

NEW ORLEANS NOSTALGIA

Remembering New Orleans History, Culture and Traditions

By Ned Hémard

A Visit to the Drawing Room of James and Dolley Madison

On a recent visit to Montpelier, the home of our fourth President James Madison and his wife Dolley (four miles south of Orange, Virginia), I visited the room where the Madisons welcomed their guests. The epicenter of cultured entertaining, Montpelier's Drawing Room, then as now, has an impressive Venetian doorway and is adorned in crimson damasque wallpaper. The numerous portraits hang in the same spots, and there is a table set for chess plus other amusements such as a static electricity machine (mildly shocking to participants in Madison's scientific demonstration). One also observes a comfortable low-slung Campeachy chair, "commonly to be had in New Orleans" according to Thomas Jefferson (who also loved his).



*Partial view of the Drawing Room
James and Dolley are the two lower portraits*

Anne Mercer Slaughter visited in 1825 and reported, "The statuary and painting at Montpelier exceeded anything my youthful imagination had ever conceived." Margaret Bayard Smith was a visitor three years later and described the Drawing Room's furnishings: "The mantelpiece, tables in each corner and in fact wherever one can be fixed, were filled with busts, and groups of figures in plaster, so that this apartment had ... the appearance of a museum of the arts."



Approach to Montpelier, home of James and Dolley Madison

The busts include those of George Washington, the Marquis de Lafayette, Madison himself, Benjamin Franklin, Thomas Jefferson and Edward Livingston, a brilliant New Orleans lawyer. Madison and Livingston each went to the College of New Jersey (Princeton) and they wrote to one another. In a letter from Madison to Livingston on July 10, 1822, Madison wrote, "We are teaching the world the great truth that Governments do better without Kings & Nobles than with them. The merit will be doubled by the other lesson that Religion Flourishes in greater purity, without than with the aid of Government."

Edward Livingston (May 28, 1764 – May 23, 1836) was an eminent American jurist and statesman. Born in Clermont, New York, he was a member of the prominent Livingston family. His older brother, Robert Livingston (November 27, 1746 – February 26, 1813), known as "The Chancellor" was also a prestigious American politician and diplomat, as well as a Founding Father of the United States. As U.S. Minister to France, Robert negotiated the Louisiana Purchase and (after its signing) remarked: "We have lived long but this is the noblest work of

our whole lives ... The United States take rank this day among the first powers of the world."

After Edward graduated in 1781, he was admitted to the bar in 1785 and began to practice law in New York City. He represented the state of New York as a Democratic-Republican U.S. Representative in the United States Congress from 1795 to 1801. He was an outspoken opponent of the Alien and Sedition Acts. In 1801 Livingston was appointed U. S. Attorney for the district of New York, and while retaining that office was in the same year appointed Mayor of New York City. There, in 1803, yellow fever visited the city and Edward suffered an attack. He displayed great courage in his attempts to alleviate the spread of the disease and to reduce the suffering of those afflicted. He survived, and yet something went terribly wrong. Because of a personal crisis, he had to give it all up and move to New Orleans. How did this happen?



Livingston bust at Montpelier

Edward Livingston

On his recovery from yellow fever, Livingston discovered that \$44,000 in public funds had been lost through the dishonesty or terrible mismanagement of a confidential clerk, for which Livingston took personal responsibility as U.S. Attorney. An honorable man, he immediately surrendered all his property, resigned both of his offices in 1803 and moved early the following year to the Louisiana Territory where he acquired a law practice in New Orleans. In 1805 Livingston

wed a refugee from the Saint Domingue slave revolt, a beautiful young widow named Louise Moreau de Lassy, née d'Avezac de Castera. His first wife Mary McEvers died in 1801 of scarlet fever.

Livingston was soon appointed by the Louisiana legislature to prepare a provisional code of judicial procedure, which was continued in force from 1805 to 1825. James Brown and Louis Casimir Moreau-Lislet wrote the Civil Code "now in force in the Territory of Orleans with Alterations and Amendments adapted to the present Form of Government" that was formally adopted by the territorial legislature before Louisiana became a state. Moreau-Islet, Pierre Derbigny and Edward Livingston were asked to draft the revised Louisiana Civil Code that became law in 1825, based largely on the Napoleonic Code.

In New Orleans, Livingston involved himself in an unfortunate real estate acquisition. In 1807 he had received an interest in a plot of land in New Orleans called the *Batture de Sainte Marie* as partial payment on a title suit he won for a client. *Batture* property is alluvial land deposited along the Mississippi River. The word *battures*, in French, signifies shoals or shallows not having enough water for a ship to float. Events went badly against Livingston at first, when President Thomas Jefferson intervened and ordered the land seized as property belonging to the Federal government. Livingston appealed to the Supreme Court, but the case was dismissed for lack of jurisdiction. These difficulties were a result of Livingston's friendship with Aaron Burr. Burr was accused of treason against the United States for an alleged attempt to form an independent nation, and (even though Burr was acquitted of any wrongdoing) Jefferson did not relent against Burr and continued to hold a grudge against Livingston (believing that Livingston had in some way been a party to Burr's scheme). Even after Jefferson's eight years as president of the United States, he published a pamphlet at his own expense to defend his actions against Livingston. Livingston replied in a pamphlet of his own. Eventually, the matter was settled in Livingston's favor, but only after his death.

Edward Livingston served as aide to General Jackson at the Battle of New Orleans, and convinced "Old Hickory" to accept the help of Lafitte and his Baratarians in defending the city against the British. On October 24, 1814, Livingston had written President Madison directly to consider a general pardon for Lafitte and company, who "would immediately add at least 500 fighting men to the city's defenses." By mid December 1814, Dominique You and the other jailed privateers were conditionally pardoned, and the Laffites came out from hiding. Jackson's men were perilously low on arms and ammunition, and it was Jean Laffite who provided all the gun flints and powder needed to fight the British, according to Jackson's own accounts. The following month, President James Madison signed a full pardon for the Baratarians who helped defend New Orleans.

Jackson did not forget Livingston's service at New Orleans so, that when he became president, he appointed Livingston U.S. Secretary of State (1831 - 1833). He also served as minister plenipotentiary (a diplomat invested with the full power of independent action on behalf of the government) to France from 1833 to 1835. One of Jackson's most trusted advisers, Livingston prepared (among other state papers for the president) the anti-nullification proclamation of December 10, 1832.

Between the War of 1812 and Livingston's appointment to Jackson's cabinet as Secretary of State, Livingston was elected to the Louisiana legislature and later a U.S. Senator from 1829 to 1831.

From 1821 to 1826, Livingston spent much effort in devising a code of criminal law for the State of Louisiana. Written in both English and French as needed for practice in Louisiana, it contained the following four sections: crimes and punishments, evidence in criminal cases, procedure and reform. It was afterwards known in Europe and South America as the "Livingston Code", but it was never passed into law in Louisiana. Livingston was against capital punishment. His code attracted wide praise on the European continent for its simplicity and for its philanthropic provisions in the area of reform and prison discipline, which influenced the penal legislation in a number of countries.

By 1826, the year Thomas Jefferson died, Livingston repaid the government all that had been lost as a result of his negligent or dishonest clerk, including the interest, which at that time amounted to considerably more than the original principal. Interestingly, he might have been able to repay the debt earlier if it were not for Jefferson and the fight over the *batture* property.

Edward Livingston (the youngest son of Judge Robert R. Livingston and Margaret Beekman) had four children, but only Coralie (his daughter by his second wife Louise) survived him and married Thomas Barton, a Quaker from Philadelphia. Coralie's family, however, had no children. Thus the family estate went to Maturin Livingston Delafield, Edward's great-grandnephew.

At one time owned, Edward Livingston owned 14,500 acres (17,084 arpents), or most of what is today Pass Christian, Mississippi. Previously owned by Bartholomew Pellerin (who sold his holdings to Livingston in 1814), it was there that Livingston built a home in the 500 block of East Scenic Drive, Pass Christian, Mississippi. The 400 year old Livingston Oak still stands today at 533 Scenic Drive. Livingston's wife, Louise, sold the bulk of her husband's property to John Henderson, David Hughes and Charles Shipman in 1836. Henderson Point is named for John Henderson, who (along with his

son and associates) subdivided Livingston's land for development and lot sales in 1839, a year after Pass Christian was chartered as a town.

Pass Christian, a beloved summer resort for many New Orleanians, was severely hit by hurricanes Camille and Katrina. Stronger and higher homes continue to be constructed in this historic community. The town gets its name from Christian L'Adnier (whose surname would later become Ladner), born in a canton of Lucerne, Switzerland, and who arrived on the Mississippi Gulf Coast in 1719 aboard the *barque, Marie*.

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