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SYNOPSIS OF SUBJECTS

OF

TRACT BABA METZIA (MIDDLE GATE).

CHAPTER I.

MISHNA *I*. Two persons who hold a garment, and each of them claims that he has found it. A biblical oath is given only when there is an admission in part from the defendant. If the plaintiff claims a hundred and the defendant says only fifty, and here they are. If one claims a hundred, and the other denies all, and there are witnesses for fifty, what shall the oath contain? When one of the two holders overcame the other and took it away, what is the law? There was a bath-house about which two parties quarrelled--one of them arose and consecrated it. When two hold a note, the tender claims the note is not yet paid, and the borrower says the note is paid. Where is "the theory of because" to be used? The law is that leading gives title. If one was found riding upon a found ass, and another was holding the bridle, [1](#)-17

MISHNAS *II. TO VI*. If one sees an article on the road, and says to his neighbor, bring it to me. If one picks up an article for another, the latter does not acquire title. Why so? If one has seen an article, and he fell upon it. If one has seen people running after a lame stag on his field. It happened that R. Gamaliel said: "The tithe which I am going to measure should be delivered to Joshua." When one throws a purse of money through the open door. When a thing was found by one's minor son or daughter, or his Jewish man or maid servant, or his wife. When one has found a note which secures real estate. If Reuben sold a field to Simeon with security, and the creditor of Reuben came and took it away. Encumbered property is not liable either for the used fruits, etc., for the benefit of humanity. How a bill of sale must be written. If one buys an estate, knowing that the seller is not the real owner of it. If the robber after he has sold it bought it from the real owner. If one says that the estate which I am about buy now shall be transferred to you at the same time that I acquire title to it. When I was about six or seven years old, my father was among the scribes of Mar Samuel's court. If one claims a hundred zuz, and the other denies; afterwards, he says, I have paid it. If one finds documents of divorce, of enfranchisement

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of a slave, of presents, etc. What is to be considered a will documents signed by the court, documents of a claim, etc. What is meant by claiming documents? What is called a roll? When three borrowed from one, etc., [17](#)-43

CHAPTER II.

MISHNAS I. TO VI. There are found articles which belong to the finder without any proclamation. If there is a change in the found article which usually ought not to be. The renouncing of hope in regaining a lost article whose loss is not yet certain. Amaimar, Mar Zutra, and R. Ashi happened to be in the garden of Mari bar Issak, and the gardener placed before them dates and pomegranates. The rule concerning a lost article is this. Whether a number is considered a distinguishing mark or not? The reason why the sages decided that the place is not to be considered a mark. If one finds a purse in the market, how is the law? The following articles he must proclaim. Three coins one upon the other, etc. (See foot-note, [p. 55.](#)) If one found, under a wooden wall, pigeons tied one to the other. If he found a covered vessel. If one found anything in a heap of rubbish. If one has seen money dropped on sand, and afterwards found and took it. If one found something in a store. If one found money in fruit sent to him, [44-59](#)

MISHNAS VI. TO XIII. The returning according to marks given is biblically or rabbinically? Until what time is he obliged to proclaim? R. Ami happened to find a purse with dinars in the presence of a Roman. If one identifies the article but not its marks. If the found article is of such a kind that it labors for its food. And if of such a kind that it does not labor. If one found books. If the article was a garment. Vessels of silver and copper. It is better to drink a goblet from the hand of a witch than to drink a goblet of lukewarm water. R. Ismael b. Jose was on the road, and met a man carrying a bundle of wood. What is to be considered a lost thing? If he returned it and it runs away again. What is to be deduced from the twofold expressions in many passages written in the Scripture? The loss of time must be appraised according to one's loss in his special trade. If he has found the animal in a stable, in a public thoroughfare. The commandment of the Scripture is for unloading, but not loading. How is this to be understood? If one lost a thing, as did his father before, etc, If his father and his master were overloaded. They who occupy themselves with the study of Scripture are not to be blamed, etc. See foot-note, [p. 79](#), [59-80](#)

CHAPTER III.

MISHNAS 1. TO IV. A deposit stolen or lost, paid by the depository, of which thereafter the thief was found, to whom shall the double amount be paid? A gratuitous bailee, when he said, I have neglected my duty, etc. There was lost a deposited nose-jewel, and R. Na'hman made him pay by force. Finally the article was found, and was increased in value, etc, if an article was appraised for the sake of a creditor, and the latter appraised

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it for his own creditor, may the returning take place or not? From what time may the creditor use the products of an appraised estate? If one has hired a cow and he loaned it to some one else. It can happen that the hirer has a right to require several cows from the owner of one cow. How so? A bailee who has transferred the bailment to another bailee, how is the law? The Halakha prevails, that a bailee who has transferred the bailment to another bailee of any kind is responsible. If doubtful money is to be collected or not (illustrated in Mishna III.)? Do you want to contradict a case of deposit with a case of robbery? A robber must be punished. If there was an uncertainty of both the plaintiff and the defendant, how is the law? If one deposits fruit at his neighbor's? If one becomes a prisoner, may his property be transferred to his nearest relatives or not? The difference between forsaken, abandoned, and a prisoner's properties. The estate of a prisoner must not be transferred to a minor relative, and not the estate of a minor to any relative.

There was an old woman who had three daughters; together with one of them she was taken to prison, and of the remaining two one died and left a child. A brother of Mari b. Isk came to him and demanded a share of the inheritance, and he said, I do not know you, [81-97](#)

MISHNAS V. TO XI. The quantity of usual losses one may count to deposited articles of grain and fruit? Losses of wine and oil depend upon the kind of barrels in which placed. If a barrel is deposited for safe-keeping, and the depository handled it, and it broke while yet under his hand. Peculiar is the stretching of hands which reads in regard to a bailee for hire, in connection from the same expression in the Scripture which reads in regard to a gratuitous bailee. If one has deposited money for safe-keeping, and the depository tied it and carried it on his shoulder, etc. Nothing is considered safety with money, unless it is hidden in the ground. It happened that one deposited money with his neighbor, and he gave it to his mother for safe keeping, and it was stolen. Money deposited for safe-keeping with a money changer. A depository who stretches his hand for the bailment. If one intends to use a bailment deposited in his control and says so, the liability follows immediately, [97-109](#)

CHAPTER IV.

MISHNAS I. TO V. If one bought gold and silver coins together and made a drawing on the gold ones, title is also given to the silver ones, but not *vice versa*. Rabh borrowed dinars from the daughter of R. Hyya; thereafter the dinars increased in value. One holds that the law of exchange applies to a coin also, and another holds that it does not. If one were holding some coins in his hands and said . Sell me your articles for the money I have in my hand, and the other agrees. If one said: Sell me for this amount, title is acquired, and nevertheless the law of fraud applies. According to whom do we write in our legal papers, With an utensil which is fit to confirm with? Biblically, money paid gives title; why, then, was it said that drawing is needed? According to Abayi, he who retracts ought to be notified that he will be punished by Heaven, and according to Rabha he shall

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be cursed. It happened that one gave money for poppy, meanwhile the poppy increased in price. Tabuth or Samuel b. Zutra was such kind of a man that he would not change his word, even if all the goods of the world were delivered to him, and he told: The above case of poppy happened to me. Cheating, which according to law makes the sale null and void, is in case where the sum of which he was cheated counts four silver dinars. Until what time the retraction may take place? The law of fraud applies to the buyer as well as to the seller, to a private as well as to a merchant. There is no cheating concerning a specialist who knows the value. If one is doing business with his neighbor in trust. (See foot-note, [p. 127](#)). How much less of the quantity of a sala should be effaced, that the law of fraud could not be claimed? The prescribed quantity for cheating is four silver dinars to each sala, [110-132](#)

MISHNAS VI. TO X. There are five fifth parts which must be added to the principal amount. The things to which the law of cheating does not apply. Does the law of cheating apply to a hire? The laws of usury and cheating apply only to commoners, not to the sanctuary. A gratuitous bailee does not swear. If one bought wheat and sowed it in the field, how is the law? If there was fraud to more than a sixth of the value, how is the law? As cheating is prohibited in buying or selling, so it is in words. Cheating in words is more rigorous than cheating in money.

To what thing do the western people pay more attention? One should always be careful with the honor of his wife. The noted legend of the oven of the Akhina. The law is not in the heavens. We do not care for a heavenly voice. Regarding cheating, there are three negative commandments. One must not mix together fruits from two separate fields. A merchant may buy grain from five barns, and place it in one storeroom. The embellishment of articles which are to be sold is forbidden, [132](#)-144.

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