

**NEW EDITION OF THE BABYLONIAN TALMUD.  
ORIGINAL TEXT, EDITED, CORRECTED,  
FORMULATED, AND TRANSLATED INTO  
ENGLISH. SECTION JURISPRUDENCE  
(DAMAGES). TRACT BABA METZIA (MIDDLE  
GATE, PART II.) VOLUME IV. (XII.); PP. 145-316**

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**MICHAEL L. RODKINSON**

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

BY  
MICHAEL L. RODKINSON

SECTION JURISPRUDENCE (DAMAGES)

TRACT BABA METZIA  
(MIDDLE GATE, PART II.)

Volume IV. (XII.)

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#### EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tema* of the original—We have learned in a Mishna; *Tania*—We have learned in a Beraita; *Itema*—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, *Likma achrena* or *Wolbayith 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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TO HIM

WHO HAS EVER BEEN AMONG THE FIRST TO GIVE HIS FREE-WILL OFFER-  
INGS IN BEHALF OF THE DOWNTRODDEN—A LIBERAL DONOR  
TO ALL PHILANTHROPIC INSTITUTIONS—A STAUNCH  
FRIEND AND ADVOCATE OF ISRAEL'S PUREST  
IDEALS, TRADITIONS, LITERATURE  
AND RELIGION—AN ILLU-  
STRIOUS EXEMPLAR

LEONARD LEWISOHN, Esq.

THIS TRACT—BARA METZIA (Vols. XI. AND XII.)—WHICH TREATS OF ZEDAKAH  
(JUSTICE-CHARITY) AND MISHPOT (JUDGMENT), IS MOST  
RESPECTFULLY DEDICATED

BY THE EDITOR AND TRANSLATOR

MICHAEL L. RODKINSON

New York, in the month Ziv 5661, April 25, 1901.

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## CONTENTS.\*

	PAGE
SYNOPSIS OF SUBJECTS OF TRACT BABA METZIA (MIDDLE GATE) . . . . .	ix

### CHAPTER V.

RULES AND REGULATIONS CONCERNING USURY, IMPRISONMENT, RENTING HOUSES, INSTALMENTS, LOANS FOR HALF PROFIT, APPRAISING, ETC. . . . .	145
--	-----

### CHAPTER VI.

REGULATIONS CONCERNING HIRING LABORERS, CATTLE, OR TRANSFERRING GOODS, THE RESPONSIBILITIES OF THE DRIVERS, ETC. . . . .	188
--	-----

### CHAPTER VII.

REGULATIONS CONCERNING THE TIME A LABORER HAS TO WORK, WHAT HE MAY OR MAY NOT CONSUME OF THE ARTICLE HE IS WORKING, AND ABOUT MUZZLING AN OX WHILE LABORING . . . . .	210
---	-----

### CHAPTER VIII.

RULES AND REGULATIONS CONCERNING THE SALE AND HIRING OF ANIMALS, THE EXCHANGE OF THEM, THE SALE AND LEASING OF REAL ESTATE . . . . .	249
--	-----

---

\* Continuation of previous volume.

## CONTENTS.

## CHAPTER IX.

	PAGE
RULES AND REGULATIONS CONCERNING THE HIRING OF FIELDS, PAYMENT OUT OF THEIR PRODUCTS OR IN MONEY, THE NEGLECT OF THE HIRER. WHAT HE MAY OR MAY NOT SOW IN THEM . . . . .	273

## CHAPTER X.

RULES CONCERNING HOUSES, GARDENS, AND OTHER REAL ESTATE OWNED IN PARTNERSHIP, AND WHAT MAY OR MAY NOT BE DONE IN PUBLIC THOROUGHFARES . . . . .	308
---	-----

SYNOPSIS OF SUBJECTS  
OF  
TRACT BABA METZIA (MIDDLE  
GATE).

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CHAPTER V.

**MISHNAS I. TO IV.** What is considered usury, and what increase? Why does the Scripture mention separately a negative commandment regarding usury, robbery, and cheating? A small liquid measure one shall not fill up in a manner to make foam. Why is the redemption from Egypt mentioned in the Scripture in conjunction with usury, zizith, and weight? Usurers are equalled to shadders of blood. "That thy brother may live *with thee*" (but shall not die with thee, *i.e.*, the life of thyself is preferred to, etc.). One must not fix a price on fruit before the market prices are announced. The many things which may be done in a sale, but not in a loan, as they may appear usurious. The rule of usury in transactions is: If one sells the article cheaper because it is not yet in his possession, etc. If one has returned robbed money with an account of other money he had to give, he has done his duty. A lender must not dwell in his debtor's house "for nothing," or even for decreased rent. Hiring may be increased, but not sale. How so? One is allowed to increase the price of an article when the money is to be paid at a certain time after delivery (provided he does not say: "If for cash, you will have it cheaper"). There are cases in which the use of the fruit is permitted to both, prohibited to both, permitted to the seller only. Stipulations which may or may not be made in selling real estate. What is to be considered gossip. Does an *asmakhta* (for definition see p. 160) give title or not? There was a man who sold an estate with the security of his very best estates, finally they were overflooded. Is usufruct considered direct or indirect usury? In places where it is the usage for the lender to use the fruit from a pledged estate without any deduction of the debt, and the borrower has a right to return the money at any time, then is the law, etc. A scholar, however, must not do even this. From pledged estates a creditor of the lender has no right to collect in case he dies. Also a first-born of the lender cannot claim the double amount prescribed to him biblically. If the borrower say to the lender: Stop using the fruit, etc. The different customs in pledging real estate at Papuna, Mehusa, Narsha. Why a pledge is called *mashkkantha*