

THE CITY'S REPLY,

To the Charges Made by the Petitioners for the Royal Commission.

Each of the Allegations Separately Dealt With and Explained.

Yesterday morning the city's reply to the charges formulated by the petitioners for the Royal Commission was handed to Messrs. Bodwell & Irving, the legal representatives of the petitioners. The document is a comprehensive one, filling seven pages of closely type-written legal cap, the full text being as follows:

EXCESSIVE EXPENDITURE.
In reply to the charge of "Excessive expenditure," the council of 1891 say as to paragraph 1:

That section 98 of the Municipal Act, 1891, is incorrectly quoted by petitioners. It reads as follows: "The council of 1891 say as to paragraph 1: '98. No Municipal Council within the Province, save as otherwise provided, shall have power to incur any liability beyond the municipal revenue for the current year. And the revenue for the use of every council duly elected shall commence with the legal collections from the first day of the year in which the said council was elected until the end of the said year.'"

The Municipal Councils for the years hereunder written expended sums in excess of revenue for the amounts set opposite the years, and not the amounts alleged by the petitioners, namely:

For 1887.....	\$ 25,388 21
" 1888.....	8,861 23
" 1889.....	23,524 10
" 1890.....	58,276 53

amounting in all to \$58,276.53, or \$107,000.00 as charged by petitioners. The report of the auditor for 1891 shows an estimated excess of expenditure over revenue for this year, 1891, of about \$20,000.00 and not \$92,050.73 as alleged; such sum of \$92,050.73 being the total amount for previous years added to this year's estimated excess of expenditure, against which certain valuable properties acquired should be credited as assets.

EXCESSIVE USE OF BORROWING POWERS.
2. In reply to the charge of "Excessive use of borrowing powers beyond ability to repay," the council of 1891 say, as to paragraph 2:

By subsection 133 of section 96 of the Municipal Act of 1891, the council is authorized to borrow such sum of money "as may be required to meet the current legal expenditure of the corporation," which becomes payable out of the annual revenue, before the revenue becomes payable by the taxpayers.

Such money so borrowed is payable and should be repaid on or before the 31st day of December of the year in which it may have been borrowed of the municipal revenue for the year of such borrowing, but the amounts in excess of the revenue for the years 1887, 1888, 1889, and 1890, were expended for various contingent expenses for each of such years; the details of which are in the public accounts for each of such years.

These amounts are as follows:

For 1887.....	\$ 2,265 75
" 1888.....	33,691 07
" 1889.....	62,686 96

each of such amounts including all amounts due for previous years and the total amount due at the end of each year. There being then a total amount due at the end of 1889 of \$52,586.56 as appears by the public accounts for such years.

In 1889, in order to prevent interest accumulating on such amount, at the overdraft rate of six per cent. instead of depositing on account current at a much smaller rate, the Council of 1889 liquidated such debt out of a portion of the proceeds of special loans, namely:

taken from the general revenue for such year, and expended for the purposes authorized by the said special loans.

The amounts so taken aggregate \$62, 103.33.

ILLEGAL DIVERSION OF LOANS.

The amounts so taken aggregate \$62,103.33.

ILLEGAL DIVERSION OF LOANS.
3. In reply to the charge of "Illegal diversion of loans," the council of 1891 say, as to paragraph 3:

That the figures set forth in the first part of this charge are the basis of and the details of the previous charge of "Excessive use of borrowing powers beyond ability to repay."

The special deposit for water works account..... \$10,000 00
The water works extension account..... \$17,174 14
being the unexpended amounts of such special loans, were placed to a special deposit account with the bank and subsequently expended for the special purposes for which such loans were borrowed.

As to sub-section "a":
The moneys raised under by-law passed by the council of 1889, \$45,000, referred to in clause "a," were insufficient for the purposes for which they were raised, namely, enlarging the "Boys' Bay Cemetery," the same having been exhausted in street and bridge improvements, as appears by the public accounts of such year.

As to sub-section "b":
The council of 1889, as appears by the corporation accounts for that year, expended out of the moneys realized from the \$25,000 loan by-law for Park improvements the following sums:

For keep of animals in Beacon Hill Park.....	\$4,121
For band.....	8,000

The amount of the estimates for Park general revenue for the year 1889 having been expended for general park purposes, the above two items were charged to the loan account.

As to sub-section "c":
The premiums obtained from the loans referred to in the petitioners' charge appear by the Corporation books to have been entered by the Council of 1889 in general revenue account and paid out thereunder, the amounts thereof aggregating \$4,567.

BORROWING WITHOUT AUTHORITY OF BY-LAW.
4. In reply to the charge of "borrowing without authority of by-law," paragraph 4, the council of 1891 say:

That the bank overdraft by-laws of 1891 were passed under the authority of subsection 135 of section 96 of the Municipal Act, 1891, before the charges and rates had been settled for the current year.

ILLEGAL INVESTMENT OF SINKING FUNDS.
5. In reply to the charge of "Illegal investment of Sinking Funds," paragraph 5, the council of 1891 say:

That previous councils as far back as

1874, as appears by the public accounts, have allowed the sinking fund to remain on deposit, bearing interest at 3 per cent., compounded annually at the Bank of British North America, but credited to special trust account in respect of each of the loans.

The sinking funds for the year 1891 have not as yet been collected. The corporation will probably owe the said bank \$92,000.00 at the end of the year 1891, instead of \$125,000.00 as alleged, of which amount \$71,615.00 in respect of debts accumulated prior to 1891, and against which certain valuable assets should be credited.

SEWERAGE.
(6) In reply to the first part of the charge relating to "Sewerage," paragraph 6, the council of 1891 say:
That, owing to the financial crisis occurring at the time the \$300,000.00 worth of debentures were in the market for purchase, the best arrangement the council could make for the sale thereof, in their opinion, was a conditional offer of 85 cents on the dollar, which was accepted by the council upon the condition that if within 12 months from such purchase a better offer could be obtained the purchasers should resell the debentures to the corporation, receiving the amount they had advanced therefor with debenture interest for the period the purchasers had held the same, and the council of 4 per cent. annum on the amount advanced from the time of such advance to the time of redemption. The council of 1891 further say, that no higher rate than that for the debentures was to be paid, but the council have the privilege and option, upon payment of a 4 per cent. bonus as aforesaid, to take advantage of any increased amounts they may obtain for such debentures within one year.

The sewerage works being matters of great public necessity, delays in construction would have been inexpedient, and the Council of 1891 made the best arrangement that, in their opinion, could be made in the premises, having regard to the necessities of the city and the state of the financial markets and low rate of interest provided in the by-law.

As to clause "A" of such charge the Council of 1891 say: That it is true that they have not formally passed a by-law reappointing the sewerage commissioners for this year especially, but such commissioners have nevertheless exercised a supervision and inspection of all matters pertaining to sewerage works, and now are acting as such, and the Council at the beginning of the municipal year 1891 did pass a resolution reappointing all corporate officers for this year.

SEWERAGE CONTRACT.
In reply to the charge relating to "sewerage contracts," clause (b) par 7, the Council of 1891 say:

That the Council of 1890 accepted the lowest tender for sewer pipes, and that with regard to the condition of the pipes supplied, the Council of 1891 say that the question of the acceptance or non-acceptance of same such question is within the Council of 1891 and not of duties of the Sewerage Commissioners, and the Council believe that no pipes of defective quality have been received or accepted.

That there have been no delays in the delivery of the pipes or hindering or delaying the contractor as to entitle the contractor to any claim for extras or otherwise under the sewerage contract.

So far as the Council of 1891 is aware, no member of the Council of 1890 was interested in the sewer pipe contract, which was awarded to an incorporated company, but even if any of the aldermen of the Council of 1890 were shareholders in the incorporated company, such contract was awarded, such action is authorized by virtue of subsection 11 of section 27 of the Municipal Act, 1891, which reads as follows:

"No person shall be held to be disqualified from being elected a member of the Council of any municipal corporation by reason of his being a shareholder of any incorporated company having dealings or contracts with such municipal corporation; but no such shareholder shall vote in the Council on any question affecting the company."

Such aldermen, if any, of 1891 were not members of the Council of 1890 when the sewerage contract was awarded, and did not vote upon any matter affecting said contract in 1891.

SALE OF GRAVEL PITS.
In answer to the charges in connection with the "sale of the gravel pits," paragraph 7, the council of 1891 say:

As to clause "A"—That the council of 1891, in the due exercise of the discretion vested in them, considered that the gravel pits were no longer required for corporation purposes, and accordingly directed the sale thereof for divers good and sufficient reasons, and the ratepayers of the city approved and assented thereto, in accordance with the statute in that behalf, sub-section 72, sec. 96, of the Municipal Act.

As to clause "B"—The lots were advertised to be sold by the city assessor. In consequence of a proposition from Mr. Joshua Davies, the city assessor was authorized to employ Mr. Davies in the connection with the sale by auction, the city assessor having no experience as an auctioneer, and Mr. Davies being a skilled auctioneer of great experience, and offering his services gratuitously upon condition that the amount of commission usually paid for such service and assistance as he rendered should be devoted to the Provincial Royal Jubilee Hospital. The council of 1891, consenting that through Mr. Davies' efforts the same would be realized from such sale, would still leave the balance greater than if sold without his assistance, acted as aforesaid. By this means a greater sum was realized from such sale and the Council were enabled to grant a certain amount of aid to a charitable institution, a power expressly granted the Council by subsection 15 of section 96, Municipal Act 1891.

The Municipal Act, subsection 72 of section 96, requires the Council to accept as payment for such lands either money or real property.

At the auction referred to, all purchasers paid a cash deposit and signed agreements to pay the balance in cash on or before the 31st day of December, 1891, with interest in the interim after the rate of six per cent. per annum. No other arrangements have ever been entered into with the purchasers, and the whole of such consideration is payable wholly in money, in accordance with the Act in that behalf, and the Council of 1891 believe that a much larger sum was realized from such sale than would have been realized otherwise.

THE PROCEEDS OF THE SALE MISAPPLIED.
In answer to the charge that "the proceeds of the sale of Gravel Pits have been misapplied," the Council of 1891 say:

That the proceeds of the sale, as received to date, have been expended for street improvements, and the balance will be so soon as received.

The policy of retrenchment of expenditure adopted in street works being considered necessary by the Council of 1891 in view of

the state of the revenue, it would appear that any effort toward reduction of expenditure in any direction, and the approval of the petitioners, notwithstanding that they charge extravagance generally, being a great number of petitions for repairs of sidewalks, a great number for extension of streets and a great number for new roads or streets in 1891, and a great number for water extensions and other works, upon some of which petitions the names of some of the petitioners herein appear, and the petitioners, in Clause "C,"—This clause being merely an expression of the opinion of petitioners and not an allegation of fact, the Council of 1891 do not consider it necessary to reply specially.

ATTEMPT TO ILLEGALLY DIVERT LOAN MONIES.
8. In the answer to the charge of "Attempt to illegally divert loan monies," paragraph 8, the Council of 1891 say:

That the Johnson street sewer by-law of 1888, assented to by the ratepayers, authorized John Johnson, for the purpose of constructing a brick sewer in Johnson street, between Blanchard and Victoria harbor, and such other sewers as might be necessary to construct along such streets as intersect Johnson street.

The amount raised under such by-law was expended in accordance with the purposes thereof. But such amount being insufficient for the purpose of completing the work authorized, the Council of 1891 appears by the public accounts, advanced out of the general revenue the sum of \$7,675.22. During the year 1890 the sewerage commissioners paid to the Council the sum of \$29,000.00 for the sewerage in connection with sewerage works independently of the Johnson street sewer:

Bonus for Mr. Johnson's plans.....	\$2,000 00
One hundred contour maps for Mr. Hart.....	140 00
Advertising for plans publishing by-laws, etc.....	280 50
Mr. Hart's salary.....	1,500 00
Sinking trial holes.....	500 00
Total.....	\$4,420 50

The sewerage commissioners have not repaid any portion of the said sum of \$7,675.22 out of the \$300,000.00 sewerage loan or otherwise.

RECKLESS CONDUCT OF MUNICIPAL AFFAIRS DURING 1891.

9. In answer to the charge of "Reckless conduct of municipal affairs during 1891," paragraph 9, the council of 1891 say:

That the auditor's estimate includes the real estate tax uncollected at end of year, estimated at \$25,000.00. The proceeds of sale of gravel pits is likewise included, the expenditure on street improvements being included in the general expenditure account.

The total estimate of shortage being \$22,450.00, instead of \$137,030.33, and including all debts left by previous councils, and also including arrears of real estate taxes and other charges to date. This is the same charge mentioned in paragraph 1 and repeated in subsequent paragraphs. The council have not raised the taxes on real estate to the highest limit, but have by virtue of the Municipal Act distinguished under the term "real estate" between "land" and "improvements upon land," and have taxed land at one and one-half of one per cent. and improvements upon land at one-half the limited amount, namely, at three-quarters of one per cent., against which amount of taxes a rebate of one-sixth thereof is allowed if paid on or before the 1st day of December.

EXPENDITURE ON PUBLIC MARKET BUILDING.
10. In answer to the charge of "Expenditure on Public Market Building," paragraph 10, the council of 1891 say:

That the same arrangement has been made with reference to the Market Building Loan Debentures as stated in regard to the Sewerage Debentures.

The Council of 1891 are now, and always have been, willing to afford any information as to the market expenditures, and any other expenditure, to petitioners or any other persons, and are willing to produce any data they have which may be asked for, but so far as the council are aware no such requests have been made, prior to this enquiry.

One by-law authorized a loan of \$45,000 for the land and another by-law authorized a loan of \$55,000 for the buildings. The sum of \$42,000 was paid for the land, and the remainder for expenses incident to the land, etc. The details of which are as follows:

Land.....	\$ 42,000 00
Cleaning land.....	712 45
Interest.....	1,675 38
Printing and advertising.....	344 55 33

Of the \$55,000 for the buildings, \$34,455.33 has been paid the contractors on account, and the balance will be paid so soon as the buildings are completed. The following are the details to date:

Contractor on account.....	\$34,455 33
Architect's fees.....	1,450 00
Interest.....	126 95
Advertising and printing.....	\$36,132 91

The remaining portion of this charge is a matter of opinion upon which the ratepayers have already passed their assent.

WATERWORKS.
11. In answer to the charge relating to "waterworks," paragraph 11, the council of 1891 say:

That a sum aggregating about \$152,000 has been received by the corporation during a series of years from the waterworks, and applied to current revenue account. It was the duty of the corporation to so apply such sums by virtue of section 34 of the Water Works Act, 1873, which reads as follows:

"34. That, after the construction of the works, all the revenues arising from or out of the supplying of water, or from the real and personal property connected with the said waterworks, acquired by the said corporation or commissioner under this Act shall, after providing for the expenses attendant upon the maintenance of the said waterworks, be paid over to and deposited monthly with the clerk of the said corporation of the City of Victoria, as hereinafter provided, and shall not be retained by the funds of the corporation, and may be applied accordingly."

With regard to the expenditure on the reservoir at the head of Pandora street, this expenditure was incurred in the year 1887 by the council of 1887, and the council of 1891 was a member and approved of same. While the work was in progress, Peter Summerfield, a professional engineer, was appointed water commissioner. Mr. Summerfield disapproved of the work as useless, and the council thereupon declined to spend any further moneys upon such reservoir.

The amount spent prior to such time was \$23,080.15 for land, reservoir, etc. The rest of the charge is merely an expression of the opinion of the petitioners, to which the council do not consider it necessary to reply specially.

ILLEGAL SUBSCRIPTIONS FOR CHARITABLE PURPOSES.
12. In answer to the charge of "Illegal

subscriptions for charitable purposes," paragraph 12, the council of 1891 say:
That by subsection 15 of section 96 of the Municipal Act, the council are authorized to grant aid to charitable institutions and for the relief of the poor, such grants of aid as have been made for charitable objects outside of the municipality have been of small amount, and the council of 1891 have not been called upon nor have they granted any such aid, with the exception of the sum of \$500.00 granted to the sufferers by the Springfield coal mine explosion in Nuch South, this amount being sent to the Mayor of Halifax. The donation to the sufferers by the Seattle fire was made in 1889.

EXTRAVAGANCE AND MISMANAGEMENT GENERALLY.
13. In answer to the charge of "extravagance and mismanagement generally," paragraph 13, the council of 1891 say:

That they have spent up to the end of the 30th day of September, 1891, on streets the sum of \$56,131.36, the same being a necessary expenditure.

The salaries of the city officials aggregate as follows:

Police department.....	\$30,100 00
Electric light department.....	4,290 00
Water department.....	1,800 00
Board of health department.....	1,800 00
Water works department.....	1,080 00
Surveyor and engineer and costs.....	1,480 00
Fire department.....	11,976 00
Mayor.....	1,800 00
Total.....	\$74,446 00

Upon examination of the particulars of the above items, it will be apparent that no deduction can be fairly made from the amount charged.

As to the item of \$438.00 for the map of cemetery lots, the only map of such lots in the possession of the city was an old map in bad condition, and which was thought to be the best that could be had. The city engineer had to have a new and correct map, and the same was accordingly ordered. Owing to the duties devolving upon the city engineer, it was impossible for him personally to prepare from somewhere on the coast, and the engineer had to be a draftsman. For these reasons the map was prepared by Mr. T. S. Gore, D.L.S. The work was well done, and worth the amount charged.

As to the item of \$415.50, in respect of which \$365.50 has been paid; such payment was made by reason of the following facts: The National Electric Traction & Lighting Company, Limited, had located their proposed line on Pandora street at a certain distance from the sidewalk on one side thereof. The city engineer disapproved of such location, and required same to be changed to the other side of the sidewalk. This change of line was approved of and assented to by the company and the city engineer, and the work of construction commenced. Subsequently the National Electric Traction & Lighting Company, Limited, located their proposed line on Pandora street at a still greater distance from the sidewalk, in order to have greater space for a carriage way, and the city engineer disapproved of such change, and required same to be changed to the original location. The city engineer, in order to be paid in the centre of the streets in order to equalize the expenses of those persons making connections from the lots on either side of the street, was obliged to pay the sum of \$365.50 as compensation for the extra expenses to which he had been put by reason of such change as aforesaid. The company, in order to be paid in the centre of the streets in order to equalize the expenses of those persons making connections from the lots on either side of the street, was obliged to pay the sum of \$365.50 as compensation for the extra expenses to which he had been put by reason of such change as aforesaid.

REVELATIONS.
The Columbia has again fallen several feet. The lowest record having been reached. The almost sudden rise of the water, two weeks ago, was only temporary, and now steamboating will have to take a back seat.—Star.

LANGLEY.

The committee which has in hand the preliminary arrangements for drying and reclaiming the prairie lands around the town of Langley, is now in a fair way to issue its report to the land owners interested. For the past few days levels have been taken by an engineer with a view to ascertaining a suitable level for 1,200 acres of as rich land as the province can boast of, can be reclaimed from the injurious effects of the overflowing water of the Fraser river in the month of June, caused by the melting of the snow on the mountains.

Great interest is felt in the municipality over the prospect of a canal to connect the waters of Burrard Inlet with Pitt river. The construction of this canal will be a great boon to the farmers of the district, and will certainly affect the farming interests beneficially.—News-Advertiser.

BRAZILIAN NEWS.

The Revolution Spreading—The Junta Protests Against the Acts of the Dictator.

New York, Nov. 15.—The Herald's Buenos Ayres advice states that the Brazilian news is of a still more alarming character, indicating the rapid spread of the revolution throughout Rio Grande do Sul. Governor Castello resigned yesterday, but the government in charge of a provisional junta, Assis Brasil, General Osorio and Barros Cassal. The revolution appears to be successful. The garrison at Itagui, in Uruguay surrendered without a battle.

Porto Alegre, the capital of the state, is in the hands of the revolutionists. In the interior of Rio Sul all telegraph lines have been destroyed, so it is difficult to obtain authentic details as to what is going on. It is believed that several northern provinces will join the government against the dictator. The fleet of Fonseca sent to Rio de Janeiro has not reached any of its ports.

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NEWS OF THE PROVINCE.

The Verdict in the Case of Sam Greer to be Appealed to the Full Bench.

Opening of the New Catholic Church at Port Guichen—The Columbia Still Falling.

LADY'S LANDING, Nov. 17.—(Special).—The new R. C. church at Port Guichen was consecrated, on Sunday last, (15th). Quite a number of New Westminster people came down on the steamer Gladys to attend the services.

The body of the late Edward Vaughan, one of the victims of the recent sad drowning accident, was sent East to his friends, on Saturday last. The body of the young man had not yet been found, and very little hopes of its ultimate recovery are entertained.

A social dance held in the Town Hall, on Friday night last, was well attended. Everyone, as usual, enjoyed it immensely. Mr. Thos. Whitley, who has made his home here for the past two years, leaves for England, next week.

Mr. Harry Gough goes East, this month, to reside in the United States. He intends returning to British Columbia next spring.

WESTMINSTER.
In the Greer case, recently tried before the public sessions, proceedings in error will be instituted before the full bench of the Supreme Court, to set aside the trial on the grounds of misdirection of the judge to the jury. Proceedings of this kind are very rare in British Columbia, and the public will await the decision of the full bench with great interest.

The name of the Indian found dead in a vacant lot off McNeely street, on Saturday, was Baptiste. He came from somewhere on the coast, and, though addicted to drink, was not a bad character. The body will undergo a post mortem examination. The police have been investigating the case, and have obtained an important clue, which will probably result in proving that Baptiste came to his death by foul means. One arrest has already been made, and others will likely follow. The person arrested was with the deceased on the night of his death.

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