

GUNVOR SIMONSEN

SLAVE STORIES



LAW, REPRESENTATION, AND GENDER
IN THE DANISH WEST INDIES

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INTRODUCTION

Legal Power and Gendered Voices in the Danish West Indies

In 1799, the enslaved woman Sally appeared before Christiansted Lower Court in St. Croix of the Danish West Indies (today the US Virgin Islands). She was charged with attempted murder of her common law husband. The road that led to Sally's trial was long and winding. It began when she walked to Christiansted town to complain to Governor General Wilhelm Anton Lindemann about the treatment the slaves received on Bonne Esperance Estate where she worked as a field hand. Sally's complaint resulted in the fining of the estate administrator, but it also led to the investigation that implicated her in a murder attempt on her husband, Leander. During her trial, Sally stated that she was innocent. She emphasized that she "loved Leander" and "wished that she could live with him" forever. Yet Leander was unfaithful and maintained a second wife. Sally explained that it was Leander's "infidelity" that had led her to burn down his house and mix marl in his drinking water. All her deeds had been done "for him," Sally claimed; indeed her feelings were so strong that she was "unable to leave him."¹

Judge Brown of Christiansted Lower Court drew heavily on Sally's court testimony when he drafted his verdict, but he disregarded the main thrust of her argument: Sally claimed that she had no intention of causing harm to the man she loved. During the trial, Sally admitted that she felt "jealous" and "revengeful" towards Leander, and she confessed that she harbored feelings of "hatred" against her overseer. These were the elements of Sally's testimony that Brown chose to repeat in his verdict. Disregarding Sally's main claim, he picked her statement apart and chose only those bits and pieces that allowed him to issue a death sentence.²

Though unusual, Sally's testimony was not unique in the Danish West Indian courts. Indeed, this book is about Sally and the many other enslaved men and women who appeared in the courts of Christiansted jurisdiction in St. Croix from the 1750s until the abolition of slavery in the Danish West Indies in 1848. Representational processes that included slave depositions were central to litigation in

the Danish West Indies in the eighteenth and nineteenth centuries. Thousands of enslaved men and women appeared in the Danish West Indian courts. What they said was meticulously recorded by the royal judges and scribes. Today, the judicial records pertaining to or including slaves in the jurisdiction of Christiansted, St. Croix, take up more than 190 large volumes in the *Rigsarkiv*, the National Archives in Copenhagen, Denmark. These volumes comprise a substantive, tangible sign of the important role that slaves' words played in the Danish Atlantic legal institutions during the eighteenth and nineteenth centuries.³ In these courts, the testimonies of enslaved men and women were part of long, tortuous, and inclusive trials that were decided through the ingenious interpretations of schooled jurists.

Sally's court appearance points to the inclusive element of the processes of representation that took place in the Danish West Indian courts. Several identity markers were attributed to slaves who entered the courtroom. Sally was described as a "negress," belonging to "Bonne Esperance Estate," "born on St. Eustatius," who "did not know her age" and did not "confess to any religion." Like other slaves appearing in court, Sally was labeled according to her sex, skin color, faith, age, birthplace, and owner. Such labels were used to distinguish one slave from another. Usually enslaved people did not have the possibility of adding further layers of meaning to the sketchy portraits they engendered. This was not the case with gender. As Sally's story illustrates, gender provided a narrative opening that enslaved Africans and Afro-Caribbeans could sometimes use to establish themselves as subjects before the Danish West Indian courts. Though slaves and judges had very different preconceived ideals of manliness and womanliness, they shared a concern for the ways in which gender ideologies came into play in Atlantic slavery. This common concern paved the way for a broken, distorted, and unequal dialogue in the courts of Christiansted in St. Croix.⁴

Yet dialogue seldom amounted to tangible influence in the Danish Atlantic legal system. Sally's trial and verdict illustrate a central argument of this book. In *Slave Stories* I argue that legal power in the Danish West Indies should be understood as both inclusive and repressive. On the one hand, the court's procedural practices included statements by enslaved Africans and Afro-Caribbeans, particularly when they portrayed themselves as Christian men and women living industrious and respectable lives. On the other hand, the self-portraits and stories developed by slaves seldom affected trial outcomes. Judges developed reading practices that allowed them to reach guilty verdicts in most trials. In the Danish West Indian courts, inclusive procedures and repressive verdicts went hand in hand and enabled slaves to tell their stories while simultaneously allowing judges to sentence them harshly afterwards.

Slave Stories aims to broaden our understanding of the place of enslaved Africans and Afro-Caribbeans in the legal institutions of the Atlantic slave societies and does so by analyzing, among other things, how gendered ideas and practices were mobilized by the enslaved and their judges during and after trials. My focus on the Danish West Indian legal system, which relied on the procedural traditions of continental Europe, helps to show that slaves' experiences with the law varied across the Atlantic world. I argue that the legitimacy of justice in the Danish West Indies was based on a peculiar inclusion of slave testimony rather than on its formal exclusion from the legal process. On the whole, *Slave Stories* offers a brutal and painful history. In the Danish West Indian courtrooms there is no grand story to be found of Africans and Afro-Caribbeans who, by having a voice, obtained some sort of agency and achieved justice. Slaves spoke, but to little avail. Instead, imprisonment, flogging, transportation, and death were the usual destinies of these men and women. And yet their stories remain to remind us that slaves strove to represent themselves as dignified, reasonable men and women in their encounters with the Danish West Indian judiciary.

The questions I ask and the interpretations I offer in what follows rely on and debate with the work of other scholars of law and gender in the Atlantic world. Parallel to the focus on slave law that has characterized Atlantic legal history, legal records are now being opened up to the analysis of specific legal practices and the reconstruction of the voices that enslaved men and women raised in their encounters with the judges of slavery.⁵ The British Caribbean, and to some degree Anglophone America, saw the development of legal systems and courts in which scribes seldom recorded the statements provided by the enslaved.⁶ In the older British Caribbean colonies, like Barbados, Antigua and Jamaica, specific slave courts were established that excluded enslaved men and women from the procedural routines of ordinary courts. Yet in colonial societies dominated by civil law systems, such as the former Dutch colonies Berbice, Essequibo and Demerara and the former French (alternately Spanish) colony Louisiana, legal cultures and institutions emerged in which slaves' depositions were recorded. Likewise, Danish West Indian judicial institutions incorporated slave depositions into the processes of litigation.⁷

As specific legal practices in the Atlantic slave societies are opened up to historical enquiry, historians have confronted the question of how to read legal transcripts. Many studies have concentrated on the exceptionally gruesome trials that took place in the aftermath of slave rebellions, conspiracies, and alleged plots, rather than on the ordinary, everyday legal practices of slavery. With torture and white panic looming in the background, historians have chosen different interpre-

tative paths. Some have argued that the statements made by the enslaved, already sentenced to death, can be trusted precisely because these men and women no longer had any reason to lie. Others have insisted that enslaved men and women said “what they thought would help them escape.”⁸ Instead of evaluating the veracity of slave testimony, however, Sally’s story suggests that it may also be fruitful to read everyday slave testimonies as evidence of the narrative skills, imaginative universe, and intellectual trajectories of enslaved men and women rather than as more or less true representations of enslaved reality.⁹ Sally may have provided reliable evidence, she may have attempted to strategically shape her defense, or she may have done a little of each; regardless, she also told a story about love and partnership within slavery. To understand her testimony and the court statements of the many enslaved men and women who appeared in the courts of Christiansted in St. Croix of the Danish West Indies, it is central both to examine the processes of representation that made particular themes and storylines possible while keeping others out of earshot and to detail when representation became so twisted that it turned into misrepresentation, distortion, and repression.

Sally was not alone in her concern with the place of marriage during slavery. Historians of Atlantic gender regimes have established that gendered ideologies informed labor regimes, experiences of domination, and strategies of resistance in the diverse slave societies of the Atlantic world. During Atlantic slavery, strong and multifarious pressures were brought to bear on the gender ideologies and practices that enslaved men and women brought with them, maintained, and adapted in the Americas. Atlantic slavery was hinged on an ideology that invested Africans and their descendants, particularly women, with abnormal bodies and deviant forms of sexuality.¹⁰ In *Slave Stories*, I ask how Sally and other enslaved women and men engaged with and negotiated the gendered pressures they encountered in the Danish West Indies during the, roughly, one hundred years from the 1750s until emancipation in 1848. I do so by reconstructing the voices, or narrative practices, that enslaved people developed in the Danish West Indian legal institutions, and I argue that these narratives were central to the legal encounters that took place in Christiansted in St. Croix.

The concern with enslaved ‘voices’ that informs this study has long been at the heart of Atlantic gender history precisely because the colonial “archives do not allow women enslaved in early American colonies to speak,” as Jennifer Morgan recently noted in relation to the British colonies.¹¹ Historians focused specifically on the Caribbean slave societies have also noted that enslaved Africans and Afro-Caribbeans seldom partook in the representational processes that constitute colonial archives.¹² This observation reflects the obstacles involved in locating



The eastern Caribbean islands, including the Danish islands, c. 1777, indicated by the yellow circle. Map from Christian Georg Andreas Oldendorp, *Geschichte der Mission der evangelischen Brüder auf den caraibischen Inseln S. Thomas, S. Croix und S. Jan*, vol. I, ed. Bossart, Johann Jakob (Barby, 1777).

historical sites that included enslaved men and women in calligraphic processes. Christiansted's courts, as Sally's testimony illustrates, were among such sites. Here, representation was a daily routine, but — as we shall see — it went hand in hand with distortion and the exclusion of particular experiences, as witnessed by, for instance, the censorship exerted in cases concerning interracial sexuality and rape in the Danish West Indian courts.

The notion of ‘voice,’ while slippery, points to the interpretative practices developed among enslaved Africans and their descendants as they confronted the harsh world of Atlantic slavery. It allows us to think about how “slaves saw themselves and their world.”¹³ Therefore, it suggests how enslaved men and women confronted the repressive epistemologies developed collectively by a variety of European agents, including slave traders, owners, overseers, doctors, missionaries, travelers, scientists, and colonial judges. Employed in this way, voice as a metaphor signifies an attempt to embrace the myriad ways by which enslaved men and women made sense of their lives in bondage.¹⁴ Or, put another way, historians talk about voices as a means of reconstructing the historical subjectivities of enslaved people.¹⁵

The reconstruction of slave voices, then, is intimately connected to the study of enslaved men and women as subjects with a specific sense of self as both individuals and as members of communities, or, in the words of Michel-Rolph Trouillot, “as subjects, that is, as voices aware of their vocality.”¹⁶ Yet the subject as a concept is twofold. On the one hand, the subject is conditioned by his or her subjection to others; on the other hand, she or he has experiences, knowledge, and the ability to perform a certain degree of self-definition. Although these aspects of subjectivity are intertwined, the idea of the enslaved voice emphasizes the self-constructive element of subjectivity.¹⁷ Sally’s experiences on Bonne Esperance Estate in 1799 were shaped by the regime of racial slavery that undergirded plantation production in St. Croix. Sally’s husband, Leander, was the estate driver. She — as many other women in St. Croix — worked in the cane fields, and their conflict about Leander’s second wife was shaped by their different positions on the estate. However, when Sally appeared in Christiansted Lower Court in 1799, she portrayed herself as a woman who was rightly upset by her husband’s illicit behavior; she did not, that is, explain herself through reference to her position as an enslaved Afro-Caribbean.

Although I emphasize the contributions made by enslaved Africans and Afro-Caribbeans to legal proceedings, at times at the expense of focusing on elite legal discourses, it is clear that the voices raised by the enslaved in the Danish West Indian courts were shaped in multiple ways by the legal setting in which they emerged. The complicated representational processes involving enslaved Africans and their descendants in the Atlantic world have also been noted by literary scholars concerned with autobiographical literature, such as the works of Olaudah Equiano, Ottobah Cugoana, and Mary Prince, ex-slaves who wrote in the late eighteenth and early nineteenth centuries.¹⁸ These authors were, in different ways, participating in the development of abolitionist discourses and have

been understood as “[i]mpossible witnesses,” a phrasing which clearly warns us against assuming that slave testimony mirrors the realities of slave life.¹⁹ Indeed, it is important to note that the notion of voice, and the interpretative results it generates, cannot readily be understood as a shortcut to the perspectives of enslaved men and women. Nevertheless, it may bring us closer to the worlds of enslaved men and women than we would have been if we ignored the concept altogether.²⁰

Enslaved men and women told stories in the courts of Christiansted in St. Croix, and, taken together, these stories — a notion I use to disengage slave testimony from its tenuous relationship to the events and episodes it presumes to describe — allow us to reconstruct the narrative practices that emerged among many enslaved men and women in St. Croix during the hundred year period from the mid-eighteenth to the mid-nineteenth century. Understood as such, *Slave Stories* may be considered one chapter in a troubled history of ideas of enslaved men and women in the Danish West Indies. It draws us closer to the hopes, fears, and desires entertained by enslaved men and women in the Danish West Indies, to their views and opinions, and it seeks to establish some of the ideational horizons entertained by slaves as they sought to find their feet in the harsh world of Danish West Indian slavery.

In the Danish West Indian courts, as in a number of other courts in the Caribbean and the wider Atlantic world, enslaved men and women were heard and their statements were recorded. It is from this observation that *Slave Stories* sets out to explore how and why slaves’ statements were recorded and in what way slaves’ statements in the Danish West Indian courts can be understood to contain their changing, gendered stories.



In *Slave Stories*, I use the terms African and Afro-Caribbean to designate people born in Africa or people of African descent born in the Caribbean. I have often preferred these terms to, for instance, ‘blacks’ since they underline the processes of dislocation and relocation that conditioned social existence for enslaved people in St. Croix. Nonetheless, it is not always possible to distinguish people born in Africa from those born in the Caribbean for which reason I often use both terms. In contemporary Danish West Indian texts, enslaved people were mostly described as ‘*negere*’ and ‘*negerinder*’, ‘negroes’ and ‘negresses’, and in the pages that follow I maintain this usage in translations of contemporary texts. As I have been less interested in the shifting identity of Europeans and Euro-Caribbeans in the

Danish West Indies, I mostly describe them as white West Indians, or Europeans and, if relevant, as Danes.

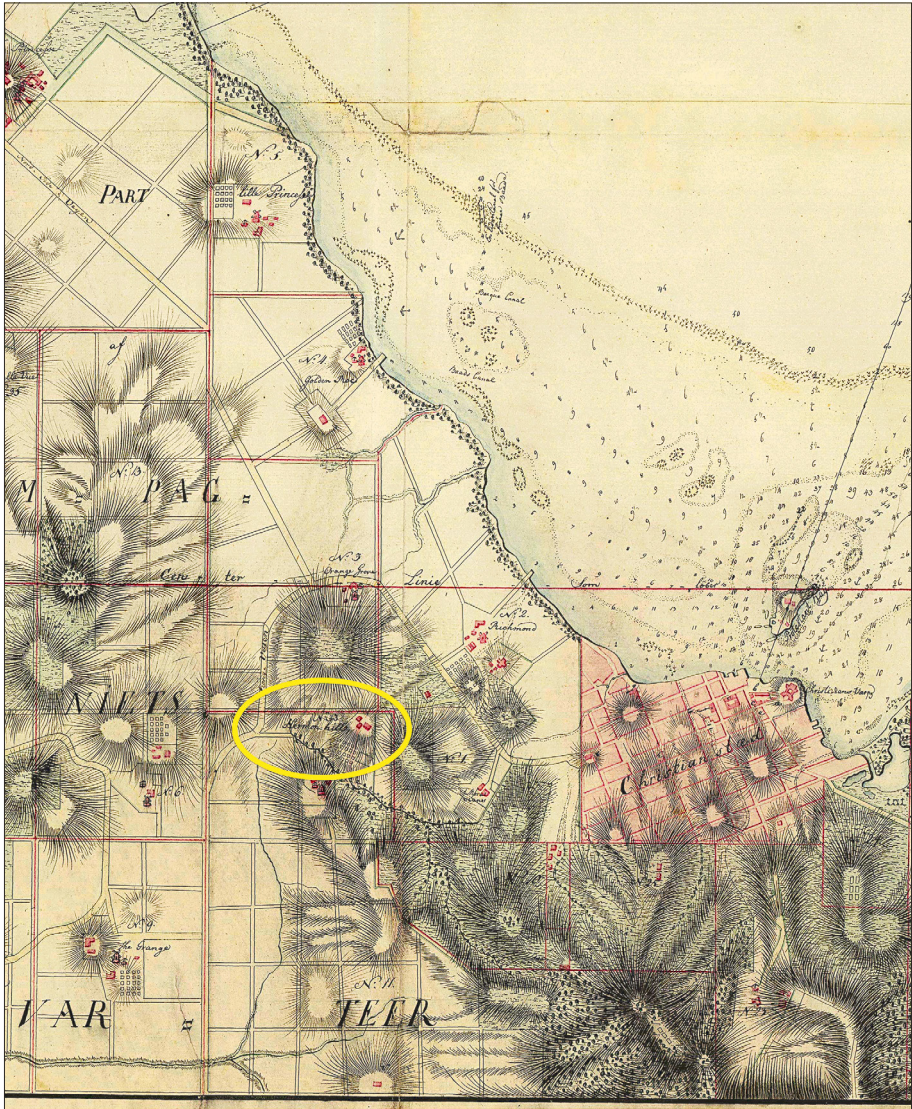
Translations from manuscript sources and other Danish language texts have been completed by me unless otherwise noted. In the eighteenth and nineteenth centuries, Danish texts were often composed of long and convoluted sentences. In my translations I have not attempted to completely remove this structure. Instead, I have often opted for a textually close, but occasionally inelegant translation.

CHAPTER 1

The Many Gendered World of Slaves and Judges

In 1828, Thomas, driver on Hermon Hill Estate, west of the town of Christiansted in St. Croix, found his horse dead, hanged in the bush. Judge Frederiksen of Christiansted Police Court investigated the incident, and, after some time, the enslaved man Limmerich emerged as the main culprit. According to witnesses, the dispute began because Thomas had rebuked Limmerich for having two wives. Following this incident, Thomas' horse was killed. During the trial, a slave witness established Thomas as an advocate for Christian ideals on Hermon Hill. Thomas disapproved of polygyny, referred to the Christian God in conversations with his underlings, and strove to settle the conflict with Limmerich quietly. In contrast, Limmerich, one witness related, failed to behave "as a man" and hanged the horse instead of confronting Thomas directly.

Yet other witnesses related that Thomas and Limmerich had been involved in a fierce obeah battle regarding masculine authority. The concept of obeah had probably arrived in St. Croix from the British Caribbean during the late eighteenth century. Obeah covered a "complex of shamanistic practices derived from various parts of Africa," yet Danish observers, as well as other Europeans, found it notoriously difficult to define.²¹ During the investigation of the conflict between Thomas and Limmerich, one witness brought a bottle with a yellow fluid to the court and explained that Limmerich used this "obeah" to strengthen himself. Another explained that Thomas spoke with "arrogance," threatening to "cool" Limmerich — a term that in other cases was used by slaves to describe the calming influence of obeah on aggressive managers and overseers.²² These witnesses emphasized that one of Limmerich's wives had encouraged him to behave as a "man" and refrain from implicating others in the killing of the horse even if he was to be hanged. While none of the slaves of Hermon Hill explicated the meaning of the hanged horse (an act that could be understood as an elaborate form of shadow catching, an obeah ritual known throughout the English-speaking Caribbean in



Detail of map of Christiansted and surrounding estates, by Peter Lotharius Oxholm, 1778. The yellow circle shows Hermon Hill Estate, just west of Christiansted town (courtesy of Rigsarkivet, the Danish National Archives).

which objects symbolizing death were employed to catch souls and cause death), they referred to ideals of manliness and marriage to explain and understand Limmerich's acts.²³ And, as the depositions show, Hermon Hill's slaves did not agree on what proper marital life should look like, and they certainly did not agree on how men should handle their intimate affairs. Some argued that Christian ways were manly; others saw masculine behavior primarily in connection with African-Atlantic spiritual forces.

The depositions made by the slaves of Hermon Hill point to the overlapping and competing gendered ideals and practices that shaped the encounter between enslaved men and women and judges in the Danish West Indies. However, the trial prose in the case against the slaves at Hermon Hill also illustrates that the gendered stories crafted by enslaved men and women cannot be understood as transparent descriptions of the events under scrutiny. Judge Frederiksen found it extremely difficult to obtain any information about the case. Therefore, he ordered that provisions be withheld from the estate's slaves; he also ordered the flogging of some of the witnesses — a decision that, as we shall see, broke with normal procedure in the 1830s. Hungry, perhaps starving, and injured, some of the enslaved deponents may have shaped their testimonies to satisfy Frederiksen's need for knowledge.

Nonetheless, in the trial proceedings against Limmerich, slaves and judges juggled narratively with several gender regimes. Ideals of Christian monogamous marital life, African elite traditions of polygyny, African-Atlantic spiritual regulation of slaves' intimate affairs, *and* Judge Frederiksen's belief in the wild and unregulated nature of African sexuality can all be read in the layered depositions recorded by the court scribe in 1828. In this way, the investigation of a dead horse brought the many gendered ideals that circulated in the harsh world of Danish West Indian slavery in the nineteenth century to Christiansted Police Court.²⁴

Slavery and Sugar in the Danish West Indies

In 1828, when the fight between Thomas and Limmerich was examined in Christiansted Police Court, St. Croix, the largest island in the Danish West Indies, which also included the islands of St. Thomas and St. John, had been a place of intensive sugar cultivation and production for many decades. Danish colonization had begun in the late seventeenth century, resulting in the colonization of St. Thomas in 1672 by the Danish West India and Guinea Company. Later, in 1718, St. John was occupied, and, in 1733, St. Croix was bought from the French. In 1754-55,

the Danish-Norwegian double monarchy (reduced to a Danish monarchy after 1814) took over the Danish West Indies and established an institutional structure, including a legal system, that resembled similar institutions in Denmark.²⁵ In 1848, slavery was abolished after a successful uprising in St. Croix. The islands remained Danish colonial possessions until they were sold to the United States of America in 1917.

The Danish West Indies was a cosmopolitan place in the eighteenth and nineteenth centuries. Europeans and Africans from all over the Atlantic world crowded the islands and ensured that a single insular, national tradition would never dominate island life. This was, as historian Neville Hall has argued, an “empire without dominion.”²⁶ The Danish state could not settle its colonial possessions with its own subjects and therefore Danes and Danish culture were never dominant in the islands. White society included people from England, Scotland, Ireland, the Netherlands, France, the German principalities, and Denmark-Norway, yet English-speakers came to dominate island life from the mid-eighteenth century onward, when St. Croix, an island of eighty-five square miles, developed into a full-blown sugar island.²⁷

From the mid-eighteenth to the early nineteenth century enslaved Africans were imported in large numbers to support the expanding sugar estates in the Danish West Indies. Africans arrived to the islands from other Caribbean islands and from the long West African coastline stretching from Senegambia to Angola. In 1755, the land in St. Croix had been parceled out and most had been sold.²⁸ Now estate owners began to consolidate their properties. Many turned from cotton production to sugar, and they bought more land and more slaves.²⁹ In the 1750s, Danish sugar planter Reimert Haagensen, who lived in St. Croix from 1739 to 1751 and initially held a position as a government bookkeeper, estimated that an ideal sugar estate would need about fifty slaves; around 1800 such estimates had grown to one hundred.³⁰ These numbers were ideals and most estates had fewer workers. In 1792, 70 percent of the 197 estates in St. Croix had fewer than one hundred slaves, while 25 percent had between one and two hundred, and very few plantations, such as La Grange with 288 and Princesse with 397 enslaved workers, had more.

Danish West Indian estate owners, particularly those in St. Croix who engaged in sugar production, imported enslaved Africans to labor on their plantations and provide a broad range of auxiliary services in Christiansted and Frederiksted, the urban centers of the island. From the mid-eighteenth century to the turn of the century, the purchase of enslaved Africans resulted in an average yearly increase in the slave population of 3 percent, with numbers growing from approximately 15,000 in 1755 to 35,000 around 1800, despite high mortality. Slave trading was

particularly intensive in St. Croix with its expanding production. Three years after the purchase of St. Croix, in 1736, 137 enslaved people lived on the island; in 1743 the number had grown to 1,700 and continued to grow until the 1770s when the population had reached 23-24,000 individuals. In the last decade of the eighteenth century, slave auctions were expanding and sales were again increasing. This late eighteenth-century increase was, ironically, caused by the royal edict of 1792 that abolished Danish participation in the transatlantic slave trade by 1803. The edict specified a ten years grace period during which the state would subsidize the purchase of slaves, particularly women, while also removing the head-tax for female field laborers. As a result, the slave population of St. Croix grew to approximately 27,000 men, women, and children in 1804.³¹

Abolition changed, but did not ease, conditions for enslaved Africans and their descendants on St. Croix's plantations. The soil began to show signs of exhaustion and international sugar prices fell rapidly after the Napoleonic wars of the early nineteenth century. Between 1800 and 1848 sugar production fell by approximately 30 percent in St Croix, while the enslaved population declined by about 40 percent. Yet the size of land planted with cane shrank by merely 10 percent in the same period, a sign that enslaved men and women now had to work harder to sustain production levels. Meanwhile, they faced heavily indebted masters who, haunted by the prospect of bankruptcy, had little reason or ability to improve the lot of their workers. Indeed, the number of estates in St. Croix fell from 181 to 132 in the first half of the nineteenth century. Some estates became part of larger plantations, and slaves risked being moved to a different section of the property; other estates were turned into less labor-intensive cattle pens, a decision that presumably caused indebted owners to move or sell estate slaves.³²

The volatile sugar economy and the horrendous conditions on St. Croix' plantations ensured that demographical decline continued after the abolition of the transatlantic slave trade in the early nineteenth century. Loved ones, husbands, wives, children, kin, and friends died because of crippling work, undernourishment, and the aggressive disease environment of the West Indies. Although death had been an enduring element of slaves' daily lives, a condition that shaped both experiences and dreams, in the eighteenth century, the way in which death shaped life changed in the nineteenth century. Now high death rates, for the first time, resulted in a steady demographic decline because new Africans no longer arrived to replace those who died. The enslaved population in St. Croix fell from about 27,000 in 1804 to about 16,700 in 1848. Presumably, it became even harder to replace lost loved ones and partners. There were simply fewer and fewer people with whom enslaved men and women could create bonds of affection.³³