

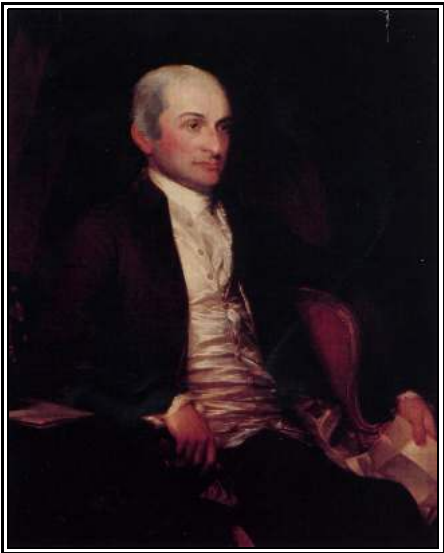
# John Jay

**John Jay** (December 23, 1745 – May 17, 1829) was a Founding Father who urged ratification of the U.S. Constitution, although he was unable to attend the Constitutional Convention. Jay wrote five of the Federalist Papers and later served on the U.S. Supreme Court as the first Chief Justice.

A devout Christian, John Jay was one of New York State's leading abolitionists, and is called the "father of American conservatism."

John Jay was one of the heavy-hitters in the early days of the United States, a "founding father" who was a member of the Continental Congress and the first Chief Justice of the United States Supreme Court. Jay was a lawyer from New York whose service in drawing up the state constitution led to his appointment as a delegate and, later, president of the Continental Congress. He held the post of American Minister to Spain in 1779 before joining Ben Franklin and John Adams in Paris for the peace negotiations with Great Britain (1783). Upon his return to the U.S. Jay discovered that he had been appointed as the Secretary of Foreign Affairs. To explain the new U.S. Constitution, he teamed with Alexander Hamilton and James Madison to author a series of essays collected as The Federalist Papers (although it was published anonymously, it is generally accepted that Jay wrote five of the 85 essays). President George Washington appointed Jay as the first Chief Justice of the U.S. Supreme Court and he was easily approved in 1789. In 1794 and 1795 Jay's diplomatic skills were again called upon for peace negotiations with Great Britain to resolve continuing conflicts in and around U.S. territories (Jay Treaty, signed in 1795). When Jay returned from peace negotiations in Europe, he discovered that Hamilton had engineered a victory for him in the gubernatorial election of New York; Jay resigned from the Supreme Court and served two terms as New York's governor (1795-1801). He was offered a spot on the Supreme Court by President Adams, but Jay declined and retired from public life.

John Jay



## Former Chief Justice of the U.S. Supreme Court

From: September 26, 1789 – June 29, 1795

**Nominator** George Washington

**Predecessor** None

**Successor** John Rutledge

## 2nd Governor of New York

From: July 1, 1795 – June 30, 1801

**Predecessor** George Clinton

**Successor** George Clinton

## 2nd United States Secretary of Foreign Affairs

From: May 7, 1784 – March 22, 1790

**President** None

**Predecessor** Robert Livingston

**Successor** Thomas Jefferson (as Secretary of State)

## Information

**Party** Federalist

**Religion** Episcopalian

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## Early life

John Jay was born on December 23, 1745, in the city of New York. His parents were Peter and Mary Van Cortlandt. Shortly after his birth, the family relocated to Rye, New York, as two of his siblings has been blinded by smallpox.<sup>[1]</sup> Jay grew up here until he was able to enter college; he attended King's College, in New York City.



Treaty of Paris, Painting by Benjamin West (never completed). The painting depicts from left to right, John Jay, John Adams, Benjamin Franklin, Henry Laurens, and William Temple Franklin.

## The Jay Court

The Jay Court had little business through its first three years.<sup>[2]</sup>

In *Chisholm v. Georgia*, the Jay Court had to answer the question: "Was the state of Georgia subject to the jurisdiction of the Supreme Court and the federal government?"<sup>[3]</sup> In a 4-1 ruling (Iredell dissented), the Jay Court ruled in favor of two South Carolinian Loyalists who had had their land seized by Georgia. The ruling, which was unpopular amongst the populace, was overturned by the Senate with the Eleventh Amendment (it dictated that the judiciary could not rule on cases where a state was being sued by a citizen of another state or foreign country).<sup>[2][4]</sup> The case was brought again to the Supreme Court in *Georgia v. Brailsford*, and the Court reversed its decision.<sup>[5][6]</sup> However, Jay's original Chisholm decision established that states were subject to judicial review.<sup>[3][7]</sup>

“ [T]he people are the sovereign of this country, and consequently that fellow citizens and joint sovereigns cannot be degraded by appearing with each other in their own courts to have their controversies determined. The people have reason to prize and rejoice in such valuable privileges, and they ought not to forget that nothing but the free course of constitutional law and government can ensure the continuance and enjoyment of them. For the reasons before given, I am clearly of opinion that a State is suable by citizens of another State. ”

In *Hayburn's Case*, the Jay Court ruled that courts could not comply with a federal statute that required the courts to decide whether individual petitioning American Revolution veterans qualified for pensions. The Jay Court ruled that determining whether petitioners qualified was an "act ... not of a judicial nature".<sup>[9]</sup> and that because the statute allowed the legislature and the Executive Branch to revise the courts ruling, the statute violated the separation of powers as dictated by the United States Constitution.<sup>[9][10][11]</sup>

## Slavery

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John Jay was a slave owner, like many other prominent figures in his day. However, Jay realized the evils of the practice and treated many of his African slaves in the same manner as white slaves (or indentured servants) were treated: once their debt was paid, which usually consisted primarily of costs associated with the trip overseas, Jay would set the slaves free.

Jay noted that early on, the culture of society was unquestioning in regards to slavery. He wrote:

Prior to the great revolution, the great majority or rather the great body of our people had been so long accustomed to the practice and convenience of having slaves, that very few among them even doubted the propriety and rectitude of it.<sup>[12]</sup>

It was not until after America had gained her freedom from the bondage of the British Monarch that freedom for slaves could be considered. Jay continued:

We have good reason to hope and to believe that if the natural operations of truth are constantly watched and assisted, but not forced and precipitated, that end we all aim at will finally be attained in this country.

The Convention which formed and recommended the new Constitution had an arduous task to perform, especially as local interests, and in some measure local prejudices, were to be accommodated. Several of the States conceived that restraints on slavery might be too rapid to consist with their particular circumstances; and the importance of union rendered it necessary that their wishes on that head should, in some degree, be gratified.

Not only did Independence make abolitionism possible(Since the King was one of the primary supporters of it), but the Constitution additionally made the task even easier by not acknowledging it. Unfortunately, the makers of the Constitution, fearful of continued aggression from the King, had to focus on the unity of the colonies over all else.

## Death and legacy

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Jay suffered from palsy later in life and this caused (it is believed) a stroke. Jay passed on May 14, 1829, he was 83 years old.<sup>[13]</sup>

Jay's influence upon the abolitionist movement has been regarded as profound. Jay founded the New York Manumission Society, which had as a primary goal the education of free black citizens. Many of the graduates of Society's school went on to become leaders in the coming movement.<sup>[14]</sup>

# Quotes

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- "That men should pray and fight for their own freedom, and yet keep others in slavery, is certainly acting a very inconsistent, as well as unjust and, perhaps, impious part; but the history of mankind is filled with instances of human improprieties."<sup>[15]</sup>

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3. A Tribute To Our Christian Heritage (<https://books.google.com/books?id=bMQkDAAQBAJ&pg=P A47>)
4. John Jay: Founding Father ([https://books.google.com/books?id=a9Jm\\_RDtq3cC&pg=PT283](https://books.google.com/books?id=a9Jm_RDtq3cC&pg=PT283))
5. The Life of John Jay: With Selections from His Correspondence and Miscellaneous Papers, Volume 2 (<https://books.google.com/books?id=dkssAAAAIAAJ&pg=PA174>)

## External links

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- American Eloquence: A Collection of Speeches and Addresses by the Most Eminent Orators of America, Volume 1 (<https://books.google.com/books?id=Ctk6AQAAIAAJ&pg=PA159>), Address to the People of Great Britain, (1774)

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  - [The Life of John Jay: With Selections from His Correspondence and Miscellaneous Papers \(https://books.google.com/books?id=S\\_c5AAAAcAAJ&printsec=frontcover\)](https://books.google.com/books?id=S_c5AAAAcAAJ&printsec=frontcover)
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