoc Island, 5,000. New York, 5,000; New London, Conn., 25,000; Boston, 15,000; Portsmouth, N. H., 10,000; Frenchman's bay, Maine, 1,000. In addition to these the naval authorities are satisfied that they can always depend upon securing at a moment's notice at Hampton Roads, as well as at New York, at least 50,000 tons, such amounts being always available at those ports for commercial marine uses.

With strong coal bases provided in this arrangement, within easy steaming distance of every port of the naval fleet, the effective protection of the Atlantic coast will be more than doubled, as compared with its conditions six months ago. With the exception of the long stretches around the South American continent, where, in case of emergency, the United States ships cannot purchase coal in their ports, a line of coaling will be unavoidable. The government is now fortunately possessed of seventeen of these invaluable vessels, with a tonnage carrying capacity approximately 50,000 tons, and it is the intention to keep these vessels filled to their capacity and constantly ready for immediate service.

HAVANA IN STATE OF UNREST

Dozen Men Wounded in Affray During Twenty-Four Hours—Eleven Burglaries in Same Time.

HAVANA, Dec. 26.—Francisco Quintaro, a Spanish guerrilla, while walking along Genio street today was fired at from the roof of a house and seriously wounded. During the last twenty-four hours one man was killed and twelve have been wounded in affrays in different parts of the city and eleven burglaries have been committed. The city is in a state of unrest. Three more wards of Havana were evacuated today.

AMERICAN INTERESTS IN ILOILO. Transports Take Artillery and Ballistmore Sails for Panay Island. WASHINGTON, Dec. 26.—The administration has taken steps to safeguard American interests in the city of Iloilo on the island of Panay, one of the Philippine archipelago, and a military and naval expedition is now on its way there from Manila.

Cable advices were received here today from General Otis, commanding the military forces in the Philippines, and Admiral Dewey, commanding the naval forces, showing that they are acting in concert in the matter. General Otis reported that he had dispatched two regiments and a battery of artillery to Iloilo on transports and Admiral Dewey reported that he had dispatched the cruiser Baltimore, and that he would be in the same place. It is explained that these officers are acting on their own discretion in the matter and that no official advices have been received here to indicate that there is any unusual lawlessness in the matter.

Jamaica Dedicates a Pier.

KINGSTON, Jamaica, Dec. 26.—The new pier at Jamaica market, which was built for the accommodation of tourist steamers and foreign war ships, was opened yesterday. The German training ship Molte, which is now cruising in West Indian waters, participated in the opening ceremonies.

War Ships Reach Peru.

CALLAO, Dec. 26.—The United States battleships Iowa and Oregon arrived here at 7 o'clock yesterday morning.

CONDITION OF THE WEATHER

Forecast for Nebraska—Partly Cloudy; Colder; Westerly Winds.

Temperature at Omaha:

Table with 2 columns: Time and Temperature. Rows for 5 a.m., 7 a.m., 9 a.m., 11 a.m., 1 p.m., 3 p.m., 5 p.m., 7 p.m., 9 p.m., 11 p.m.

DROWNED IN THE MISSOURI

Nineteen-Year-Old Jimmy Hart Skates on the Treacherous Ice and Loses His Life.

Not thirty feet from the river bank near the melting works in full view of several friends and a number of men, 19-year-old Jimmy Hart broke through the thin ice bordering the open channel of the Missouri last night and sinking was swept by the current beneath the ice. His body was not recovered.

The drowning was the sad end of a five-mile skating trip up the river. The party which took the journey over the ice numbered six lads, none older than 20 years. It was after they had returned and were starting to leave the river for home that the accident occurred. The ice was not more than a few inches thick and was a combination of fortunate circumstances he was able to save himself and even to try to aid his comrade, but Jimmy Hart sank almost instantly before anyone had time to assist him.

At 5 o'clock James Hart, Oscar Hoffman, Will Beck, Roy Campbell, Charlie Saunders and Frank Gerhardt started from the East Omaha bridge for a run up to Big lake on the Iowa side and return. On the way the boys were careful to skate near the sandbars, where the water was shallow. Before they started back they stopped to watch some looters at work and saw that the ice in most places was sixteen inches thick. This gave them confidence and on the return trip they were careless to skate near the sandbar, where the ice was smoother. Two of the boys, Hoffman and Beck, took off their skates and walked home, because walking was easier than skating on the rough ice.

Of those who remained on the river Roy Campbell was in the lead, a few yards ahead of Jimmy Hart. When a point opposite the smelter was reached Campbell, followed by the other boys, made for the bank. Warm water from the smelter had evidently melted the ice in the part of the river where the boys were passing, for suddenly Campbell felt the ice giving way under him and he was plunged into the water. Unable to stop, Jimmy Hart tumbled after him. Campbell rose to the surface immediately and secured a hold on the ice just as Jimmy Hart toppled into the water. He reached out his arm to catch hold, but losing his balance just then, he turned to secure a firmer grip on the ice and when he looked for his companion a second time he had disappeared from view.

Campbell managed to climb upon the ice and reach the shore. The other lads who had been able to stop in time to avoid a ducking watched the water, expecting to see Jimmy Hart resurface, but no sign of him was seen. He was not seen until he was brought to the shore by a boat. He was found at 1028 South Nineteenth street. He has been an employee of the Union Pacific company for twenty-six years. Jimmy was the youngest of two sons. Roy Campbell lives at 1015 South Twenty-fifth street.

BLIZZARD THREATENS NORTH

Assinibois Storm Moves on Lake Superior and Temperature Begins to Tumble in Minnesota.

WASHINGTON, Dec. 26.—A general bulletin on weather conditions and general forecast tonight says: The storm, central last night in Assinibois, has moved rapidly to Lake Superior and has been followed by a high pressure area and a cold wave, Prince Albert reporting a temperature fall of 40 degrees in twenty-four hours to zero and Winnipeg of 30 degrees. Light rain has fallen in Florida and the North Pacific states and light snow in the upper lake region. The temperature was below zero in the middle Mississippi and cold waves, Prince Albert reporting a temperature fall of 40 degrees in twenty-four hours to zero and Winnipeg of 30 degrees.

REMOVAL OF MONTAUK DEAD

Bodies Are to Be Taken to the Military Grounds in Cypress Hill Cemetery, East New York.

NEW YORK, Dec. 26.—Arrangements were completed today for disintering the bodies of the soldiers who were buried in the unimproved cemetery at Camp Wikoff, Long Island. Forty bodies were placed today to Montauk. It was at first thought the bodies would be removed to the National cemetery at Washington, but they would be buried in the military grounds in Cypress Hill cemetery in East New York. At the grave of each man a stone was placed a sealed bottle with all particulars obtainable concerning the dead. By this means there will be no difficulty in identifying the bodies. There are about 200 dead buried in the cemetery at Montauk.

HELD BY THE COURT

Jesse Tooman Must Answer for Murder of Peter Kreichbaum.

RESULT OF PRELIMINARY EXAMINATION

Crowds Assemble at Bloomington to Listen to the Proceedings.

MUCH CONVINCING EVIDENCE IS PRODUCED

Accused Found with Kreichbaum's Bloody Clothing in His Possession.

DEAD MAN'S NAME FORGED TO A LEASE

Tooman Hears the Evidence with a Smile and Appears Unconcerned—Coke is to Have His Hearing Today.

FRANKLIN, Neb., Dec. 26.—(Special Telegram.)—Jesse Tooman, charged with the murder of Peter Kreichbaum, was given his preliminary examination here today and held to the district court. The hearing was before County Judge Miller, Attorney George Prather representing the defendant, J. P. A. Black and County Attorney E. H. Whitmore the prosecution. The courthouse was crowded by people from all parts of the county.

J. W. Wright, a merchant at Franklin, was the first witness called and testified that he and A. Robinson White, coming from hunting December 2, passed Tooman and W. S. Cole at River side, going south toward Kreichbaum's farm, the night of the supposed murder and the last night that Kreichbaum was seen alive. He said they had a shot gun, a spade and a keg in the buggy. This was at 5 o'clock in the evening. Robinson's testimony was exactly the same.

George Peck testified that he saw Kreichbaum at Franklin December 2 and apparently in good health. P. Gorman testified that Kreichbaum was at his store December 2 and that he thought he acted oddly. He said he only based it on the fact that Kreichbaum always bought goods from him and, being old friends, generally talked a while, but this day he only called a short time. Fred Sutor testified that he passed the Kreichbaum farm December 3, but did not see anyone, and Kreichbaum's dog was lying on the shed where the body was found. December 5 he brought Kreichbaum a load of corn, but Kreichbaum was not there. He brought another load of corn and four chickens. Tooman then, saying they had leased the farm for five years and bought all of Kreichbaum's personal property and that Kreichbaum had gone to Riverston to take a train to Omaha for treatment.

Shorff Dutton swore that when the lease was handed him the envelope had blood on it, which was also noticed by Kreichbaum's brother. Prather, Tooman's attorney, said: "Let me see that" and when it was handed him he swore that it was for the purpose of showing that Tooman was slow but Cole tried to keep him out of the room. He found two shotguns and a few loaded and empty shells. He had two pairs of overalls, taken off of Tooman, which had blood stains on them.

The coroner brought Kreichbaum a load of corn December 6 and found Tooman there in possession, who said Kreichbaum had gone to Omaha for treatment. James Conklin testified that Kreichbaum's name was forged to the lease and the name misspelled. The deputy county clerk, who made out the lease, testified that Tooman was slow but Cole tried to keep him out of the room. He found two shotguns and a few loaded and empty shells. He had two pairs of overalls, taken off of Tooman, which had blood stains on them.

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NOT DERELICT IN HIS DUTY

Collector of Customs at St. Paul Wants to Know About Duties on Presents from Manila.

ST. PAUL, Minn., Dec. 26.—Something over 100 packages of mail from Manila, supposed to contain souvenirs of the Philippines, from the Thirteenth volunteers, sent yesterday in Havana by a company of friends and relatives in this city, were held at the local postoffice for a ruling by the Treasury department as to whether duty must be collected. The packages have just arrived and were held at the request of Collector of Customs Peterson.

SAVANNAH

Chester Tooman with Accident.

SAVANNAH, Dec. 26.—The transport Chester arrived from Havana this evening. Her captain and quartermaster came ashore and the quartermaster telephoned to the city and that it might be necessary to send it to the dry dock. The accident was caused by the smashing of a propeller blade. If temporary repairs can be made here in time the ship will leave Havana city, the Third Nebraska, formerly Colonel Bryan's regiment, on Friday.

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