

DICTIONARY  
OF  
American Biography

VOLUME VI  
LARNED - MILLINGTON

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*Edited by*  
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Charles Scribner's Sons *New York*

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reelected for another six years but resigned in 1801 because of failing health. Twice he was chosen president of the Senate, *pro tempore*, and as such signed the address to the President on the death of Washington. Meantime, he had also been holding other state offices, the most important being that of chief justice of the superior court (1782-90). Thus he did not at first resign when elected to Congress, for there was then no law requiring it. When the Constitution of the United States was being debated, and the vote of New Hampshire hung in the balance, Livermore as a member of the convention of 1788 did great service in bringing about ratification, thus securing the ninth state and ensuring the acceptance of the Constitution. In 1791 he was president of the New Hampshire constitutional convention.

On Sept. 23, 1759, Livermore married Jane, daughter of the Rev. Arthur Browne of Portsmouth, the first minister of the Church of England to settle in New Hampshire. There were five children, the eldest of whom died in infancy. Of his surviving sons, Edward St. Loe and Arthur [*q.v.*] both became distinguished lawyers, and George Williamson (1764-1805) held for many years the office of clerk of the court and register of deeds at Holderness. Few more picturesque or important figures than Samuel Livermore are found in early New Hampshire history. Homely and sometimes harsh of speech, he possessed a frankness and kindness of heart which atoned for his brusqueness, while his honesty and common sense as a judge made amends for his contempt for precedents and for his sometimes inconsistent decisions. He died at his home in Holderness and was buried there in the cemetery of Trinity Church.

[A part of Livermore's journal, telling of his journey to college in 1751, is quoted in a manuscript sketch of him (140 pp., undated) by his grandson, in the library of the N. H. Hist. Soc. at Concord. This manuscript also contains copies of letters and other memoranda. The journal has been printed in part in *Putnam's Mag.*, June 1857, pp. 631-35. *The N. H. Provincial and State Papers*, vols. VII, VIII, X, XXII (1873-1893), contain the records of his activities in the state, and the *Journs. of Cong. and Annals of Cong.* give his congressional service. A good sketch of his life by C. R. Corning may be found in the *Proc. Grafton and Coos County Bar Assn.*, vol. I (1888), and there are also sketches in C. H. Bell, *The Bench and Bar of N. H.* (1894); E. S. Stackpole, *Hist. of N. H.* (1916), vol. II; and the *N. H. Hist. Soc. Colls.*, vol. V (1837). More of his personality is given in the chapter devoted to him by Geo. Hodges in *Holderness* (1907). For the family genealogy, see Henry Bond, *Geneals. of the Families and Descendants of the Early Settlers of Watertown, Mass.* (1855), and W. E. Thwing, *The Livermore Family of America* (1902). See also F. M. Colby, "Holderness and the Livermores," *Granite Monthly*, Feb. 1881. A copy of a portrait by Trumbull hangs in the courtroom in the State Library at Concord and is reproduced in the *Proc. of the Grafton and Coos County Bar Assn.*, vol. II, and by Hodges, who also repro-

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duces a portrait of Mrs. Livermore, attributed to Copley.]  
E. V. M.

**LIVERMORE, SAMUEL** (Aug. 26, 1786-July 11, 1833), lawyer and legal writer, was born in Concord, N. H., the son of Edward St. Loe Livermore [*q.v.*], by his first wife, Mehitable Harris. He graduated from Harvard College in 1804, studied law, and was admitted to the Essex County bar. After his admission to the bar he moved to Boston, where he practised law for several years. During the War of 1812 he served as a volunteer on board the *Chesapeake* and was wounded in the engagement with the *Shannon*. After the war he moved to Baltimore and with others assisted Alexander C. Hanson [*q.v.*] in the publication of the *Federal Republican*. From Baltimore he moved to New Orleans, where his name appears in the city directory for 1822. Within a few years he had achieved distinction as a lawyer.

In 1811 Livermore published in Boston *A Treatise on the Law Relative to Principals, Agents, Factors, Auctioneers, and Brokers*, the first American work of its kind (Charles Warren, *A History of the American Bar*, 1911, p. 337). A second edition of this work in two volumes, entitled *A Treatise on the Law of Principal and Agent: and of Sales by Auction*, was published in Baltimore in 1818. In 1828 he published in New Orleans *Dissertations on the Questions which Arise from the Contrariety of the Positive Laws of Different States and Nations*, the first American work on the conflict of laws. The book has been described as "a forceful but belated attempt to reinstate the statutory theory of the mediaeval commentators" (J. H. Beale, *post*, part I, par. 38, p. 49). His doctrines, however, "could not be applied in a country where both commercial and social intercourse between all parts of it are constant and continuous." Livermore influenced Story and other American lawyers by calling attention to the works of medieval authors. He presented to the Harvard Law School his collection of medieval works, containing 400 volumes and including the writers of the sixteenth, seventeenth, and eighteenth centuries on the conflict of laws. This collection "formed the basis of the large apparatus which Story's bibliography describes" (*Ibid.*). Livermore died at Florence, Ala., while he was on his way from New Orleans to New England to visit his relatives.

[For biographical data see W. E. Thwing, *The Livermore Family of America* (1902); W. T. Davis, *Bench and Bar of the Commonwealth of Mass.* (1895), vol. I; *Quinquennial Cat. of the Officers and Grads. of Harvard Univ.* (1913); and the *Florence (Ala.) Gazette*, July 12, 1833. For his legal writings consult J. G. Marvin, *Legal Bibliog.* (1847), and J. H. Beale, *A Treatise*

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on the *Conflict of Laws, or Private Internat. Law*, vol. I, pt. 1 (1916). References to his gift of books to the Harvard Law School appear in *The Centennial Hist. of the Harvard Law School* (1918).] M. J. W.

**LIVINGSTON, EDWARD** (May 28, 1764–May 23, 1836), statesman, was born at "Clermont," Columbia County, N. Y., the youngest son of Robert R. Livingston the elder [q.v.] and Margaret Beekman. His eldest brother was the distinguished Chancellor Robert R. Livingston [q.v.], and his sisters, by their marriages, added notable names to the family connection. Upon the death of his father in 1775, Edward Livingston was sent to school in Albany but he soon transferred to the school of Dominic Doll at Esopus (now Kingston) where he prepared for the College of New Jersey (Princeton), entering the junior class in 1779. He subsequently declared that at college he had been an indifferent scholar, learning only so much as was absolutely necessary to obtain his degree, which was granted in 1781. But he was already proficient in languages and his interest in philosophy and poetry was sufficient to attract the attention of John Jay. From Princeton he returned to "Clermont" to spend a year in the study of French under a Mr. Tetard and German under a refugee minister to whom his mother had given shelter. In 1782 he began the study of law at Albany in the office of John Lansing [q.v.] where he found as fellow students Alexander Hamilton, Aaron Burr, and James Kent. The removal of the British troops from New York City in November 1783 permitted the Livingston family to reoccupy their town house and there Edward continued his studies until his admission to the bar in January 1785. Moving freely in the society of New York, he acquired the title of "Beau Ned" on account of his habits of dress. While engaged in the practice of law he married, on Apr. 10, 1788, Mary, eldest daughter of Charles McEvers, a New York merchant. Three children were born to them before Mrs. Livingston contracted scarlet fever and died, Mar. 13, 1801.

The political career of Edward Livingston began with his election to Congress in 1794. The Livingstons had joined with the Schuylers in the movement for the ratification of the Constitution. They were, however, overlooked by Washington in the distribution of patronage and, almost in a body, they went over to the Clintons and the party of Thomas Jefferson. Taking his seat in the House of Representatives on Dec. 7, 1795, Edward Livingston moved on Dec. 15 to revise the penal code of the United States, which he said was in general too sanguinary and very badly proportioned. Nothing came of this effort in behalf of what was already a pet measure with

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him, but in March 1796 he secured the enactment of a measure for the relief of American seamen who were impressed or abandoned destitute on foreign shores. In the same month the House was called upon for appropriations to carry out Jay's treaty of 1794 with England. Although the treaty had been ratified, it was still opposed by the Republicans, and Livingston introduced a resolution calling for all the papers from the President, except those which any existing negotiation might render improper to be disclosed (*Annals of Congress*, 4 Cong., 1 Sess., p. 426). Representing the Republican stronghold of New York City, Livingston was reelected in 1796 and again in 1798. He was, therefore, a member of the House of Representatives in 1801 when the failure of the electoral college to choose a president threw the election into that body. In the ensuing contest between Aaron Burr and Thomas Jefferson, there were rumors, not entirely groundless, that Livingston was favorable to the candidacy of Burr (Hunt, *post*, p. 86; D. S. Alexander, *Political History of The State of New York*, 1906, I, 103; Edward Livingston Manuscripts). The two men came from the same social class in New York and were personal friends. Nevertheless, Livingston was one of the six New York members who voted consistently for Jefferson, although it was believed he did so without enthusiasm.

Livingston had refused to run again for Congress in 1800 but the success of the Republicans in the election led to his appointment as United States attorney for the District of New York. Almost simultaneously he was appointed mayor of New York, a post estimated to be worth \$10,000 a year. He collected and published *Judicial Opinions Delivered in the Mayor's Court of the City of New York in the Year 1802* (1803). While carrying the burden of both offices, he fell a victim to the yellow fever which raged in New York during the summer of 1803. He recovered to find that during his illness one of his agents, in the collection of custom house bonds sent him by the Treasury, had absconded with the funds. Livingston immediately resigned his offices and turned over his property to trustees to be sold in payment of his debts. "I can show, however, upwards of \$100,000 in property at a very moderate valuation above my debts," he wrote his sister, Mrs. Montgomery, Aug. 24, 1803. "I shall with the close of this year begin the world anew and have serious thoughts of doing so at New Orleans" (Edward Livingston Manuscripts). Without waiting for an adjustment of his accounts, he voluntarily confessed judgment in favor of the United States for \$100,000 although