

will supervise the compiling and publication of the annual reports of the Federation.

5. A Committee on Law and Interrelation, to be composed of one member of the Executive Committee and two other members of the Board. They will consider and report on all matters of a legal nature pertaining to the Federation and the institutions; they will consider the interrelation of affiliated activities, and when called upon to do so, will determine the obligation of the local community to outside organizations.

6. A Committee on Co-operation, to be composed of one member of the Executive Committee and all of the representative trustees. They will direct the establishment and maintenance of a Central Registration Bureau for the general use of all constituent organizations and others that may desire to participate; they will consider any proposed new activities and the enlargement or curtailing of present lines of work; they will aim for greater efficiency and effectiveness through a closer co-operation of the various activities.

There has also been added to the regulations a provision establishing "The Memorial Fund of the Federation of Jewish Charities of Cleveland, Ohio," into which fund will be received donations and bequests either in the form of permanent endowments for specific purposes, or gifts without restriction as to their use. The community is being encouraged to make gifts and bequests to the Federation in accordance with the latter form, which leaves to the discretion of the Board of Trustees of the Federation the use of both principal and interest for such philanthropic purposes of the community as may in their judgment be deemed advisable.

A new amendment also provides for the manner of investment of endowments and other surplus funds that may come into possession of the Federation, and it is so drawn as to practically safeguard the community against any possible loss.

The amending of the regulations as here outlined will necessitate a change in the Articles of Incorporation of the Federation, broadening the purposes and scope in such manner as to enable the Federation to properly operate under the new features.

S. Goldhamer.

Denver's First Year

December 31st marked the close of the first year's activities of the Jewish Social Service Federation, which comprises all of Denver's Jewish charities.

No Jewish movement in the history of Denver has wrought so many and such important changes in Jewish circles as has the Federation.

Subscriptions to Jewish charities have practically doubled. Ticket selling in the name of charity, with all its attendant wastefulness and annoyance, has been eliminated. There is not only co-operation between the charities, but the various organizations now work through a central bureau under the direction of a trained worker.

As the past year has been a particularly trying one for all charities, it has been especially gratifying to workers and supporters of the Federation that their organization has overcome the most difficult obstacles and gained a permanent place in the community.

The Federation's recent emergency appeal for special donations in addition to regular subscriptions met prompt and hearty response from individuals throughout the Jewish community. The B'nai B'rith, by a donation of \$150, made its total contribution for the year \$400. Other Jewish lodges appealed to will undoubtedly respond as liberally as their treasuries will allow.

The forceful address which Mr. Meyer Friedman, president of the Federation, delivered at the recent annual convention of the Central Jewish Council, and his presentation of the subject before the Council of Jewish Women brought home to many the real worth of the organization to the community and the necessity for liberal support.

Garfield A. Berlinsky, superintendent of the Federation, in executive charge, addressed the Young Women's Jewish Alliance on December 21st and on January 13th spoke before the Young Men's Hebrew Alliance.

The Conference at Memphis will be held early, May 6-8, and arrangements should be made at once for attendance. An interesting and diversified program has been prepared for the meeting.

Transportation Decisions

C. vs. SF.

Deserter Obtains Legal Residence—Can Send for Family—Case of Legal Technical Residence—Hard Case for Defendant City.

The facts of the case are stated in the dissenting opinion of Committeeman Herzberg. The decision of the Committee is to the effect that plaintiff city, if it insists on its technical rights, is entitled to recover.

OPINIONS

In the case of *S*, inasmuch as he did not take his family to *SF* until April, 1913, he did not establish a residence there, his legal residence, in my opinion, being *C*, where his family resided.

In my opinion, therefore, he was a transient in *SF* at the time his family arrived. Apparently, he was in good health in April, 1913, when his family reached *SF*. His tuberculosis did not develop until some time later. Under the decision heretofore given in Decision No. 5, his tuberculosis was an unavoidable accident.

Under a strict interpretation of the Transportation Rules, I therefore hold that the family is a charge upon *SF* and *C* is entitled to collect from *SF* all that it has expended on the case since October, 1913, and all that it may expend at any future time.

In equity, however, I do not believe that *C* ought to insist upon its claim. The family is really a *C* family; was long dependent there and *SF*, it seems to me, has done fairly enough in assuming the care of the tuberculous man and returning the family to *C*, where they really belong.

MAX SENIOR.

In my judgment legal residence of the husband was established in *SF*. He had a right to bring his family there, and if they subsequently became a charge *SF* has the responsibility.

I believe, however, that in such a case as this, as in the analogous case of a resident of one city marrying a person dependent upon the charities of another city and bringing her with or without a family to the

place of his residence, that if the former dependent family again becomes dependent within a brief period, whether through their own fault or not, the obligation toward them ought equitably to be shared by the two cities.

Such, however, is not the present rule of the conference. I am, therefore, of the opinion that the claim of *C*, if actually pressed, must be allowed.

JULIAN W. MACK.

S had deserted his wife and children in 1911, and they were dependent for support upon *C*, where they had been living for some time. He was in *SF*, and in March, 1913, wrote to his wife asking her to come to him. She applied to *C* for transportation and the consent of *SF* to the furnishing of such transportation was requested. This was refused upon the ground that the man having deserted his family and having done nothing for them for several years, it was desirable that he should evidence his good faith for a reunion by making some contribution for a period of some months to the family in *C*. Notwithstanding this refusal the family arrived in *SF* within a few weeks, tickets having been purchased with money partly sent by the husband and partly derived from the sale of furniture. In a month's time after their arrival the family became dependent in *SF*. *S* being taken to a hospital on May 5, 1913, and remained there for some time. In August *SF* wrote to *C* that, because of the dependency of the family, they wish to return the same, but that they would care for the man, who was still sick. In October the family was sent back to *C* at the expense of the county of *SF* and the man was sent at the expense of the society of *SF* to the country, as he was suffering with tuberculosis. *SF* had expended about \$60 per month for the support of the family while there and the man is still a subject of charity.

Under these circumstances *C* is claiming reimbursement for money expended since return and still to be expended upon the ground that the family was properly dependent upon *SF*, the man having resided there for several years.

One of my colleagues upholds this contention and the other holds that the family

was a transient, but had become dependent by reason of "unavoidable accident," the same being his sickness from tuberculosis, evidenced by his removal to a hospital within a month. They both think, however, that it is a hard case which should not be pressed by *C*. I do not agree with either of these views. The man having deserted and abandoned his family, it cannot be held that his domicile was the legal residence of the wife. Under any circumstances it could not be held to be such residence until he had made a demand upon her to come to him and furnish her with the necessary means for that purpose. *C* recognized the fact that the family was not a resident of *SF* by requesting permission to forward, which was refused. Coming under these circumstances to *SF*, they were there as transients and under protest, and even if the illness of the husband within a month from tuberculosis may be strained into an "unavoidable accident" this ought not to operate to make the family, sent without permission, with or without the active assistance of *C*, a burden upon the charity of *SF*. If the man had deserted within a few weeks of the family's arrival, would it be just or reasonable to make this family a life-long burden upon *SF*? The entire contention of *C* is based upon the theory that *S* was a bona fide resident of *SF* and that his residence attached to his family and that they were properly dependent upon the city of his residence. I cannot consent to such a construction of the rules. I am of the opinion that *SF* acted generously, humanely and wisely. They gave the family every chance, assisted them liberally in the effort for a reunion, and when conditions made this impossible had the family returned to the city where they had been so long dependent and where they last resided not as transients.

The rules were intended to prevent indiscriminate and improper transportation, the shifting of dependent families from one community to another, the assumption by each city of its proper burden, and, in my opinion, these rules have not been violated in this case by *SF*. I would, therefore, dismiss *C*'s claim.

MAX HERZBERG.

M. vs. N.

The Statement of a Husband That He Can Support His Family Does Not Justify the Forwarding of His Family—Consent of City Must be Obtained.

Case stated in the opinion of the Committee.

OPINION

A resident of *N* went to the city of *M*, leaving his family in *N*. Four weeks later the society at *N* wrote to one of the members of the Relief Committee in *M*, asking permission to send the family to join the husband. Reply to this letter was delayed nearly three weeks. In the meantime *N*, without further correspondence, sent the family. The husband, meanwhile, had written to his wife, stating that he wanted her to come at once; that he was making \$20 a week.

The investigation of the society at *M* showed, however, and it was so said in the letter written three weeks after the original inquiry, that the husband's mental condition was not good; that, although he might earn \$15 a week, he had actually worked only half-time and had earned only \$7.50 a week, and that he was in no condition whatsoever to provide for his family. *M* society stated that the family would have to work out its own salvation and that it would charge *N* for any expense that it might incur.

N, in reply, justified its action both by reason of the delay of *M* in answering the original letter and by reason of the letter of the husband to the wife, stating that he was earning \$20 a week.

While *M*, perhaps, should have answered earlier, neither the failure so to do nor the unverified statement of the husband to his wife furnished any excuse for *N*'s action. When it became necessary four months later, because of the husband's mental trouble and the complete dependency of the family, for *M* to take some action, it was justified in returning the family to *N*, and its claim for reimbursement of expenses for transportation against *N* should be allowed.

JULIAN W. MACK.

We concur.

MAX SENIOR.

MAX HERZBERG.

B. vs. P.

A Transient Dependent Family Cannot Gain Legal Residence by Mere Lapse of Time, and it Can be Returned to Former Residence at Any Time.

The case is stated in the opinion of the Committee.

OPINION

Mrs. S, a few months after the death of her husband, left the city of *B*, where the family had resided for fifteen years, and with her five children went to the city of *P*. She went voluntarily, having about \$200 at that time in her possession. Her probable object was eventually to secure admission of her children in the orphan asylum at *P*, as she had been unsuccessful in this respect in *B*.

The family had been dependent, off and on, for a period of thirteen years, and while the relief office of *B* gave her no money at the time of her departure, she was given \$25 by one of the subscribers to the *B* society.

Within two weeks after her arrival in *P* she made application for relief. This was refused and she was advised to return to *B*. Frequent similar requests were likewise refused. Finally, after her money was exhausted and her applications for admission of her children to an orphan asylum were refused, she offered to return to *B* and was furnished with transportation by the *P* society without consultation with the *B* society.

The *B* society now claims that, having remained in *P* for eleven months without having received any assistance from the *P* society, she became a legal resident of *P*; that the *P* society had no right to furnish transportation back to *B*, and that, as the woman absolutely refuses to return to *P*, inasmuch as she can expect no help there, and inasmuch as the case is a deserving one and is costing the *B* society \$8 a month, the *P* society is liable for reimbursement, not for the cost of transportation back to *P*, but for the reasonable expenses incurred and to be incurred by *B* for her maintenance.

In my opinion, the claim is to be rejected for the reason that the family never established a bona fide residence in *P*. While they left *B* voluntarily, they were, at the time of departure, in a state of dependency,

inasmuch as it was perfectly clear that the woman would never be able to support her five children without assistance, after her small capital should be exhausted. *P* was, therefore, under no obligation to take up the case at any time, but had the legal right, when application was made for help, to cause the family to be removed to *B*, their real home.

A family such as *S* cannot gain a legal residence within the meaning of the Transportation Rules by the mere lapse of time and the refusal of the city to which they have wrongfully come to furnish them with assistance.

JULIAN W. MACK.

We concur.

MAX SENIOR.

NATHAN BIJUR.

Delegates to Memphis Conference

Delegates will kindly send their names to JEWISH CHARITIES as soon as possible. Prompt notification will help many intending to attend the Conference to make arrangements in groups or in other acceptable ways. Do not wait for the next issue of JEWISH CHARITIES, but send name at once.

Among those who have already signified their intention to go to Memphis are:

Cyrus L. Sulzberger, New York.

Lee K. Frankel, New York.

Morris D. Waldman, New York.

David M. Bressler, New York.

J. J. Dukas, New York.

Belle Lindner Israels, New York.

Max Herzberg, Philadelphia.

Louis H. Levin, Baltimore.

A. S. Newman, Cleveland.

Minnie F. Low, Chicago.

Frances Taussig, Chicago.

Jennie L. Purvin, Chicago.

Boris D. Bogen, Cincinnati.

Maurice B. Hexter, Cincinnati.

Charles Strull, Louisville.

Oscar Leonard, St. Louis.

Julius Goldman, New Orleans.

G. A. Berlinsky, Denver.

C. A. Spivak, Denver.

Solomon L. Kory, Vicksburg.

Jacob L. Billikopf, Kansas City.

Eugene Sternheimer, Greenville.

Maurice Epstein, Galveston.