







THE ZUID-AFRIKAAN.

CAPE TOWN, JUNE 3, 1831.

In one of the preceding numbers of this Paper, (No. 58.) we pointed out the illegality in principle of His Majesty's Order in Council of February 1830, expressed by the Proclamation of this Government, of Aug. 12, 1830, as far as regards the Punishment Record Books. We will now proceed to enter more minutely into the words of that Order in Council, to show the impossibility of its being complied with in many respects, and how its enactments have been misrepresented in the Commercial Advertiser of the 30th of March last.

By referring to the 27th section it will at once be seen that not only such punishments, as are usually so termed in the ordinary acceptance of the word, viz. by corporal chastisement, but that every denomination of punishment, in the broadest sense of the word, applied to either sex, and to every age, must be registered, and that the least neglect hereof must necessarily subject the master to the pains and penalties of that Order in Council. The section enacts, "that every manager of slaves, employed in agricultural or manufacturing labour, shall insert an exact and true account of every punishment by him or her inflicted, or by his or her authority, upon each and every slave, specifying the age and sex of the slave so punished, &c." and "in the cases of any male slaves, who shall be punished by whipping, the number of stripes actually inflicted upon the offender." No master or mistress would be, therefore, any longer safe under such an order. Every correction, confinement, or act of coercion, rendered necessary by any misbehaviour, is declared a punishment, must be recorded, and fit omitted to be entered, with all its formalities, within two days, renders the manager of the slave liable to a fine not exceeding Twenty Pounds!! in many instances perhaps half the value of the slave!!!

This is not, however, the only intolerable hardship imposed upon the slave-manager, but he is moreover required to look about for witnesses to every species of correction which he may find necessary immediately to resort to: so that in the numberless instances of slaves being with their masters on a journey, or in any isolated place, and there conducting themselves in such a manner as requires some correction, the master finds himself at once deprived of all authority, precisely in those situations where the dread of punishment alone often commands obedience.

How is the unfortunate slave manager next placed who happens to be unable to write, at least with sufficient correctness to fill up so important a document. He is obliged to take a clerk for that purpose, for he is made to swear, by a set phrase "that his Punishment Record Book has been punctually and accurately kept by C. D. whom he has employed for that purpose;" or, otherwise, for every single instance of correction he is bound to call in the friendly assistance of neighbours, at the cost of a trip of ten or twelve miles, and in many instances of three times that distance. And will he find his neighbour, however willing to oblige him in other respects, disposed to lend his aid in an office of the most unpleasant nature, which might entail injuries without end upon himself? How are the other slave proprietors situated who, by old age, infirmity, or sickness, are prevented from undertaking a journey of several days, twice a year, to the residence of the Protector? They must first see a doctor, according to the present moderate tariff, some £10 or £20 to repair to their residences; they must next see the same doctor again, to attend in their stead before the Protector, and the latter has the delightful half-yearly visitation of all the sick of the district. What inhabitants are there in the country who can afford to incur this regular half-yearly expense in those districts which are favored with one medical man, in a district comprising an area of 15,000 or 20,000 miles? and how are those to do who happen to reside in a district where there is no medical practitioner? for the Order in Council leaves no saving clauses.

These are a few of the practical difficulties to which the country slave proprietors are thus exposed; and this is not the least of the unjust measure of this Order in Council; that under the denomination of its being applicable to agricultural and manufacturing slave proprietors only, no part of this measure is made to bear, in Cape Town, on the several seats of magistracies, where a compliance would at least be attended with less inconvenience, but entirely presses upon that part of our population which perhaps is more than any other entitled to the protection of government, and obtains it the least. Can there then be a doubt that a government, priding itself on its sense of justice, and its equal partition of their respective rights to all classes of society, will soon put an end to a measure unjust in principle, totally impracticable in many of its operations, and tending only to alienate the hearts of the Colonists from their present mother country?

We call the attention of our readers to some circumstances which occurred at the last Circuit Court held at Stellenbosch, as it represents a most gross indignity offered to the Judge then sitting. The public should be taught to respect the character of a Judge when on the Bench, and when administering justice; and it is expected that the menials and Assistants of the Court should set the example.

How can the public expect a free and independent administration of the law of the land, when the Judge can be insulted, or the greatest indignities offered to him, on the high seat of justice? We hope to hear no more of similar misbehaviours, and anxiously expect that in future we shall receive no more similar reports. We feel strongly interested in supporting the high character of a Judge,—for that is the happy land where justice is impartially administered.

We have frequently considered the inconsistency of the situations Deputy Sheriff and Assistant Protector of Slaves, being joined in one and the same person; and we hope that the Protector of Slaves will clearly see that by the present junction of situations, the slave has not been protected by that individual, whom he is by law called on to appoint, and whom he has actually appointed.

A criminal is punished as an example to deter others from committing a similar crime. If so, why then have the two Hottentots and the slave not been punished in a public place? Why have the slaves, who were sentenced, during the last Session of the Supreme Court, been flogged, in the market, at day-break, when there were only two or three persons seeing it?

A Legislative Representative Body will soon put things to right, of which the public will now again see the imperative necessity.

If we had a Legislative Representative Body in this Colony we would not hear so much complained of the state of freedom which the Convicts enjoy, and the comfortable life which they lead. What punishment does the slave or Hottentot undergo; when, as a convict, he can lead such a life, and enjoy the pleasing effects of liquors? See the letter of "A Traveller." Has it been considered already what will be the effect, detrimental to the peace and safety of the inhabitants, if the convicts, who by the law have been declared to be bad men, are allowed to enjoy such a degree of liberty? We have already, frequently through our paper, called the attention of the proper quarters to this subject, and we have, even in this town, not yet seen any good results therefrom. What, therefore can assist or help us? A Legislative Representative Body! Let us, then continually pray His Majesty for it, until we obtain it.

STATE OF THE PRESENT SEASON.

We observe, with great satisfaction, the abundant early rains which we have had this season. For many years the rains have been partially felt in the Colony, owing to the extent of the Colony and the variability of our climate. One district felt its nourishing effects, while another suffered severely under what we term the "dry cold." Consequently, in one part of the Colony there was abundance of crop, while in another a total failure was experienced. This year, however, thank God! they have been general throughout the Colony. From every quarter we receive the best news of the effects of the early rains. The farmers have everywhere been able to commence ploughing early in the season, and sowing in abundance. The fields are covered with delightful and nourishing young grass, which offers a fair prospect of abundance of pasturage, fat cattle, and good butter. This will ensure a prosperous year for the farmer, and if the state of the weather remains as at present, we must expect a harvest, the like of which we scarcely have had in this Colony.

We have mentioned the names of those who have already signed the Memorial for a Legislative Assembly, and we rejoice in the intelligence we have received from the Country Districts, that it meets everywhere with the approbation of, and is signed by, the inhabitants, with some exceptions, however. "A Farmer" warns his fellow-countrymen against the signing of that petition. If he is not yet convinced, that the Emancipation of the female children, which shall be born after a Legislative Assembly shall be established here, is the best plan, and the least oppressive, to be adopted, he surely will never be convinced. It is true the former yields a slave girl, which is not yet born, while he as yet remains in suspense whether his slave will produce a child, and whether that child will be a female; but how will he be rewarded for it? By obtaining the means of reducing the Taxes, and of making their own laws, and this will bring the farmer ten-times greater advantages than by selling such a child for free. By considering the Memorial, the farmer will perceive that a slave girl, emancipated in that manner, will have to remain with, and serve him up to her 16th year of age, while the requested Legislative Assembly will have to provide a recompense for the trouble taken in the education of that child. The farmer does not lose by this. This girl, having attained the age of 16, is free, but is not obliged to leave the farmer with whom she was born. Oh, no! she may hire herself to him; and their wages will decrease in proportion as the number of such free beings will increase! Take, take care, in whatever light you choose, the plan will always be found equally advantageous both to the farmer and citizen, and we therefore advise the farmers, with the purest intention, to sign the petition.

GRAAFF REINET.

From letters received from Graaff Reinet, we have been informed that the inhabitants in that district hold the same opinion, in common with their fellow-colonists, about the Punishment Record Books. Only three or four, out of a population of about 14,000 inhabitants, have taken these Black Books.

The Advertiser asks, in his leading article of Wednesday the 25th, whether the loss to be sustained by emancipating the female slave girls must be suffered by our children and grandchildren? We comprehend that query, though it is made apparently approving of our plan, but in reality obstructing its view, perhaps because his plan of general abolition did not appear to us, as he expected it would to Parliament, a revelation!! But he is much mistaken! We Africans very well understand that, if we obtain a Representative Body, our children and grandchildren, by having the power to lessen the taxes, and to make their own laws, will profit more by it than by possessing a sort of property which is already spoiled, and which will become worse and more vexatious in future. When our children should possess a slave girl who vexed them, she can be turned away, and they might hire another. On the other hand, if, as at present, a slave girl, our property, behaves herself vexatious, impudent, and even assault us in the bargain, we must keep her for better or for worse, or lose the sum of money for which she was bought! Is this the humane prospect for our children? We rejoice to see the cat at last peeping out of his sleeve. The Advertiser always told us that England, who has enough to do at present to make up their books and accounts, to find a balance in its favour, shall, will, and must compensate us for our slaves! But the Advertiser begins to perceive that his hopes and expectations in these matters are failing, and that if we are paid for it by England, we might stand the chance of paying it back to England in some way or other. "Suppose," says he, "it to take place, should it not be more reasonable that emancipation be effected at the expense of all, instead of one single party," the Advertiser therefore begins, also, to think it possible! Oh! oh! it is pretty clear that we Africans are no more so easily led astray. But mark these words of the Advertiser of Wednesday,— "The Emancipators in England have acknowledged the obligation of their native country, to render at least their assistance if not to take the whole burden of emancipating on their own shoulders!" Does the Advertiser really imagine that we believe that the Emancipators in England will pay us for emancipating our Slaves, that is to say, that we shall not be troubled hereafter to pay it back, out of our own pockets? Ah, ah! don't think we have lost our senses!

To the Writer in the Advertiser, calling himself "A SLAVE OWNER."

- 1. In February last, there was a plan to Emancipate Slave Girls; we do the same, but we ask for it an improvement in our political state.
2. The alarm has originated from the thousand petitions of the nations and their leaders in England, for a general abolition of Slavery, whilst only a few, who are moderate, talk of remuneration in money.
3. We have heard of no riotous feelings; but ask your friend, the Advertiser, who the persons are that compose the gang of hirelings—he shall acquaint you of it, as he seems to keep friendly intercourse with such secret persons—but we know nothing about it.
4. Fie! Fie! Are you an African—and do you call those respectable and good countrymen, whose names have appeared Friday the 20th, under the plan proposed, as the persons who recommended the same to their fellow-citizens, "weather-cocks, who mind self-interest, and who pursue self-pride!" Well, how ridiculous and sick you look! Instantly send for a Doctor! a Surgeon also, because a trepanning may be required immediately—quickly go!

SOUTH AFRICAN ATHENÆUM.

We have been requested to inform the Shareholders, that printed lists, containing the Names of all the Shareholders, and those who are eligible to be elected as Managers, on Saturday next, the 4th instant, may be had on applying at the Athenæum Buildings, to the Janitor.

S. A. LITERARY SOCIETY.

We are requested to inform the Members of the Society, that the Annual Meeting will be held on Saturday next, the 4th instant, and not on the 21st, as was erroneously inserted in the advertisement in Wednesday's Paper.

The unexpired Lease of a well known corner Seat, in the central part of the Herengracht, about to be vacated by a Gentleman intending shortly to remove to the Country. Inquire at the bar of the Society House.

Correspondence.

TO THE EDITOR OF THE "ZUID AFRIKAAN."

STELLENBOSCH.

OMISSIONS IN THE REPORT OF PROCEEDINGS OF THE LAST CIRCUIT COURT AT STELLENBOSCH.

Sir,—Observing from the Newspapers that the following facts, in connection with the last Circuit Court at Stellenbosch, escaped the attention of the reporters, or that, for reasons best known to themselves, they omitted to state them; allow me to bring them to the notice of the public.

On the morning when the Circuit Court was to be opened, the honourable Judge entered the Court room, unattended by any person, and took his seat, when the following took place, as nearly as I can recollect:—

Judge.—Who is the Sheriff, and where is he? Deputy Sheriff.—Here I am, my Lord.

Judge.—Pray, why did you not attend me at my lodgings? D. Sh.—I did so, my Lord.

Judge.—Oh, are you the person that were there just now? D. Sh.—I am, my Lord.

Judge.—I know that you called upon me as Deputy Protector of Slaves, and I did not know that the situations of Deputy Sheriff and Assistant Protector of Slaves were combined in one and the

same person;—I can excuse the Assistant Protector of Slaves from waiting upon me, but the Deputy Sheriff is bound to wait upon me.

(The trials now take place, and it gets dark.)

Judge.—Let candles be brought in, Sheriff.

D. Sh.—My lord, I have supplied candles at my own expense at the former Circuits, and was never repaid, although repeated application was made to the Civil Commissioner; I am willing to do it now also, but who shall pay for them?

Judge.—Who represents the Civil Commissioner? Call the Magistrate.

(The Magistrate appears.) Judge.—Have you received any instructions from the Civil Commissioner to act in his absence?

Magistrate.—No, my lord; last year he gave me some directions, but this year he departed without giving me any.

Judge.—I have met with similar obstacles during this Circuit, and it is a shame that a British Judge should submit to them; it is useless for the Government to issue proclamations, calling upon all persons to render assistance to the judge on Circuit whilst such trivial inconveniences as these are left unprovided for.—The Sheriff is the only person on whom this Court can make an order, and I now call upon him immediately to provide candles, and to do it within five minutes, or I shall fine him twenty pounds. The Judge added, that although justice was blind, there was no reason why the Judge should sit in the dark.

(Four candles were immediately brought in.)

Second Day The Judge appears, attended by the Deputy Sheriff. During this day two slaves were tried; one was assisted or defended by Mr. Ingram, at the request of the Assistant Protector, who could not perform that duty, as being Deputy Sheriff also; in which capacity the Judge would not allow him to appoint a Deputy, and was found—Not guilty; the other had no Protector, and was sentenced to six months' confinement at hard labour, with seventy-five lashes.

(It gets dark.)—Four candles are produced.

Judge.—Let more candles be brought in, to give more splendour to the Court.

Deputy Sheriff.—My lord, there are more candles but no candlesticks.

Judge.—Then stick them on the table; I must have candles.

Four candles stuck upon empty bottles were placed before the Judge.

What a glorious sight!!! Prodigious!!! Upon all this I must remark, that if the Deputy Sheriff had only applied to the nearest house, he would immediately have been supplied with more candles, and more candlesticks; but the public was unaware of this want, and no person would have been unwilling to provide candles at their own expense, knowing for whose benefit such a Circuit Court was held here.

With regard to the executions of the sentences passed by the Circuit Court.

Two Hottentots and one slave were to receive each 75 lashes. The Deputy Sheriff (the same person as protector of slaves,) attended the execution with the district surgeon, the first standing with a white staff of office, which, after the execution, was carried home by a black constable. How dignified!!!

The lashes were inflicted in the prison yard, with open doors, that the public might witness it, but no scound or groan was heard from the Hottentots, but only from the slave.

The query now is:—were these prisoners to be flogged publicly or not? If publicly, why not on a public place? Such as the market or King's square? If not, why were the doors of the prison to be left open?

Are the duties of Deputy Sheriff and Deputy Protector of Slaves not incompatible with each other? how can the first keep order in Court, whilst he is to protect or defend a slave.

I am, &c. A FRIEND OF ORDER.

Sir,—It is, I think, very unjust that a public servant, while in the performance of other and more pressing duties, should be censured by persons who, because their concerns are not attended to instead of those of greater consequence, think fit to represent him to the public as guilty of gross neglect of duty, and by very specious and grave charges make mountains out of mole-hills.—A letter, containing charges of such a nature, appeared in your last paper, signed "Africanus;" but, as no names nor department are mentioned, the public can only guess who the functionary is to whom he alludes; I have, therefore, set my divining faculties to work to find him out, and I think I have hit upon the person designated by the letters "N. N.;" and, if I am right, I can inform "Africanus" that he has not been happy in selecting so worthy a man to vent his ill-natured censure upon. As a public servant his urbanity of manners, and attention to official duties, are well known, and his public avocations, which are numerous, incessant, and important, leave him, I should presume, very little time to walk for mere pleasure, on the Parade, as "Africanus" insinuates. I shall not comment further upon this letter, than to observe that the charges are frivolous and illiberal, and if sifted, probably, would prove to be without just grounds. It appears to me, as it must to every impartial person, that the letter has been written more for the gratification of personal feelings, arising from whatever cause they may, than with a view of exposing public injustice or abuse.

When the conduct of a public officer is reprehensible, its exposure through the medium of the press is allowable; but it is unfair that he should be shown up, upon trivial occasions, by persons who are so illiberal as to think that their affairs are paramount to all others; and because they do not, from unavoidable circumstances, meet with that prompt attention which they exact, they think proper to wound the feelings of honest men and faithful public servants by unmerited, and therefore, unjust representations of their conduct.

Whoever "Africanus" may be, whether unconnected with Government, a Civil Servant, or a Pensioner, I would recommend him, whenever he takes up the cudgel again, as he seems inclined to do in defence of public rights, to use it with more discrimination, and where it is required; he will then act a praiseworthy part, and deserve the thanks of his fellow-citizens, which, in my humble opinion, he has not done in the present instance. A FRIEND TO JUSTICE.



