



of which I cannot believe the most honest protectors of the industry have contemplated. I shall endeavour to point out roundly the operation of some of the most important clauses in the present night about entirely by the said agitation of the mining community, stated the various grievances in connection therewith, I shall take offering a few suggestions for the improvement of legislation on this specially with reference to its relations to mining interests and to the ge. Article 3 provides that—"No licence for the sale of spirituous or wholesale shall be granted except in established and acknowledged, and diggings under Government control." This provision, abolition of all roadside hotels, was agreed upon by the hon. Second upon strong opposition being shown by a large number of the population of the clause was suspended until next month, when it must come into necessary for me to point out how severely the operation of this Article interests of many burghers and others throughout the Republic who are or tenants of such establishments, as well as the great inconvenience occasioned to the travelling public. The non-existence of convenient along the various roads of the country must also be specially and those members of the mining community employed in prospecting, with your permission, make reference to two of the most important so far as the mining interests are concerned, namely, Articles 5 and the sale or gift of any kind of liquor to any coloured persons. This only to natives, but to other coloured races, including Colonials, among and many honest tradesmen, and in fact many well-to-do people. I to show you that those governing the mining interests were hardly agitation for the passing of the measure, and that they did not as at their command for lessening the evils they complain of before al in obtaining legislation which will bring disastrous consequences the mining people themselves who encouraged the sale of liquor to ly assisted by those in their employment. In order to place the fore you, I hope your hon. body will permit me to give a slight quor agitation. For some considerable period it was found that ally served with adulterated and injurious liquor, especially by un-licenced dealers, and from time to time my association made strong to the Licensing Board not to increase "kleurling licences," and even new licences in town unless actually required for the convenience of n, again, for a long time past, extremists have agitated for the liquor Laws, and, for a considerable curtailment of licences generally. ted in a resolution of the hon. the Second Volksraad on the 5th (Minutes, page 645, Article 1571). See Dutch copy enclosed, trans- : "The Second Volksraad, having regard to the report of the Com- l by Art. 49 of 13th May, to take the Liquor Law under revision, all petitions and documents in reference thereto to the hon. the h instructions to appoint a Commission of Enquiry during the recess, nvestigate the liquor traffic in the S.A.R., to consider the various in information, take evidence, and to draw up as soon as possible a quate new law; and, further, to publish same for treatment by the Volksraad. The Volksraad further resolves that the said Commission ver to summon witnesses if necessary, and to give memorialists copy ." Unfortunately, owing to the late crisis, the Commission appointed Criminal Landdrost of Johannesburg, the State Attorney, and the

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Landdrost of Pretoria, did not commence its labours till about May, 1896, and the law in question was never published in accordance with above resolution, the people at large being therefore debarred from considering the same. The Commission sat at Pretoria for only one week or two, and I venture to submit that it was impossible in so short a time to investigate to the full extent all matters in connection with this important branch of commerce as intended by the Volksraad resolution. I wish now to point to the practical encouragement given by the mining community, as well as by its employees, in the sale of liquor to natives. It is a well known fact that many concessions for the sale of strong drink have been granted by mining companies. It is difficult for many obvious reasons to give accurate details in all instances. In many cases tenders were publicly called for in the newspapers for the right to supply natives, and the following are a few examples. When Mr. Cowie's right to sell liquors on the Geldenhuis Estate had expired (for which, by the way, he paid the company £80 per month), advertisements appeared asking for new tenders, and Messrs. Sack and Lediker were successful in obtaining these privileges from the company on lease at the rate of £1,800 per annum. In the case of the New Croesus Gold Mining Company, Limited, Mr. F. W. Smith got the preference at a rental of £1,500 per annum, with the proviso that he should build suitable premises, which cost about £1,500. Then on the New Primrose a similar concession was granted on payment of £1,200 per annum. Other instances could perhaps have been given, if the lessees were not so reticent in giving details. Then, again, considerable impetus was given to unnecessary drinking by employees engaged in the mining industry, and notably so by some compound managers. Last year, when I had the honour of interviewing the Government on the matter, I placed in their hands a number of permits for the purchase of quantities of liquor signed by compound managers, and which are doubtless in their possession. Of course it is most difficult to prove conclusively the guilty knowledge of contravention of the liquor laws by the white employees of various companies, because it is impossible to obtain any assistance from those in league with them. It would, however, be interesting to quote two or three instances which have been publicly reported and which I think you will consider somewhat bear out my statement. I see a report in the *Star* of the 10th April, 1896, headed "15 gallons of brandy." It was a case wherein seven native policemen employed at the City and Suburban Gold Mining Company, Limited, were brought before Mr. Van den Berg, charged with being in possession of 15 gallons of brandy. Mr. Clarke, the compound manager, gave evidence for the defence, and stated that he depended on the prisoners to keep order in the compound. The Landdrost stated that he was surprised there was no union amongst the managers on the Rand. The accused were discharged. A little time since a white employee on the Rip Gold Mining Company, Limited, was fined £50 for supplying natives with liquor, and on the 30th April last, W. R. Polithon, described in the *Star* as the compound manager of the Pioneer Gold Mining Company, Limited, was fined £75 for selling liquor to a native. I further learn that an employee of the Oceana Coal Company, Limited, in the district of Heidelberg, was likewise fined for the sale of liquor to natives on the 12th inst. I beg to produce a few permits, signed by a compound manager in his capacity as such, for the supply of liquor. It is true that the quantities asked for are small, but the fact remains. I am aware that, unfortunately, illicit trade is rampant, and that many witnesses before your honourable Commission have declared that the illegal traffic emanates chiefly from unlicensed dealers, such as stores and kaffir eating houses within the precincts of the mines, and I can assure you that no one regrets this state of affairs more than the respectable licensed victuallers, especially when one sees that the police seem powerless to discover the origin of this unlawful traffic; and while on this subject I must again state that it appears to me that compound managers do not use their best

efforts to suppress this excessive and injurious drinking. It has been stated that great quantities of liquor find their way into the compounds, and I should say diligent execution of the compound manager's duties on going his rounds, at certain periods of the day and evening, should lead him to discover the existence of such liquor. I am somewhat borne out in this contention by a remark that fell from the criminal landroost, Mr. Van den Berg, on the 23rd July, 1896, where, in a case emanating from liquor before him, he stated that the compound managers were responsible for rows ending in death very frequently, as they did not sufficiently supervise the compounds at night. It has been urged that the existence of canteens along the reef have facilitated the thefts of gold. Messrs. Sack and Finestone, canteen-keepers, along the New Primrose Gold Mining Company, Limited, were actually instrumental in tracing and obtaining a conviction for gold thefts from the company. I beg most respectfully and humbly to submit that the introduction of total prohibition to natives has defeated its own object. It is clear that there exists more illegal traffic than ever, and it is only by regulating the system upon a thoroughly sound basis that this illegal trade can be put a stop to. I would like to be permitted to point out to you that the Liquor Laws of the United Kingdom are perhaps the most severe, and yet it has been conclusively proved that the more stringent the prohibition introduced the greater the secret drinking and the more huge the illicit traffic. Especially was this the case in Wales, where prohibition was introduced on a large scale, and it was afterwards discovered that there were in existence more shebeens than there were ever licensed houses previously. Without desiring to cast any reflection upon our Scottish brethren, it is pretty well known that, notwithstanding the Sunday restrictions, liquor in Scotland on that day is easily obtainable, to say the least of it. I mention all this to prove the futility of so-called prohibition. But that I do not desire to occupy your time at any too great a length, I could give you many more logical proofs. Still, however, the liquor question generally is of such vast importance that I may claim your indulgence for occupying your time longer than I had desired; but I would just like to draw your attention to the fact that in Holland, Belgium, France, Germany, Italy, etc., where huge industries exist, and where the liquor trade is comparatively free, much less drunkenness is visible than in countries where the severest restrictions obtain. In order to make the working of the prohibition more complete in this State, Article 16 was introduced, which enacts that the granting of licences for the sale of any kind of liquor on any ground given out as a claim, mijnpacht, bewaarplaats, etc., etc., is totally prohibited. Under this law fall some excellent hotels in districts where hundreds of white men are employed, and in all these places food is supplied to the mine workers at a price leaving little or no profit. These establishments are supplied with reading-rooms, billiard-rooms, etc., and the operation of this clause means the abolition of all conveniences to the detriment of the working men, who, requiring their wants fulfilled, would leave the works, not only to obtain their glass of beer, but in search of social intercourse and recreation, now to be denied them. The effect of this measure will not only be felt in the district of Johannesburg, but also in the important districts of Boksburg, Klerksdorp, Krugersdorp, Heidelberg, Lydenburg, etc. The further disastrous effects of the working of this article will bring about the demolition of valuable premises and good-wills, and the throwing out of employment of many thousands of people. I now beg to draw your attention to Article 17, which provides for the number of licences in proportion to the white male adult population. Now, the number in the Johannesburg district alone is about as follows:—(a) Wholesale, 49; (b) bottle-stores, 56; (c) retail, 305; (d) roadside, 3; beerhalls, 23—total, 436. The revenue from licences and billiards may be taken approximately, in this jurisdiction alone, to amount to not far short of £40,000. It has been computed that in order

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to give effect to Article 17 about 70 licences in all could be granted. Seeing that the above totals include about 112 hotels, 56 bottle-stores, 27 restaurants, 49 wholesale houses, considerable difficulty must ensue in apportioning these licences. And further, the effect of the operation of this clause would occasion much suffering, in fact ruin and bankruptcy, to an extent not easily contemplated. In Johannesburg alone, I believe, the losses in the forfeiture of stocks, good-wills, and decrease in value of buildings would reach, I may say, millions, and to whom are the sufferers to look for compensation? I would further deem it my duty to point out to you that the enforcement of this Liquor Law 17, 1896, would affect the revenue of the country to a serious extent. The general revenue of Customs for the past six years has been as follows:—1892, £441,436; 1893, £692,831; 1894, £812,173; 1895, £1,085,419; 1896, £1,355,486. I may say that at least one-third of the whole of these customs receipts is contributed by the liquor trade, and a huge reduction of that income would have to be made good from other sources. It would probably interest you to know the total of customs and excise duties derived from the manufacture and sale of alcoholic liquors in England during 1896. The amount is £30,886,129, being 32.62 of the total exchequer receipts for that year, and this does not include local taxation, such as licence money, etc. The example set in England, where, as I have already stated, the law is very severe, may possibly be some guidance in the framing of the new legislation. In that country a Royal Commission has been sitting for nearly two years to thoroughly investigate the liquor laws in every town and village, and its effect upon the morals and intelligence of the people. The latest report gives a *resumé* of the evidence of Captain Nott Bower, Chief Constable of Liverpool, one of the most important shipping ports in the world. This officer, a gentleman who is believed to be a great authority, states, among other things, that a large proportion of the crimes of violence were due to drunkenness, but by no means all; and the same applied to cases of neglect of children; but, when they came to cases of house-breaking and larceny, or what may be called professional crimes, they were rarely due to drink; in fact the professional criminal must almost necessarily be an abstemious person; he could not possibly carry on his trade if he were not. Offences of indecency were very seldom due to drink, and as to embezzlement, forgery, and crimes of that character, drunkenness was very often the result of crime, rather than crime the result of drink. It was said in some quarters, and often said, that if there was no drunkenness there could be no crime, but he did not think that was correct. Factors in the decrease of drunkenness were the demolition of insanitary property; increased facilities for football and cycling; the general improvement in the tone of the working classes, and the doing away with unlicensed drinking places. I earnestly hope that I may not be deemed as desirous to advocate anything that can in the least be construed as antagonistic to the mining industry. On the contrary, I should esteem it a privilege to be allowed, in my humble capacity, to render every assistance in removing any impediment to the progress of that industry; but I cannot refrain from contrasting the opinions expressed by so important an authority as Captain Nott Bower with the action of Mr. J. B. Robinson in his orders prohibiting men on Randfontein from indulging in those very manly sports which are recommended by the captain as a special means for the prevention of drunkenness. Prohibition in any direction, as well as undue interference with the liberty of the subject, always creates ill feeling and revolt. I venture further to submit that a great deal of this agitation in reference to the liquor traffic has been greatly accelerated by the desire to introduce the compound system. This measure was advocated especially by Mr. George Farrar, when he suggested at the Simmer and Jack that Mr. Rhodes had offered to build a second Kenilworth for the men, and subsequently emphasised this at a meeting of the Mine Managers' Association. I may here mention

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that I am more than surprised at the attitude of the Mercantile Association, especially as all branches of legitimate commerce should work side by side. Seeing that it has been generally acknowledged that a huge illicit traffic emanates from the storekeepers and kaffir eating-houses along the reef, it is astonishing that, if that body is so sincere in its desire to alleviate the troubles of the mining community, that the Association did not advocate the removal of all stores as well as canteens from the immediate neighbourhood of the mines. From this side of Krugersdorp to the border of Boksburg, a distance of over 30 miles, only 17 licensed canteens, including well-appointed hotels, exist along the line of reef, and surely these 17 licensed houses can hardly be held responsible for the huge illegal traffic now extant. In view of the suggestions I should venture to make, I would say that at the time I had the honour of appearing before the Commission at Pretoria, in May, 1896, referred to in the earlier part of this statement, Mr. Jas. Hay, Chairman of the Chamber of Mines, and I, had practically offered similar proposals, especially with reference to the kaffir liquor traffic. Mr. Hay then contended that the native will, and should have his drink, but that it should only be meted out to him in State defined and stamped measures, but that the toleration of drunkenness, the supply of liquor in any quantity for consumption off the premises, or sale of adulterated or injurious stuff, should be punished in the severest possible form, and I am bold enough to believe, without presuming to dictate to the mining community, that, so far as natives are concerned, that method, combined with honest supervision, is the one most likely to prove efficient. In conclusion, I earnestly trust that your honourable Commission will pardon the length of this statement. There are many more minor details in connection with the Liquor Law generally which are open to improvement, but with which I will not now trouble you. Let me assure you that it is my earnest desire to be permitted to co-operate with the mining community and the authorities in bringing about such changes and improvements as shall tend to the alleviation of the grievances of the gold industry, and especially to contribute to the comfort, welfare and happiness of the mine workers. The following are just a few suggestions that I respectfully submit for your earnest consideration:—

- (1) That every applicant for a liquor licence must be armed with a certificate of good character, countersigned by the higher officials.
- (2) That the house for which the licence is asked must be of a certain normal value, and have proper sanitary arrangements.
- (3) That the house, and not the man, be licensed. This would obviate the possibility of underhand transfers. This, and the previous conditions, would be the best security for good and lawful conduct, as loss of licence upon contravention would mean enormous decrease in the value of the property.
- (4) Improved and efficient police supervision, and the abolition of any share of the fines. This system places a premium upon crime and often imposes hardship upon men, who, perhaps, had no desire to contravene the law.
- (5) Proper and equal administration of the law, and the carrying out thereof to be enforced upon *all* licensed dealers. It is the larger and more important houses that should set an example of obedience to the law.
- (6) Thorough supervision of the quality of liquors, under severe penalties for the sale of adulterated or deleterious stuff.
- (7) A firm licensing board.
- (8) Imprisonment *only* on conviction of unlicensed dealers.
- (9) That natives be allowed to obtain, under strict regulations, a certain quantity of sound liquor, to be served in a stamped State measure, under severest penalties for serving larger quantities than prescribed by law, the toleration of

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drunkenness, or the sale of any quantity no matter how small, for consumption off the premises. I may mention that if the native wages be reduced as proposed, it will leave very little margin for excessive drinking.

(10) Thorough supervision of the stores in the vicinity of the mines, and improvement in the general condition of the eating-houses, for which licences should only be granted to responsible and respectable men.

(11) The abolition of all licensed insanitary shanties.

In my humble opinion, if these conditions were acted upon, Articles 3, 5, 6, 16 and 17 might well be deleted, and I venture to believe that the Liquor Law, with some minor but still important additions would be workable, and ultimately give satisfaction all round, while the irresponsible illegal licensed dealer would soon be weeded out.

MR. S. FOOTE on examination said :

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I would like to say a few words more with reference to Articles 16 and 17, as given in my statement. With reference to my statement, I would like to point out several things in the Liquor Law as it stands. The huge vested interests in connection with this trade amount to immense sums. Take, for example, the wholesale houses here are perhaps the largest in the trade in South Africa, when I tell you that the duties paid by Messrs. Rolfes, Nebel amounted to something like £110,000 for the year. Their business and stock is about a third of a million of money. These wholesale houses labour under considerable difficulty on account of having to apply for their licences every quarter, and not alone is it a very great and serious inconvenience, it may be considered that it is almost unfair to these firms that have such large vested interests. Of course I do not advocate the cause of Messrs. Rolfes, Nebel alone. I only give them for example; the other firms are in the same position, and therefore I would like to suggest that this Commission would be kind enough to consider in their report the advisability of recommending to the Government that these wholesale licences should be considered as commercial licences. Further, I should prefer to say nothing until you have examined me.

Mr. de Beer.

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You say here that the mine managers—that is mining people—encourage the sale of liquor to natives?—Yes. In the first place, on many occasions when the Licensing Board sat there had appeared very many recommendations from mine managers advocating the sale of liquor. Then again on many occasions, as I have shown in my statement, advertisements have appeared in the papers calling for tenders for the right to sell liquor to natives on certain mines, and in each of these instances the successful tenderer had to pay a very large amount of rental for the preferential right. I have given you several instances in my statement, and I think that is direct encouragement for the sale of liquor, actuated by the mine people themselves.

You say that natives are supplied with bad and spurious liquor. Do you know where it comes from?—The largest amount of liquor, as far as importations are concerned, comes from Delagoa Bay. Whether that liquor was originally injurious and deleterious, I am not prepared to say. No doubt in many instances that liquor was seriously adulterated. At present the enormous sale of so-called whisky amongst kaffirs is, of course, illicitly sold. You would be surprised at the enormous quantities which are on the market. This so-called whisky is sold to-day at 13s. 6d. per case of 12 bottles. There are about 13,000 cases a month sold.

The liquor you mention is usually called Delagoa spirit?—It is made of the spirit chiefly imported from Germany.

Originally made in Germany from potatoes?—The liquor comes from Delagoa Bay, without tax, as a product of Portugal. That whisky was brought in at 96 p

cent. strength, and reduced here to half, and adulterated and mixed up, and sold in bottles at 13s. 6d. per case.

Have you also included licences for billiards?—I have not. They were difficult to obtain in Pretoria. Billiard

You speak about canteens on the mines; that is a great grievance for the trade. I think there are only 70 licensed houses on the whole line.—What I wished to show, as appeared in my statement, the 17 who have fallen under the Article 17, can hardly be held entirely responsible for all the illicit traffic going on. You will find from the 1st January to the 25th May, that four-fifths of the convictions for contravention of the liquor law emanated from individual illicit-dealers, unlicensed men, and keepers of stores and kaffir eating-houses. Number  
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According to the evidence put before the Commission, the greatest evil is the kaffir eating-house?—There is no doubt about it. With reference to the eating-houses, I may at once tell you that I was approached by an official of the Sanitary Board on the same question, and I considered then, as I do now, that the supervision should be placed in the hands of the Licensing Board; that in each case the applicant should satisfy the Board, either by writing or otherwise, that he is a respectable man, and convince the Board that his house is of normal value, properly situated, and that he should enter into a bail bond for the legal performance of his business, and, in the event of any illicit traffic, so far as liquor is concerned his bail is forfeited. Kaffir  
house

*Mr. Brakham.*

In your statement you have thrown out various insinuations that the mining companies were furthering the sale of liquor?—I have done so.

Can you tell me or do you know the exact terms of the lease entered into between the Geldenhuis Estate and Cowie?—I do not know the details of the contract, but as I understand, their lease has still one year and a half to run. Geldenhuis  
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You are wrong there. The lease has expired. This lease you have left out is very important in the details. The lease provides that no native should be served without a written authority of the manager, and this proves clearly that the company was desirous of having the control over the sale of liquor to natives; in other words, to limit it?—That means that they must have given a large number of permits to kaffirs, as he would not be prepared to pay £150 a month. I speak of the Cowie lease.

He has not got it now?—He had it.

Yes. He paid for the first year, £30 per month; for the second year, £430; and £500 for the last year; and that is much less than £80 per month.—The next party undertook to pay £150 per month.

The company is not desirous of having this lease, as will appear from the following: Mr. Sacke had to pay £1,800 a year. The company had reduced this to half the amount since the sale of liquor to natives has been prohibited. The terms of the lease empower the company to take the whole from Mr. Sacke. That is clear proof that the company does not want the lease for the sole object of making money. I think the terms of the lease are so stringent that the contract could have been cancelled any moment if the lessee did not comply with the terms of the agreement.—I can only say that, in that particular case, the company was extremely lenient and kind to the man.

What reason have you for saying that?—You yourself state that the company, seeing that since the 1st January a considerable amount of trade must fall off on the Geldenhuis Estate, were very kind, when they could enforce £1,800 a year, to reduce that by a half.

It was not a matter of enforcing; it was in terms of the contract.—I understand you to say they had reduced the amount; therefore, it was very kind of them, under the circumstances.

Then that proves their wish was not that of making money?—Well, I think £1,800 to sell only to whites on the property is very high.

It was not only for that. It was for a kaffir eating-house, hotel and boarding-house. You hinted in the same statement with regard to a certain company—I suppose you do not want the name mentioned?—No; I think it better not.

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e liquor. You mentioned permits being brought to some canteen. For what purpose was this liquor used, do you think?—In my opinion, I have no hesitation in saying that this must have been drink required for natives.

l permits. Still, I have enquired into this matter, and I find some of these things must have been forgeries. There are, for instance, on certain days, permits signed by a certain man as compound manager. That man has never been in the employ of the company, and the compound manager is quite a different man.—I shall be pleased to give you privately the name of the individual from whom I received those permits, and my object in putting them before you was not with a desire to injure any man, but knowing and feeling convinced in my own mind that in a great many instances compound managers were instrumental in the purchase of liquor for natives, and that it is extremely difficult to obtain absolute proof, even as it is difficult for you to obtain proof of your gold thefts. I thought when those permits were offered to me they might, if genuine—I never dreamt for one moment they would not be genuine—assist me and you in getting at the bottom of this illicit traffic.

I don't want to insinuate that those permits were handed in not *bona fide*, but enquiries have proved they are not right, because on many of the names given on those permits the initials are wrong, or the individuals are not in the employ of the company.—I shall be very pleased to give you every facility to get at the bottom of it, and shall take the earliest opportunity to gauge the thing for myself.

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o natives. You mention that compound managers have been instrumental in selling liquor to natives. I don't deny that might have been the case, and perhaps is yet the case, but that does not prove that the directors of the companies would further, or were cognisant of any such fact. In fact, the directors would be pleased if they could get information about it, and I should guarantee that those compound managers, or other servants of the company, would be at once dismissed, because the directors, from personal supervision, found out that if the natives do not get any liquor at all—good, bad, or indifferent, whatever it may be—the amount of labour they can get out of them, and the discipline is far better than if they were supplied with liquor. Also their own physique and health is greatly improved. If, formerly, the opinion might have been that the kaffir must have his liquor, yet, from experience, that opinion has been altered, and that is just where the mining industry insists that the Liquor Law should not be altered, so that kaffirs should not have any chance whatever to get liquor. Can you inform me if Mr. John Judellsohn is a member of the Licenses Victuallers' Association?—He was, but he is not now a contributing member.

He has resigned then?—He is not a contributing member. He failed to pay and is no longer a member.

But he was a member?—Yes, originally.

License of Old  
Park Bar,  
Jeppestown. I want to draw attention to the manner in which matters about licences sometimes are managed. There is a certain Old Park Bar in Jeppestown. The man who had the bar, or, perhaps still has it, has been convicted for contravention of the law in May 1896, and January, 1897, and since then has been several times trapped, but no conviction could be got. At the December sitting of the Licensing Commission, a

Cotson, was refused a licence. At the March sitting, another man, who is connected with Mr. Cotson, applied for the licence for the same place, but was also refused. Now, Mr. Judellsohn, on the 3rd April, 1897, acquired a transfer of the licence from Mr. H. L. Gordon, of a certain bar in Alexander Street, Ferreirasdorp, and this was at once transferred to the Old Park Bar. This shows how the ramifications of licences are managed.—I know the circumstances full well. In the first place, I should like to tell you that even if a man is a member of the association, I should never try to defend him in any shape or form against an improper action. This question of this transfer is not only a question of this individual transfer, but it opens up a much wider field. I have over and over again protested against these interim transfers. If you will look to the third suggestion in my statement, you will see I there said that the licensing of the house would obviate anything of the kind again. According to the present law, the chairman of the Licensing Board, in cases of unforeseen circumstances, such as fire, etc., has the right to transfer, *ad interim*, any licence from place to place, subject to confirmation by the Board at its next sitting. But, unfortunately, these transfers have been granted from time to time, and not with the wish or countenance of the most respectable dealers of the Licensed Victuallers' Association.

I am very pleased to hear you, as chairman of the Association, with the full support of the other members, advocate this alteration. It brings out my desire that the hands of the Licensing Commission should be strengthened in order to bring about this alteration, because if a certain canteen, or a certain man who holds a canteen, is convicted continually or several times, and yet is able to carry on this trade, then it is high time an alteration in this law should be made.

Mr. de Beer.

These are not facts you have stated, Mr. Brakhan.

Mr. Brakhan.

They are facts.

Mr. de Beer.

What you quote are not facts.

Mr. Brakhan.

I received them for facts.

Mr. de Beer.

When you say people have been convicted repeatedly, and can still get licences, you are wrong.

Mr. Brakhan.

I beg pardon. That was a slip of the tongue. I mean they are able to get transfer of licences. Of course, this licence which he now holds by transfer is subject to confirmation by the next Licensing Board, and I have no doubt this licence will not be confirmed.

[Addressing witness]. Now with regard to one point in the suggestion you make, I don't quite see why you suggest in No. 8 that imprisonment should only take place on conviction of unlicensed dealers.—I don't know whether you quite understand what I mean to convey is this: I say imprisonment only. I don't mean imprisonment should be inflicted upon unlicensed dealers only. I mean imprisonment only. That should be the only punishment.

Transfers.

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Why not also for licensed dealers?—That is easily answered. In the first place, you must bear in mind the majority of licensed victuallers are men who have been established for many years in this country, and who have large vested interests in their stocks, buildings, and goodwills. I do not say that a continuance of infringement of the law shall not be followed by punishment by imprisonment, but if you will take notice of my proposition that the house shall be licensed and not the man, and that after one or two convictions that that man will lose his licence and the value of his house and the value of his good-will, then I consider that that man is sufficiently punished. Then, again, that man contributed, and is contributing largely to the revenue of the State for years, whereas the unlicensed man is an illegal dealer, who defrauds the Government of its just dues. Then, again, I would like to point out this: you have probably no idea of this so-called trapping system in vogue. Of course, you have heard of these cases and you read of them, and you see remarkable punishments meted out, but the licensed victualler must be protected against this wholesale trapping, because I undertake to say that the very largest and most important houses in the liquor trade, including even the largest wholesale houses, can be as easily trapped as the small canteen keeper who serves to the kaffir. And we have had very many instances of that nature, and I consider, therefore, that the man who has vested interests in his trade should have a certain amount of protection, and not be open to that awful drastic punishment the same as the man who defrauds the State of its just dues.

There might be another view of that. A man in whom the Government places trust, which it really does by conferring on him a licence, ought all the more to be jealous of this trust, and punished for betraying it.—Exactly, but I don't think that that man should be so severely punished, because if you give that man a certain trust and repose confidence in him, I venture to think, and it has been proved in other parts of the world, that the respectable licence-holder, with interests at stake, will be the best possible detective for the prevention of the contravention of the Liquor Law generally, and you must not give too much latitude to the officials to ensnare these people into the commission of crime. That is all that the trapping system means to-day. I have seen instances where large hotels here—it is not necessary to give the names, but I can give them to you privately—two of the largest hotels in Johannesburg—have been ensnared into the commission of a crime by the trapping system, and not long since. I should say the combined value of their two properties would be over £100,000. These people being ensnared into the commission of this crime, I think it would be very unfair that men of such position should be subject to imprisonment.

I suppose it is a case, as you put it, of ensnaring people; in that case the magistrate would not bring about any conviction.—I am sorry to think you perhaps have little knowledge—and perhaps you ought to be pleased of it—with the method adopted in the Criminal Landdrost's Court, or else you would not have made the remark.

Now, you say natives should be allowed under certain restrictions to be supplied with a certain State measure, a stamped measure. How can you prevent that kaffir from returning again with a measure he might get from somewhere else, and getting a third or fourth dose?—It is possible I have not made myself clear. First of all everything will depend upon the quality of the people to whom the licence should be granted. For that purpose I have made certain recommendations earlier in my declarations. I should like to go further by suggesting that the security bond for the due performance and the legal performance of business on the premises where a kaffir may get liquor should be increased to about £1,000. Then, coming back to y

question, my suggestion was intended to convey this: that the houses which are licensed to sell to kaffirs shall be supplied with State stamped measures, that these measures should be under the supervision of an Inspector of Weights and Measures, that in the event of any measure not being quite perfect the owner should be punished. The kaffir should not, under that regulation, be allowed to come with a measure at all. He goes to the house and calls for his liquor, which should be meted out to him in that State measure.

Q. Yes, and then he goes and gets another lot.—Yes; I am coming to that directly. The quality of that liquor should be thoroughly supervised by excise officers, and that any man who gave more than measure—that is to say, he might give it in a larger glass for sake of competition—shall forfeit his licence and lose his surety bond. With reference to another lot which you have mentioned, that could be easily controlled by the mine management itself.

It is hardly possible for a mine manager to run after every kaffir, you know. When they are off shift kaffirs go about as they like. There is, unfortunately, no compound system here.—It has not been difficult in the past to get as many permits as were required. Under a regulation of this nature, I don't say my suggestion is an entirely perfect one, but I certainly believe that it would be beneficial to all parties concerned. You must bear in mind this, and I am really sorry to say it, that the good people to-day are suffering very severely on account of the bad. The illicit traffic to-day is larger than it has ever been. It is a fact that nearly 10,000 cases of whisky were sold last month. This means 120,000 bottles. Say that the average price at which it was sold was 5s., the product was £30,000. I want to point out to you that the Mercantile Association strongly favoured the movement of the mining industry in regard to the liquor business. They were afraid, and perhaps justly so, that if the kaffir could get his liquor *ad lib.* the storekeeper would materially suffer; and, on the other hand, that the abolition of drink would improve their business materially. Now, it was only last week that I was in communication with one of the important members of the Mercantile Association, and what do we find? That the shopkeepers' returns to-day are very much less than hitherto. I say, therefore, if you make further restrictions that there will be a greater illicit sale of liquor, and that the kaffirs will pay not 5s., but, on account of the risk these people run, 10s., and the storekeeper will have nothing at all left.

Q. But if imprisonment was made the punishment for an infringement of the law this illicit traffic would soon be put a stop to.—I don't think you will thoroughly root out the illicit traffic. In every part of the world the greater the restriction in any direction the greater the illicit trade. It has been proved very largely in England of late years, where the liquor laws are perhaps more severe than in any part of the world. In certain parts of Wales was introduced what was practically total prohibition, and very shortly after that they found there were more illicit dealers than there had been licensed houses.

A. I don't think we can draw a parallel between Wales and this case. There are, so far as I speak, no aboriginal races in England.—I will give you an illustration nearer home. In the Orange Free State there is supposed to exist total prohibition. In 1895 there was imported into the Transvaal Republic something like 180,000 gallons of Cape kaffir brandy. In the same year there was imported into the Orange Free State—which is, of course, a much smaller country than this, and has a much smaller population—something like 130,000 gallons.

Q. I don't think that is any proof of your contention.—I will go nearer, then. In the Orange Free State there is a prohibitive law. Of course there is no labour required there. Yet it was only very recently that five of the most important hotels in Maritzburg were

convicted for having sold to natives, and the magistrate, in fining them, stated his regret that he believed this illicit traffic had been going on for years. I may tell you that on appeal they won their case, and the conviction was quashed.

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If this law is repealed we shall revert to the old state of affairs, and very little work could be got out of the kaffirs.—I am quite of your opinion. But I don't think that state of things would be brought about if the mining industry would exert themselves to assist the honest licensed victualler to bring about a better state of things. There is no doubt that several people hold licences who never ought to have held them. We cannot deny the fact that in many instances mine managers, or mine employees, have encouraged, by recommendations and otherwise, the granting of licences to certain people, and I think if you can accept a compromise of this nature, and try for three months, I feel you would have less trouble with regard to illicit traffic, and when the men to whom these licences are entrusted are under strong securities, they will assist in the abolishing of this filthy illicit traffic now existing.

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Mr. Abu.

You are the chairman of the Transvaal Licensed Victuallers' Association?—Yes.

The object of this Association is to protect their members, who are licensed victuallers?—Not against illicit traffic.

I regret I cannot possibly ask you any questions on the subject at all, for you well advocate, in your capacity as chairman of this Association, that the law against serving natives with liquor should not be abolished as far as it concerns licensed victuallers.—Yes.

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And my experience is that it should be abolished; and that to supply natives with drink in fair measures or indiscriminately, as during the past eight years, is simply a dark blot on humanity. I shall ever advocate the total abolition of the sale of drink to natives. Your duty as chairman of this Association dictates a different policy, therefore it is quite useless for me to ask you any questions on the subject. It is quite true, as you say, that no matter what happens you can never reduce the illicit traffic, but there is no law yet strong enough that has prevented men from committing crime such as theft, murder, or any other crime. If the decision of the Volksraad be upheld that natives should not be served with strong drink, and no matter how heavy the punishment of those who commit the crime, you will never be able to stamp it out altogether, but that should not be the reason why the Raad should not, in the interest of the industry, and for the welfare of the natives, be asked to uphold their decision.—It is unnecessary to answer you, as it would only lead to a controversy as to individual opinions. There are, however, one or two things I would like to mention. Of course, as you say, although you have severe laws, there are crimes which will always be committed. Still, in other countries where strong laws are in existence, the system of improving matters is regulated by Act of Parliament. But I would like to point out this to you. Assuming for the moment that you are right in your contention as to the abolition of drink with reference to kaffirs, you must not forget that the law, as it stands at present, is very far-reaching in its calamitous results. Under Article 16 of the present law, it is provided that no man shall be allowed to retain his licence on certain prohibited areas. Now it must be borne in mind that the collective vested interests in these houses falling under Article 16 are really enormous, and not only would the people then according to your argument be deprived of selling to kaffirs, but also from following their business so far as the whites are concerned. I can assure you that the values sunk in properties are very large indeed, and most of these people have held their licences for a considerable period of time.

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I don't want to ask you any questions but you talk of these vested interests and some of them under the guise of respectability are not ashamed to import the vilest of stuff they get from Delagoa Bay. You talk about their value, but what about the value of the interests of the mining industry here?—If you had been here earlier you would have heard my opinion of this adulterated stuff. I maintain that these values are a matter which should be considered. I know some houses that have been offered, as properties, £9,000 and £10,000. The mining industry must be supported, and no right-minded man would do anything that would hinder its progress. But I say this, that licence-holders, as subjects of this land, must have their trading liberties respected; and, while giving the mining industry the whole of its due, I am positive that this Government will take into consideration the interests of the masses generally. When I spoke about these laws I touched upon Article 16; but it must not be forgotten that this agitation brought about Article 17, which, I say, does not mean the abolition and demolition of millions of pounds of vested interests. The property owners have not yet begun to feel the shoe pinch, but eventually, if this law comes into force, they will find the huge amount of rental they have lost. A law of this nature—which, I contend, encroaches on the liberty of the subject—is guarded against in the Grondwet, and I ask who is going to compensate these people for their loss.

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*Chairman.*

Do I understand from your evidence that the law does not apply equally to all licensed dealers?—I am sorry to say, in my opinion, it does not. I have found very many instances where unlicensed dealers wilfully and illegally selling liquor to kaffirs or whites in contravention of the law have been fined much less in a good many instances than the licensed victualler who has been trapped in the commission of a slight offence. Then, again, I mean that the officials take a great deal of trouble with the smaller dealers and hotel-keepers, and so forth, while the more important houses, which should set an example of good conduct, are entirely left alone, and are frequently known—not, perhaps, intentionally—to break the law, perhaps in a higher degree than some of those smaller men who are trapped.

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That is almost a direct accusation against the officials that they have not been applying the law properly. The judge decides each case according to the evidence.—I should be very sorry to cast any reflection upon any official in Johannesburg.

Your regret is too late, you have already done the evil.—I was going to explain.

I understand you do not approve of the present Licensing Board?—I might have made the inference, but I did not say so.

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What is your idea with regard to the Licensing Board?—I mean to say that the Licensing Board should be resolute and firm, and should have under its control all matters in connection with licences. We have on many occasions seen that the Licensing Board have been too lenient, and what is wanted is a resolute Board that will carry out its duties, and only grant licences where necessary. My object in mentioning this question of a firm Licensing Board was that I have, on one or two occasions, protested very strongly against the granting or renewal of a number of licences, and I have been met with the taunt that my protest was only entered on account of trade jealousy, whereas, in fact, what we want to see is the trade in the most respectable hands.

That is also a question of opinion, of course. That is another accusation against the Licensing Board. One always wants a change, but whether the change would be for the better is another matter. Take this Board away, which is perhaps too kind and too lenient, and you may get another one in its stead which, perhaps, would be too severe against you and too kind to somebody else. Now, touching the case