

THE LIQUOR LAW

OF THE SOUTH AFRICAN REPUBLIC.

ACT No. 17, of 1896.

Being an amendment of Act No. 13, of 1892.

As amended and revised by Acts No. 12 of 1893, No. 21 of 1894, and No. 18 of 1895, defining the manner in which wines and spirituous or malt liquors including kaffir beer may be sold.

Approved of by resolution of the Honourable the Second Volksraad, Article 876, dated 22nd July, 1896, and accepted as notice by the Honourable the First Volksraad, under Article 1150 of its minutes, dated the 7th of August, 1896.

1. No one may sell, dispose of, or trade in wines, malt or spirituous liquors, including kaffir beer, without being duly provided with a special licence, as hereinafter set forth.

Any person contravening this Article, shall, on the first offence, be punished with a fine of not less than £36, and not exceeding £75, or, failing payment, with imprisonment, with or without hard labour, not exceeding six months for the first offence; on a second offence with a fine of not less than £150, or, failing payment, with imprisonment, with or without hard labour, for not less than twelve months; on a third offence with a fine of not less than £300, or, failing payment, with imprisonment, with or without hard labour, for not less than 18 months.

The owner or tenant of a farm or piece of ground, or the person authorised by him to convert the produce thereof into wine or spirituous liquor, may, however, on that farm or piece of ground, sell the produce thereof, but then in quantities of not less than one bottle.

2. The person referred to in the last paragraph of Article 1 shall further also be permitted to remove and sell his wines or other spirituous liquors in the above-mentioned quantity without licence, except on premises, or within the limits of villages or stand townships, or within three miles of any mining works.

Such person will, however, be permitted to sell without licence by wholesale on public markets, and also to licensed liquor dealers, provided he is provided with a certificate from the Fieldcornet of his ward, or Landdrost of his district, showing that the wines or spirituous liquors were manufactured on the farm or piece of ground mentioned in the last paragraph of Article 1.

3. No licence for the sale of spirituous liquors, by retail or wholesale, shall be granted, except in established and acknowledged towns and villages, and diggings under Government control.

[By resolution of the Second Volksraad on the 22nd July, 1896, the operation of this Article was suspended for 12 months, in order to give the public an opportunity of expressing their views.]

4. The licences referred to in Article 1 shall be the following:—

- (a) Licence for the sale by wholesale. Under this licence not less than two gallons in vessels, or twelve bottles may be sold. Licence
Whole
- (b) Licence for a bottle store. Under this licence no sale by smaller measure than the half-bottle shall be permitted, and always with the understanding that the liquor sold under this licence shall not be consumed on the premises for which licence is granted. Bottle
- (c) Licences to sell by retail. Any quantity of liquor may be sold under this licence, and be consumed on the premises for which licence is granted. Retail
- (d) Licences for roadside hotels. This licence is only granted for roadside hotels. These hotels shall be at least six miles distant from any town, village, or stand-township, seat of a Landdrost, Mining Commissioner, or resident Justice of the Peace. Roadside
- (e) Licence for the sale of malt liquors by retail. This applies to beer-halls where only malt liquors are sold. Said liquors may be sold under this licence in quantities of less than a bottle, and may be consumed on the premises for which the licence is granted. Malt liquor
- (f) Licensed liquor dealers contravening the conditions stipulated in their licence, shall be punished with the penalties laid down in Article 19 of this Act. Penalties

5. Anyone exchanging or selling wines, spirituous or malt liquors to any coloured person, shall be subject to the penalties laid down in Article 1 of this Act. Selling
coloured

6. It is prohibited to give wine, spirituous or malt liquors, including kaffir beer, to coloured persons on diggings under Government control. Any person contravening the stipulation in this Article shall be punished with a fine not exceeding £500, or, failing payment, with imprisonment, with or without hard labour, not exceeding one year. Giving
coloured

7. The licences are issued for not longer than one year, ending with the official year, that is the 31st December. Licences may be issued for one or more quarters. Term of

The payment for licences shall be as follows:—

- (a) Licence for selling by wholesale, £25 per annum; £9 per quarter. Licence fee
- (b) Licence for a bottle store, £40 per annum; £12 per quarter.
- (c) Licence for selling by retail, £75 per annum; £22 10s. per quarter.
- (d) Licence for a roadside hotel, £35 per annum; £10 per quarter.
- (e) Licence for selling malt liquors, £25 per annum; £9 per quarter.
- (f) The Government shall have power to authorise the reduction of the amount for retail licences granted by the local Commissioner in small villages of not more than 100 white male inhabitants above 16 years, to the sum of £40 per annum and £12 per quarter, provided the applicant has proper lodging for six persons, and stabling for eight horses, mules, or donkeys.

8. No licence is required for the brewing of malt liquors or distilling of liquor; but brewers, distillers, or others, excepting persons mentioned in the third paragraph of Article 1, who sell such brewed or distilled liquors, shall take out a wholesale licence for the sale of such liquor, or be subject to a fine for the sale of liquor without licence in terms of Article 1 of this Act. To obtain this licence no application need be made to the commission mentioned in Article 9 of this Act. No licence
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9. There shall be a commission in each district and on every public digging to consider the applications for liquor licences, which commission shall be styled "The Commission for Liquor Licences." Licensing
Commission.

10. This commission shall be constituted as follows:—On the public diggings the Special Landdrost, and where there is no Special Landdrost the Mining Commissioner. Constitution
Commission

In the districts, the Landdrost of the district, who shall also be *ex officio* chairman of the commission, and who shall be assisted by four members to be appointed by the Government, after consultation with the State Attorney. This commission shall be appointed for a period not exceeding two years with this understanding that regardless of the date of their appointment, the Government and the State Attorney shall, on or before the 1st December of every two years, appoint new members. The retiring members may be re-appointed.

The chairman shall recommend someone to the Government to act as secretary.

Where there is a town council on any proclaimed goldfield or stand-township, or in any other town or village, such town council shall have the right to nominate and to appoint two members out of their number, who shall be added to the Commission for Liquor Licences.

11. Three members of this commission shall form a quorum. When the votes are equal the chairman shall have a casting vote, and in the event of there being no quorum on the day and at the hour appointed by the chairman, the chairman shall have the right to adjourn the commission till a day appointed by him, of which a fresh notice must be given by him to the members.

The commission shall sit on the second Monday in the months of March, June, September, and December, or as soon as possible thereafter, to deal with applications for licences, etc.

No special sittings of the commission shall be held.

12. The members of the liquor commission shall receive a remuneration of £2 each for each day of sitting, and the secretary of the said commission £2 for each day of sitting and 2s. 6d. for each application.

13. The following persons shall not be eligible to be chosen or appointed, or if elected or appointed as such, shall not be able to remain acting as members of the Commission for Liquor Licences :—

(a) The holder of any licence for the sale of intoxicating liquors.

(b) Any brewer or distiller.

(c) Any person connected with or interested in a partnership with any holder of such licence as aforesaid, or with any brewer or distiller.

(d) Any person employed either directly or indirectly as an agent for the purpose of applying for a licence for any other person, for any partner or for any person thus employed as an agent.

(e) No person, the proprietor of a place for which a liquor licence has already been granted, or for which application for a licence is being made.

(f) No police officer.

(g) No person, either the proprietor or holder of any property, or the agent or manager of, or a partner in, any trade or business carried on upon any property in possession of a liquor licence, or who has made application for a liquor licence, or the holder of any bond on such property, shall take part in the discussion or consideration of any application for or concerning any licence upon such property.

(h) An un-rehabilitated insolvent.

(i) A person who, here or elsewhere, has had judgment against him of more than six months' imprisonment. Any person who accepts or continues in the appointment as member of a Commission for Liquor Licences, contrary to this Article, shall be punished with a fine not exceeding £500, and imprisonment not exceeding three years with or without hard labour.

14. For the obtaining of a licence legalizing the sale of wines, spirituous or ma

liquors within this Republic, the applicant must for that purpose first send in an application to the secretary of the Commission for Liquor Licences of the district or the diggings in which he desires to carry on his business. The secretary shall at once register the same in a book kept for the purpose, and have the same published as set forth in Article 15, and lay the same before the commission at its first sitting.

The application must be accompanied by an amount sufficient to cover the costs of publication, and carry a stamp of 12s. 6d.

15. The application for the abovementioned purposes, shall, at least six weeks before the sitting of the commission, be handed in to the secretary of the commission for liquor licenses for the district or diggings in which the place is situate, for which application has been made. The secretary shall further cause the application to be posted on the office door of the official entrusted with the criminal jurisdiction, as also on the *erf* or on the house or room for which licences are asked, and shall cause it to be published once at least in one of the local newspapers, if there are such, in the Dutch language, and once in the *Staatscourant*, to appear at least a month before the sitting of the commission.

When application must be sent in.

Publication:

All objections and protests against the granting of any application must be sent in in writing to the secretary, and notice of the same must be given to the applicant by the person or persons objecting. This must be done personally or by registered letter at least five days before the sitting of the commission.

Objections protests.

This stipulation shall not apply to objections made by officials of the State, or officials of any town council.

Applicants for liquor licences must appear personally before the Commission for Liquor Licences.

Applicants apply personally.

It shall be permitted to any applicant to be represented before the commission, but only by advocates, attorneys, or law-agents, duly licensed and admitted according to the laws of the land.

16. The granting of licences for the sale of any kinds of liquors on any ground given out as a *mynpacht*, claim, *bewaarplaats*, machine-stand, or water-right; or on stands situate on any of the said localities; or on ground reserved in terms of Article 55 of Law No. 19 of 1895 (Gold Law); or in any compound, is totally prohibited.

Where licc prohibited

17. No liquor licences shall be granted to—

- (a) A person who has had judgment against him, here or elsewhere, of more than six months' imprisonment.
- (b) Any person who is not residing in the South African Republic.
- (c) An un-rehabilitated insolvent.
- (d) Any person below 21 years of age.

Licences refused to

Should it afterwards transpire that a licence has been granted to, or transferred to any person incapacitated as above set forth, the licence shall be considered as null and void, and the building in which the business was carried on shall be closed forthwith upon instructions of the Landdrost or official entrusted with the criminal jurisdiction. Any licence-money paid therefor shall not be refunded by the Government. To a person whose application for a liquor licence has been refused by the commission, because of contravention of the Liquor Law, no licence shall be granted within two years after such refusal. In the event of any licence being cancelled by judicial sentence, no licence shall be granted for the same premises for the sale of wines, spirituous or malt liquors for a period of two years from the date of such judgment.

Licences null void.

Licences refused

Licences cancelled.

When a licence is, in terms of this Article, declared forfeited, and the licence-holder notes an appeal, the licence shall, notwithstanding the appeal, be considered

forfeited until the High Court shall decide thereon, and the building or buildings shall be closed immediately, and the sale of wines and spirituous or malt liquors prohibited.

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No liquor licence whatsoever shall be granted to coloured persons.

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The commission shall, in the hearing of the applications for liquor licences, take into consideration the complaints of the police and the detectives, as also the complaints of the Inspector of Mines on the diggings, and limit the number of licences in proportion to the population of an area, so that no more than four licences shall be granted to a community ranging from one to 500 persons, and not more than one licence for every 400 above the 500 white male persons over 16 years of age.

The commission shall have the right to refuse new licences, or the renewal of existing licences, without stating any reasons. The commission may grant a licence under such conditions as they shall stipulate, which conditions must be stated in the licence. When the commission consider it necessary, they shall have the right to examine any person under oath, and if it is discovered that the witness has made a false declaration, he shall be held to have committed the crime of perjury and be punished according to law.

[The operation of Article 17, was suspended by resolution of the First Volksraad on 29th September, 1896, in terms of the following minute of the Executive Council].

RESOLUTION OF THE EXECUTIVE COUNCIL, ARTICLE 808,
DATED 22ND SEPTEMBER, 1896.

“Under discussion: Minute R 12376, 1896, containing a letter from the chairman of the Liquor Commission at Johannesburg and a petition of wholesale dealers in spirituous liquors, both in reference to Article 17 of the Liquor Law; further, four memorials from burghers of Pretoria and Zoutpansberg in relation to the application of the Liquor Law;

“The Executive Council *considering* the petition of several firms at Johannesburg, that have for some years been engaged in the wholesale traffic in spirituous liquors, in reference to the application of Law No. 17 of 1896 (the Liquor Law) and especially Article 17 of this Law;

“*Considering* that according to the petition sent in, a strict application of Article 17 of said Law on 1st January, 1897, the date on which the Law is to come into force, will cause great losses to several *bona fide* dealers, to their employees and to other persons, who stand in relation to them;

“*Considering* that it is the desire of the Executive Council to devote attention as much as possible to the alleged facts, and if possible to meet them;

“*Considering* that it is desirable to make transition regulations, previous to the strict application of the letter of the Law;

“*Considering* the contents of the memorials mentioned above in reference to the enforcement of the Law;

“*Considering* that Article 17 of the said Law, as amended, has not been laid before the people for approval in the usual way;

“*Considering*, in conclusion, that according to the resolution on this matter, Article 876, dated 22nd July, 1896, the Honourable Second Volksraad has suspended the clause relating to the granting of licences to hotels along the roads in order to have it laid before the people for approval, while on the other hand it was explicitly resolved that the prohibition of the sale of liquor to natives should

in any case be applied, but no special resolution was taken in reference to Article 17 of the Liquor Law;

“*Resolves*: to request the Honourable First Volksraad,

“1. To authorise the Executive Council to suspend the enforcement of Article 17 of the Liquor Law (Law No. 17, of 1896).

“2. To instruct the Executive Council to draw up as soon as possible according to circumstances, transition regulations in reference to the licences that are to be issued and all matters in relation thereto, with power to enforce these transition regulations immediately, in so far as may seem necessary even in the course of this year.

“3. To instruct the Executive Council to offer at the next session of the Honourable Second Volksraad after proper publication in the *Staats Courant*, according to law, definite draft regulations in reference to the granting of licences.”

18. The chairman shall have the right, subject to Article 17 of this Act, to transfer of licences for licences from one person to another for the same premises where such business is carried on. Transfer of licences.

For each such transfer, a fee of ten shillings shall be charged, to be affixed in stamps to the application. Transfer fee.

The commission shall have the right to transfer previously-granted licences from one place to another, on payment of ten shillings in stamps as above set forth.

Of this application for transfer, six weeks' notice shall be given as set forth in Article 15 of this Act.

When through fire or other unforeseen circumstances, such is urgently required, the chairman of the Liquor Licensing Commission shall have the right, subject to subsequent decision of the commission, to transfer a licence from one place to another place, building, or room. Transfer in case of fire.

In special cases, the chairman of the Liquor Licensing Commission, has the right to grant permission to licensed liquor dealers on application, to sell liquor also at other places for a period not exceeding six days, on payment of £1 per day in stamps affixed to the permit. Special licence for short periods.

19. Any person holding a licence for the sale of wines, spirituous or malt liquors, and carrying on his business in a manner or at a place contrary to his licence, shall be punished for the first offence with a fine not exceeding £50; for the second offence with a fine not exceeding £100; and for the third offence with a fine not exceeding £200; and failing payment of these fines, the penalty shall be imprisonment, with or without hard labour, not exceeding three, six and twelve months respectively. No transfer of a licence shall be granted within six months after the conviction of the holder of the licence for contravention of one of the stipulations of this Act. Selling contrary to licence.

20. The decisions of the commission regarding the approval or otherwise of licences, transfer thereof, etc., shall be communicated as speedily as possible to the official entrusted with the issuing of the licences, and to the officials of the prosecution within the limits of whose jurisdiction the licence shall be granted, who shall then act in accordance with the decisions of the commission. Decisions of Commission.

21. As soon as a retail licence, or a licence for roadside hotel shall have been granted to any person who has applied for the same, such person shall pass a surety-bond before the official empowered to issue licences, and who is hereby authorised to accept such surety-bond for the sum of £200 sterling, with two good sureties who shall be jointly responsible. Surety bond.

Form of surety bond in term of schedule A.

The Liquor Law.

22. Any person having obtained any licence, either for wholesale or retail, as aforesaid, shall place or affix in a conspicuous place to the wall on the outside of the building where such wines, spirituous or malt liquors are sold, a signboard on which, in large, visible and legible letters of at least two inches long, shall be painted his full name, or in case of partnerships, the name or title of the firm or partnership, and underneath this name or title, the words "Licensed Dealer" or "Dealer in wines, spirituous or malt liquors, by wholesale or retail," as the case may be, and shall keep such signboard in good repair during the continuance of such licence, and in default of affixing such signboard, or of keeping the same in a good state as aforesaid, he shall be liable to and incur a fine not exceeding £5; and in case the full amount of the fine imposed, together with the costs, be not paid within three days of the decision of the judge, then to imprisonment not exceeding one month, unless the fines and costs be previously paid. But nothing in the law contained shall be construed as if any signboard were required to be affixed and placed on an hotel, boarding or lodging-house, or club.

23. Anyone who has obtained no such licence as aforesaid, and who shall affix any such signboard on front of his house, shop, or store, or any other place, shall be punished with a fine not exceeding £50, and in default of payment, imprisonment not exceeding three months.

24. A licensed liquor dealer shall not be permitted to employ a coloured person behind any bar, to sell, give, or dispose of wines, spirituous or malt liquors to any customer.

Upon a contravention of the above regulation, the holder of the licence will be punished with a fine not exceeding £25, and in default of payment, imprisonment, with or without hard labour, not exceeding three months.

25. A licensed canteen, bar, or beer-hall keeper in a town, village, stand-township, or diggings, shall not allow any customers to enter or leave his apartment set aside for the sale of drink by a back or side door, or through a door which connects with a shop or business, under penalty for the first offence of a fine not exceeding £10; or, in default of payment, imprisonment not exceeding one month; for a second offence a fine of £20, or, in default of payment, imprisonment not exceeding three months; for a third offence, a fine not exceeding £50 sterling, or, in default of payment, imprisonment not exceeding six months, with forfeiture of licence.

26. It shall not be lawful for a licensed liquor dealer to carry on any business in the same room, other than the sale of liquors under this law, and tobacco, cigars, and cigarettes by retail.

It is prohibited to serve liquor, either for money or otherwise, on the same premises where a shop business is being carried on.

On a contravention, the holder of the licence shall be punished with a fine not exceeding £25, and, in default of payment, imprisonment not exceeding two months.

27. In case of a licensed dealer in liquors under the provisions of this Act, allowing another person to manage or supervise the building or buildings for which, or in which, he holds a licence to sell spirituous or malt liquors, during his absence or in any other way, for more than 28 consecutive days, without previous written permission of the Landdrost or official of the criminal jurisdiction, he shall be liable to a fine not exceeding £50, and, in default of payment, imprisonment not exceeding three months.

28. Upon written request of both parties, signed in the presence of two witnesses, the Landdrost or official of the criminal jurisdiction shall have the right to temporarily

transfer any licence aforesaid for the such period, such any subsequent Article 49 of the

29. No licence any rooms or any aforesaid, or per Good Friday, E between the hot except in the h liquor may be s the understandi sale of liquor in

Contravention exceeding £25, (not exceeding t

30. The La the right to gr p.m. until 12 p.m. exceeding one 1 calculated at 2s. mentioned, shall imprisonment w

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34. No pers of or hand out w the Landdrost or wife or any oth him, that he or s such Landdrost o interested person such person as af any portion ther

licence under this Law to another person to manage the said business as the licensed dealer in liquors, for a period to be fixed by him. During such manager shall be responsible for all contraventions of this Law, or the laws, regulating the sale of liquor, in a similar manner as set forth in this Law.

licence-holder under this Act will be permitted to sell liquor or keep open apartments in his building or buildings for the sale of such liquors as permit liquor to be drunk or used therein during any part of the Sunday, Easter Monday, Whit Monday, Dingaans Day, and Christmas Day, or hours of nine in the evening and six in the morning of any other day, hotels, boarding and eating-houses approved by the commission, wherein supplied to lodgers and boarders at meals as required by them; with the proviso that nothing contained in this Article shall have reference to the clubs approved by the Government.

No liquor sold on days, between and 6

contraventions of the above stipulations will be punished with a fine not exceeding £25, or, in default of payment, imprisonment with or without hard labour for two months.

Magistrate or official entrusted with the criminal jurisdiction shall have power to grant to licensed retail liquor dealers, permission to keep open after 9 p.m. on working days. This permission may be granted for a period not exceeding one month, with right of withdrawal. The permit shall carry a stamp of 6d. per day. Any person keeping open without permission as above-mentioned shall be punished with a fine not exceeding £25, or, in default of payment, imprisonment with or without hard labour not exceeding two months.

Permit open after 9 p.m. on working days

Coloured person found in possession of wine, spirituous or malt liquors, not lawfully carrying such wine, spirituous or malt liquors for his trade shall be punished with imprisonment, with or without hard labour, not exceeding six months; lashes may also be imposed, not exceeding twenty-five. The value of his possession shall be declared forfeited for the benefit of the public.

Coloured in possession of wine

Person who issues a written consent or a permit to any native not in his possession who falsifies any written consent or permit, or any native who issues such consent or permit for himself or for others, shall be punished with a fine not exceeding £50, or, in default of payment, imprisonment, with or without hard labour, not exceeding six months. In default of payment, lashes may also be added, not exceeding twenty-five.

Permits natives in possession

Person shall, with or without a licence, sell, give, exchange, or in any way supply to any child under 16 years, or to any person already under the influence of strong or intoxicating liquor, under a penalty not exceeding £50, and, in default of payment, imprisonment, with or without hard labour, not exceeding six months.

Persons under 16 years cannot be supplied with wine, & persons influenced by liquor

Person shall, with or without licence, give or in any other way dispose of wine, spirituous or malt liquors to any person after being warned by the Magistrate or official entrusted with the criminal jurisdiction, or by the husband or other person in whose relation of such person, or by any other person interested in the person, that she is in the habit of getting intoxicated, and after being requested by the Magistrate or official entrusted with the criminal jurisdiction, relation or other person, not to sell or dispose of wine or any other intoxicating liquor to the person aforesaid. Any contravention of the stipulations of this Article or of the regulations made thereunder, shall be punished for the first offence with a fine not exceeding

No liquor to be sold to persons habitually intoxicated

£15, or imprisonment, with or without hard labour, not exceeding three months; and for every subsequent offence, imprisonment not exceeding six months, with or without hard labour; and shall be liable in addition to pay compensation for fines or any other injury to the person to whom he shall have sold or handed such drink as aforesaid, and which such person may have incurred in consequence thereof; as also to pay compensation for all damages which such person, acting under the influence of liquor, has occasioned or caused to any other person, or to the property of any other person. In case of any sale of wines, spirituous or malt liquors in any case as aforementioned on credit, the purchase amount shall not be recoverable in any Court of Law.

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stels 34A. In future no licence for roadside hotels shall be renewed, unless the applicant produces a certificate from the Fieldcornet of his ward, or Landdrost of his district, declaring that on the place for which the renewal is desired, there is proper accommodation for six persons and stabling for eight horses, mules or donkeys.

In case of new applications, the party to whom a roadside hotel licence has been granted, shall be bound to provide proper accommodation for people and animals as above set forth within two months from the date of the granting of such licence.

Failing compliance with the stipulations contained in section 1 of this article, the licence shall be refused by the commission.

Failing compliance with section 2 of this article, the licence shall be withdrawn by the commission or Landdrost.

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nces 35. No hotel, boarding or lodging house licence, in terms of Act No. 13 of 1887, will be issued in towns, villages, or public diggings, for buildings in which wines and spirituous or malt liquors are sold, without the consent of the commission, who shall first satisfy themselves that the buildings are suitable for that purpose, and that the business conducted therein is that of a *bona fide* hotel, boarding or lodging house.

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ce. 36. For the better maintenance of public peace and order, it shall be lawful for any Landdrost, Justice of the Peace, Fieldcornet, or police officer, at all times to enter upon any building, erf, place or stand within his jurisdiction, belonging to any licensed liquor dealer where any uproar or breach of the peace is taking or has taken place, or whenever persons may be found there at hours and on days forbidden by the law, or which may be found to be frequented by men and women of acknowledged bad character, in order to remove or to arrest, or take into safe custody, any uproarious, peace-disturbing, or drinking persons found there, not being *bona fide* residents therein, and should the holder of the licence of any such house or his representative or subordinate refuse to allow any of the above-mentioned officials to enter, or hinder or resist them in the execution of their duty, he shall be punished with a fine not exceeding £50, or in default of payment, imprisonment with or without hard labour, not exceeding six months.

It is further understood that in case of refusal to allow the officials aforementioned to enter, they shall have the right to enter the place by force.

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if the 37. The Landdrost or official entrusted with the criminal jurisdiction, or any Justice of the Peace, Fieldcornet, or Assistant Fieldcornet, shall have the right, when any disturbance or breach of the peace takes place, or has taken place, to close up, or to have any places where liquor is sold closed up, for a period not exceeding one month; and should any person keep open against the order of the said official, he shall be punished with a fine not exceeding £50, and, in default of payment, imprisonment with or without hard labour, not exceeding three months, and his licence may be declared forfeited.

The official above-mentioned shall in such case within three days send a full report, accompanied by all the documents, to the State Attorney, who is hereby authorised, should he think fit to reduce the above stipulated period.

38. Any person found by the Landdrost, Fieldcornet, Justice of the Peace, or police officer, in a state of drunkenness, or drunk and incapable, or drunk and disturbing the peace, whether in a street, road or lane, or in a public building, store, shop, hotel or anywhere else, may be arrested without a warrant, and should this occur in the evening, be locked up in gaol or in a reformatory, and shall in any case without delay be brought before the Landdrost or Justice of the Peace the following day or as soon as possible thereafter, provided it is not a Sunday or public holiday. Every such person shall, if found guilty, be fined a sum not exceeding £1 for the first offence and, in default of payment, imprisonment with or without hard labour, and with or without spare diet, not exceeding fourteen days; and in case of repeated contraventions with a fine not exceeding £5, and in default of payment, imprisonment with or without hard labour and with or without spare diet, not exceeding one month. In cases of natives thus arrested, lashes may also be added, not exceeding fifteen for the first offence, and not exceeding twenty-five for subsequent offences.

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warrant

39. Any Landdrost or official having similar jurisdiction, Public Prosecutor, Resident Justice of the Peace, Justice of the Peace or Fieldcornet, shall, if satisfied by an affidavit that there exists a well-grounded suspicion that at any place in any building, room, or in any vehicle whatsoever, wine, spirituous or malt liquors are sold or kept with the intent to sell, without the owner, occupier, or caretaker holding a licence under this Law, be authorised to issue a warrant to search the house. The person or persons executing this search warrant shall have the right if necessary to enter the house or place, or vehicle mentioned in the warrant by force, and to seize any wines, spirituous or malt liquors, together with the casks or bottles and cases which contain the liquors, and to take into lawful custody the person or persons in whose possession such liquors are found.

Search warrant
may be
issued
if well
grounded
suspicion
exists.

The owner, occupier or assignee as abovementioned, if found guilty, shall be punished in terms of Article 1 of this Act, and everything which has been seized shall be forfeited for the benefit of the public revenue, with the understanding however, that all reasonable expenses of seizure shall be compensated out of the proceeds of the goods seized.

40. Whenever any person shall give information under oath to the Landdrost, Resident Justice of the Peace, or official having similar jurisdiction, and shall show reasonable grounds why he suspects anyone of selling any of the liquor aforementioned without a licence, it shall be lawful for such Landdrost, Resident Justice of the Peace, or official with similar jurisdiction, within his jurisdiction to summon such suspected person before him, as also any other person whom such official may consider able to give good evidence in such case to be examined before him, on the complaints against such a suspected person, and should such persons thus summoned as witnesses refuse to appear or refuse to be examined under oath and give evidence as aforesaid, it shall be lawful for the said Landdrost, Resident Justice of the Peace, or other official as aforesaid, to place every such offender in custody for a term not exceeding one month, or till such time as he shall no longer refuse to give evidence as aforesaid.

Procedure
cases of
suspected persons

41. Any Landdrost or official having similar jurisdiction and any Resident Justice of the Peace shall be authorised if reasonable grounds of suspicion are brought to his notice that any person is dealing in liquor contrary to the provisions of this Act, to grant a search warrant to search any shop or other premises where it is suspected liquor is kept.

Dealing contrary
to provisions
of this act.

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42. Any Landdrost or official having similar jurisdiction, Resident Justice of the Peace, Justice of the Peace, Fieldcornet or Public Prosecutor, Chief of the Police, or Chief of the Detective Department, or any police officer authorised by them in writing, shall have the right to enter any house or room where wine, spirituous or malt liquors are sold, and demand inspection of the licence. When this is not produced and no just reasons are given for the non-production thereof, the licensed liquor seller shall be punished with a fine not exceeding £10, or with imprisonment not exceeding one month.

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guilty.

43. Whenever any licensed dealer shall be tried for any contravention of this law he shall hand his licence into court. This document shall be sufficient proof that he is the licensed liquor seller meant in the case in question. Should he be found guilty the Court shall endorse the judgment at the back thereof, but in case the judgment be quashed on appeal, such shall be endorsed on the back thereof by the Lower Court. Should the accused not produce his licence or give no valid reasons, he shall at the same trial and without the necessity of any further proceedings be punished with a fine not exceeding £10, and, in default of payment, imprisonment not exceeding one month.

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served.

When a licensed liquor dealer shall be summoned for a contravention of any regulation of this Act or any subsequent Acts regulating the sale of strong or malt liquors, and the messenger of the Court is not able to serve the summons personally, he may leave a copy of the same in the building where the liquor was sold. And should the licensed liquor dealer not report himself within fourteen days thereafter to the Court of the Landdrost or official of the criminal jurisdiction mentioned in the summons, the Public Prosecutor shall apply to the Court to have the said building or buildings closed forthwith for the sale of strong or malt liquors. The Court shall then have the right to order, without any further process, that the request be complied with and to cancel the licence. The registrar of the Court after having endorsed the licence shall inform the secretary of the Commission for Liquor Licences of such person.

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used.

44. When any steps are taken against any dealer, seller or owner of liquor who sells liquor without a licence or contrary to the terms of his licence, such person shall be considered as unlicensed, or not to hold the licence under which he is accused of having traded, until at the trial of the case he produces his licence or proves that he has one.

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45. Should any licensed liquor dealer permit any of his premises or rooms to be used for immoral purposes, the Landdrost or official entrusted with the criminal jurisdiction shall have the right, after satisfactory proof, to declare the licence forfeited and to close the said premises or room for the further sale of liquors under this Act.

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46. It shall not be lawful for anyone to institute any proceedings or bring an action at law for recovery of any sum of money for or on account of any wine, spirituous or malt liquors sold on credit in any quantities less than the quantity allowed to be sold under a licence mentioned under "b" of Article 4 of this law; and in case any person shall take or receive from anyone any pledge by way of security for the payment of any sum or sums of money for such liquors thus due, or in payment thereof take or receive any article whatever in place of money, he shall be liable to a fine not exceeding £20 for each pledge so received and accepted by him, and the person or persons to whom such pledge may belong shall have the same right to the recovery of such pledge or the value thereof, as if it had not been given as a pledge.

47. When any one who has no licence to sell by retail, gives to any other person liquor for which he receives a consideration, although he represents it as though the consideration received is for something else, he shall, notwithstanding that such consideration is indeed and actually partly given for something else, be convicted for the sale of liquor without a licence, and be punished with the punishment laid down for this contravention.

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48. Public Prosecutors of the different Courts shall be bound in all cases where natives are brought up for drunkenness to institute a most searching enquiry as to the cause of the drunkenness, and the place where and the person by whom liquor has been supplied them, for the purpose of prosecuting such person for illicit liquor trade.

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In the event of the native charged with drunkenness refusing to give the name of the person who supplied him with liquor, or to point out the place where he obtained the liquor, he shall be punished with a fine not exceeding £5, or imprisonment with or without hard labour not exceeding one month, and with or without lashes not exceeding twenty-five.

49. Every licensed liquor dealer shall be responsible for any and every contravention of this Act which may take place on his premises, even should such contravention be caused by his servants, subordinates, or representatives, or any other person. Should it however clearly appear that such contravention was caused with the intent to injure such dealer in liquor as aforesaid, or to have him punished, such liquor dealer shall not be responsible for such contravention.

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50. It is prohibited for any licensed dealer in liquors to give, sell, barter, or dispose of in any other manner, any wines, spirituous or malt liquors to any police official or turnkey during the time he is on duty or on guard, under penalty of a fine not exceeding £10, or imprisonment not exceeding one month.

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51. A police officer shall neither directly nor indirectly have any interest in any business where wines, spirituous or malt liquors are sold, neither shall he be entitled to receive, either directly or indirectly, any gift or favour from any licensed liquor dealer. In case of a contravention, the convicted police officer will be punished with a fine not exceeding £500, and imprisonment not exceeding twelve months, with or without hard labour.

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52. All contraventions of this Act may be brought before and decided by the Landdrost or official with similar jurisdiction, or Resident Justice of the Peace within whose jurisdiction the same may occur.

53. Nothing contained in this Act shall be taken to mean or be construed to require a licence to be taken out for the sale of any of the liquors aforementioned by a Sheriff or other official acting under authority of any Court, Judge, or Landdrost, or by trustees in insolvent estates, or executors testamentary and dative.

Sheriffs
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54. The regulations with regard to public diggings are also applicable to such pieces of ground as have been either by law or by Government resolution placed under the jurisdiction of the official on the diggings.

Ground
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55. The Government may allow a part, but not more than one-third, of the imposed and paid fines to go to the informer.

Fines to
ants.

56. All previous Acts and Regulations for the sale of wines, spirituous or malt Equors hitherto having force at law, are hereby repealed.

Previous
repeale

The Liquor Law.

57. This Act comes into operation on the 1st of January, 1897.

The following Articles retain force of law in accordance with a resolution of the Second Volksraad:—Article 875, dated 22nd July, 1896; Article 4, letter *d*; Article 7, letter *d*; and Article 34a.

(Signed) S. J. P. KRUGER,

State President.

DR. W. J. LEYDS,

State Secretary.

Government Office,
Pretoria, 17th August, 1896.

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