

# 1733 - “The Gardelin Slave Code”

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Reference: Rigsarkivet. 390. Generaltoldkammeret, Vestindiske og guineiske sager, Visdomsbog, 1733-1783, p. 359-363 for a Danish version, p. 285-291 for a Dutch version [Danish National Archives. 390. The Chamber of Customs, West Indian and Guinean Cases, Book of Wisdom, 1733-1783]

I Philip Gardelin hereby make known to all Negroes on this island, how unwillingly I must observe that our Negroes, who have been made slaves by God himself, have not only disregarded as it were their slave duties towards the whites in general, concerning which they have been warned by a placard of 1706, but also in particular have shown a real disobedience towards their masters and mistresses, whose money they indeed are, and to whom they therefore owe so much more submission, and that many thefts and other evil and punishable things have also been committed among the Negroes. In order therefore, at this timely occasion, to redress this, the council has decided to publish the following articles, to which the Negroes have to give heed, namely

- 1) All evil and unfaithful slaves, who are proven guilty of or have been caught in the act of running away or have intended to run away from the country or have encouraged or seduced other slaves to do this, shall as ringleaders have their life forfeited, that is to say, first, they shall be pinched with red-hot tongs on the order of the judiciary and thereafter be hanged.
- 2) All Negroes who are proven guilty of or have been captured in conspiracies, namely those who have let themselves be seduced into running away, shall be brought to the fort and there have one leg removed by order of the judiciary, provided that the master will not pardon them to 150 lashes and the cutting off of one ear, which must also be done on the order of the judiciary.
- 3) All those Negroes, who are proven guilty of harbouring knowledge about any evil undertaking by a Negro and who do not immediately make this known to the whites shall be branded on the forehead and flogged with 150 lashes on the order of the judiciary.
- 4) However, those Negroes, who immediately inform a white about conspiracies to run away or other evil plans among the Negroes, shall receive a reward of 100 *patacons* for each guilty Negro, provided that their statement is found to be true. Likewise the name of a Negro who has made such statement shall be kept a secret, so that no other Negro shall get to know it.
- 5) All maroon-Negroes, who during the hunt or in any other way have been caught by the free Negroes, and who have been maroon for a time of 14 days, shall be brought to the fort and be flogged there with 150 lashes or more. Those, who have been maroon for 12 weeks or have run maroon several times shall lose a leg on the order of the judiciary, and those who have been maroon for 6 months shall forfeit their life, provided that their master will not pardon them to losing a leg.
- 6) A Negro, who after this day is proven guilty of having stolen or who is caught with stolen goods of a value above 4 *pieces of eight*, shall be pinched with red-hot tongs at three places in town and thereafter be hanged. Other thefts of less value shall also be punished by the judiciary, with a branding on the forehead and a harsh flogging of 100 to 150 lashes, depending on the slave's stubbornness.
- 7) Those who handle stolen goods and do not immediately disclose this to the whites shall be punished by the judiciary with branding and 150 lashes.
- 8) All those slaves who hide maroon Negroes and harbour them for a short or a long time, or who are proven to have knowledge of where such maroon Negroes reside and do not immediately disclose it to the whites, shall be punished with a branding on the forehead and 150 lashes by the judiciary.
- 9) In case it should happen that a Negro as much as raised a hand against a white malignantly or came to meet a white with threats or proud words, such Negro shall without mercy be handed over to the judiciary and be pinched with red-hot tongs on three squares in the town

- and thereafter be hanged, provided that the white demands it. Or his punishment shall be that his right hand is chopped off.
- 10) A Negro shall be punished based on the testimony of a Christian or any white who knows what an oath means. And if the Negroes are stubborn, and given that it sometimes helps to flog them to make them say the truth against each other, they must be tortured when there is suspicion in a case.
  - 11) When the Negroes meet a white on horseback or on foot, then the Negroes should step aside and with all submissiveness stand still until the white has passed by. In case they do not want to, they can expect a sound thrashing by the white.
  - 12) No slave must let himself be seen with iron fitted sticks or with a knife by his side. Nor must they fence against each other under penalty of 50 lashes of the whip when they are met by a white.
  - 13) The so-called *towermarye*<sup>1</sup> that is magic doings among the Negroes by way of carved images, in addition to several other tomfooleries, which is wrapped up with fetters, nails,<sup>2</sup> etc. in a cloth, whereby they according to their superstition have the fantastic whim that they thereby think to cause harm, shall after this day be punished with a harsh flogging; as the devil through this only seeks to confirm these stupid heathens so much more in their blindness and stupidity.
  - 14) The Negro who is proven to have intended to poison somebody shall be pinched with red tongs at three places in town, then he shall be broken on the wheel and put on the stake alive.
  - 15) In case it is proven that a free Negro provides for maroon slaves, handles and hides stolen goods, or is knowledgeable about any evil undertakings by the Negroes to the harm of their masters and does not disclose it to a white, he shall have forfeited all his rights: his property shall be confiscated by the Company, he shall be flogged and chased out of the country.
  - 16) All parties, *balliarder*, that is to say balls, and *geras*, that is to say merriments for their dead, using Negro instruments, or other occasions from which there sometimes arises much evil, are hereby severely forbidden under pain of flogging. However, it will be allowed for the Negroes on those days where they do not work to have some small amusements with the approval of the master, the overseer or the closest neighbour, when on a plantation there is no white who could see to it that no disorder is made.
  - 17) No Negro must sell anything in the countryside, but only in town, whether it is poultry, turkeys, ducks, sheep, *kabriter*,<sup>3</sup> pigs, *potatos*,<sup>4</sup> corn and other greens; nor must they wear any clothes of significance without being able to show a license from their master. When lacking such a license, the goods will be taken away from them and brought to the fort together with the Negro. Here the Negro will be interrogated and punished according to the circumstances. Such licenses which the Negroes receive from their master shall be returned to their owner on the same day as they have sold the goods, under penalty of an appropriate whipping for their neglect.
  - 18) No plantation Negro can let himself be seen at night after the drum has sounded, failing which he shall be seized and tied up by the patrol and receive a sound thrashing after interrogation in the fort.
  - 19) All other evils committed by the Negroes, which are not mentioned here, shall be punished according to the demand of the fiscal.<sup>5</sup> And the fiscal shall strictly observe all of these articles and see to it that the guilty are sentenced and punishments are executed.

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<sup>1</sup> Probably an attempt to write *tovenery*, Dutch for magic. In this period Dutch Creole was widely spoken among the inhabitants of the Danish West Indies, and Gardelin's slave code was published in Dutch and Danish.

<sup>2</sup> Ironnails (not fingernails).

<sup>3</sup> I.e. goats.

<sup>4</sup> I.e. potatoes and perhaps also other root crops.

<sup>5</sup> The fiscal is an officer who prosecutes on behalf of the public.

These are the articles according to which the free Negroes and the slaves shall conform, and according to which they shall be sentenced and punished by the court until further orders. And in order that the duties of our slaves shall be impressed in their memory much better, this shall be read out in public three 3 times a year.

Christiansfort, 5<sup>th</sup> of September 1733