

# UNTERMYER DEAD IN HIS 82D YEAR; LONG HAD BEEN ILL

End Comes to Veteran Attorney  
and Noted Legal Investigator  
at Palm Springs, Calif.

---

SERVED CITY ON TRANSIT

---

He Worked for Unification—  
Gained Fame in the Pujo  
'Money Trust' Inquiry

Special to THE NEW YORK TIMES.

PALM SPRINGS, Calif., March 16 — Samuel Untermyer, veteran New York attorney and business man and one of the nation's most noted legal investigators, died this afternoon at his home, The Willows, in his eighty-second year.

Death came at 3 P. M., Pacific Coast time, after an acute illness of about two weeks during which Mr. Untermyer slowly had weakened. A son, Captain Alvin Untermyer, described his death as due to a complication of several ailments which gradually lessened his resistance. His health, for some years, had been delicate.

At the attorney's bedside when he died were his son and daughter-in-law. Mr. Untermyer's daughter, with her husband, Stanley L. Richter, were on their way to the Coast at the time and are scheduled to arrive here tomorrow.

## On Coast Two Months

Mr. Untermyer had spent the last two months at The Willows. He acquired the house about ten years ago and recently had come here annually for the Winter in consideration of his health. He was under the care of Dr. Henry S. Reid of Palm Springs.

Funeral plans had not been made tonight, but Captain Untermyer said that the body would be sent East tomorrow or Monday after the arrival of Mr. and Mrs. Richter. Funeral services will be held either in New York City or at Mr. Untermyer's estate, Greystone, near Yonkers, N. Y.

Mr. Untermyer suffered a period of ill health last Summer, passing his eighty-first birthday quietly at Greystone, in the company of his children and grandchildren, but was sufficiently strong this year to travel to his California home.

He is survived by his sons, Alvin and Irwin Untermyer, a justice of the Appellate Division of the New York State Supreme Court in the First Department, and by his daughter, Mrs. Richter, the former Irene Untermyer.

## **A Skilled Investigator.**

Samuel Untermyer, who combined the talents of a lawyer of the very first grade with those of a successful business man, was best known to the public as an able, courageous and skilled investigator.

Although his successes as a lawyer were many and he was concerned for more than forty years in some of the most important litigation in the country, he is remembered by the public as the "money trust" inquisitor, the counsel for the Lockwood legislative investigating committee, which brought about remedial legislation; the critic of Wall Street and the defender of the rights of minority stockholders, the transit investigator and the supporter of the five-cent fare.

Mr. Untermyer's rise to eminence in the legal profession was rapid,

**Continued on Page Forty-eight**

**The New York Times**

Published: March 17, 1940

Copyright © The New York Times

# UNTERMYER DEAD IN CALIFORNIA AT 81

Continued From Page One

and he showed early the ability, industry and versatility which were to win him success. Born in Virginia, the son of a prosperous planter, Mr. Untermeyer came to New York with his mother and other members of his family immediately after the death of his father, just after the end of the Civil War. Like many other families in the South, the Untermeyer family had been impoverished by the war.

Samuel Untermeyer became an office boy in a law office when he was 15. He was admitted to the bar when 21 years old and had achieved such success as a lawyer that his income reached \$50,000 a year before he was 25. He had made his first million before he was 30, largely by effecting a brewery combination with the aid of British capital. The way in which he enlisted the aid of an important British banking firm was characteristic. As he told the story, he was unable to make any appointment with the directors of this firm and entered unannounced a directors' meeting. After the British bankers had recovered from their surprise at the unauthorized entrance of a stranger, Mr. Untermeyer explained his proposal so convincingly that they agreed to it after investigation.

He was one of the first lawyers to see the advantage of combination of capital in great industrial enterprises, and was concerned in the formation of many of these combinations. Characteristically, he became in later years a crusader against what he believed to be some of the evils that had been brought about by the combinations, and sought continually, with varying success, to bring about correction of what he regarded as corporate abuses, particularly the ignoring of the rights of minority stockholders and the control of corporations by Wall Street interests through the voting of proxies obtained from brokers.

Still later in life Mr. Untermeyer took every opportunity to be of public service. His work as counsel for the Lockwood committee and the Transit Commission was without pay and undertaken out of a sense of duty to the public.

A Democrat who frequently stood high in the councils of his party, Mr. Untermeyer never sought public office. Probably only a seat in the United States Senate would have appealed to him, and he even once refused a nomination for that position.

## Born in Lynchburg.

Mr. Untermyer was born at Lynchburg, Va., June 6, 1858, the son of Isadore and Therese Untermyer. His father, who had been a lieutenant in the Confederate Army, died soon after the close of the Civil War. The son moved to New York City with his mother and was educated in the public schools and the College of the City of New York.

Mr. Untermyer entered a law office as a clerk and office boy in 1873 and continued his studies at Columbia Law School, from which he received the degree of LL. B. in 1878. He was admitted to the bar the following year and began the practice of law in partnership with his half-brother, Randolph Guggenheimer, under the firm name of Guggenheimer & Untermyer. A younger brother, Maurice Untermyer, was admitted subsequently, and in 1895 Louis Marshall joined the firm, which then became known as Guggenheimer, Untermyer & Marshall, the same name by which it is known today. Junior partners have since been added.

As a young man Mr. Untermyer had the reputation of trying more cases in a given year than any other lawyer in New York. His keen business sense was even then manifest, and in the midst of an unusually large law practice he found time to engage in large building and real estate operations, the financing of which he arranged.

Before he was 24 Mr. Untermyer was representing many important business interests and had acted as trial counsel in some of the most important cases of that time. He was counsel for John F. Betz of Philadelphia when the latter brought suit against a prominent New York lawyer on a charge of conspiring with Betz's New York partners to issue in the firm name notes for which Mr. Betz would be responsible. The principals were arrested, and after a trial of two weeks a verdict for \$52,000 was awarded to Mr. Betz. The decision was the first ever rendered making an attorney party to and personally responsible for damages as the result of advising clients to commit a fraud.

Mr. Untermyer defended Asa Bird Gardiner when an attempt was made to remove Mr. Gardiner as District Attorney of New York County. He was counsel for the Wertheimers, English art dealers, in their controversy with the Count and Countess de Castellane, and was instrumental in obtaining for creditors of the Castellane estate payment in full of claims of 20,000,000 francs.

## Counsel in Morse Case.

In the famous Dodge-Morse controversy Mr. Untermyer represented Mr. and Mrs. Charles W. Morse in the proceedings which resulted ultimately in the disbarment and sentence to the penitentiary of Abram H. Hummel, well known as a criminal lawyer. This was a case in which Hummel was charged with having conspired with a man named Dodge to have set aside a decree of divorce obtained by Mrs. Morse from Dodge on the ground that Dodge never had been served with papers in the divorce action. Mr. Untermyer came into the case after the marriage of Mrs. Morse to Mr. Morse had been annulled. He succeeded in restoring the Dodge divorce and in the reinstatement of Mrs. Morse as the lawful wife of Morse.

As counsel for James Hazen Hyde in the struggle of James W. Alexander to oust Mr. Hyde from the control of the Equitable Life Assurance Society Mr. Untermyer helped to bring on the great insurance investigation of 1905, conducted by Charles E. Hughes. In this case Mr. Untermyer turned the spotlight on bad conditions in the life insurance field, disclosed subsequently with greater clarity in the investigation and set in motion a chair which resulted in much reform legislation.

When the Standard Oil Company was dissolved by order of the United States Supreme Court one of the constituent companies was the Waters-Pierce Oil Company, in which the Standard owned the controlling interest. H. Clay Pierce who owned a minority interest in the company, retained Mr. Untermyer to prevent the Standard Oil Company from dominating the Waters-Pierce Oil Company and to obtain for the stockholders of the latter company the management of its affairs.

The suit was based on the contention that there had been no genuine dissolution of the Standard Oil Company, as ordered by the United States Supreme Court, and Mr. Untermyer attempted to prove this by calling as witnesses the men who controlled the Standard



**SAMUEL UNTERMYER**

**Times Studio, 1933**

Oil Company, including John D. Rockefeller Sr.

Mr. Untermeyer subjected Mr. Rockefeller to two hours of the hardest kind of interrogation. Mr. Rockefeller took the questioning coolly and Mr. Untermeyer was able to obtain little important information from him. This long-fought litigation was adjusted by the sale by the Standard of the controlling stock to the Pierce interests.

#### Received a Record Fee.

Another case which Mr. Untermeyer handled and which was said to have resulted in the largest fee ever paid to a lawyer in this country up to that time, \$775,000, was the merger of the Utah Copper Company with the Boston Consolidated and the Nevada Consolidated companies, representing a market value of more than \$100,000,000.

A case which proved even more profitable to Mr. Untermeyer than the copper companies merger was that which resulted in the formation of the present Bethlehem Steel Corporation, but the profit came more from purchase of Bethlehem stock than from fees. The Bethlehem Steel Corporation had been taken over by the United States Shipbuilding Company, which had been organized in New Jersey with \$16,000,000 of first mortgage bonds and many millions of preferred and common stock.

Charles M. Schwab, as part of the purchase price of the Bethlehem plant, had taken a mortgage of \$10,000,000. In 1903, soon after its organization, the shipbuilding company had difficulties, and its bonds, which had sold at 90, dropped to 10.

R. B. Conklin, Max Nathan and other bondholders with aggregate bond holdings of \$800,000, retained Mr. Untermeyer, who on their behalf started an action in New Jersey for a receiver for the company. He charged that the promotion and flotation of securities had been accompanied by fraud and that the properties, except the Bethlehem Steel plant, had been turned over to the shipbuilding company loaded with debt.

In his move for a receivership Mr. Untermeyer was opposed by some of the most expert lawyers of the country, including the late Richard V. Lindabury, the late William D. Guthrie and William Nelson Cromwell. In the course of the long fight that followed Mr. Untermeyer examined many prominent men on the witness stand, Mr. Schwab among them. Two years of litigation was ended by a settlement under which the present Bethlehem Steel Corporation was formed, with \$15,000,000 of common stock and the same amount of preferred stock.



## Bought Bethlehem Stock.

Throughout the litigation, Mr. Untermyer had made it a point to study the condition of the vast properties involved. He became convinced of the great value of the Bethlehem Steel plant and as an investment bought 15,000 shares of the stock of that company.

When Bethlehem stock was selling for as high as \$450 a share, in January, 1916, under a flood of orders for war munitions, Mr. Untermyer's holdings and their sudden jump in value were the subject of much speculation. One newspaper estimated that the rise in Bethlehem stock had increased by \$6,000,000 the fortune of the man who had warned the public to shun Wall Street in the days when he was attacking the "money trust." The consensus was that Mr. Untermyer's profit on the stock amounted to about \$2,000,000, but he denied that he had made any money by speculating in Bethlehem stock at the time of its rise.

"While the gamblers are burning their fingers with stock of this company the head of the company is 'sawing wood,'" Mr. Untermyer then said. "The clumsy attempts of my solicitous friends in Wall Street to label me among the flock of gamblers and speculators and to count imaginary winnings and losses has been tried too often; but it won't work."

Mr. Untermyer at that time said he regarded Mr. Schwab as the most resourceful and far-seeing steel manufacturer, a most remarkable salesman and organizer and the most enthusiastic corporation official to be found in this or any other country.

One of the most important cases with which Mr. Untermyer was connected was the suit of the Riggs National Bank of Washington against the Secretary of the Treasury, the Controller of the Currency and the Treasurer of the United States. In conjunction with the Attorney General and Louis D. Brandeis, now an Associate Justice of the United States Supreme Court he acted as counsel for the defendants in the hearing in the District Court in Washington. The Riggs Bank had charged that the defendants were engaged in a conspiracy to wreck it and sought an injunction to restrain them from further acts which were alleged to have that end in view. The court decided that there had been no conspiracy.

Mr. Untermyer argued before the Supreme Court in a suit brought by the International News Service against the contention of The Associated Press of a property right in news and in another suit against the right of The Associated Press to discipline a member for disobeying by-laws he contended were unlawful.

In December, 1911, Mr. Untermyer delivered before the Finance Forum in New York an address entitled, "Is There a Money Trust?"

In which he expressed his opinion of financial conditions in this country and suggested legislative enactments to remedy what he declared to be abuses. This address was followed by a Congressional investigation for the purpose of formulating remedial legislation, which became known as the "Pujo Money Trust Investigation" from the name of the chairman of the committee.

Mr. Untermeyer was appointed counsel of the House of Representatives Committee on Banking and Currency, which conducted the inquiry, and many months were devoted to the taking of testimony and the examination of some of the most prominent financiers in the country.

The feature of the inquiry was Mr. Untermeyer's examination of the late J. Pierpont Morgan. Testimony had been offered to show that eighteen financial institutions in New York, Chicago and Boston virtually constituted a "money trust" through interlocking directors in 124 corporations with an aggregate capital of more than \$25,000,000,000. These firms or banks alleged to constitute the "money trust" were named as follows: J. P. Morgan & Co., First National Bank of New York, Guaranty Trust Company of New York, Bankers Trust Company of New York, National City Bank of New York, Kuhn, Loeb & Co., National Bank of Commerce, Hanover National Bank, Chase National Bank of New York, Astor Trust Company, Blair & Co., Speyer & Co., Continental and Commercial National Bank of Chicago, First National Bank of Chicago, Illinois Trust and Savings Bank of Chicago, Kidder, Peabody & Co. of Boston, and Lee, Higginson & Co. of Boston.

Mr. Morgan, under examination by Mr. Untermeyer, denied the existence of a "money trust." Mr. Morgan asserted that he did not dominate anything and that he wanted "to control nothing." He said there was no way in which one man could obtain a money monopoly and that the control of money in this country at least was based on personality. He defended the control of large corporations by "voting trusts" and said he was opposed to the manipulation of stocks, but not to legitimate speculation.

## Aided in Notable Legislation.

Mr. Untermyer always believed that the Federal Reserve Bank law was in a measure the outgrowth of the exposures made in the report of the Pujo committee. He assisted in the preparation of the bill and advocated its passage before Congress. He had a prominent part in the framing and passage of the Clayton Act and the Federal Trade Commission Bill, as well as in other legislation affecting large combinations of capital.

Mr. Untermyer's long-continued fight to bring about changes in the practices of Wall Street received an impetus from his work as counsel of the Pujo committee. Among the changes he sought to effect with varying success was the prevention of "short sales" and enactment by the New York Stock Exchange of a rule to prevent voters voting the shares of stock corporations for which they appeared as owners, but which they actually held for customers or did not hold at all. Mr. Untermyer contended that this practice enabled powerful financial interests to control corporations in which they had a comparatively small ownership regardless of the stockholders, and made it impossible for dissatisfied stockholders of a corporation to turn out a management backed by a powerful interest.

Serving without pay as counsel of the Lockwood legislative housing investigating committee, Mr. Untermyer uncovered abuses in the building trades which resulted in the conviction and imprisonment of Robert P. Brindell, so-called "czar" of the Building Trades Council, and of John T. Hettrick, a lawyer, who wielded a dominating influence in the building trades at that time. The investigation was followed by remedial housing legislation, enacted immediately afterward and extended from time to time under constant hammering by Mr. Untermyer.

## His Work in Transit Case.

One of the more conspicuous of Mr. Untermyer's efforts in public service was as special counsel of the Transit Commission, also without compensation. Pursuant to a legislative mandate the commission undertook for the second time to prepare a plan for the unification of the rapid-transit railroads of the city, and Mr. Untermyer conducted an exhaustive investigation and sought at the same time to obtain by negotiation with the companies some sort of an agreement which would preserve the five-cent fare.

In the course of the inquiry Mr. Untermyer examined Thomas I. Chadbourne, Gerhard M. Dahl and others in control of the Brooklyn-Manhattan Transit Company and also attempted to question former Mayor John F. Hylan, with rather poor success. Mr. Untermyer's skill as a cross-examiner failed in this instance because Mr. Hylan refused to pay any attention to the questions and launched a series of attacks upon Mr. Untermyer and his motives from the witness stand.

In the course of the inquiry Mr. Untermyer blocked a proposal of the New York Rapid Transit Corporation, a Brooklyn-Manhattan Transit subsidiary, to issue \$20,000,000 of bonds and sell them to the parent company for \$16,000,000 which Mr. Untermyer contended would be in effect to saddle an unnecessary \$4,000,000 charge again

the city because of its ownership of the Brooklyn-Manhattan Transit subways, which would be a direct charge if the city should decide to recapture these lines, as provided by the contract between the company and the city. The matter was finally adjusted by the company agreeing to issue bonds at 1 per cent higher rate of interest and sell them at only a few points below par.

The transit investigation was halted by the action of the Interborough Rapid Transit Company, the other company operating city-owned subways, to obtain an increased fare. The Federal court decided that the company had a right to charge 7 cents pending the fixing of a definite rate which would give it a fair return on invested capital, and an appeal was taken by the city and the commission to the United States Supreme Court. Mr. Untermyer represented the commission in this litigation and obtained from the Supreme Court a stay until the next October, the court permitting the five-cent fare to continue until argument at that time, without requiring the city to post a bond to protect the Interborough against loss in case the higher court should sustain its right to charge the seven-cent fare.

The Supreme Court, after hearing two lengthy arguments, ruled that the matter of setting a given fare was primarily under the jurisdiction of the State courts. The order of the low court granting the 7-cent fare was reversed, and the case thereupon came before Justice Phoenix Ingraham of the New York State Supreme Court, who ruled that the 5-cent fare was binding. The long and bitter controversy was finally disposed of when the Court of Appeals at Albany sustained Justice Ingraham, the decision being read by Justice John H. O'Brien on July 15, 1931.

After having been the chief negotiator for the Transit Commission for more than four and a half years, Mr. Untermyer, who had devoted a great deal of time and energy in the effort to unify the subways of New York, resigned as special counsel in June, 1931.

Mr. Untermyer was 73 years old in 1931, and he was seriously ill during part of that year, but he seemed, nevertheless, to have embarked, just about that time, on a newer and even broader field of activities than ever before.

Before resigning as special counsel to the Transit Commission, a resignation which came about as the result of a quarrel with John H. Delaney, chairman of the Board of Transportation, Mr. Untermyer successfully carried to the Court of Appeals the city's claim that the Interborough could not raise the subway fare to seven cents. The

victory ended for good the efforts of the company to abrogate, by litigation, its five-cent fare contract with the city.

But transit unification proved to be a problem not susceptible to quick solution. The task which he took up in 1926, five years after its proposal, even outlasted Mr. Untermyer's original professional position, which was that of special counsel to the Transit Commission. When toward the end of 1935 the long-sought objective seemed to be near attainment, Mr. Untermyer was no longer the people's representative. He had become special counsel for the stockholders of the I. R. T. and the Manhattan Elevated Railway Company. The problem of unification had changed considerably in the intervening years and the emphasis determining value had shifted to newer modes of transportation. Much of Mr. Untermyer's labor as counsel for the stockholders of the transit companies was concerned with appraisal of the proper price to be paid for the systems that were to be merged.

### **Fight Against Hitler Policy**

Increasing leisure, the reward of his early success, Mr. Untermyer employed toward the close of his life in travel and in the championing of humanitarian causes. The ascension of Hitler to power in Germany and the inauguration of his dictatorial program against the Jews and against various religious sects found a ready and outstanding antagonist in Mr. Untermyer.

He was one of the earliest and most outspoken critics of the Hitler régime of persecution, so that when in July, 1934, the representatives of seventeen nations met at Amsterdam, Holland, to organize a protest against the Nazi persecutions he was elected the first president of the organization which was formed there and which was called the World Non-Sectarian Anti-Nazi Council. Mr. Untermyer also served as head of the World Non-Sectarian Anti-Nazi League.

The purposes of these organizations Mr. Untermyer felt could be achieved both by world-wide organization and by personal protest. As to the first, he frequently urged the use of the instrument of an international boycott against Germany to be directed by the League of Nations. As to the second he once carried out a one-man demonstration on board a Bermuda-New York liner when he found the table decorations at the captain's dinner had been made in Germany.

He pursued his objectives relentlessly, displaying that same regard for detail which had been instilled in him by his long legal training. He was active in the campaign against the use of German steel in the construction of the Triborough Bridge, and was successful in getting the order for its use rescinded by Mayor La Guardia. He also crusaded for the use of American cement exclusively in PWA projects.

Gardening and horticulture were among Mr. Untermyer's chief hobbies, and his estate, Greystone, in Yonkers, became a showplace because of its landscaping. In this work he was a patron of the landscape architects, who sponsored the renaissance of the theory of simple mass, air and proportion.

On the occasion of the celebration of his seventy-seventh birthday in 1935, Mr. Untermyer expressed his liberal philosophy in the following words:

"If I correctly appraise the trend of the times, the days of great fortunes and the exploitation of labor are over. Labor is about to receive a more just share of the wealth which it creates, but the principles of capitalism will survive."

#### **On Tammany Board of Strategy.**

While in the process of promoting his \$489,000,000 transit unification plan, he found time to stand in active service as a member of the Tammany board of strategy. The Wigwam was beginning to find itself in difficulties, and Mr. Untermyer's first service was as counsel to District Attorney Thomas C. Crain, under removal charges.

Mr. Crain was permitted to stay in office. Mr. Untermyer then gave his services to James J. Walker whose removal from office was sought, in 1931, by the City Affairs Committee. Mr. Untermyer helped frame the Mayor's answer, which resulted in the Mayor's exoneration by Governor Roosevelt.

He entered the "loose-milk" fight later that year as counsel for the loose-milk dealers fighting a ban placed on their product by Health Commissioner Wynne. At practically the same time he offered

and pressed a \$100,000,000 plan for the reorganization of the defunct Bank of United States, and was associate counsel for Isidore J. Kresel, under indictment in connection with the bank's failure. He also was counsel for a group of heirs in the Wendel will case, and counsel for the Erlanger estate in the Fixel-Erlanger case, two prominent lawsuits of the time.

Early next year saw him active in the Kreuger & Toll receivership, but he found time to go to Chicago as a delegate to the Democratic National Convention, and to keep up his interest in transit. In the transit field, he tried to induce the city to intervene in the Interborough receivership case, and when that move failed, he became counsel to the new management of the Manhattan Railway Company in an attempt to fight the receivership.

#### Urged Ban on German Goods.

He renewed his warfare with the Stock Exchange in 1933, by urging stock exchange regulation by the Federal Government, and predicting that it would be passed by Congress, a prediction that came true. It was early in that year that he entered the fight against the Nazi government in Germany, and he was among the first to urge a boycott of German goods as a method of restraining the Hitler régime from persecuting the Jews.

In May of that year he broke with Tammany and urged Samuel Seabury to run as the Fusion nominee for Mayor, charging that Tammany had brought the city to the verge of bankruptcy. A week later, however, he appeared at City Hall as the financial adviser to Controller Berry, and a month after that was chosen financial and transit adviser to the city administration by the Tammany-controlled Board of Estimate.

In that capacity he proposed and pushed through to adoption heavy taxes on the Stock Exchange, the first utility tax, and a tax on taxicab rides, by the city government. The Stock Exchange taxes were vetoed by Mayor O'Brien, on Mr. Untermyer's recommendation, after the Exchange had announced that it would move to Newark if the taxes were imposed.

He continually urged the O'Brien administration to cut payrolls and expenditures and did force some concessions from it. A notable service he performed in his capacity as financial adviser to the city was when he joined with Governor Lehman in the drawing up of the bankers' agreement in the Autumn of 1933, the agreement which saved the city from bankruptcy and default on its obligations.



In July of 1933 his activity in the anti-Nazi movement led to his election as president of the World Jewish Economic Federation, and his selection to present the boycott idea to the League of Nations. His activity in behalf of his race also led him to attack Joseph V. McKee, running on the Recovery Party ticket for Mayor, for Mr. McKee's alleged bias against the Jews, and to rebuke Governor Lehman, Felix M. Warburg, Henry Morgenthau and Jonah B. Wise for issuing a statement deploring the injection of the race issue into the campaign.

### **Head of Anti-Nazi Movement.**

In 1934, he became president of the International Non-Sectarian Anti-Nazi League for Human Rights. He resigned this post on April 27, 1938, giving as reasons his advanced age, poor health and the pressure of his duties as a delegate to the State Constitutional Convention. In the same year he came back into the transit picture again when stockholders' committees of the Interborough and Manhattan companies retained him to represent them in transit unification negotiations with the city. He later was formally retained in the same capacity by the management of the Interborough.

Mr. Untermeyer had always previously represented the public interest in transit negotiations, and when he accepted the post, he specified that he should not be called upon to ask the city for a higher price for the lines than he himself had recommended in transit unification plans he had put forward while representing the city or the Transit Commission.

He was active also in fighting the mortgage company reorganization plan put forward by George W. Alger, investigator of the State Insurance Department's handling of the mortgage situation. Mr. Untermeyer had previously asked the removal of George S. Van Schaick as Insurance Superintendent.

Early in 1935, Mr. Untermeyer was re-engaged as counsel for the Interborough and for the Manhattan Railway Company as well, in unification negotiations with the city.

For a year and a half Mr. Untermeyer sought to bring the contending parties in the unification controversy around to his views. Then he retired from the transit negotiations, except for a brief period in 1938 when he engaged in controversy with Mayor La Guardia over the Seabury-Berle plan for unification.

While he had limited his activities in recent years to conserve his energies, he was nevertheless in the forefront of several campaigns. In 1937 he backed President Roosevelt's plan, since abandoned, for reorganizing the Supreme Court, and in the same year he was active as a speaker in support of Jeremiah T. Mahoney, the Democratic candidate, for the Mayoralty.

### **Champion of Minority Stockholders.**

Mr. Untermyer's retention as counsel for many large corporations never prevented him from championing the rights of minority stockholders or from attacking, in and out of the courts, what he regarded as corporate abuses. He repeatedly urged a more rigid enforcement of the Sherman anti-trust law, reform of the criminal laws, and laws to prevent the concentration of wealth through the use of corporate funds. Twenty years before the income tax law was enacted he wrote and spoke widely in favor of such legislation as a just form of taxation.

In politics he was a progressive Democrat. He was a strong supporter of Woodrow Wilson and made speaking trips for him in the 1912 and 1916 campaigns. He was a delegate to the Democratic National Conventions of 1904, 1908, 1912 and 1916.

Mr. Untermyer was a member of the International High Commission which met in Buenos Aires in April, 1916, to frame uniform laws for Pan-American countries. When, in January, 1918, the government took over the railroads of the country as a war emergency measure, Mr. Untermyer was counsel for the National Association of Owners of Railroad Securities, composed of the leading life and fire insurance companies, banks, universities and other corporate holders, in the long negotiations with the government in formulating the complicated contracts under which the roads were to be operated by the government and eventually returned to their owners. He was long an advocate of government ownership of public utilities, in which he included iron, coal and copper mines. During the war Mr. Untermyer took part in

various forms of war work and made speaking trips throughout the country for the different Liberty Loans.

Although an avowed opponent of socialistic theories, Mr. Untermyer's political philosophy was so liberal that he did not hesitate to defend individual Socialists and radicals when he believed that their rights had been attacked unjustly, and denounced the expulsion of five Socialists from the New York State Assembly.

Mr. Untermyer was a supporter of many charities, including those of many denominations and some that were non-sectarian. He was president of the board of trustees of the Andrew Freedman Home for Old Persons.

A lover of art, Mr. Untermyer filled his city and country homes with choice works of the old masters. He was passionately fond of flowers, particularly orchids, and at his country estate, Greystone, former home of Samuel J. Tilden, he had one of the largest series of greenhouses in the United States.

Reputed to be enormously wealthy, Mr. Untermyer cared little for money in itself, and frequently told friends that he valued it first for the independence that it gave him and secondly for its power. With a reputation for vigor and severity in examination of witnesses that frequently made him enemies, he had a kindly and courteous side that endeared him to his friends.

He was a member of the American Bar Association, New York State Bar Association, New York County Lawyers' Association, American Society of International Law, League for Political Education, Metropolitan Museum of Art, the Automobile Club of America, and the Lawyers, National Arts, Manhattan, Lotos, National Democratic, Press and Economic clubs.

He was married Aug. 9, 1880, to Miss Minnie Carl, daughter of Mairielius Carl of New York City, who is now dead. He is survived by three children, Captain Alvin Untermyer, who served in the 305th Field Artillery in France during the World War; Irwin Untermyer, a Justice of the Appellate Division, and Irene, wife of Stanley L. Richter.

# The New York Times

Published: March 17, 1940

Copyright © The New York Times