

**MISHNAH: A DIGEST OF THE
BASIC PRINCIPLES OF THE EARLY
JEWISH JURISPRUDENCE; BABA
MEZIAH (MIDDLE GATE), ORDER
IV, TREATISE II**

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HYMAN E. GOLDIN

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M i s h n a h

A Digest of the Basic Principles of
the Early Jewish Jurisprudence

Baba Meziah (Middle Gate)
Order IV
Treatise II

Translated and Annotated
By
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PREFACE

THIS work is an attempt to acquaint the reader with the fundamental principles of law laid down in the Mishnah. It is not designed to give an exhaustive treatment of the various branches of the law embodied in the present treatise. Of the numerous rules and theories of law laid down in works other than the Mishnah, only such as tend to convey a thorough comprehension of the Mishnaic principles have been given in the annotations. And for the like reason, no attempt has been made to deal with the subject of comparative jurisprudence.

The original arrangement of the chapters and the Mishnahs therein contained has been preserved in this work; for had a new arrangement been made, in conformity with modern logic and present-day conceptions, it would cause great inconvenience to a student who

might wish to follow the original text of the Mishnah.

As far as possible, a literal translation of the original text has been adhered to. Occasionally, however, for one reason or another, it has been deemed expedient to give a free rendering of certain terms and expressions.

With reference to the interpretation of the provisions and terms of the Mishnah, an attempt has been made to follow authoritative sources,—such as the Gemara, Alfasi, Maimonides and the like. In many instances, however, the theories and principles upon which certain rules of law had been founded could not be elucidated either from the Mishnah or from any of the commentaries thereon. As a result, it has been impossible to avoid entirely advancing original speculations.

An introduction to the present treatise has been prepared with a view to prove that there was a certain unity of thought in the mind of the redactor of the Mishnah when he embodied in the present treatise the various branches of the law.

In the Appendix is given a compendium of

biography of the jurists mentioned in this treatise, in order to facilitate the task of the student who reads this work with the intention of making a careful study of comparative jurisprudence. It likewise contains a glossary of works, coins, weights and measures.

The editor contemplates translating and annotating all treatises of the Mishnah that deal mainly with jurisprudence. The reason the editor preferred in the present volume to begin with the *second* treatise of the Order Nezikin is that this treatise is considered among scholars versed in the Talmud to be the "key" to the entire Order.

H. E. G.

NEW YORK,
January, 1913.

CONTENTS

CHAPTER	PAGE
INTRODUCTION TO BABA MEZIAH . . .	1
I.—ARTICLES LOST AND FOUND . . .	7
COURT DOCUMENTS . . .	17
II.—INTRODUCTION . . .	28
ARTICLES LOST AND FOUND (<i>Con- tinued</i>) . . .	30
HELPING IN UNLOADING AND RE- LOADING ANIMAL. . .	46
III.—BAILMENTS . . .	50
IV.—INTRODUCTION . . .	73
BARGAIN AND SALE OF PERSONALTY . .	77
V.—INTRODUCTION . . .	98
USURY AND USURIOUS CONTRACTS . .	99
VI.—CONTRACTS OF HIRING . . .	122
LIABILITY OF PLEDGEES . . .	132
REMOVAL OF BAILMENT BY BAILEE . .	133
VII.—HIRING OF LABORERS. . .	136
THE FOUR BAILMENTS . . .	142
CONDITIONS . . .	146

CHAPTER	PAGE
VIII.—BORROWING OF ANIMALS . . .	151, 157
EVIDENCE	152, 158
OWNERSHIP IN TREES AND NOT IN THE SOIL	161
LANDLORD AND TENANT	162
IX.—LETTING LAND TO FARM	168
WAGES	177
PLEDGES	181
X.—RIGHTS OF UPPER AND LOWER OWNERS	185, 187, 193
RIGHTS OF UPPER TENANT	186
USE OF PUBLIC THOROUGHFARES	192
APPENDIX	195
INDEX	199