

THE UNIVERSAL JEWISH ENCYCLOPEDIA



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published *With the Trade Winds*. He was founder of the International Radio Forum.

Lit.: Morris, I. N., *From an American Legation* (1923); *New York Times*, Jan. 18, 1942.

MORRIS, NELSON, meat packer, b. Schwarzwald, Germany, 1839; d. Chicago, Ill., 1907. At twelve he came to the United States. In the new country, one of his first jobs was heaving coal in Lakeville, Conn., at a wage of five dollars a month. It was to seek greater opportunity that he worked his way by cattle boat to Buffalo, N. Y., and thence on foot to Chicago, Ill. There he secured another five-dollar-a-month job, this time driving sheep and tending hogs in the city's fast developing stockyards.

In time, Nelson Morris, a pioneer industrialist who developed the meat business from butchering to packing ten years ahead of any important rival, came to be known as the dean of meat packers; and the history of his vast personal enterprise coincided with the history and expansion of the unique American industry of meat packing. Though his first corporate organization was the Fairbanks Canning company, he conducted his business as a partnership with his sons, until in 1903, Morris and Company, of Maine, was incorporated with a capital stock of \$3,000,000. Morris packing centers rose not only in Chicago, but in East St. Louis, Ill., Kansas City, Kan., and St. Joseph, Mo. In the great meat strike of 1904 Morris and his company appeared prominently in the country's press, and some years later, after Morris' death, when his grandson Edward Morris was president, the company, together with its numerous subsidiaries, was one of the big five meat packing houses to be defendants in government litigation. Finally, in 1923, Morris and Company came to the end of its independent existence, merging with Armour and Company.

Morris' wife, Sarah (née Vogel, d. Fontainebleau, France, 1909), left a bequest of \$450,000 to charity; of that sum \$300,000 went to Chicago's Michael Reese Hospital, and \$10,000 each was given to the Home for Aged Jews and Home for Jewish Friendless and Working Girls.

Lit.: *The New York Daily Tribune*, August 28, 1907.

MORROS, BORIS, motion picture producer and music director, b. St. Petersburg, Russia, 1895. He received his musical education in his native city and conducted at the opera house there from 1913 to 1918. Afterwards, he directed at the Baku conservatory and opera house, and at various times directed opera in France, Italy and Egypt. In 1922 he came to the United States. Entering the theatre and motion picture field, he served in numerous executive posts. From 1926 to 1934 he was general music director of the Paramount Public chain of motion picture houses, and he then became associate producer and general music director of Paramount Productions in Hollywood. He left Paramount in 1939 to form his own producing company. He also made army training films for the Academy of Motion Picture Arts and Sciences (1942).

As composer, Morros was well-known to the American public for his successful Russian musical revue *Chauve Souris*, and particularly for its hit piece, "Parade of the Wooden Soldiers." In St. Petersburg he had published eighteen string quartets and forty-eight songs. Morros was appointed a Kentucky colonel in 1935. In

1937 he was elected honorary member of the American Institute of Cinematography.

MORSE, LEOPOLD, American Congressman, b. Wachenheim, Bavaria, 1831; d. Boston, 1892. He emigrated to the United States in 1849, and first lived in New Hampshire. Moving to New Bedford, Mass., he opened a clothing store. In 1851 he settled in Boston, where he built his business into a large organization.

About 1870 he entered on an active political career; in 1876 he was a delegate to the Democratic National Convention at St. Louis, and the following year he took his seat as Representative in the Forty-Fifth Congress of the United States. He served three more terms consecutively, and then was elected for the last time in 1887. Each time he won his election as a Democrat from a district which was supposedly Republican.

In a suburb of Boston, Morse founded the Boston Home for Infirm Hebrews and Orphanage; the name was later changed by act of the state legislature to the Leopold Morse Home for Infirm Hebrews and Orphanage. This was the first institution of its kind in New England.

GODFREY MORSE (b. Wachenheim, 1846; d. Dresden, 1911), lawyer, was a brother of Leopold Morse. From 1882 to 1885 he was assistant counsel of the United States in the Court of Commissioners of Alabama Claims. In 1883 he served as president of the Boston Common Council.

Lit.: *Biographical Directory of the American Congress, 1774-1927* (1928) 1339-40; *Publications of the American Jewish Historical Society*, No. 22 (1914) 228-30.

MORTAL SIN, a term used in the Roman Catholic Church to designate those sins which are so grave as to entail spiritual death and loss of the divine grace, in contrast to the lighter, or venial sin. There is no exact equivalent of this in Jewish theology, although it was taken over by Abraham Jagel in his *Lekah Tob* (1587). However, Judaism has a category of crimes which must not be permitted in any event, even in the greatest need; one may even prevent a person from committing them by killing him, if he can be stopped in no other way, according to traditional Jewish law. These crimes are 1. idolatry; 2. crimes against morality: a) incest; b) adultery; c) bestiality; d) pederasty; 3. murder (*Sanh.* 74a).

MORTALITY OF THE JEWS, see HEALTH OF THE JEWS.

MORTARA CASE. In 1858 Edgar Mortara, the six year old child of a Jewish family of Bologna, Italy, was abducted by Papal Guards and placed in a monastery. The child had previously been secretly baptized through the efforts of Anna Morisi, a servant in the employ of the Mortara family. When her confessor reported the matter to the Papal authorities, who at that time held temporal sway over the Papal States, the child was forcibly removed from the custody of his parents to be reared in the Catholic faith.

The parents attempted in vain to regain possession of their child. Several governments protested this infringement of religious freedom and parental rights, and even Napoleon III, guardian of the Holy See, protested against this act as one likely to affect the prestige of the papacy. In 1860, after Bologna had been annexed to the Kingdom of Italy, the parents made another ef-

fort for the return of their child, but in vain, for he had been removed to Rome where he was brought up as a ward of the pope, Pius IX. Nor could the Italian government prosecute Anna Morisi who enjoyed the protection of a nunnery.

The case had world wide repercussions; a large number of German rabbis under the leadership of Ludwig Philippson sent a petition to Pius IX; Sir Moses Montefiore made a futile attempt to petition the pope in person for the release of the child; mass meetings of protest were held in England and in the United States. But against all representations Pius IX maintained that while the Church deprecated abductions, the baptism of the child had made him a Christian, a spiritual condition against which no temporal considerations could prevail. In 1870, when the temporal power of the Papacy was abolished, Edgar Mortara was free to re-adopt the faith of his fathers which he refused to do. He became a prominent member of the Augustine order, adopting the name of Pius. He preached before the Vatican Council, was often sent as a missionary to cities in Germany and also preached before Italian congregations in Catholic churches in New York city. Mortara died at Liège, Belgium, in 1940.

The Mortara case was one of the compelling causes for the formation of the Alliance Israélite Universelle "for the defense of Jewish rights wheresoever attacked," in 1860, and of the Board of Delegates of American Israelites, in 1859, the latter organization later merging into the Union of American Hebrew Congregations.

Lit.: *Publications of the American Jewish Historical Society*; "Report of a meeting held at San Francisco, Jan. 15, 1859," *Occident*, vol. 17, p. 10; Graetz, H., *History of the Jews*, vol. 5 (1927) 701.

MORTARA, LODOVICO, jurist and senator, b. Mantua, Italy, 1855; d. Rome, 1937. He was recognized as Italy's outstanding authority on civil law and procedure, and taught at the University of Pisa (1896). Later he assumed the same chair at the University of Naples (1903). He embarked upon a judiciary career, achieving great prominence and rising to the position of first president of the Supreme Court of Appeals in Rome. His juridical works, particularly in the field of civil law and procedure, deeply influenced Italian juridical thought and practice.

In 1920 Mortara became a member of the Italian Senate. In the same year he was offered the portfolio of justice and public education in the government of Francesco Nitti. From 1891 on he was managing editor of *La Giurisprudenza Italiana*, Italy's leading juridical publication. Mortara was an opponent of Fascism and criticized the constitutional changes wrought by the Fascist government as well as the juridical value of the Fascist decree-laws. He was awarded the title of honorary professor by the universities of Pisa and Naples. Among his best known works are: *Lo Stato Moderna e la giustizia* (1885); *Principi di procedura civile* (1890; 7th ed., 1922); *Manuale della procedura civile* (9th ed., 1921).

Lit.: Rotondi, M., *L. Mortara* (1937); Calamandrei, P., *L. Mortara* (1937).

MORTGAGE (*'ipotiki*, from the Greek *hypothēke*). There was no place for a mortgage in Biblical law, as all real estate was hereditary and could be pledged

only for a period until the jubilee, and never permanently transferred. During the period of the Second Temple, however, when the law of the jubilee no longer was enforced, Jewish law began to recognize the mortgaging of real estate and adopted the rule that "the property of a man is security for him" (*B.B.* 174a). A mortgage document covering real estate is mentioned in the Mishnah (*Shebi.* 10:5).

The chief use of the mortgage was in marriage law, since all the husband's property is regarded as under a tacit mortgage for the wife's marriage portion (*Kethubah*). Similarly, every assumption of a debt creates a general mortgage upon all the property of the debtor, under Jewish law, provided that this property is in possession of the debtor at the time he assumes the responsibility for payment. The creditor has a claim on such property even if it has been subsequently sold or given away. This is a legal pledge of all existing assets of the debtor. However, there is also in Jewish law a limited sort of mortgage, known as *'ipotiki*, which, as the Greek nature of the word indicates, found its way into Jewish jurisprudence through Greek legal influence. In this case the real estate is retained by the debtor and serves only as security to the creditor. A distinction is made between the following two classes of mortgage:

a) the *general* mortgage, which has the following formula in the deed: "out of this property you shall satisfy your debt." In this case the creditor is to look primarily to this property for payment, so that the general property liability for the debt is converted into a special mortgage. A third party who purchases the property can either raise the mortgage by paying the indebtedness to the creditor or can shift it, by agreement, to other property of the debtor.

b) the *special* mortgage, with the formula: "only out of this property can you collect your claim." The liability of the debtor is thus limited solely to the mortgage. In this case a purchaser would have to surrender the property to the creditor if the mortgage is foreclosed; the latter can not be transferred to property of the debtor.

In another form of mortgage of real estate, accomplished by the *shetar mashkanta* ("document of pledge"), the mortgaged property is placed in the possession of the creditor, who has the right to use it as he sees fit. Since Jewish law prohibits the taking of interest, this type of mortgage is permitted only when such a mortgage is based on the amortization of the debt within a given time (*B.M.* 67b). During the period when Jews owned slaves, the latter were considered property on which a mortgage might be given.

See also: LOAN; PLEDGE.

MARCUS COHN.

Lit.: Dembitz, L. N., in *Jewish Encyclopedia*, vol. 9, pp. 37-38; Maimonides, *Hilchoth Malveh Veloveh* 18; *Shulhan Aruch*, *Hoshen Mishpat* 117 to 120.

MORTON, LEAH (pseudonym), *see* STERN, ELIZABETH GERTRUDE.

MORTON, MARTHA, playwright, b. New York, 1865; d. New York, 1925. In the decades from 1890 to 1910 she became rich and famous through her prolific contributions to the New York theatre. At one period she was considered the country's most successful woman playwright; and, though her plays did not win superior critical approval, they were almost always hits and money-makers.