

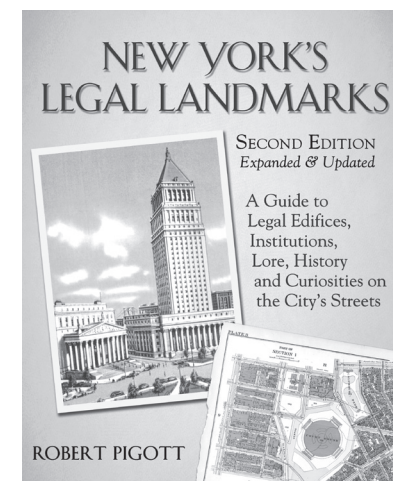


Portrait of Elihu Root, c. 1902.

Library of Congress, Prints & Photographs Division, LC-USZ62-92819

Elihu Root: Nobel Peace Prize Recipient And Manhattan Real Estate Pioneer

by Robert Pigott



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Towards the end of his life, Elihu Root, the founder of the firm that would become Pillsbury Winthrop, said that “the office of being a leading lawyer in New York was the only one I ever cared about.” Such a confession is remarkable coming from a Nobel Peace Prize winner who also served as U. S. Secretary of War, U. S. Secretary of State and U. S. Senator from New York. But Root’s spectacular *curriculum vitae* overlooks his significance to the Manhattanite who lives by the mantra “location, location, location.”

On two occasions, Root blazed trails realty-wise, making certain neighborhoods or modes of living respectable for upper-class New Yorkers. In 1905, he built an elegant mansion at 71st Street on Park Avenue at a time when uncovered railroad tracks still ran down the Avenue’s center. Only six years later, he was among the first prominent New Yorkers to move from a freestanding private home to one of the luxury apartment buildings that had begun to supplant the Gilded Age mansions lining Fifth Avenue opposite Central Park.

Root was not a child of the New York City streets. The son of a Hamilton College professor of mathematics, he first came to New York City directly after graduating as valedictorian of the Hamilton College Class of 1865. He made the trip with his brother Oren on a New York Central train from Utica to Albany, then ferrying across the Hudson River to take a Harlem Railroad train to 26th Street and Fourth Avenue—the location of the railroad’s Manhattan terminal before the 1871 construction of the Grand Central Depot. On their first night in New York City, in what seems to be youthful extravagance, the Root brothers dined at the Astor House.¹

Elihu Root’s New York City life then took a more modest direction. He rented a room in a boardinghouse on Seventh Avenue between 41st and 42nd Streets, supporting himself by giving Latin lessons.² Root later taught at a girls’ school at 1 Fifth Avenue.³

But he quickly began his pursuit of a legal career, enrolling in New York University School of Law, from which he received a law degree in 1867. Root’s first law firm job was with Man & Parsons.⁴ (Name partner John E. Parsons, one of the founders of the New York City Bar Association, played a leading role in prosecuting the Tweed Ring, but was



998 Fifth Avenue, where Root was one of the first tenants.
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New York University (then known as University of the City of New York), Washington Square, 1850, where Root studied law.
The Miriam and Ira D. Wallach Division of Art, Prints and Photographs: Print Collection, The New York Public Library

himself, towards the end of his career, indicted on antitrust charges as a director of the Sugar Trust.)

In 1868, after only a year with the firm, Root formed his own law firm with John H. Strahan, Strahan & Root. "With several other young lawyers, they took office space on the top floor of a ramshackle four-story wooden building at 43 Pine Street, one of the old residences which still stood between Broadway and Nassau Street."⁵ The office had no elevator, stenographer, telephone or typewriter.⁶

Root's practice flourished, although an early bit of legal work, while prestigious, would dog him to the end of his days. In 1871, he was part of the team of lawyers defending William M. Tweed in one of the several trials that brought down the corrupt Tammany Hall boss (facing off against prosecutor John Parsons, who had been his boss only a few years earlier). However, despite any taint from the association with Tweed, Root became one of the leading members of the bar in Gilded Age New York. In the current era of lawyer specialization, it is remarkable how the leading

lawyers of the late 19th century, such as Root, excelled at once as litigators, transactional lawyers, and corporate counsel.

As a bachelor lawyer, Root lived from 1871 to 1878 on Irving Place between 15th and 16th Streets, a short walk from the cynosure of affluent, Gilded Age New York City, the Fifth Avenue Hotel at 23rd Street. The plaque on the building that currently stands where Root's rowhouse once stood, commemorating his time on Irving Place, is the only tangible trace in New York City of his many years as one of its leading citizens.⁷ Upon his marriage in 1878, he lived briefly with his new in-laws and then in a house they bought for the newlyweds at 30 East 55th Street.⁸

Beginning in 1884, Root successively formed law partnerships with Willard Bartlett, Theron G. Strong, and Samuel B. Clarke.⁹ Increasingly active in Republican politics, Root discussed with Speaker of the House Thomas B. Reed the possibility of Reed's joining his law firm (then Root & Clarke) if Reed lost the leadership fight in the House of Representatives

Elihu Root



Photograph of Root's residence at 71st Street on Park Avenue, c. 1915.
Wurts Bros. (New York, N.Y.) / Museum of the City of New York. X2010.7.1.4446



Root's summer home in Clinton, NY.
From the collection of the author

in 1889; however, that never materialized. In 1897, Root formed the firm Root, Howard, Winthrop & Stimson with offices in the Mutual Life Building at the corner of Nassau and Liberty Streets. This firm grew into Winthrop, Stimson, Putnam & Roberts, one of New York City's venerable "white shoe firms," which merged in 2001 with a large San Francisco firm to become Pillsbury Winthrop. Root remained with the firm until 1899, when he was appointed Secretary of War by President McKinley.

Befitting his stature as a successful New York City lawyer, in 1886 Root purchased a brownstone at 25 East 69th Street, between Fifth and Madison Avenues.¹⁰ It was one of four connected rowhouses built in 1885 in the Queen Anne style. He and his family remained there until 1899 when, upon his cabinet appointment, they relocated to Washington, D.C. Root's former East 69th Street rowhouse, while still standing, was renovated in 1929 in the Georgian style.

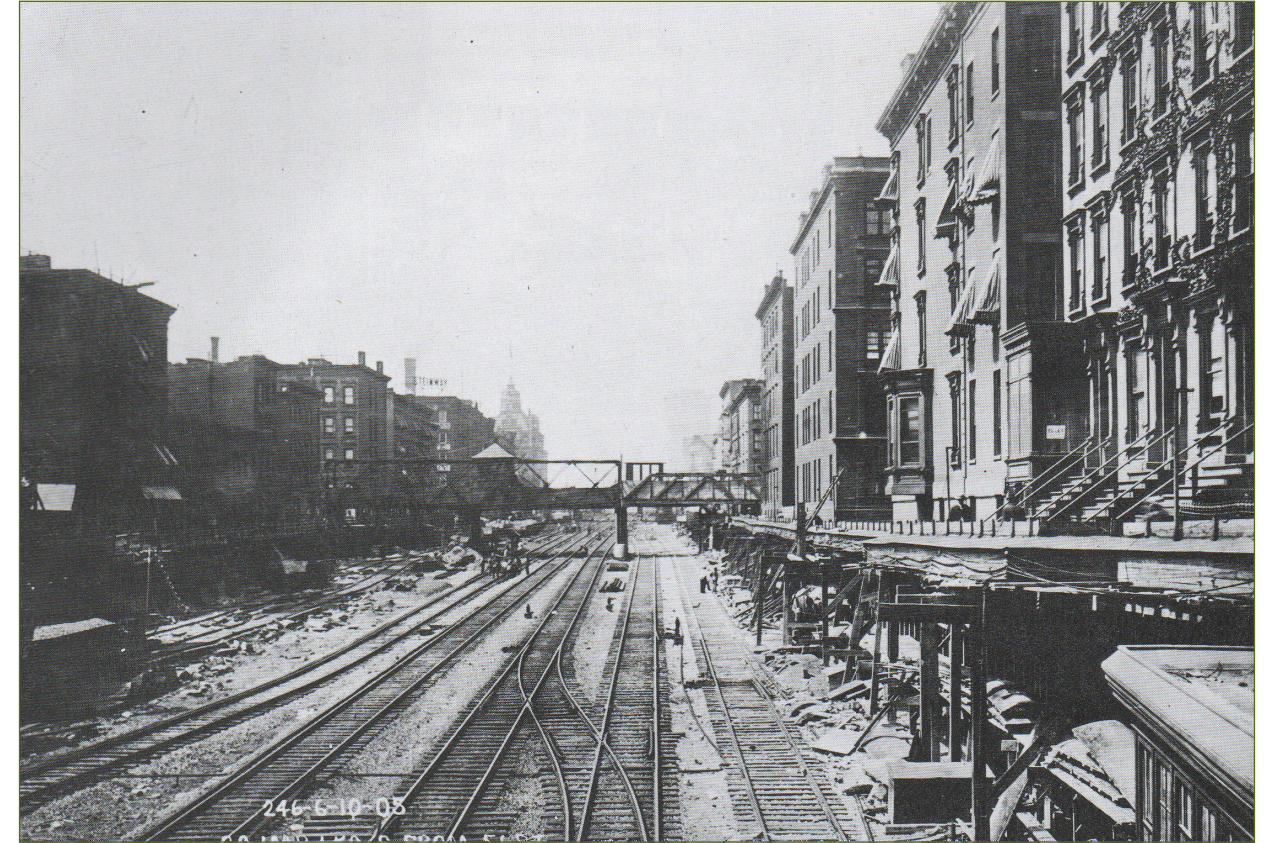
When Root stepped down as Secretary of War in 1904 (Theodore Roosevelt, who had become president in 1901 when President McKinley was assassinated, had retained Root in his cabinet position), he returned to New York City. "Root did not reenter his old firm but took offices on the same floor of the Mutual Life Building at 32 Liberty Street. He did not wish to become engaged in the general practice of law as an attorney, but confined himself to acting as counsel."¹¹

When Root relocated a second time to Washington in 1905 upon his appointment as Secretary of State, he and his family "were just moving into the handsome new New York house which they had built at 733 Park Avenue, but rented that house for four years to the Paul Mortons."¹² To understand how remarkable it was that Root built his home on Park Avenue, it must be remembered that, after the construction of Grand Central Depot (later Station), the portion of Park Avenue above 44th Street was still open railroad tracks. To live on Park Avenue back then

Elihu Root



Photograph of the Mutual Life Building on Nassau Street, c. 1890, where Root had the offices of his law firm, which evolved into Winthrop, Stimson, Putnam & Roberts. Photographer unknown / Museum of the City of New York. X2010.11.14484



Open train tracks on Park Avenue, heading to and from Grand Central Depot, c. 1900, before it was the site of fashionable residences such as Root's 1903 mansion at 71st Street. Photo courtesy of Frank English/MTA Metro-North Railroad

placed one among New York City's working class, not the affluent who inhabit Park Avenue today. It was only with the electrification of the trains, which permitted the railroad tracks to be covered over, that Park Avenue would become a fashionable address. But Root was ahead of the curve, building his home when the railroad tracks were still uncovered in anticipation of the transformation that the avenue would undergo. This move was thus the first of the two that would earn him his status as a Manhattan real estate pioneer.

As chronicled by architect Robert A. M. Stern and his collaborators in *New York 1900*:

When Elihu Root began construction in 1903 of his house on the southeast corner of Park Avenue and 71st Street, on the same block where Gerrish Milliken later assembled his brownstone palace, it marked an important step in the transformation of the avenue from an unimportant street of ordinary

tenements and modest rowhouses to one of the city's most fashionable boulevards, second only to Fifth Avenue.

*[Carrere & Hastings'] red brick house on Park Avenue for Senator Elihu Root was built in 1903–05 in an English Regency style that struck one critic as the 'embodiment of well-proportioned dignity.' 'It is a significant fact that the house of one so prominent in national life as Mr. Root should be strikingly free from the profusion of ornament and meretricious finery which blazes forth from the façades erected of many notable citizens,' according to the editors of the magazine *Indoors and Out*.¹³*

Although Root returned to 733 Park Avenue when his time in the Roosevelt administration ended, he did not remain there long. By this point, Root was dividing his time between New York City



A plaque highlighting Root's residency at 22 Irving Place. Photo courtesy of the author

and Washington, having been elected United States Senator from New York in 1909. (Despite his lengthy career in government, Root never campaigned for public office; U.S. Senators were still elected by state legislature at the time, and his other positions were all appointive.)

In 1911, a shrewd realtor (the Douglass Elliman whose company exists to this day) induced Root to play his second great role as a Manhattan real estate pioneer. The late 19th century saw commerce steadily advance up Fifth Avenue, crowding out the Vanderbilts and other Gotham plutocrats from Fifth Avenue below 59th Street. However, the portion of Fifth Avenue above 59th Street facing Central Park was a phalanx of Gilded Age mansions that seemed destined to define the east side of the Park for centuries. Most did not last more than a generation.

Wealthy New Yorkers were slow to embrace apartment living. In their eyes, apartments were either for the very poor, such as the tenement-dwelling immigrants of the Lower East Side, or for Europeans of looser morals. But the great cost of maintaining

a private mansion in New York City, exacerbated by the introduction of the federal income tax, made the replacement of single family homes on the avenues by luxury apartment buildings inevitable.

The story of Root's final New York City dwelling, 998 Fifth Avenue at 81st Street, is chronicled in *New York 1900*:

McKim, Mead & White's design for Fifth Avenue was more chaste, presumably because its very exclusive clientele was thought to be more refined than the upper-middle-class tenants in the Alwyn at 180 West Fifty-eighth Street. Above the granite base, the façades were sheathed in limestone carved with Italian Renaissance details. The twelve-story building with an almost square plan only filled half the block-long front along Fifth Avenue, but the floors were cleverly arranged so that all the various duplex and simplex units except one had only servants' and service rooms on the court.... The success of the building was ensured when the rental agent, Douglas

L. Elliman, persuaded Senator Elihu Root to move into the building by offering him a cut-rate rental: \$15,000 per year instead of \$25,000 per year. Once Root, who had earlier established the respectability of a Park Avenue address when he built his house there in 1903 moved to 998, others immediately followed.¹⁴

A little more than a year later, Root might have been less susceptible to Douglas Elliman's monetary inducement. In December 1913, for his work promoting international arbitration, he was awarded the Nobel Peace Prize, which then carried with it a cash award of about \$40,000.

After his one term as U.S. Senator from New York ended in 1915, Root, then 70 years old, did not resume fully the practice of law. Rather than return to the firm he had founded, Winthrop Stimson, he became Of Counsel to Root, Clark, Buckner & Howard, the firm headed by his son, Elihu Root, Jr.¹⁵ Located at 31 Nassau Street, across the street from Root's old firm, his son's firm evolved into what was, until a few years ago, one of the nation's leading law firms: Dewey, Ballantine, Bushby, Palmer & Wood.¹⁶ Indeed, name partner Emory Buckner, who also served as United States Attorney for the Southern District of New York from 1925 to 1927, is credited with introducing many of the practices and methods of the modern, large law firm.¹⁷

Like many prosperous Manhattanites, Root maintained a country home; unlike most, he chose Clinton, New York, as the site for his. After leaving Clinton upon his graduation from Hamilton College in 1865, Root had returned there regularly to visit his parents (and to attend meetings of the College's Board of Trustees). In 1893, Root purchased the house on College Hill at 101 College Hill Road, which was adjacent to the house where he had been raised.¹⁸ He and his wife and children would return both to Clinton and to Southampton, where her side of the family had a home. But, by 1907, after his father-in-law had died, Clinton had become Root's principal and permanent summer home. The Elihu Root House, listed on the National Register of Historic Places, remained in the Root family until the 1970's and was sold in 1978 to Hamilton College, which has used it for administrative offices.

Root's attachment to Clinton was enduring. When he died in 1937, he was buried in the Hamilton College Cemetery. His connection to New York City real estate, however, far surpasses the mere physical one he has with a small plot in Upstate New York. Awareness of Root's accomplishments as a lawyer and statesman and his recognition as a Noble Peace Prize recipient may be fading, but his place in Manhattan real estate lore is secure.

ENDNOTES

1. Phillip C. Jessup, *Elihu Root* 53 (1938).
2. *Id.* at 54.
3. *Id.* at 55.
4. *Id.* at 63. Jessup incorrectly refers to the firm as "Mann and Parsons."
5. *Id.* at 66.
6. *Id.*
7. The rowhouse in which Root resided appears to have had the address 20 Irving Place, but the building subsequently erected on the site that it (and adjacent rowhouses) occupied, and to which the historic plaque is affixed, has the address 22 Irving Place.
8. Jessup, *supra* note 1, at 107.
9. *Id.* at 161-62.
10. *Id.* at 159.
11. *Id.* at 413.
12. *Id.* at 459.
13. Robert A. M. Stern, Gregory Gilmartin, & John Montague Massengale, *New York 1900: Metropolitan Architecture & Urbanism* 353 (1983).
14. *Id.* at 290, 295.
15. Jessup, *supra* note 1, at 341.
16. In 2007, the firm merged with LeBoeuf, Lamb, Greene & McCrae to form Dewey & LeBoeuf LLP, which dissolved only five years later amidst charges of financial improprieties.
17. See generally Martin Mayer, *Emory Buckner: A Biography* (1968).
18. National Register of Historic Places Inventory - Nomination Form for Grant House a.k.a. Elihu Root House, dated July, 1972.