

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
744 Broad Street, Newark, N. J.

BULLETIN 349

OCTOBER 4, 1939.

1. ENFORCEMENT DIVISION ACTIVITY REPORT FOR SEPTEMBER, 1939

To: D. Frederick Burnett, Commissioner.

ARRESTS: Total number of persons - - - - - 20
Licensees - 0 Non-Licensees - 20

SEIZURES: Still - total number seized - - - - - 4
Capacity 1 to 50 Gallons - - - - - 3
Capacity 50 Gallons and over - - - - - 1

Motor Vehicles - total number seized - - - - - 3
Trucks - 1 Passenger Cars - 2

Alcohol
Beverage Alcohol - - - - - 75 Gallons

Mash - Total number of gallons - - - - - 56,530

Alcoholic Beverages
Beer, Ale, etc. - - - - - 6 Gallons
Wine - - - - - 198 "
Whiskies and other hard liquor - - - - - 168 "

RETAIL INSPECTIONS:

Licensed premises inspected - - - - - 903
Illicit (bootleg) liquor - - - - - 2
Gambling violations - - - - - 3
Sign violations - - - - - 13
Unqualified employees - - - - - 53
Other mercantile business - - - - - 12
Disposal permits necessary - - - - - 7
"Front" violations - - - - - 4
Improper beer markers - - - - - 1
Other violations found - - - - - 20

Total violations found - - - - - 115
Total number of bottles gauged - - - - - 7,187

STATE LICENSEES:

Plant Control inspections completed - - - - - 47
License applications investigated - - - - - 14

COMPLAINTS:

Investigated and closed - - - - - 423
Investigated, pending completion - - - - - 365

LABORATORY:

Analyses made - - - - - 115
Alcohol and water and artificial
coloring cases - - - - - 11
Poison and denaturant cases - - - - - 3

Respectfully submitted,

E. W. Garrett,
Chief Deputy Commissioner.

2. ALCOHOL--NON BEVERAGE PURPOSES - REPORT OF PERMITS ISSUED.

September 30, 1939

To: D. Frederick Burnett, Commissioner
 From: Erwin B. Hock

For your information, I submit report setting forth Plenary Retail Distribution licensees and operators of pharmacies who presently hold Special Permits to possess and sell alcohol at retail to consumers:

<u>MUNICIPALITY</u>	<u>PERMITTEE'S NAME & ADDRESS</u>	<u>DATE ISSUED</u>	<u>PERMIT NUMBER</u>
<u>ATLANTIC COUNTY</u>			
Atlantic City	Plum, Incorporated 101 South Indiana Avenue	9/7/39	AL-86
<u>BERGEN COUNTY</u>			
Englewood	Alfred J. Tipping Incorporated, 26 North Dean Street	8/7/39	AL-34
Hackensack	Arnold Bahnsen, t/a Bahnsen's Wines & Liquors, 242-242A Main Street	8/18/39	AL-61
	Brooks Cut Rate Drug Company 135 Main Street	8/4/39	AL-8
	Anthony & Ralph Esposito 3-5-7 Banta Place	9/7/39	AL-84
	Packard-Bamberger & Company, Incorporated, 630 Main St.	8/23/39	AL-72
Palisades Park	Abraham & Alexander Levine 298 Broad Avenue	8/29/39	AL-68
	Palisade Drug Company 301 Broad Avenue	9/26/39	AL-81
Westwood	J. H. Goodwin & Company 48 Westwood Avenue	8/7/39	AL-20
<u>BURLINGTON COUNTY</u>			
Mount Holly	Charles A. Akins S/W Corner White & Washington Streets	9/22/39	AL-99
<u>CAMDEN COUNTY</u>			
Pennsauken	Howard, Incorporated 4100 Maple Street	8/25/39	AL-80
<u>CAPE MAY COUNTY</u>			
None			

<u>MUNICIPALITY</u>	<u>PERMITTEE'S NAME & ADDRESS</u>	<u>DATE ISSUED</u>	<u>PERMIT NUMBER</u>
<u>CUMBERLAND COUNTY</u>			
None			
<u>ESSEX COUNTY</u>			
Bloomfield	Otto Burneleit, Incorporated 404 Broad Street	9/27/39	AL-97
Irvington	Julius Lewit & Son, Incorporated 728 Springfield Avenue	8/11/39	AL-33
Maplewood	Arthur W. Feddersen, T/a Maplewood Cordial Shop, 164 Maplewood Avenue	8/14/39	AL-47
Newark	Jacob Alboum, T/a Ironbound Wine & Liquor Store, 167 Ferry Street	8/14/39	AL-48
	Chris G. Alevras 359½ South Orange Avenue	8/11/39	AL-45
	Joseph Beredon 308 - 16th Avenue	8/21/39	AL-87
	George H. DeGiovanni 119 Wilson Avenue	9/5/39	AL-91
	Franklin Stores Company 852 Broad Street	8/18/39	AL-66
	Franklin Stores Company 180 Ferry Street	8/18/39	AL-65
	Franklin Stores Company 261½-263 Springfield Avenue	8/18/39	AL-64
	Abraham Golub 367 Springfield Avenue	8/29/39	AL-76
	Moe J. Grabelle 117 Washington Street	8/18/39	AL-56
	Theodore K. Janulis 486 Orange Street	9/9/39	AL-95
	Theodore P. Janulis 381 Springfield Avenue	8/18/39	AL-60
	Lustbader & Company 175 Spruce Street	8/8/39	AL-24
	Joseph Minkoff 189 Spruce Street	8/29/39	AL-63
	The Rosenbluth Pharmacy Incorporated, 109 Springfield Avenue	8/18/39	AL-46
	Royal Wine & Liquor Stores 496 Clinton Avenue	8/14/39	AL-52
	Leo Samuels 694 Springfield Avenue	8/11/39	AL-29

<u>MUNICIPALITY</u>	<u>PERMITTEE'S NAME & ADDRESS</u>	<u>DATE ISSUED</u>	<u>PERMIT NUMBER</u>
<u>ESSEX COUNTY (CONT'D)</u>			
	Samuels Pharmacy, Incorporated 132 South Orange Avenue	8/21/39	AL-96
	Emil Sawczuk & Mike Szarko, T/a Ferry Wine & Liquor Store, 158 Ferry Street	8/7/39	AL-27
	Abraham Scherman 102 Prince Street	8/7/39	AL-26
	Schwarz Druggists, Incorporated 867 Broad Street	8/18/39	AL-51
	Abraham Weiss 236 Market Street	8/4/39	AL-10
	Weston & Company, Incorporated 77 Jones Street	8/4/39	AL-14
West Orange	Harry Schiffman, T/a State Delicatessen, 591 Valley Road	8/29/39	AL-50
<u>GLOUCESTER COUNTY</u>			
None			
<u>HUDSON COUNTY</u>			
Harrison	Sam Feinsmith 607 N. 4th Street	8/4/39	AL-3
	Harrison Products Corporation 219 Harrison Avenue	8/8/39	AL-35
	Joseph Kraus 202 Harrison Avenue	8/7/39	AL-7
Hoboken	Fair Wine & Liquor Stores, Inc. 538 Washington Street	8/14/39	AL-55
	Fair Wine & Liquor Stores, Inc. 1128 Washington Street	8/29/39	AL-67
Jersey City	William Gusskind 500 Jersey Avenue	8/7/39	AL-25
	Holz Brothers 162 Newark Avenue	8/10/39	AL-23
	Leon L. Honiberg, T/a Honiberg Drug & Surgical Supply Co., 199 Warren Street	8/11/39	AL-43
	Morris Kahnowitz 228-7th Street	8/10/39	AL-38
	Benham & Company Incorporated 1561 Hudson Boulevard	8/9/39	AL-19

<u>MUNICIPALITY</u>	<u>PERMITTEE'S NAME & ADDRESS</u>	<u>DATE ISSUED</u>	<u>PERMIT NUMBER</u>
<u>HUDSON COUNTY (CONT'D)</u>			
Jersey City (Cont'd)	Palace Drug Stores Incorporated 172 Newark Avenue	8/9/39	AL-6
	Herman Saferstein 360 Central Avenue	8/7/39	AL-22
	Hilda Straus 110 Morris Street	8/4/39	AL-13
Kearny	Monaco's Catering Service Incorporated, 179-181 Midland Avenue	8/22/39	AL-74
West New York	Charles Colombo & Tullo Raparelli, T/a West New York Trading Company 696 Bergenline Avenue	8/14/39	AL-57
<u>HUNTERDON COUNTY</u>			
None			
<u>MERCER COUNTY</u>			
None			
<u>MIDDLESEX COUNTY</u>			
None			
<u>MONMOUTH COUNTY</u>			
Allenhurst	Allenhurst Pharmacy Incorporated 321 Main Street	8/11/39	AL-36
Asbury Park	Pierce Incorporated 200 Main Street	8/9/39	AL-30
Red Bank	Sanders Cohen 61 Broad Street	8/29/39	AL-88
<u>MORRIS COUNTY</u>			
Dover	Abraham Shapiro 13 South Sussex Street	8/8/39	AL-32
Morristown	Norman Davis 2 South Street	8/29/39	AL-73
<u>OCEAN COUNTY</u>			
Point Pleasant Beach	Ralph Borden, N/W Corner Arnold & Richmond Avenue	9/5/39	AL-40
<u>PASSAIC COUNTY</u>			
Clifton	Guido B. Toscani 262½ Parker Avenue	8/9/39	AL-42
Passaic	Max Starr 174 Passaic Street	8/11/39	AL-41

<u>MUNICIPALITY</u>	<u>PERMITTEE'S NAME & ADDRESS</u>	<u>DATE ISSUED</u>	<u>PERMIT NUMBER</u>
<u>PASSAIC COUNTY (CONT'D)</u>			
Paterson	Frederick T. W. Bowne 291 Market Street	9/9/39	AL-77
	Jacob M. Jacobs, T/a Mort Jacobs 506 Park Avenue	8/18/39	AL-59
	Sam Janowitz 37½ Main Street	8/25/39	AL-78
	Patrons, Incorporated 201 Main Street	9/15/39	AL-92
Pompton Lakes	Sharr Drug Company 135 Wanaque Avenue	8/14/39	AL-17
<u>SALEM COUNTY</u>			
None			
<u>SOMERSET COUNTY</u>			
Bernardsville	Adolph V. Palumbo, T/a Hemmendinger Pharmacy, 16 Mine Brook Road	9/18/39	AL-93
<u>SUSSEX COUNTY</u>			
Newton	Sussex County Drug Company 217 Spring Street	9/29/39	AL-70
<u>UNION COUNTY</u>			
Hillside	Mike Szarko 1317 Liberty Avenue	8/10/39	AL-39
Rahway	Irving Barenberg 1539 Main Street	8/24/39	AL-31
	Saul Bell 1561 Irving Street	8/26/39	AL-82
<u>WARREN COUNTY</u>			
None			

Respectfully submitted,

Erwin B. Hock,
Deputy Commissioner.

3. HOURS OF SALE - PROPOSED UNIFORM STATE-WIDE CLOSING HOURS -
CONSIDERATIONS INVOLVED.

October 2, 1939

Mrs. Margaret C. Kinney,
Borough Clerk,
Wharton, N. J.

My dear Mrs. Kinney:

I have before me yours of September 19th and resolution adopted by the Mayor and Council on September 13th advocating the passage of legislation providing for uniform State-wide closing hours.

I agree with the members of your Council that uniformity of closing hours is much to be desired and, in principle, I am heartily in accord. As I said in Re Closter, Bulletin 233, Item 12:

"Unless closing hours are substantially uniform, all that will result, as a practical matter, is to drive patronage away from the local trade into some adjoining municipality of more liberal bent. The automobile is no respecter of municipal boundary or even county lines. Why not, then, an informal convention of the municipal officials of adjacent municipalities in endeavor to agree on a common closing hour?"

I do not agree, however, that the legislative method is the proper way to bring it about.

Legislation would mean State-wide uniformity. Yet hours is essentially a local matter. We have widely diversified groups of people and types of municipalities in the State. There are rural sections and urban sections. Some municipalities are essentially residential; others are primarily industrial; many are purely agricultural. The people in Newark want different hours than the people in Wharton; and those in resorts such as Atlantic City want different hours than those in Dover. There is no reason why all of these municipalities with their different requirements should be forced to conform to an arbitrary State-wide rule. It is not the sort of thing that lends itself to State-wide uniformity. There is a distinct opportunity to do real constructive work along this line awaiting municipalities who, because of their contiguous positions and similar requirements, will get together and conform their hours to some mutually satisfactory standard. That is the essence of the plan proposed in the Closter ruling. It is the only workable way that uniformity can be achieved with sufficient flexibility to insure that the hours will reflect the local conditions and satisfy the local needs.

I appreciate your transmitting to me the resolution of the Council. Please express to the Mayor and the members my sincere respects.

Cordially yours,
D. FREDERICK BURNETT,
Commissioner.

4. SEIZURES - CONFISCATION PROCEEDINGS - LIEN ESTABLISHED -
PROPERTY FORFEITED.

In the Matter of the Seizure :
of a Chevrolet Coupe and Six : Case #5455
5-gallon Cans of Alcohol in :
the Township of Pennsauken, : On Hearing
County of Camden and State of : CONCLUSIONS AND ORDER
New Jersey. :

Fred C. Sacks, Pro se.
Harry Castelbaum, Esq., Attorney for the Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

On June 16, 1939 Investigators of this Department discovered Samuel Hunter, a former liquor violator, transporting six five-gallon cans of alcohol in Pennsauken Township in a Chevrolet coupe belonging to his son, Elizabeth Hunter.

No one contests the fact that Samuel Hunter was engaged in illegal activity. The alcohol was presumably bootleg since, although fit for beverage purposes, it bore no tax stamps. R. S. 33:1-1(i); also Cf. Laws 1939, ch. 177. Moreover, the car was not licensed to transport liquor. R.S. 33:1-2; Re Seizure at 7 Patten Place, Bulletin #343, Item 13. Hence, on both scores, the alcohol and the car constituted unlawful property subject to seizure and confiscation. R.S. 33:1-1(i) and (y), 66.

However, Fred C. Sacks, who was engaged in the finance business, appeared at the hearing in the case and claimed to be a bona fide lienor of the car. He established that, on February 8, 1939, he financed the sale of the car to Elizabeth Hunter in the original sum of \$229.; that on June 16 (the date of the seizure) \$141. was still unpaid although not yet fully accrued; that, if full payment were made on that date, there would be a rebate of \$30.; that, hence, he had a valid lien for at least \$111.

As to the claimant's good faith: Elizabeth Hunter, in applying to Sacks for the financing, gave three persons in Camden as references, and further stated that he was 22, that he resided at a certain address in Camden, and that he was employed in that City as a driver for one Pedrick at \$18. a week.

Sacks testified that he checked with the employer and two of the three references and obtained responses showing that Elizabeth was of satisfactory credit and character; that he tried to contact the third reference but was unsuccessful; that he called at the Camden County Clerk's office and found no record of any conviction against Elizabeth; that he verified Elizabeth's home address and spoke with his mother. He further testified that, although knowing Elizabeth's father, Samuel Hunter, he was unaware that he was a bootlegger.

I believe that Sacks acted in good faith and made reasonable inquiry before financing Elizabeth Hunter and had no reason to believe that Elizabeth's father would use the automobile in illegal

liquor activity. Hence, I shall allow his lien for \$111.00, subject to costs of seizure and storage of the automobile.

Although the car is appraised at \$150.00, yet after paying the costs of seizure and storage, Sacks will net no more than the approximate amount of his lien. The State Finance Commissioner advises that the car is not sufficiently worthwhile to the State if the lien is to be paid.

Accordingly, it is ORDERED that the said Chevrolet coupe, by virtue of the lien of Fred C. Sacks thereon, be delivered to the said Sacks on payment of the costs of seizure and storage of the automobile; and it is further

ORDERED that the said six five-gallon cans of alcohol be and the same are hereby forfeited in accordance with the provisions of R. S. 33:1-66, and shall be retained for the use of hospitals and State, county and municipal institutions, or may be destroyed in whole or in part at the direction of the Commissioner.

D. FREDERICK BURNETT,
Commissioner.

Dated: October 2, 1939.

5. BINGO - PLACE WHERE PLAYED - BAR IN SEPARATE ROOM - HEREIN OF THE ADEQUACY OF TEMPORARY PARTITIONING IN A DOORLESS ARCH TO SEPARATE THE ROOM IN WHICH BINGO IS PLAYED AND IN WHICH THERE IS NO BAR FROM AN ADJACENT BARROOM.

September 29, 1939

Hon. John F. Harris,
Newark, N. J.

My dear Chief Harris:

I have before me yours re Bingo at the Newark Labor Lyceum, 700-710 South 14th Street, Newark.

As I understand it, Bingo is played in the ballroom on the second floor. The bar is located in another room immediately adjacent to the ballroom, but separated therefrom by a plaster wall in which there is the conventional rectangular opening but no door. One end of the bar is at this opening. For Bingo, the barroom is further separated from the ballroom by folding doors and a series of removable metal covered partitions extending from the top of the bar to the arch separating the two rooms. There is no question, as you point out in your letter, but that the partition is a temporary affair.

The arrangement, however, is not in violation of the Bingo rule. The rule provides that Bingo shall not be played in any room in which a bar is located. There is no bar in the ballroom. It is in the next room, adjacent to the ballroom, it is true, but nevertheless separate therefrom because of the plaster wall.

It is only where a bar is located in the same room where Bingo is to be played that I have required solid permanent partitions to be erected of such character as to make the Bingo room and the barroom two separate and distinct rooms. Re Lake Hopatcong Vacation and Outing Co., Inc., Bulletin 326, Item 2.

In the instant case, because the bar is in another room, there is, under the rule, technically no necessity for the partitioning at all.

I do think that it is preferable where there is a bar in a room adjacent to that in which Bingo is to be played that such adjacent room be completely closed off from the Bingo room while the games are in progress and that is why I have inserted a condition to that effect in the regular form of certifications to you that Bingo will be permissible in certain premises. I did not, however, intend to make a new rule or amend the old one. Hence, if the adjacent room containing the bar is in fact shut off, even though the partition is but temporary, that will suffice. In such a case, the temporary nature of the partition serves the same purpose as would temporarily closing the door if there had been one between the two rooms.

It follows that, under the facts aforesaid, the ballroom of the Newark Labor Lyceum will be acceptable for the playing of Bingo provided the adjacent room in which there is a bar is completely closed off from the ballroom while the games are in progress even though the partition which effects the separation is temporary in nature.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

6. BINGO - PLACE WHERE PLAYED - BAR IN SAME ROOM - HEREIN OF THE INADEQUACY OF TEMPORARY PARTITIONING WHEN BINGO IS SOUGHT TO BE PLAYED IN A BARROOM.

Dear Commissioner:

I wish to report that an application to conduct Bingo games was made at your office by one Pat McDonald, of 398 So. Orange Ave., to be held every Monday, from 8 P.M. to 11 P.M., on the licensed premises of Florian J. Hable, 296 Sixteenth Avenue, the latter holding Plenary Retail Consumption License No. 471. In McDonald's application he represented that there is no bar of any kind in the room in which these games are to be played.

An inspection of these premises by Deputy Chief Philip Sebold disclosed that these games are to be played in the basement, which contains a bar which the licensee termed a "lunch bar", which is fully exposed in this room, no effort having been made to remove this bar or erect a permanent partition around it. As a matter of fact, the licensee stated he would not remove this bar or erect a permanent partition to conceal it.

There is also another bar in this room, equipped with beer taps, coils, etc. This bar is screened by a makeshift beaver board partition, constructed in a very unstable manner, and so badly erected that a person, by leaning against it, would cause it to fall down, obviously not complying with your ruling in Bulletin 326, Item 2.

This licensee informed Deputy Chief Sebold that a few hours previously an investigator from your office had inspected this room where the bingo games are to be played, and had informed the licensee that everything was satisfactory, telling him to go ahead with the games. The licensee did not obtain the name of the investigator in question.

I am calling your attention to the non-compliance with your ruling as to bingo games in licensed premises as set forth in Bulletin 326.

Very truly yours,
John F. Harris,
Chief of Police.

September 29, 1939

Hon. John F. Harris,
Newark, N. J.

My dear Chief Harris:

Several inquiries regarding the holding of bingo on Hable's premises, at 296 Sixteenth Avenue, have been made. Because there appeared to be some question regarding the presence of a bar in the basement, and before any certifications regarding the suitability of the premises were made to you, investigation was conducted.

Investigator Robbins reported that there was a bar for the service of alcoholic beverages in a corner of the basement, but that a solid and permanent partition was being erected around said bar, blocking out that corner of the room entirely.

As a result of his report and of the representations made by the various applicants, this office did certify to you that bingo would be permissible under the State Regulations, provided, among other things, that there was, in fact, no bar of any kind or nature whatsoever in the room in which the bingo was to be played. Such certification, under the circumstances, was premature. The representations were merely promissory and until performance had been effected satisfactorily, no certification should have been made.

After the premises had been certified for several applicants, a telephone call was received by a member of my staff advising that Chief Sebold and the Newark Police had inspected Mr. Hable's premises and had questioned the permanency of the partition.

Thereupon, immediate reinvestigation was ordered, and all further certifications ceased. I have the subsequent report and sketch of the premises now before me. Sebold and the Newark Police were right. For it now appears, from Investigator Hendrickson's detailed description of the beaver board partition, that it is not sufficiently solid or permanent in character to constitute compliance with the rule; that it was merely a flimsy attempt to comply with the rule against Bingo being played in a barroom. If a bar is actually in a room where Bingo is played, then, if it is not removed, it must be permanently walled up - not merely temporarily concealed as one might a skeleton or a cat. The difference between this case and the Newark Labor Lyceum in which I held a temporary partition sufficient, is that here the bar is actually in the room where the game is played.

The present premises, therefore, are not suitable for bingo. Re Lake Hopatcong Vacation & Outing Co., Inc., Bulletin 326, Item 2; Re Hable, Bulletin 334, Item 5.

The so-called "Lunch Bar" is not within the contemplation of the bingo rule. It is not the name of the counter which the proprietor affects but the nature of the apparatus that counts. When I say "bar" I am not thinking of milk, or cows, or cafeterias. Rather I have in mind furniture designed for the service and sale of alcoholic beverages - of beer taps, coils, and such gadgets.

I am more than pleased with the way that this has worked out. It is a real demonstration of the advantages of close and cordial cooperation between the State Office and the Police. If your men had not been alert and on the job in checking back on the self-serving assurances that had been given me, the true situation might not have been discovered. I sincerely appreciate it. Thank you very much.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

7. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - 30 DAYS IN OCEAN COUNTY.

October 2, 1939

Hon. Percy Camp,
Judge, Court of Common Pleas, Ocean County,
Toms River, N. J.

My dear Judge Camp:

I have before me staff report and your letter of September 22nd re disciplinary proceedings conducted by you against William Kabus, t/a "Haunted Lodge Bar & Grill", E/S Hooper Ave., Osbornville, Brick Township, charged with possession of an under-proof bottle of applejack, and note that his license was suspended for thirty days.

Without entertaining, let alone expressing any opinion on the merits, I wish, nevertheless, that you would accept my thanks for your prompt conduct of the proceedings and the penalty imposed.

It is gratifying to note that you have imposed the recommended penalty for possession of illicit alcoholic beverages. If other license issuing authorities would do the same, we would soon have the bootlegger and his accomplice, the cheating licensee, on the run.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

8. DISCIPLINARY PROCEEDINGS - FAIR TRADE - SALES AT CUT RATES.

In the Matter of Disciplinary)
Proceedings against)

PATRICK LA GRECA,)
T/a LaGray's Town Hall,)
759 Main Avenue,)
Passaic, New Jersey,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-142, issued by the)
Board of Commissioners of the)
City of Passaic.)
-----)

Ellamarye H. Failor, Attorney for the Department of
Alcoholic Beverage Control.
Patrick La Greca, Pro Se.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling liquor at less than the Fair Trade price at his licensed premises on July 18, 1939, in violation of Rule 6 of State Regulations No. 30. His license will, therefore, be suspended for five (5) days instead of the usual ten (10).

Accordingly, it is, on this 2nd day of October, 1939,

ORDERED, that Plenary Retail Consumption License C-142, heretofore issued to Patrick La Greca by the Board of Commissioners of the City of Passaic, be and the same is hereby suspended for a period of five (5) days. Pursuant to notice of December 17, 1938, Bulletin 289, Item 1, the effective date of such suspension is reserved for future determination.

D. FREDERICK BURNETT,
Commissioner.

9. SPECIAL PERMITS - NATIONAL GUARD AFFAIRS - WHEN NECESSARY AND WHEN NOT.

October 2, 1939

Hon. George H. Stanger,
Vineland, N. J.

Dear Senator Stanger:

You state that the Third Battalion, 157th Field Artillery, N.J.N.G., plans to conduct a dance on November 10th at its Armory and wishes to obtain a Special Permit to sell alcoholic beverages at this affair.

There is a question as to whether or not any special permit is required for this affair. The answer depends entirely on how the alcoholic beverages are to be sold and by whom.

R. S. 33:1-27 (Control Act, Sec. 24) provides that no license shall be required and no fee charged in connection with the retail sale of alcoholic beverages for consumption on the premises where sold, when sold at any camp, post or regimental exchange duly

organized under the regulations of the United States Army or Navy or Marine Corps or, if the consent of the State Military Board shall have first been obtained, under the State National Guard regulations.

Therefore, if the alcoholic beverages at this dance are to be sold by the post or regimental exchange at the Armory, as set forth above, no special permit would be necessary.

If, on the other hand, the beverages are to be sold by the Battalion instead of by the post or regimental exchange, a special permit must be obtained. See Re Schultz Brewing Co., Inc., Bulletin 232, Item 11.

I am enclosing an application form for permit, in the event that one is necessary. If so, such application should be filled out completely by an authorized officer of the Battalion, signed on the reverse side by the chief of police and clerk of the municipality in which the Armory is located, and returned to this office accompanied by a fee of \$10.00 in cash, money order or certified check drawn to my order as Commissioner. In addition, because the premises where the dance is to be held is an Armory, there must be submitted therewith the consent in writing of the Quartermaster General to the dispensing of alcoholic beverages at this affair. See Re Hoffman, Bulletin 92, Item 15.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

10. TRANSPORTATION - SCOPE AND EXTENT OF SPECIAL PERMIT TO TRANSPORT ALCOHOLIC BEVERAGES SOLD OUTSIDE AND NOT INTENDED FOR USE IN THE STATE - TRANSPORTATION LICENSE NECESSARY WHEN PURPOSED ACTIVITIES FALL OUTSIDE THE NARROW LIMITS OF A SPECIAL PERMIT ISSUED UNDER REGULATIONS 18, RULE 1.

Gentlemen:

We are holder of Liquor Transportation Permit TO. No. 11 and would appreciate your clearing up a few things as to our rights under this permit.

Can another trucking company (New Jersey Forwarding Co.) pick up whiskey for us in New Jersey and then turn it over to us for transportation out of the State.

Can they pick up shipments in New York and bring them to New Jersey and hold there for us and then we transport them out of the State of New Jersey.

We have not as yet handled any shipments except direct from distillery to our own truck but we would appreciate an early answer as this might enable us to handle shipments that we are not handling at this time.

Yours very truly,
Cooper Motor Express, Inc.

September 30, 1939

Cooper Motor Express, Inc.,
Columbia, S. C.

Gentlemen:

The special permit which you now hold has been issued pursuant to the provisions of Rule 1 of State Regulations No. 18, which provides:

"Alcoholic beverages sold without this State, pursuant to the laws of the place of sale, by the holder of a New Jersey manufacturer's or export wholesaler's license and not intended for delivery, use or sale in New Jersey, may be transported from the licensed premises, warehouse, salesroom or office of such manufacturer or export wholesaler in New Jersey or from a licensed public warehouse, to a point outside this State in any vehicle, provided that such vehicle carries a special permit issued by the Commissioner, together with a waybill or similar document stating the names and addresses of the consignor and consignee, the nature and quantity of the alcoholic beverages being transported, the place at which they were received and the place of their destination."

Your activities under the permit are restricted to those permitted by said rule. Hence, you cannot lawfully make an arrangement with the holder of a New Jersey transportation license to pick up whiskey for you in New Jersey and turn it over to you for transportation out of the State, or to pick up shipments in New York, bring them to New Jersey and hold them there for you for transportation by you out of the State of New Jersey. If you desire to make such arrangement, you must obtain a transportation license, the fee for which is \$200.00 per annum. Application forms for such a license will be sent to you upon request.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

11. ALCOHOL - NON-BEVERAGE PURPOSES - PROCEDURE REQUIRED FOR SIGNING
CERTIFICATE WHEN PURCHASER IS ILLITERATE.

Dear Mr. Burnett:

I operate a liquor store in the down-neck section of Newark, and have received a permit for the sale of alcohol. In this particular area in which my store is located, there is a large foreign element, some of whom are unable to sign their name.

I would like a ruling from you as to what procedure is necessary when one of these who cannot sign his name comes into my store to purchase a bottle of alcohol.

I have been refusing to sell these people. However, since alcohol is sold for a non-beverage purpose and is meant to be used for medicinal purposes only, it is clear that these people have a right to purchase same.

Yours respectfully,
Emil Sawczuk

October 3, 1939

Mr. Emil Sawczuk,
Newark, N. J.

Dear Sir:

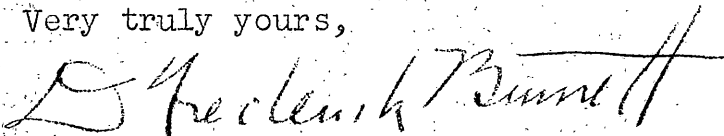
Where one claims that he is unable to sign the certificate because of alleged illiteracy, this will be the procedure, viz.: After you are satisfied as to the purpose of the purchase and the truth of his claim, you or your clerk will first write his name legibly on the certificate and have the purchaser make his mark, whereupon you or your clerk will immediately sign as attesting witness.

Thus, if the purchaser's name is John Smith, the certificate should be written "JOHN SMITH () HIS MARK." Then have the purchaser take the pen and in the space indicated draw an X and then write your own name as witness so that, completed, it will read:

"JOHN SMITH (X) HIS MARK
WITNESS: EMIL SAWCZUK."

While I am not requiring it, I cordially suggest that all cases of alleged illiteracy be handled by you rather than by any clerk for it is you who will be held strictly responsible. I agree that illiterate people have as much right to purchase alcohol for medicinal purposes as anybody else, but I do not purpose to allow this to develop into a racket.

Very truly yours,



Commissioner.

PF *man*