

**NEW EDITION OF THE  
BABYLONIAN TALMUD; SECTION  
JURISPRUDENCE (DAMAGES)  
TRACT BABA BATHRA (LAST  
GATE, PART I.), VOL. V (XIII)**

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**MICHAEL L. RODKINSON**

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NEW EDITION  
OF THE  
BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and  
Translated into English

BY  
MICHAEL L. RODKINSON

SECTION JURISPRUDENCE (DAMAGES)

TRACT BABA BATHRA  
(LAST GATE, PART I)

Volume V (XIII)

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## EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenai* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Iemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrata* or *Walbayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses ( ) denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [ ] contain commentaries by authorities of the last period of construction of the Gemara.

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YASRELI  
ROMUL, OSOTWATE GMA, ELI  
YTICSEVIMU

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TO HIM

WHO FOR HIS PHILANTHROPY AND HUMANITY IS BELOVED AND  
HIGHLY PRAISED BY THE PEOPLE OF GREATER  
NEW YORK AND COUNTRY

THE HONORABLE SAMUEL GREENBAUM  
JUSTICE OF SUPREME COURT

THIS VOLUME IS RESPECTFULLY DEDICATED BY HIS ADMIRER  
AND FRIEND

MICHAEL L. RODKINSON

New York, January 1, 1902.





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## SYNOPSIS OF SUBJECTS

OF

## TRACT BABA BATHRA (LAST GATE).

### CHAPTER I.

**MISHNAS I. TO III.** In case of dividing partnerships in a yard, where and of what the wall shall be built. Is overlooking another's property considered injurious? Of what size the yard must be to be fit for division. May a prayer-house be taken apart before the new building is ready? The legend of Herod the great with Simeon b. Shatuh. How Herod built the Temple without the consent of the Roman government. Concerning partitions, fences in partners' gardens, and valleys. May or may not one be compelled to join in the expenses of fences if one's estate is surrounded by his neighbor's on three sides? If there is a wall, and one of the owners claims that his neighbor did not bear his share of the expense. A debtor who says: I paid my debt before due. If the plaintiff demanded his money long after due. He who claims, "I have never borrowed," is to be considered as if he should say, "I have never paid." How and where is a parapet to be made and of what size? If there were two courtyards one upon the other; there were two tenants, and the roof of the lower one sank; there was one who built a wall against the window of his neighbor, etc. Two brothers divided a bequest, a palace and a fine garden, and the latter built a wall on the edge of the garden. There was a note belonging to orphans, against which the other party showed a receipt, . . . . . 1-16

**MISHNA IV.** The sharing in the building of a gate to a courtyard as well as to a city wall. Who are obliged to pay taxes and duties of a city? Rabbi opened his barns of grain in the years of famine, etc. How long must one dwell in a city to be taxed? Charity must be collected by two persons and distributed by three. May one be pledged or not for charity? Who of the poor must be investigated before support, and who supported immediately without inquiry? What about one who begged from door to door? The virtue of charity equals the sum of the virtues of all the other commandments together. "I was told by the child who was corrected by his mother," etc. The one who is doing charity secretly is greater than Moses our master. How is the verse, Prov. xxi. 21, to be understood? Whosoever makes it his business to do charity will be blessed with sons having wisdom, wealth, etc. The discussion of Aqiba with Tarnusruphus. As the yearly household expenses for one are appointed (in Heaven) on each Rosh Hashana, so are his