

VANCOUVER URGES CHANGES IN ACT

DEPUTATION WAITS ON THE COMMISSION

Representations Made by Board of Trade of Terminal City on Assessment Grievances.

(From Tuesday's Daily.)

The assessment commission resumed its duties this morning. Col. Warren, of Vancouver, and a deputation from the Vancouver Board of Trade appeared and gave their views. W. L. Fagan, assessor for the Vancouver district, was also present.

Col. F. Warren, C. M. G., of Vancouver, appeared before the commission on behalf of the small settlers in the province. The system of assessment was insufficient. There was absolutely no system of assessment of land in the province. Assessors acted with perfect independence, and acted according to their own knowledge or lack of knowledge in making assessments. In some instances lands were assessed for a period of as long as 10 years. Yet the assessor would take it for granted that improvements had been made and assess 50 per cent. higher.

The rate of 1 per cent. on the assessed value of land was a rate which could not be paid if the current valuation was given.

The delegation from the Vancouver Board of Trade arriving, Col. Warren gave way to them. The deputation consisted of R. Alexander, John Hendry, Wm. McCrany, W. J. McMillan, H. C. Stone and A. B. Erskine.

Chairman Carter-Cotton explained that it could not visit Vancouver. Had it done so, however, other centres would have desired visits also. Another reason for not leaving Victoria was that all the documents and records were here. R. Alexander, speaking for the delegates, read a resolution adopted by the board of trade. The resolution set forth that taxation pressed unequally. One objection was that in business places the plant of a manufacturer was taxed at the same rate as the stock carried. The resolution favored plans of manufacturers being assessed at only half the rate of stock. It also favored book debts being free from taxation, and complained that in the assessment and collection of taxes a large amount of property went free.

In support of these representations, Mr. Alexander said that it seemed unfair that the plant which produced the stock should be assessed at the same rate as the stock produced. The machinery should either be free or assessed at half the rate of the stock. In Ontario in the classification the machinery was included as real estate.

Chairman Carter-Cotton said that in this province the movable machinery only was classified as personal property. Mr. Alexander said that when it came down to the final thing it was nearly impossible to decide what was fixed and what was movable machinery. The result was that machinery was assessed as personal property. The Ontario act further exempted machinery classified as real estate.

Mr. Alexander instanced a hardware merchant who had rivets and plates on hand. He was assessed on the value of these. A manufacturer who produced and produced a boiler. It was then taxed as a manufactured article, and made to pay on the labor producing it and the machinery which produced it. A boiler might be brought in and a tax would then be paid only on the article itself. This system of taxation worked against manufacturing.

Chairman Carter-Cotton thought that this carried to its extreme would exempt nearly everything. Mr. Alexander said that going back it came to the stand taken by the board of trade, that the personal property tax could not be levied equitably, and that the only way to collect fairly was on income.

Referring to the cases of the men coming into the province with \$100,000 each, he said that the provision in the machinery and going into manufacturing would pay \$1,000 in taxes. The other letting his money at, say, 6 per cent, got an income of \$6,000. With \$1,000 exempted the man paid 1 1/2 per cent. on \$5,000, or \$75 in taxes. This was eminently unfair, and afforded little encouragement to go into manufacturing in the province.

Hon. R. G. Tatlow pointed out that the land on which the investment was made also paid taxes. In the other instance the product was not taxed. Mr. Alexander said that the same man did not pay the tax.

Referring to the lumber industry, Mr. Alexander said that there was a mistaken idea with respect to the importance of the industry. It contributed very heavily to the province. His own firm paid \$45,000 to the government in royalties, taxes, etc. Of that sum \$32,205 was paid in royalty; the rental for land was \$9,329, and the personal property tax was \$2,826. For each working day the company was obliged to pay \$155 to the government. This amounted to a charge of 65c. a thousand. The profits, after paying mining expenses, were about \$2 per thousand. The government collected 65 cents of this, or 3 1/4 per cent. of the profits.

Hon. Mr. Tatlow and Chairman Carter-Cotton thought that the rental for land and royalty should not be included, as from this the company got its supply of timber.

Mr. Alexander said that what he meant to show was the importance of the lumber industry to the province. The company only got 11.5 per cent. out of the cost of production, while the general public in the way of wages, etc., got 88 per cent. It was therefore an important matter not to press too heavily upon the industry.

With reference to the taxation of book debts, he showed that an article might be taxed three times. A sold to B on credit, B sold to C on credit. The article

was taxed on A and the value collected on from B and A. Chairman Carter-Cotton thought that the same applied to taxing income, as taxes were collected off the income of the employees.

Mr. Alexander showed that this was not true, as the salaries were deducted before the tax was paid on income so that there was no double taxing.

Mr. Buntzen then placed a proposition before Mr. Alexander. He said that the personal property tax amounted to about \$240,000; the income tax about \$85,000, of which the general public paid about \$45,000. To wipe out the personal property tax would require the raising of \$240,000 from the general public, which meant increasing it by five or six times. Mr. Buntzen wanted to know if he thought that the public would be satisfied to pay a high rate on income taxation.

Mr. Alexander did not think that the public would be satisfied, but he thought it was the fair way to do it.

Mr. Buntzen, coming to the increased rate up to perhaps 7 per cent. as in England, wanted to hear anything that would press unfairly on the single man and the man with a large family, and the income tax became as unfair as any other system of taxation.

Mr. Alexander urged that there was a feeling that very inaccurate returns were made in connection with the assessment, and that, therefore, the taxes pressed unequally. It was suggested that a better system of getting accurate returns should exist. In the state of Washington a board of equalization, which was a local body, went into the returns after they were prepared by the assessor, and its knowledge adjusted the assessments. He wanted to know if the assessment returns were available for inspection by any one wishing to see them. In Ontario it was provided that these rolls were open for inspection, and the person might make any complaint in the matter.

Hon. R. G. Tatlow showed that section 88 provided that the assessment rolls were open for inspection. The rolls prepared from these.

Mr. Alexander said that an impression also prevailed that there were persons who did not pay their taxes, and the higher for this. He never heard of a forced collection of delinquent taxes on personal property. He would like to have it provided that at a certain date action should be taken.

Hon. R. G. Tatlow said that there never was a year previous to this when there was as little in unpaid taxes as at present. He had given instructions to enforce the payment. One instance of the enforced collection was that of seizing the Le Roi mine for taxes held to be due.

Mr. McKillop said that assessors were instructed to restrain when taxes became delinquent. It would not be wise to fix one date for the restraining, there would be a wholesale action in this line, and many merchants' stocks would be seized.

Henry S. Stone, of Gault Bros., a member of the deputation, next addressed the commission. He alluded to the fact that apparently the personal property tax had been collected in its entirety from the few, while the majority of the stock in business places collected showed that the assessment for personal property was only \$100,000. If proper returns were made by all, this, he believed, would be doubled. There were 620 stores in the province and 200 wholesale houses. Taking the average values of these at \$7,000 each for the former and \$75,000 for the latter, the total would be \$5,000,000 valuation. In connection with this the province expended \$30,000 in the province, the severity of the taxation made it very questionable whether it should not withdraw its houses here and depend upon travellers doing business. He argued in favor of taxing travellers who came into the province to do business.

Giving his own views he opposed tax on book debts. The merchant derived no advantage from trying to collect these, and should not be taxed. He favored the collection of taxation on the amount of the turnover. The merchant in many instances had to carry a large stock on account of his distance from the manufacturing centres. The merchant derived no advantage from the large stock carried.

W. J. McMillan, representing the wholesale interests on the deputation, said that the small merchant was pressed very heavily upon in taxing book accounts. The large merchant could discount his and get value, but the small merchant having his book accounts in small amounts was not able to do this. This assessing of book debts meant taxing goods to the full amount, over and over again. This taxing of book accounts was most unjust. The merchant was not able to raise his rate of collection in this indirectly because of the competition from outside salesmen coming in.

Chairman Carter-Cotton wanted to know if there was not danger of driving some of these commission merchants out of the province.

"Well, you have the alternative of driving out these or driving out the merchants who carry a large stock," said Mr. McMillan. He thought the latter were entitled to more consideration as being of greater value.

With reference to book debts he said that in many instances merchants had to carry farmers' accounts from one crop to another. If this law was enforced strictly these merchants would be rendered bankrupt.

John Boyd, of the deputation, urged that travellers coming in and selling goods should be made to pay heavily. Many of these represented jobbing houses of Seattle, Portland, etc., who did no benefit to the country. He thought that commission merchants could be made to pay on the turnover. As a representative of the merchant class he did not favor the allowing of professional men and others of money getting off with a much smaller tax than the merchant of a similar income.

A. B. Erskine also addressed the commission. He was supporting the other members of the deputation.

In concluding, Mr. Alexander said that there was no opposition to paying taxes. The desire was to get a basis of taxation which would press fairly.

W. L. Fagan, assessor for Vancouver district, was asked by Mr. Ker if there were any items in form 9 referring to annual income. Mr. Fagan said that he would curtail them. The merchants should be asked to state what date his balance sheet was made up. The amount of insurance should also be put in, which would give the assessor a good idea of the value.

The commission then adjourned until 2:30 this afternoon.

(From Wednesday's Daily.)

The assessment commission has in all probability completed the taking of evidence. Yesterday afternoon concluded it. The commission will, however, leave the way open for others to appear before it if they wish, and for this reason the members are open to be called together again if within a week any witnesses give notice that they wish to appear.

Those wishing to give their views should communicate their desire to Carter-Cotton, the chairman, within a week.

The question was raised by Commissioner Buntzen and Ker as to whether the commission should be asked to have further on the 2 per cent. mineral tax if any offer to appear. The chairman thought that while this was not a subject upon which the commission could report, he thought that the views of mining men on the subject might well be taken and presented to the legislature, and that it would be of value to the members. This was agreed to by the other members.

Yesterday afternoon Colonel Falk Warren, of Vancouver, continued his statement before the commission. Unfortunately the hearing came to an abrupt termination, and Col. Falk Warren, after a verbal passage at arms between himself and Hon. R. G. Tatlow, withdrew from the room. Col. Falk Warren by examples showed that the small farmers whom he represented were taxed most unfairly in comparison with the large owners of choice lands about Kamloops and Vernon. He also showed that the redress supposed to have been given in the assessment act of last year by an exemption of \$500 on the assessment did not work out so perfectly in practice, and that some of those whom he represented were not able to get this \$500 exemption through the imperfection of the act. He also showed by a letter written by Hon. R. G. Tatlow that the latter had apparently misunderstood the working of the act in this respect.

Col. Falk Warren, continuing yesterday afternoon, said there was no definite system of assessing land in the province. He represented small owners of land between Kamloops and Vernon. Both places were situated on the railway. At Kamloops land was of a very high value. The small farmer was an owner who had 1,100 acres and was assessed at \$8,800. His land was assessed therefore at \$3.48 an acre. Another owner had 2,500 acres, valued at \$9,800, or \$3.89 an acre. Others were given of 1,181 acres valued at \$8,500, or \$7.20 an acre; 4,100 acres, valued at \$22,000, or \$5.37 an acre; nearly 1,000 valued at \$9,000, or \$8.46 an acre, and 3,200 acres at \$30,000, or \$9.37 an acre. These were nearly all agricultural lands, and were very valuable.

At Vernon he referred to properties as follows: 4,140 acres, valued at \$22,000, or \$5.30 an acre; 5,000 acres, valued at \$22,500, or \$4.50 an acre; 8,242 acres, valued at \$80,490, or \$9.23 an acre, and 16,000 acres, valued at \$131,000, or \$9.05 an acre. These men he did not contend were paying too little in taxes. But if these values were put on the basis of the values of the small farms improved. These farmers whom he represented were an industrious class, who worked hard to improve their farms. He had lived among them and knew what they were. The first assessor he saw in the country had said that he was authorized to assess all land \$5 an acre. These small holders had cleared small tracts of from 8 to 20 acres at a great cost of perhaps \$3 an acre. To assess these farms with only a few acres of clearing, the remainder being useless even for pasture, at \$5 an acre, was an outrage. The assessor had not visited these lands for years, yet on the supposition apparently that they should have certain improvements now, he had raised them from an \$800 assessment to \$1,000.

He had written to the minister on the subject, and had received a reply from Hon. R. G. Tatlow, which seemed to him would settle the matter. The letter was marked personal. In it Capt. Tatlow showed that with \$500 exemption and 40 per cent. discount allowed to actual farmers who paid their taxes before a certain date, that the interests of the small farmer were protected, and the taxation would be just what it was before. He sent a copy of the letter to the assessor, but apparently something had intervened and the letter had no effect.

The exemption of \$500 provided for in the act was not allowed in a single case.

Producing letters from the assessor addressed to various settlers, Col. Falk Warren showed that in one case the official stated that this \$500 exemption could not be allowed, because the land was crown granted. In another instance the assessor said the exemption had already been made. This was probably done in the mind of the assessor before the assessment was fixed, and the \$1,000 was regarded as in excess of this.

Col. Falk Warren desired an explanation of these matters, but Hon. R. G. Tatlow told him to proceed with his story and at the conclusion these would be answered. Incidentally Hon. Mr. Tatlow alluded to the colonel making unqualified for insinuations.

Col. Falk Warren became indignant, and asked for an explanation.

The minister returned that he made a "dirty insinuation" to the effect that he (Hon. R. G. Tatlow) had purposely misled him.

The colonel replied: "I did not say so." Hon. Mr. Tatlow: "I know you did not come out like a man and say so, but by a dirty insinuation you attempted to convey that impression."

Col. Falk Warren denied that any such construction was to be put upon his words, and demanded that Hon. Mr. Tatlow withdraw the objectionable language used towards him.

To this the minister would not accede, and contended that when the colonel drew attention to the fact that the letter was marked "personal" that he inferred that this was done for the purpose of keeping it back in some way, and he was giving misleading statements. The colonel said he did no such thing. The letter contained a misstatement. He read the letter to make this plain, saying

that he was driven to it by the action of the minister. The letter stated that he (Hon. R. G. Tatlow) could explain some of the points raised in this connection better in a few minutes' conversation than in a letter. By the \$500 exemption and the 40 per cent. discount of the amount of the taxes, the settler was placed in the same position as under the old act. This a settler with an assessed value of \$1,500 would be given a \$500 exemption, leaving \$1,000 to be taxed. The taxes, deducting the 40 per cent. allowed to actual farmers, would amount to only \$6. The discount was intended to apply to actual farmers cultivating their own ground. Persons living in town and drawing good salaries independent of these farms were not supposed to get this discount. There had been some trouble in making assessors understand these provisions of the act, but publicity had been given to it in the papers, and he thought that any mistakes would be righted by the assessors before the rolls were completed. While the act was in effect in all ways, yet it made an honest effort to aid the poor farmer.

After reading this, Col. Falk Warren said he would read from another letter sent out by the authority of Hon. R. G. Tatlow to the assessors. The letter said: "Do not enter into assessment column the 40 per cent. allowed to farmers, but in each case the 10 per cent. discount."

Col. Falk Warren prepared to leave the room, saying: "What is the duty of insinuation now?" He added: "I will not say anything further after a minister saying I am guilty of a dirty action."

He thereupon left the room.

Mr. McKillop was asked to explain the apparent discrepancies referred to by the colonel.

The surveyor of taxes saw that the circulars were sent out by him to the assessors. The original bill did not provide for this 40 per cent. discount. Just before its third reading this clause was put in the act. The schedules forming part of the act had not been changed in conformity with this amendment, and no column existed for entering the 40 per cent. discount. There was one for the ordinary 10 per cent. discount. He has found assessors were confused. On the subject, and had sent out the circular telling them not to enter the 40 per cent. discount to farmers in the 10 per cent. column.

An actual farmer was defined in a circular letter as a man occupying not less than 10 acres of land, who actually lived upon it.

Instructions had been issued in a circular concerning the \$500 exemption also. Homesteads under the act and the pre-emptions under the provincial act were given this exemption. It was provided by the instructions sent out that value given was to show it with the \$500 exemption. The circular was a settler might have this \$500 exemption taken off repeatedly, there being no columns for entering the exemption.

When a man had a crown grant he had not the privilege of the \$500 exemption. That only applied to homesteads and pre-emptions.

The assessor alone fixed the amount of the assessment. The government in no instance dictated to any assessor in the matter.

Mr. Ker wanted to know if these assessments were examined by the surveyor of taxes with the object of making the assessment uniform.

Mr. McKillop said that he had in some instances communicated with the assessors with this object in view.

Incidentally Mr. Ker expressed the opinion that he could not see why members were improving the country. It was not the members of the government were not made cognizant of the suggestions of the assessor of taxes and other officials.

Mr. McKillop said he would present a report to the commission on this very line. This was done at the suggestion of the minister. He could say that the various points raised before the commission were as "old as the hills," and had been gone into by commissions time and time again.

Beaumont Borge appeared before the commission later. He said he represented small holders in the Saanich district. He referred to the way in which small holders were improving the country. It was not the members of the government were not made cognizant of the suggestions of the assessor of taxes and other officials.

He had written to the minister on the subject, and had received a reply from Hon. R. G. Tatlow, which seemed to him would settle the matter. The letter was marked personal. In it Capt. Tatlow showed that with \$500 exemption and 40 per cent. discount allowed to actual farmers who paid their taxes before a certain date, that the interests of the small farmer were protected, and the taxation would be just what it was before. He sent a copy of the letter to the assessor, but apparently something had intervened and the letter had no effect.

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EXCELLENT WORK OF POLICE FORCE

CHIEF REPORTS ON SHOWING FOR YEAR

Victoria Has Enjoyed Gratifying Immunity From Visits on Part of Dangerous Law-Breakers.

Chief of Police Langley has completed his annual report, and in view of the splendid showing made by the force last year it will make interesting and gratifying reading to the citizens. The report follows:

Victoria, 16th January, 1905.
The Chairman and Board of Police Commissioners, Victoria:
Sirs—I have the honor to present my report for the year ending 31st December, 1904.

The various matters of detail relating to the constitution of the force, the health of the men, the patrol department, the police court records, etc., will be found appended hereto.

The men have been cheerful and prompt in rendering their services, and the force is now in an excellent state of efficiency. It retains the same personnel as last year, with the exception of a new appointment necessitated by the resignation of a patrolman.

The health of the men under my control has been generally better than last year, the aggregate days' sickness being 70 less than in 1903.

The commissioners are to be congratulated upon the wisdom displayed in according to the request for a patrol wagon. The return dealing with the results thus far amply demonstrated the usefulness of the vehicle and the fact that it will be more than self-supporting.

The efficiency of the patrol department can be increased by the use of call boxes, and it is recommended that at least 10 of these, owned and operated by the city, be installed in the business section. This number of boxes, set up and in running order, should not exceed in cost \$200, and these boxes would at least double the efficiency of the wagon, and by instituting regulations requiring periodical reports from patrolmen, these boxes would permit of an additional check being kept upon the men while on duty.

The patrol wagon has far more than fulfilled my expectations, and, with the installation of the suggested nucleus of a call system which would finally be extended to all parts of the city, centralization would be effected, and the efficiency of the entire force be practically doubled.

It might be noted that the cost of maintaining the police department includes the salaries of the magistrate and clerk of the court, and has this year been increased by the raising in pay granted to the men, as well as by the inauguration of the stripes system.

In September last an important change was inaugurated, viz.: The service stripes system was introduced, and the most effect it may have upon the men as to conduct, will undoubtedly exert a considerable influence toward keeping them on the force.

By the report of Detective Sergeant Palmer, appended hereto, it will be noted that with the exception of one murder—that of the Chinaman, Man Quan—that has been a gratifying absence of serious crime.

There were six burglaries committed during the year and the entire six offenders were arrested. Five were convicted and one discharged.

There is but little doubt that the strict surveillance maintained during the most year at the steamer landings and railway stations has insured this immunity from troublesome and dangerous characters with whom our neighbors have to contend.

The number of complaints in 1904 exceeded that of 1903 by 413.

The increase in the number of cases dealt with in the court during 1904 over those in 1903 is accounted for principally by drunks and detentions.

The amount collected for fines in 1904 is \$802.40 in excess of the amount collected in 1903.

The cost for clothing has this year exceeded that of last year by reason of the number of winter overcoats required.

I have the honor to be, Sirs,
Your obedient servant,
J. M. LANGLEY,
Chief of Police.

City Detective Office,
Victoria, 9th January, 1905.
J. M. Langley, Esq., Chief of Police:
Sir—I most respectfully beg to submit the following for your consideration:

It is a matter for congratulation that for the year just past this city has been so free from crime of a serious nature, when there is taken into consideration its close proximity to other places which are more or less overrun by desperate criminals.

It is often pointed out that Victoria is a hard place to get away from. While this is in part true of any well known individual, it certainly does not apply to the itinerant, who often has means and friends at his disposal, neither does he at all times render himself suspicious; hence making it necessary for a persistent observance to be maintained throughout the city.

The Chinese laundry case, which is still before the court, is the most important for the year. Briefly, the history of the crime is as follows: On the night of the 31st of January, Man Quan, an actor, was thrown from the balcony of the Chinese theatre and killed. Two of the participants, named Wong Gow and Wong On, stand charged with the murder. They were tried, convicted and sentenced to death, but, the case being appealed, they were allowed a new trial, which is still pending. Another Chinese, Wong Nam Yuen, succeeded in evading the police and is still at liberty, notwithstanding the offer of a reward for his capture and various other efforts in this direction, of which you are aware.

Other matters reported to the police, such as obtaining money by means of worthless cheques, housebreaking, theft, etc., etc., were dealt with, and in many instances the offenders were sent either to the jail or the penitentiary.

There were in all six cases of burglary,

and the entire six offenders were caught. Of these five were convicted and one discharged.

I might mention the case of shop-breaking which occurred during the night of May 14th, when Lancaster's clothing store on Johnson street was burglariously entered and over \$200 worth of clothing stolen. Three men were promptly arrested by the sergeant and constable on the beat, with the goods in possession, within a few minutes of the time the robbery was perpetrated. They were each sentenced to two years and six months in the penitentiary.

A considerable quantity of stolen goods was recovered at the residence of Emil Knuse. These had been systematically stolen from the Albion Iron Works. Knuse evidently anticipated our intentions and decamped to the other side.

A quantity of stolen plate was found hidden in a bush at the west end of the city, and was identified as being part of the plunder taken from a residence in the east end some three years before, and doubtless stolen by a man who is serving a long sentence for other crimes.

We have also acted on behalf of the police of other cities in the matter of stolen goods, missing persons, etc.

I would again call your attention to the urgent necessity for more room in this department, as we are at present very cramped. The additional room required could be easily obtained by removing the wall at the end of the office and fitting up the cell behind for our use.

The criminal photograph album asked for in my last year's report was duly received, and is a valuable acquisition to this office. I would further suggest that steps be taken to have what is known as the "finger print system" (which was so ably demonstrated at the St. Louis exposition by Mr. J. K. Ferrier, the finger print expert from the criminal investigation department of New Scotland Yard, London, Eng.) adopted in connection with this department, it being considered the most up-to-date method for the identification of criminals, and is being accepted by all the most noted police systems of the world, and gradually superseding the Bertillon system of measurements, the former being the more simple, reliable, and by far the least expensive, and could be installed at very little cost.

In conclusion, I might state that the following returns are the lowest on record: Reported lost or stolen, \$5,277; stolen, \$2,902; lost, \$2,325; recovered, \$3,218.

The above figures are approximate and do not include bicycles, chickens, boats and such like.

I have the honor to be, Sirs,
Your obedient servant,
THOS. PALMER,
Detective Sergeant.

Patrol Wagon Record, 1904.
Number of calls, 311; received from drunks, 122; other sources, 88; approximate saving, \$87; total value of wages' services, \$217; horse feed, \$45; balance of actual receipts over expenses, \$85.

Maintenance.
Total cost police department, 1904: \$30,519.14; 1903, \$28,867.28.

IN TROUBLE AT FRISCO.
A man named Thomas Dougherty, believed to be a former resident of Victoria, is in jail in San Francisco, charged with the shooting of one Frank Tiernan, a teamster, in its account of the matter, the Chronicle says:

"Frank Tiernan, a teamster, is lying at the Central Emergency hospital with a bullet hole in his back, and the surgeons say that his chance of life is slim. Thomas Dougherty, formerly a sailor and latterly a peddler, is under arrest for the shooting, which he frankly admits, stating that he would do the same thing again under like circumstances."

"Florence Whitehead, Dougherty's step-daughter, 14 years of age, is the cause of the shooting. Tiernan says that she loved the girl, that she returned his affection, and that they were soon to be married. Dougherty declares that the girl had been wronged by the teamster, and that she had declared to her mother that she had no use for him and only continued to live with him because she feared he might do some harm. She was employed in a second street bake shop."

"Dougherty went to, see last April, and returned again in September to his home at 533 1/2 Minna street." He says that before going he warned the girl to break off her acquaintance with Tiernan. Tiernan did not call while Dougherty was home, but as soon as he had gone to sea he went again to the Minna street house. Then he was sent away to the county jail for a term, having been arrested for larceny. He was released on Monday, and, according to Dougherty, took the girl away with them."

"Tiernan went to Dougherty's home, and, according to the story of the prisoner, told Mrs. Dougherty that he would 'fix him' as soon as he saw him. When Dougherty told this story he armed himself, determined to take the initiative, as the teamster is a man of great strength and stature. An acquaintance told him that he would find the man he was looking for in a saloon at the northeast corner of Fourth and Bryant streets. Dougherty found Tiernan drinking there and shot him in the back. Then he ran out. At the hospital Dr. Carl Wilson found that the bullet had penetrated a lung and touched the spinal cord. Tiernan will probably die. He is the man who was captured by twelve-year-old Marcella Tully when he entered her mother's home on Ritch street several months ago and took a pocketbook belonging to her."