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Letter to Mr. R.M. Dean, December 16, 1895

John Marshall Stone

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December 16, 1895.

Mr. R. M. Doss,

Burnsville, Miss.

My dear host:-

Your letter in regard to the indictment against you for carrying on the business of Hotel Keeper without paying the privilege tax, has been received, and as my term will expire before a final disposition of the case I cannot do more than advise you.

The law is so clear and emphatic that neither the court nor the jury can exercise any discretion when the matter comes before them. If you have three or more rooms in your house for the use of transient guests and such guests are received and accommodated when they come for that purpose, the law declares that you shall be taxed as a hotel, and ten dollars is the lowest tax on hotels. If you have less than three rooms for guests then your tax would be five dollars, as provided by section 3226 of the Code. Section 3401 fixes the tax on hotels and ten dollars is the lowest. From my point of view, *Messe*, you have no defense, and the best and only thing to do is to plead guilty when arraigned, and ask the leniency of the court.

The penalty is a fine of not less than double the tax imposed, or imprisonment in the County jail not more than six months, or both. My opinion is that you cannot possibly escape the fine and cost, and that the cheapest and best way to get out of it will be to plead guilty. I think the Judge will do no more than impose the fine of twenty dollars

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and cost, if you are adjudged a hotel keeper, and if only a boarding house keeper, ten dollars and cost, and under the law he cannot possibly do less. If you undertake to defend the suit against you it may cost you a great deal more, for no one knows what the cost will be when he goes into litigation. In pleading guilty it would be well to be present yourself and state to the court how many rooms you have for the use of guests; not how many guests you sometimes accommodate, but how many rooms you have for them, of course besides your family rooms.

I hope you will appreciate the advice I have here given, I am sure it is best for you, and hope you will be governed by it. It will give me pleasure to speak a word to the judge in your behalf.

With kindest regards to Mrs. Dean and the girls, I am truly

Your friend,

J. M. Stone