

1777-1819. John Jay, African Americans and the Gradual Manumission of Slavery

Sources: <http://www.columbia.edu/cu/lweb/eresources/archives/jay/JaySlavery.html>

<http://www.jayheritagecenter.org/residents/johnjay.html>

<http://jay.thefreelibrary.com/>

<http://www.vindicatingthefounders.com/library/index.asp?document=15>

John Jay was born in New York City in 1745 and raised on the family farm in Rye, New York. Jay later went to King's College (today Columbia University) in late 1760 and graduated in 1764 at the age of nineteen. He was admitted to the bar in 1768, established a legal practice with Robert R. Livingston, Jr., and started his own law office in 1771. In 1774 he a prominent member of the New York Committee of Correspondence and he attended the First Continental Congress. During his long political career, John Jay drafted the first New York State Constitution, was President of Continental Congress (1778-79), First Chief Justice of United States (1790-95), and Governor of New York State for two terms (1795-1801). He helped negotiated the 1783 Treaty of Paris that ended the Revolutionary War and was an author of *The Federalist*, which advocated that New York State ratify the Federal Constitution. John Jay died in 1829 and is buried in his family's cemetery plot on their Rye farm.

John Jay's father, Peter Jay, was one of the largest slave owners in New York. However, John Jay became a leading advocate of manumission. Although he owned slaves himself, Jay claimed that "I purchase slaves and manumit them at proper ages and when their faithful services shall have afforded a reasonable retribution." In 1854, Horace Greeley wrote that John Jay "more than to any other man," should be credited with "the abolition of Negro bondage in this [New York] state."

In 1777, John Jay led an unsuccessful effort to include the abolition of slavery in New York State's first constitution. In 1785, he was a co-founder of the New York State Society for Promoting the Manumission of Slaves and he served as its president until he was appointed the nation's first Chief Justice in 1789. Jay was an advocate for black education and in 1787, he helped found New York's African Free School. Later, as Special Envoy to Great Britain, Jay refused, on humanitarian grounds, to press claims for the return of American-owned slaves removed by the British army in violation of the Preliminary Peace Treaty. In 1799, Governor John Jay signed into law a measure providing that from July 4th of that year, all children born to slave parents would be free (subject only to apprenticeship), and that slave export would be prohibited.

Two of John Jay's sons also became important New York State abolitionists. William Jay (1789-1858) actively participated in peace, temperance and anti-slavery movements while serving as judge of the county court of Westchester County, New York between 1818 and 1843. John Jay II (1817-1894) was a prominent member of the Free Soil Party and an organizer of the Republican Party in New York State.

1777. New York State Constitution, John Jay to Robert R. Livingston and Gouverneur Morris

The other parts of the Constitution I approve, and only regret like a Harvest cut before it was ripe, some of the grains have shrunk. . . . I should also have been for a clause against the continuation of domestic slavery and the support and encouragement of literature (literacy?); as well as some other matters tho[ugh] perhaps of less consequence. Tho[ugh] the birth of the Constitution is in my opinion premature, I shall nevertheless do all in my power to keep it alive. . . .

1780. John Jay on Manumission

Till America comes into this Measure [abolition], her prayers to Heaven for Liberty will be impious... This is a strong expression, but it is just. Were I in [the] Legislature I would prepare a bill for the Purpose with great Care, and I would never cease moving it till it became a Law or I ceased to be a member. I believe God governs this world, and I believe it to be a Maxim in his as in our Court that those who ask for Equity ought to do it.

1784. John Jay, Instrument of Conditional Manumission of his slave, Benoit

The Children of Men are by Nature equally free, and cannot without Injustice be either reduced to, or held in Slavery.

1785. John Jay to Dr. Benjamin Rush, March 24, 1785

I thank you for the pamphlet you sent me – there is good lessons and reasoning in it – I wish to . . . (?) all unjust and unnecessary Discriminations every where abolished and that the time may soon come when all our inhabitants of every Calvin (?) Denomination shall be free and equal Parishioners (?) of our political liberty.

1788. John Jay, President of the New York Society for the Manumission of Slaves, to the President of the English Society for Promoting the Manumission of Slaves

Source: Philip B. Kurland and Ralph Lerner, ed., *The Founders' Constitution* (Chicago: University of Chicago Press, 1987, 1:550.

That they who know the value of liberty, and are blessed with the enjoyment of it, ought not to subject others to slavery, is, like most other moral precepts, more generally admitted in theory than observed in practice. This will continue to be too much the case while men are impelled to action by their passions rather than their reason, and while they are more solicitous to acquire wealth than to do as they would be done by. . . . The United States are far from being irreproachable in this respect. It undoubtedly is very inconsistent with their declarations on the subject of human rights to permit a single slave to be found within their jurisdiction, and we confess the justice of your strictures on that head. . . . 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. Some liberal and conscientious men had, indeed, by their conduct and writings, drawn the lawfulness of slavery into question, and they made converts to that opinion; but the number of those converts compared with the people at large was then very inconsiderable. Their doctrines prevailed by almost insensible degrees, and was like the little lump of leaven which was put into three measures of meal: even at this day, the whole mass is far from being leavened, though 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 [that is, the abolition of the slave trade] 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. It gives us pleasure to inform you, that a disposition favourable to our views and wishes prevails more and more, and that it has already had an influence on our laws. When it is considered how many of the legislators in the different States are proprietors of slaves, and what opinions and prejudices they have imbibed on the subject from their infancy, a sudden and total stop to this species of oppression is not to be expected.

1799. An Act for the gradual abolition of Slavery, March 29, 1799

Laws of the State of New-York, Passed at the Twenty-Second Meeting of the Legislature Begun. . .the Second Day of January, 1799 (Albany, 1799), 721-723.

Be it enacted . . . That any child born of a slave within this state after the fourth day of July next shall be deemed and adjudged to be born free: *Provided nevertheless*. That such child shall be the servant of the legal proprietor of his or her mother until such servant, if a male, shall arrive at the age of twenty-eight years, and if a female, at the age of twenty-five years.

And be it further enacted. That such proprietor, his, her or their heirs or assigns, shall be entitled to the service of such child until he or she shall arrive to the age aforesaid, in the same manner as if such child had been bound to service by the overseers of the poor.

And be it further enacted. That every person being an inhabitant of this state who shall be entitled to the service of a child born after the fourth day of July as aforesaid, shall, within nine months after the birth of such child, cause to be delivered to the clerk of the city or town whereof such person shall be an inhabitant, a certificate in writing containing the name and addition of such master or mistress, and the name, age and sex of every child so born, which certificate shall be by the said clerk recorded in a book to be by him for that purpose provided, which record shall be good and sufficient evidence of the age of such child; and the clerk of such city or town shall receive from said person twelve cents for every child so registered; and if any such person neglects to make a return of every such child as aforesaid to said clerk within nine months after the birth thereof, such person shall forfeit and pay five dollars for every such offence, to be sued for and recovered by the clerk of the city or town in which such person resides, the one half for his own use and the remainder for the use of the poor of the said city or town: *Provided nevertheless*, that it shall be and is hereby made the duty of the town clerk to register the certificate of any such child at any time after nine months from its birth; and every master or mistress, masters or mistresses of every such child shall forfeit and pay the sum of one dollar for every month he, she or they shall neglect to deliver such certificate to the town clerk.

And be it further enacted. That the person entitled to such service may, nevertheless, within one year after the birth of such child, elect to abandon his or her right to such service, by a notification of the same from under his or her hand, and lodged with the clerk of the town or city where the owner of the mother of any such child may reside; in which case every child abandoned as aforesaid shall be considered as paupers of the respective town or city where the proprietor or owner of the mother of such child may reside at the time of its birth; and liable to be bound out by the overseers of the poor on the same terms and conditions that the children of paupers were subject to before the passing of this act.

And be it further enacted. That every child abandoned as aforesaid shall be supported and maintained till bound out by the overseers of the poor as aforesaid, at the expence of this state: *Provided however.* That the said support does not exceed three dollars and fifty cents per month for each child; and the comptroller is hereby authorized and directed to draw his warrant on the treasurer of this state for the amount of such account, not exceeding the allowance above prescribed.... *And provided also*, That the person so abandoning as aforesaid, shall, at his own expence, support and maintain every such child till it arrives at the age of one year, and every owner omitting to give notice in due form as aforesaid shall be answerable for the maintenance of every such child until the arrival of the respective periods of servitude specified in the first section of this act.

And be it further enacted. That it shall be lawful for the owner of any slave, immediately after the passing of this act, to manumit such slave by a certificate for that purpose under his hand and seal.

1805. John Jay to John Murray, Jr., October 10, 1805

I have . . . your letter . . . respecting the "the African free school" in the city of New York. It is in my opinion a charitable and useful institution well entitled to encouragement and support.

1819. John Jay to Elias Boudinot

Source: http://press-pubs.uchicago.edu/founders/documents/a1_9_1s19.html

I have received the copy of a circular letter which, as chairman of the committee appointed by the late public meeting at Trenton respecting slavery, you were pleased to direct to me on the 5th instant. Little can be added to what has been said and written on the subject of slavery. I concur in the opinion that it ought not to be introduced nor permitted in any of the new States; and that it ought to be gradually diminished and finally abolished in all of them. To me the constitutional authority of the Congress to prohibit the migration and importation of slaves into any of the States, does not appear questionable. The first article of the constitution specifies the legislative powers committed to the Congress. The ninth section of that article has these words: "The migration or importation of such persons as any of the now existing States shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808. But a tax or duty may be imposed on such importations, not exceeding ten dollars for each person." I understand the sense and meaning of this clause to be, that the power of the Congress, although competent to prohibit such migration and importation, was not to be exercised with respect to the then existing

States (and them only) until the year 1808; but that the Congress were at liberty to make such prohibition as to any new State, which might, in the mean time, be established, and further, that from and after that period, they were authorized to make such prohibition, as to all the States, whether new or old. It will, I presume, be admitted, that slaves were the persons intended.