

16. These recommendations have been embodied in legislation contained in the Liquor Further Amendment Act of 1957, No. 58 of 1957.

CHAPTER 3

SUPPLY OF LIQUOR TO NON-WHITES

GENERAL

17. This matter was dealt with in the second interim report and commented on in more detail in this final report. It should be remembered that certain recommendations were made in the second interim report—and it was positively stated—to test the reaction of the public. On the strength of this, the Minister made known certain parts of that report in the House of Assembly. In its further sittings and deliberations the Commission accordingly took cognisance of the reaction of the public to its recommendations that liquor should be made more readily available, amongst others, to Natives.

18. Liquor distribution to Non-whites, especially Natives, is indeed a complicated task in a multi-racial country, such as the Union. The position can be summarised as follows:—

- (a) Whites have legal access to all alcoholic beverages.
- (b) Natives are prohibited by the Liquor Act of this Country to buy or possess alcoholic beverages other than by virtue of a permit which, so it is asserted, is difficult to obtain, and of which few have been issued in relation to the number of Natives.
- (c) The Coloureds and other Non-white groups fit in between the two extremes mentioned in (a) and (b). In some provinces, such as the Transvaal, a Coloured is by law prohibited to buy liquor, whereas in the Cape Province he can, with certain restrictions as to quantity, obtain virtually as much as he wants.
- (d) No evidence was submitted that liquor should for economic reasons be totally withheld from any racial group.
- (e) For Whites it is unthinkable that their right to obtain liquor might be curtailed, while Non-whites will be satisfied with nothing less than the same treatment as that of Whites in this respect.
- (f) The factor which overshadows all the others in this picture and in which every racial group is involved, both separately and jointly, is the direct result of what has been sketched in (a) to (e). This is the illicit trade in liquor on a scale that surpasses the wildest flights of imagination. Some witnesses alleged that it was not impossible that up to 60 per cent of the sales of intoxicating liquor in certain areas reached the consumer through illicit channels.

19. One's first reaction might be that such illicit traffic in liquor is a poor reflection on the efficiency of the Police Force and thus forget to give attention to the lacunae and flaws in the existing legislation which has made its enforcement really impossible. What is required by law today in practice amounts to this, that hardly any liquor may be supplied to by far the largest racial group in the country—a group nearly three times as large as the remaining groups together. Is this reasonable, or is it just as impossible to enforce as the laws in the U.S.A. a number of years ago when they made prohibition the law of the land and tried to enforce it? In this way the Americans had to learn that the far-reaching evils which arose in their country were the result of a bad liquor act which they eventually repealed in all the states excepting two.

The Commission was convinced from the very beginning that as far as the causes of the illicit traffic in liquor were concerned, it should not only focus its attention on the apparent inability of the Police to

enforce the law, but that it also had to investigate the justification of the existing Act. The Commission was and still is of the opinion that its approach to the whole problem of the supply of liquor to Non-whites should be on a broad basis. With the foregoing as background the deliberations, findings and recommendations of the Commission as reported in its second interim report, can now be given and supplemented.

20. The Commission obtained permission from the Minister to do what it deemed most essential, namely to acquaint itself with areas where the supply of liquor to Natives is applied in practice to a greater or lesser extent.

Firstly the Commission wanted to visit the Transkei to inspect in loco such facilities as existed in practice in a Bantu area for the supply of liquor to the Bantu. Legally this could only be done by permit.

Secondly, the Commission had in mind a visit to certain African territories, namely the Mozambique, Southern Rhodesia, Northern Rhodesia and the Belgian Congo. The Commission wished to and did in fact visit these territories and also the Transkei during August, 1957. It may also be mentioned in passing that the Commission also obtained information in connection with the distribution of liquor in overseas countries. One of its members, Mr. P. E. Loubser, who was in any case going abroad to visit certain wine-producing countries in Europe, was asked to give special attention to this subject, and in this way the Commission gained valuable information.

SECOND INTERIM REPORT

Seeing that the Commission lost three of its members, namely Maj.-Genl. J. A. Brink, Dr. J. H. O. du Plessis, M.P., and Mr. A. E. Trollip, M.P., it suggested to the Minister that—

- (a) the Commission express itself on its findings thus far in connection with the distribution of liquor, especially to Non-whites; and
- (b) the vacancies on the Commission be filled so that its terms of reference could be finalised.

The Commission accordingly brought out a second interim report on 25th August, 1958, which was handed to the Minister of Justice, and in which the distribution of liquor to Non-whites was dealt with. This report read as follows:—

Neighbouring African States.—The Mozambique, Southern Rhodesia, Northern Rhodesia and the Belgian Congo.

21. Irresistible pressure on the part of Whites, as well as Non-whites, is responsible for the legal concession that Non-whites there, i.e. the Natives, may consume light wines, including fortified wines, and the white man's beer hardly without any restrictions.

In Salisbury and presumably in other towns of the Federation, wine and beer is sold at the Native beer-halls under the control of the local authorities, for both on- and off-consumption purposes.

In the Mozambique there are even less restrictions on the sale and consumption of liquor by Natives than in Southern Rhodesia. There is no differentiation between races as far as the sale of liquor is concerned, and it is thus readily obtainable by Natives. Liquor is generally kept in stock in the shops of general dealers in our neighbouring states. There are thus many distribution points and it is relatively easy to obtain liquor.

It is therefore a general principle in our neighbouring states to make it as easy as possible for Natives to obtain wine and beer and even intoxicating liquor, with certain restrictions.

22. In Southern Rhodesian towns where liquor is made available to Natives, it is the general opinion that it is better to increase the distribution points for consumption and to maintain the best possible social and hygienic conditions so that overcrowding at large distribution points may be avoided.

23. The experience in Southern Rhodesia is that the taste of the Natives for wine is soon satisfied. Large quantities of wine and beer were consumed during the first week in the areas where wine and beer were made available, with a sharp decline in the consumption of kaffir beer. After a few weeks the consumption of kaffir beer was almost back to normal with a corresponding decline in the consumption of the liquor of Whites. In the Mozambique and Belgian Congo, on the other hand, Natives are large consumers of wine, and especially beer in the latter territory—so it is alleged. In both cases the high prices of intoxicating liquor are so discouraging that Natives consume very little of it.

24. In East Africa there is no discrimination between the races as far as the obtaining of liquor is concerned. Everyone is free to buy whatever he can afford.

The supply of wine and beer to Natives in our neighbouring territories was not accompanied by a marked increase in disturbances. Neither did drunkenness increase. What happened in Southern Rhodesia in 1957 when wine and beer were made available, was a revelation to those who expressed all kinds of doubts. In December, 1959, one of the daily newspapers reported as follows:—

“The Government’s decision two years ago to make European beers and wines available to Africans has resulted in a phenomenal reduction in convictions for possession and sale of illicit and harmful liquors. It has also nearly wiped out the shebeen trade and has enormously benefited African welfare projects.”

“A spokesman of the Ministry of Native Affairs said that the illicit liquor trade and brewing of illegal concoctions, such as skokiaan, disappeared almost overnight and the ‘shebeen queens’ went out of business.”

“Figures supplied by the police show an amazing decline in convictions for liquor offences in Southern Rhodesia since the removal of the restrictions. Convictions for the possession of liquor: 343 in 1956, 352 in 1957, 127 in 1958. Convictions under the Harmful Liquids Act for possession of skokiaan and similar illegal liquors: 1,620 in 1954, 801 in 1956, 486 in 1958. Convictions for sale of harmful liquors: 145 in 1954, 56 in 1956, 14 in 1958.”

25. The illegal possession of liquor and the illicit trade thus almost disappeared since the application of the present liquor act in the Federation and is no longer considered a major evil by the Police.

As far as could be established, there is no area on the African Continent, except the Union and South West Africa, where Natives are not by law entitled to buy and consume at least various wines and beer.

INTERIOR

26. *Natives.*—A feeling that he is treated unjustly, which often leads to an antagonistic attitude, is generally noticeable amongst the Natives towards the White man, because the latter is apparently not prepared to make any further concession in connection with the supply of alcoholic beverage to Natives, except under permit as described in section 101 of the Liquor Act, No. 30 of 1928.

27. The causes of the grievance against the White man by the Native are—

- (i) that the Act is ineffective to stop illicit liquor traffic to Natives;
- (ii) that it is mainly Whites who are responsible for liquor reaching the Native illicitly, thus rendering them liable to prosecution and moral degeneration; and
- (iii) that the net result of the prohibition of liquor supply to Natives is that he who is poor, has to pay twice or many times as much for his liquor as the White man.

28. Although they run the risk of being arrested, Natives can obtain about as much liquor illicitly as

they want. In the Transkei Natives stated that the danger of being caught was so slight that it was mostly ignored. In this connection, some witnesses testified that as much as 60 per cent of the quantity of liquor which reached the consumer was obtained through illicit channels.

29. Natives would welcome the concession to obtain light wines and beer, but do not expect these beverages to find a big demand amongst them after the initial rush. They also believe that the extension of the permit system for the purchase of stronger liquor is the obvious way to satisfy the Native without promoting the abuse of stronger liquor, as is the case today. Abuse by Natives of the permit system was nowhere encountered.

30. The prohibition on the lawful purchase of the alcoholic beverage of the Whites by Natives appears to be an important reason for the craving for such liquor, and therefore also for the evasion of the Liquor Act.

31. Natives were responsible for 76·5 per cent of the total offences under the Liquor Act during 1956. Of a total of 214,504 offences during that year for the illegal possession of liquor, Natives were responsible for 96 per cent.

Taking the total number of contraventions under the Liquor Act during that year, we find that 0·55 per cent of the Whites, 0·6 per cent of the Asiatics, 2·7 per cent of the Natives and 4·55 per cent of the Coloureds were charged. These figures naturally do not take into account the possibility of the same offender being involved more than once during that year.

32. The more or less 9 million Natives—about three quarter of the total population of the Union—who virtually have no legal access to the alcoholic beverages of the White man, is an excellent profitable and protected source of income to the illicit trader. People who contravene the Liquor Act have free access to this population group to exercise their greed of gain, often at the cost of human life—both spiritual and physical. This is a situation and field of operation which no decent community could allow to continue. If one considers the paltry sums of money for which people’s lives are often sacrificed, then it is evident that this illicit traffic in liquor with the Native, which involves large sums of money, such is the evidence, holds out much greater potentialities for the criminal today. The inability of the Police to solve this difficult problem is perhaps the very factor responsible for the problem not becoming apparent in its extreme form, such as, for example, the evils of prohibition in America in the Twenties. Everybody testified that this question needs serious attention. With this dark picture as prospect for the future the continuance of the present situation in connection with the distribution of liquor to Natives is simply unthinkable.

33. *Coloureds.*—The existing differences in the application of the Liquor Act in the various provinces is a source of great dissatisfaction amongst the Coloureds. It also leads to all sorts of illegal practices on the borders of areas where liquor can be obtained legally. The Coloureds of Cape Town, and thus presumably also of the Cape Province, consume by far the largest percentage of light wines, something which the Commission regards as a healthy pattern of liquor consumption.

34. During 1956 the Coloureds were responsible for about 18 per cent of all contraventions of the Liquor Act.

Of a total of 57,971 Liquor Law contraventions by Coloureds during 1956, 76 per cent were for drunkenness, 14 per cent for the illegal possession of liquor and 10 per cent for other offences. The percentage of offences against the Liquor Act by Coloureds during 1956 in the various provinces is more or less as follows: Orange Free State 1 per cent, Natal 5 per cent, Transvaal 8 per cent and Cape Province 86 per cent.

It should, however, be borne in mind that almost nine tenths of the whole Coloured population live in the Cape Province.

35. The picture becomes clear, however, if the differences in the coloured population of the respective provinces are eliminated by representing the offences as percentages of the Coloured population in the respective provinces. It then shows that 7.3 per cent of the Coloureds in Natal, 5 per cent of those in the Transvaal, 4.4 per cent of those in the Cape Province, and 3 per cent of those in the O.F.S. were guilty of offences against the Liquor Act during 1956. These figures do not make provision for repeated offences by the same Coloured, but the possibility of repeated offences does exist in all provinces and will therefore probably have no significant effect on the figures. It is significant that in the Cape Province, where Coloureds are free to consume more liquor than in other provinces, except Natal, a reasonably low figure is shown for contraventions of the Liquor Act, namely 4.4 per cent.

36. Convictions for drunkenness among Coloureds have increased by 48 per cent from 1952 to 1956, and today constitutes the greatest evil among the Coloureds as regards convictions under the Liquor Act. The Commission is not convinced that this phenomenon is not associated with the undesirable conditions under which liquor is supplied to Coloureds in the Cape Province; more than 90 per cent of the offences in connection with drunkenness occurred in the Cape Province where almost 90 per cent of the Coloured population live. The supply of liquor to Coloureds is further discussed and recommendations made in paragraphs 78-91.

GENERAL

37. The living and economic conditions which existed, especially in the case of the Non-whites, have changed to such an extent since 1928 that the enforcement of the Liquor Act, No. 30 of 1928, is a matter of total impossibility under present conditions. This factor is the basis of present offences against the law.

The economic condition of the Natives has improved to such an extent that they can, among other things, also afford European liquor. The status and living conditions of many of them in their own community have improved accordingly, so that denial of the privilege of obtaining the liquor of the Whites have caused such resistance that contravention of the Act—namely obtaining liquor illegally—gives them a measure of satisfaction. Moreover, their inability to consume liquor on occasions such as conferences, causes some embarrassment reflecting their inferiority, and this in turn gives cause for grievance.

38. How the Liquor Act is contravened is clearly reflected by the figures showing the incidence of the two major offences against the Liquor Act by the various population groups, namely illegal possession of liquor and drunkenness. In the case of illegal possession of liquor, the incidence among Natives is about three times as high as in the case of the second highest group, namely the Coloureds. (For Natives the figure is 22 per 1,000, for Coloureds 65 and for Asiatics 1.)

In the case of drunkenness the incidence is totally different, namely Natives 4, Coloureds 34, Asiatics 5 and Europeans 4.5 per 1,000 persons of each race, respectively.

39. The fact that kaffir beer may be partly responsible for the offences by Natives, as mentioned in the last paragraph, indicates that the figure for offences by Natives in connection with European liquor is probably lower than that given. The conclusion is, however, justified, namely that alcoholism—tendency to drunkenness—is not the reason why Natives trade in European liquor. It is mostly the result of resistance to what he considers to be an unfair law of the Whites.

This was clearly illustrated when one of the leaders in the Transkei said to the Liquor Commission:—

“Sir, the only effect your liquor has, is that I have to pay for brandy twice the price you pay for it and I am a poor man. I can get just as much of it, however, as you can, although illegally, you would say, but from your own people.”

The reason why Whites engage in smuggling of liquor is, as the foregoing reveals, the profitability thereof, and the scale on which it is being done is so appalling that the following sounds like a fairy tale:—

The day, date and name were given in respect of one smuggler who loaded his “load of liquor” on an occasion for the Transkei. Thousands of bottles of brandy were involved and the “transaction” was successfully concluded. Of similar transactions involving thousands of pounds the White informant had first-hand knowledge.

40. All persons who gave evidence stressed the point that as far as drunkenness was concerned, the Liquor Act should not be associated with the number of distribution points, but rather with the conditions prevalent at such points of distribution. To confirm this, the Commission visited bars in the Western Province where Coloureds are supplied with liquor. In central Cape Town where amenities are good, for example, seating accommodation, large rooms, neatness and cleanliness—some places do not even have bar counters—everybody was orderly and sober. At points of distribution in rural towns where the chief amenity was the big, mixed standing place for both sexes outside in the dust or partly in the street, there were large crowds of noisy and dissipated people, a sad picture of public debauchery. It was surprising that drunkenness was not more obvious and it can be taken for granted that many Coloureds reached their homes in a state of inebriation, since they could also take along bottles of liquor for off- or home-consumption.

41. The Commission came to the conclusion that the conditions in drinking places largely determined the abuse of liquor in such drinking places.

No hotel or restaurant, where liquor can be obtained in places on the premises open to the general public, wants any sign of drunkenness or even abuse of liquor in such places, and jealously guard against it. Abuse of liquor rarely occurs in such places. In the standing bars conditions are totally different. Abuse is prevalent and it is here domestic life and human lives are destroyed. This consideration set the minds of the Commission on the following course.

42. If the various number of distribution points has no appreciable effect on the quantity of liquor consumed and if conditions under which liquor is served really do affect the consumption, then the answer to the problem of liquor abuse emerges, namely: be lenient as regards the number of distribution points, but relentless as regards the standards to be maintained, as well as in respect of offences against the Liquor Act—especially drunkenness.

43. The consumption of liquor should be associated with the provision of food, and for this reason hotels, restaurants and certain cafés should have a priority claim to liquor licences for on-consumption. Bottle stores also have a function, namely to assist in providing liquor for home-consumption.

Standing bars are probably the greatest evil in our pattern of liquor supply to the public—both White and Non-white. This creates, to say the least, conditions conducive to the abuse of liquor.

44. The important factor determining the quantity of liquor consumed, is food. It may even determine a country's drinking habits, as was the case (but for a different reason) in Belgium over the past 25 years, when it changed from a country which consumed mainly strong liquor to one which today consumes the highest percentage of natural beverages of all countries. The

tax on spirits there is almost four times as high as in South Africa. Here again, where brandy, in terms of alcohol, was till recently by and large the cheapest liquor in most parts of our country, more spirits *per capita* (Whites) is consumed than in any other country of the world. The consumption figure may be somewhat misleading, because no adjustment can be made for spirits finding its way to the illicit Non-white market, but even if the consumption were to be reduced by 50 per cent, it would still be one of the highest in the world.

45. The cost structure of our liquor is of definite importance and the report of the Board of Trade and Industries on its investigation in this respect is expected soon. (This report has since been published and the Commission have noted the contents.)

46. The choice of beverages of a nation is apparently mainly determined by prices. Ordinary wine is in France and Italy by far the cheapest of the 19 Western countries studied and here its consumption is also by far the highest. In South Africa and Switzerland wine prices also fall in the cheap category and yet spirits are considerably cheaper in terms of alcohol content, and as a result the consumption of spirits in both countries is very high. And so the comparisons may be multiplied. New Zealand is interesting: The prices of intoxicating liquor and wines in comparison with those of South Africa are high and for this reason, apparently, these beverages are avoided. The price of beer is more or less the same as in South Africa, and therefore cheaper in comparison with other alcoholic beverages there. The net result is that New Zealand is one of the largest consumers of beer.

47. Evidence generally has shown that there should be less emphasis on the acquisition of liquor and much more on drunkenness. The concensus of opinion was that heavy sentences should be imposed.

RECOMMENDATIONS

48. Because the Commission has not yet completed its task and because the distribution of liquor to Non-whites is in many respects closely related to the distribution of liquor to Whites—for example, the guarantee of quality, prices, conditions of distribution points, on- and off-consumption, etc.—its recommendations can only be made in broad outline. The reason why it is being done at this stage (*thus the interim report*) is to enable the Minister to indicate at an opportune time during the current session of Parliament that legislation will be introduced which will bring about considerable amendments to the existing Act, particularly in relation to the supply of certain types of liquor to Non-whites: It is, in fact, intended to prepare the public for what is coming and so to give them time for reaction and adjustment:—

A. In principle the Commission is in favour of greater concessions in respect of the supply of natural wines—maximum alcohol content 12 per cent by volume—and European beer to Non-whites. In the case of Natives the approach should be that such distribution shall be only by the local authority for on- and off-consumption, and that any profits derived from such distribution shall be specifically used to the benefit of the Native population in areas where beer halls are situated, for example improvement of social amenities, general conditions, health conditions, etc. Great improvements of conditions at beer halls as well as the erection of smaller distribution points should be priority number one.

B. The quality of the wine and beer should be ensured by requiring all containers used in the distribution—bottles, jars, casks, etc.—to be filled and sealed by the manufacturers and/or in their depots as is the case with beer.

- C. Special attention must be given to amenities and conditions—social and health—at distribution points so as to discourage abuse. No recommendations are made at this stage, *inter alia* regarding the continuation of standing bars, because it ties up with the problem of liquor distribution in general.
- D. The price of natural wines and beer should be low in relation to that of intoxicating liquor in order to discourage the consumption of the latter and to encourage that of the former.
- E. Provided the prices of intoxicating liquor are sufficient discouragement, it should be less strictly withheld from Non-whites by expanding the permit system, particularly on the basis of the character and status of the applicant, but offences, particularly drunkenness, should be severely punished and should not exclude the possibility of the withdrawal of the buyer's permit.
- F. The Commission strongly recommends that the public be given an indication at this stage of the nature of the recommendations with regard to the distribution of liquor to Non-whites so that the reaction of the public will also be known at the time of its final sitting at the end of the year, and that the Commission may possibly be influenced in its conclusions for the final report. (*Interim Report submitted on 25th August, 1958.*)

FURTHER REPORT

49. The vacancies which occurred on the Commission owing to the resignation of three of its members, as reported in paragraph 20, were filled by the appointment of the following members on 14th September, 1958: Dr. F. J. C. Cronje, M.P., Mr. H. A. Rust, M.P., and Col. P. J. du Plessis.

On 17th September, 1958, the Minister announced certain of the preliminary recommendations so that public reaction could be gauged in order to afford interested persons the opportunity of making further representations to the Commission.

50. As a result of further evidence heard by the Commission, it now wishes to supplement the recommendations in the Interim Report, as indicated therein, to complete the picture with regard to the supply of liquor to Non-whites.

51. *Natives.*—The Commission has recommended in its Second Interim Report that natural wines—maximum alcohol content of 12 per cent by volume—and European beer be made available to Natives at Native beer halls under the control of the local authority for on- and off-consumption, and that all profits be used as in the case of kaffir beer for the improvement of conditions in the areas where liquor is supplied. The Commission abides by its recommendation that natural beverages (wine and beer) be supplied to Natives in beer halls, but then only for on-consumption and not, as recommended in paragraph 49A of the Second Interim Report, also for off-consumption. If natural wines are also supplied for off-consumption it might lead, as in Southern Rhodesia, to illicit distilling in order to obtain more potent liquor and all the attendant evils. In any case it does not appear to be sound policy to create the possibility of Natives obtaining intoxicating liquor by illegal methods. Their needs in this respect, if such do exist, can be effectively and legally provided for by way of the issue of permits, as is at present the case, and as is recommended in paragraph 48E.

52. The main object of the Commission in making its recommendation in the preceding paragraph, is—

- (a) to combat the existing illicit traffic and, if possible, to eliminate it;
- (b) to make natural beverages available to Natives under control in an attempt to combat and discourage the use of concoctions and other harmful mixtures; and

(c) to ensure that the Police will be able to exercise proper control over the supply of liquor.

53. In considering the question of the supply of natural beverages to Natives, the first question to be answered, is whether there exists a demand for European liquor amongst the Native population. To this question and under present-day conditions where there is virtually a total prohibition on the supply of liquor to Natives, the Commission can without any hesitation reply that such is indeed the case.

54. The tremendous illicit traffic in European liquor with the Native population which is being carried on at present, supports this conclusion. There is undoubtedly a profitable trade in liquor and the Native obtains European liquor, whether by legal or illegal means. The fact that, according to evidence, the illicit traffic is mainly in brandy, is not essentially because the Native has acquired a particular taste or craving for this type of liquor. It is more likely the case that because all types of liquor are being withheld from him, he prefers that which is obtainable through the illicit traffic and which offers the most alcohol in the smallest volume. This naturally suits the bootlegger. Native witnesses are of the opinion that the legal supply of natural beverages will discourage the illicit traffic, particularly when permits for the purchase of such liquor is also extended to off-consumption. Nowhere was the fear or even opinion expressed that the permit system would be abused. The more well-to-do Native, as well as those with a higher status than the average in their community, feels so irritated by the fact that he is deprived of all types of European liquor, that his participation in the illicit traffic is more of a protest against what he considers unjust discrimination than the result of a craving after European liquor. In their evidence Natives expressed the fear that existing conditions could lead to the development of a taste for and a craving after European liquor amongst Natives.

The fact that there are numerous unscrupulous persons ensures that the Native who is willing to pay, can obtain sufficient liquor. The Police state that they are powerless to cope with this problem, because the bootlegger has such easy access to the Native population. Liquor is being supplied to the Native by the bootlegger for no reason other than its enormous profitability. The bootlegger is so well organised today that the Police find it virtually impossible to trap him, and even though a few are caught, there are always many to take their place. The liquor the Native obtains through the illicit trade is mostly not conducive to good health, because all sorts of harmful ingredients are added. One bottle of brandy is usually diluted with water and then tobacco juice, methylated spirits and other injurious substances are added to give it a "kick" before it reaches the consumer in places such as shebeens.

55. Not only is there a demand, but the Native obtains by far the bulk of his liquor via the bootlegger. During 1956 there were 214,504 convictions for the unlawful possession of liquor and these probably represent only a very small portion of the liquor that reaches the Native population. Natives gave evidence to the effect that they can obtain liquor very easily and that it presents no problem, because there are enough places supplying liquor to Natives—not only in Non-white areas but also in White residential areas.

At present millions of pounds are spent every year to enforce the restrictions imposed by the Liquor Act, and still the results remain unsatisfactory. Of all convictions under the Liquor Act 64 per cent were for the illegal possession of liquor.

56. The next question is what steps could be taken to improve the position.

The Liquor Act has already shown that the application of further prohibition will provide no solution to the problem. Prohibition can only be considered if all racial groups were entirely prohibited from possessing

or consuming liquor. Such a consideration is inconceivable in the light of the experience in America a number of years ago.

57. At present alcoholic beverages are supplied to Natives on the strength of permits. How unsatisfactory and inadequate this system is, is evident from the fact that in the whole of the Union only 50,000 Natives out of a population of almost 9 million are in possession of such permits in which it is specified that the liquor so obtained is intended only for personal consumption. The Native can obtain no liquor other than kaffir beer lawfully, except in the Free State where an employer on a farm may give his employees limited quantities of liquor if he so wishes. This is not usually done, at any rate not regularly.

58. As already mentioned this situation has led to an almost country-wide rebellious reaction on the part of the Natives. The worst of it is that this reaction will become more pronounced with the passage of time, because living standards of the Native will gradually improve and they will therefore become more insistent in their demands to obtain that which they—and alas also the Whites—associate with improved standards of living, namely the freer consumption of liquor. Where the Native lives in close contact with the White man, as is the case in all White areas, he is involuntarily assimilating much of the everyday aspects of Western civilisation as his own—clothing, eating habits, etc. It is wishful thinking, therefore, to believe that he can be protected from the evils of civilisation, such as the abuse of liquor. A much better approach for the White would be to develop a better drinking pattern for himself, as will be discussed in a later chapter, which the Native will accept as his own, just as he has accepted our manner of dress. Then there is hope that the present drinking pattern of the Native will be replaced by something better.

59. To the question as to what the Native's present drinking pattern is, the answer is very simple. A negligible quantity of liquor reaches the Native, as indicated in paragraph 58, along lawful channels, namely the permit system, and for the rest more than half of our total liquor production (so it is alleged) reaches the Native along illegal channels, usually adulterated and spoilt by the bootlegger. In this matter, the White man is powerless because it is his laws which have placed such a high customer value on almost three-quarters of the population of the Union by delaying their legal access to the White man's liquor for such a long time. Fortunately there is still hope of saving and improving the situation.

60. The more stringent application of the present Liquor Act will serve no purpose because it can no longer be enforced in its present form—let alone if it were to be more stringently applied and the profitability of illicit traffic in liquor were thus to be increased.

A better approach would be, as in the case of Whites, to encourage the consumption of natural beverages by Natives—light wines and beer—which are relatively harmless, as compared with brandy and concoctions, and by creating opportunities for its consumption at the expense of the consumption of intoxicating liquor. Furthermore, the Native should be allowed to acquire intoxicating liquor only by way of a considerable extension of the permit system.

61. Native leaders are of the opinion that this procedure will make a substantial contribution towards curbing the illicit traffic. The Native will discover, so they reason, that the White man's drink is not as wonderful as his own kaffir beer, that it is much more expensive than his own beer, and that he can lawfully acquire it without running the risk of being caught and punished.

The Commission sees no reason why the concession of making natural beverages available to Natives would have any other effect on their consumption of it than has been the case in Southern Rhodesia. (See

paragraph 24.) For this reason the Commission wishes to emphasise its recommendation, as contained in paragraph 51, as expressing its considered opinion. Along these lines the present method of supplying liquor to Natives could be changed and improved. Furthermore, it would fit in well with the drinking pattern for Europeans as will be discussed and recommended later in this report.

62. The supply of natural beverages—wine and beer—to Natives must be confined to their beer halls and solely for on-consumption. In large areas the number of distribution points is important to prevent the concentration of large crowds. This is also the experience of local authorities in Southern Rhodesia. As an indication of how this could be done, a ratio of 500 families is suggested per distribution point. Officials in charge of beer halls argue that serious consideration should be given to the distribution of beer halls in accordance with ethnical groups to avoid clashes. Adequate amenities, such as seating, should be provided at each distribution point and it should also be attractive, hygienic and under cover.

63. There is already a considerable demand for hotel facilities amongst the Native population. This would result in Natives in due course erecting their own hotels in their own residential areas. This would also contribute towards the ultimate provision of adequate facilities for the distribution of liquor amongst Natives. A licence permitting Native hotels to supply wine and beer should then be issued.

64. The Commission is opposed to the establishment of distribution points by Whites in Native residential areas, and this should under no circumstances be permitted. The supply of liquor for on-consumption should be undertaken by local authorities only, and the revenue derived therefrom should be ploughed back for the improvement of general conditions for Non-whites, as recommended in paragraph 49A. The Group Areas Act provides for the erection of more and more Native townships, and if local authorities provide facilities (and this is already being done) the stage will be reached where there will be sufficient liquor distribution points. The Commission is in favour of the ultimate removal of Native beer halls from White areas and their transfer to their own townships. Under no circumstances should European liquor be supplied in Native beer halls situated in White areas.

65. In order to ensure that proper facilities for the distribution of liquor exist in Native areas and that they are situated in appropriate places, the Liquor Licensing Board should authorise their existence and erection. They should also, inter alia, be able to determine where the distribution point may be erected, what conditions should be maintained there, and what hygienic requirements should be complied with. The Police, the Department of Bantu Administration and Development, the Group Areas Board, and the local authority could assist the Licensing Board in setting certain requirements to be complied with before a distribution point may be erected.

66. The Commission recommends that the local authority should only be required to consider the erection of beer halls, where natural beverages will also be supplied, where a certain number of Natives are resident and that it should not be compelled to supply the necessary facilities in smaller areas. It is felt that the Liquor Licensing Board need only give attention to the erection of a beer hall in a Native township in which at least 1,000 male Natives reside. The considered opinion is that the Natives themselves should make representations to the local authority for the erection of a beer hall, whereupon the authority should be compelled to consider the application.

67. The Commission is convinced that provision for the distribution points of European liquor to Natives should only be made in their own residential areas, and therefore recommends that no provision be made for Natives who live in White areas. These Natives can

in any case qualify under present circumstances to obtain liquor for off-consumption under the permit system.

68. Meetings at Native beer halls should not be allowed and riotous behaviour should be severely suppressed. The local authority should appoint Native police who should be remunerated from revenue derived from the sale of liquor and who will be responsible for ensuring that everything remains orderly at the beer halls. It should be possible to remove from the premises and prosecute any Native who misbehaves. Moreover, weapons of any description should be prohibited where liquor is consumed. No liquor should be supplied to a person who is intoxicated, and it should be possible to refuse liquor to any person who does not comply with the requirements laid down by the local authority. These conditions already apply at most existing beer halls and it is hardly necessary to mention them.

69. Drunkenness amongst Natives can today largely be ascribed to the fact that they are prohibited from obtaining liquor. When a Native is caught in possession of liquor, a heavy fine is imposed, probably because he is a potential bootlegger, but when he is drunk he is sentenced to a much smaller fine or in many cases merely warned and discharged. Therefore, when a Native obtains liquor, he drinks it as quickly as possible in order to get rid of it. Instead of drunkenness carrying a heavy penalty, the possession of liquor is now regarded as the greater evil. In order to reduce drunkenness as much as possible, it should without exception carry a much heavier penalty.

70. Liquor should be supplied to Natives for home-consumption only in accordance with a permit system. At present exemption permits for the purchase of liquor are granted to Natives in terms of section 101 of the Liquor Act, provided the magistrate who issues the permit is satisfied:—

- “(a) that the applicant’s stage of development and his general manner of living are such as to entitle him to be regarded as having attained a standard of life equivalent to that of European civilisation; and
(b) that the quantity and kind of liquor to be purchased are such as are suited to the applicant’s personal requirements, regard being had to his income and his mode of living.”

[Government Notice No. 1083 in the Extraordinary Government Gazette No. 5914, dated 19th July, 1957.]

71. The Commission is of the opinion that adequate provision can be made for the purchase of natural as well as intoxicating liquor for off-consumption by Natives in terms of the permit system. This can, however, only be done if the permit system is so changed that it takes into account the present development of the Native population as well as the marked improvement in his economic condition and thus also his needs. In consultation with the chiefs of the Police the Commission has decided upon a drastic change in the conditions under which a permit may be granted to Natives.

72. Any adult male Native who—

- (i) during the preceding year committed no liquor offence or serious crime;
- (ii) has a permanent residential address and has had fixed employment for at least the preceding six months; and
- (iii) is in possession of his reference book;

will be entitled to a permit to purchase the following minimum quantity of liquor per month, namely 8 bottles of malt or 4 bottles of natural wine or 2 bottles of fortified wine or 1 bottle of strong liquor (spirits). The quantities indicated on the permit are the maximum which he may not exceed during any particular month, but which need not necessarily be purchased at the same time. (One bottle equals one reputed quart.)

All Natives should be able to obtain their liquor on permit at beer halls situated in locations at a separate, reinforced section of the beer hall. Natives who reside in White residential areas may purchase their liquor through existing facilities.

This permit is issued for an indefinite period as indicated in paragraph 74. This means that the Native renews his permit after indefinite times. It must be emphasised here that the quantities mentioned above are minimum quantities and it stands to reason, therefore, that concessions should be granted to the more civilised or educated or professional Native. It goes without saying that convenient hours for off-sales should be introduced at beer halls.

73. The Natives stated that considerable difficulty is experienced when application for a permit is made to the Police or the Magistrate. They are not prepared to wait for long periods before being attended to, and as liquor is so easily obtainable from the bootlegger, they prefer to go to him rather than to apply for a permit. Much can be done here to save time with the issue of permits to Non-whites.

74. If a Native abuses his permit, it is withdrawn and he is herefore deprived of the privilege of obtaining liquor lawfully. This is one of the main reasons why the holder of a permit virtually never commits any offence which would jeopardise his permit. Here a change can be made determining that where the holder of a permit has committed an offence, his permit shall not be re-issued for two years. A change in the procedure, as proposed in paragraph 73, can be effected by issuing a permit which will be valid for three years. If the holder of a permit committed an offence, his permit would be withdrawn and he would not be able to obtain one again for two years. Should the permit not be issued annually, it would not only save the applicant much time and trouble but also the Police as well as the Magistrates who issue such permits.

Kaffir Beer.

75. The Commission makes no recommendation in regard to the brewing and possession of kaffir beer, as this is controlled by local authorities. As far as possible provision should be made for the erection of beer halls by local authorities for the brewing of kaffir beer. Adequate provision should also be made for the acquisition of kaffir beer for home consumption. Where no such beer halls are in existence, kaffir beer can still be brewed on permit.

76. The Commission is of opinion that firm steps should be taken against the brewing and possession of concoctions. At present it is well-nigh impossible to prohibit all concoctions by regulation, since a different name is simply given to the concoction, and much difficulty is experienced in proving that a certain concoction is a prohibited brewage. The Commission accordingly suggests that all concoctions be prohibited. This would greatly simplify control. It is suggested that provision be made as follows:—

Subject to the provisions of this Act, in so far as the brewing of kaffir beer is concerned, no person shall manufacture, possess, store, use, consume or give or supply to any other person any alcoholic brewage obtained from the fermentation of syrup, sugar or other substances.

RECOMMENDATIONS

Natives

77. A. The Commission recommends that natural wines and beer be supplied to Natives for on-consumption by local authorities in Native beer halls in their own residential areas.

B. The distribution of liquor should take place from a central beer hall with various distribution points. There should be at least one distribution point for every 500 families to prevent the concentration of crowds.

C. The revenue derived from the sale of liquor, as that from kaffir beer, should in the first instance be used for the provision of the necessary facilities in beer halls and at distribution points, for example, seating, shelter, hygiene, etc.

D. The Liquor Licensing Board should authorise the supply of natural wines and beer in beer halls and at distribution points.

E. The distribution of liquor for off-consumption by Natives should be carried out under a more extensive permit system than exists at present, and should include all types of liquor.

F. The permit for the purchase of liquor should carry a minimum requirement, as indicated in paragraph 72.

G. The procedure with the issue of the permit should be simplified.

H. Offences by the holder of a permit should hold out the prospect of losing the permit.

I. In connection with kaffir beer the Commission recommends that all concoctions be prohibited as suggested in paragraph 76.

Coloureds

78. The position as regards the acquisition of liquor by Coloureds varies considerably from province to province, as indicated in paragraphs 33 to 36. Coloureds in the Cape Province and Natal enjoy much greater privileges than those in the Transvaal and the Orange Free State. In the latter two provinces Coloureds can only obtain liquor under the permit system. The ideal is for Coloureds to be treated similarly in all the provinces, but as a result of the large group of Natives who can acquire liquor only to a very limited degree, it is felt that circumstances do not yet justify the free distribution of liquor to Coloureds in certain provinces. The amendments to the Act should, however, aim at ultimate uniformity in the treatment of Coloureds in the four provinces as far as the Liquor Act is concerned. This is not yet the opportune time for such a step. It is, however, most essential that certain concessions should be made now, and the Commission accordingly wishes to propose that such changes be effected with regard to Coloureds as are contained in the succeeding paragraphs.

79. The Commission proposes that Coloureds in the Transvaal and the Orange Free State be allowed to obtain liquor for on-consumption and that they be allowed to erect their own hotels, as is the case in the other provinces. The indicated line of action is therefore that the distribution points for the sale of liquor to Coloureds be established in their own areas. The Coloureds may possibly not have sufficient capital at their disposal to establish their own hotels and in this event wine and malt licences could be granted to Coloureds in their own areas. Such establishments could possibly be converted into hotels at a later stage.

80. Coloureds in the Cape Province and Natal can already obtain liquor much more freely than Coloureds in the other provinces, not only for on-consumption but also for off-consumption, and the Commission makes no recommendations for the curtailment of their privileges in those provinces. Licences which would meet the requirements of the Coloureds should be granted to Coloureds in Coloured areas, and this should be encouraged as far as possible. It is felt that ultimately no provision should be made for the supply of liquor to Coloureds for on-consumption in White areas.

81. At this stage, however, this is purely an ideal which will not be attained for many years. The Commission is convinced that liquor should be supplied to Coloureds for off-consumption in the Transvaal and the Orange Free State under the permit system. A Coloured with a high standard of living or of professional status should be exempted from the restrictions on the acquisition of liquor, for example, teachers, clerks, attorneys, advocates, etc., as in the Cape Province and Natal. The requirements for a

permit for Natives (*paragraph 72*) can also be made applicable to Coloureds in the Transvaal and the Orange Free State.

Coloureds in the Cape Province and Natal already enjoy the privilege of obtaining liquor for off-consumption and no changes are recommended in this regard. As in the case of on-consumption, licences should also be granted to Coloureds in their own areas to serve Coloureds. The system by which Coloureds in rural areas and particularly on farms obtain liquor for off-consumption, as at present during weekends or during holidays, for example, is probably the major cause of drunkenness encountered there. A Coloured knows that he must take home a supply of liquor sufficient to last him until he goes back to town and it is this liquor that leads to abuse. In many, if not in most cases, the home of such Coloureds has the appearance of a real "booze shop" during the weekend. The real binge takes place on a Saturday, it has to be slept off on Sunday so that he can start work on Monday as sober as possible, so that he can last out until Friday or Saturday when he goes to town again to repeat the process. The question now arises whether Coloureds on the platteland would be guilty of liquor abuse if they could obtain natural beverages more readily and therefore nearer their homes, so that they need not take a supply home for the weekend. The answer to this question lies with the farmer himself, as will be discussed later under the tot system.

82. There are already a large number of Coloured areas today and many Coloureds to a large extent have their own residential areas, but the necessary facilities for liquor consumption do not yet exist there. Coloureds are at present compelled to purchase their liquor requirements in White areas and to convey it by public transport. Coloureds not only have to go to White areas for their liquor supplies, but they also have to incur unnecessary transport expenses, while the liquor could be supplied in their own areas, as already indicated.

SECTION 81 OF THE LIQUOR ACT

83. The Liquor Licensing Board is empowered by section 81 of the Liquor Act to prescribe conditions with which certain groups shall comply, but which may not amount to total prohibition. The conditions with which Coloureds must comply, are generally imposed in the Cape Province where this group is restricted to purchasing only a certain amount of liquor per day; or the hours and days of sale are restricted.

These restrictions which are imposed, differ from one Liquor Licensing Board area to another, and there are also differences in the conditions applicable from place to place in the area of a Liquor Licensing Board. Most of these restrictions have been in force for many years and very few changes have been made by the Licensing Boards since they have been re-constituted in 1957 in order to obtain uniformity.

84. To indicate the various conditions imposed, they are summarised as follows:—

OFF-CONSUMPTION PRIVILEGES

There are 23 Liquor Licensing Boards in the Cape Province, 12 of which permit the sale of liquor to Coloureds on Saturdays. In seven Liquor Licensing Board areas certain places are prohibited from supplying liquor to Coloureds on Saturdays and in four Liquor Licensing Board areas Coloureds may buy no liquor on Saturdays. The hours of sale are, with a few minor exceptions, the same as those for Whites.

ON-CONSUMPTION PRIVILEGES

85. There are many differences in the privileges regarding the sale of liquor for on-consumption and most hotels may sell liquor to Coloureds from 10 a.m. and the closing time varies from 5 p.m. to 8 p.m. On Saturdays the sale is restricted from 10 a.m. to 1 p.m. In 5 hotels in Licensing Board area No. 1 (The Cape) the hours are from 10 a.m. to 10 p.m. and a few have

been extended to 11 p.m. The Karoo Kleurling Hotel at Beaufort West is the only other hotel where Coloureds may purchase liquor up to 10 p.m. In Licensing Board area No. 1 Coloureds may buy liquor on Saturdays from 10 a.m. to 2 p.m. and then again from 5 p.m. to 8 p.m.

These restrictions not only apply to hours, but also to days. There are nine Licensing Board areas where Coloureds may buy liquor on Saturdays for on-consumption, in four areas certain places are prohibited and in 11 areas liquor may not be sold to Coloureds for on-consumption on Saturdays.

RESTRICTION OF QUANTITY

86. The restrictions on the purchase of certain quantities of liquor by Coloureds vary from 1 pint of spirits and 1 bottle of wine to three reputed quarts of which not more than one reputed quart may be spirits per person per day. The quantity for on-consumption is restricted in two areas only.

DISCUSSION OF THE RESTRICTIONS ON OFF-CONSUMPTION SALES

87. The restriction on the purchase of liquor by Coloureds on Saturdays leads to much abuse. As a result of the varying restrictions on the sale of liquor in neighbouring liquor licensing areas, it is possible for Coloureds in such areas to purchase liquor on Saturdays in the neighbouring areas where sales are not restricted. An example of this is Stellenbosch where Coloureds are prohibited from purchasing liquor on Saturdays, while they may purchase liquor at Kuilsrivier. With the regular train service it is now possible for Coloureds of Stellenbosch to purchase liquor at Kuilsrivier on Saturdays and this happens on a large scale every Saturday. In many areas the transport is not as convenient, and they therefore go to the bootlegger to obtain liquor. The restriction as regards the days on which liquor may be purchased largely contributes towards the creation of a market for the bootlegger. The hours of sale for off-consumption differ very little from that for Whites and the Commission wishes to recommend that there should be no difference between Whites and Coloureds as far as the days and hours for the sale of liquor for off-consumption are concerned.

DISCUSSION OF RESTRICTIONS ON THE SALE OF LIQUOR FOR ON-CONSUMPTION

88. The Commission believes that at those places where the hours during which liquor may be sold to any racial group are unduly restricted, it is largely responsible for drunkenness. The high incidence of drunkenness amongst Coloureds can very easily be ascribed to the excessive restrictions on the purchase of liquor for on-consumption. Where the hours for liquor sales are restricted one finds the phenomenon that excessive and fast drinking—against time—occurs. If the Coloured can enjoy his drink at leisure, drunkenness will be greatly reduced but this is well-nigh impossible with the restriction on hours. Coloureds are given very little opportunity of first going home after work and then having a drink later on. Because the bars and hotels close early they are compelled to go there directly after work if they wish to have a drink.

89. Where restrictions apply to certain days, it is found, as in the case of off-consumption, that the Coloured has to go to the bootlegger if he wishes to buy liquor, particularly where the restriction also applies to off-consumption.

The Commission is convinced that certain abuses will be completely eliminated if Coloureds were not limited to certain hours and days on which they may purchase liquor. The Commission therefore suggests that the days for on-consumption sales should be the same as that for Whites.

90. The hours of sale is a matter which presents some difficulty, for the Commission feels that these hours should not be the same as those for Whites, particularly where most of the distribution points for

on-consumption are situated in White areas. The Commission is, however, convinced that hotels in Coloured areas should be subject to the same hours as those applying to White hotels. In certain areas where there are no Coloured hotels as yet, hours could be fixed to meet the needs of the Coloureds, but the hours should be reduced as Coloured hotels are established in Coloured areas to supply the necessary facilities.

DISCUSSION OF THE RESTRICTIONS ON QUANTITY.

91. The restriction placed on Coloureds whereby they may buy only certain quantities of liquor per day is almost impracticable and can be applied in very few cases. The licensee is restricted to selling not more than a fixed quantity of liquor to a Coloured on any one day, and there is nothing to prevent the Coloured from going to various bottle stores and hotels and to purchase the fixed quantity at each. It is an impossible task for the Police to determine whether a Coloured obtained liquor from more than one distribution point, and there is in fact no point in doing so.

The restriction regarding the purchase of certain quantities for on-consumption appears to be entirely unnecessary and impracticable, as the Liquor Act provides for a licensee to be convicted of an offence if he should supply excessive quantities of liquor to any person. [Section 161 (b) of the Liquor Act.] It is totally impossible for the Police to ensure that licensees comply with this provision.

The Commission therefore recommends that Coloureds be allowed to purchase liquor in the same manner as Whites.

If the unnecessary restrictions as regards the days and hours of sale as well as those with regard to quantity were done away with, there would be ample opportunity for Coloureds to obtain liquor without turning to bootleggers, and drunkenness would receive a death-blow.

RECOMMENDATIONS

Coloureds

92. (a) The Commission recommends that in the Transvaal and Orange Free State Coloureds be allowed to purchase liquor for on-consumption in their own areas, if such facilities do exist.

(b) Coloureds should be allowed to erect their own hotels in their own areas in the Transvaal and Orange Free State.

(c) Wine and malt licences should be granted to Coloureds in their own areas and these establishments could later be converted into hotels.

(d) Coloureds in the Transvaal and Orange Free State should be allowed to obtain liquor for off-consumption only under the permit system.

(e) The provisions of the Liquor Act regarding Coloureds in the Cape Province and Natal remain unaltered in respect of the purchase of liquor for on- and off-consumption.

(f) The hours and days for the purchase of liquor for off-consumption by Coloureds should be the same as those for Whites.

(g) The days on which Coloureds may purchase liquor for on-consumption should be the same as those for Whites.

(h) The hours of sale of liquor to Coloureds for on-consumption should be the same as those for Whites if the distribution point is situated in a Coloured area.

(i) Where points for the distribution of liquor for on-consumption to Coloureds are situated in White areas, the Liquor Licensing Board should so determine the hours that they cater for the needs of the Coloureds. Such determination should not be of a restrictive nature.

(j) The Commission recommends that the Liquor Licensing Board should in future impose no restrictions on the quantity of liquor a Coloured may purchase on any one day.

THE TOT SYSTEM

93. The principle that labourers on farms are supplied with the fruit of their labour is recognised and applied throughout the world, although it is not always followed in the same pattern. On maize farms in our country, for example, the final product is sometimes supplied to labourers as rations, or in other cases they are allotted a piece of land which they can till for their own benefit. Vegetable farmers follow approximately the same pattern. On stock farms labourers are frequently supplied with slaughter animals and also allowed to keep a limited number of their own stock. Formerly it was even the custom to supply labourers with prepared food. In all these cases the main object was to ensure that the labourers and their families were well-fed so that they would be contented and able to do their work properly. Proof of this is also found in the fact that with the passage of time many other facilities such as housing, schools, etc., have been provided by farmers for their employees.

94. It is conceivable, therefore, that it has also become a custom in the wine-producing parts of the Western Province, and even in some of the neighbouring districts, to supply wine to employees on farms. Formerly it was supplied as part of the food provided, and this practice was continued because wine could not be obtained in any other manner by employees on the farm. Today they are responsible for their own food but may still, if they so desire, obtain their natural wine from the employer.

95. Up to 1928 it was left to the farmer to determine how and at what times he would supply the wine. The reason for this is obvious, namely that this was the best custom and in any case safe in the hands of the farmer, because he certainly could not afford to have on his farm employees who were addicted to liquor, or who even drank so much that their work was adversely affected. He therefore had to, and did in fact, see to it that these was no abuse of liquor on his farm.

96. Up to the beginning of World War II almost all employees on farms in the Western Province were Coloureds. During and after World War I a period of great prosperity commenced. The wages of labourers on farms and their general standard of living improved. The transport between farms and country towns became more convenient and in many cases the farmers themselves had their labourers conveyed to towns to enable them to purchase their household requirements. This meant that the opportunity for the consumption and abuse of liquor by farm labourers increased considerably in these towns. This state of affairs was very noticeable although it could certainly not be ascribed to farm labourers alone, and as a result the agitation against the abuse of liquor was intensified. When the Liquor Act was amended in 1928 this was probably the reason why it was decided to bring about a change in the pattern of supply of wine to labourers on farms and in this way the tot system was embodied in the Liquor Act of 1928. It was then determined how, when and how much wine could be supplied during the day. [Section 96 (2).]

97. The mistake made here was to confuse the abuse of liquor by Coloureds in rural towns with—and to ascribe it to—the supply of wine on farms. It is contended for example that Coloureds are taught to drink wine on farms and that this is the cause of excessive consumption in towns. In actual fact only a small portion of the Coloured population live on farms and if they alone were guilty of abusing liquor in towns, it would not have been nearly as noticeable as is apparently the case. The Commission is of the opinion that more attention should be given to the amenities available at drinking places for Coloureds in rural towns, as referred to in paragraph 76, for example. In this way the evil of the abuse of liquor by Coloureds could be more effectively countered.

98. Even though the Liquor Act of 1928 gave the tot system a new legal pattern, this in no way reduced the agitation against it. It also had a further consequence,

namely that the Coloured worker on farms came to regard the maximum quantities of wine stipulated by the Act as the minimum to be supplied by the farmers. This led to the Coloured worker insisting on this supply as a right and today he still regards it in this light, and also gets it. In fact, the Liquor Act of 1928 made the application of the tot system a more permanent practice than would otherwise have been the case. It is today a fixed pattern from which farmers cannot easily depart, even though they may wish to do so.

99. Even though the supply of natural wine to workers on farms could be carried out in the same manner as the supply of food in earlier years, the farmer should be at liberty to determine on his own farm *without disruption* whether to continue this practice, to alter it or to dispense with it altogether. This is not easy under the present Act. Many farmers admit that the supply of wine to workers on farms is merely an unnecessary nuisance because, as in the case of food, it means supplying something which workers can easily obtain elsewhere. They are of the opinion, however, that if the worker, as is the case at present, is only dependent upon towns for his liquor, the abuse of liquor during weekends would increase. It is argued that if the Coloured could obtain his liquor from the farm shop or even from the farmer he would learn, as his counterparts in the cities have already learnt, how to use wine without abusing it. The need to supply wine to workers on farms at fixed times would then disappear and farmers who find it a nuisance today would be the first to put a stop to it. It is significant how many fruit farmers beyond Sir Lowry's Pass—Grabouw for example—have already done it, even though section 96 (2) of the Liquor Act made it difficult for them.

100. The Commission is of the opinion that, for the very reason that farmers cannot afford to allow their workers to abuse wine on farms, they should not be tied down by the Act if they do not want to supply their workers with any natural wine, or be prevented from doing so if they wish, and there should be no provision as to the time and quantity of supply. Messrs. Rust and Waring are, however, in favour of the retention of the conditions applying to the quantity and times prescribed by law. Mr. Rust is of the opinion that these conditions would also prove necessary if legislation should follow to authorise the extension to the Northern Provinces of the supply of natural wines to labourers on farms. Mr. Waring is not in favour of the extension of the tot system to the Transvaal and Natal. The Commission is of the opinion, however, that the deletion of such provisions would further reduce the slender chances of extending to the Northern Provinces the supply of liquor to labourers on farms. In fact, this right has already been in existence since 1928 in the Orange Free State without any stipulation as to kind or time and it is nowhere applied as the customary practice in that province. If the provision as to quantity and times could therefore be deleted from the Act, it could be applied on a Union-wide basis, as it should be, without effecting the present custom in by far the major portion of the Cape Province, and in all the other provinces where the supply of liquor is decidedly not the custom.

RECOMMENDATIONS

101. The Commission therefore recommends as follows:—

- (a) That all reference to the so-called "tot system" be removed from the 1928 Liquor Act; and
- (b) that no person be allowed to supply spirits to labourers on farms.

ASIATICS

102. The Commission is of the opinion that Asiatics should be allowed to obtain liquor for on-consumption in approved hotels, as is at present the case in the Cape Province and Natal. The ideal would be for Asiatics

to be allowed to erect hotels in their own areas and in this way to provide for their own liquor requirements.

The Commission recommends that the supply of liquor to Asiatics for off-consumption should be allowed under the permit system only. Most Asiatics are already in possession of a permit for off-consumption and it would not inconvenience them if they were not allowed to purchase liquor freely.

CHINESE

103. Chinese who have become Union Nationals cannot acquire liquor for on-consumption and liquor for off-consumption can only be purchased on authority of an exemption permit. Chinese who are not Union Nationals can obtain liquor for on-consumption in approved hotels. The Commission is of the opinion that a change should be brought about so that they would all be allowed to obtain liquor for on- and off-consumption, and that they be regarded as Whites for purposes of the Liquor Act. Because of the possibility of illicit traffic with Non-whites, the Commission is of the opinion that Chinese who reside and/or trade in Non-white residential areas be permitted to obtain liquor for on-consumption, as indicated, and that liquor for off-consumption be made available to them by permit only in terms of section 101 of the Liquor Act.

RECOMMENDATIONS

104. (a) Liquor may be supplied to Asiatics for on-consumption in approved hotels and by permit for off-consumption.

(b) Liquor should be supplied to Chinese for on- and off-consumption, and they should be regarded as Whites for the purposes of the Liquor Act. Chinese who reside and/or trade in Non-white residential areas should be able to obtain liquor for off-consumption by permit only.

CHAPTER 4

DISTRIBUTION OF LIQUOR AMONGST WHITES

GENERAL

105. The Commission soon came to the conclusion that this aspect of its terms of reference was the most difficult. Not only had an attempt to be made to remove the abuses which arose despite the 1928 Liquor Act, but law and order had to be restored in a set of conditions which appeared to be chaotic. In addition, legislation had to be found that would furnish a healthy drinking pattern for the Whites which could be emulated in a multi-racial country by those races who were becoming ever greater consumers of liquor and whose access to liquor could indefinitely be restricted.

106. It soon became evident that the Union was a country which gave preference to the consumption of strong liquor and accordingly had its full share of the attendant evils of transgressions of the law. Moreover, the Police admitted that owing to the large number of offences against the 1928 Liquor Act, they were powerless to effect a cure. How could, they pointed out, almost three-quarters of the population be prevented by law from obtaining liquor, while the country does not have an unlimited Police Force or finances at its disposal? The approach was rather that the 1928 Liquor Act was just as impracticable—at least in this important respect—as the Prohibition Law of the U.S.A. in the Twenties.

107. It therefore soon became apparent to the Commission that it should approach its terms of reference realistically, even though it would mean that the prospect of drastic alterations would have to be held out. It was remarkable how much support there was on the part of witnesses, vested interests and the general public, for what the Commission regarded as a better