R. Vashon Rogers

The Law of Hotel Life; or, the Wrongs and Rights of Host and Guest

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Chapter I.

A COMMON INN AND INNKEEPER.

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The last kiss was given—the last embrace over—and, amid a storm of hurrahs and laughter and a hailstorm of old slippers and uncooked rice, we dashed away from my two-hours' bride's father's country mansion in the new family carriage, on our wedding tour. The programme was that we were to stay at the little village of Blank that night, and on the morrow we expected to reach the city of Noname, where we would be able to find conveyances more in accord with the requirements of the last quarter of the nineteenth century of grace than a carriage and pair.

Arm in arm and hand in hand we sat during the long, bright June afternoon, as the prancing grays hurried us along the country roads—now beside grassy meads, now beneath o'erhanging forest trees, then up hill, next down dale, while little squirrels raced along beside us on the fence tops, or little streamlets dashed along near by, bubbling, foaming, roaring and sparkling in the sheen of the merry sunshine, and the broad fans of insect angels gently waved over their golden disks as they floated past; all nature, animate and inanimate, smiling merrily upon us, as if quite conscious who and what we were. But little did we note the beauties of sky or field, cot or hamlet, bird or flower, for was it not our first drive since the mystic word of the white-robed minister of the Church had made of us twain one flesh? The beauties of the other's face and disposition

absorbed the contemplation of each of us. Once or twice, indeed, I felt inclined to make a remark or two anent the fields we passed; but remembering that I knew not a carrot from a parsnip, until it was cooked, or wheat from oats, except in the well-known forms of bread and porridge, and not wishing to be like Lord Erskine, who, on coming to a finely cultivated field of wheat, called it “a beautiful piece of lavender,” I refrained.

> Love in itself is very good,
> But ’tis by no means solid food;
> And ere our first day’s drive was o’er,
> I found we wanted something more.

So when at last, as the shadows began to lengthen and still evening drew on, we espied in the valley beneath us the village in which was our intended resting place, I exclaimed:

“Ah! there’s our inn at last!”

“At last! so soon wearied of my company!” chid my bride, in gentle tones. “But why do people talk of a village ‘inn’ and a city ‘hotel’? What is the difference between a hotel and an inn?”

“There is no real difference,” I replied, glad to have the subject changed from the one Mrs. Lawyer had first started. “The distinction is but one of name, for a hotel is but a common inn on a grander scale.[1] Inn, tavern, and hotel are synonymous terms.”[2]

“What do the words really mean?”

“Have you forgotten all your French? The word ‘hotel’ is derived from the French *hôtel*, (for hostel,) and originally meant a palace, or residence for lords and great

personages, and has, on that account no doubt, been retained to distinguish the more respectable houses of entertainment."

"Well, what is the derivation of 'inn'?" queried my wife.

"I was just going to say that that is rather obscure, but is probably akin to a Chaldaic word meaning 'to pitch a tent,' and is applicable to all houses of entertainment.[3] Inns there were in the far distant East thirty-five centuries and more before you appeared to grace this mundane sphere;[4] although, when the patriarch Jacob went to visit his pretty cousins, he was not fortunate enough to find one, and had to make his bed on the ground, taking a stone for his pillow."

"And very famous in after years did that just mentioned pillow become," said Mrs. L., interruptingly. "And much pain and grief, as well as glory and renown, has it brought to those who have used it."

"What meanest thou?" in my turn queried I.

"Don't you know that upon that stone the sovereigns of England have been crowned ever since the first Edward stole it from the Scots, who had taken it from the Irish, who doubtless had come honestly by it, and that it now forms one of the wonders and glories of Westminster Abbey?"

"Indeed!" I remarked, with an inflection in my voice signifying doubt.

"I wonder who kept the first hotel, and what it was like," quoth my lady.

"History is silent on both points," I replied. "But doubtless the early ones were little more than sheds beside a spring or well, where the temporary lodger, worn and dirty, could

draw forth his ham sandwich from an antediluvian carpet-bag, eat it at his leisure, wash it down with pure water, curl himself up in a corner, and, undisturbed by the thought of having to rise before daylight to catch the express, sleep—while the other denizens of the cabin took their evening meal at his expense."

"But no one could make much out of such a place," urged Mrs. Lawyer.

"Quite correct. Boniface, in those days, contented himself with an iron coin, a piece of leather stamped with the image of a cow, or some such primitive representative of the circulating medium."

"Times are changed since then," remarked my companion.

"What else could you expect? Are you a total disbeliever in the Darwinian theory of development? Inns and hotels, in their history, are excellent examples of the truth of that hypothesis. Protoplasm maturing into perfect humanity is as nothing to them. See how, through many gradations, the primeval well has become the well-stocked bar-room of to-day; the antique hovel is now the luxurious Windsor, the resplendent Palace, the Grand Hôtel du Louvre; the uncouth barbarian, who showed to each comer his own proper corner to lie in, has blossomed into the smiling and gentlemanly proprietor or clerk, who greets you as a man and a brother; the simple charge of a piece of iron or brass for bed and board (then synonymous) has grown into an elaborate bill, which requires ducats, or sovereigns, or eagles to liquidate. But further discussion on this interesting question must be

deferred to some future day, for here we are," I added, as we halted at "The Farmer's Home."

"I don't believe that Joseph's brethren ever stopped at a more miserable looking caravansary," said my wife, in tones in which contentment was not greatly marked. "Are you quite sure that this is the inn? It has no sign."

"That fact is of no moment," I hastened to reply. "A sign is not an essential, although it is evidence of an inn. Every one who makes it his business to entertain travelers, and provide lodgings and necessaries for them, their attendants, and horses, is a common innkeeper, whether a sign swings before the door, or no."[5]

"And a common enough innkeeper he looks, in all conscience," said Mrs. Lawyer, as mine host of the signless inn appeared upon the stoop to receive his guests. Coatless he was, waistcoat he had none; the rim of his hat glistened brightly in the declining sun, as if generations of snails had made it their favorite promenade; his legs, or the legs of his pantaloons, were not pairs—they differed so much in length; his boots knew not the glories of Day & Martin; his face had hydrophobia, so long was it since it had touched water; and "wildly tossed from cheek to chin the tumbling cataract of his beard."

With the grace of a bear and the ease of a bull in a china-shop, he ushered us into the parlor, with its yellow floor, its central square of rag-carpet, its rickety table, its antique sampler and gorgeous pictures on the walls, its festoons of colored paper depending from the ceiling, its flies buzzing on the window-panes. Sad were the glances we exchanged when for a minute we were left in this elegant boudoir.

“What a nuisance that the other inn was burnt down last week, and that there is none but this miserable apology for one within thirty miles,” I growled.

“’Tis but for a night,” returned my wife, in consolatory tones. “It is only what we might have expected, for saith not the poet:

> ‘Inns are nasty, dusty, fusty,
> Both with smoke and rubbish musty’?”

Soon we mounted the groaning stairs to our dormitory, and found the house to be a veritable

> “Kind of old Hobgoblin Hall,
> Now somewhat fallen to decay,
> With weather stains upon the wall,
> And stairways worn, and crazy doors,
> And creaking and uneven floors,
> And bedrooms dirty, bare, and small.”

The room assigned to us might have been smaller, the furniture might have been cheaper and older—possibly; but to have conceived my blooming bride in a more unsuitable place—impossible. I asked for better accommodation; Boniface shook his head solemnly, (I thought I heard his few brains rattle in his great stupid skull) and muttered that it was the best he had, and if we did not like it we might leave and look elsewhere.

“We must make the best of it, my dear. The landlord is only bound to provide reasonable and proper accommodation, even if there were better in the house; he

need not give his guests the precise rooms they may select."[6]

We resolved to display the Christian grace of resignation.

As speedily as possible we arranged our toilets and descended once more to the lower regions, with the faint hope that the dining-room might be better furnished with the good things of this life than either the parlor or bed-room. Sad to relate, the fates were still against us: we found, on entering the *salle à manger*, a couple of small tables put together in the middle of the room, covered with three or four cloths of different ages and dates of washing, and arranged as much like one as the circumstances of the case would allow. Upon these were laid knives and forks; some of the knife-handles were green, others red, and a few yellow, and as all the forks were black, the combination of colors was exceedingly striking. Soon the rest of the paraphernalia and the comestibles appeared, and then Josh Billings' description became strictly applicable; "Tea tew kold tew melt butter; fride potatoze which resembled the chips a tew-inch augur makes in its journey thru an oke log; bread solid; biefstake about az thick as blister plaster, and az tough as a hound's ear; table kovered with plates; a few scared-tew-death pickles on one of them, and 6 fly-indorsed crackers on another; a pewterunktoon kaster, with 3 bottles in it—one without any mustard, and one with tew inches of drowned flies and vinegar in it."

Fortunately, long abstinence came to our aid, and hunger, which covers a multitude of sins in cookery and "dishing up," was present, and our manducatory powers

were good; so we managed to supply the cravings of the inner man to some extent.

“What is this?” I asked of the landlord, as he handed me a most suspicious looking fluid.

“It’s bean soup,” he gruffly replied.

“Never mind what it’s been—what is it now?” I asked a second time. A smile from my wife revealed to me my error, and I saved the astonished man the necessity of a reply.

At the table we were joined by an acquaintance, who informed me that he had great difficulty in obtaining admission to the house, as the innkeeper had a grudge against him.

“No matter what personal objection a host may have, he cannot refuse to receive a guest. Every one who opens an inn by the wayside, and professes to exercise the business and employment of a common innkeeper, is bound to afford such shelter and accommodation as he possesses to all travelers who apply therefor, and tender, or are able to pay, the customary charges,”[7] I remarked.

“But surely one is not bound to take the trouble to make an actual tender?” questioned my friend.

“I am not quite so sure on that point,” I replied. “Coleridge, J., once said that it is the custom so universal with innkeepers to trust that a person will pay before he leaves the inn, that it cannot be necessary for a guest to tender money before he enters.[8] But, in a subsequent case, Lord Abinger said that he could not agree with Coleridge’s opinion,[9] and three other judges concurred with Abinger, although the court was not called upon to decide the matter. In fact, the point has never been

definitely settled in England. Text-writers, however, think an offer to pay requisite,[10] and it has been so held in Canada."[11]

"But what," said my friend, "if the proprietor is rude enough to slam the door in your face, and you cannot see even an open window?"

"Oh, in that case even Abinger would dispense with a tender."[12]

"It seems hard that a man must admit every one into his house, whether he wishes or no," said my wife.

"Reflect, my dear," I replied, "that if an innkeeper was allowed to choose his guests and receive only those whom he saw fit, unfortunate travelers, although able and willing to pay for entertainment, might be compelled, through the mere caprice of the innkeeper, to wander about without shelter, exposed to the heats of summer, the rains of autumn, the snows of winter, or the winds of spring."

"Do you mean to say that improper persons must be received?"

"Oh dear no! A traveler who behaves in a disorderly or improper manner may be refused admission,[13] and so may one who has a contagious disease, or is drunk.[14] And, of course, if there is no room, admission may be refused.[15] But it will not do for the publican to say that he has no room, if such statement be false; for that venerable authority, Rolle, says: 'Si un hôtelier refuse un guest sur pretense que son maison est pleine de guests, si est soit faux, action sur le case git.'"[16]

"You don't say so!" said my friend, aghast at the jargon. I continued:

“And a publican must not knowingly allow thieves, or reputed thieves, to meet in his house, however lawful or laudable their object may be.”[17]

“Suppose they wanted to hold a prayer-meeting, what then?” asked my wife.

“I cannot say how that would be; but a friendly meeting for collection of funds was objected to. Nor should he allow a policeman, while on duty, to remain on his premises, except in the execution of that duty.[18] And he may prohibit the entry of one whose misconduct or filthy condition would subject his guests to annoyance.[19] And I remember reading that Mrs. Woodhull and Miss Claflin were turned away from a New York hotel on the ground of their want of character.”

“What if the poor hotel-keeper is sick?” inquired Mrs. Lawyer.

“Neither illness, nor insanity, nor lunacy, nor idiocy, nor hypochondriacism, nor hypochondriasis, nor vapors, nor absence, nor intended absence, can avail the landlord as an excuse for refusing admission.[20] Although the illness or desertion of his servants, if he has not been able to replace them, might be an excuse; and perchance his own infancy, and perchance not.”[21]

“What can you do if he refuses to let you in?” asked my friend. “Break open the door?”

“No, that might lead to a breach of the peace. You may either sue him for damages, or have him indicted and fined; and it is also said in England that the constable of the town, if his assistance is invoked, may force the recalcitrant publican to receive and entertain the guest.[22] If you sue

him you will have to prove that he kept a common inn;[23] that you are a traveler,[24] and came to the inn and demanded to be received and lodged as a guest; that he had sufficient accommodation,[25] and refused to take you in, although you were in a fit and proper state to be received,[26] and offered to pay a reasonable sum for accommodation."

"In most hotels they keep a register in which one is expected to inscribe his cognomen by means of a pen of the most villainous description; must one give his name, or may he travel *incog.* and without exhibiting his cacography?"

"An innkeeper has no right to pry into a guest's affairs, and insist upon knowing his name and address,"[27] I replied.

"Talking about registers," began my friend Jones, but in tones so low that what he said must go in the foot notes.[28]

"Last summer," continued talkative Jones, "I tried to get quarters late one Saturday night at a village inn, but the proprietor refused to admit me; and a venerable female put her head out of the window, like Sisera's mother, and told me that they were all in bed, and that they could not take in those who profaned the Sabbath day."

"You might have sued for damages," I said, "for the innkeeper being cosily settled in his bed for the night, or it being Sunday, makes no difference in a traveler's rights;[29] at least where, as in England, it is not illegal to travel on that sacred day."

"I think you said that one must be a traveler before one could claim the rights of a guest—is that an essential?"

“Yes, a *sine qua non*. Bacon says: ‘Inns are for passengers and wayfaring men, so that a friend or a neighbor shall have no action as a guest’[30] (unless, indeed, the neighbor be on his travels[31]). The Latin word for an inn is, as of course you know, *diversorium*, because he who lodges there is *quasi divertens se a via*.”[32]

“What wretched food!” said my wife, as she helped herself to a biscuit. “’Tis enough to poison one.”

“It is by no means a feast of delicacies—the brains of singing birds, the roe of mullets, or the sunny halves of peaches,” returned our friend.

“Well, my dear,” I replied, “a publican selling unwholesome drink or victuals may be indicted for a misdemeanor at common law; and the unhappy recipient of his noxious mixtures may maintain an action for the injury done;[33] and this is so even if a servant provides the goods without the master’s express directions.”[34]

* * * * * *

A stroll through the village, and a little moralizing beside the scarcely cold embers of the rival inn, where

> “Imagination fondly stooped to trace
> The parlor splendors of that festive place,
> The whitewashed wall, the nicely sanded floor,
> The varnish’d clock that clicked behind the
> door,”

passed the time until Darkness spread her sable robe over all the earth. We sat outside our inn in the fresh air, and listened while the myriad creatures which seem born on every summer night uplifted in joy their stridulous voices,

piping the whole chromatic scale with infinite self-satisfaction. Innumerable crickets sent forth what, perhaps, were gratulations on our arrival; a colony of tree-toads asked, in the key of C sharp major, after their relatives in the back country; while the swell bass of the bull-frogs seemed to be, with deep and hearty utterances, thanking heaven that their dwelling-places were beside pastures green in cooling streams. For a while we listened to this concert of liliputians rising higher and higher as Nature hushed to sleep her children of a larger growth. Ere long, the village bell tolled the hour for retiring. I told the landlady to call us betimes, and then my wife and self shut ourselves up in our little room for the night.

Very weariness induced the partner of my joys and sorrows to commit her tender frame to the coarse bedclothes; but before “tired Nature’s sweet restorer, balmy sleep” arrived, and with repose our eyelids closed, an entomological hunt began. First a host of little black bandits found us out, and attacked us right vigorously, skirmishing bravely and as systematically as if they had been trained in the schools of that educator of fleas, Signor Bertolotto, only his students always crawl carefully along and never hop, as we found by experience that our fierce assailants did. After we had disposed of these light cavalry—these F sharps—for a time, and were again endeavoring to compose our minds to sleep, there came a detachment of the B-flat brigade, of aldermanic proportions, pressing slowly on. Again there was a search as for hidden treasures. Faugh! what a time we had, pursuing and capturing, crushing and decapitating, hosts of creatures not to be named in ears polite. Most

hideous night, thou wert not sent for slumber! It would almost have been better for us had we been inmates of the hospital for such creatures at Surat, for there we would have been paid for the feast we furnished. Here we had the prospect of paying for our pains and pangs.

I am an ardent entomologist; but I solemnly avow I grew tired that night of my favorite science. 'Twas vain to think of slumber—

> Not poppy, nor mandragora,
> Nor all the drowsy syrups of the world,

nor yet the plan adopted by the Samoan islanders, who place a snake, imprisoned in bamboo, beneath their heads and find the hissing of the reptile highly soporific, could medicine us to that sweet sleep which nature so much needed. At length we arose in despair, donned our apparel, and sat down beside the window to watch for the first bright tints heralding the advent of the glorious king of day.

"Must we pay for such wretched accommodation?" asked my wife, mournfully. I shook my head as I replied:

"I fear me so.[35] We might escape;[36] but I don't want to have a row about my bill in a dollar house."

As soon as morning broke we began our preparations for an early departure from the purgatory in which we had passed the night. When we had descended, and had summoned the lady of the house to settle with her, my wife spoke strongly about the other occupants of our bed.

The woman hotly exclaimed, "You are mistaken, marm; I am sure there is not a single flea in the whole house!"

“A *single* flea!” retorted my wife, with withering scorn; “a *single* flea! I should think not; for I am sure that they are all married, and have large families, too.”

“Yes,” I added,

> ‘The little fleas have lesser fleas
> Upon their backs to bite ’em;
> The lesser fleas have other fleas,
> And so *ad infinitum*.’”

Chapter II.

CITY HOUSE AND MANNERS.

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The next evening, as Mrs. Lawyer and this present writer were rattling along at the rate of thirty or forty miles an hour in the tail of the iron horse, my bride, imagining that she would like to know somewhat of the law, which had been my mistress for many years, and the *ennui* of the honeymoon having already commenced, asked me what was the legal definition of an inn.

I replied: “The definitions of an inn, like those of lovely woman, are very numerous: but perhaps the most concise is that given by old Petersdorff, who says it is ‘a house for the reception and entertainment of all comers for gain.’[37] Judge Bayley defined it to be a house where the traveler is furnished with everything he has occasion for while on the way.”[38]

“I should dearly love to stop at such an inn,” broke in my wife. “The worthy host would find my wants neither few nor small.”

“Oh, of course, the *everything* is to be taken not only *cum grano salis* but with a whole cellar full of that condiment. For instance, the landlord is not bound to provide clothes or wearing apparel for his guest.[39] But to proceed with our subject. Best, J., tried his hand—a good one, too—at definition-making, and declared an inn or hotel to be a house, the owner of which holds out that he will receive all travelers and sojourners who are willing to pay a

price adequate to the sort of accommodation provided, and who come in a state in which they are fit to be received.[40] Another judge says it is a public house of entertainment for all who choose to visit it as guests without any previous agreement as to the time of their stay or the terms of payment.[41] The judges have, also, got off definitions of the word ‘innkeeper.’ It has been said that every one who makes it his business to entertain travelers and passengers and provide lodging and necessaries for them and their horses and attendants, is a common innkeeper.[42] But Bacon, very wisely and prudently, adds to this description the important words ‘for a reasonable compensation.’[43] One who entertains travelers for payment only occasionally, or takes in persons under an express contract, and shuts his doors upon those whom he chooses, is not an innkeeper, nor is he liable as such.[44] Stables are not necessary to constitute an inn;[45] nor is it essential that the meals should be served at *table d’hôte*.[46] A house for the reception and entertainment principally of emigrants arriving at a seaport and usually remaining but a short time, is yet an inn.”[47]

Here I stopped because I had nothing more to say; but seeing that my wife was gazing out of the window in a most inattentive manner, yet not wishing her to think that my fund of knowledge was exhausted, I added: “But a truce to this style of conversation. Remember that we are a newly married couple, and are not expected to talk so rationally.”

A pause ensued, during which, with great amusement and no little surprise at the facts and doctrines enunciated,

we listened to the following dialogue between two rosy-cheeked Englishmen sitting in the seat behind us:

First Briton (*loquitur*).—“How disgusting it is to see those vile spittoons in hotels, in private houses, in churches—everywhere; and notwithstanding that their name is legion, the essence of nicotine is to be seen on all sides, dyeing the floors, the walls, the furniture.”

Second Briton.—“I have sometimes doubted whether the Americans expectorate to obtain good luck, or whether it is that they have such good fortune ever attending upon their designs and plans because they expectorate so much.”

First B. (rather dazed).—“I don’t understand you.”

Second B. (in tones of surprise at the other’s want of comprehension).—“Don’t you know that many Englishmen spit if they meet a white horse, or a squinting man, or a magpie, or if, inadvertently, they step under a ladder, or wash their hands in the same basin as a friend? In Lancashire, boys spit over their fingers before beginning to fight, and travelers do the same on a stone when leaving home, and then throw it away, and market people do it on the first money they receive.”

First B. (interrogatively).—“But, if these dirty people do indulge in this unseemly habit, what then?”

Second B.—“Why, they consider it a charm that will bring good luck, or avert evil. Swedish peasants expectorate thrice if they cross water after dark. The old Athenians used to spit if they passed a madman. The savage New Zealand priest wets two sticks with his saliva when he strives to divine the result of a coming battle.”