

SANDWICH AND COT DON'T MAKE A HOTEL.

Landlords Must Obey the Strict Letter of the Raines Law.

Obliged to Serve Genuine Meals and Have Ten Well-Furnished Bedrooms.

Corporation Counsel Scott Tells the Police They Must Decide Whether Hotels Are Bogus.

LIKELY TO STOP SUNDAY BUSINESS.

A Guest is Not a Person Who Merely Pretends to Eat in Order That He May Drink—Suspicious Cases to Be Investigated.

In plain language Corporation Counsel Scott has told Chief of Police Conlin what to do with hotel saloons.

The policemen themselves must be the judges of whether, when a man changes from a saloon to a hotel, he does it with the honest intention of receiving guests or merely to evade the Excise law.

Mr. Scott says emphatically that a hotel means a place that is "regularly kept open" for the feeding and lodging of people.

If the police carry out Mr. Scott's ideas drinks with sandwiches will not be served Sundays.

In his letter to Chief Conlin the Corporation Counsel says:

"In my opinion, the possession of a hotel license issued by the present Board of Excise is some evidence, although by no means conclusive, that the person holding it is the proprietor of a hotel, within the meaning of the Excise law.

MAY INVESTIGATE HOTELS.

"The fact that such a license is issued in a particular case carries with it a presumption that the requirements of the statute have been complied with.

But since the Board must necessarily act in each case upon information furnished to it, and such information may be erroneous, the mere possession of a hotel license cannot be said to be, in any proper legal sense, conclusive evidence that the holder thereof has, in fact, the necessary ten bedrooms for guests.

"You may, therefore, in each case inquire into that fact, and if you should find in any case that a person, although holding a hotel license, has not in fact the necessary accommodation for guests, the license will be no protection to him, and you will be justified in treating him as if he had no license whatever.

"Under the Liquor Tax law no account is taken of, and no inquiry is made into the moral character of a person desiring to engage in the liquor traffic.

The grade of tax to be assessed and the character of tax receipt to be issued therefor are determined, not by the character of the business to be carried on, but solely by the fact whether or not liquors are to be drunk upon the premises where sold.

"Hence any person, not falling within the few proscribed classes, who is able to pay the requisite tax, will be entitled to a tax receipt and may sell liquor to be drunk upon the premises where sold, subject to the restrictions upon such sales contained in the act.

Such a person, if he be the keeper of a hotel, will enjoy special privileges and immunities.

"So far as he is concerned, the restriction upon the sale of liquor on Sundays and between the hours of 1 and 5 a. m. are practically abrogated.

He may sell liquor during those times, in which all other persons are prohibited from selling, to the guests of such hotel, with certain exceptions not pertinent to your inquiry, with their meals or in their rooms or apartments there, but not in the barroom or other similar room in such hotel."

PROFITS ON SUNDAY TRADE.

"It is a matter of common knowledge that a large proportion of the persons engaged in the liquor traffic in this city find a considerable and enticing profit in the pursuit of that trade on Sunday, and it is not to be doubted that a very great number of those who will pay the tax specified in subdivision 1, section 11, will seek to bring themselves under the definition of a hotel keeper.

"The police will be aided by no such presumption as exists in the case of the issue of a 'hotel license' by the present Board of Excise, but must judge of each case according to the facts which they are able to observe for themselves.

"The Liquor Tax law defines the term hotel as used therein. The first requirement is that the building or place shall be regularly kept open for the feeding and lodging of guests."

It will not be sufficient that it is so kept open on Sunday, or between 1 and 5 a. m., but that it is 'regularly kept open, which I understand to mean that it shall be so kept open every day, and at all usual and convenient hours.

It must also be regularly kept open for the feeding and lodging of guests, which I understand to mean that it must be constantly furnished with the appliances necessary to provide its guests at customary and convenient hours with meals of

the general character usually furnished by hotels.

"The second requirement is that a hotel must contain at least ten furnished bedrooms, for the occupancy of its guests. I understand this to mean that these ten bedrooms must consist of separate apartments, and that each must be provided with sufficient bed, bedding and bedroom furniture to bring them fairly and reasonably within the meaning of the term 'furnished bedrooms.'

MEANING OF "GUEST." "You will observe that the only persons to whom even hotel keepers are authorized to sell liquors on Sundays and between 1 and 5 a. m. are their 'guests.' Just who are to be considered 'guests' is by no means an easy question to determine, but I think it is clear that the Legislature did not intend to include in this term persons who resort to a hotel solely for the purpose of drinking, even though they go through the form of partaking of food.

"It is not to be doubted that many attempts will be made by persons not properly falling within the definition of hotel keepers to avail themselves of the special exemption referred to.

"Section 37 of the Liquor Tax law gives to police officers authority, in the performance of their duties, to enter upon any premises where the traffic in liquor is carried on, or liquors are exposed for sale, at any time when such premises are open. In the case of an alleged 'hotel' this authorization includes the right to make such examination as is necessary to determine whether the place is really a hotel as defined by the act, and since, as I have already said, the police must depend upon their own observation for evidence upon this point, it may be necessary in suspected cases to make frequent use of the authority mentioned.

"It is inevitable that many attempts will be made under color of hotel keeping to avail themselves of the generally stringent provisions of the Liquor Tax law, and it is quite impossible to anticipate the many questions that are likely to arise. I can only advise you generally, as I have already done, regarding other provisions of the statute, that in all doubtful and suspicious cases, not so clearly violations as to justify summary arrests, the facts observed by your officers should be promptly brought to the notice of the District Attorney."

Conlin's Vacation to Begin To-morrow. Chief Conlin's vacation of fifty days begins to-morrow. He will go South with his family.

What Do You Think Makes Strong Men Weak? Experience of a Prominent North Dakota Politician Who Gained 40 Pounds in a Few Weeks.

Every man likes to be strong. Why shouldn't you be? Are you a tobacco user? Of course you know that tobacco is a rule, are away below normal weight, because tobacco destroys digestion and cuts off certain nerves on fire.

That works on the brain, saps its power, and you gradually become impotent. It is called "tobacco manhood." You never get weak this way when you gain flesh like our friend Williams. Read what he says.

ONE BOX DID IT. Sylvester, Wells Co., N. D., July 23. Gentlemen: One No-To-Bac cured me of the tobacco habit, both smoking and chewing, after having used the weed for nearly forty years.

My health is much better, nerves strong and steady, and I have gained over forty pounds in weight. I have recommended No-To-Bac to some of my friends, all of whom have been cured. I firmly believe that No-To-Bac will do for others what it has done for me. I heartily recommend it to all those who have become slaves to the use of tobacco and desire to be emancipated.

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DOCTOR COPELAND'S MONOGRAPH ON DEAFNESS.

The Cause of Ear Troubles, Where Deafness Begins, and the Treatment That Cures This Condition—Notable Cures Cited of Persons Who Had Been Deaf for Years.

THE CAUSE OF EAR TROUBLES. What it is necessary for the people to know in regard to ear trouble is, first, that deafness and roaring and buzzing sounds heard in the head come from a disease that begins within the head and back part of the throat. They must understand that the disease that causes these conditions is situated deep down and back of the ear drum, and that no treatment that is applied from the outside can reach it or ever cure deafness or rid the patient of the annoying sounds that accompany this condition.

WHERE DEAFNESS BEGINS. The disease that causes interference with the free passage of air through the Eustachian tube usually begins in the throat and extends from the throat into the tube.

CONDITIONS OF SLIGHT DEAFNESS. In some cases the inflammation only extends a little way into the Eustachian tube, and this is the condition usually met with in those people who begin to notice that their hearing is falling. Some persons notice that every time they take fresh cold they cannot hear quite as well as before they had the cold.

THE DANGER OF SPRAYS. This plan of treatment, with its strong medicines and caustic solutions, never did reach disease in the Eustachian tube, and it is well that the doctor could not get these medicines into the deep-seated and delicate parts, for if they had the powerful caustics would have destroyed the hearing entirely.

THE ARTIFICIAL EAR DRUM. And then certain individuals, who were greater fools than any who went before them, invented artificial ear drums, and claimed that by putting these in the ear they could make deaf people hear.

THE TREATMENT THAT CURES. This treatment cures because it is healing and soothing and quieting, and because it removes the disease. It does away with the swelling and inflammation that block the tubes in the ear and prevent the entrance of air behind the ear drum.