Chapter 3

The public institutions of the heathen, including their laws and legal arrangements, and the deficiencies of these.

To start this chapter, it seems to me proper to begin with the native kings. There were three of these in this Province. The first was a Temene named Massaiare. Those who accepted him as their lord and were subject to him were the Bangues, the Cabatas, the Calus, the Temenes and the Sapes of Turagare, hence he ruled the Serra and Logos. The second was named Massacaeta: he was a Boulon, and all the land which today we call Boulons was under his sway. The third king they called Komenacai, a Sape king over Sapes: he ruled Mabengoma, or as it is called by us, Casses, a district today exporting great quantities of cola. Although each of these kings was like an emperor in his own empire or kingdom, each village had its own chief or governor.

Now let us discuss the system of succession to the throne. On the death of the last ruler, the kingdom goes to his son; or if the son is incapable, to the dead king's oldest brother, or to one of his nearest relatives. Elevation to the throne and recognition as king proceed in the following way. The heir is sought out at his residence, since he does not care to come forward himself; and when the people arrive they tie him up. At this stage of the proceedings they raise such an uproar, all of them shouting and wailing, not least the king who is tied up, that it makes one laugh to witness this ridiculous ceremony. The king makes his way in this fashion, followed by his wives and children and a crowd of people. When they reach the king's palace and courtyard, they shave his head, and then strike him. Having removed his bonds, they take him to a funco. This is a kind of house, but it is raised up in the air on four poles. These poles carry discs on their upper parts, each disc the size of a large shield, in order to stop rats from attacking the foodstuffs and pieces of clothing they keep there, because, in short, they use the funco as a granary, as a wardrobe, and as a ladder. When the leading men have assembled at this place, the oldest member of the Council makes a speech about the succession of the new king and the reasons justifying the succession. At this point he explains to all those standing around that the ceremony which has been carried out was not performed because of any lack of respect for the royal person, but because it was intended as a public lesson for a man who was going to rule other men. Having had practical experience of physical penalties and of rewards, he would deal with his vassals as each deserved, administering true justice to all, and maintaining the law,
without respect of persons.

The natives also have officers of the council called *solatequis*. These are invested by placing them in a house, and after they have been thoroughly flogged, a puppy is killed at the door where the officer to be invested stands. Then they sound a trumpet made of a certain sort of hollow wood, and all the inhabitants of the village assemble. In honour of the *solatequis*, a great hullabaloo is raised. Each new *solatequi* is instructed to send for money to pay for the investment ceremony, or if he lacks money he hands over a servant-girl or a son as a pledge. When the money comes, it is handed over to the king, who orders the man to be dressed in the insignia of a *solatequi*, which is more or less only a single coloured cloth.

They have recognised pleaders or advocates, called *aron*. Their costume is made up of different kinds of clothing. First, one net-cloth over another, then the skins of various animals including their tails, and over these breeches covered with more tails. Hanging from their necks they have chest-bands of many colours, and they cover their faces with an ugly mask, which has an enormous nose, and which is partly black and partly other colours. An *aron* begins his speech, gives "tongue", then plays on a freshwater-turtle shell which makes an extraordinary noise. When a case is opened involving bloodshed or adultery with the king's wife, it is normally the *aron* who introduces the matter and denounces the accused. His insignia is a broom of palm twigs, which corresponds to our mace or wand. With this broom in his hand, the king administers justice in court on the most serious offences, with the *solatequis* around him, and the advocates from both sides carrying out their duties. Minor offences are tried separately. When parties bring an action themselves, or through their advocates, and advance it to the point of judgment, all of which is done verbally, then if the king turns the broom during the discussion towards the accused or the complainant, this is a sign that he favours that one. But if he turns the broom away, this means reproof and disapproval. Pleas of all kinds are permitted and employed. When the *solatequis* award the sentence, it is submitted to the king before its execution; and if he does not approve of it, he amends and revises it in accordance with advice from the majority, the whole matter being gone into again with great care. Finally, when the order is given to execute the sentence, if this involves torture the torture is so cruel that it is a miracle if anyone survives it, since they split a tree-trunk and put into the cleft the head of the guilty wretch, with the result that his brains are squeezed out and he dies on the spot. A thief is impaled
at a crossroads so that people will know he was a thief and that he died for this crime. Adulterers are punished with death or enslavement, and witches are treated the same way. Gossipmongers have their ears cut off.

Before going on to discuss the civil government in peacetime, as is appropriate for this chapter, let us first comment on the inadequate and superstitious nature of their diabolical system of justice. I call it 'diabolical' because normally the proofs of guilt are obtained by immoral procedures, such as divination, which they call matis (a) To discover a thief, they boil water in a pot, and while it is boiling put a hand into it, at the same time naming the villages and the people living in each. If as they name a place the hand is scalded, they believe that the thief lives there. Continuing with the ceremony, they then name the persons (in that village), and when the hand is scalded the person they are naming is the guilty one, and they proceed against him. They have another judicial proof which they call 'proof by snail or as the heathen call the creature, atineo. They fill up the shell, a large one, with water containing aeban, a special medicine, and the bark of macone, a very poisonous tree whose fruit when crushed makes a paste used to poison arrows. After ceremonially sprinkling the outer part of the shell, they then boil it with its contents; and when it is boiled, they take a straw and draw cat some of the preparation, and pour this over a certain part of the body of the accused. They then scrape the skin with a knife and if any comes off, the accused is guilty. But if not, he is absolved, and his accuser is punished.

(a) "My people ask counsel at their stocks, and their staff declared unto them: for the spirit of whoredom hath caused them to err, and they have gone a-whoring from under their God", Hosca 4:12. This was the form of divination among the Hebrews. Thus Jerome and St Cyril. For divination among the Chaldaean, see Ezekiel 21:21. They throw lots, they do not fall as they wish; they should believe that God is not on bad terms with them.
Aebare is another method of detecting the guilty. They take a
hen and place in its eye the juice from the bark of aebare, which is
poisonous. If the hen is blinded, they go for the poor man, who may
be innocent. Another method employs a red-hot iron. Someone is
accused of a crime, so they place a piece of iron in the fire, and when
it is red-hot, they pass it over the palm of his hand, after first
covering the hand with the local oil. (b) If the iron passes over with-
out burning him, this is proof that he is innocent. The Lord God
allows the devil to chastise these infidels thus, as a penalty for
their corrupting the natural order with their vices. Hence it
commonly happens that when they employ this ritual, the water does not
scald, etc. Could anything be more surprising to us than the red-water
ordal?

They have various other forms of divination, but we need not
discuss them all. It is enough to comment on those most commonly
employed, since by these alone the evil nature of the heathen can be
understood. They entertain a malevolent and false belief about their
illnesses and physical ailments, for they say, and they sincerely
believe this, that God does not send death to them, rather it is their
enemies and rivals who are eating them up. When they take to their beds,
the first thing they do is to consult Accaron. Like Ocosias, they send
messengers to the most famous sorcerers, who put a thousand lies into
their heads. The sorcerer, his servant of hell, puts on the fire a small
pan containing a little water. When the water begins to boil, he asks
the devil if the sick man is going to die. If the boiling dies down,
this is a sign he will live; or if the water cools down, he will die a
natural death. But, should the boiling continue, in order to find out
if anyone is giving him poison or is otherwise responsible for his
death, the sorcerer names the man's relatives. If the water sinks back
when one is named, he is not to blame; but if it boils over, they
consider that the person named is the guilty one. The sorcerer promptly
says: "He is not guilty; but if he is, let the water boil even higher
to show us!" If it does this, they fall on the poor man, and on the
orders of the king kill him or enslave him.

(b) Here they use heated pruning-knives on the neck or the thick of
the arm nearest to it: they first anoint the part with oil.
The Jalofo run it over the tongue.
There is yet another ordeal, that of the bier, which has been already mentioned. On a bier they bring either a man who is ill, or the clothes of a man who has died, and they proceed through the village. Unhappy the person towards whom those conducting the ordeal direct the bier, often out of hatred or revenge! They attack his house on the instructions of the judicial authorities, and against all true justice, seize his whole family, killing them or selling them, and plundering the family completely.

The red-water ordeal is another of their forms of inquiry. They boil the bark of macone, then seat the accused in a public place and give him this poisoned drink, which kills only those who have no-one to help them. As I have stated elsewhere, immediately after the person has drunk a calabash of red-water they give him a calabash of plain water to drink. If the accused expels the macone in one vomit, they consider him innocent. But if otherwise, he dies lamentably. The relatives of those who have to submit to the ordeal help them to prepare for it. Most of the accused vomit the poison before it can do them any harm, as a consequence of their taking antidotes beforehand, antidotes such as gold-dust, the most commonly employed, or oil. They consult beforehand a sorcerer, to find out the right moment to take the poison, and sometimes they try it out on slaves or hens. So those who have the means thus escape the effects of the ordeal. But those who lack means sometimes poison themselves in order to avoid a miserable and shameful end, both for themselves and for their family. The red-water ordeal is the ordeal most commonly employed. To sum up, all these means of proof are contrary to natural justice and have no rational justification. Only a voluntary confession can be a just and sufficient reason for a condemnation. The savages make such confessions during their illnesses, when they freely admit their sins, since they believe that by doing this they are absolved. An instance of this occurred in the Kingdom of the Serra in 1612, when a witch who had fallen ill admitted that he was indeed one, and that the corofins had brought him to this state because of his witchcraft and because of his great sins. The king ordered the family to be enslaved.

So much for their judicial practice. As regards wars, the original inhabitants used to have them, since the devil and envy always stir up wars. On another point of their civil administration, the heathen do not have one special fair, since the land only provides
general trading. The inhabitants are all farmers. There are no ploughs here: all farming is done with hoes which have the blade fitted through the handle. Machetes are made the same way, with the blade fitting in the wooden handle. They also possess bill-hooks. The men cut down the thick forest, but first the women cut the smaller trees. Where they sow one crop they follow it with a different one, funde (hungry rice), macarras, cotton, etc. Before they can sow they have much to do, since the success of the crop depends entirely on the thorough burning of the previous bush. If it happens to rain at this season of the year, it is bad for vassals and lesser kings: in due course they must have ready a tribute of rice for their rulers, and also other commodities which they have undertaken to deliver through agreements with all kinds of people. Among the natives are weavers. Some of their looms are different from ours and operate by hand (? rather than foot). Their use is confined to making repairs as need arises, and only those employ them who have least commerce with us. Their work is worth a few pennies. Their blacksmiths are very good. This craft is a solemn one, since the nobles prize it and some practice it themselves. They have tailors among them who work in their own style. Their shoemakers make very ingenious bandoliers. As for masons, they all know how to build their own houses. Some of them are hunters, fishermen, and dyers. They have so many crafts that in time of peace they lack little or nothing in the way of skills to provide all those goods required for general subsistence, either by the natives themselves or by foreigners. But the kings and foreign governors are to blame for the land being impoverished, since they prize themselves so much in being in charge of it, and since their sons, brothers and relatives are so troublesome to the natives that for this reason they neglect and abandon their crafts. If we manage to obtain a little fish, wine or meat, we have to do it secretly by night - so greatly do the inhabitants fear those greedy crows!

(c) Bogoto. For their crops and harvesting them, they have a society of workmen, bogoto: all the officers direct the labour of many workers by playing drums in the construction of Jata's tabanca.