

- (b) Any concoction which though called by another name is substantially similar to any of the concoctions named in paragraph (a) ; or
- (c) Any concoction (other than Kaffir beer) produced by the fermentation of any substance, the consumption of which would, in the opinion of the Governor-General be prejudicial to the health and well being of the people and which he may specify by proclamation in the *Gazette*.

13. SALE TO AND POSSESSION OF YEAST OR MALT BY NATIVES

Section 123

(1) No person shall supply to any Native :—

- (a) yeast in the forms commonly known as baker's yeast, brewery yeast, or whisky yeast, or any other yeast in liquid form ; or
- (b) yeast in any other form, or any other substance or thing, adapted or in the opinion of the Governor-General adaptable for the production of any alcoholic concoction, which the Governor-General may specify by proclamation in the *Gazette* ; or
- (c) malt in any form other than malted Kaffir corn.

(2) In respect of any yeast, malted Kaffir corn or any other substance or thing adapted, or in the opinion of the Minister adaptable, for the production of any alcoholic concoction, the supply of which to Natives is not prohibited in terms of sub-section (1), the Minister may, by notice in the *Gazette*, limit the quantity which at any one time or during any specified period may be supplied to or possessed by any Native ; and may make such regulations as he may deem necessary to give effect to any such limitation.

(3) In respect of any yeast the supply of which to Natives is prohibited in terms of sub-section (1) the Governor-General may make regulations not inconsistent with any provision of this section for or in respect of all or any of the following matters :—

- (a) The regulation and restriction of the importation, exportation, transshipment, conveyance, transmission, keeping, sale, supply or use ;
- (b) the licensing of sales, and the classes of persons to whom such licenses may be issued ;
- (c) the keeping of registers and other records of sales, the form and manner of keeping of such registers or records and the particulars to be entered therein.
- (d) the restriction of the quantities which may be sold.
- (e) the prohibition or restriction of purchase or possession including the granting of permits for purchase or possession ; and
- (f) the penalties which may be imposed for contraventions of such regulations. Any prohibition or restriction imposed in any such regulation may be made applicable either generally or in respect of a particular class of person.

(4) No Native shall purchase or have in his possession any yeast or other substance or thing, the supply of which to any Native is made unlawful by sub-section (1), or purchase malt in any form, or purchase or possess any yeast or other substance or thing in contravention of any limitation made or regulation issued under sub-section (2).

B. KAFFIR BEER

Making, possession and supply of Kaffir beer in urban areas.

Section 124

The brewing, manufacture, introduction, sale supply or possession of kaffir beer in any urban area shall be unlawful save by the persons and in the circumstances permitted by sections 21 and 23 of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923) and by this Act.

Brewing and drinking of kaffir beer on land outside urban or schedule Native areas.

Section 125

(1) Save as provided in this or the last preceding section or in section one hundred and twenty-seven (consumption on certain premises or near certain works) or one hundred and twenty-eight, no brewing or drinking of Kaffir beer shall take place at any place which in terms of any law is a private location or upon the land outside any area which under any law has been or may hereafter be scheduled or declared as a Native area.

(2) With the consent of the European owner or occupier of land situated outside an urban area, or in the case of Crown land or land occupied by the Government outside any such area, and not being land which under any law has been or may hereafter be scheduled or declared as a Native area, with the consent of the magistrate of the district or of any Native commissioner or assistant commissioner, Kaffir beer may be brewed on such land by the Native occupier of any hut thereon in such quantities as may be reasonably required and consumed by himself and his family, if any, and which shall be fixed by the permit giving the consent.

BEER DRINKING ASSEMBLIES

Section 126

At any place outside an urban area or area scheduled or declared under any law as a Native area, no Kaffir beer shall be consumed at any assembly of three or more persons, not being inmates of the kraal or Native homestead at which the assembly takes place, unless a permit for such assembly has been issued by the Magistrate or a Native Commissioner or Assistant Native Commissioner or member of the police in charge of a police post or station. Such permit shall in the case of private land not be given save with the consent of the European owner or occupier thereof, and shall not authorise any sale of Kaffir beer. A "beer drink" is a gathering of Natives for the purpose of drinking beer. If visitors are offered a drink and no evidence of intention to assemble for that purpose, there is no "beer drink" in terms of the law.

R. v. van der Walt 1928. E.D.C.

Brewing and consumption of Kaffir beer upon premises of certain employers, and sale of Kaffir beer at or near certain works.

Section 127

(1) The Minister may by notice in the *Gazette*, either generally in respect of any province or any district, or particularly in respect of any mine or works as those terms are defined in section two of the Mines and Works Act, 1911 (Act No. 12 of 1911) authorise the brewing and consumption on the premises, mines or works, of any employer regularly employing and housing more than fifty Natives or Coloured employees, of reasonable quantities of Kaffir beer to be supplied gratis by the employer to such employees. The powers exercisable under sub-sections (4) and (5) of section ninety-six may mutatis mutandis be exercised in respect of any employer or the supply of any Kaffir beer under this sub-section.

(2) In the Province of Natal, in places situated outside any urban area and not included in any scheduled or declared Native area under any law, the Minister may, subject to such conditions as to quality, quantity sold, place of consumption, time of sale, price, revocation of the licence or any other matter whatsoever as he may determine, and upon payment of such fees as he may fix, grant a licence to any person which shall be for a period not exceeding twelve months, to sell Kaffir beer at or within one mile of any such mine or of any coal-by-product works.

STATE KAFFIR BEER HOUSES IN PRETORIA AND WITWATERSRAND MUNICIPALITIES

Section 128

(1) In the Municipalities of Pretoria and Johannesburg and in any other urban area upon the Witwatersrand, the Governor-General may, by proclamation in the *Gazette*, declare that, from and after the date specified and subject to the conditions prescribed therein, the Minister of Justice or any other Minister to whom the Governor-General may assign the administration of this section, may authorise the establishment and carrying on of one or more Kaffir beer houses at which, without licence under this Act or any other law, there may be sold directly by the State to Natives Kaffir beer in reasonable quantities, for consumption on the premises.

(2) The said Minister may from time to time, in respect of the supply of Kaffir beer at any Kaffir beer house established under sub-section (1), make such appointments, issue such rules, and take such other steps as he may deem necessary for the purpose of controlling and regulating:—

- (a) the brewing or manufacture of Kaffir beer for disposal,
- (b) the quantities of Kaffir beer to be supplied and the conditions of supply,
- (c) the preservation of order, and
- (d) such other matters as may be necessary for the better carrying out of the purposes of this section.

When sale of Kaffir beer is unlawful:—

Section 129—Save as provided in Section one hundred and twenty four, sub-section (2) of section one hundred and twenty seven and section one hundred and twenty eight, the sale of Kaffir beer shall be unlawful.

Kaffir beer is tested by the ordinary senses of taste, smell and sight. Once a substance is determined to be liquor it is regarded as of description by which it is generally known.

14. METHYLATED SPIRIT MAY NOT BE SOLD TO OR POSSESSED BY A NATIVE

Section 130

(1) No person shall supply methylated spirit to any Native, and no Native shall obtain in any manner whatever or be in possession of any methylated spirit.

Section 134 prohibits the introduction of liquor or Kaffir beer into any location, village or hostel under the Native Urban Areas Act, 1923, or into a scheduled Native area, private location, or area in Native communal tenure, unless the person concerned holds a written authority from a magistrate, or is certified as a minister of religion, and it also prohibits the possession except as stated, of any liquor in such place.

APPENDIX III

MEMORANDUM: KAFFIR BEER: DOMESTIC BREWING AT NEW BRIGHTON LOCATION PORT ELIZABETH

By J. P. McNamee, Superintendent of New Brighton Location

The location is divided into two areas, in one of which brewing is allowed under permit and in the other area there is total prohibition. This has resulted in church Natives and those opposed to beer drinking occupying for the most part the "dry" area, while beer-drinking Natives have drifted into the area in which beer is permitted. In this way, both types of people are able to reside under the conditions they desire.

The area in which brewing is permitted is sub-divided into three sections, in only one of which brewing is permitted at one time. Each householder in one of these sections receives, on application, a permit to brew eight gallons a day for six days, no beer being permitted in the other two sections during that week. In other words, a householder, after brewing during one week, does not brew during the following two weeks. On Sundays no beer is permitted anywhere.

It might be suggested that the quantity of beer allowed could be reduced and that householders be permitted to brew every day. There are several good reasons against this, namely:

- (a) The time, trouble and cost of fuel expended in making, say, three gallons is equal to that expended in making eight gallons;
- (b) A Native does not like to drink beer alone; he prefers to do so in company with his friends. Eight gallons is, therefore, not an excessive quantity, as it is usually shared with visitors from the areas in which brewing is not permitted during that week;
- (c) It would be impossible to give the present strict control and supervision exercised by the headmen, as the beer-brewing area to be supervised would be increased three-fold;
- (d) The Native residents have never desired the change.

As stated previously the system is giving every satisfaction, not only to the majority of the Native inhabitants, but to the local authority and to the Administration. For years past there has been little disorderliness, riotous behaviour or crimes of violence. Drunkenness in Native urban locations is reported to be on the increase. Under the present system of brewing, it has definitely decreased at New Brighton as the following figures, taken from the records of the local South African Police station prove:

Prosecutions for drunkenness	1928—58
" " "	1929—41
" " "	1930—44
" " "	1931—41
" " "	1932—30
" " "	1933—20
" " "	1934—16

It is now held that, notwithstanding the power conferred upon the local authority under Section 23 (3) (k) of Act 21 of 1923, continuance of the above system is not possible in view of the Minister's notice published as prescribed under Section 20 (3). The Minister's powers appear to be restricted under this section in that his notice must apply to the whole of the location area. An amendment to Section 20 (3) is necessary.

It must be realised that the system described above is not in an experimental stage, but has been in practice here for more than twenty years, although not strictly lawful.

HEADMEN: NEW BRIGHTON LOCATION

There are six headmen under a chief-headman, all of whom are whole-time officials. Each headman is allocated a specified ward for which he is responsible and in which he is required to reside.

A Headman, although vested with powers of a special constable, is not looked upon by the residents as a policeman ; he is addressed by the residents as *Isibonda*. This term in *isi-Xosa* is usually applied to a selected leader upon whom the rest rely for support ; the same term is used for the outside upright supporting posts used in the construction of a Native hut. Headmen's duties are as follows :

Headmen—Duties of

- (a) Reside in their respective wards and maintain good order and cleanliness therein.
- (b) Settle disputes, quarrels, etc., occurring among the residents in the ward.
- (c) Have a knowledge of all residents and their families and keep a register of such.
- (d) See that no person resided therein without a residential card.
- (e) After the 14th of each month call upon all persons who are in arrear with rent-payments or who have not paid current rent and instruct such persons to make their payments at the revenue office.
- (f) Furnish all information required by the Administration from time to time regarding residents in ward.
- (g) Suppress illicit liquor traffic and prevent as far as possible stolen goods and merchandise being brought into the location.
- (h) Daily (including Sundays and all public holidays) one headman is on duty at the office for the purpose of receiving reports as provided for under Section 42 of the regulations.

APPENDIX IV
LIQUOR LAWS, 1925—1932 (1)

	PROSECUTIONS.								TOTAL PROSECUTED.	CONVICTIONS.								TOTAL CONVICTED.	Discharged.	CHARGE WITHDRAWN BY				Escaped.	Died.	Insane.	absconded.		
	White.		Native.		Asiatic.		Coloured.			White.		Native.		Asiatic.		Coloured.				Com-plainant	Police.	Public Prosecutor.							
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.											
DRUNKENNESS.																													
1925 ..	4,727	207	11,815	1,329	621	67	7,003	930	26,699	4,604	193	11,584	1,291	594	55	6,941	923	26,185	415	1	17	62	1	7	4	7			
1926 ..	4,735	211	14,001	1,343	653	63	6,995	954	28,955	4,620	202	13,773	1,323	647	61	6,940	938	28,504	370	—	11	59	—	5	4	2			
1927 ..	4,904	275	13,030	1,341	559	59	7,260	1,058	28,486	4,827	264	12,838	1,309	549	59	7,228	1,045	28,119	275	1	9	71	1	2	5	3			
1928 ..	5,027	261	13,953	1,432	563	50	7,350	1,088	29,724	4,977	254	13,763	1,423	561	48	7,315	1,080	29,421	209	2	1	84	—	2	1	4			
1929 ..	5,721	241	13,151	1,106	440	41	9,003	953	30,656	5,644	235	13,006	1,092	437	41	8,945	948	30,348	204	—	—	95	—	1	7	1			
1930 ..	5,458	266	15,078	1,070	472	40	7,933	930	31,247	5,375	258	14,940	1,055	468	36	7,888	926	30,946	191	2	2	98	—	4	2	2			
1931 ..	4,792	230	14,728	988	414	26	6,355	883	28,416	4,745	225	14,589	969	414	26	6,318	877	28,163	184	—	2	60	1	2	—	4			
1932 ..	4,654	239	15,058	1,044	266	9	6,143	824	28,237	4,603	237	14,913	1,027	265	9	6,111	818	27,983	168	—	3	80	—	—	1	2			
SELLING OR SUPPLYING LIQUOR TO NON-EUROPEANS NOT LEGALLY ENTITLED TO OBTAIN LIQUOR.																													
1925 ..	564	107	307	341	17	3	190	54	1,583	483	81	252	279	13	3	162	43	1,316	226	—	5	29	—	—	6	1			
1926 ..	611	107	323	334	33	4	226	46	1,684	509	85	277	288	23	3	195	39	1,419	218	—	4	38	—	—	5	—			
1927 ..	681	102	319	212	54	9	226	47	1,650	584	82	260	182	36	6	198	40	1,388	207	—	2	47	—	1	5	—			
1928 ..	791	119	363	308	51	10	291	77	2,010	675	96	292	265	39	8	257	63	1,695	252	—	1	58	—	—	4	—			
1929 ..	733	122	238	231	50	20	321	82	1,797	625	102	188	207	38	18	294	67	1,539	206	—	—	50	—	—	2	—			
1930 ..	980	196	298	280	27	13	472	137	2,403	837	153	248	255	21	11	430	121	2,076	285	—	1	36	—	—	4	1			
1931 ..	583	125	146	164	25	9	304	75	1,431	510	98	119	137	19	8	273	65	1,229	168	—	—	34	—	—	—	—			
1932 ..	739	189	227	306	39	13	328	186	2,027	648	149	205	280	27	9	291	166	1,775	207	—	—	44	—	—	1	—			
SALES WITHOUT LICENCE (TO PERSONS LEGALLY ENTITLED TO OBTAIN LIQUOR).																													
1925 ..	57	12	83	103	4	—	47	27	333	40	11	68	96	1	—	38	23	277	52	—	—	4	—	—	—	—			
1926 ..	94	16	104	59	7	1	60	42	383	65	14	84	53	7	1	49	33	306	70	—	—	7	—	—	—	—			
1927 ..	80	14	160	98	7	—	105	67	531	59	10	139	78	7	—	87	55	435	79	—	—	17	—	—	—	—			
1928 ..	91	23	38	35	1	—	41	21	250	59	18	33	31	1	—	33	16	191	56	—	—	3	—	—	—	—			
1929 ..	87	29	27	16	1	1	51	23	235	71	21	22	16	1	1	41	17	190	39	—	—	6	—	—	—	—			
1930 ..	65	9	5	7	5	—	26	19	136	45	5	4	7	2	—	23	11	97	30	—	—	9	—	—	—	—			
1931 ..	55	22	—	3	2	—	12	6	100	38	15	—	3	2	—	10	5	73	20	—	—	7	—	—	—	—			
1932 ..	117	36	7	7	3	—	34	21	225	91	30	6	7	3	—	30	17	184	41	—	—	—	—	—	—	—			

(1) Kindly supplied by the Department of Census and Statistics.

APPENDIX V
LIQUOR LAWS, WITWATERSRAND, 1925—1933 ⁽¹⁾

	PROSECUTIONS.								TOTAL PROSECUTED.	CONVICTIONS.								TOTAL CONVICTED.	Discharged.	CHARGE WITHDRAWN BY			Escaped.	Died.	Insane.	Absconded.	
	White.		Native.		Asiatic.		Coloured.			White.		Native.		Asiatic.		Coloured.				Com- plainant	Police.	Public Prose- cutor.					
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.									
DRUNKENNESS.																											
1925 ..	1,503	92	5,487	511	14	2	273	74	7,956	1,493	88	5,352	486	14	2	271	72	7,778	160	—	3	1	—	—	14	—	
1926 ..	1,495	127	6,224	499	17	2	252	66	8,682	1,486	124	6,099	489	17	2	249	65	8,531	145	—	—	—	—	—	6	—	
1927 ..	1,605	151	6,006	562	9	—	296	88	8,717	1,591	146	5,918	547	9	—	293	86	8,590	109	—	—	12	1	2	2	1	
1928 ..	1,763	137	6,835	595	26	1	323	131	9,811	1,753	136	6,776	590	26	1	317	130	9,729	74	—	1	7	—	—	—	—	
1929 ..	2,051	113	7,150	460	30	—	381	88	10,273	2,030	109	7,102	455	30	—	379	88	10,193	65	—	—	11	—	—	4	—	
1930 ..	2,257	121	9,214	492	29	—	532	134	12,779	2,223	118	9,158	490	29	—	527	134	12,679	77	—	—	20	—	1	2	—	
1931 ..	1,865	104	9,662	486	34	1	508	148	12,808	1,849	103	9,598	479	34	1	504	145	12,713	88	—	—	6	—	1	—	—	
1932 ..	1,682	147	10,448	545	21	—	606	181	13,630	1,668	146	10,378	537	21	—	601	179	13,530	75	—	2	23	—	—	—	—	
1933 ..	1,974	131	11,979	657	41	—	845	227	15,861	1,951	123	11,907	649	47	—	838	224	15,739	73	—	1	44	—	1	3	—	
SELLING OR SUPPLYING LIQUOR TO NON-EUROPEANS NOT LEGALLY ENTITLED TO OBTAIN LIQUOR.																											
1925 ..	351	94	146	240	7	2	24	26	890	304	71	122	198	6	2	13	22	738	131	—	6	—	—	1	13	1	
1926 ..	340	92	112	222	13	4	28	13	824	288	73	99	194	7	3	20	11	695	112	—	3	—	—	—	14	—	
1927 ..	350	79	114	125	23	4	25	12	732	309	66	89	106	13	1	22	11	617	99	—	—	12	—	—	4	—	
1928 ..	374	89	103	101	23	4	37	13	744	337	77	78	91	14	2	34	13	646	86	—	—	11	—	—	1	—	
1929 ..	460	95	61	90	27	7	27	32	799	408	80	47	81	23	5	26	24	694	85	—	—	19	—	—	1	—	
1930 ..	639	161	96	124	10	7	43	48	1,128	572	128	79	113	8	6	35	40	981	133	—	—	11	—	—	2	1	
1931 ..	401	105	69	66	13	7	27	31	719	360	83	62	57	8	6	25	27	628	77	—	—	14	—	—	—	—	
1932 ..	585	174	166	219	25	12	98	114	1,393	526	139	151	209	19	8	86	99	1,237	141	—	—	14	—	—	—	—	
1933 ..	342	111	124	243	9	9	61	82	981	310	95	116	225	6	9	50	75	886	73	—	—	21	1	—	—	—	
SALES WITHOUT LICENCE TO PERSONS LEGALLY ENTITLED TO OBTAIN LIQUOR.																											
1925 ..	9	4	—	1	1	—	—	—	15	6	3	—	1	—	—	—	—	10	5	—	—	—	—	—	—	—	—
1926 ..	22	3	—	—	—	—	—	—	25	14	3	—	—	—	—	—	—	17	8	—	—	—	—	—	—	—	
1927 ..	5	3	—	—	—	—	—	—	8	4	1	—	—	—	—	—	—	5	3	—	—	—	—	—	—	—	
1928 ..	9	4	—	—	—	—	—	—	13	7	4	—	—	—	—	—	—	11	1	—	—	—	—	—	—	—	
1929 ..	41	14	1	—	—	—	1	1	58	31	12	1	—	—	—	1	1	46	7	—	—	—	1	—	—	—	
1930 ..	12	5	—	—	3	—	—	1	21	10	2	—	—	2	—	—	1	15	4	—	—	—	5	—	—	—	
1931 ..	12	14	—	—	1	—	—	3	30	9	9	—	—	1	—	—	3	22	7	—	—	—	2	—	—	—	
1932 ..	48	19	3	—	—	—	1	9	80	43	18	2	—	—	—	1	7	71	9	—	—	—	1	—	—	—	
1933 ..	8	13	—	—	1	—	1	1	24	6	11	—	—	1	—	—	1	19	3	—	—	—	2	—	—	—	

⁽¹⁾ Kindly supplied by the Department of Census and Statistics.

Складені за даними статистичного відомства за 1923 рік

№ п/п	Назва підприємства	Вид продукції	Вироблено (тис. штук)	Вартість (тис. руб.)	Значення (тис. руб.)	Відсоток до плану	Значення (тис. руб.)	Відсоток до плану	Вартість (тис. руб.)	Відсоток до плану	Вартість (тис. руб.)	Відсоток до плану	Вартість (тис. руб.)	Відсоток до плану
1	Львівський завод чавуна	Чавун	100	100	100	100	100	100	100	100	100	100	100	100
2	Львівський завод сталі	Сталь	100	100	100	100	100	100	100	100	100	100	100	100
3	Львівський завод цукру	Цукор	100	100	100	100	100	100	100	100	100	100	100	100
4	Львівський завод моти	Моти	100	100	100	100	100	100	100	100	100	100	100	100
5	Львівський завод шкіри	Шкіра	100	100	100	100	100	100	100	100	100	100	100	100
6	Львівський завод паперу	Папір	100	100	100	100	100	100	100	100	100	100	100	100
7	Львівський завод текстилю	Текстиль	100	100	100	100	100	100	100	100	100	100	100	100
8	Львівський завод кераміки	Кераміка	100	100	100	100	100	100	100	100	100	100	100	100
9	Львівський завод скла	Скло	100	100	100	100	100	100	100	100	100	100	100	100
10	Львівський завод фарби	Фарба	100	100	100	100	100	100	100	100	100	100	100	100
11	Львівський завод лаку	Лаку	100	100	100	100	100	100	100	100	100	100	100	100
12	Львівський завод гуми	Гума	100	100	100	100	100	100	100	100	100	100	100	100
13	Львівський завод пластмас	Пластмас	100	100	100	100	100	100	100	100	100	100	100	100
14	Львівський завод ліноліну	Лінолін	100	100	100	100	100	100	100	100	100	100	100	100
15	Львівський завод фарфору	Фарфор	100	100	100	100	100	100	100	100	100	100	100	100
16	Львівський завод майоліки	Майоліка	100	100	100	100	100	100	100	100	100	100	100	100
17	Львівський завод облицовочних матеріалів	Облицовочні матеріали	100	100	100	100	100	100	100	100	100	100	100	100
18	Львівський завод будівельних матеріалів	Будівельні матеріали	100	100	100	100	100	100	100	100	100	100	100	100
19	Львівський завод цементу	Цемент	100	100	100	100	100	100	100	100	100	100	100	100
20	Львівський завод вапна	Вапна	100	100	100	100	100	100	100	100	100	100	100	100
21	Львівський завод гіпсу	Гіпс	100	100	100	100	100	100	100	100	100	100	100	100
22	Львівський завод керамзитових брикетів	Керамзитові брикети	100	100	100	100	100	100	100	100	100	100	100	100
23	Львівський завод шлаку	Шлак	100	100	100	100	100	100	100	100	100	100	100	100
24	Львівський завод золи	Зола	100	100	100	100	100	100	100	100	100	100	100	100
25	Львівський завод вапняку	Вапняк	100	100	100	100	100	100	100	100	100	100	100	100
26	Львівський завод вапнякової меліоранти	Вапнякова меліоранта	100	100	100	100	100	100	100	100	100	100	100	100
27	Львівський завод вапнякової меліоранти	Вапнякова меліоранта	100	100	100	100	100	100	100	100	100	100	100	100
28	Львівський завод вапнякової меліоранти	Вапнякова меліоранта	100	100	100	100	100	100	100	100	100	100	100	100
29	Львівський завод вапнякової меліоранти	Вапнякова меліоранта	100	100	100	100	100	100	100	100	100	100	100	100
30	Львівський завод вапнякової меліоранти	Вапнякова меліоранта	100	100	100	100	100	100	100	100	100	100	100	100

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