

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

BULLETIN 393

MARCH 20, 1940.

1. SEIZURES - CONFISCATION PROCEEDINGS - WINE FORFEITED.

In the Matter of the Seizure on) December 15, 1939, of eight) 50-gallon barrels of wine, five) 1-gallon jugs of wine, and four) 1-quart bottles containing other) alcoholic beverages, at 227) Oliver Street, in the City of) Newark, County of Essex and State) of New Jersey.)	Case 5648 ON HEARING CONCLUSIONS AND ORDER
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Charles S. Okin, Esq., Attorney for Bartolomeo Nasto.
Harry Castelbaum, Esq., Attorney for the Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

On December 15, 1939, Investigators Anderson and Williams of this Department found four fifty-gallon barrels of wine, five one-gallon jugs of wine, three quart bottles filled with alcohol, water and coloring, and one quart bottle filled with alcohol, water and anise flavoring, in the cellar of a candy store conducted by Bartolomeo Nasto at 227 Oliver Street, Newark; in a shed in the rear of said premises they also found four fifty-gallon barrels of wine.

At the hearing Bartolomeo Nasto sought the return of the wine on the ground that he had acted in good faith. He testified that he had manufactured three barrels of wine pursuant to a wine permit which was issued to him on November 20, 1934. He admitted that he had manufactured the five barrels of wine in September 1939 without obtaining any further permit. He testified further that he believed that the wine permit which he obtained in 1934 was "good forever".

The wine permit which he obtained in 1934 expired by its terms on June 30, 1935 and it is clear that, since the latter date, he has had no right to possess or manufacture wine. Hence I find that the wine is illicit and subject to forfeiture.

In some cases I have ordered the unlawful home-made wine to be returned upon obtaining a special permit, where I have been satisfied that the owner of the wine manufactured it for personal consumption and in ignorance of the fact that he was required to obtain a wine permit. In this case, however, it appears from Nasto's testimony that he manufactured the whiskey found in three of the four bottles, and the anisette found in the other quart bottle, from alcohol which he purchased from an unknown man two or three years ago. The contents of these quart bottles, which were found in the cellar with the wine, contained more than forty per cent. by volume of alcohol and constitute illicit alcoholic beverages. I have consistently refused to return home-made wine manufactured without permit when illicit alcohol (the mere possession of which is a misdemeanor) is found with the wine. Under the circumstances of this case I am not satisfied that Bartolomeo Nasto

acted in good faith, and hence the wine will not be returned to him.

Accordingly, it is ORDERED that the property set forth in Schedule "A" annexed hereto be and the same is hereby forfeited in accordance with the provisions of R. S. 33:1-66 and that it be retained for the use of hospitals and State, County and municipal institutions, or destroyed, in whole or in part, at the direction of the Commissioner.

D. FREDERICK BURNETT,
Commissioner.

Dated: March 14, 1940.

SCHEDULE "A"

- 8 - 50-gallon barrels of wine
- 5 - 1-gallon jugs of wine
- 4 - 1-quart bottles of other alcoholic beverages

2. SEIZURES - CONFISCATION PROCEEDINGS - PROPERTY FORFEITED - PREMISES PADLOCKED.

In the Matter of the Seizure on)	Case 5673
February 4, 1940, of a still at)	
Patsy's Inn, located on Bay Road,)	ON HEARING
Holly Park, in the Township of)	CONCLUSIONS AND ORDER
Berkeley, County of Ocean and)	
State of New Jersey.)	
-----)	

Cecil S. Ackerson, Esq., Attorney for William E. Woolley and Mary E. Woolley, Mortgagees.
 Pasquale Buonanno, Pro Se.
 Harry Castelbaum, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On February 4, 1940, Investigators Kingsley and Penn of this Department, together with State Troopers and officers of the Berkeley Township Police Department, found a large unregistered still in a building known as "Patsy's Inn", located on Bay Road, Holly Park, in the Township of Berkeley, County of Ocean and State of New Jersey.

The unregistered still and the equipment seized in connection therewith and more fully described in Schedule "A" annexed hereto constitute unlawful property. R. S. 33:2-2. No one appeared at the hearing to claim any of said property, and hence said property is forfeited. R. S. 33:2-5.

At the hearing held herein, Pasquale Buonanno, the owner of said property, and William E. Woolley and Mary E. Woolley, mortgagees of said property, requested that no padlock be imposed upon the ground that they are innocent parties.

Pasquale Buonanno testified that a former tenant vacated the premises in September 1939; that shortly after New Year's 1940

a man who used the name "Joseph Manze" came to his home in the City of Trenton and agreed to rent the premises in question for \$600.00 per year, depositing with him the sum of \$100.00; that a few days later "Manze" returned, signed a written lease (which is dated January 4, 1940), promised to make a further payment on March 1st and obtained the keys for the property. Buonanno testified that he did not visit the Berkeley property until after the date of the seizure and knew nothing of the existence of the still. It appears, however, that the owner had made no investigation of his tenant at the time he rented the property and that he later learned that "Manze" did not reside at 422 Franklin Street, Trenton, as he had advised Buonanno when the agreement was made to lease the property. These facts show that the owner was negligent and is not entitled to any relief.

It appears that when Mr. and Mrs. Woolley sold the premises in question to its present owner in May 1937 they took back a purchase money mortgage upon which the sum of \$6100.00 remains due and unpaid. Up to the date of hearing no steps had been taken to foreclose the mortgage. At the present time the mortgagees have no standing to obtain relief against padlocking because it does not appear that they have any right to possession of the property.

Under all the circumstances, I shall padlock the premises in which the still was found for a period of six months.

The mortgagees, however, request that permission be granted to them to apply for relief if and when they obtain the right to possession of the premises. I shall entertain such a petition, but in no event prior to the expiration of thirty days from the time the padlock becomes effective.

Accordingly, it is ORDERED that the seized property be and hereby is forfeited in accordance with the provisions of R.S.33:2-5 and that it be retained for the use of hospitals and State, County and municipal institutions, or destroyed, in whole or in part, at the direction of the Commissioner; and it is further

ORDERED, that the presently unoccupied premises known as "Patsy's Inn", located on Bay Road, Holly Park, in the Township of Berkeley, County of Ocean, New Jersey, being the premises in which the still was found, shall not be used or occupied for any purpose whatsoever for a period of six (6) months, commencing the 20th day of March, 1940.

D. FREDERICK BURNETT,
Commissioner.

Dated: March 14, 1940.

SCHEDULE "A"

4 sections copper column	2 - Worthington double action
1 - copper gooseneck	steam pumps
1 - copper dephlegmator	1 - centrifugal pump
1 - copper preheater	3 - 50-pound bags of urea
1 - galvanized cooler with	5 - 50-pound cartons of yeast
copper coils	12 - bags of coke
1 - metal tank	40 - 5-gallon cans (empty)
3 - sheet iron tanks	1 - carboy, $\frac{1}{2}$ full of sulphuric
1 - copper tribox	acid
1 - steam boiler	3 - wooden vats with mash
1 - copper funnel	5 - gallons of alcohol
	Miscellaneous pipes, fittings
	and hose

3. SEIZURES - CONFISCATION PROCEEDINGS - PREMISES PADLOCKED IN PART.

In the Matter of the Seizure of)	Case 5282
Thomas Marks' Ford Truck and a)	
number of still parts in Egg)	ON HEARING
Harbor Township, County of)	CONCLUSIONS AND ORDER
Atlantic and State of New)	
Jersey.)	
-----)	

William B. Surran, Esq., Attorney for Thomas Marks.
 Harry Castelbaum, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On March 7, 1939, investigators seized illicit still equipment, consisting of 17 bags of sugar, 9 bags of coke, and 127 empty 50-gallon mash barrels in a dwelling on Plum Street, Egg Harbor Township, owned by Thelma Marks, wife of Thomas Marks. A 250-gallon copper cooker was found under the porch.

The investigators then visited Thomas Marks' residence, nearby, on Lee Street, and there found, in the cellar, sheet copper, a gasoline pump, and various still parts and appurtenant equipment. In addition, they found a heater base, some bags of charcoal, a set of grates, and some galvanized iron in a Ford truck owned by Marks, standing in the yard near the garage. They seized all of the aforementioned articles, including the motor vehicle, and arrested Thomas Marks.

The still parts were not registered with this Department. Hence they and the other articles found therewith constitute unlawful property. R. S. 33:2-2.

Nevertheless, Marks contends that his truck and a pump should be returned to him. The only reason advanced for the return of the truck is that it was not used in connection with any illegal activities. Even if this were true, it is immaterial, because the test is whether it was found on the premises with the illicit still parts and not what use was made of it. Cf. Re Tricol Bulletin 164, Item 9. No reason was given why the pump should be returned. Consequently, no cause has been shown why such articles should not be forfeited.

As to padlocking: No objection is made to padlocking of the Plum Street premises, but Marks seeks to avoid padlocking of his residence on Lee Street. He testified that he and his wife are the owners of this property; that he built the dwelling, and it is now occupied by himself, his wife, and three minor children; that he is a tinsmith by trade, and also does some truck farming; that he has little, if any, financial resources, and will have to go on "Relief" if evicted from his home.

Although Marks has been arrested on a number of occasions in recent years, charged with violating the liquor laws, there is only one conviction against him, on a charge made by the Federal authorities after the instant seizure. While his many arrests incline me to deny his request, yet, since it is his first conviction, and further, because of the apparent undue hardship upon his family, I will not order the Lee Street premises padlocked.

Accordingly, it is ORDERED that the seized property, set forth in Schedule "A", annexed hereto, be and hereby is forfeited in accordance with the provisions of R. S. 33:2-5, and that it be retained for the use of hospitals and State, County and municipal institutions, or destroyed in whole or in part at the direction of the Commissioner.

It is further ORDERED, that the dwelling owned by Thelma Marks, on Plum Street, in the Township of Egg Harbor, County of Atlantic and State of New Jersey, being the premises in which the illicit still parts were found, shall not be used or occupied for any purpose whatsoever for a period of six months, commencing the 14th day of April, 1940.

D. FREDERICK BURNETT,
Commissioner.

Dated: March 14, 1940.

SCHEDULE "A"

Seized at Lee Street

- 1 - Iron heater base
- 1 - Sheet galvanized iron
- 1 - Set grates
- 1 - bag sheet copper
- 1 - double action gasoline pump
- 4 - sheets copper
- 1 - copper dephlegmator and gooseneck
- 1 - hand force pump
- 1 - double copper coil
- 1 - sheet galvanized metal
- 1 - copper gooseneck
- 1 - copper ell
- 1 - copper preheater base and wall
- 1 - copper coil
- 1 - Ford Truck - New Jersey 1938 Registration
X20674

Miscellaneous personal property

Seized at Plum Street

- 19 - bags coke
- 127 - empty 50 gallon barrels
- 1 - 250 gallon copper cooker
- 17 - 100 lb. bags sugar

4. DISCIPLINARY PROCEEDINGS - LEWDNESS - 10 DAYS FOR THE SNAKE ACT, BUT ONLY A STEP IN THE RIGHT DIRECTION.

March 15, 1940

Samuel Backer, Esq.,
City Solicitor,
Atlantic City, N. J.

My dear Mr. Backer:

I have before me the judgment of the Board of Commissioners of Atlantic City in the matter of the disciplinary proceedings against Edward Kravis, T/a The Paddock International, N/E Corner Illinois and Atlantic Aves., charged with permitting a lewd and indecent performance by an entertainer on his licensed premises.

The judgment, after reciting the charges, reads:

"The City Solicitor produced Albert J. Wagner and George Tracy, investigators employed by the Department of Alcoholic Beverage Control. Both testified that they entered the licensed premises on August 25, 1939 at about 12:30 A.M. and observed the so-called 'snake act', in which the consummation of marriage between a sacred snake and Zorita, a dancer, was depicted. According to these witnesses, the act was lewd, indecent and much more than suggestive. Very little was left to the imagination. Both Mr. Wagner and Mr. Tracy testified that there was nothing artistic about the dance and that it was a disgusting attempt to exhibit improper relations between a snake and a woman. The act was conducive to immorality. Upon leaving the stage the dancer disrobed completely and left the floor in the nude.

"Another witness, Albert McGovern, an investigator employed by the City of Atlantic City, testified that he saw the act on about August 22, 1939 and that it was lewd, indecent and disgusting. He corroborated in virtually every respect the testimony of the other two witnesses.

"On behalf of the licensee, Robert Shrage, Mrs. Samuel Kamons and Benjamin J. Saltzburg appeared and stated that the act was not suggestive and that it was not indecent. Considering the fact that it was not denied that the master of ceremonies announced, just preceding the act, that the consummation of marriage between a sacred snake and Zorita would be depicted, the testimony of these witnesses, as well as the testimony of the licensee, Edward Kravis, t/a The Paddock International, was entitled to little, if any, credence. The licensee admitted that the act was advertised on Illinois Avenue by posters, brazenly boasting of the fact that the dancer, Zorita, had been arrested in various cities because of her snake act, on charges of disorderly conduct and indecency. It was considered that this was supposed to be a publicity stunt.

"Having heard the testimony, it is the opinion of the Board of Commissioners that the licensee, Edward Kravis, T/a The Paddock International, is guilty of the charges preferred against him. It is the determination of this Board to stamp out low and indecent performances, such as the one in question. Therefore, a punishment of suspension of the license of Edward Kravis, T/a The Paddock International, for a period of ten days, is hereby imposed."

This is a step in the right direction for which I am grateful to your Board of Commissioners. In view, however, of the repulsive and advertised perversion, it would have been an act of great service to the public and to the legitimate liquor industry if the license had been lifted for a term of long duration, if not revoked outright. Severity is the only cleanser which will wipe out these dirty shows.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

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

In the Matter of Disciplinary)
Proceedings against)
JULIUS VOGEL and ABRAHAM TANZER,)
502 Berckman Street,)
Plainfield, New Jersey,)
Holder of Plenary Retail Distri-)
bution License D-1, issued by the)
Common Council of the City of)
Plainfield.)
-----)

CONCLUSIONS
AND ORDER

Julius Vogel and Abraham Tanzer, by J. Vogel.
Charles Basile, Esq., Attorney for the State Department of
Alcoholic Beverage Control.

BY THE COMMISSIONER:

The licensee has pleaded guilty to a charge of selling liquor at less than the Fair Trade price at the licensed premises on February 6, 1940, in violation of Rule 6 of State Regulations No. 30.

The usual penalty for this violation is ten days.

By entering this plea in ample time before the day fixed for hearing, the Department has been saved the time and expense of proving its case. The license will, therefore, be suspended for five (5) days instead of ten (10) days.

Accordingly, it is, on this 14th day of March, 1940,

ORDERED, that Plenary Retail Distribution License D-1, heretofore issued to Julius Vogel and Abraham Tanzer, be and the same is hereby suspended for a period of five (5) days, effective March 18, 1940, at 1:00 A. M.

D. FREDERICK BURNETT,
Commissioner.

6. DISCIPLINARY PROCEEDINGS - PROSTITUTES - 30 DAYS.

In the Matter of Disciplinary Proceedings against)

SAUL SCHATTEN, 81 William Street, Newark, New Jersey,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License No. C-159, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

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George R. Sommer, Esq., Attorney for Licensee. Stanton J. MacIntosh, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Charges served upon the licensee allege that:

- (1) On or about October 20 and 21, 1939, you allowed, permitted or suffered known prostitutes or other persons of ill repute in or upon your licensed premises in violation of Rule 4 of State Regulations No. 20;
(2) On or about October 20 and 21, 1939, you allowed, permitted or suffered lewdness and immoral activities in or upon your licensed premises in violation of Rule 5 of State Regulations No. 20.

On the evening of October 20, 1939, Violet _____ and Julia _____ were in defendant's barroom. Violet had been twice convicted; in 1933, as a common prostitute, and in 1935 on a charge of soliciting. Julia apparently had no criminal record.

Investigators Gold and Togno, of this Department, testified that when they entered the premises they sat at the bar with the girls; that a smutty conversation was carried on in the presence of the bartender, Joseph Schatten; that Julia consented to have sexual intercourse with Gold; that the bartender assured the investigator, in response to an inquiry, that he was "safe"; that the bartender suggested that both investigators and the girls should go to the rear room of the licensed premises where they might have a "little privacy"; that, after they were in the rear for a short time, Gold left by a side door, ostensibly because of a dispute with Julia but in reality in order to notify the police; that, after he left, Violet and Togno had a dispute after she had accepted \$1.75 from him, and that the licensee, who was in the rear room, then suggested to Violet that she take the investigator out to the car or return the money; that the police then arrived and placed the girls and the licensee under arrest.

The bartender denied everything except the smutty conversation, which he said was begun by one of the investigators. The licensee admitted the dispute but said that he told Violet to return the money because she was "taking nickel and dime to play music."

I don't believe either of their stories.

Milask asks whether or not, if he immediately disposes of the properties in question, namely, 7 North Forklandig Road and 303 Kaighn Avenue, by bona fide sales, the suspension of his license may be avoided.

In view of the considerations aforesaid, the answer will be in the affirmative, providing, of course, that the sale is out and out and not subject to any understanding, agreement, or trust, secret or otherwise. It is not necessary, however, to adopt such drastic measures, for it may be very hard to make a forced sale of these properties without great sacrifice of price. All that the order requires is that Milask sever his connection, out and out, with the two holding companies which is wholly within his power, whereas to insist that the companies respectively sell the properties might be something beyond his control.

Your letter speaks of immediate disposal. If the disposition along either line above mentioned is accomplished and certified to me with reasonable dispatch, it will be a satisfactory compliance. For that purpose, realizing that the coming week is broken up by a holiday and the Easter weekend, I hereby grant Milask a period of two weeks from date hereof to effect and certify to me such disposition. Thereafter an order will be entered lifting the suspension.

As the suspension had been ordered to run for five days commencing this coming Monday, March 18th, and directions had been issued to the Camden Chief of Police to pick up the license on that day, I have wired the Chief this afternoon cancelling my earlier order, and to take no further steps to pick up the license until further word from me.

In effect, I am presently lifting the suspension for a period of two weeks pending compliance as hereinbefore indicated.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

8. ELIGIBILITY - MORAL TURPITUDE - FACTS EXAMINED - CONCLUSIONS.

March 13, 1940

Re: Case No. 313

On October 20, 1937, armed with a toy pistol, and face masked, applicant entered the rear room of a tavern and stole \$3.00 from a patron and \$81.00 from the proprietor. As a result, he was arrested and charged with the crime of robbery, to which he pleaded guilty. He was sentenced to probation for three years and ordered to make restitution.

Applicant's explanation at the hearing was that, "I read a detective magazine, and I thought I would get smart ***".

The crime of robbery per se involves moral turpitude. Re Kennedy, Bulletin 118, Item 10. The fact that applicant's weapon was a toy pistol is immaterial. The intimidation intended and result accomplished were as effective as if he had used a real revolver.

Investigation also discloses that he had been convicted of petit larceny on November 5, 1930 and sentenced to time already served (fifteen days).

It is recommended that applicant be advised that he is ineligible to be employed by a liquor licensee in this State.

Samuel B. Helfand,
Attorney.

APPROVED:

D. FREDERICK BURNETT,
Commissioner.

9. ELIGIBILITY - MORAL TURPITUDE - FACTS EXAMINED - CONCLUSIONS.

March 16, 1940

Re: Case No. 314

On four separate occasions, twice in 1932 and twice in 1938, applicant was convicted of gambling, in violation of municipal ordinance.

On March 20, 1935, applicant pleaded non vult to a statutory charge of gambling in the Essex County Court of Special Sessions, and was placed on probation for one year and fined \$100.00. This conviction resulted from applicant's having taken bets on horse races at the establishment where he was apprehended, for a period of four months prior to his arrest.

Thus, applicant has been five times convicted of the same type of offense. True, the four convictions of municipal ordinances are not convictions of "crimes" within the meaning of R. S. 33:1-25, 26. Re Case No. 249, Bulletin 303, Item 8. Nevertheless, they are a pertinent circumstance to be considered in determining whether the 1935 conviction involves moral turpitude.

One who, with two prior convictions to his discredit, repeats the same kind of misconduct, not only once but three times, must be said to be utterly lacking in any regard for law and order. It is indicative of "a bent of mind - an obtuseness to the rules of organized society - a continued refusal to abide thereby, which is a potent, if not so glaring, form of moral turpitude". Cf. Re Case No. 246, Bulletin 293, Item 10.

This conclusion is supported by a report received from the Probation Department which, in part, reads:

" _____ was under our supervision until May 2, 1938, when he was discharged (without improvement). At that time he had paid only \$35. of his fine and the balance was remitted by the court. His record under supervision was not satisfactory. The probation officer made the following observation: 'Dislikes commonplace work and unable to get work to his liking. Questionable companions.'"

I believe that applicant's conviction in 1935, under the circumstances, involves moral turpitude.

It is unnecessary, therefore, to determine whether the crime of adultery, of which applicant was convicted on September 9, 1920, involves that element.

It is recommended that applicant be advised that he is ineligible to be employed by a liquor licensee in this State.

Approved as to result.
D. FREDERICK BURNETT,
Commissioner.

Samuel B. Helfand,
Attorney.

10. DISCIPLINARY PROCEEDINGS - LEWDNESS - 144 DAYS' SUSPENSION FOR FILTHY SHOW.

March 18, 1940

Philip P. Costello,
City Clerk,
Perth Amboy, N. J.

My dear Mr. Costello:

I have before me staff report and your letter re disciplinary proceedings against Steve Szebeledy, 281 Grace Street, charged with permitting a lewd show on his licensed premises, and note that he was found guilty and his license suspended for the balance of the term - a period of 144 days.

Since perchance the case may come before me on appeal I can, of course, express no opinion as to the merits. However, I have no hesitancy in expressing my thanks to the Board of Commissioners for their conduct of the proceedings, and, if the facts reported be established, the substantial and stinging penalty imposed.

As I get the picture the licensee rented his hall to the baseball team of a local manufacturer who decided that they could raise the money for equipment by running a dirty show. At a dollar a head, approximately 250 local patrons of the arts must have got their money's worth since the show involved at least three females who danced without a stitch and threw their bodies into the laps of the spectators, who apparently cooperated wholeheartedly in licentiousness and utter abandon. As if this were not enough, just before the place was "pulled", a disgusting motion picture was put on featuring men and women in flagrante delictu with a dog as an alternate, which left nothing to imaginations already inflamed by the stripped wantons.

The Board of Commissioners has done its work unflinchingly and well in heavily penalizing a licensee for permitting, on licensed premises, such a foul and revolting spectacle utterly out of place anywhere.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

11. SEIZURES - CONFISCATION PROCEEDINGS - HEREIN OF CLUB WINE AND THE DANGERS OF GRATUITOUS ADVICE AT POLITICAL RALLIES.

In the Matter of the Seizure on :
 January 25, 1940, of six 50-gallon :
 barrels of wine at 365 Totowa Avenue : Cases #5665-5666
 and three 50-gallon barrels of wine :
 at 139 Sherman Avenue, both in the : On Hearing
 City of Paterson, County of Passaic, : CONCLUSIONS AND ORDER
 and State of New Jersey. :

Charles J. Alfano, Esq., Attorney for Cesare Battiste Italian
 Independent Political Club, Inc.
 Harry Castelbaum, Esq., Attorney for Department of Alcoholic
 Beverage Control.

BY THE COMMISSIONER:

On January 25, 1940, investigators of this Department, accompanied by Paterson police, seized approximately 265 gallons of wine (barreled) in the cellar of the club quarters of the Cesare Battiste Italian Independent Political Club, Inc., 365 Totowa Avenue, Paterson, and 150 gallons of wine (also barreled) at the home of Frank Cole, a club member, 139 Sherman Avenue, Paterson.

The wine at both places was made by the Club without license in November 1939 for the personal consumption of its members. There is no evidence of any actual or intended sale.

The Club's secretary testified that, last Fall, the Club decided upon making instead of buying the wine to be served at its social gatherings; that, accordingly, \$100. or \$125. worth of grapes were purchased with money contributed by Club members; that most of the grapes were unloaded at the Club and the rest, because of the Club's lack of facilities, at Cole's home; that the Club believed it was legal to convert the grapes into wine because speakers at one of its political rallies so informed them. Thus:

"Q. Was a permit secured? A. No.

Q. Why wasn't it secured? A. Before the Primary Election we have a big rally, and we offer everything free there for political people. At the same time, we ask if we can have some wine there for use of our members. They say, 'As long as you don't sell it, you can have a little wine for yourselves.'

Q. When you say 'they', who do you mean? A. Some political men that came up there.

Q. Speakers? A. Yes, political speakers.

Q. Because of the information that you received from the speakers, is that the reason you made the wine without a permit? A. Yes.

Q. You believed you had a right to make it without a permit? A. Yes, we believed."

It would be well if these speakers did not look on the wine when it was red. Their enthusiastic pronouncements, although coinciding with the desires of their auditors, are apt to become a mocker and may change political faith.

Their advice notwithstanding, the Alcoholic Beverage Law absolutely prohibits the manufacture of wine for any purpose whatsoever without proper license or permit. R. S. 33:1-2. Hence, the Club's wine, being made without any such license or permit, constitutes unlawful property and is subject to forfeiture. R. S. 33:1-1(i and y), 66.

However, where wine has been made without benefit of license or permit but in good faith, for personal consumption and without contemplation of sale, and in ignorance of the law, I have in the past, despite the fact that the wine is technically unlawful, nevertheless authorized the issuance of a special permit to store the wine for such personal consumption. I see no reason in such cases for outright confiscation of the wine, which will result in only economic waste, when, in lieu of such confiscation, the wine may be returned and the innocent maker penalized against a repetition of the illicit manufacture by obtaining a permit at punitive fee and under the punitive condition of paying the cost of seizure and storage of the wine. See Re Seizure Case 5206, Bulletin 355, Item 6.

Accordingly, it is ORDERED that the wine be returned, but only upon condition that on or before the 19th day of April, 1940, the Cesare Battiste Italian Independent Political Club, Inc. applies for and obtains a special permit (costing \$25.00) for the wine, pays the full costs incident to the storage and seizure, and complies with whatever requirements may be imposed by the State Tax Department, Beverage Tax Division; otherwise the wine will be retained for the use of hospitals and State, County and municipal institutions, or destroyed in whole or in part at the direction of the Commissioner.

D. FREDERICK BURNETT,
Commissioner.

Dated: March 19, 1940.

12. EGG-NOGS - EASTER DISPENSATION.

March 19, 1940

Galloway Township Beverage Association, Inc.,
c/o Henry Hillyer, Secretary,
P. O. Cologne, N. J.

Gentlemen:

I am glad to say that no abuse has resulted from the special dispensation of serving egg-nogs during the Easter holidays.

The privilege will be permitted this year commencing Thursday, March 21st and expiring on Monday, March 25th, at midnight.

With Spring-time greetings, I am

Sincerely yours,
D. FREDERICK BURNETT,
Commissioner.

13. LICENSEES - DUAL CAPACITIES - HEREIN OF THE NOTARY PUBLIC.

Dear Sir:

I am the holder of a "C" license and conduct my business at the above address. I am a notary public of New Jersey and I would like to know whether or not it is permissible for me to display a sign with the legend "Notary Public" any place on the outside of my business premises.

Yours very truly,
David Sturcz

March 19, 1940

Mr. David Sturcz,
Bayonne, N. J.

My dear Mr. Sturcz:

Protests of notes uncollected and asseverations of formidable, if not four, dimensions have been made and taken in taverns since the mind of man runneth not to the contrary. A Notary Public is one whose certifications are entitled to profound credence, whose jurat is incontestable and whose seal needs no proof - indeed an ancient and honorable office!

It's a pleasure to say that you may display the legend.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

14. SEIZURES - CONFISCATION PROCEEDINGS - PADLOCK ORDER MODIFIED.

In the Matter of the Seizure) Case 5647
on December 14, 1939, of a)
number of still parts at 275 High-)
land Road, in the Village of) ORDER
South Orange, County of Essex and)
State of New Jersey.)
- - - - -)

BY THE COMMISSIONER:

On February 14, 1940, Conclusions and Order were entered herein whereby, among other things, it was ordered that the building erected on premises located at 275 Highland Road, in the Village of South Orange, should not be used or occupied for any purpose whatsoever for a period of six months, commencing the 14th day of March, 1940.

Austin J. Waldron, a resident of the Village of South Orange, who has been a general contractor since 1906, has requested a lifting of the padlock. He declares that the property known as 275 Highland Road, South Orange, is owned by Dr. James F. Waldron; that a building is being erected on said property and the shed must be removed to make room for a new home; that the shed is only used for the storage of tools and building material, and that it would be a hardship on the owner if the shed has to remain padlocked for six months.

At the hearing previously held, no one appeared to oppose padlocking of the premises. However, from a review of the

file and the new matter submitted by Austin J. Waldron, I am satisfied that the present owner of the property was not the owner of the still parts which were found in the shed, and further, that the padlocking of the shed imposes an undue hardship upon the owner of the property.

Accordingly, it is, on this 19th day of March, 1940,

ORDERED, that the padlock heretofore imposed be lifted, effective immediately.

D. FREDERICK BURNETT,
Commissioner.

15. SEIZURES - CONFISCATION PROCEEDINGS - ORDER RESCINDED IN PART.

In the Matter of the Seizure on)	
October 10, 1939 of Elijah Olive's)	Case 5596
Buick Sedan and two 1-gallon glass)	
jugs of alcoholic beverages found)	
therein, in the vicinity of 171)	ORDER
Spruce Street, and a number of)	
still parts found at 38 Beacon)	
Street, both in the City of Newark,)	
County of Essex and State of New)	
Jersey.)	
-----)	

BY THE COMMISSIONER:

By Order entered on January 14, 1940, a Buick Sedan was ordered returned to General Motors Acceptance Corporation, provided that on or before February 14, 1940 it paid the costs involved in the seizure and storage of the automobile.

It now appears that these costs have not been paid, and that the General Motors Acceptance Corporation has since advised that it is abandoning further action insofar as the automobile is concerned.

I therefore rescind so much of the Order as directed the return of said motor vehicle, and instead it is ORDERED that it be retained for the use of hospitals and State, County and municipal institutions.

Commissioner.

Dated: March 19, 1940.

New Jersey State Library