

## Politics, Profit, and Paternalism: The Story of the Jay Family's Enslaved Workers

### Introduction

Plastered across Columbia, from the first-year dorms, to the dining halls and debate clubs, is the name John Jay. Jay occupies a paradoxical role amongst the discussions of historical figures and slavery on campus. Jay spent years staunchly advocating against slavery, which he saw as an explicit contradiction to the ideals of the American revolution. In a letter to British moral philosopher Richard Price, Jay asserted “[t]hat men should pray and fight for their own freedom & 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 of instances of human proprieties.”<sup>1</sup> Jay appeared resolutely critical of the contradiction inherent in claiming “liberty for all” without extending that sentiment to enslaved people. However, he was quite guilty of the same dissonance. John Jay was known to have owned twelve people throughout his life.<sup>2</sup> In fact, he owned slaves all the way up until 1817, the year in which a Gradual Emancipation Law was passed in New York.

John Jay understood the hypocrisy inherent in his political ideals and his profiting off slave labor. However, this did not impede on his practice of owning enslaved people. Instead, he attempted to excuse his behavior through a variety of justifications which attempted to explain away or minimize his exploitation. These justifications centered primarily on the notions that he purchased enslaved people for humanitarian purposes, and that his kind treatment of them negated any sort of cruelty inherent to their condition. In this paper, through piecing together the

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<sup>1</sup> Jay, John. Letter to Richard Price. September 27, 1785. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 8859)

<sup>2</sup>Ned Benton and Judy-Lynne Peters. “List of Enslaved People Owned by John Jay,” The Northeast Slavery Records Index (NESRI). *Records of Jay Family Slavery*. 2018

stories of several enslaved people in his care, I will explore the true nature of John Jay's relationships with his slaves. By obtaining a fragmented glimpse into these people's lives, it will become clear that Jay's justifications of his slave-ownership were fallacious and irrelevant. The core of the master-slave relationship embodied in this story was by its very definition an exploitative and immoral one. The manifestation of this sort of relationship in Jay's life, no matter how "fair" and amicable it may have appeared, lay in stark contrast to the ideals of liberty which he had sought to uphold.

### **Previous Historiography**

Most of the historiography regarding Jay's ownership of enslaved people is relatively new. This is because, for a long time, historians have ignored the presence of enslaved people in Jay's household in order to paint him in a favorable light. The first biography on Jay was written in 1833 by his son, William Jay.<sup>3</sup> William was an outspoken abolitionist throughout his life. Hence, in his book *The Life of John Jay*, he spent considerable time praising his father's anti-slavery activism. However, due to personal reasons, he neglected to mention Jay's slave-ownership. Throughout the 19th and early 20th century, the biographies which followed William's made the same omissions.<sup>4</sup> They preferred to praise Jay as a judge, diplomat, activist, and adept politician rather than condemn him as a slave owner. The erasure of Jay's relationship to slavery began to change around the turn of the 21st century.

Beginning in the 1990's, a myriad of new research was published which explored the interactions between several founding fathers and their enslaved workers. Pioneering literature

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<sup>3</sup> Jay, William. *The Life of John Jay*. United States: J. & J. Harper, 1833.

<sup>4</sup> Littlefield, Daniel C. "John Jay, the Revolutionary Generation, and Slavery." *New York History* 81, no. 1, 2000, 94

such as Annette Gordon Reed's *Thomas Jefferson and Sally Hemmings: An American Controversy* and Paul Finkelman's *Slavery and the Founders* ignited widespread scholarly conversations on certain founding fathers' ownership of enslaved people.<sup>5 6</sup> Around this time, in 2005, Columbia University published a database containing over 13,000 letters written by Jay and his family.<sup>7</sup> The increased accessibility of Jay's documents to the public, combined with these new historiographical discourses created a perfect environment for an examination into John Jay's relationship to slavery.

In 2012, Walter Stahr published the first biography on John Jay in over 60 years entitled *John Jay: Founding Father*.<sup>8</sup> Stahr was the first biographer of Jay to study the contradiction between his political stance against slavery, and his ownership of enslaved workers. In doing so, he painted a more nuanced picture of Jay's character. Stahr concluded that Jay's hypocrisy arose from a sense of cognitive dissonance.<sup>9</sup> He argued that, while Jay recognized that slavery was immoral in the abstract, he failed to apply this rationale to his own practices. In other words, Jay's contradictory personal and political views managed to coexist in two separate realms.

Ten years after Stahr's book was published, historian David Gellman released a biography on Jay called *Liberty's Chain: Slavery and Abolition in the Jay Family*.<sup>10</sup> Gellman's biography was the first to use Jay's relationship to slavery as the centerpiece of his research. Similar to Stahr, Gellman set out to examine the paradox between Jay's personal and political

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<sup>5</sup> Gordon-Reed, Annette. *Thomas Jefferson and Sally Hemmings: An American Controversy*. University of Virginia Press, 1997

<sup>6</sup> Finkelman, Paul. *Slavery and the Founders*. M.E. Sharpe Incorporated, 1996

<sup>7</sup> "The Papers of John Jay." Columbia University Libraries, <https://dlc.library.columbia.edu/jay>.

<sup>8</sup> Stahr, Walter. *John Jay: Founding Father*, Bloomsbury Academic, 2012

<sup>9</sup> *Ibid.*, 190

<sup>10</sup> Gellman, David N. *Liberty's Chain: Slavery, Abolition, and the Jay Family of New York*, Ithaca, NY: Cornell University Press, 2022

views on slavery. In doing so, Gellman challenged Stahr's assertion that these two beliefs occupied different realms in Jay's mind. Throughout his book Gellman emphasized the "intersection between the personal and political," implying that Jay's public and private attitudes toward slavery complimented one another.<sup>11</sup> To Gellman, Jay's political stance against slavery was influenced by his ownership of enslaved people. He noted that Jay's ownership of slaves precluded him from abolishing slavery immediately, and led him to prefer gradual manumission.<sup>12</sup> In turn, Jay's relationships to his enslaved workers were guided by his public opposition to slavery as an institution. To cite this, Gellman pointed to Jay's insistence on appearing as a kind and benevolent master to his enslaved workers, and his promise to manumit them after a certain period of service.<sup>13</sup> Overall, Gellman recognized the inconsistency between Jay's opposition to slavery, and his ownership of enslaved people. However, he maintained that Jay balanced these beliefs in his political career and his behavior toward his enslaved workers.

In this essay I plan to build off of Gellman's point about the intersection of Jay's personal and political beliefs on slavery. More specifically, I will provide closer examination on the ways in which Jay attempted to reconcile his public disapproval of slavery through his relationships with his enslaved workers. I will do so by examining Jay's various justifications for owning people, and contrast them to the lived experiences of his enslaved workers. In doing so, I hope to demonstrate that Jay's attempts to rectify his hypocrisies were disingenuous and futile.

## **Politics and Profit**

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<sup>11</sup> Gellman, David. "Mastering Paradox: John Jay as a Slaveholding Abolitionist." The Gotham Center for New York City History, 2021

<sup>12</sup> Gellman, David. 2022, 86-87

<sup>13</sup> Ibid., 108-111

In 1819 John Jay wrote a letter to his friend Elias Boudinot in which he articulated his opinions on slavery. In it, he declared that slavery “ought to be gradually diminished in all [states]” on account of “its discordancy with the principles of the Revolution; and its being repugnant to the following positions in the Declaration of Independence: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them are life, liberty, and the pursuit of happiness.”<sup>14</sup> Despite these stated convictions, when looking at Jay’s conduct toward his enslaved workers it becomes clear that he partook in slave-ownership to protect the wealth and convenience which it brought to his family.

The Jays existed as a prominent family in the State of New York for generations before John Jay’s rise to power. They were a wealthy and powerful merchant family who had made their fortune in America selling fur, wheat, timber, and other commodities.<sup>15</sup> Alongside this, the Jays also made lucrative investments in the early days of the slave trade. Records indicate that Augustus Jay, John Jay’s paternal grandfather, invested in 11 slave ships which transported a total of 108 slaves to the Port of New York between 1717 and 1732.<sup>16</sup> Peter Jay, John Jay’s father, was also implicated, having invested in 7 slave ships consisting of 46 slaves between 1730 and 1733.<sup>17</sup> Although the profit generated by the trafficking of enslaved people did not create the Jay’s fortune, there is no doubt that it augmented it.

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<sup>14</sup> Jay, John. Letter to Elias Boudinot. November 17, 1819. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 08767)

<sup>15</sup> Stahr, Walter, 2012. 1-5

<sup>16</sup> Donnan, Elizabeth. *Documents Illustrative of the History of the Slave Trade to America*. Carnegie Institute of Washington Publications. 1930. 463-496

<sup>17</sup> *Ibid.*, 490-495

John Jay himself was born into a household which depended on slave labor. Jay was raised in the rural town of Rye, New York, where slavery was commonplace.<sup>18</sup> His father was one of the largest landowners in the region, employing a multitude of enslaved workers on his fields. The slave society in which Jay was brought up differed from the plantations of the southern United States. As an early historian of New York slavery put it,

“At the beginning of the century, nearly every family owned one negro ‘hand’ or more. Generally they were such as had been born and brought up in these households, and in many cases the attachment between master and servant was mutually strong. As a general rule, slaves were kindly treated; but there were instances of inhumanity, here as everywhere, under this atrocious system.”<sup>19</sup>

It can be assumed that Jay’s time growing up in a slave society instilled in him a dependence on enslaved labor. The nature of slavery in his region also gave him a sense of appreciation and paternalistic congeniality toward enslaved people. Jay’s early perception of the master-slave relationship was that the slave was endowed with a responsibility to generate wealth for the master. However, the master was obliged to treat them with dignity in turn. This arrangement of financially backed “camaraderie” was demonstrated in one of Jay’s first recorded interactions with an enslaved person.

In 1764, Peter Jay requested John Jay’s help in obtaining forms to hire out an enslaved woman named Mary to their neighbor.<sup>20</sup> The request noted that Mary had not yet contracted smallpox, and suggested that Peter wished to pay for her inoculation. Peter and John Jay’s

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<sup>18</sup> Littlefield, Daniel C, 2000. 95

<sup>19</sup> Baird, Charles W. *History of Rye, Westchester County, New York 1660-1870, including Harrison and White Plains till 1788*. New York: Anson D.F. Randolph and Company, 1871

\*Note that this book was published in 1871. Its focus on the “kindness” of slavery is quite outdated. However, it lends an interesting perspective onto how Jay himself might have viewed himself as a slave-owner throughout his life.

<sup>20</sup> Jay, Peter. Letter to John Jay. November 12, 1763. In *John Jay Homestead Archives and Special Collections*, JJHS.

gesture toward Mary may have been a life-saving one. Smallpox epidemics frequently ravaged colonial America, leaving millions dead in their wake. By offering smallpox immunity to an enslaved woman without the means to fund her own inoculation, Peter Jay surely did her a great deed. However, his considerations behind this request were presumably more financially motivated than charitable. The inoculation of Mary was likely a means for the Jay family to protect their investment. If Mary were to die of smallpox, the Jays would lose decades of valuable service. Along with this, if Mary had returned to the Jay household infected with smallpox, she would have infected the Jay's other enslaved workers. This would have cost the Jay family an enormous amount of time, money and labor. It was for this reason that Peter insisted on having Mary inoculated before her departure. In the case of Mary, the Jay family's kindness extended as far as their profits were concerned.

About ten years after the inoculation of Mary, John Jay began to establish himself as a politician. In 1774, he became involved in the American Revolution by serving in the first and second Continental Congress. During this time, Jay developed a sense of antipathy toward slavery. As a delegate to the Continental Congress, he was tasked with writing letters and pamphlets in support of American independence. In these writings, he frequently employed imagery of slavery, bondage, and chains to denounce British rule. In 1774, Jay opened an address to the people of Great Britain with this scathing remark:

A Nation, led to greatness by the hand of Liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her Friends and Children, and instead of giving support to Freedom, turns advocate for Slavery and Oppression, there is reason to expect that she has ceased to be virtuous.<sup>21</sup>

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<sup>21</sup> Jay, John. *Address to the People of Great Britain*, October 28, 1774. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 13713)

While writing in support of the revolution, Jay began to question the existence of slavery in the United States. Jay spent his days in the Continental Congress drafting impassioned cries for “liberty” and “freedom from British slavery.” During this time, he couldn’t help but notice the contradiction between the ideals of the American revolution, and the widespread presence of slavery in his state. Jay expressed these frustrations in a letter to his friend Richard Lushington, stating that “to contend for our own liberty and deny that blessing to others, involves an inconsistency not to be excused.”<sup>22</sup> It is clear that the rhetoric of the American revolution inspired Jay to view slavery as a gross injustice. This realization marked the start of John Jay’s political commitment to the abolition of slavery.

During the late 1770’s, Jay vied for legislation that would limit the spread of slavery in New York. Notably, he was a vocal supporter of Governor Morris’ proposed clause to the New York State Constitution in 1777.<sup>23</sup> If passed, this clause would have banned the trade of enslaved people across state and national lines. To Jay’s dismay, the bill was struck down by the State Assembly. Following their defeat, Morris and Jay drafted a note to the future legislature urging them to reconsider their decision. In this recommendation, Jay expressed hope that “in future ages every human being who breathes air of the state shall enjoy the privilege of freedom.”<sup>24</sup> Jay’s support for Morris’ clause demonstrated his steadfast vigilance toward ending slavery. His private actions, however, told a different story.

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<sup>22</sup> Jay, John. Letter to Richard Lushington. March 15, 1786. In *John Jay Homestead Archives and Special Collections*, JJHS.

<sup>23</sup> Jay, John. Letter to Robert Livingston and Governor Morris. April 29, 1777. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 12946)

<sup>24</sup> Ibid.



As John Jay championed legislation which would outlaw the slave trade, he steadily procured a large number of enslaved people himself. For the first several decades of Jay's adult life, his enslaved workers came as inheritance from either his wife's family or his father.<sup>25</sup> However, in the late 1770's, records indicate that he had begun to purchase his own enslaved labor force.<sup>26</sup> It is striking to note how Jay's purchase of enslaved workers - from both inside and outside of the United States - coincided with his calls to outlaw the international slave trade. Jay, however, was well aware of the hypocrisy between his personal and political actions. Subsequently, he had prepared an explanation for this apparent contradiction.

In a 1798 federal tax assessment, John Jay included a page which listed the names of six slaves along with a note which read "I purchase slaves and manumit them at proper ages, and when their faithful services shall have afforded a reasonable retribution."<sup>27</sup> Here, Jay argued that his purchase of enslaved workers was part of a premeditated "gradual manumission plan." This practice was an answer to Jay's concerns of hypocrisy. With it, he assured himself that his participation in slavery was not an especially exploitive or selfish venture. Rather it was an act of altruism whereby he gifted his enslaved workers a path to freedom. There existed well documented cases of Jay implementing this practice toward his enslaved workers. A notable example of this can be found in the story of Benoit.

About 20 years earlier in 1779, Jay was sent by the Continental Congress on a diplomatic voyage to Spain. Early on the trip, his ship suffered severe damages during a storm and rerouted

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<sup>25</sup> Ned Benton and Judy-Lynne Peters. "List of Enslaved People Owned by John Jay," "The Northeast Slavery Records Index (NESRI)." *Records of Jay Family Slavery*. 2018

<sup>26</sup> Ibid.

<sup>27</sup> "John Jay Federal Tax Assessment: 1798," November 1, 1798. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 9216)

to Martinique for repairs.<sup>28</sup> While in Martinique, Jay attended a slave auction and purchased a 15 year old boy named Benoit.<sup>29</sup> Benoit went on to accompany Jay for the remainder of his travels throughout Europe. The pretext behind Jay's decision to purchase Benoit was that it constituted part of his gradual manumission operation. Jay reasoned that, by purchasing Benoit, he had granted him the opportunity to live his adult life as a free man. To his credit, Jay did fulfill this promise.

Five years after the auction, Benoit received a conditional manumission contract from Jay who promised him freedom once "the value of his services amount[ed] to a moderate compensation for the money expended on him."<sup>30</sup> With the preceding five years of service accounted for, Jay calculated that an additional three years of service would be sufficient to warrant Benoit's freedom. Seeing as Benoit's name did not appear on the 1790 census records of John Jay's holdings, nor is there any record of his sale, it can be assumed that, as promised, he walked away as a free man.<sup>31</sup>

The story of Benoit sheds light into Jay's practices as well as his perception of himself as a slave-owner. Given the appalling working conditions on the sugar plantations of the West Indies, Benoit would have led a short life if not for John Jay. Jay was well aware of this fact. In a 1786 address on the international slave trade, Jay expressed repulsion and outrage at the

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<sup>28</sup> Jay, John. Letter to Benjamin Franklin. January 26, 1780. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 7792)

<sup>29</sup> Jay, John. Letter to Peter Jay. May 23, 1780. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 7841)

<sup>30</sup> Jay, John. "The Conditional Manumission of Benoit" March 21, 1784. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 7298)

<sup>31</sup> United States Bureau of the Census. "Heads of Families at the First Census of the United States Taken in the Year 1790," U.S. Government Printing Office, 1908

treatment of enslaved people in the West Indies.<sup>32</sup> Knowing this, it is likely that Jay's decision to purchase Benoit was made, in part, to spare him from a life of drudgery and abuse. That being said, Jay's decision to buy Benoit should hardly be looked upon as an act of pure charity.

Several months before their detour in Martinique, John Jay's wife Sarah had expressed a desire for domestic servants to accompany the family on their journey.<sup>33</sup> Throughout their time in Europe, the Jays depended heavily on Benoit's personal service to meet their needs. In March of 1783, Jay sent a letter to John Adams, a fellow diplomat on his trip, stating that he could not accompany him to a meeting. This was because an unnamed servant - likely Benoit - had taken his nephew to a fair and was unavailable to groom his hair.<sup>34</sup> In a similar vein, Sarah Jay wrote to her five year old son promising that "when I return I'll bring you a clever little black boy that speaks French. If you can read and write English well you may learn that language."<sup>35</sup> It would not be presumptuous to claim that Jay's "rescue" of Benoit was done to maximize the family's comfort during their travels and beyond. While the Jays rescued Benoit from a dangerous environment, it is certain that they made a profit from his years of service to the family.

Somewhere in his conscience, John Jay may have understood the moral pitfalls of his manumission plan. It was clear that this promise did not resolve the contradiction between his personal and political views on slavery. Despite this, Jay continued to involve himself in the

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<sup>32</sup> Jay, John, Frank Monaghan, E. Claviere, Samuel Hoare, William Shotwell, R. Lushington, William Hamilton, et al. "Anti-Slavery Papers of John Jay, Collected by Frank Monaghan." *The Journal of Negro History* 17, no. 4, 1932: 489-490

<sup>33</sup> Jay, Sarah Livingston. Letter to Susannah French Livingston. December 12, 1779. In *The Selected Letters of John Jay and Sarah Livingston Jay*, 2005. 68

<sup>34</sup> Jay, John. Letter to John Adams. March, 1783 in *The Papers of John Jay*, Columbia University Libraries. (EJ: 11229)

<sup>35</sup> Jay, Sarah Livingston. Letter to Peter Augustus Jay. July 25, 1781 in *John Jay Homestead Archives and Special Collections*, JJHS.

anti-slavery movement. In 1785, Jay and several associates established the New York Manumission Society.<sup>36</sup> Just a year later in 1786, he would become its first president. The express goal of the Manumission Society was, as Jay put it, “To [rescue] oppressed individuals from those who *cruelly* make merchandise of them.”<sup>37</sup> At first, their main objective was to abolish slavery in New York. However, many members contended that a total ban on slavery was unlikely to pass in the Assembly. Thus, the society focused its efforts on eroding the more cruel and inhumane aspects of slavery.<sup>38</sup>

Jay’s time as president of the Manumission Society from 1785 to 1789 constituted the height of his involvement in the anti-slavery cause. During these years, Jay spent the majority of his time drafting legislation which protected the limited rights of enslaved people. In 1787 Jay and the Manumission Society helped pass the “Act Concerning Slaves” in the New York State Assembly.<sup>39</sup> This bill granted enslaved people the right to a trial by jury, cracked down on the kidnapping of free black people, and outlawed the sale of old and disabled slaves to masters without means to care for them. Evidently, Jay was instrumental in undermining some of the most brazen cruelties of slavery. However, the contradiction between his personal and political beliefs continued to grow during this time. Throughout the 1780’s, as his involvement in the anti-slavery movement grew, so too did the number of enslaved people in his household. Between the years of 1783 and 1789 Jay had purchased four new enslaved workers.<sup>40</sup> Jay

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<sup>36</sup> John Jay, Anti-Slavery, and the New-York Manumission Society: Editorial Note,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jay/01-04-02-0013>.

<sup>37</sup> Jay, John. Letter to John Murray. October 10, 1786. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 07283)

<sup>38</sup> John Jay, Anti-Slavery, and the New-York Manumission Society: Editorial Note,” *Founders Online*, National Archives.

<sup>39</sup> Ibid.

<sup>40</sup> Ned Benton and Judy-Lynne Peters. “List of Enslaved People Owned by John Jay,” “The Northeast Slavery Records Index (NESRI).” *Records of Jay Family Slavery*. 2018

recognized that the widening gap between his personal and political beliefs warranted further criticisms of hypocrisy. Thus, he began to employ a new justification for his slave ownership.

This justification appeared to be inspired by his work in the Manumission Society. As mentioned before, the society spent considerable time combating the abuses of slavery, rather than vying for total emancipation. This led Jay to believe that the principal injustice of slavery was the cruel treatment of enslaved people instead of enslavement itself. In 1786, Jay wrote an address to the State Assembly in favor of a prohibition on the slave trade. In it, he included a subtle defense of his own slave-ownership. The memorial read,

That your memorialists being deeply affected by the situation of those who are held in slavery by the laws of this state, view with pain and regret the additional miseries which those unhappy people experience from the practice of exporting them like cattle to the West Indies and the southern states. That in the course of this inhuman commerce there have been frequent instances of husbands being torn from their wives, wives from their husbands, parents from children and children from parents... That it is known that the condition of slaves in this state is far more tolerable and easy than in many other countries.<sup>41</sup>

Jay's rationale mounted to the idea that the experience of *his* slaves was far preferable to those in any other locality. While certain masters tormented their enslaved workers, Jay treated them with dignity. Thus, his ownership of people was justified on the grounds of his explicit lack of cruelty.

Jay continued this line of defense in the latter half of his address. Jay conveyed that "the treatment with which slaves in general meet with in this state is very little from that of other servants."<sup>42</sup> The comparison made by Jay to "other servants" helps shed light on the framework by which Jay viewed his slave-purchasing practices. Putting aside our modern connotations of indentured servitude, it becomes clear that Jay likely perceived his manumission "agreements" as

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<sup>41</sup> Frank Monaghan, E. "Anti-Slavery Papers of John Jay, Collected by Frank Monaghan." 1932, 489-490

<sup>42</sup> Ibid., 491

a modified version of this practice. Thus, he reasoned that his ownership of enslaved workers was a morally defensible phenomenon. To Jay, it was permissible to make a profit off of his slaves' "indenture" just as a tradesman would, so long as he were to treat them in a tolerable manner, as one would a free man.

There existed a major flaw in Jay's reasoning. He assumed that, because his slaves were afforded similar living conditions to indentured servants, that their stations were equivalent in most respects. In reality, their legal position as property precluded them from enjoying even the limited amounts of autonomy that indentured servants were granted. Jay's false moral equivalency ignored the fact that, unlike indentured servants, enslaved people had no voice in the terms of their manumission contract. They did not enter into any sort of voluntary agreement, and were not at liberty to negotiate the terms of their enslavement. Thus, as addressed by Jay himself, they could be separated from their station and family at their master's whim. Despite Jay's claims, his role as the legal owner of people embodied what Gellman referred to as "the casual cruelties of slavery."<sup>43</sup> These casual cruelties can be found in the experiences of several of Jay's enslaved workers. One such case is the story of Dinah Williams.

In early 1797, Jay purchased an enslaved woman by the name of Dinah. Jay wrote that "after serving [him] faithfully a certain time" he intended to manumit her, as he did with Benoit.<sup>44</sup> What Jay neglected to realize was that Dinah was the mother of a two year old child, whom her previous master promised she could keep. The problem with this lay in the fact that John Jay had recently been elected as governor of New York. Jay's role as governor entailed a

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<sup>43</sup> Gellman, David. 2022, 108

<sup>44</sup> Jay, John. Letter to Richard Lawrence. February 9, 1797. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 08969)

heavy workload, which had led him to seek a full time domestic servant to accompany him to Albany. To employ a full time mother of a toddler appeared to Jay as more of a liability than an asset. This led Jay to declare that Dinah should separate with her child, to whom he crudely referred as “it,” leaving her in a scramble to find him a home.<sup>45</sup>

Dinah wrote to her uncle, a free black man in New York City, begging him to take her child into his home.<sup>46</sup> To her dismay, she received no reply. Plagued by anxiety, Dinah explained her circumstances to Jay who requested that his friend Richard Lawrence send for her uncle.<sup>47</sup> While John Jay expressed a passive sympathy to Dinah’s plight, he refused to make any sort of concessions on his part. It was the very nature of their relationship as master and slave, in which profit and convenience were Jay’s principal considerations, which permitted him to tear her family apart at a moment’s notice. What was a desperate situation for Dinah was an unfortunate misunderstanding to Jay. Over the next four years, a lonely and childless Dinah toiled in Jay’s service. During this time, Jay made a significant profit over her destitute situation thanks to the absolute power afforded to him by the cruelties of slavery.

The story of Dinah also highlights the dubious nature of Jay’s belated manumission plans. By the 1790’s, Jay’s focus on the gradual manumission of his enslaved workers had begun to wane. In the case of Dinah, John Jay’s promise to eventually manumit her came into question when pitted against his desire to maximize his profits. In 1801, Jay retired from his position as governor and relocated to his Bedford estate, bringing Dinah along. From this moment, Dinah’s already precarious situation in the Jay household grew worse.

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

Dinah was briefly reunited with her child at the Jay estate. However, the following year, John Jay arranged for her to be sold to a Mr. Camp, and for her child to be sold to a Mr. Breeze all the way in Utica.<sup>48</sup> Jay understood that this sale would violate the terms of his arrangement for Dinah's manumission. Thus, he stipulated that both masters should eventually free her and her child.<sup>49</sup> There, of course, existed no means for legal recourse in this agreement, leaving Dinah's fate at the whim of her new master. In January of 1808, Jay's son Peter Augustus wrote a letter informing John Jay that both Mr. Camp and Mr. Breeze had ignored the agreement and continued to keep Dinah and her child as slaves.<sup>50</sup> Peter Augustus presumably notified his father in hopes that he would resolve the matter. There is, however, no record of a follow-up on the lives of Dinah or her child.

From the story of Dinah, two truths about Jay's slave ownership are illuminated. The first is the fact that her position as an enslaved woman left her with no autonomy over who and where she was to serve. Jay's position as the master afforded him the power to exploit Dinah's lack of self-ownership. Consequently, he did so by separating her from her child for his own convenience. The second is that Jay's intent to manumit his slaves after a certain period of service appeared to have become little more than a suggestion. Jay's original justification for slave-ownership rested on the notion that he would eventually manumit them. However, in Dinah's case, he felt compelled to forgo this agreement in order to make a profit off her sale. In

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<sup>48</sup> Jay, Peter A. Letter to John Jay. January 21, 1808. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 06126)

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.



doing this, he casually condemned Dinah to an uncertain future, separated her from her loved ones, and destined her to die as an enslaved woman.

Overall, the stories of Jay's enslaved workers demonstrate the superficiality and delusiveness of his justifications for owning people. Jay's opposition to slavery manifested itself throughout his political career, where he made immense efforts to end the practice in New York. Yet these beliefs lay in direct contrast to his ownership of several enslaved workers. Jay was well aware of the incongruence between these two facts. This led him to assert that his practice of slave-ownership was moral and principled. However, the experiences of Mary, Benoit, and Dinah showed that Jay's relationships with his enslaved workers were inherently based on exploitation. Jay's principal motivation as a slave-owner was to extract profit out of his enslaved workers. While he may have been kind to Mary and Benoit, this kindness was predicated on their ability to generate wealth for his family. In the case of Dinah, when her circumstances did not align with Jay's self interest, his kindness turned to callousness. Hence, he discarded her as he saw fit. All in all, Jay's benevolence toward his enslaved workers reached only as far as his profit and convenience warranted.

### Part 3: Paternalism

A running theme in John Jay's justification for his role as a slave owner was that he treated his enslaved labor force with dignity. To Jay, the form of slavery which he perpetuated was fundamentally incomparable to that of the sugar tycoons of the West Indies or the plantation owners of the South. While their practice of enslavement was immoral and needlessly barbaric,

his was benignant and merciful. However, there was one particular aspect of this justification which stood out in Jay's writings.

Throughout his life, Jay ceaselessly emphasized the close, personal bonds he and his family shared with their enslaved workers. Jay, along with his wife and children wrote about the enslaved people in their household as secondary members of the family. This belief constituted what is known as "paternalism." During Jay's time, paternalism was a common attitude among slave owners in the North and South alike.<sup>51</sup> Historian Eugene Genovese defined paternalism as a system whereby "black and white welded into one people with genuine elements of affection and intimacy" in order to justify a hierarchical order.<sup>52</sup> In other words, slave masters would profess intimate bonds with their enslaved workers in order to eschew moral qualms about their bondage. Naturally, Jay's paternalistic sentiments towards his enslaved workers could not obfuscate the nature of their dynamic as master and slave. The relationship between Jay as a master and his enslaved workers ensured that their personal bonds were constantly defined by hierarchy. One of the more direct examples of this conduct appears in the Jay family's discussion of "Old Mary".

Old Mary had spent her entire recorded life enslaved to the Jay household. Originally owned by Peter Jay, Mary had passed on to John Jay following his death in 1782.<sup>53</sup> During this time, Jay was residing in Spain and possessed limited control over his newly acquired enslaved workforce. This led him to instruct his nephew Peter Jay Monroe to take care of them in his

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<sup>51</sup> Cole, Joshua. *The Excuse of Paternalism in the Antebellum South: Ideology or Practice*. Eastern Illinois University Press, 2005. 31-32

<sup>52</sup> Peter Kolchin, *American Slavery 1619-1877*, New York: Hill and Wang, 1993. 111-112.

<sup>53</sup> Jay, John. Letter to Peter Jay Munro. September 14, 1780. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 00427)

stead.<sup>54</sup> Old Mary was an “invalid,” meaning she was too old, or possibly disabled, to properly fulfill her duties. This may have been the reason why she was not manumitted alongside several other enslaved people near the time of Peter Jay’s death. He likely feared for her ability to fend for herself, and thus kept her within his family’s control.

It is evident in his letters that John Jay took pity on Mary’s plight. In his correspondence with Peter Jay Monroe, Jay requested that he take full and proper care of Mary at his own expense, due to “the solicitude I experience about her” along with the fact that “If she should suffer I should be hurt and mortified.”<sup>55</sup> He further elaborated on his reasons for taking on such an obligation, stating “she has been so good to my father and mother, and to their children, and for so long a course of years been a faithful, ready, and affectionate servant, that in my opinion she had laid us all under obligations which her subsequent faults and errors can never cancel.”<sup>56</sup> Given the personal nature of this message, Jay made it clear that he viewed Mary with some level of compassion which obscured her position as property. However, Jay’s obligation to look after Mary in her disabled state was only warranted by her years of tending to his family’s every need. Alongside this, Jay’s use of the term “faults and errors” implied that he viewed Mary’s vulnerability as a sort of personal failing. To Jay, Mary’s ill health was more of a liability than a tragedy. From all of this, it is clear that Jay’s sentimental bonds with his enslaved workers were contingent on how well they had served their domestic roles. In other words, John Jay’s concern toward his slaves came with terms and conditions.

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

While the good behavior of enslaved people was met with affection by the Jay household, the same could not be said when one rebelled against their station. No story represents the capricious nature of John Jay's personal relationships to his slaves better than the story of Abbe.

In late October of 1783, the Jay household awoke in their Paris dwelling to find that Abbe, the enslaved woman accompanying Sarah Jay, had fled. Panic arose as they frantically notified all of their Parisian contacts of her haste departure. They quickly got ahold of Benjamin Franklin's grandson, William Franklin, who put Paris' Lieutenant of police on the job of locating her whereabouts.<sup>57</sup> Abbe was eventually found in the home of an English washerwoman who had allegedly promised her work with wages, and was immediately taken to a city jail.<sup>58</sup> The question on the minds of everyone in the Jay household was why and how this could have happened. Abbe had dutifully served the Livingston family for two generations, and had no recorded prior infractions. However surprising it may have seemed to the Jay's, Abbe's decision did not come out of nowhere. It is possible to gain insight into Abbe's emotional situation in the days leading up to her escape through piecing together her masters' passive observations on her behavior and circumstances.

When the Jays had departed for Europe in 1779, Abbe had been brought with them against her will. Abbe had a spouse back home from whom she was forced to endure a lengthy period of separation.<sup>59</sup> She had limited means of assuring herself of his fidelity, and was left in

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<sup>57</sup> Jay, John. Letter to William Franklin. November 11, 1783. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 2655)

<sup>58</sup> Jay, Sarah Livingston. Letter to John Jay. November 6, 1783. In *The Selected Letters of John Jay and Sarah Livingston Jay*, edited by Landa M. Freedman and Louise V. North. McFarline & Company Inc. Publishers, 2005. 147-148

<sup>59</sup> Jay, Sarah Livingston. Letter to Catherine Livingston. May 18, 1781. In *The Selected Letters of John Jay and Sarah Livingston Jay*, 2005. 106

the dark as to whether he was still alive and wished to be married to her. To quell this anxiety, Abbe would turn to her literate mistress for updates on his whereabouts. Sarah Jay would, in turn, oblige. In the postscript of a letter to her sister Catherine Livingston, Sarah Jay remarked that “Abbe would like to know if she is a mistress of a husband still.”<sup>60</sup> In Catherine Livingston’s reply, she included nothing about the status of Abbe’s husband, indicating that Abbe probably lived most of her years in Paris with little to no communication with her loved one.<sup>61</sup>

While Abbe was stranded in a foreign country without word from her own family, she was expected to tend to the intimate needs of the Jay’s. In 1780, Sarah Jay suffered the loss of a child who passed away shortly after birth. During this period she relied heavily on Abbe as a source of emotional consolation, writing to her mother that “the attention and proofs of fidelity which we have receiv’d from Abbe ever shall have my acknowledgements.”<sup>62</sup> No matter the words of gratitude bestowed upon Abbe by her masters, the realities of her work had likely begun to take a toll on her. The fact that her only source of information about her family came from those who had forced her away from them must have been demoralizing in itself. But to add insult to injury, the fact that Abbe was asked to tend so intimately to the needs of the Jay family must have driven her off the edge.

The Jay family started noticing changes in Abbe’s behavior around July of 1783 as she grew progressively more ill and irritable. Though the Jays paid little attention to the causes of her malcontentment, they certainly noticed that something about her had changed. Sarah Jay noted in

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<sup>60</sup> Ibid.

<sup>61</sup> Livingston, Catherine W. Letter to Sarah Livingston Jay. June 30, 1781. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 8098)

<sup>62</sup> Jay, Sarah Livingston. Letter to Susannah French. August 28, 1780. In *The Selected Letters of John Jay and Sarah Livingston Jay*, 2005. 90-91

a letter to her mother that Abbe spent about a third of her time bedridden due to various colds and body aches.<sup>63</sup> She also mentioned to John Jay that, immediately preceding her escape, Abbe had gotten into a feud with a white nurse. Though the details of this fight are not known, Sarah Jay remarked that the white nurse had expressed concerns, saying that “[Abbe] had for some time treated her so uncivilly, that she told me that were it in my power to dismiss Abbe and I still chose to keep her, she would be obliged to leave me.”<sup>64</sup> While the Jay family may have recognized in advance that Abbe was deeply troubled, none of this concern translated into any sort of self reflection or blame for her departure.

Upon Abbe’s escape, the Jays were perplexed over why she had run away. John Jay stated in a letter to William Franklin that “I suspect that Abby’s (elopement?) was not resolved upon in a sober moment - it was a measure of which I cannot conceive of a motive.”<sup>65</sup> Despite a vague recognition of the warning signs, Jay could not contend with the idea that one of his slaves would desire to risk her life to flee from him. Thus, it made the most sense to him that Abbe’s decision was born out of an irrational spasm of the mind, rather than a calculated decision to escape a grim and isolating situation. He continued, “I had promised to manumit her on our return to America, provided she behaved properly in the meantime. Amidst her faults, she has several good qualities and I wish to see her happy and contented on her own account as well as our’s.”<sup>66</sup> His words here lend credence to the idea that John Jay perceived himself as an unequivocally kind and understanding master. He, supposedly, at some point had made it clear to

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<sup>63</sup> Jay, Sarah Livingston. Letter to Susannah French. April 15, 1783. In *The Selected Letters of John Jay and Sarah Livingston Jay*, 2005. 132-133

<sup>64</sup> Jay, Sarah Livingston. Letter to John Jay. November 6, 1783. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 6503)

<sup>65</sup> Jay, John. Letter to William Franklin. November 11, 1783. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 2655)

<sup>66</sup> Ibid.

Abbe that he had arranged a manumission “agreement,” out of his own goodwill. Along with this, even despite her transgression, Jay emphasized that he still cared for Abbe and wished to ensure that she was content going forward. However gentle and considerate Jay’s paternalistic feelings toward Abbe appeared on paper, his actions throughout the course of her final months complicate the story.

Jay continued to deliberate upon why Abbe had made her departure. Instead of reflecting on whether the family’s excessive demands prompted her escape, he took the opposite approach. He arrived at the conclusion that it was their leniency toward Abbe which had empowered her to make such an impulsive decision. At the advice of Benjamin Franklin, Jay had decided, in true paternalistic fashion, to teach her a lesson concerning her imprudence. He suggested to his wife that they ignore her imprisonment for 15 to 20 days, and leave her to ponder her actions within the solitude of her prison cell.<sup>67</sup> He reasoned that if Abby were deprived of “wine and improper company without being indulged in conveniences,” that “sobriety, solitude, and want of employment will render her temper more obedient to reason.”<sup>68</sup> Both John and Sarah Jay expressed mild concern throughout Abbe’s time in prison about her ill health. Despite her approval of her husband’s punitive measures, Sarah would occasionally send her nephew to ensure that Abbe remained alive and well.<sup>69</sup> After several days in prison, Abbe’s health began to worsen, prompting Sarah Jay to write a letter to her husband begging for her remittance.<sup>70</sup> The letter referenced Abbe’s worsening health along with the fact that she appeared “penitent and

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<sup>67</sup> Jay, John. Letter to Sarah Livingston Jay. November 23, 1783. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 8041)

<sup>68</sup> Ibid.

<sup>69</sup> Jay, Sarah Livingston.. Letter to John Jay. November 18, 1783. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 90341)

<sup>70</sup> Jay, Sarah Livingston.. Letter to John Jay. December 7, 1783. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 6511)

desirous to efface by her future conduct the reproach her late misstep has merited.”<sup>71</sup> Thanks to Abbe’s declaration of regret, her pleas were heard and she was eventually returned to the Jay household.<sup>72</sup> John Jay’s actions, however, were too little too late. In December of 1783, just days after her release from prison, Abbe passed away in her bed, alone in her quarters, in a country she had never wished to be in.

Many of the harshest truths about the Jays’ relationship with their enslaved workers manifested in the tragic story of Abbe’s escape. Firstly, it demonstrated the fact that their purported concern for Abbe’s well being was largely superficial. By bringing her along to Europe they knowingly separated her from her husband against her will. As her physical and mental health began to worsen they had recorded the signs, but ultimately ignored her cries for help. Secondly, it expresses how John Jay and his family reserved their kind treatment for enslaved workers who neglected to rebel against their authority. When Abbe had fled slavery, a condition which Jay noted to be one of “unmerited oppression,” his first instinct was to punish her for her transgression. The cruelty of this decision had led an ill and isolated Abbe to her untimely death.

All of this goes to show that Jay’s amiability for his enslaved workers could not compensate for their cruel realities under slavery. However affectionately he spoke of his enslaved people, Jay’s concern for them was contingent upon their performance as reliable workers. His goodwill constituted a reward for a lifetime’s worth of dutiful service and strict obedience. Jay expressed his affection toward his enslaved workers through empty praise and

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<sup>71</sup> Ibid.

<sup>72</sup> Jay, Sarah Livingston.. Letter to John Jay. December 11, 1783. In *The Papers of John Jay*, Columbia University Libraries. (EJ: 6512)



stifling paternalism. Meanwhile, if one such as Abbe were to rebel, his concern would turn into a callous desire to punish. Overall it is clear that Jay's personal relationships with his enslaved workers did not defy the casual cruelties of the master-slave dynamic. Rather, they embodied it.

## **Conclusion**

All in all, John Jay's relationships with his enslaved workers demonstrate the insoluble paradox between his political beliefs and his personal practices. Throughout his career, Jay was a staunch critic of slavery. He advanced legislation which undermined the sale of enslaved workers, and wrote about slavery's incompatibility with the ideals of the American Revolution. Despite all of this, Jay made significant profits off of his ownership of enslaved people. While Jay made many attempts throughout his life to justify his conflicting views, none of them negated the fact that his ownership of people was fundamentally immoral. The lives of Mary, Benoit, Dinah, "Old Mary," and Abbe make one thing clear: no matter how fairly he treated his enslaved workers, he could not circumvent the stratification of their relationship. The core of the master-slave connection was that the slave was endowed with the responsibility to serve and obey the master. The master, in turn, had absolute power over the enslaved person's life, and could exploit them as they saw fit. No matter how benevolent Jay appeared toward his enslaved workers, his role as a master embodied the cruel and inequitable truths inherent to slavery.