

# John Jay

(1745-1829)

John Jay of New York City was the first chief justice of the United States. Descended from two wealthy, influential families, Jay practiced law until he became immersed in the politics of the American Revolution. He was a delegate to both Continental Congresses; in 1778 he was elected president of the second Continental Congress. In 1779 Congress appointed Jay minister plenipotentiary to Spain, where he was asked to seek aid and recognition for the American cause. In the spring of 1782 Jay joined Benjamin Franklin in Paris to negotiate peace with England. Playing a leading role in the negotiations, Jay signed the Treaty of Paris on behalf of the United States. Upon his return home in 1784 he discovered that he had been appointed secretary of foreign affairs, and he served through the transition to the new government in 1789. A strong supporter of the new Constitution, Jay wrote many persuasive essays for *The Federalist*.

Selected as chief justice in 1789, Jay presided over the Supreme Court until 1795. The most important case before the Court during these years was *Chisholm v. Georgia*, in which the Supreme Court upheld the right of citizens of one state to sue another state. In 1794 Jay went abroad again, this time to avert threatened war with Britain over a number of grievances, including occupation of western military posts and trade restrictions. The Jay Treaty of 1794, although unpopular, was approved by the U.S. Senate. At the close of his career, Jay served two terms as the second governor of New York. Afterward, he declined renomination to the Supreme Court and retired to his farm in Katonah, New York, where he died in 1829.

The inscription on this bust of John Jay signifies the true measure of John Frazee's heartfelt republicanism. At first perplexing, the abbreviated final words "Am. In. 55" actually stand for "in the 55th year of American Independence." A truly fine achievement, Frazee's bust of John Jay is worthy of a new nation that looked to the Roman Republic for inspiration and historical confirmation. It is simple, resolutely frontal, and very Roman, both in its stylization of the commanding head and in the drapery.

In 1831 Congress appropriated \$400 "for employing John Frazee to execute a bust of John Jay for the Supreme Court room." Frazee had sought the commission through New York Congressman Gulian Verplanck, chairman of the House Committee on Public Buildings. A bill was submitted authorizing \$600 to be paid to Frazee for the bust's creation. By the time Congress authorized the expenditure a year later, the sum had been reduced to \$400. Although Frazee was disappointed by the amount, he was pleased at the opportunity, writing Commissioner of Public Buildings Joseph Elgar that it was "the first instance where our Government has voluntarily bestowed its patronage on an American genius, in this department of the arts." Even though Congress had authorized Frazee to execute the Vice President Elbridge Gerry monument for the Congressional Cemetery in the early 1820s, the artist did not consider that memorial a work of fine art.

Frazee derived his portrait from a 1792 life bust by Giuseppe Ceracchi. The gifted Italian sculptor had come to Philadelphia in 1791 (the government had just relocated there) to vie for a congressional commission to make an equestrian statue of George Washington. In the end, the commission was never awarded, but Ceracchi did not squander his time in America. He modeled clay busts of a number of important figures, including Washington, Jefferson, Hamilton, and Jay. Ceracchi returned to Italy soon after taking Jay's likeness and translated his models into marble over the next two years.

For his model, Frazee probably borrowed a version of Ceracchi's bust owned by the Jay family (it is thought to have been the terracotta portrait now preserved at the Supreme Court of the United States). Although he relied on Ceracchi for the accuracy of Jay's features, Frazee moved decisively away from the striking naturalism of his model to a distinctive neoclassicism. Two plaster heads of Jay at the New-York Historical Society, once thought to be by Ceracchi, are now judged to be by Frazee. These

*John Jay*

**John Frazee (1790-1852)**

Marble, 1831

30 x 21 $\frac{5}{8}$  x 12 $\frac{1}{4}$  inches (76.2 x 54.9 x 31.1 cm)

Signed (on front of console): J. Frazee, fecit

Inscribed (on subject's back): Executed by J. Frazee, to order of Congress 1831; Am. In. 55

Commissioned by the Joint Committee on the Library, 1831

Accepted by the Joint Committee on the Library, 1832

Cat. no. 21.00010



intermediate studies attest to the gradual, deliberate distancing of Frazee's style from Ceracchi's. The departure is particularly interesting because much of Frazee's work is indeed naturalistic in style. But in this case, the artist, who resented the bestowal of American patronage upon European sculptors, was determined to create a clearly contrasting bust of Jay, despite his enforced reliance on Ceracchi's precedent.

The neoclassicism of the Jay bust is most apparent in the hair, the eyes, and the costume. Although Jay's son Peter Augustus declared Frazee's portrait "an excellent likeness," there were some significant differences between the man and the marble. The chief justice's hair had receded considerably by 1794, virtually to the center of the crown of his head. But the Roman precedent dictated a full helmet of tightly curled hair, in a style never affected by Jay. And although Jay was naturally reserved, even aloof, the pronounced solemnity of his expression here also is a bow to Roman portrait sculpture. Where Ceracchi incised the eyeballs in his head of Jay, Frazee introduced blank eyeballs, which were standard in 19th-century neoclassical sculpture. Moreover, the costume is Roman in both works, but Frazee's is more elaborate and theatrical in design.

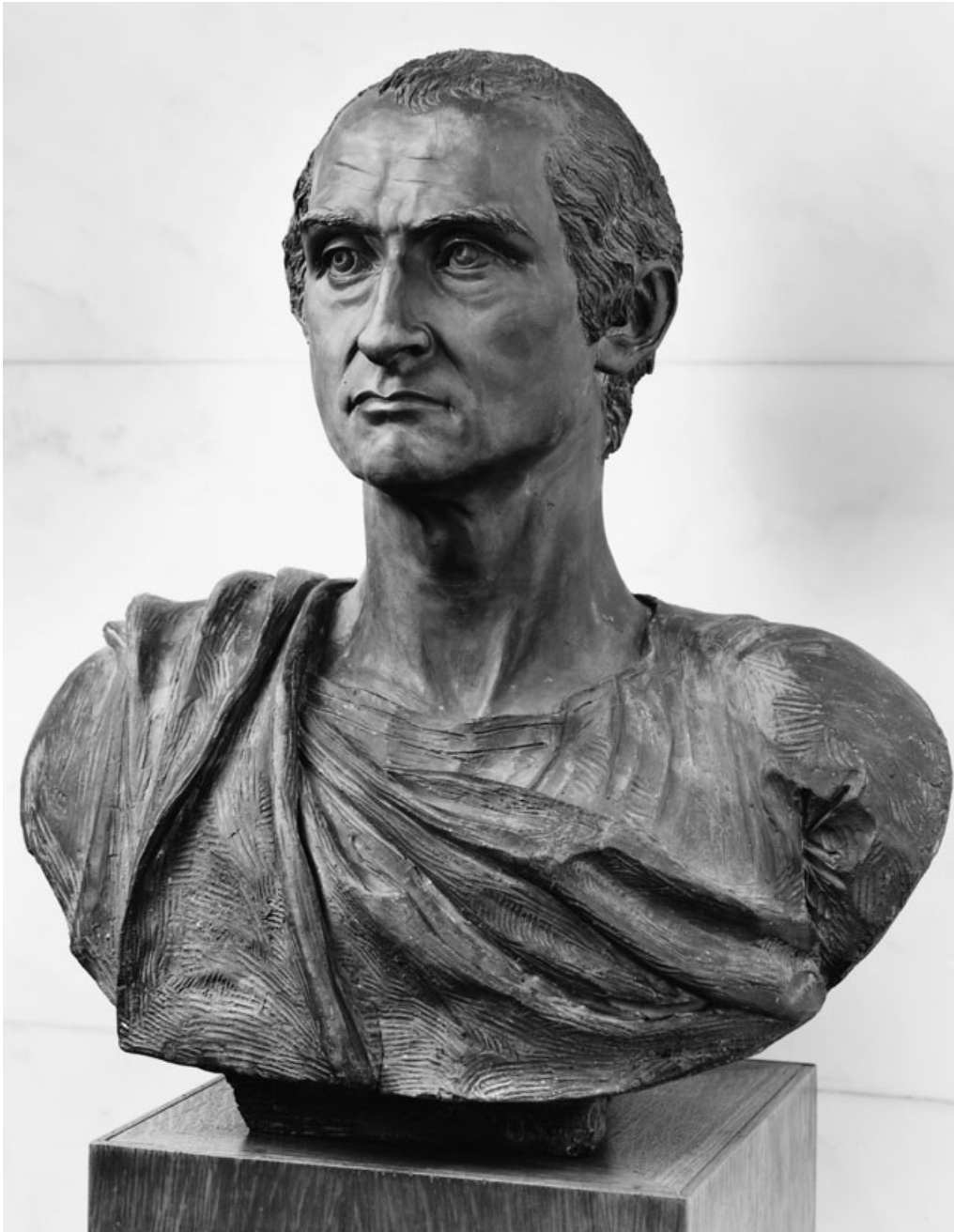
It is significant that Frazee, an artisan stonemason by trade, was fully able to translate his own clay models into stone. He had every reason to be as faithful as possible to the model, and in the Jay bust his carving is technically distinguished. From the weighty folds of drapery to the subtly modeled head, Frazee is in command of his material and his concept. Considering that he was the first American sculptor to work in marble, and that this commission was the first ever awarded by Congress to a native-born sculptor, his achievement was remarkable—and he knew it. Writing to Congressman Verplanck, the artist predicted that the bust "will be more admired I know than any piece of fine art that has ever appeared at the Capital. I cannot be mistaken in my judgment." Others agreed. When exhibited in New York (where

it was seen by "upwards of four thousand visitors a day," according to contemporary newspaper accounts), the bust was pronounced "delicate and beautiful" by the *New York Mirror*.<sup>1</sup> And when installed in the Supreme Court Chamber in the Capitol, the *Washington Globe* concluded: "We have



One of several plaster studies of John Jay made by John Frazee, 1831.  
(Collection of the New-York Historical Society)





**John Frazee based his portrait of John Jay on a Giuseppe Ceracchi bust, most probably this 1792 terracotta version.**

(Collection of the Supreme Court of the United States)

seen nothing of the kind in this country, either from the chisel of a native or foreign artist, superior in finished performance.”<sup>2</sup>

Although the commission aided Frazee’s career, it did not lead to further congressional work for the artist. Perhaps this was because Frazee complained in print (through another writer) that he had received insufficient “remuneration for such a work.”<sup>3</sup> Instead the sculptor went on to execute a number of commissions for the Boston Athenaeum, including a bust of Chief Justice Joseph Story. In 1835 Frazee executed at least two marble replicas of the original Jay bust. Today one is located in New York’s City Hall; the other is in the collection of the U.S. Department of State. Several other plaster versions by Frazee’s own hand existed in the 19th century, but they have since disappeared.