

41 Sheffield St.  
Jersey City, 5, N. J.  
STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 935

MAY 13, 1952.

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 935

MAY 13, 1952.

1. APPELLATE DECISIONS - JONES ET AL. v. ATLANTIC CITY AND EDGEHILL.

ALCRAA J. JONES, individually and )  
as agent for Equal Rights League of )  
America, Inc., a corporation, and )  
NORTHSIDE UNION LEAGUE OF ATLANTIC )  
CITY, INC., a corporation, )

Appellants, )

-vs-

BOARD OF COMMISSIONERS OF THE )  
CITY OF ATLANTIC CITY and JAMES )  
R. O. EDGEHILL, t/a EDGEHILL'S )  
HIGH HAT BAR, )

Respondents. )

ON APPEAL  
CONCLUSIONS AND ORDER

----- )  
J. Mercer Burrell, Esq., Attorney for Appellants. )  
Murray Fredericks, Esq., by Chaim H. Sandler, Esq., Attorney for )  
Respondent Board of Commissioners. )  
Edward I. Feinberg, Esq., Attorney for Respondent James R. O. )  
Edgehill, t/a Edgehill's High Hat Bar. )

This is an appeal from the granting of a place-to-place transfer of a plenary retail consumption license (with broad package privilege).

Application was made by respondent Edgehill for the transfer of his license from 1317-1319 Arctic Avenue to premises at 1301 Adriatic Avenue. Both locations are on what is known as the "north side" of Atlantic City. After public hearing the respondent Board of Commissioners, by unanimous vote, granted the transfer of November 29, 1951, subject to the special condition that "\*\*\*\*the transfer shall not take effect at the new location until and unless the proposed building is completed in accordance with plans and specifications \*\*\*\*", theretofore filed with the Board. This special condition was approved by the State Director on December 12, 1951.

At the same meeting the Board approved a person-to-person and place-to-place transfer of the plenary retail consumption license of Herman Orman for premises at 3850 Atlantic Avenue to respondent Edgehill for premises at 1317-1319 Arctic Avenue, the latter being the same premises from which the transfer here appealed from was granted. This transfer was made subject to the special condition that "\*\*\*\*said transfer shall not take force and effect unless and until plenary retail consumption C-17 has been transferred to premises known as 1301 Adriatic Avenue, in accordance with the provisions of a resolution adopted by the Board of Commissioners \*\*\*\*" the same day as above indicated. No appeal was taken from the action of the Board in granting this transfer.

The grounds set forth in the petition of appeal are as follows:

1. There are now 44 bars in what is known as North Side of Atlantic City (being that area north of Atlantic Avenue and east of Pennsylvania Railroad) with one bar to an average of 350 inhabitants, whereas the normal and established ratio is approximately one bar to at least 1000 inhabitants.

- "2. The neighborhood in question is residential and heretofore there has not been a bar in the particular block in which this transfer license is to be located and operated.
- "3. There is, however, one bar in approximately one block away from the particular area which is more than sufficient to serve section in question without any addition.
- "4. The presence of a bar in this particular block will more than probably cause a depreciation in property values and a deterioration in the moral and cultural tone of the specific block, probable creation of a nuisance through the bringing into this block customers of respondent's present place of business on Arctic Avenue (a business street) with the resultant increase in traffic, added difficulties of parking, noise at late hours at night, and probable presence of undesirables and intoxicated persons in the said block attracted by the proposed tavern or bar."

At the hearing herein considerable testimony was taken with respect to the nature, composition and purposes of the two corporate appellants and the authority of Alcraa J. Jones to act as their agent on this appeal. It would plainly appear from the evidence that both organizations are "aggrieved persons" within the contemplation of the statute (Hudson Bergen etc. Ass'n v. Hoboken, 135 N.J.L. 502) and that Alcraa J. Jones had authority to act as their agent on this appeal. Moreover, it is clear that Alcraa J. Jones, individually, is a proper party appellant and respondents do not question his status as such.

At the hearing appellants produced numerous witnesses who are members of appellant corporations and many of whom reside in the general neighborhood of the proposed new location. Substantially all of these witnesses said that there were already enough licenses on the "north side" of Atlantic City and expressed fear that the moral character of the neighborhood, which they characterized as residential, would deteriorate if the proposed licensed establishment were permitted at the new location. Several clergymen testified that they feared their parishioners, particularly women, might be molested on their way to and from the various churches located within a few blocks of the proposed new location and that their church services might be interrupted by persons who might become inebriated in the proposed licensed premises. In addition, petitions and letters of individuals or associations opposing the proposed transfer were admitted in evidence.

It was stipulated that the entire area surrounding the proposed new location for a number of blocks in all directions was and is zoned for business. It was further stipulated that there is only one licensed premises of any kind (a plenary retail consumption license without broad package privilege) in this general neighborhood. It was admitted that no other liquor license of any kind has been granted in or transferred to this area since 1939.

Respondents produced exhibits showing that there are a number of places devoted to business and commerce in this general area, including a service station, laundry and junk yard on Adriatic Avenue near the proposed new location. On behalf of respondents it was also shown that Carver Hall, a housing project accommodating over five hundred families, has been erected during the past few years within a few blocks of said location.

One of the members of respondent Board testified at considerable length, reviewing the physical character of the neighborhood, the new housing facilities above referred to and the events which

took place at the public hearing held by the Board prior to granting the transfer. He expressed it as his opinion that such a licensed premises, embracing both a tavern serving food and a separate package store, would serve public necessity and convenience in that neighborhood for the reason that the many families living in the area had only the one tavern aforementioned, had no adequate restaurant and had no separate package store, and that, during the summer months, many thousands of visitors arrived at a bus terminal only a few blocks away from the proposed new location. On cross-examination he denied that the Board was influenced in granting the transfer here under appeal by reason of the proposed transfer of the Orman license to the premises at 1317-1319 Arctic Avenue. Nor were appellants able to establish a claim of improper motivation (not set forth in the petition of appeal) by any other competent evidence.

Other witnesses, including the manager of the Carver Hall housing project, expressed the opinion that the proposed establishment would serve public necessity and convenience in the area and that the proposed building would be an asset to the community. Respondent Edgehill testified that he had no difficulties of any kind during the five years he has conducted his business at 1317-1319 Arctic Avenue.

A representative of the City licensing bureau testified that there were two hundred forty plenary retail consumption licenses in the city, and that forty-four of these were on the "north side". The testimony indicates that approximately one-third of the inhabitants of the city reside on the "north side". The ratio of one consumption license to each one thousand inhabitants referred to in the State-wide Limitation Law does not apply because this case concerns the transfer of an existing license.

From the evidence I conclude that the premises known as 1301 Adriatic Avenue are located in a mixed commercial, business and residential area.

The decision as to whether or not a transfer will be granted rests within the sound discretion of the local issuing authority in the first instance. Tolen v. Kearny et al., Bulletin 880, Item 1; Nichols et al. v. Mantua et al.; Bulletin 852, Item 2; Byrne v. Belleville et al., Bulletin 851, Item 4.

"The question as to whether licensed premises should be permitted in a section of a mixed residential and business character, as this appears to be, is primarily to be determined in the sound discretion of the local issuing authority. So also is this true of the question of the number of licensed premises which should be permitted in such a section." Londa v. Elizabeth et al., Bulletin 901, Item 1.

The burden rests with appellants to show that the Board's discretion was unreasonably exercised. McGill v. Orange et al., Bulletin 900, Item 2; Northend Tavern, Inc. v. Northvale et al., Bulletin 493, Item 5; Mulcahy et al. v. Maplewood et al., Bulletin 658, Item 4.

After considering all the evidence presented herein, I conclude that appellants have not sustained the burden of establishing that the action of respondent Board was arbitrary or unreasonable so as to amount to an abuse of discretion, requiring reversal. Nor do I find any improper motivation. Consequently, I shall affirm the Board's action.

Accordingly, it is, on this 5th day of May, 1952,

ORDERED that the action of respondent Board of Commissioners be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

EDWARD J. DORTON  
Acting Director.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT SONG AND DANCE) - FEMALES ACCEPTING DRINKS AT EXPENSE OF PATRONS - EMPLOYING NON-RESIDENTS - FEMALE TENDING BAR - LICENSE SUSPENDED FOR 45 DAYS.

In the Matter of Disciplinary Proceedings against EAGLE BAR & GRILL INC. 258 Mulberry Street Newark 2, N. J., Holder of Plenary Retail Consumption License C-246, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS AND ORDER

Nathan Cholodenko, Esq., Attorney for Defendant-licensee. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

Defendant pleaded not guilty to the following charges:

- "1. On Saturday night February 16, 1952 and early Sunday morning February 17, 1952, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises in that male and female entertainers performed in a lewd, indecent and immoral manner and female entertainers sang songs having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20.
"2. On the occasion aforesaid you allowed, permitted and suffered females known as Alva ---, Marechalneld ---, Carolyn --- and Frances --- employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20.
"3. On the occasion aforesaid you knowingly employed on your licensed premises Alva --- and Marechalneld ---, non-residents of New Jersey who had not obtained any requisite employment permits from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 4 of State Regulations No. 13.
"4. On the dates aforesaid, between the hours of 10:15 p.m. and 1:15 a.m., you allowed and permitted a female, known as Jessie Hanapole, to tend bar and sell and serve alcoholic beverages to patrons; in violation of a Resolution adopted by the Board of Commissioners of the City of Newark on May 24, 1939."

At the hearing defendant changed its plea of not guilty to a plea of non vult.

The file discloses that three ABC agents entered the licensed premises at about 10:15 p.m. on the night of February 16th and remained thereon until about 2:00 a.m. on February 17th, 1952. They observed a woman, later identified as the Secretary of the licensee corporation, tending bar and serving drinks to patrons, including the agents, and also saw several of the female performers drinking alcoholic beverages at the expense of male patrons. Two of the female entertainers were found to be non-residents but neither possessed the requisite employment permit.

When the agents entered the floor show was in progress. It consisted of a master of ceremonies, two female singers and two female dancers. One of the singers sang a song which was clearly lewd and indecent. The performance of one of the dancers was replete with "bumps and grinds" and lascivious and indecent simulations of sexual intercourse. During the course of the dance she caressed her breasts, thighs and the private parts of her body in a sensuous manner. All of this was greeted by shouts from the audience. When she finished the master of ceremonies imitated her "bumps and grinds" and sensuous movements. Such a performance is clearly lewd, indecent and immoral and neither the song nor the dance have any place on licensed premises. Re Bajewicz, Bulletin 902, Item 4.

Defendant has no prior adjudicated record. Under all the circumstances of this case, I shall suspend the license for a period of forty-five days.

Accordingly, it is, on this 30th day of April, 1952,

ORDERED that Plenary Retail Consumption License C-246, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Eagle Bar & Grill Inc., 258 Mulberry Street, Newark, be and the same is hereby suspended for a period of forty-five (45) days, commencing at 2:00 a.m. May 5, 1952, and terminating at 2:00 a.m. June 19, 1952.

EDWARD J. DORTON  
Acting Director.

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT STORIES) - FEMALES ACCEPTING DRINKS AT EXPENSE OF PATRONS - PREVIOUS RECORD - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against  
MAX JACOBS  
5 Spring Street  
Newark 2, N. J.,  
Holder of Plenary Retail Consumption License C-693, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS  
AND ORDER

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Sidney Simandl, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

Defendant pleaded not guilty to the following charges:

"1. On Saturday night, February 23, and early Sunday morning February 24, 1952 you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises in that a male entertainer recited stories and sang a song having lewd, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20.

"2. On the occasion aforesaid you allowed, permitted and suffered females (known as Yola "Pee Wee" --- and Mary ---) employed on your licensed premises, to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20."

Three ABC agents testified that they entered the licensed premises at approximately 10:30 on the night of February 23, 1952, at

which time a male master of ceremonies was concluding his act. He then announced that the next number would be performed by a female singer known as "Pee Wee". Immediately thereafter a young woman, attired in a "cocktail gown", sang a popular song.

The agents further testified that, after completing her number, "Pee Wee" went to the bar where she joined a male patron and ordered and consumed several whiskey highballs at his expense; that she then moved to another portion of the bar where she had a drink with another male; that she then returned to her former position at the bar, at which time one of the agents purchased a whiskey highball for her which was served to her by the bartender and which she consumed.

The agents also testified that, shortly after 12 o'clock the master of ceremonies opened the midnight show with a "patter" of jokes and stories, some of which were "double entendre" with allusions to sex and which were lewd and indecent, after which "Pee Wee" again sang popular songs. They further testified that, during the course of the evening, a woman (Mary ---) who had been seen checking hats and coats in the coatroom for various patrons consumed several whiskey highballs at the expense of a male patron and thereafter accepted and consumed a number of drinks at the expense of the agents.

As to charge (1): Except for certain details, defendant did not deny that the master of ceremonies told the stories attributed to him by the agents but attempted to establish that they were not objectionable. However, the master of ceremonies himself testified that some of the words had a "double meaning" and that "when you tell a risqué, you have to blend it more that it could be taken two ways". It is unnecessary to repeat here these various words and stories. Suffice it to say that they were definitely indecent and lewd. Such stories have no place on licensed premises.

The licensee is responsible for all entertainment which he offers or permits on the licensed premises and must see to it that such entertainment is, in all respects, proper. He cannot shift his responsibility to the performer or a booking agent. Re Di Angelo, Bulletin 753, Item 4. I find defendant guilty as to charge (1).

As to charge (2): Defendant contends that neither "Pee Wee" nor Mary --- was his "employee". Defendant testified that neither of these females was paid by him and that neither was listed as an "employee" on his payroll records. It was further claimed that, although "Pee Wee" had been employed at the licensed premises as a singer several months before the night in question and had been paid as such and, although she had been similarly employed by other licensees for hire, she was a mere "volunteer" on the night in question and that, because she liked to sing, she sang merely to fill in for a singer who had failed to appear. It is significant that the licensee admitted on the witness stand that, after she had sung a number or two, allegedly without prearrangement or promise of remuneration, he "...asked her if she would stay a little longer...for the next show".

"Pee Wee" testified that she had gone to the licensed premises as a patron with her husband, his cousin and some friends and that the drinks which the agents saw her consuming were paid for by her husband and the other males in their party. She admits, however, that she knew that one of the agents bought her a drink which was served to her by the bartender but claims she did not drink it.

There is no doubt that the licensee knew that Mary --- drank at the expense of a male patron (claimed to be her cousin) and also drank at the expense of the agents, but it is urged that she is not an "employee" because the licensee merely permits her to retain tips from a few people who choose to let her hang up their hats and coats. Counsel for the licensee also argues that the rule was intended to cover only those females who are paid to "push" drinks and that, since the licensee did not "knowingly" violate the law, he should not be penalized. However, a mere reading of the rule demonstrates the fallacy of these arguments.

I believe that the testimony of the agents represents an accurate account of the facts and circumstances constituting and surrounding the alleged violations. There can be no question but that the services of both females were utilized in furtherance of the licensed business. Salary or compensation is not a requisite to employment. Re William Street Bar and Grill, Inc., Bulletin 466, Item 8; Re Hrubec, Bulletin 752, Item 2. Consequently they are "females employed on the licensed premises" within the intentment of the rule; Kravis v. Hock, 137 N.J.L. 252. I find as a fact that both females "accepted" drinks at the expense of male customers and patrons. Consequently I find defendant guilty as to charge (2).

Defendant has a prior record. His license was suspended for fifteen days, effective August 18, 1939 for sales to minors and for ten days, effective February 24, 1947 for possession of illicit liquor. However, since both of these violations are dissimilar to those here involved and occurred more than five years ago I shall not consider them in fixing the penalty herein. Under all the circumstances of this case, I shall suspend defendant's license on both charges for a period of thirty (30) days. Cf. Re Victoria Bar, Bulletin 841, Item 5.

Accordingly, it is, on this 5th day of May, 1952,

ORDERED that Plenary Retail Consumption License C-693, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Max Jacobs, 5 Spring Street, Newark, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. May 12, 1952, and terminating at 2:00 a.m. June 11, 1952.

EDWARD J. DORTON  
Acting Director.

4. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALE TO MINORS - SALE TO NON-MEMBERS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CAPE MAY COUNTY TUNA CLUB )  
1301 Beach Avenue )  
Cape May (City), N. J., )

CONCLUSIONS AND ORDER

Holder of Club License CB-224, issued by the Director of the Division of Alcoholic Beverage Control. )

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Cape May County Tuna Club, by Joseph A. Furey, Pres. and Gilbert P. Ramagosa, Sec. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

Defendant has pleaded non vult to a charge alleging that (1) it sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20; and (2) it sold, served and delivered alcoholic beverages to persons not bona fide members of its club or bona fide guests of any member, in violation of Rule 8 of State Regulations No. 7.

The file herein discloses that on the evening of March 30, 1952 and the early morning of March 31, 1952 an employee of defendant sold and served alcoholic beverages to two minors, 19 and 20 years of age, respectively. Neither of the minors was a member of the defendant club or a bona fide guest of a member.

I shall suspend defendant's license for a period of ten days on charge (1), (cf. Re Burbol, Bulletin 899, Item 10); and for a period of fifteen days on charge (2), (cf. Re Club Lido, Bulletin 773, Item 2). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 2nd day of May, 1952,

ORDERED that Club License CB-224, issued by the Director of the Division of Alcoholic Beverage Control to Cape May County Tuna Club, 1301 Beach Avenue, Cape May (City), be and the same is hereby suspended for a period of twenty (20) days, commencing at 1:00 a.m. May 7, 1952, and terminating at 1:00 a.m. May 27, 1952.

EDWARD J. DORTON  
Acting Director.

5. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - FALSE ANSWER IN APPLICATION AND AIDING AND ABETTING NON-LICENSEE TO EXERCISE PRIVILEGES OF LICENSE.

CANCELLATION PROCEEDINGS - LICENSEE NOT A BONA FIDE CLUB - LICENSE CANCELLED.

In the Matter of Disciplinary Proceedings against

CAMP PULASKI ASSOCIATION  
T/a CAMP PULASKI  
Force's Farm, Waterloo Road  
Mount Olive Township  
P.O. Budd Lake, New Jersey,

CONCLUSIONS  
AND ORDER

Holder of Club License CB-2, issued by the Township Committee of the Township of Mount Olive.

Turek and Turek, Esqs., by Norbert E. Turek, Esq., Attorneys for Defendant-licensee.  
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

Defendant pleaded non vult to the following charges:

"1. In your application dated May 26, 1951, filed with the Mt. Olive Township Committee, upon which you obtained your current club license, you falsely stated 'No' in answer to Question 29, which asks: 'Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Harcerstwo Central Commission of Greater New York Inc. had such interest as the real and beneficial owner of the licensed business; said false statement being in violation of R. S. 33:1-25.

"2. From on or about July 2, 1938 until the present time, you knowingly aided and abetted Harcerstwo Central Commission of Greater New York Inc. to exercise, contrary to R. S. 33:1-26, the rights and privileges of your successive club licenses; in violation of R. S. 33:1-52."

In addition to the above charges defendant was served with an order to show cause why its license should not be cancelled and declared null and void for the following reason:

"Said license was improvidently issued in violation of R. S. 33:1-12(5) and Rule 2 of State Regulations No. 7 in that, at the time of issuance of such license and prior thereto, you were not a bona fide club."

Defendant did not contest the cancellation proceedings but, instead, New Jersey District No. 5, Polish National Alliance of the United States of North America, filed with me a petition requesting me to issue a certificate that satisfactory proof has now been submitted to me that it has been duly credentialed by Polish National Alliance of the United States of North America, which, according to the petition, is a national organization in active operation in this state for at least ten years last past.

From the undisputed evidence offered by defendant at the hearing herein it appears that the association which holds the license in the name of "Camp Pulaski Association" is in fact legally and officially New Jersey District No. 5, Polish National Alliance

of the United States of North America; that said New Jersey District No. 5 has been in continuous and active existence and operation in New Jersey for more than twenty-five years; that the Polish National Alliance, a national organization for the betterment of people (in America) of Polish extraction, has been in existence for approximately seventy years in the United States and for more than twenty-five years in New Jersey.

It further appears that for some years past, under the name "Camp Pulaski Association" (which is neither an incorporated nor an unincorporated association, being a name only), New Jersey District No. 5 has operated a camp for the benefit of its members at the licensed premises, which premises are owned by a New York corporation which is a part of the Polish National Alliance. Whether or not this was an exclusive operation by New Jersey District No. 5, or at least partly in cooperation with the New York corporation, does not too clearly appear. It was admitted that the proceeds of the licensed business have heretofore been deposited in a bank account jointly controlled by New Jersey District No. 5 and the New York corporation which owns the camp site. However, it is claimed that all of the proceeds were used for the licensed business and the improvement of the camp, and it has been stipulated that henceforth the license will be applied for in the true name of the association (New Jersey District No. 5, Polish National Alliance of the United States of North America), and the proceeds from the licensed business will be wholly and solely within the control of said association.

Considering all the evidence, I conclude that Polish National Alliance of the United States of North America is a national association organized for fraternal and social purposes, which has been in active operation in New Jersey for at least three years continuously immediately prior to May 26, 1951, and that New Jersey District No. 5 is a constituent unit of Polish National Alliance.

From all of the evidence it appears that the issuance of the original license and the renewals thereof were improper because the applications were not made in the proper name of the association. I shall cancel the license now held by defendant, without prejudice to the filing of any proper application for a new club license by New Jersey District No. 5, Polish National Alliance of the United States of North America, to which I shall issue a certificate in accordance with the request contained in its petition aforementioned. (Such certificate would appear to be necessary in view of the uncertainty as to its exclusive possession and control of the licensed premises during the past three years.)

Accordingly, it is, on this 16th day of April, 1952,

ORDERED that Club License CB-2, issued by the Township Committee of the Township of Mount Olive to Camp Pulaski Association, t/a Camp Pulaski, for premises on Force's Farm, Waterloo Road, Mount Olive Township, be and the same is hereby cancelled, effective immediately.

EDWARD J. DORTON  
Acting Director.

6. DISCIPLINARY PROCEEDINGS - PRIOR UNLAWFUL SITUATION CORRECTED - ORDER LIFTING SUSPENSION AND RESTORING LICENSE TO FULL FORCE AND EFFECT.

In the Matter of Disciplinary Proceedings against  
 ITALIAN-AMERICAN COLUMBUS RELIEF ASSOCIATION  
 Second Street  
 Woodbridge Township  
 P.O. Port Reading, N.J.,  
 Holder of Club License CB-1, issued for the 1950-51 and 1951-52 licensing years by the Township Committee of the Township of Woodbridge.

ON PETITION  
O R D E R

-----  
 Andrew D. Desmond, Esq., Attorney for Petitioner.  
 William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

By order dated February 20th, 1952, the license of Italian-American Columbus Relief Association was suspended for the balance of its term, effective at 2:00 a.m. February 25, 1952, with leave to file a petition for relief upon correction of the illegal situation. In said order it was provided that in no event would relief be given prior to the expiration of thirty-five days from the date upon which the suspension became effective. See Bulletin 928, Item 3. The petition filed herein alleges that the illegal situation has been corrected and requests that petitioner be permitted to resume operations under its license.

It appears from the evidence adduced at the hearing on the petition that no individual, partnership, corporation or association, other than the licensee, now has any interest, directly or indirectly, in the license or in the business to be conducted under the license. It further appears that arrangements have been made whereby no one will be paid any percentage of the profits derived from the business to be conducted under the license. In addition the licensee has notified the Woodbridge Township Committee, the local issuing authority, of the change in the office of president.

Since, from the evidence herein, it now appears that the unlawful situation has been entirely corrected and since there has elapsed more than the minimum period of suspension imposed by the prior order, the suspension thereby imposed will be lifted.

Accordingly, it is, on this 30th day of April, 1952,

ORDERED that Club License CB-1, issued for the 1951-52 licensing period by the Township Committee of the Township of Woodbridge to Italian-American Columbus Relief Association, for premises Second Street, Woodbridge Township, be and the same is hereby restored to full force and operation effective immediately.

EDWARD J. DORTON  
 Acting Director.

7. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - LOTTERY ON LICENSED PREMISES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against )

MUTUAL SOCIETY OF ST. ANTHONY )  
916 Penn Line Road )  
Paulsboro, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Club License CB-199, issued )  
by the Director of the Division of )  
Alcoholic Beverage Control. )

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Mutual Society of St. Anthony, Defendant-licensee, by Peter Delia,  
President.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

Defendant has pleaded non vult to the following charges:

"On divers days during the months between August 1951 and February 1952, you allowed, permitted and suffered a lottery known as '50-50 Club, St. Anthony Society' to be conducted in and upon your licensed premises and sold and offered for sale and possessed, had custody of, and allowed, permitted and suffered tickets and participation rights in such aforementioned lottery in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20."

The file herein discloses that defendant-licensee allowed, permitted and suffered the sale of participation rights in a lottery known as "50-50 Club" sponsored by defendant club. The drawing to determine the successful participants was held each month upon the licensed premises from August 1951 until March 1952, at which time defendant was instructed by this Division to discontinue the illegal activity.

Rule 6 of State Regulations No. 20 provides:

"No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises."

Defendant has no previous adjudicated record. In Re Irish American Ass'n, Bulletin 898, Item 8, defendant's license was suspended for twenty days for a similar violation. However, in my opinion, a fifteen-day suspension is adequate for a first violation of this kind. I shall suspend defendant's license for fifteen days, less five for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of April, 1952,

ORDERED that Club License CB-199, issued by the Director of the Division of Alcoholic Beverage Control to Mutual Society of St. Anthony, for premises 916 Penn Line Road, Paulsboro, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. May 12, 1952, and terminating at 7:00 a.m. May 22, 1952.

EDWARD J. DORTON  
Acting Director.

8. DISCIPLINARY PROCEEDINGS - SALE AND FAILING TO CLOSE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

DANIEL R. CROAL & HELEN I. CROAL )  
62 Fourth Avenue )  
Paterson 4, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-87, issued by the Board of Alcoholic Beverage Control of the City of Paterson. )

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Daniel R. Croal & Helen I. Croal, Defendant-licensees, by Daniel R. Croal.  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

Defendants pleaded non vult to charges alleging that they (1) sold and permitted the consumption of alcoholic beverages upon their licensed premises during prohibited hours and (2) failed to close the entire premises during prohibited hours, both in violation of local regulation.

An ordinance of the City of Paterson prohibits the sale of alcoholic beverages on Sunday between 3:00 a.m. and 1:00 p.m. and requires that licensed premises (with exceptions not here material) shall be closed between said hours.

The file discloses that two ABC agents approached the licensed premises at approximately 2:30 a.m. on Sunday, March 30, 1952, at which time one of them entered the barroom while the other remained outside. There were six patrons in the barroom at that time and, at 2:55 a.m., five other people entered. At 3:00 a.m. the bartender turned off the neon lights in the various windows but continued to sell and serve alcoholic beverages to the customers, including the aforementioned agent. At 3:20 a.m. the other agent entered the barroom and ordered a glass of beer which was served to him by the bartender. However, the bartender appeared to be suspicious and stated that the drink was "on him". Meanwhile another man locked the front door of the barroom. The agents then identified themselves to the bartender who admitted the violations but refused to give a written statement.

Defendants have no prior adjudicated record. Consequently, I shall suspend the license for fifteen days, the minimum period for local "hours" violations. Re Vanderbach, Bulletin 930, Item 5. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 1st day of May, 1952,

ORDERED that Plenary Retail Consumption License C-87, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Daniel R. Croal & Helen I. Croal, 62 Fourth Avenue, Paterson, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. May 12, 1952, and terminating at 3:00 a.m. May 22, 1952.

EDWARD J. DORTON  
Acting Director.

- 9. DISCIPLINARY PROCEEDINGS - TRANSPORTATION WITHOUT REQUISITE INVOICE IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 17 - TRANSPORTATION IN VEHICLE NOT BEARING INSIGNIA IN VIOLATION OF RULE 2 OF STATE REGULATIONS NO. 17 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ARTHUR E. WEITZMAN )  
 T/a WEITZMAN LIQUORS CO. )  
 144 No. Broadway )  
 Camden, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Distribution License D-3, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )  
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Saul Teitelman, Esq., Attorney for Defendant-licensee.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

Defendant pleaded non vult to the following charges:

- "1. On October 29, 1951, you transported alcoholic beverages in a vehicle without the driver thereof having in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill, or similar document stating the bona fide name and address of the purchaser or consignee, and the brand or size of the container and quantity of each item of alcoholic beverages being delivered and transported; in violation of Rule 3 of State Regulations No. 17.
- "2. On the occasion aforesaid, you transported alcoholic beverages in a vehicle without having a transportation insignia affixed thereto in accordance with Rule 11 of State Regulations No. 17; in violation of Rule 2 of State Regulations No. 17."

The file discloses that on October 29, 1951, agents of the Pennsylvania Liquor Control Board observed an automobile, owned by defendant and driven by one of his employees, enter Philadelphia, Pa. from Camden, N. J., via the Delaware River Bridge. When the agents stopped this automobile in Philadelphia, they found in the trunk compartment thereof approximately five cases of whiskey and one case of wine. None of the bottles bore Pennsylvania tax stamps. The driver produced three invoices for these alcoholic beverages and admitted to the agents that defendant had instructed him to deliver the orders to various persons in Pennsylvania. However, the invoices did not contain the addresses of the purchasers as required by Rule 3 of State Regulations No. 17.

In addition, although a transportation insignia had been issued to defendant for that automobile by this Division, said insignia was not affixed to the exterior of the vehicle as required by Rules 2 and 11 of State Regulations No. 17, but was found in the glove compartment of the vehicle.

It appears that the violations arose out of an attempt to sell and deliver a substantial quantity of alcoholic beverages in a neighboring state contrary to the laws of that state.

The defendant has no prior adjudicated record. The minimum penalty in cases of this kind is a fifteen-day suspension of the

license. Re Meisler, Bulletin 835, Item 7. I shall suspend defendant's license for fifteen days. Remitting five days for the plea leaves a net suspension of ten days.

Accordingly, it is, on this 5th day of May, 1952,

ORDERED that Plenary Retail Distribution License D-3, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Arthur E. Weitzman, t/a Weitzman Liquors Co., for premises 144 N. Broadway, Camden, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. May 12, 1952, and terminating at 9:00 a.m. May 22, 1952.

EDWARD J. DORTON  
Acting Director.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICES LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

TOWN HALL DELICATESSEN, INC. )  
T/a TOWN HALL DELICATESSEN, INC. )  
18 South Orange Avenue )  
South Orange, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution License D-1, issued by the Board of Trustees of the Village of South Orange. )

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Town Hall Delicatessen, Inc., by Hans Tiedemann, President.  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

Defendant has pleaded non vult to a charge alleging that it sold an alcoholic beverage at retail at less than its price as listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

On April 4, 1952, an ABC agent purchased on defendant's licensed premises, from Hans Tiedemann, President of defendant corporation, a 4/5 quart bottle of "Pedro Domecq Ideal Pale Sherry" wine for \$1.72. The minimum price of the wine as listed in the then current "Complete List of New Jersey Minimum Consumer Resale Prices of Alcoholic Beverages" was \$1.99 for a 4/5 quart bottle of the brand of wine in question.

Defendant has no previous adjudicated record. Defendant alleges that the violation was "entirely unintentional", but that is no excuse. Under the circumstances, the license will be suspended for the minimum period of ten days, less five days' remission for the plea entered herein, leaving a net suspension of five days. Re Wilson's Liquor Store, Inc., Bulletin 920, Item 14.

Accordingly, it is, on this 1st day of May, 1952,

ORDERED that Plenary Retail Distribution License D-1, issued by the Board of Trustees of the Village of South Orange to Town Hall Delicatessen, Inc., t/a Town Hall Delicatessen, Inc., for premises 18 South Orange Avenue, South Orange, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. May 12, 1952, and terminating at 9:00 a.m. May 17, 1952.

EDWARD J. DORTON  
Acting Director.

## 11. ADVERTISING - SIGNS - "LAST BAR BEFORE TURNPIKE" PROHIBITED.

May 1, 1952

K. & L. Circle Inn (Inc.)  
 Highway 4 and 35 and Chevalier Ave.  
 Sayreville  
 P.O. R.F.D. 1, So. Amboy, N. J.

Gentlemen:

You hold a plenary retail consumption license for your tavern at the above address.

Our attention has been called to the fact that near your tavern, facing onto the highway, you are maintaining a sign which reads:

"LAST BAR Before....  
 Turnpike  
 CIRCLE INN  
 BAR & GRILL  
 Sandwiches Served"

Too much danger lurks in the prospect of drinking on the highway to allow any tavernkeeper to maintain a sign of this type. Urging motorists, bound for the fast-moving turnpike, to come in for a drink because yours is the last bar on the way is contrary to elemental principles of modern liquor control. Unlike warning the motorist of the last stop for gasoline or food, no social purpose is served by warning him that here is his last chance to do some drinking on this stretch of highway. To the contrary, it performs a distinct disservice to the public interest in its grim bargaining for tangled wreckage, broken limbs and lost lives.

The overwhelming majority of liquor licensees seem to be aware of these considerations and abstain from any signs of this injurious type. No less should be expected of you.

Under the Alcoholic Beverage Law, R. S. 33:1-39, I hereby specially rule and direct that you immediately remove the sign in question and that you refrain from any advertising of this kind in the future. Violation will be cause for prompt suspension or revocation of your license.

You are further directed to send me an immediate letter assuring me of your compliance with the foregoing directives.

Very truly yours,  
 EDWARD J. DORTON  
 Acting Director.

## 12. STATE LICENSES - NEW APPLICATIONS FILED.

August F. Blume, t/a Rae Motor Lines  
 929 South 19th St., Newark, N. J.  
 Application filed May 5, 1952 for Transportation License.

Camden County Beverage Company  
 N/W Cor. Fillmore and Bulson Sts., Camden, N. J.  
 Application filed May 8, 1952 for Additional Limited Brewery License.

W. T. Cowan, Incorporated  
 480 Duncan Avenue, Jersey City, N. J.  
 Application filed May 9, 1952 for transfer of Transportation License from 1306 Clinton Street, Hoboken, N.J.

New Jersey State Library

*Edward J. Dorton*  
 Acting Director.