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## *Postabolition Convict Labor in Saint Barthélemy*

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### Abstract

Prior to the abolition of slavery, the colonial administration of Saint Barthélemy instituted a system of convict labor for convicts of minor crimes, intended to institute labor discipline as well as reducing the cost of clearing up public lots. In accordance with this system, a person who could not pay their fine would have it converted to convict labor for a period ranging from a week up to a year. While this system was inspired by other legal systems of labor discipline on nearby islands, in particular St Kitts, in St Barthélemy it operated under different circumstances, due to the lack of plantations. Even if it was ostensibly intended to support a struggling economy and reduce public expenditure, it primarily functioned to enforce social structures between classes and races through largely unproductive labor tasks.

### Keywords

Caribbean – Saint Barthélemy – convicts – labor – abolition – history

On December 10, 1845, the council of the Swedish colony of St Barthélemy met to discuss the business of the day. The fifth point on the agenda concerned the general state of cleanliness in Gustavia, the port town of the colony. The vice fiscal Samuel Augustus Mathews had already sent a report in September commenting on the state of the roads, and how weeds and bushes were growing on the streets and in public places. There was also a growing problem with

wild pigs wandering the streets, creating a general health problem. Since not all members of the council were present, as elected member Theodore Labastide was traveling, it was unable to make a decision at that moment but directed the aldermen to come up with a solution. There was a major roadblock, however, as public work required public funds. St Barthélemy's money supply was hard pressed, as trade with the island had been decreasing steadily for decades. Even if the state were to use the labor of enslaved people, as it had done in past construction efforts, the owners of the enslaved people would have to be compensated. Furthermore, the abolition of Swedish slavery was already on the horizon, so enslaved labor was at best a short-term solution.<sup>1</sup>

Immediately after the question was postponed until the next session, the governor and president of the council, James Haasum, came up with the idea of using convict labor.<sup>2</sup> Under the current system, those committing minor offenses were fined, but if the offender could not pay the fines, these would be converted into a term of imprisonment. If the fines were instead converted into manual labor, it would make the punishment more effective, save the money spent on passive imprisonment, and provide a steady labor force for cleaning the roads. The council was in complete agreement, although taking this decision would also have to be postponed, since Labastide was not present. Judiciary and secretary Carl Ulrich took on the responsibility of drafting a proposal for the next session. The system he would later present would prove to be controversial, inefficient, and subject to both internal and external criticism, but it would remain in use for the rest of the colony's Swedish history, eventually becoming the primary form of punishment for petty crimes.

In this article, I will examine the creation and implementation of, and changes to, convict labor in Gustavia from 1846 to 1870, as well as comparing it to similar contemporaneous systems of convict labor in the Caribbean. The article will thus increase comprehension of the postabolition situation in St Barthélemy and how racial hierarchies were understood and contested after slavery. In addition, it will underscore how using convict labor as a tool

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- 1 Fonds de Saint Barthélemy, Archives Nationales d'Outre Mer, Aix-en-Provence, France (hereafter FSB), vol. 130, 290–95, § 5–6, council minutes, Carl Ulrich, December 10, 1845, <https://swecarcol.uu.se/view/18624>, accessed April 3, 2025. The emancipation of the enslaved had been decided in the Swedish parliament earlier in 1845. See Pålsson 2011:36–45. The role of vice fiscal was essentially a combination of public prosecutor and chief of police in the colony.
  - 2 I will use the term 'convict labor' throughout this article, but I am aware that there are several other terms, such as prison labor, hard labor, or penal labor, that have been used in this context historically as well as in current historiography.

for enforcing class and race discipline was an interimperial practice, at times superseding the potential financial gains, despite ostensibly being motivated by them. Labor ideology, the protection of private property, and racial and class hierarchy were all motivations for this system, entangled together in a manner that is difficult to unpick. What I argue is that, of these motivations, the most consistent explanation for why the convict labor system continued to function was to enforce public displays of labor by a racialized, although not exclusively Black, lower class, which was perceived as a group to be idle, unproductive, and immoral.

St Barthélemy was a Swedish–Caribbean colony from 1784 to 1878, where free trade had created a sizeable population and provided a steady source of income during the Napoleonic Wars, as well as the War of 1812. The small size and rocky terrain of the colony made plantations impossible. Instead, the enslaved in the port city of Gustavia worked mostly as sailors, porters, service workers, and other forms of urban labor, while the enslaved in the countryside worked in small-scale and subsistence farming. For most of the colony's history, the population consisted of one quarter Whites and one quarter free people of color, while half of the population was enslaved. Recent historiography has reexamined the colonial history of Sweden in the Caribbean, and in particular the history of Swedish slavery and participation in the transatlantic slave trade. While many questions about Swedish slavery remain unanswered, Swedish–Caribbean postabolition historiography is almost nonexistent. While the lax attitude and few questions asked by the colonial administration created the opportunity for South American privateering during the 1820s, St Barthélemy did not sufficiently attract trade after 1830 and saw a steady shrinking of public expenses and administrator salaries to compensate for the diminishing income. As trade decreased, so did job opportunities, and many left the island. In 1847, slavery was abolished, and the freedom of the last enslaved people was bought by the Swedish state. Afterward, the colonial administration had to find a way to support public work, despite having almost no money to spare. The introduction of convict labor enabled the Swedish administrators to continue the governance of St Barthélemy. Additionally, convict labor was ideologically tied to a racial understanding of labor and helped to enforce the racist hierarchy of the colony in the postslavery environment.<sup>3</sup>

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3 For more on Swedish slavery, see Thomasson 2022 and Wilson 2016. South American privateering is also explored by Vidales 1988 and Mulich 2020. The current key literature on the post-1847 history of St Barthélemy is Hellström 1987.

## 1 New Systems of Labor

Labor and production were central concerns in the colonial Caribbean, since the *raison d'être* for the colonies was the production of sugar, coffee, and other consumption goods. Since slavery was essentially a system constructed around this production, the emancipation of enslaved people meant a fundamental reorganization of the structure of society. This reorganization was done in several ways but almost always retained hierarchical labor systems which served to keep formerly enslaved workers at their workplaces. In sugar-growing colonies such as Martinique, planters and formerly enslaved workers had to negotiate a form of labor which was not forced, leading to the establishment of a sharecropping system known as *contrats d'association* (Tomich 2004). In the British and Dutch Caribbean, apprentice systems were developed to ensure a steady supply of labor (Butler 1995; Heuman 2023). Labor conflicts arose in many colonies even after abolition, including the large-scale Fireburn revolt in the Danish West Indies in 1878. An antivagrancy law was instituted in the Danish West Indies in 1853, under which vagrants could be punished with compulsory labor, with the express intention of tempering the natural “idleness” of Black people.<sup>4</sup> Ideas regarding emancipation were, however, far from simply economic; rather, they relied on social and cultural norms from within slave society, which tied into ideas on bodies, gender, and the maintenance of a racial hierarchy as an end unto itself (Lambert 2005).

One of the ways to reinscribe labor discipline was through convict labor. Kelvin Santiago-Valles has shown how during the nineteenth century several parts of the Greater Caribbean turned to convict labor as both a means of disciplining the population and compensating for changing material conditions. In the peripheries of French Guiana, Puerto Rico, Jamaica, and the American South, the use of convict labor was not only frequent but also much harsher in how it was imposed than in their core counterparts. The combined factors of the 1848 abolition of slavery in the French Empire and the discovery of gold in Guiana led to a rapid expansion of convict labor. In Puerto Rico, “[a]fter 1842 convicts sentenced to hard labor at public works rose to approximately two thirds of all prisoners” (Santiago-Valles 2016:86).

Diana Paton's *No Bond but the Law*, which explores postabolition penal reform in Jamaica, shows how the new application of punishment at times sought to move away from corporal punishment toward labor, on the path

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4 Christensen 2023:335–38. For more on the Fireburn revolt, see Belle, Navarro, Sewer & Yanique 2019 and Tyson 1995.

toward larger societal reform, but at times retreated to previously used forms of public punishment. This uneven development was not unique, yet it demonstrates how penal reform was deeply tied to local concerns regarding labor and idleness and was not simply the delayed application of modern penal practices from Britain. In a retrospective, Jonathan Dalby also contextualized this within the 1850s' cholera epidemic, as well as fears of sexual perversion. Disease and crime were seen as two outcomes of an idle working class from the viewpoint of the rulers.<sup>5</sup>

João Gabriel similarly highlights how prisons and debates regarding penal regimes anticipated the abolition of slavery in the French Caribbean. According to Gabriel, prisons were considered institutions capable of creating a new Black working class in order to promote morality among the enslaved population, which had previously been considered amoral. A major contention between the planters and the state was whether the workers should be given corporal punishment, which would retain the laborers within the plantations, or imprisonment, where their labor would be directed toward improvement of public spaces. It is also clear that the French Empire looked on the British Caribbean apprenticeship route as a cautionary tale, yet it had similar notions about imprisonment as a reformatory force (Gabriel 2021).

Paton's study of postabolition penal regimes is well-aligned with many of the elements of this article, and readers familiar with *No Bond but the Law* will no doubt recognize similarities. It is also reasonable to assume that the Swedish colonial administrators were inspired by other Caribbean regimes in their designs and ideas. This aspect is also one which highlights how the Swedish Caribbean has to be understood as part of a larger interimperial network. While previous analyses by both Paton and Santiago-Valles, as well as the work by Gabriel, have highlighted the relationship between the colony and the metropole, the Swedish metropole was not involved in the postabolition convict labor system at all, neither promoting nor denouncing it. Instead of understanding it in relation to Swedish penal reforms, it should be understood as a local adoption of Caribbean systems and exchange of knowledge.

This was the case for several administrative systems, such as the council system, which was adopted from the Dutch St Eustatius, as well as the first interconfessional church in Swedish history. The penal system for enslaved and free people of color was directly inspired by, if not copied from, the Code Noir of Martinique, which has been thoroughly explored by Fredrik Thomas-

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5 Dalby 2011; Paton 2004. See also Paton's response (Paton 2011), as well as the contextualization and critique of Paton provided by Newton 2011.

son. Yet, like all systems, it had to be adapted in order to function. The law of St Barthélemy thus became an amalgamation of Swedish law, the Code Noir, and local ordinances. Jeppe Mulich has described the Lesser Antilles, from the perspective of the Danish West Indies, as an interimperial microregion, with intense exchanges of people, goods, knowledge, and information across the imperial borders. Such a framework has to be applied to penal systems as well. The relationship between St Barthélemy and the metropole was complex but generally consisted of disinterest from Stockholm, especially after the colony was no longer profitable. The fraught social relations of Caribbean society and the illicit trading culture of St Barthélemy meant that Stockholm preferred to leave governance to the colonial administrators, who looked to their neighbors for new guidance (Mulich 2013; Pålsson 2016; Thomasson 2016).

In terms of comparison and inspiration, the officials of St Barthélemy would rather have looked to St Kitts than Jamaica or Barbados. St Kitts was very close to St Barthélemy, with only around 50 km of ocean between them, and many immigrants to St Barthélemy came from St Kitts. More than this, there is much to suggest that these islands had close connections in terms not just of seafaring but of cultural and political exchange as well. There are several examples of merchants who were opposed to the Swedish administrators publishing critiques or gossip in the St Kitts newspapers, knowing that they would be read in St Barthélemy. This is not to suggest that the two islands were identical, nor that it was the only form of colonial knowledge the Swedish administrators received; rather, it is to state that when the convict labor system was implemented in St Barthélemy, the similar system in place in St Kitts was an explicit point of comparison.<sup>6</sup>

St Kitts is not as prominent in Caribbean historical research as, for example, Jamaica or Barbados, but the island's postabolition history was just as dramatic, if not more so. Due to the fact that the nearby island of Antigua had decided not to institute an apprenticeship system, the emancipated workers on St Kitts decided that they should not be subjected to such treatment either. This led to a strike the day before the abolition of slavery, which spread to Dominica and Trinidad. While the colonial administrators suppressed the strike, and the apprenticeship system eventually ended early, there was still

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6 Pålsson 2016:197. It should be noted that there were many other forms of information exchanges between St Barthélemy and for example Martinique, St Eustatius, and many other nearby islands, which may very well have informed the conception of labor for the colonial administration as well.

a clear demand for labor in the sugar plantations. Laws were instituted to coerce laborers to work and suppress vagrancy.<sup>7</sup>

Such governmental systems and popular developments were no doubt observed by the Swedish governor and administrators of St Barthélemy. Yet some aspects were lost in translation. The legislation regarding postabolition labor in St Kitts and many parts of the Caribbean concerned the fundamental question of how to save sugar harvests and enable the sugar economy to survive this shift in labor relations. Yet the Swedish Caribbean differed significantly from other Caribbean islands: it had no sugar plantations. The economy of Gustavia was almost exclusively based on neutral or illicit trade, and it had no significant ability to change this. Therefore, the use of convict labor in St Barthélemy cannot be understood as a way to boost the diminishing labor supply, since there was already little to no demand. Instead, the use of convict labor has to be recognized in terms of its social function, as a means of strengthening the social hierarchy, where the form and language of this strengthening utilized the language of labor. That it occurred simultaneously to the abolition of slavery should therefore not be considered a coincidence but, rather, as indicative of the need to retain racial differentiation. Anne Ulentin has examined the penal regimes of the Bahamas, which similarly had no sugar colonies. She contends, however, that there was a need for labor postabolition and that convict labor in, for example, public works did significantly offset prison expenditures; she also notes that the penal regime, despite the lack of sugar colonies, was similar to that which existed in other parts of the British Caribbean (Ulentin 2021, 2022).

As we continue our analysis, the convict labor system in St Barthélemy should be considered a local Caribbean creation, inspired by the surrounding labor regimes. However, because it was applied to an environment which did not have the pressing need for labor that the surrounding sugar colonies did, it should be seen as a system for enforcing racial hierarchy using the language of labor. We will also see, however, that this system was not universally accepted but was challenged and negotiated by several elements of colonial society, including the Swedish governor James Haasum.

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7 For more on the apprenticeship system in St Kitts and the strategic control of labor, see Heuman 2000:36–44 and Shelton 1995. Governor James Haasum reported of the “esprit d’insubordination” in St Kitts to Stockholm. See Governor’s report, August 1, 1834, FSB, vol. 125, 332, <https://swecarcol.uu.se/view/20283>, accessed April 3, 2025. See also Ahlman & McKeown 2022 and Dippel, Greif & Trefler 2020.

## 2 Instilling a Spirit of Industry

On February 7, 1846, Carl Ulrich submitted his observations on convict labor. From the beginning, it is clear that Ulrich considered the colonial nature of Gustavia, specifically the racist perception of the Black population, to be a crucial component in the justification of convict labor.

I consider that more more [*sic*] so, to be the case with the lower classes, particularly those of the Negro race, whose manner of living or diet is not much if anything better than what is allowed prisoners in general, and who would, whilst in prison, only have an opportunity of gratifying their natural indolence, or disposition of living without working; for I scarcely think it can be denied that laziness is the greatest and most predominant fault of that race in general.<sup>8</sup>

Beyond race in and of itself, the physical climate was further considered a motivator, as Ulrich considered Caribbean food, grown in a hot, tropical climate, to be less substantial, and thus the difference between an ordinary meal for a worker and rations of bread and water was not as great as to create a disincentivizing punishment. Public work, however, would instead create a spirit of industry, as well as promoting health and morality and combating indolent habits. Ulrich's reasoning for seeing the racial hierarchy as somewhat malleable should be noted. While he considered "laziness" a clear characteristic of Black people, he did believe that the introduction of convict labor could alter this disposition.

There would also be economic benefits to its introduction, as labor for public works could be carried out for a lower cost and funded via the municipal coffers. Ulrich insisted that the punishment would not be harsher than what was aligned with "justice and equity." By this he meant that those who were not accustomed to manual labor but rather to "writing or sedentary occupations," due to their class in society, would be degraded by such a punishment, so it should be at the discretion of the court to ensure that any punishment was appropriate.

Ulrich proposed four different classes of convict labor, in accordance with the types of offenses committed. Each class had its own conversion rate of fines to punishment, with the first class being harshest both in the form of pun-

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<sup>8</sup> FSB, vol. 130, 322–23, Carl Ulrich, "Dictamen till Regeringskonseljens protokoll," February 7, 1846, <https://swecarcol.ub.uu.se/view/18637>, accessed April 3, 2025.

ishment and the time served, while the fourth class was the least severe. The first class of labor mainly concerned property-related crimes: “theft, forgery, burglary and other such crimes of a deeper dye and degrading nature which evince a great moral depravity.” The second class comprised violent crimes or crimes “proceeding from a violent, ungovernable temper,” such as assault or drawing weapons. These crimes were considered “not dishonorable & don’t show a debased mind or disposition.” One way to interpret this distinction would be that property-related crimes were more of a concern to the higher classes of Gustavia than violence, while another would be that theft showed a clear intent and planning, while a violent act was rather the inability to show restraint. Under first-class labor, the felon would be given three to 12 months of labor while imprisoned and in irons, while under second-class labor they could be given one to six months, imprisoned and with or without irons. Third-class labor, for minor offenses and misdemeanors, such as public drunkenness or sabbath breaking, would result in imprisonment for two to 12 weeks. Fourth-class labor would be considered appropriate for breaching police regulations or proper proceedings and would result in one to six weeks labor without imprisonment, which presumably meant that the convict could live at home and report for work details.

It should be stressed that all such punishments would only be given out if the felon could not pay the fine, but Ulrich believed it should also be considered an option for more serious offences. While the type of crime determined the class of labor, the value of the fine determined the length. Anything below \$10 would lead to three months labor for a first-class offense, one month for a second-class offense, two weeks for a third-class offense, and one week for a fourth-class offense. A fine of between \$10 and \$20 would lead to four months, two months, four weeks, or two weeks labor, respectively, and so on.

Previous discussions had suggested road maintenance as a potential task, but there was no specification in this proposal for what work would be performed according to which class. Ulrich did mention that the work should “as much as possible to be proportioned according to age, sex, strength etc. for instance in door work (if any can be had) to be given to females and young persons condemned for smaller offenses.”<sup>9</sup>

These reflections were read before the colonial council the same day, and were adopted, pending the approval of the king. It was, however, minuted that on the neighboring island of St Kitts, someone had been sentenced to three

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9 FSB, Vol. 130, 325–26, Carl Ulrich, “Dictamen till Regeringskonseljens protokoll,” February 7, 1846, <https://swecarcol.uu.se/view/18637>, accessed April 3, 2025.

months of convict labor for stealing just four pence. The minutes did not elucidate on this point, but it seems as if some council members were concerned about the proportionality within this system. It is also clear that they were comparing their system to that of a larger colonial legal system across imperial lines.<sup>10</sup> The matter of proportionality would, however, arise very quickly and lead to internal dissent regarding this new system, as the formerly enslaved man Henry was given a harsh sentence.

### 3 Henry

On December 17, 1847, Henry was put before the court, accused of stealing a fish trap. Henry stated that he had no other name, that he was 19 years old, born in Puerto Rico as a slave, and had for some years been working as a slave under Joseph Maurice Lédée in the countryside. He was bought free by the State on October 8 the same year as a part of the abolition of slavery and since then had been making a living doing odd jobs around the countryside to earn his rent. About a month prior, he had rented a boat to pick up herbs along Corosol, a beach on the west side of the island, and on the way found a lone empty fish trap. He had picked up the fish trap, brought it back to the harbor and sold it to the shopkeeper Magras. The owner of the fish trap, Mayer, had noticed Henry taking his fish trap, mentioned this to Magras, and brought the case to court.<sup>11</sup> Henry admitted to stealing the fish trap; he was ordered to pay 20 cents for the trap to Mayer and was fined another \$1.20 in fines, six times the value of the stolen property, as well as \$4 for not attending court previously as he had been sick. However, if Henry was not able to pay the fines, which given his status was likely, his punishment would accordingly be converted into convict labor. The punishment for stealing the fish trap would equate to three months first-class labor, which was doubled to six months, and one week fourth-class labor for failing to attend court.

At this point, a discussion emerged among the council members. Government secretary Uddenberg questioned the doubling of the punishment, or rather, the order of the doubling. Ulrich had relied on a royal decree that stated that punishment for theft with intent should be doubled, but he had first con-

10 FSB, vol. 130, 329–31, proclamation, February 7, 1846, <https://swecarcol.uu.se/view/18637>, accessed April 3, 2025; council minutes, February 7, 1846, 335–36, <https://swecarcol.uu.se/view/18638>, accessed April 3, 2025.

11 FSB, vol. 241, 95, report, November 23, 1847, <https://swecarcol.uu.se/view/36817>, accessed April 3, 2025.

verted the \$1.20 fine into three months convict labor, before doubling this punishment to six months. By contrast, Uddenberg had referred to the Royal Decree of June 10, 1841, which stated that when a person is imprisoned for theft due to not being able to pay the fine, the fine should be doubled, and that amount should be the basis for the punishment. Since the punishment for theft of goods to a value of less than \$10 was three months first-class labor, this should have been the allotted punishment.

The other members of the court—the elected members Richard Dinzey, A.S. Delisle, and Theodore Labastide—sided with Ulrich and the original ruling. Ulrich claimed that the Decree of 1841 only referred to imprisonment, and that convict labor should be considered corporal punishment, referring to the Royal Decree of December 20, 1737, in which the punishment was doubled, not the fine. In fact, he and the other members said that it was unfair that Henry could avoid punishment by paying the fine, and that this caused a difference between the rich who could pay for their freedom and the poor who could not. They reiterated that it was the nature of the crime and not the amount of the fines which should determine the punishment, and that the value of what was stolen was secondary to “the ability of the owner to care for their own and that the less such ability exists, the more the protective hand of the law must intervene.” Finally, they stated that the doubling of convict labor was in fact not as dramatic as the doubling of actual corporal punishment, as while whippings became harsher as they went on, the hardest time during convict labor were the first days, weeks, or months.<sup>12</sup> What was a simple matter of order, according to the definition of labor as punishment, would be the difference between three or six months of imprisonment and labor in chains. Were they to go by Uddenberg’s reasoning, in which the fine and not the sentence was doubled, Henry would have had to steal nine fish traps to be given the same sentence.

It does not take much to see the motivation behind the reasoning of Ulrich and the elected members. While the discussions took the apparent form of legal argumentation, the matter essentially boiled down to the protection of property and the need for strict punishment, even for petty theft. Even if one conceded that convict labor was a corporal punishment, and not a form of imprisonment, giving preference to the order of doubling provided in a royal decree which was more than a 100 years old over the scale written two years ago by Ulrich himself was hardly the most intuitive decision. Yet all three White

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12 FSB, vol. 241, 47–51, § 3, court minutes, December 17, 1847. Original quote: “än i möjligheten för egaren att sjelf vårda sitt och att desto mindre sådan möjlighet förefinnes, med desto starkare hand bör lagen till dess skyddande mellan komma.” <https://swecarcol.ub.uu.se/view/36814>, accessed April 3, 2025.

council members aligned themselves with this scale. There is also reason to believe that they wanted to punish Henry for not appearing before the court, choosing to interpret the law in the way which ensured the harshest possible sentence. Most of all, their decision seems to indicate that despite their stated belief that it would be unfair for Henry to pay his way out of convict labor, this was a form of discipline meted out by the previously slave-owning class against the newly freed.

Three days later, the financial council was in session. While in the court the judiciary was the president, here the governor attended as president, with just one elected member in attendance. However, Governor Haasum decided to call for a general council meeting, at which all members of the council were present, specifically to discuss Henry's case. Haasum began by clarifying that he did not question the court's right to judge *per se*, but that everyone had a right to speak their mind concerning the public record, and that he, along with many others, had been surprised by the court's verdict. He believed that while the court had indeed followed the law, the punishment should not "stand in such open contradiction to the demands of common sense and reason."<sup>13</sup> He restated the criticism that Ulrich had laid forth, that this punishment was indeed unfairly biased against the poor, and wondered why, if the crime deserved such a harsh punishment, Henry was given the option to pay it off at all? Finally, Haasum stated that, in order to fulfill its purpose, all punishment should have the support of the public, which, he assured the meeting, was not content with the court's verdict.

Ulrich reiterated the reasons for the verdict, which lay in the technical doubling of punishments. Haasum thus proposed a clarification to the law regarding the conversions and recommended that the members consider it before the next meeting. Uddenberg agreed with the governor and began a discussion concerning the murkiness of colonial law, as well as the many other issues he had with Ulrich. Ulrich, who was the secretary for the meeting, interrupted him and suggested that in order to not start discussions that would not lead to any practical outcomes, Uddenberg should put his thoughts in writing before the next meeting; with that, Ulrich struck the rest of Uddenberg's comments from the record. Uddenberg agreed but additionally asked for the amelioration of another case from March 1847, that of the formerly enslaved Thomas. Uddenberg, believing Thomas to have been unfairly punished by a sentence of convict labor with imprisonment, wanted him to be allowed to finish his

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13 FSB, vol. 130, 572, § 1, court minutes, December 20, 1847. Original quote: "ej borde stå i så öppen motsatts till sunda förnuftets och rimlighetens fordringar." <https://swecarcol.uu.se/view/19067>, accessed April 3, 2025.

sentence without being imprisoned. Haasum wanted to put this to a vote, but Ulrich and the other members claimed to not want to overstep the executive power of the governor, and while Haasum assured them they were not, he did not press the issue. Many opinions in the meeting seemed to be either unspoken, or simply not written down, due to Ulrich having the power as secretary. It seems clear, however, that the meeting ended tensely.

Two months later, on February 28, 1848, the council met again to discuss the matter further. Not much had changed since the last discussion. Ulrich accused Uddenberg of personal attacks and struck his opposition to Ulrich from the record. Governor Haasum proposed a new legal formulation with support from Uddenberg and opposition from Ulrich, Delisle, Labastide, and Dinzey. Ulrich's reasoning was no different from the earlier meeting, and it became clear that neither him nor the other elected representatives would budge. Despite Haasum's disagreement, he decided to accept the ruling and leave the law unaltered.<sup>14</sup> After a lifetime of enslavement, Henry was given a taste of freedom for two months before being put in chains for half a year.

#### 4 The Corruption of the Lower Classes

As alluded to by Uddenberg, Henry was not the only person who had been given a harsh convict labor sentence in 1847. Two others, Thomas and George, were both given significant fines for theft on the same day, and these had been converted to sentences of first-degree labor for eight and 12 months respectively. George, originally enslaved under merchant Abraham Haddocks, was accused of stealing a pair of earrings and five hams from Haddock's warehouse. George admitted to stealing the items and said he had sold the earrings to Abraham Almeida, two of the hams to the neighboring tailor Catherine Aertsen, and two hams to an English ship in the harbor. The last ham was shared with his friends, without telling them where he had gotten it from. Aertsen's defense was that George had claimed to be selling the hams on behalf of a Danish ship and he was known to be of good character, as he was often left alone in Haddocks's warehouse and entrusted with the keys. Haddocks and the prosecutor challenged this, however. They claimed that not only had the Danish ship in question left by the time she had bought the hams, but also that, since she lived close to the warehouse, she must have been aware that George was, in fact, of

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14 FSB, vol. 131, 7–12, § 7, court minutes, February 28, 1848, <https://swecarcol.uu.se/view/19167>, accessed April 3, 2025.

bad character. The value of the five hams and earrings, which was estimated by two goldsmiths, was calculated at \$15.62 and George was thus fined six times this amount: \$93.66. Since there was no possibility that he would be able to pay this amount, he was sentenced to eight months of convict labor. Had the hams been worth about a dollar more, he would have gotten a year's sentence.<sup>15</sup>

The other convict, Thomas, had previously been enslaved under the widow Portelly but was now working under toll inspector Gerhard Röhl. He had been suspected by the vice fiscal Samuel Augustus Mathews, who had noticed that "he had been seen with more money than persons of his class usually have."<sup>16</sup> After some investigation, it was shown that Thomas had taken two doubloons, worth \$16 each, and used them to buy shoes, a hat, and some fabric; he had spent the rest on clothes washing, baked goods, et cetera. Barkeep Jacques LaCadet, known as Bayonne, claimed that Thomas had bought a bottle of muscat wine, put the doubloon on the table and exclaimed "payez vous!" He had no accomplices, did not share the profit, nor had he been known to steal anything before or after this incident. However, the court noted that he had recently spent time with Arabella Bryan and Frank Flemming, two characters who also were known to be around "thieves and people of ill repute," and that Frank was known as "a gambler and a vagrant." On Thomas's conviction, the value of the goods was multiplied six times to \$192 in fines. If he could not pay this fine, he would have to serve one year of first-class labor, and if he could not replace the goods, he would have to repay the claimants in labor. The court then turned to the traders and merchants in the court and warned them to not accept payment from reasonably suspect people without ascertaining the origin of the currency, or to accept payment of any amount that was clearly more than the value of the persons assets, and to report any suspicions of such activities.<sup>17</sup>

In the cases of Thomas and George, we do not see the same level of absurd incongruity between the value stolen and the ensuing penalty, and it is understandable why Governor Haasum and Government Secretary Uddenberg did not react in the same way at the time. Despite this, their cases demonstrate how severely the court treated property crimes, even for petty theft. It is also clear how the morality of the "lower classes," and particularly the moral character of the accused, was a central point to establish in the court proceedings.

15 FSB, vol. 240, 402–6, § 8, court minutes, March 26, 1847, <https://swecarcol.uu.se/view/36684>, accessed April 3, 2025.

16 FSB, vol. 240, 422, S.A. Mathews, report, March 25, 1847, <https://swecarcol.uu.se/view/36684>, accessed April 3 2025.

17 FSB, vol. 240, 406–9, § 9, court minutes, March 26, 1847, <https://swecarcol.uu.se/view/36684>, accessed April 3, 2025.

The court was concerned that misbehavior among some members of a class might spread, almost as if through contact. To illustrate this, let us turn to the example of Julian Closs.

On the evening of January 23, 1848, the White man Julian Closs left the Methodist chapel and met with Joseph Abbot, a young, mixed-race sailor of 17 years, who had been born on the island. Closs picked up a violin and a guitar and went with Abbot along the wharf. Closs was stopped by Abraham Simmons, who called out to him to play a march. As Closs handed the violin to Simmons and picked up the guitar, a string broke on the violin. While Simmons attempted to mend the violin, Closs became annoyed and started to push him. The shoving soon erupted into a shouting match and eventually a fight, where they wrestled each other to the ground. None of the witnesses could come to a clear understanding of what had happened, nor if it was late enough not to be a breach of the sabbath, but ultimately both Closs and Simmons were fined \$ 7 for a mutual assault.<sup>18</sup>

One month later, vice fiscal Mathews reported that Closs had still not paid his fine, and he wondered what the punishment should be in case he never did. After some discussion, the court decided that “while Closs through his behavior at this time and possibly in general could be considered to have assimilated himself with and denigrated himself to equality with the lower classes, he was through birth and education superior.” Therefore, converting his fee into labor would be unnecessarily harsh and humiliating for him, for a crime which the court did not consider to be of the “morally degraded kind.” Uddenberg added that it would be especially humiliating for his family. Therefore, his penalty should not be commuted to labor but to imprisonment for four days. As Closs later paid the fine, this would not come to pass.<sup>19</sup>

While it is difficult to accurately assess the class position of anyone in Gustavia, the Closs family was not part of the wealthy merchant elite. When Julian Closs’s father, John William Closs, died in 1816, his mother was left with nothing more than their furniture and his debts and back rent.<sup>20</sup> The family can

18 FSB, vol. 241, 29–36, § 4, court minutes, January 28, 1848, <https://swecarcol.uu.se/view/36813>, accessed April 3, 2025.

19 FSB vol. 241, 284–85, § 1, court minutes, February 25, 1848. Original: “ehuruwäl Closs genom sitt uppförande wid ifrågawarande tillfälle och möjligtvis äfwen i allmänhet må kunna anses hafwa assimilerat sig med och nedsänkt sig till jemnbredd med de lägre klasserna, wore han dock genom börd, bildning och uppfostran dem öfwerlägsen” and “af en egentligen moraliskt degraderande art.” <https://swecarcol.uu.se/view/36833>, accessed April 3, 2025.

20 FSB, vol. 307, 254–58, inventory of John William Closs, December 21, 1816, <https://swecarcol.uu.se/view/8054>, accessed April 3, 2025.

be found in the 1846 census, where it is confirmed that they were White, that Julian was the only man of the household, and that they rented their house from the Portelly estate.<sup>21</sup> While it is not explicit from the court records, it is clear that it was Julian Closs's Whiteness which protected him and his family from the humiliation of convict labor. Imprisonment was considered to be less humiliating and more suitable as a conversion of punishment for his class.

This case is illustrative of the linguistic meaning of "lower class" in St Barthélemy at the time. While race was never explicitly mentioned, it seemed as if the court considered the time Closs spent with people of color and in the Methodist church, popular with many Black people in St Barthélemy, a larger concern than his assault.<sup>22</sup> There were certainly people of color who were wealthy, at least by the standards of St Barthélemy, who had achieved a certain class status in society, as well as poor Whites such as Closs. Intuitively, though, he and his family were considered outside the "lower classes."

This was how the system of convict labor and postabolition reforms reinforced racial hierarchy. While it could not explicitly favor one race over the other, the undefined understanding that there were two classes, which ostensibly were those accustomed to manual labor and those who were not, created a division of punishment which correlated largely, but not completely, with race. Just as some Black men had the opportunity to join the upper classes of administrators, merchants, and cultural elites, some White men could fall from grace and become day laborers, or worse, vagabonds. When Ulrich noted that convict labor for those outside the lower classes would be "degrading and infamous," it was because the punishment was a reaffirmation of one's class position.

The public nature of the punishment was central to the reasoning of the court. Dawn P. Harris has noted how several postslavery punishments in Jamaica and Barbados, such as public labor, whippings, and hair-cropping, were dependent on the gaze of outsiders to reinforce the separation of "the innocent and the elites from the laboring classes [...] as well as reinforce the socioracial organization of the plantation society" (Harris 2017:157). To be explicit, Julian Closs's family would have been degraded by him performing manual labor in public, as it would have indicated that he, and by extension they, belonged to the lower, implicitly Black, class. Legally, there was nothing

21 FSB vol. 293, 29, Lot 357, census of 1846, <https://swecarcol.uu.se/view/2202>, accessed April 3, 2025.

22 Hellström 1987:156. It should however be noted that between 1833 and the 1850s, the Methodist church was the only Protestant congregation on the island; see Hellström 1987:218–19.

which hindered Julian from being given the same punishment as Thomas and George, although not in irons, yet placing him as equals with them before the law was considered degrading.

In the coming years, this system would be challenged for its practical shortcomings, yet the understanding of the “lower classes” as morally contaminated would endure.

## 5 Jail Repairs and Cholera: The Convict Labor System in the 1850s

A few years after the establishment of convict labor, the council recognized that the system was not as financially well thought through as they had thought. A petition was sent from John Abbott, the jailer, wherein he asked for \$59 in backpay for his delayed salary.<sup>23</sup> The timing of this petition was understandable yet unfortunate, as a massive fire had recently swept through the south side of Gustavia, burning several properties and leaving families destitute. People from neighboring islands, such as St Kitts, St Thomas, and St Martin/St Maarten, as well as Sweden and the United States, had gathered funds and provisions to help the families. Yet it is clear that there was little extra to spare for Abbott’s salary, and even less to offer regular payment of future salaries.

This problem reflected an issue with the funding of the jail in general, and in particular, the prisoners. The food and tools for the prisoners should have been paid for from the municipal fund. However, previous payments had had to be paid from the town chest, meaning that the Swedish colonial government was fiscally responsible and not the colony itself. In committee, in response to the petition, Delisle, the president of the municipal committee, reiterated that the dreadful situation of the colony and the poor status of its citizens meant that there were no funds to pay Abbott. Delisle added that “the self-supporting principle, on which the hard labor ordinance was founded had totally failed, from the difficulty in the absence of a proper overseer or superintendant [*sic*] of getting those condemned to such labor to keep steady to their work and the consequent unwillingness of individuals to hire them.”<sup>24</sup>

The future of convict labor seemed to be unclear only six years after its institution, yet it would survive. To resolve the issue of the underfunded municipal fund, the municipal committee of aldermen would suggest a taxation system

23 FSB, vol. 131, 166, petition from John Abbott, December 2, 1851, <https://swecarcol.uu.se/view/19219>, accessed April 3, 2025.

24 FSB, vol. 131, 161, §10, council minutes, March 26, 1852, <https://swecarcol.uu.se/view/19216>, accessed March 20, 2025.

to further fund municipal needs. The committee suggested the idea of imposing a tax on West Indian produce, such as rum, sugar, molasses, coffee, cacao and other products, but added in the end that they appointed A.S. Delisle to present the suggestion to the council “and to ask that the Law respecting the maintenance of certain classed prisoners be repealed.”<sup>25</sup> The council accepted the proposal, with the exception of repealing the convict labor resolution, since that had not been what was asked of them.<sup>26</sup> This response was in line with the Swedish colonial administration’s view of the elected council members and the specific committees. They were providers of contextual information and suggestions for practical applications but had no political power to enforce or change policy.<sup>27</sup> Despite the fact that the convict system was fiscally unsuccessful and generally unpopular, the colonial government held fast to this penal arrangement.

In order to understand the views on class in St Barthélemy, we can also look to the widespread cholera epidemic in the 1850s. Due to the spread of cholera in St Kitts, Nevis, and other nearby islands, several restrictions were issued on travel and shipping between islands. Besides travel restrictions, there were also announcements concerning public cleanliness, which largely implied that the lower classes were responsible not just for the unhealthy conditions but also for the lowering of public morality and an increase in crime. To address these issues, the council sent the aldermen of the island to inspect households: to make a list of household members, their ages, the length of their residence, and their professions, and, in addition, to assess the condition and cleanliness of the domicile and the behavior of the inhabitants.<sup>28</sup> A mandate was also imposed to create a cleaning force to assist property owners who did not have the means to clear shrubbery around their property. The aldermen were to put together a list of people whom they deemed fit for the job, and who would work under the aldermen’s supervision. If a person called on for labor could not or would not undertake it, they had to pay a fine equivalent to a day’s work, established as 26 1/3 cents. If they could not pay that, they would be fined \$5, which would be converted to a week of fourth-class labor.<sup>29</sup>

25 FSB, vol. 131, 190, committee minutes, May 22, 1852, <https://swecarcol.uu.se/view/19226>, accessed April 3, 2025.

26 FSB, vol. 131, 177, § 7, council minutes, June 3, 1852, <https://swecarcol.uu.se/view/19220>, accessed April 3, 2025.

27 For more on the political culture of St Barthélemy, see Pålsson 2016.

28 FSB, vol. 131, 291–93, § 4, council minutes, December 23, 1853, <https://swecarcol.uu.se/view/19248>, accessed April 3, 2025.

29 FSB, vol. 131, 280–82, § 3, council minutes, December 9, 1854, <https://swecarcol.uu.se/>

The relationship between cholera and crime rings true to the discussion between Paton and Dalby on how disease, crime, and punishment seemed entangled in a discursive thread. As Dalby noted, Dr. Gavin Milroy wrote in his report on cholera in Jamaica in 1850–51 that the idleness of the poorer population meant that they did not seek medical attention, allowing disease to spread. This idleness was exacerbated by intemperance and sexual deviancy, especially within prisons: “Moral and physical pollution very usually go hand in hand” (Dalby 2011:160). Improving moral health would thus improve physical health. The fact that Swedish Caribbean officials considered the same method for improving public health and reducing crime indicates a similar attitude toward the people of St Barthélemy. Even if they were not directly aware of Milroy’s writing, they believed that removing stagnant water and unkempt lots through enlisting the lower classes to labor would cleanse the island of both physical and moral pollution.

In the end, no one was convicted for not responding to this call for labor, although there is scant evidence that it was actually conducted.<sup>30</sup> It would seem pointless to not participate in it, however, since if you could not afford to pay for a replacement, the penalty for withholding labor was essentially more labor. There was, however, an ideological division, as we can see in the report, as the initial call was for “collective labor,” while the punishment was “hard labor.” While voluntarily participating in clearing bushes was framed as being part of a collective effort, doing so under duress was instead a punishment. The notion of “collective” meaning equally divided among the population should also be viewed with some suspicion, as the aldermen, who were part of the town’s elite, were permitted to choose who should be considered, and there was always the alternative of purchasing a replacement available to those who had even slightly more resources.

One of the major challenges for the new penal structure was the fact that the jail was falling apart. As early as 1847, Mathews had reported that the jail building was in such a bad condition that unless prisoners were chained, there was nothing to prevent them from escaping.<sup>31</sup> Seven years later, in 1854, he reiterated the claim, and further noted that the roof was leaking, all the floor boards

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view/19246, accessed April 3, 2025; proclamation, December 16, 1853, FSB, vol. 131, 294–96, <https://swecarcol.ub.uu.se/view/19249>, accessed April 3, 2025.

30 There were, however, four people in 1854 who were given a week of convict labor for absence from the fire watch. See inventory of converted fines, FSB, vol. 107, 512, December 31, 1854, <https://swecarcol.ub.uu.se/view/27179>, accessed April 3, 2025.

31 FSB, vol. 130, 506, report from S.A. Mathews, July 22, 1847, <https://swecarcol.ub.uu.se/view/19037>, accessed April 3, 2025.

were gone, and that a strong man could easily break open the window frames in order to escape. He had had to refuse ships' masters or agents who had asked him to arrest and jail four or five sailors, as there would be no way of keeping them in there.<sup>32</sup> A new jail was established in 1857, almost a decade after the abolition of slavery. As Paton states, postabolition there was a frenetic building of jails and prisons in the British Caribbean (Paton, 2004:19–25). There was a different reality on St Barthélemy. The financial limitations constrained the ways in which the new penal regime was established. Rather than resist this shift, convict labor was established and defended despite the material difficulty of keeping it running successfully.

## 6 Convict Labor in the 1860s and Mary Jane Johnson and Jeanette Abbott

When we examine the convict labor carried out, it is hard to find any concrete example of what work was actually performed, but there are some clues. If we look at the expenditures for prisoners in the colonial accounts, we can mostly see costs for food, but at times work equipment was also listed. For example, in December 1862, vice fiscal Mathews paid for “two cotton gins for the use of the prisoners” and 40 pounds of rope “for prisoners in jail (who could not work otherways) to pick oakum.”<sup>33</sup> Oakum was the name for the separated fiber strands of ropes, which were used as a caulking agent in ships. Picking oakum was essentially separating the strands of rope, which “left [prisoners'] hands bleeding, blistered, and covered with tar” (Barrett 1993:10).

This work was briefly discussed in 1865, when Mathews explained that due to some people being too old or otherwise unable to work, they were given the task of picking oakum instead of “ordinary work or cleaning of streets at the lots of the King or Crown.” However, due to the fact that oakum was now being imported from the United States to the Caribbean, the job of sorting oakum was in fact a net loss for the crown, since old rope was purchased at 7 cents a pound and oakum sold at 4 cents. Mathews was therefore advised to not give older convicts labor which would result in an expense to the crown.<sup>34</sup>

32 FSB, vol. 131, 322–23, report from S.A. Mathews, May 10, 1854, <https://swecarcol.ub.uu.se/view/19260>, accessed April 3, 2025.

33 FSB, vol. 113, 604, account for prison expenditures, January 14, 1863, <https://swecarcol.ub.uu.se/view/28090>, accessed April 3, 2025.

34 FSB, vol. 70, 405–6, minutes from financial council, June 14, 1865, <https://swecarcol.ub.uu.se/view/16887>, accessed April 3, 2025.

Other equipment included shovels, sledgehammers, hoes, cutlasses and knives for cutting grass.<sup>35</sup> Some expenses were also paid for the purchase of clothes and bedclothes. The majority of the expenses were, however, for food, which was accounted at 10 cents a day for adults and 5 cents for children. For example, from the expense report for January 1865, we can see that a woman, Penda, stayed with her two children in the prison for a month, and they were fed accordingly.<sup>36</sup>

When we examine the degree to which people had their sentences converted to convict labor, we can see two simultaneous trends. First of all, the peak in convict labor as a form of sentencing was in the 1860s, well after its establishment as a system. Most fines were converted into labor in the years 1862 and 1864, with 13 and 11 convictions converted respectively. It is not clear what the motivation was for such a high degree of conversions, as some years prior had seen practically no such punishments. Simultaneously, the conversion into prison sentences was also less common. From 1851 to 1860, 55 convicts who could not pay their fines were given prison sentences, while 29 convicts were instead allocated to laboring. Meanwhile, from 1861 to 1870, only three convicts had their fines converted into prison sentences, while 69 convicts had their fines converted into labor. This meant that convict labor became an increasingly common form of punishment overall, combined with people having increasing difficulty in paying their fines. It should be noted that the fines were not increased; rather, it was likely that the population was becoming increasingly destitute. In the 1850s, 15 percent of all petty crimes were given labor sentences, while in the 1860s, this had risen to 47 percent. Ironically, the number of convict laborers increased while petty crime decreased.

The different degrees of convict labor also changed over the years, with third-class labor eventually becoming the *de facto* form of convict labor. While third-class convict labor initially constituted 29 percent to 35 percent of all convictions, with second- and fourth-class convict labor being just as common, in

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35 FSB, vol. 113, 599, account for prison expenditures, November 12, 1862, <https://swecarcol.uu.se/view/28090>, accessed April 3, 2025; FSB, vol. 113, 597, account for prison expenditures, October 8, 1862, <https://swecarcol.uu.se/view/28090>, accessed April 3, 2025; FSB, vol. 113, 594, account for prison expenditures, September 10, 1862, <https://swecarcol.uu.se/view/28090>, accessed April 3, 2025; account for prison expenditures, February 12, 1862, <https://swecarcol.uu.se/view/28090>, accessed April 3, 2025; FSB, vol. 113, 580, account for prison expenditures, March 9, 1864, <https://swecarcol.uu.se/view/28090>, accessed April 3, 2025.

36 FSB, vol. 116, 505, account for prison expenditures, February 8, 1865, <https://swecarcol.uu.se/view/28090>, accessed April 3, 2025.

TABLE 1 Petty crime by punishment in St Barthélemy 1846–1875

	1st class labor	2nd class labor	3rd class labor	4th class labor	Prison	All
1846–1850	3	5	5	4	23	120
1851–1855	1	5	6	5	38	99
1856–1860	2	2	6	2	17	74
1861–1865	4	6	30	3	2	91
1866–1870	0	5	19	2	1	51
1871–1875	0	0	14	1	15	34

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the 1870s, third-class convict labor constituted over 90 percent. First-class convict labor, which was the harshest treatment, was eventually phased out, with the last two convictions for this occurring in 1864.

One could argue that this shift was the result of the changing nature of crime, but this is not true, at least not in the sense that people were no longer convicted of crimes defined as attracting the punishment of first-class convict labor. Rather, the definitional scale of what constituted the different class of labor changed, not in writing, but in praxis. Theft and other economic crimes, which Ulrich saw as signs of a disturbed mind, were instead often classified as third-class crimes. In this way, convict labor underwent a dual change: it became simultaneously less harsh and more common, both numerically and in relation to other convictions. Convict labor remained the most common form of sentence conversion in the 1870s, but by then crime had fallen overall, just as the population was continually decreasing (Pålsson 2023). Third-class labor went from comprising 4 percent of all punishments for petty crime in 1846–50 to 41 percent in 1871–75. It was still true, however, that perceived morality played a major role in deciding which type of convict labor was meted out. The last two people who were sentenced to first-class convict labor, the longest and harshest labor conversion, were Mary Jane Johnson and Jeanette Abbott.

In the first case against Jeanette Abbott and Mary Jane Johnson, from 1862, Abbott was 14 years old and Johnson, 17. Abbott lived with her mother, Margaret Greaux, who had sent her to the Roman Catholic school and tried to stop her from going out, but to no avail. Johnson had lived with her mother until the age of 10, after which she was raised by a Miss Caty, her mother having abused her. By 1862, Johnson was living with, and working for, washer Margaret Brookes. She had once written to her mother, who now lived in Antigua, to ask to stay with her, but her mother had said that she would kill her if she went there.

On the day in question, Abbott had stolen some clothes from Jane Almain: an underskirt, a shawl, and two napkins, estimated by the court to be worth about 50 cents. She went to Johnson and claimed to need to sell them for money for her mother, and that they were a gift, but Johnson recognized them as stolen goods. She did not want to take them but would hold on to them until Abbott could pick them up later. Once the crime was uncovered, Abbott was sentenced to corporal punishment to be meted out by her mother in front of the vice fiscal. Johnson was fined \$10 for being an accomplice to petty theft. If she was unable to pay, this would be converted to eight days in prison or one month of second-class convict labor. Johnson, who had no money, had to work off her punishment for a month.<sup>37</sup>

Two years later, Jeanette Abbott and Mary Jane Johnson were before the court again. Abbott was now 16 and Johnson 19, and they only seemed to have gotten closer after the events of two years earlier. They were tried for making noise and singing bawdy songs with three other women, attacking the woman Marie Claire in her house, and stealing a chicken. The chicken was, like the clothes from two years earlier, valued at 50 cents. However, their actions were now regarded as a first-class crime, and therefore they were both sentenced to three months of first-class labor, in addition to six weeks (for Abbott) and eight weeks (for Johnson) of third-class labor.<sup>38</sup>

The harshest penalty was undoubtedly given for the property crime, but the other crimes exacerbated the punishment. This was how the legal defense of property worked in tandem with notions of morality in St Barthélemy, as perception of the redeemable or irredeemable character of the convicted person informed the severity of the theft as much as the monetary value of the objects. As Ulrich had stated 18 years earlier, in 1846, the issue was not the value of the chicken, but the “great moral depravity” its theft betrayed. Their noisy behavior as women was also most likely a motivating factor for the stringency of the court. By the ages of 16 and 19, Abbott and Johnson were considered irredeemable and worthy of a harsh public punishment. As noted before, descriptions of convict labor are hard to find, but if we go by the Swedish code, they may very well have been the last two people in St Barthélemy who worked in chains.

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37 FSB, vol. 246, 394–400 § 7, court minutes, September 26, 1862, <https://swecarcol.uu.se/view/38023>, accessed April 3, 2025.

38 FSB, vol. 247, 96–111, § 8–10, court minutes, August 26, 1864, <https://swecarcol.uu.se/view/33544>, accessed April 3, 2025.

## 7 Conclusion

When the system of convict labor was first implemented in 1846 in St Barthélemy, the reasoning was firmly established in a financial framework. Years of diminishing trade opportunities had left the island in dire need of an alternative way to take care of the faltering lots and unkempt roads. Yet it becomes clear, when you examine its practical implementation and the debates surrounding it, that it was not a practical system, or rather, not one primarily motivated by practicality. It was hard to finance, saw little to no returns, and in the case of older prisoners picking oakum, actively lost money. Yet the fact that the most severe punishment was for economic crimes such as theft, makes it clear that the system was founded based on economic reasoning. This reasoning, however, was to defend the private property of owners through harsh and humiliating punishments, rather than to provide a secure income for the municipal chest.

Furthermore, we can see in the court cases examined that where people were sentenced to labor, their morality and the perception of their character were crucial to the reasoning of the judges. It was not only the morality of the accused but also the company they kept that was considered in the punishment of petty crimes. As can be seen through the considerations of house inspections following the 1852 cholera panic, disease and crime were both perceived to be fundamentally connected to the ability (or inability) of members of the lower classes to maintain a respectable household. Cholera, offensive speech, and overgrown lots existed within the same perception of decay, and convict labor became a way to fight this decay. As the economy of St Barthélemy was based on the attractiveness of neutral trade, a geopolitical condition beyond the control of anyone on the island, attempting to clean up the streets was as fruitful as anything to improve the condition of the island. Furthermore, when discussing Swedish–Caribbean attempts to enforce labor discipline, it is worth keeping in mind that the biggest challenge to providing legal punishment was the fact that the jail was falling apart.

Mid-nineteenth-century Caribbean forced labor, whether the result of indentured servitude, apprenticeship, or convict labor, must be understood in its postabolition context as a response to the loss of the labor of enslaved people. Yet, while there is a reasonable argument that such forced labor was enforced in other Caribbean colonies as a continuation of the plantation system, or in practical terms to avoid the losses of valuable harvests, this was clearly not the case in St Barthélemy. Not only was convict labor inefficient, but there were no significant harvests to lose. One could argue that the road maintenance done by convict laborers was necessary, but apart from during its

initial implementation, we can find no such justification, or any justification or approval of the system outside of its continuation. Even when the aldermen asked for its abolition, the colonial administration did not explain why they decided to keep it. This is not to say that road work had no practical benefits for cleanliness and public health but, rather, that most convict labor sentences came not during the cholera epidemic but a decade later, when many convicts could not even perform public tasks. Cleaner streets were a secondary objective at best.

Furthermore, even if the primary stated motivation was to inscribe a spirit of industry among vagrants shirking work, in almost all the examples listed above it is clear that those who were convicted were employed, and none was stated to be a vagrant. The closest we have to such an accusation was that Thomas, who worked for the toll inspector Röhl, associated with vagrants. If we were to examine every case, we would undoubtedly find punishment of vagrancy, but it is important to separate vagrancy as an actual crime from its use as a rhetorical device.

The debates about convict labor in St Barthélemy did not take place between the colony and the metropole but within the council and colonial administration itself. As this system of creating readily available pools of labor was applied to a colonial environment where labor shortages were not a significant problem, at least in comparison to the larger problems of a disappearing industry and a fiscal shortage, other justifications for the system had to be made. The convicted were not desirable as workers, the system did not offset its expenditures, and the application of the punishments was considered by some administrators to be unjustifiably harsh.

More than in other colonies, it becomes clear that the purpose of convict labor was to affirm the power structure, which was reinforced through public displays of labor. The selective application of convict labor, which was at the discretion of the court, was able to reinscribe racial hierarchy in a society that had formally renounced it through paternalistic theories about the establishment of a spirit of industry. This application was not exclusive to the Black population, as Whites were also subject to convict labor. However, we can see a linguistic shift in the term “lower classes,” which was an amorphous yet often discussed segment of St Barthélemy’s society. The clemency shown toward Julian Closs, which the court feared was assimilating into the lower classes, demonstrates how, even after the island was generally considered to be destitute, there was a need to delineate class lines, which heavily intersected with race. Convict labor was thus a symbolic way to reinforce the borders between the upper and the lower classes. The fact that convict labor was easily avoided by paying fines became a fundamental enforcement of this principle.

The members of the council knew that the law favored the rich, who could pay their fines, but did not change it. The fruits of the convicts' labor were secondary to their primary concern: the labor itself.

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