

Black Histories

Dialogues

ISSN: (Print) (Online) Journal homepage: www.tandfonline.com/journals/rbhi20

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To cite this article: Lucia Llano Puertas (19 Aug 2024): An enslaved African acts to bring justice, Black Histories, DOI: [10.1080/28325281.2024.2366790](https://doi.org/10.1080/28325281.2024.2366790)

To link to this article: <https://doi.org/10.1080/28325281.2024.2366790>



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Published online: 19 Aug 2024.



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An enslaved African acts to bring justice

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ABSTRACT

This article examines a case of illegal trading in enslaved Africans between Barbados and Trinidad in April 1829. It investigates erasure of the enslaved African in the archive, paying particular attention to the enslaved person who alerted the authorities as to what was happening. It argues that by asking contrapuntal questions, one can start to perform a reinscription of the human into the archive.

KEYWORDS Illegal slave trading; agency; enslaved Africans; colonial archive

Over the last few decades, important research has been carried out into the lived experience and the voice of the enslaved African. Some of the leading authors in this field include Joan Anim-Addo, Serge Bilé, Stella Dadzie, Marisa Fuentes, Gilda Gonfier, Saidiya Hartman, Bruno Maillard, Frédéric Régent, and Dominique Rogers.¹ In contributing to this research, this article will examine the possibilities of recovering the agency and voice of the enslaved African in the archive and concomitantly the reinscription of their humanity. The document which will form the focus of this article is from a collection of letters, reports and depositions held in the National Archives at Kew, London, (CO28/103) dating from 1829. This series of documents, written by various agents of the British government, concerns

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¹Joan Anim-Addo, "Sister Goose's Sisters: Voice, Body, Testimony and Nineteenth Century Publication", *Touching the Body: History, Language and African-Caribbean Women's Writing* (2007) London: Mango Publishing, pp. 82–128; Serge Bilé et al. *Paroles d'esclavage: les derniers témoignages* (2011) Saint Malo: Pascal Galodé; Stella Dadzie, *A Kick in the Belly: Women, Slavery and Resistance* (2020) London: Verso; Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence and the Archive* (2016) Philadelphia: University of Pennsylvania Press; Saidiya Hartman, "Venus in Two Acts", *Small Axe* (2006) 26: 1–14, "The Time of Slavery", (2002) *South Atlantic Quarterly*, 101(4): 757–777; Frédéric Régent, Gilda Gonfier, Bruno Maillard, *Libres et sans fers: paroles d'esclaves français* (2015) Paris: Librairie Arthème Fayard; Dominique Rogers, *Voix d'esclaves: Antilles, Guyane et Louisiane françaises* (2015) Fort-de-France and Paris: Editions Karthala, CIRESC et SAA.

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a case of enslaved Africans being illegally traded between Barbados and Trinidad. Two of the documents list all the names and ages of the enslaved Africans concerned; in one of these documents, one discovers the reason as to why the British authorities became aware of what was happening:

One of the slaves removed, but which of them is not yet known, went to Government House to seek protection, stating an unwillingness to be taken away, and thus gave the first information which was acted upon in this business.²

From the evidence in a subsequent document, I will argue that in all likelihood this enslaved African was a woman. It is this enslaved African who “removed” herself from the boat who is the focus of attention in this article, though the use of the word “removed” also bears weight. There is a grammatical ambiguity here – is this the passive or the active voice that is being used? – that testifies in its own way to the colonial author’s struggles with this person’s enactment of agency. This article will commence with an examination of the case as it appears in the colonial archives before moving on to investigate the strategies that can be used to evince the agency of an enslaved African in this archive.

In the file CO28/103 in the National Archives in Kew, London, can be found a series of letters and summaries of court depositions relating to a case of illegal trading in enslaved Africans. At the time of the documents’ writing, the slave owner and the master of the schooner upon which these enslaved people were transported liable to be prosecuted by the Crown “for felony under the 10th section of the Consolidated Slave Act”³; each one of them was liable to “a penalty of £100 sterling for each slave carried away.”⁴ The felony was committed in April 1829 and the documents in the archive cover the period between that date and June of the same year. The two accused were Mr Franklin (also spelt as “Franklyn”), the owner of the illegally traded enslaved Africans, and the master of the 22-ton schooner *Beautiful Maid* on which they were held, Thomas Rebbit. Fourteen enslaved men, women and children, the youngest a baby of 4 months, were embarked on the ship, of whom eventually 10 were taken to Trinidad from Barbados. At the time of the investigation, it is not noted which ones of the enslaved Africans managed to remain in Barbados as no names are recorded on that account, although twice a list of all 14 enslaved Africans is given, with their names and ages.

Although at first sight this might seem like a humdrum case of illegal slave-trading, it is rendered extremely significant in terms of the agency of

²London, National Archives at Kew, CO28/103, sheet 74, verso.

³London, National Archives at Kew, CO28/103 fol. 75 r.

⁴London, National Archives at Kew, CO28/103 fol. 78 v.

enslaved Africans in the archive when one learns how the British officials became aware of this felony:

One of the slaves removed [from the schooner] but which of them is not yet known, went to Government House to seek protection, stating an unwillingness to be taken away, and thus gave the first information which was acted upon in this business.⁵

It is the agency and voice of this enslaved person, as well as that of the other enslaved people on the schooner, that will be explored in this article. Attention will focus first on which enslaved people were involved, the conditions of the escape of four of them as can be deduced from the archive, and the act of denunciation of the felony.

Correspondence from the magistrates and Sir James Lyon, the Governor of Barbados (1829–1833) records (twice) the names and ages of the 14 enslaved Africans who were initially embarked by Franklin. They were as follows: Edward, 36 years, a carpenter; Prudence, 35 years; Ned, 34 years; Susey, 32 years; Cisse, 31 years; Daniel, 15 years; Henriette, 14 years; Bennebah, 11 years; Margaret Ann, 8 years; Emelina, 7 years; Mary Kate, 5 years and 9 months; Nancy, 4 years and 5 months; and Ruth, 4 months.⁶ These enslaved people had been “cleared” at the Barbadian Customs House by Franklin, who had been refused a “ticket” from the Mr Husbands, the Deputy Secretary of Barbados (who doubted Franklin’s good faith⁷), permitting him to carry them on the schooner. This had not bothered Franklin, who told Husbands that “the permit from the Secretary’s Office was never required at Trinidad, and that the permission from the Custom House for him to take the Slaves in question was sufficient.”⁸ Franklin could also give a reason for taking the enslaved people to Trinidad, saying that they were “to go from this island [Barbados] to Trinidad in attendance upon himself, his Son, and two Daughters” as the family was going to settle there.⁹ In this event, as the official notes, travelling with enslaved people, domestic servants, in order to settle elsewhere would have been permissible under the 17th section of the Consolidated Slave Act.¹⁰ However, the reality was somewhat different; the same official notes that instead of travelling with his whole family and settling in Trinidad (as Franklin himself had said he was going to do¹¹), he only went with his son, “a boy under 14 years of age [who] went with him and the slaves in question to Trinidad.”¹² Not only this but “Mr Franklyn left the slaves at Trinidad but under what particular circumstances it is not yet known, and has himself and

⁵London, National Archives at Kew, CO28/103 fol. 74, r & v.

⁶London, National Archives at Kew, CO28/103 fol. 72 v.

⁷London, National Archives at Kew, CO28/103 fol 72 v.

⁸London, National Archives at Kew, CO28/103 fol 72 v.

⁹London, National Archives at Kew, CO28/103 fol 73 v.

¹⁰London, National Archives at Kew, CO28/103 fol 75 r.

¹¹London, National Archives at Kew, CO28/103 fol 74 r.

¹²London, National Archives at Kew, CO28/103 fol 73 v.

his son returned to Barbados.”¹³ It is therefore clear that, as the official termed it, this is a case of implied “mala fides” and that Franklin, probably due to the “reduced and very indigent circumstances”¹⁴ in which, as the same official notes, he found himself, had quite simply decided to trade illegally in the enslaved Africans in his possession. The information collected in the Centre for the Study of the Legacies of the British Slave Trade show that Franklin sold his share of the plantation, Contented Retreat, to his brother Joseph Bailey Franklin in 1810, following the death of their father; at this point in time, there were 73 enslaved people on the estate.¹⁵ It would seem that he had kept some enslaved people, or that he had found the means to acquire other enslaved people and was now seeking to make a living through an illegal trade in them. The court official records that Franklin had purchased a young enslaved man, Sam, aged 15 years, but had already “carried [him] to Trinidad.”¹⁶ Eric Williams notes that

There was nothing in the Acts of 1807 or 1811, however, to prevent the transfer of slaves from the older, exhausted colonies to those acquired at the end of the French wars in 1815, Trinidad and Britain Guiana; nothing to prevent a colony like Barbados [...] from going in for slave breeding on a large scale in the fashion of Virginia and from supplying its new neighbours with the sinews needed so badly after the slave trade had been cut off, at least on paper, at its source.¹⁷

The enslaved Africans must have been very aware of Franklin’s “reduced and very indigent circumstances,” and if not before, then certainly when they found themselves being taken to the port in Bridgetown, would have feared the worst. They would also have been only too aware of the sickening kind of trading that Williams describes. There is no indication if the men, women and children listed in the court records were family groups, but the very youngest children would presumably have still been with their mothers, such as Ruth, the baby of 4 months. Any of the slightly older children, able to fend more or less for themselves, could have been sold away from their mothers. Even if one leaves aside the likelihood that Franklin was “breeding” enslaved people, the implications of the Abolition of the Slave Trade Act of 1807 which legally curtailed the arrival of new enslaved Africans in the Caribbean, would have meant that plantation owners would have realised that they had to create conditions where mothers and children could thrive if they were to continue to own an enslaved workforce.¹⁸ It is, therefore, likely that Prudence and Susey were the mothers of Bennebah, Margaret Ann,

¹³London, National Archives at Kew, CO28/103 fol 73 v.

¹⁴London, National Archives at Kew, CO28/103 fol 74 v.

¹⁵Accessed May 8, 2023. <https://www.ucl.ac.uk/lbs/estate/view/680>.

¹⁶London, National Archives at Kew, CO28/103 fol 74 v.

¹⁷Eric Williams, “The British West Indian Slave Trade after its Abolition in 1807” (1942). *Faculty Reprints*. Paper 217. <http://dh.howard.edu/reprints/217>.

¹⁸For a detailed discussion of this, please see Stella Dadzie, *A Kick in the Belly: Women, Slavery and Resistance*. London: Verso, 2020, 136–153.

Emelina, Mary Kate, Christian Bruce, Nancy and Ruth, all of whom were under the age of 11. The adolescents in the group—Daniel and Henrietta—could easily have been separated from their parents (or parent) who would have remained in Barbados—if their parents had not already been sold, as the official notes that an enslaved African had already been “carried to Trinidad.”¹⁹ This particular enslaved African was a young person named Sam, aged 15, but his sale suggests that Franklin could have already sold the mother and/or father of some of the children on the list. Furthermore, some of these children could have been Franklin’s own (illegitimate) children, for William Francis Burnham, the owner of the *Beautiful Maid*, when called to give a deposition said that he had seen “coloured and black persons on board [who] went to the Customs House at Trinidad [but] did not return to this island [Barbados] in the Beautiful Maid.”²⁰ Burnham was careful to use terrible sea-sickness as the reason he could not tell “what they were or whether free or slaves”²¹ but it is possible that some of the “coloured persons” that Burnham saw were Franklin’s own children. Furthermore, Burnham was not the only one to see who was on board the *Beautiful Maid* on that voyage. Peter Courtney Rebbit, in all likelihood a close relative of the schooner’s master, Thomas Rebbit, also stated under oath that he had seen “twenty to thirty black, coloured and white Persons on board.”²²

It is impossible to ascertain from the court records if these enslaved men, women and children were family groups; if they were, the enforced departure from Barbados would have been terrifying, as the future would loom uncertainly before them; the adults would have been only too aware that they could all easily be sold off separately on arrival at their destination. If they were not with their family on board the schooner, then their situation would have been even worse, as they would have had to deal with the heartbreak of losing their family, never mind facing an unknown future elsewhere. It is in the middle of this very difficult situation that the enslaved people decide to act.

Peter Courtney Rebbit’s deposition before the court explains what happened. Whilst on board the schooner, which he was in the habit of doing the day before it set sail, he was “requested by some black women, who were on board, to give them a passage to the shore and he did so and believes he brought on shore three to four black women, but don’t know who they were.”²³ Thus, one learns that it was a small group of women who ask Rebbit—who deliberately states that he does not know who they were, presumably to avoid any problems with the law—to take them to the shore. Rebbit, in protesting his ignorance, could argue that he thought they were free women,

¹⁹London, National Archives at Kew, CO28/103 fol 74 v.

²⁰London, National Archives at Kew, CO28/103 fol 85 r.

²¹London, National Archives at Kew, CO28/103 fol 85 r.

²²London, National Archives at Kew, CO28/103 fol 85 v.

²³London, National Archives at Kew, CO28/103 fol 85 v.

and hence had the right to request passage to the shore. Not only this but the women also managed to take a child with them, as the court record notes that “with the women brought on shore by Deponent [i.e., Rebbit] was one black child which he thinks was the child of the Servant Man who was in attendance on Mr. Burnham.”²⁴ It is possible that this was Christian Bruce, aged 5 years—old enough to be made to work.

It is also interesting to note that there are different versions of how many women left the ship. In Rebbit’s account, three or four women leave the ship, whereas in Sir James Lyons’ report, of 25 June 1829, he states that “one of the slaves removed but which of them is not yet known.”²⁵ This somewhat curious remark—one would have imagined that the colonial administrator would have been keen to know the name of the enslaved person giving the information, as well as their owner—leads me to think that one of the enslaved women escaped along with other, free Black women who had maybe come on board the ship to sell their wares and who could legitimately ask to be taken on shore—along with their sister in bondage. If the women on the official’s list were the mothers of the children, it is hard to see them leaving their children; it is possible that person was Henrietta, aged 15, and almost a grown woman, who left the ship to raise the alarm. And again, it could have been one of the men—except the official record only shows Black women leaving the ship. Whatever the case may be, the information was not acted on swiftly enough, as the *Beautiful Maid* sailed for Trinidad and it was there, according to Burnham, that “Coloured and black Persons, who went to the Customs House at Trinidad, did not return to this island [Barbados] in the Beautiful Maid.”²⁶

This tardiness in responding to the information suggests that it could well have been a woman; the schooner was about to sail, but possibly if the information had been acted on swiftly it might have been stopped in the port or intercepted before its arrival in Trinidad. Given the misogyny of the 19th century, and the unusual nature of this case, the lack of immediate action suggests that it could easily have been an enslaved woman who reported this. It is for this reason that the rest of this analysis of this case will be framed in terms of a woman who is responsible for reporting the information.

So far, this case of illegal slave trading has been examined to establish what happened, who was involved and to suggest that the enslaved person who raised the alarm was a woman. But these elements, important though they are, raise questions too. In admitting that it is an enslaved person who notifies the officials of the illegal slave trading, what does this say about the

²⁴London, National Archives at Kew, CO28/103 fol 86 v.

²⁵London, National Archives at Kew, CO28/103 fol 74 r.

²⁶London, National Archives at Kew, CO28/103 fol 85 r.

enslaved person in the colonial archive? Inhabiting a liminal status in the archive, is it possible to reinscribe agency and their humanity to the enslaved person in the archive? These are the key questions – raised and addressed by the authors named earlier, such as Dazie, Hartman, Anim-Addo and Fuentes – that will now be addressed.

A key route to the reinscription of the human, and human agency, in the archive is the use of memory as a “form of willed creation” as Toni Morrison terms it. Morrison explains that for her,

[m]emory (the deliberate act of remembering) is a form of willed creation. It is not an effort to find out the way it really was – that is research. The point is to dwell on the way it appeared and why it appeared in that particular way.²⁷

The first part of this article has focussed on research—the effort to find out the way it really was. The emphasis will now shift to dwelling on the way the case appeared at the time, and why it appeared in that particular way, in order to start to reinscribe the human into the archive, with the use of contrapuntal questioning of the archival account playing a key role in this. Specifically, there is a need for questions arising from memory as a “deliberate act of remembering” which plays a crucial role in reading and responding to the intervention of the anonymous enslaved African woman in this document. The document in the archive can serve as a starting point for questions on the following themes: who this person was—not just her name, but her character; what were her motivations—she states “an unwillingness to be taken away” to the Crown official,²⁸ but this sparse approach to what she was really feeling needs to be fleshed out; how did she get off the ship—and how she felt at that moment; how did she find her way to Government House; how did she escape notice; what thoughts and feelings would have raced through her mind as she walked those streets, seeking recourse to the justice she knew she and her fellow enslaved Africans were entitled to—even if it meant that they would be returned to Franklin.

To start to answer these contrapuntal questions, a guess as to her name has already been hazarded: Henrietta. Of the three women on the ship, she was less likely to have children—though this was not beyond the bounds of possibility at all. Maybe she chose to leave her child (or children) in the care of the other two women? Maybe, being younger, it was felt that she would escape notice more easily, being of a similar age to the other women who would be leaving the ship, and could mix in more freely with the Black population of Bridgetown without drawing attention to herself? She was certainly brave, and prepared to take huge risks in order to see her friends, family, and possibly her own child or children being saved from being sold

²⁷Toni Morrison, “Memory, Creation, and Writing,” *Thought* 59, no. 235 (December 1984): 385–390 (p. 385).

²⁸London, National Archives at Kew, CO28/103 fol 74 r.

away on a far island in the Caribbean. She was also quick-thinking, as there could not have been much time to hatch a plan to get her off the ship without Franklin realising what was happening under his nose. Her motivations must have been rooted in a deep desire to obtain freedom in some way for those she loved, or at least a reprieve from being sent miles from all that they knew, to be sold into possibly worse conditions than those they knew in Barbados. It was also a way to reveal to the authorities what Franklin was really doing and prevent him from trading any further in enslaved people like her; it was also a way of redressing this wrong that was being perpetrated against her and those she was with. I have suggested that she got off the ship at the same time as the other women; one can only imagine how her heart must have beaten, how she would have fixed her eyes forward to the shore to not betray her fear of capture from the schooner, and how she must have fought to hide all this from Peter Rabbit as he took them to the shore. It is possible that she knew Bridgetown already as it might have been where the Franklins resided; or the women who disembarked with her might have accompanied her to Government House in order to reveal the illegal trading that was taking place. So many things must have gone through her mind as she walked through those streets, or maybe she focussed completely on what she was doing so that both past and future were filtered out and she lived in that present moment, in the hustle and bustle of colonial Bridgetown, walking to Government House, wondering if she would even be allowed across its threshold, never mind speak to an official to denounce Franklin's intentions. What is certain is that a deep determination must have inhabited her that she was not going to leave Barbados—or those with her.

If we read the archive “contrapuntally” as Edward Said has said, the archive will tell us about the lives of subaltern citizens such as Henrietta, and not just what the British colonial administrators saw and believed about the people they tried to govern.²⁹ The creators of the archive can desire to present her as voiceless and nameless, yet the very same archive reveals that this is a woman who, despite her chattel status, has agency; she takes charge of her circumstances—and of those of her fellow trafficked Africans—all of whom are known personally to her, and could easily be friends if not family, and are most definitely fellow sufferers of a heinous system designed to crush out cooperation, mutual esteem, independence of thought and spirit, and self-esteem. Rising over and above this system, this woman, who knows her rights³⁰ and who has the courage to find a way to escape from the ship while

²⁹See Beth Fowkes Tobin, “Caribbean Subjectivity and the Colonial Archive,” *Small Axe* 25 (February 2008): 145–156. (p. 152).

³⁰How does she know her rights? This event occurs in 1829, 22 years after the Act abolishing the trade in slaves. One can assume that this law is by now general knowledge, gleaned by enslaved Africans working in the plantation houses. Andrea Levy illustrates this in *The Long Song* (London: Headline Review, 2010) where news of the beginning of the Baptist Wars is witnessed by July and her fellow

it is docked at harbour and then has the ability to navigate possibly unknown streets in order to arrive at a place that she knows exists, although how she knows it remains a mystery: Government House, the place of authority where her case, and that of her fellows, can be brought to light. There is a great irony—that probably did not escape her—that the very system that kept her enslaved was now the very system that could help avoid their all being taken to another island or country. It is above all in the assertion of her legal position—an enslaved person who cannot be trafficked on the pretence that she is a domestic, along with all of her companions—that demonstrates her agency. The very erasure of further details of this woman reveals the fear that this assertion of agency must have created, the sense of embarrassment that “chattel goods” should be the ones to be revealing a serious infraction of the 1807 law abolishing the slave trade, as well as the consolidated Slave Act of 1811 and a further Act of 1819 allowing domestics to be transported between islands³¹; and the lack of desire (and fear) of recognising in this enslaved African a fellow human being with similar recourse to justice.

The implications of this recourse are huge and will emerge more fully in the Act abolishing slavery in 1833; but in the archive, the silence and the erasure of all these aspects, speaks to the truth of these implications, for the archive embodies “part of the process of colonial violence”³² in its erasure of what happened. The questions that can be asked and the possibilities that can be conjured both enable the beginnings of the reinscription of the agency of an enslaved person’s life that endures beyond the established archival account.

Stephanie Smallwood, in her analysis of an escape by an enslaved African from a slave ship off the West African coast, notes that the letter penned by the employees of the Royal African Company recounting the events provides an account that “makes good satisfying sense to its intended readers, but which can never fully conceal the counter-history it seeks to disavow.”³³ In the same way, the Colonial records of Barbados in 1829 provide an account of the events surrounding the illicit trading in enslaved Africans, but the very paucity of information speaks also to a system that cannot contain, or countenance, the very humanity of the enslaved African.

enslaved Africans as they wait on the Goodwins’ table (pp. 75–76). Dadzie quotes from Maria Nugent’s *Lady Nugent’s Diary*, referring to the Haitian Revolution, that when it was a topic of conversation at the dinner table “the blackies in attendance seem so much interested, that they hardly change a plate or do anything but listen.” (*Kick in the Belly*, p. 131) Levy cites *Lady Nugent’s Diary* in her “Acknowledgements” at the end of *The Long Song*, so it is likely that she based this scene on this episode in Nugent’s *Diary*.

³¹Williams, “The British West Indian Slave Trade after its Abolition in 1807,” 175–6.

³²Stephanie E. Smallwood, “The Politics of the Archive and History’s Accountability to the Enslaved,” *History of the Present* 6, no. 2 (Fall 2016): 117–132, p. 118.

³³*La Shoah : témoignages, savoirs, œuvres* ed. by Annette Wiewiorka and Claude Mouchard (Paris: Presses Universitaires de Vincennes/Cercil, 1999).

One can ask why European colonial powers sought to erase—or erased—the enslaved Africans. The answer lies in an observation by Claude Mouchard,

Les totalitarismes en général ont plus que les autres pouvoirs les moyens et la volonté d'effacer les traces de ce qu'ils ont perpétré.³⁴ (in general, totalitarian regimes have greater means and desire to remove the traces of what they have perpetrated than the other governments.)

Mouchard saw how the Nazis actively sought to erase every trace of what they had perpetrated in the course of the Shoah, and that this was one of the trademarks of this totalitarian regime. It is widely accepted that the Nazi rule was a totalitarian system, but it is much less widely accepted that colonial rule in the Caribbean and its concomitant enslavement of African people groups was also just as totalitarian. However, when one looks at European colonialism's binding control of other people groups' lives, livelihood, children, income and deaths, as evinced in the archives and the rare accounts by an enslaved person (such as the one in Lambeth Palace Archives³⁵), one has to recognise that colonialism was indeed a totalitarian system.

This traumatic disarticulation in so many millions of people's lives is seen in what happened in Transatlantic slavery: the enslaved African woman who goes to fetch help in Barbados in 1829 does so on behalf of other men, women and their children. The fear of their loss through being separated and sold on to new owners is never mentioned once in the colonial record; however, though its grim truth sits at the heart of Transatlantic slavery, the emotional affect of this treatment can only be found outside of the established colonial archives. The erasure—or attempted erasure—of the human from Transatlantic slavery's established archive, as seen in the case of the enslaved African in 1829, and with very few exceptions such as the one constituted by the letter from an enslaved person in Lambeth Palace's archives, means that, unless one chooses to read against the grain and ask contrapuntal questions from the imagination, at the same time bearing in mind the systemic injustices perpetrated against the enslaved Africans, that it is very easy for the erasure of the enslaved African in the archive to continue. This Eurocentric approach to the history of Europe in the Caribbean—if and when this history is acknowledged—must be challenged. The reinscription of the enslaved human into the archives forms a vital part of this process.

Disclosure statement

No potential conflict of interest was reported by the author(s).

³⁴Lambeth Palace Library: Fulham Papers XVII 167–8.

³⁵Lambeth Palace Library: Fulham Papers XVII 167–8.

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