

John Jay in Philadelphia

Remarks by Walter Stahr

May 4, 2010

John Jay spent much time here in Philadelphia in 1774, 1775 and early 1776. Although he was not here for the debate over the declaration of independence, it seems fairly clear, from surviving letters, that he would have joined his friends Robert Morris and Edward Rutledge in opposing such a declaration. Whether he would have voted against it, or simply abstained as did Morris, we do not know. We do know that when Jay learned of the declaration, he supported it: indeed he drafted for the New York provincial congress a resolution in which the delegates committed to support American independence with their “lives and honor.”

Jay’s next visit to Philadelphia was brief but interesting. In the summer of 1777, it seemed like General Burgoyne was about to conquer New York and thus divide the American colonies. The New York state government—which was at this point something like a small band of Spanish American revolutionaries—sent Jay and his friend Morris to plead with Washington for additional troops. Washington was at the time in camp just outside Philadelphia, so Jay and Morris had to travel on horseback more than two hundred miles, skirting the British forces in southern New York and northern Jersey. Washington refused their request, and Jay and Morris went over his head, coming in to Philadelphia to appeal to the Congress. After some back and forth, Jay and Morris persuaded Congress to **order** Washington to send a crack regiment north, a regiment which would prove vital in the battle of Saratoga a few weeks later.

Jay returned here to Philadelphia in December 1778, once again appointed as a delegate to the continental congress. Within a few days of his arrival, the president of the congress resigned in a huff, and Jay was named as his successor. Sarah Jay, who was staying with her family in northern New Jersey, was somewhat miffed that she learned of the appointment through the newspaper rather than a letter from her

husband. There ensued a lively correspondence among Jay, his wife, and his sister-in-law Catherine about Jay's efforts to rent a house in Philadelphia. He finally found a house, the home of Francis Gurney, but then the Gurneys did not move out as they had promised. Finally, in late March, he could write to Sarah that he expected to have the house within a week, and that he would send her younger brother Brockholst to collect her and her sister. "Believe me, my love, my solicitude for the pleasure of seeing you is such that not a moment shall be lost."

John, Sarah, Catherine and Brockholst lived during the latter part of 1779 in the Gurney House, a few blocks from here on the waterfront. I had hoped to provide, in my book, a detailed description of the house and perhaps an account of some Jay social events here. Alas, I could not find any documents in a day's hard work. We do know that the Jays had an active social life in Philadelphia, both as hosts and as guests, and we have a few choice items of dialogue, such as the time when one of the foreign diplomats bet another that Sarah Jay's complexion benefited from the use of rouge, and she happily assured both of them that it was her own.

In late 1779, the Congress appointed Jay as its first minister to Spain, and he and Sarah packed their bags to go there. They did not even have time, in their haste to get on the water before winter, to visit Sarah's parents in northern Jersey. Sarah's father William Livingston, wrote her that "considering the mortality of man, and my time of life, it is probable I may never see you again, and may God Almighty keep you in his holy protection, and if it should please Him to take you out of this world, receive you into a better." I am pleased to report that Livingston's prayers were answered; he and his daughter lived to see one another again and indeed to spend many happy hours together.

Jay did not return to Philadelphia until the summer of 1786: he was in Spain and then in France, briefly in England, and then back in New York. I need to confess, at this point, to this audience, that John Jay did not appreciate architecture. He saw the Escorial in Spain, Versailles in France, St. Paul's cathedral and the Royal Crescent in England, among other great buildings. His letters home, however, have not a word

of description or praise or criticism of these great works. Indeed, his letters home have almost no description of architecture at all, other than some rather unkind comments about Spanish posadas. What can I say in his defense? Not every man can be Thomas Jefferson, an artist and architect as well as lawyer and statesman. Jay was a lawyer and statesman, and that will have to suffice.

Jay returned to Philadelphia, in the summer of 1786, because he was at the time a warden of Trinity Church in New York City, and was sent here as a delegate to a convention of the Episcopal church. The Episcopal Church was at that time (as today) on the verge of schism: Samuel Seabury had been ordained as bishop of Connecticut by several Scottish bishops; Jay and others disapproved of Seabury, questioned the validity of his ordination, and wanted to have American bishops ordained in England. A convention met here in Christ Church; there were delegates from the central and southern states but none from New England. This convention proceeded, however, to draft a constitution for the entire American Episcopal church, and to plead with the English bishops to ordain new bishops for this church. Jay drafted the letter to the English bishops. It is interesting that Jay, who was so keen to avoid **political** separation among the states, was apparently willing to tolerate **religious** separation.

The national capital remained in New York until 1791, when it returned here to Philadelphia before moving south again in 1800 to Washington. By this period Jay was Chief Justice of the United States Supreme Court, so he was here in Philadelphia twice a year, for the sessions of the Court. The court met in the city hall, in a room still set up as a court room, now part of the national park. I wish I could relate to you a dozen important decisions of the Jay court, announced in that court room. Alas, the Supreme Court was not very busy in those days, and the most important decision of the Jay court, Chisholm v. Georgia, has the dubious distinction of being the only Supreme Court decision to be immediately overturned by a constitutional amendment.

In the spring of 1794 it seemed like we were on the verge of another war with Britain. There were various signs, ranging from the capture of dozens of American merchant vessels in the Caribbean to a warlike speech by the governor of Canada. Jay arrived here in Philadelphia to attend a court session and was immediately drawn into the discussions with Washington, Hamilton and other national leaders. At an early breakfast meeting at the president's house, Washington asked Jay to go to England to see if he could negotiate peace terms. Jay remained here in Philadelphia during the Senate debate about his nomination—indeed calmly conducted court while a local newspaper denounced the appointment as “contrary to the spirit and meaning of the Constitution—but he was confirmed and he departed soon thereafter for England.

Jay returned from England to New York City in late May of the next year. Americans knew that he had signed a treaty, but they did not yet know what it said. That did not prevent the opponents of the treaty from denouncing it—they opposed the very idea of such a treaty—and they were sure that a pro-British Federalist such as Jay would have given away the store. Jay traveled down from New York to Philadelphia to talk with Washington about the treaty, and especially about the history of his negotiations in London. Not long after Jay returned to New York, in early July, the text of the treaty was made public, and there was an intense outcry and uproar. For six weeks, almost every day of the week, there was a protest against Jay and his treaty in some major city. The attacks on Jay were low and sometimes obscene; one poem published in several newspapers accused him of wishing to kiss the King's posterior. He reacted to all of this with his customary philosophic calm, noting that although there were protests and insults, “it would be as vain to lament that our country is not entirely free from these evils, as it would be to lament that a field produces weeds as well as corn.”

As best I can tell, 1795 was the last time Jay was here in Philadelphia. For the next several years, he was governor of New York, and stayed entirely in that state. After he retired to Bedford in early 1801, he was very retired, rarely even getting as far as New York City.

In 1826, every city and town in the nation planned a celebration of the fiftieth anniversary of that Philadelphia document about which Jay was initially so doubtful. Jay declined an invitation to participate in the celebrations in New York City, pleading ill health, but his words have relevance for us this evening. He added his "earnest hope that the peace, happiness, and prosperity enjoyed by our beloved country, may induce those who direct her national affairs to recommend a general and public return of praise and thanksgiving to Him from whose goodness these blessings descend."