

HOTEL MEN IN EARNEST**THEY DISCUSS THE SUNDAY LIQUOR LAW.**

AND DECIDE THAT, FAILING TO OBTAIN RELIEF, THE THING TO DO IS TO TAKE A TEST CASE INTO COURT.

The Hotel Association met in force yesterday at the Ashland House to discuss the question of selling intoxicating liquors on Sunday. E. L. Merrifield, of the Continental Hotel, presided, and others present were A. L. Ashman, of the Sinclair; H. H. Brockway, of the Ashland; G. Wetherbee, of the Windsor; C. N. Vilas, of the Fifth-Avenue; Richard Meares, of the Hotel Royal; F. Kinzler, of the Hotel Brunswick; A. N. Darling, of the Fifth-Avenue; J. H. Breslin, of the Gilsey; Messrs. Matthews and Pierson, of the Sturtevant; E. S. Stokes, of the Hoffman; Foster Brothers, of the Aberdeen; W. D. Garrison, of the Grand Union; C. H. Read, of the Hoffman; Capt. William M. Conner, of the St. James; N. B. Barry, of the Glenham, and Charles Sprague, of the Grand Central.

The opinions of Edward L. Andrews and Col. Robert G. Ingersoll on the subject in question were read. "The furnishing of accommodations to guests of an inn," said Mr. Andrews in his statement, "is favored as a matter of public policy arising out of the necessities of the community. Hence, when the Legislature intends to invade the domicile of the travelling public it will do so in such express terms as are requisite to derogate from common right. Has the Legislature done so by the act in question? It certainly nowhere mentions the guests of an inn. When it employs the general term, 'any person whatever,' it is careful to qualify it by prohibiting the use of the articles in question 'as a beverage.' Clearly they could have but one meaning—that the articles were not to be disposed of merely 'as a beverage.' But when taken as part of a meal—as a drink with food—as an element in the normal life of the individual, their disposal was not prohibited. This qualifying clause points unerringly to visitors to hotels solely for the purpose of obtaining beverages. This intent of the Legislature is further shown by classing hotels under the same generic designation as taverns, indicating that the tavern feature of the hotel is the object aimed at, and not its character as a home for a large element of the population."

Col. Ingersoll contended in his letter that the law is not now being construed as its framers intended. "If we give," he said, "a narrow or literal meaning, without considering what was intended, then no person could give a guest at his own home a glass of wine at dinner on any Sunday or on any day on which a general or special election or town meeting was held without being guilty of a misdemeanor. Certainly the Legislature never intended such an absurdity. A lodger at a hotel is supposed to have substantially the same rights that he has in his own home. There he has the right to drink wine at his dinner. Why should that right be abridged simply because he is a guest at a hotel?"

"The phrase, 'as a beverage,' in a high degree solves the question. That is to say the hotel bar should be closed and the ordinary drinks should not be supplied. In the one case the liquor is the object of the drinker; in the other it is only an incident to the eating. The toper uses liquor as a beverage, while the meals of thousands of our best citizens (who never thought of using liquor as a beverage) are considered incomplete without it on the table in some form. A hotel remains at all times open to the public. In short, it is the home of the public, and in this home each guest has the same right, so far as what he shall eat and drink is concerned, as he would have under his own roof. Nothing can be more objectionable than that the city authorities shall have the right to watch to see whether a hotel guest drinks wine at his meals—to see the manner in which he lives. The privacy of the guest while in the hotel is just as sacred as when at his home and in such privacy he should be protected by the law. Besides, it should be remembered that during the 30 years in which the law has been in force the practice under it has never been to interfere with the dining table, which certainly ought to create a strong presumption that the construction I contend for is the correct one. I have read decisions with regard to the sale or giving away of wines or liquors on Sunday, but I find no case where the question is raised whether the keeper of an inn, tavern, or hotel has a right on Sunday to supply his guests with wine. This question involves another. The first question is, Has the guest a right to have liquor or wine at his meals? If he has that right at home he has, in my judgment, the right at his hotel. 'Shall I not take mine ease at mine inn?' is an old adage, and, up to this time, has never been disputed."

The following committee was appointed to wait upon Mayor Hewitt: E. L. Merrifield, of the Continental; Cassius H. Read, of the Hoffman; Gardner Wetherbee, of the Windsor; C. N. Vilas, of the Fifth-Avenue, and James H. Breslin, of the Gilsey. Col. Ingersoll will accompany the committee and make the appeal.

Resolutions were passed to the effect that if the Hotel Association failed to obtain redress from Mayor Hewitt the members would test the case. "That means," said W. D. Garrison, of the Grand Union, "that we shall probably all of us throw open our bars and get arrested. The association will defray the expenses of any contest that may ensue."