

JEWISH COURT OF ARBITRATION

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When the Court was first organized, in May, 1913, the greatest difficulty was to get the defendants in the various cases to appear for a clerk's hearing. After several trials had been held and all parties satisfied, the number of people refusing even to appear grew considerably less, and at the present time very nearly everyone summoned appears for a clerk's hearing.

This difficulty having been overcome, another and more difficult obstacle presented itself. This was the refusal of the defendants to sign the agreement of arbitration. Many of them when they appeared said they would abide by the decision of the Court, but under no conditions would they sign the agreement. Some argued that in so much as they did not or were not even asked to sign any papers in any court, they could see no reason for signing here. This difficulty is gradually being overcome, but will trouble us, I believe, as long as the Court exists.

Another obstacle then arose. This was the problem of how to enforce the decisions of the Court. Under the articles of arbitration suit would necessarily have to be instituted before a judgment could be obtained, and this would mean that the judgments of the Court of Arbitration were in themselves merely a cause of action in a suit. With the aid and advice of Mr. Sydney L. Nyburg and Mr. Louis H. Levin, this defect was cured by inserting in the agreement a confessed judgment clause, empowering any member of the bar to appear and confess judgment before any magistrate or any Court of Record for the amount of the award. When the time came to obtain a judgment on one of the cases tried, we decided that we would go before the People's Court and get judgment there. When the case was presented to the People's Court they refused to give us judgment at first. The case was then argued before one of the judges of the People's Court and judgment was rendered in our favor. We then obtained judgments of the People's Court on each and every award of the Court of Arbitration. In the Superior Court several judg-

ments have already been obtained under the confession clause, for amounts involving more than one hundred dollars.

The first step in the procedure of the Court is to tell the clerk of the Court the grievance, and if he believes that it is one entitled to recover by right of law, or for moral considerations, then he will require a deposit of the fee prescribed by the rules of the Court. He will then issue summons for the defendant and order him to appear before the clerk. In connection with this preliminary step much of the actual work of the Court is done. Men and women appear with all sorts of grievances, some asking for advice, and others for the benefit of the Court's services. I recall one Jewish gentleman appearing and telling me a rather interesting story of wrongs that had been done him by some insurance organization. After listening to his story I advised him to the best of my ability, but imagine my surprise when, during his profuse thanks, he said: "Now I know that my lawyer isn't cheating me." Another instance: One tall, well-built gentleman appeared and, demanding absolute secrecy, he told me of how his wife was continually beating him and tormenting him in various ways, but that he loved her too well to leave her or to have her punished. Inquiries elicited the replies that he was married to her for over forty years, had only had trouble with her during the last year, and the cause was his favoring in various ways one of his children in preference to the others. I gave him a little talking to and he went home well satisfied. Many such instances occur during the sittings of the Court and, while not really part of the Court work, has become one of its most important and exacting features. Men and women come to the Court for advice in family matters, in business troubles and in order to safeguard themselves against attorneys and others with whom they have transactions.

SOME CASES

In looking over the records of this Court I find some very peculiar cases presented to the Court, peculiar in that they do not

occur with other nations than the Jews. One of these: A father filed suit against a *mohel*, claiming that the *mohel* did not perform the function of circumcision in accordance with the dictates of the Jewish religion. That because of this he engaged another *mohel* and caused the circumcision to be again performed. This case involved the future reputation of the *mohel*, who, should he be adjudged incapable of performing this religious rite, would lose a great portion of his income and means of livelihood. Had there not been a Jewish Court of Arbitration and the case gone to some law court, the reputation of this *mohel*, no matter what the decision, would have been ruined. As it was, the case was tried and after the evidence had all been heard it was determined that the *mohel* had correctly performed the rite. He was thus vindicated, without any loss of prestige or reputation.

Another case was where two butchers were involved. One butcher had said that the other sold *treifah* meat. This reached the ears of the second butcher and the next day when they met at the slaughterhouse one word brought another and the second butcher struck the first in the face. He, the first butcher, was about to arrest the second butcher for assaulting him, and also filed a civil action against this second butcher, when he was advised by some friends to go to the Jewish Court of Arbitration, which advice he took. The second butcher gladly appeared. The case was tried. At the trial of the case it was brought out that all parties were wrong, and in order to pacify both sides one was severely reprimanded and the other was ordered to pay a fine of six dollars to the Jewish Court. This he did. Both parties were also ordered to make peace with each other, which they did, and at the latest reports they are still friends.

One other case that was remarkable in its being brought to the Jewish Court of Arbitration was this: Mr. A and Mr. S appeared before the Court and asked that Mr. S be tried on the charge of larceny of certain goods from Mr. A. Instead of having S arrested, S had agreed with A to have the case tried in the Jewish Court of Arbitration and to abide by its decision.

The case was tried and no clearer case of larceny could have been established. S was ordered to pay a fine to the Court, as he had already made restitution of the goods stolen. S immediately paid the fine. Had this case gone to the Criminal Court S no doubt would have been given a severe punishment and his family of seven made destitute by having their provider removed from them by no fault of theirs.

There is one case now pending in the Court in which I have no doubt there will be a settlement, where a ticket agent, W, was given money to cable to relatives of E by E. These relatives are already several months in the United States, and have never received the money supposed to have been cabled to them. E now wants W to return this money to him.

A case that will be tried shortly before the Court is where L claims that S had overcharged him and committed usury in making him a loan of some money.

Another case where a settlement was brought about was where C had bought furniture from L on the installment plan. L for some reason best known to himself, ten days after the furniture had been delivered to C, replevied the goods and left C without any furniture whatever. He came to the clerk of the Court and when L was gotten in touch with he defied us to do anything whatever. He was brought to terms, however, and the case was compromised by L returning to C part of the money that L had received from C on account.

A case that attracted considerable attention and drew a large audience was where a charitable organization of this city was involved. This organization is composed of Jewish ladies and gives aid to families of consumptives. At the annual election of officers Mrs F was elected president and Mrs. G was elected vice-president. During the seventh month of her term the president was forced to leave the city and the vice-president presided. When Mrs. F returned and claimed the presidency, Mrs. G, who had presided in the absence of the president, refused to vacate the office. The society had no constitution by which this case could be decided, and the society faced an absolute schism. Mrs. F threatened to

appeal to the Courts to obtain what she termed her rights. She finally resorted to the Jewish Court of Arbitration. The case was set for trial. At the trial several hundred women appeared. Over forty odd witnesses were heard. The decision ordered that neither Mrs. F nor Mrs. G should hold the office of president, but that the Board of Directors of the society should from their midst select one to preside until the next election. This was agreeable to all parties and the society is again reunited and prosperous.

Another case was instituted against a synagogue by one of its members, who claimed that he had been expelled from membership in the synagogue illegally. The authorities of the synagogue were summoned and the matter was amicably adjusted.

One case, rather curious in its revelations, was this: C had done certain work under a contract for a synagogue, of which E was president. The synagogue owed C a balance of forty dollars on the contract, which E, as president, refused to give to C, saying that C owed him (E) money for transactions involving the synagogue. At the trial it appeared that in return for E's showing C the bids of other contractors for this work and thus enabling C to underbid them and obtain the contract, C promised to paint the front of E's house and E was therefore holding this money until C would keep his promise. The synagogue was ordered to pay C the balance due him.

Memoirs of David Blaustein

(Educator and Communal Worker. Arranged by Miriam Blaustein. New York; McBride, Nast & Co.)

In the foreword of this volume, lovingly compiled by his widow, she well states that "David Blaustein wrote little concerning his career as a public man." Posterity will value his achievements by the influence of his personality on the thousands with whom he came in contact rather than by any literary work of his. Nevertheless, these memoirs will be esteemed as recording in slight sketch his career, and as putting into permanent form such of the papers and addresses which he left behind him in shape for publication.

David Blaustein is presented to us as the young student in Russia; the influence that he received as part of his education in Germany is referred to; his efforts at achieving an education in this country are brought out; his rabbinate at Providence from 1892 to 1898, which concludes the first chapter of this work, is described. The acme of his career undoubtedly was during the period of his superintendency of the Educational Alliance in New York City from 1898 to 1907. The compiler states that "Superintendent of the Educational Alliance was only a modest title for an oracle and prophet." David Blaustein truly obtained greater *éclat* as a leader of the community in which he worked and dwelt than as the official head of the Alliance, notwithstanding that his name and career are inseparably linked with the activities and progress of this great neighborhood agency for nearly a decade. He regarded himself as the interpreter of the Jewish immigrants. He had opportunity of applying his detailed knowledge of the immigrant in the lectureship which he occupied in connection with the School of Philanthropy from 1910 on, after he had severed his connection with the Hebrew Institute in Chicago. He held this position at the time of his death in the late summer of 1912.

The second part of the book includes the lectures, addresses, discussions and sermons. Running through these one can gather from the titles the thoughts and purposes which animated David Blaustein. They include: "The Making of Americans," "Preventive Work on the East Side," "The People of the East Side Before Emigration and After Immigration," "The Status of the Jews in Russia," "The Situation of Jews in America," "The School-house Recreation Center as an Attempt to Aid Citizens in Adjusting Themselves to American Conditions" and "The Jew in America."

Running through these addresses we find constantly David Blaustein in analyzing and explaining the Jewish immigrant, pleading for an understanding of the immigrant, so that he may be aided in gradually adapting himself to conditions here, without giving up his ideals and at the same time that he may be placed in such a situation as to

free himself from sordid American influences and surroundings and acquire the finest of American ideals.

The contributions of David Blaustein as printed in the volume suggest in a measure the things he thought about and talked about. With them, however, those who knew him best will connect the things he did and the things he strived for. In his case, particularly, the printed volume gives but a faint reflection of his personality in helping to mould the development of the immigrant Jewish population; in bringing about reforms through various radii in ghetto circles, and in assisting in the adaptation of the methods of modern American educators and social workers to the needs and the progress of the immigrant.

Charles S. Bernheimer.

NEW BOOKS

Conducted by C. S. B.

ENGLISH FOR NEW AMERICANS. By W. Stanwood Field and Mary E. Coveney. Silver, Burdett & Co. New York.

This ought to be a helpful text-book for classes in English to foreigners. Although much of its material is well adapted to adults, yet some of it reveals the following of the ordinary school book for children, which should be avoided in a book specially written for grown-ups. A vocabulary in various languages, including Yiddish, forms an excellent appendix to the volume.

THE IDEA OF THE INDUSTRIAL SCHOOL. By Georg Kerschensteiner. The Macmillan Company. New York. 50 cents.

A little volume containing some elementary principles of industrial and vocational training, helpful to us in this country, in our endeavor to provide guidance for our young people.

TEN SEX TALKS TO GIRLS. By Dr. Irving David Steinhardt. J. B. Lippincott Company. Philadelphia. \$1.00.

Originally delivered at the Hebrew Educational Society of Brooklyn, the Emanuel Brotherhood of New York City and several other organizations. In the words of the introduction by Dr. Rachelle S. Yarros, chairman of Social Hygiene of the General

Federation of Women's Clubs, the book may be recommended for "its sincerity, simplicity, directness, as well as its scientific accuracy." In many respects it is merely a volume in physiology, the facts of which every girl should know. The author has attempted to be frank and yet not under the imputation of extreme in his statements regarding sex relations. Social workers with girls will find this book a valuable one for information for young women—the author says for girls fourteen years and older. There are some who would make the age higher than fourteen for some of the more mature discussions.

Buffalo Settlement Dedicated

On March 1st the Buffalo Community House was dedicated with appropriate exercises. Rabbi Max Drob of Temple Beth El emphasized the fact that the House will tend toward a greater solidarity in the race. "I see an awakening in present society which will eventually return to the old Hebraic ideals. No matter how far we advance we never get beyond the maxim, 'Love thy neighbor as thyself!'"

Miss Cecil B. Weiner, general manager of the Federated Jewish Charities of Buffalo, told of the work necessary in realizing such a community house. She promised to do her best in furthering the interests of the community house.

The large three-story structure, 80 feet wide and 100 feet in depth, equipped and furnished, cost \$60,000, not counting the time and work expended by the members of the Sisterhood of Zion.

In the ground-floor basement of the building are the billiard and poolroom, the boys' and young men's game room, the shower rooms, the locker rooms, the women's bathrooms and a modern gymnasium, containing everything necessary in the physical culture line.

On the next floor are the kindergarten, the dining-room, the kitchen and domestic science rooms, library and reading-room, clubroom and three large classrooms.

On the top floor of the building is the large auditorium, with a seating capacity of about 450, quite a large stage and two smaller anterooms. There are also four classrooms on this floor.