

THE TELEPHONE QUESTION.

CITY COUNCIL DOES NOT FAVOR REVISION OF TELEPHONE ORDINANCE.

Messrs. Strauss and Moise of Sumter Telephone Company Present Arguments in Support of Their Request For Permission to Sell Local Exchange On the Terms Proposed—Attorney Fraser's Opinion.

City Council met at 8 o'clock Thursday evening to hear the report of the special committee appointed on July 25th to consider the request of the Sumter Telephone Company that they be allowed to sell their property and rights to the Southern Bell Telephone and Telegraph Company under a contract permitting increased rates for service.

Present—Mayor W. B. Boyie, Aldermen H. D. Barnett, W. A. Bowman, J. H. Chandler, P. P. Finn, R. F. Haynsworth, E. H. Rhame and R. K. Wilder.

Absent—Alderman H. C. Haynsworth. Mr. Finn, chairman of the committee, submitted the written opinion of Mr. T. B. Fraser, attorney, as to the authority of council in the premises, which was that council has no power to make any change of rates except by agreement of the patrons of the company. In support of this opinion Mr. Fraser quoted from the statute of 1904, which provides the manner in which such changes may be made, that is by agreement with Council and the subscribers. And providing further, that except by agreement of subscribers no change in any existing rates shall be made without a hearing by the railroad commission. He thought that a company whose franchise has been obtained since 1904, is not within the first proviso, and such change, in that case, is within the jurisdiction of the railroad commission and not the city.

Messrs. I C Strauss and Marion Moise argued in favor of Council granting the right to sell to the Bell Company under the contract increasing rates. They reiterated their statements of July 25th, and emphasized the facts and necessities of the situation.

A number of citizens were present and Messrs. L. D. Jennings, A. B. Stuckey and C. T. Mason appealed to Council to stand to the present ordinance and grant no change. Mr. H. E. W. Palmer, assistant to the Vice-President of the Bell Company stated that he was in attendance by the earnest request of Mr. Strauss, for the purpose of answering questions should any arise and give such information as he might have. He repeated that the Bell Company is willing to buy and operate the Sumter plant at remunerative prices, but that the present effort for an increase of rates is not their fight. He again stated that the Bell Company is not at this time, an applicant for a franchise, and will never buy the local system without consent of Council.

Mr. Chandler moved that no company be allowed to operate a telephone exchange in Sumter, except in compliance with the Telephone Ordinance as it now stands, and his motion was unanimously adopted.

Mr. Strauss then asked that Council agree, on consent of subscribers, that the rate on residence phones be increased to two dollars per month; that office phones be placed on the same rates as other business phones, and combination rates be discontinued. On motion of Mr. Finn this request was referred to a committee, the mayor appointing Messrs. Finn, Wilder and Chandler.

The Council then adjourned.

Mr. Fraser's Opinion.
In Re Proposed contract between the city of Sumter and the Southern Bell Telephone and Telegraph Company.

Sumter, S. C., August 2, 1906. To Messrs. P. P. Finn, H. C. Haynsworth and R. K. Wilder: Gentlemen—You have submitted to me the question as to the making of a contract between the city of Sumter and the Southern Bell Telephone and Telegraph Company. The first question for the city to determine is whether it shall make any contract which will bind the city for all time instead of an ordinance which may be changed as the exigencies of the future may demand. I understand that the Bell Company will not come unless a contract is made.

Another question arises as to the

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power of the city to make such a contract as is proposed.

The Legislature in 1904 (See Acts 1904, pages 496 and 497) conferred upon the Railroad Commission the power to fix rates. In that act we find the following:

"Provided, That in Cities and Towns where franchises have been granted by any city or town, to operate and maintain a telephone exchange or exchanges and the rates and tolls are fixed in any such franchise so granted, nothing herein shall permit any increase in the rates and tables so fixed for services now furnished, whether local or otherwise, except by agreement with the municipal authorities in any such city or town and the subscribers. Provided, further, That except by agreement with the subscribers, no change shall be made in any existing rates without a hearing by said commission, etc." A question has been raised as to whether the present ordinance fixes rates inasmuch as a maximum and minimum only are stated. The question is not practical here. In either event the consent of the subscribers is necessary and has not been obtained. Any agreement you make without the consent of the subscribers is void.

I think that a company whose franchise has been obtained since the act of 1904 is not included within the first proviso, and any change of rate it (without the consent of the subscribers) is within the jurisdiction of the Railroad Commission and not the city.

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Ferry Boat Sinks on Vistula River With Great Loss of Life.

Berlin, Aug. 2.—A ferry boat on the Vistula River sank today near Wilnaowo. Thirty persons were drowned.

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*Most victims of appendicitis are those who are habitually constipated. Orino Laxative Fruit Syrup cures chronic constipation by stimulating the liver and bowels and restores the natural action of the bowels. Orino Laxative Fruit Syrup does not nauseate or gripe and is mild and pleasant to take. Refuse substitutes. Durant's Pharmacy.

BIG ISSUE OF STOCK.

Birmingham, Ala., Aug. 2.—Announcement was made today of a stockholder's meeting to be held on September 1st, at Gadsden by the Southern Steel Company, to increase its capital stock from sixteen to twenty millions. It is believed in iron circles that this issue of stock will precede the consolidation of the Southern Steel Company with one or two other big industrial companies of the Birmingham District.

Unnecessary Expense.

*Acute attacks of colic and diarrhoea come on without warning and prompt relief must be obtained. There is no necessity of incurring the expense of a physician's service in such cases, if Chamberlain's Colic, Cholera and Diarrhoea Remedy is at hand. A dose of this remedy will relieve the patient before a doctor could arrive. It has never been known to fail, even in the most severe and dangerous cases and no family should be without it. For sale by all druggists.

The stores on the old court square are going up at a rapid rate.

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Professor Tyler of Amherst College, said recently:

"A man can live comfortably without brains; no man ever existed without a digestive system. The dyspeptic has neither faith, hope or charity." Day by day people realize the need of the use of a little corrective after overeating. A corrective like Kodol For Dyspepsia. It digests what you eat. Sold by all druggists.

Summer Diarrhoea in Children.

*During the hot weather of the summer months the first unnatural looseness of a child's bowels should have immediate attention, so as to check the disease before it becomes serious. All that is necessary is a few doses of Chamberlain's Colic, Cholera and Diarrhoea Remedy followed by a dose of castor oil to cleanse the system. Rev. M. O. Stockland, pastor of the First M. E. Church, Little Falls, Minn., writes: "We have used Chamberlain's Colic, Cholera and Diarrhoea Remedy for several years and find it a very valuable remedy, especially for summer disorders in children."

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