

them by the said justices and freeholders; and if any person shall refuse his part so allotted him, that then, and in all such cases, the said justices and freeholders are hereby required to issue out their warrant of distress upon the goods and chattels of the person so refusing, and shall cause the same to be sold by public outcry, to satisfy the said money so allotted him to pay, and to return the overplus, if any be, to the owner; *Provided, nevertheless*, that the part allotted for any person to pay for his part or proportion of the negro or negroes so put to death, shall not exceed one sixth part of his negro or negroes so excused and pardoned; and in case that shall not be sufficient to satisfy for the negro or negroes that shall be put to death, that the remaining sum shall be paid out of the public treasury of this Province.

85

The “Three-Fifths Compromise”: *The U.S. Constitution, Article I, Section 2*

One of the major debates in the Constitutional Convention hinged on the use of slaves in computing taxes and fixing representation. Southern delegates held that slaves should be computed in determining representation in the House, but that they should not be counted in determining a state’s share of the direct tax burden. The northern delegates’ point of view was exactly the opposite. A compromise was reached whereby three-fifths of the slaves were to be counted in apportionment of representation and in direct taxes among the states. Thus the South was victorious in obtaining representation for its slaves, even though delegate Luther Martin might rail that the Constitution was an insult to the Deity “who views with equal eye the poor African slave and his American master.” The “three-fifths compromise” appears in Article I, Section 2.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

86

An Act Prohibiting the Teaching of Slaves to Read

To keep the slaves in hand, it was deemed necessary to keep them innocent of the printed page. Otherwise, they might read abolitionist newspapers that were smuggled in, become dissatisfied, forge passes, or simply know too much. Hence most states passed laws prohibiting anyone from teaching slaves to read or write. The North Carolina statute was typical.

An Act to Prevent All Persons from Teaching Slaves to Read or Write, the Use of Figures Excepted

Whereas the teaching of slaves to read and write, has a tendency to excite dissatisfaction in their minds, and to produce insurrection and rebellion, to the manifest injury of the citizens of this State:

Therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any free person, who shall hereafter teach, or attempt to teach, any slave within the State to read or write, the use of figures excepted, or shall give or sell to such slave or slaves any books or pamphlets, shall be liable to indictment in any court of record in this State having jurisdiction thereof, and upon conviction, shall, at the discretion of the court, if a white man or woman, be fined not less than one hundred dollars, nor more than two hundred dollars, or imprisoned; and if a free person of color, shall be fined, imprisoned, or whipped, at the discretion of the court, not exceeding thirty-nine lashes, nor less than twenty lashes.

From Acts Passed by the General Assembly of the State of North Carolina at the Session of 1830–1831 (Raleigh, 1831), 11.

II. *Be it further enacted*, That if any slave shall hereafter teach, or attempt to teach, any other slave to read or write, the use of figures excepted, he or she may be carried before any justice of the peace, and on conviction thereof, shall be sentenced to receive thirty-nine lashes on his or her bare back.

III. *Be it further enacted*, That the judges of the Superior Courts and the justices of the County Courts shall give this act in charge to the grand juries of their respective counties.