

SYNOPSIS OF SUBJECTS

OF

TRACT BABA METZIA (MIDDLE GATE).

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 shedders 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 overflowed. 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 *mashkhantha* [145](#)-166

MISHNAS V. TO XI. The law about giving money or articles for half profit. The proper payment for raising cattle. Why R. Papa decided differently in the cases of the Samaritans who appeared before him. R. Hama used to rent zuzes daily for the smallest coin for each zuz and he lost his money. All animals which are laboring for their food may be appraised, that the increase shall be divided equally. One may say to a farmer: I shall give you twelve kur of grain instead of the ten you demand, if you will lend me some money to manure your field. One may rent a boat on the condition that should it break he shall be responsible. One may say: I take your cow for

the price of thirty dinars in case it should die, etc. May money belonging to orphans be lent for usury or not? One who lends money for a business which is very likely to bring profit with little chance of loss is wicked; for one which is likely to bring loss and far from profit, is pious, etc. An iron sheep must not be accepted from an Israelite, etc. (for explanation see Mishna VII.). An Israelite may lend to his race money belonging to non-Israelites for usury, etc. The interpretation of verse 8, Prov. xxviii. The meaning of verse 24, Ex. xxii. He who takes usury will lose all his possessions. What is to be done with the usury promised by or to a heathen, after he has been proselyted. A quote in which usury is mentioned the lender must not be allowed to collect even the principal, which he must forfeit as a fine. Articles for delivery during the year must not be bought for a certain price before the market price is fixed. If one travelled with stock from one place to another, and while on the road his neighbor asked him to sell to him at the price of the place he intends to go to, etc. What Samuel ordered the grain dealers, who used to advance money for grain to the farmers, to do. Also the order of Rabha to the watchmen. Are the rabbis consuming "usury" by paying in *Tishri* for the wine they will choose in *Teveth* when it is already in good condition? I call your attention, master, to the rabbis, who pay head-tax charges for those who cannot pay them, etc. Seuram used to compel doubtful characters to carry the palanquin of Rabha. If one of a company of three partners has given money to a messenger to buy some thing, it is to be considered as for the company, and not as for himself. If the grain was to be finished with two kinds of labor only, one may fix the price, but not if he require three kinds of labor. There was a man who paid a stipulated amount for an outfit to be delivered at the house of his daughter's father-in-law, in the meantime the value of the equipment was reduced, etc. One may lend his gardeners wheat to be returned in the harvest-time the same measure, etc. (for meaning see [p. 184](#)). Hillel (the First) says: A woman must not lend a loaf of bread to her neighbor unless a price is stipulated for it, for fear wheat may become dearer, and then the return of the loaf (of the same quality) will appear usurious. The Halakha, however, does not so prevail. One may say to his neighbor: Help me in weeding or digging to-day and I will help you on some other day, etc. There is a kind of usury which may be called preceding usury, and another kind which may be named succeeding usury. How so? If one owes his neighbor money and it was not customary for him to greet him first, before the loan, he must not do so after the loan took place. If one is aware that his debtor has nothing with which to pay he must not pass him by. There are three who cry for help and are not heard [166-187](#)

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CHAPTER VI.

MISHNAS I. TO IV. He who hired day laborers and they deceived one another, there is nothing but resentment, etc. (see [p. 189](#)). Whoever changes his words or retracts them has to suffer for the injury caused. The rabbis hold that the laborers have always the preference. R. Dossa, however, holds that the employer has the preference. Said Rabh: The Halakha prevails in accordance with R. Dossa. Did Rabh indeed say so? If one sold a field for a thousand zuz, and the buyer gave him a deposit of two hundred, and the seller retracts, etc. As to whether a deposit gives title or not Tanaim differ in their opinions in pages [193-4](#). How a Bill of Sale must be written according to R. Simeon b. G. Payment in installments is valid, though it was not so stipulated. If one hired an ass for use on a mountain, and he used it in a valley, or *vice versa*, although the distance for which it was hired was equal (in both ways), the hirer is responsible for an accident. Who is responsible for an *angaria*? (See [p. 195](#).) If one has hired an ass for the purpose of riding, and it dies while in the middle of the way, etc. If one hires a boat and it sinks in the middle of the way. If one hires a boat for a certain place, and has unloaded it while in the

middle of the way. What may or may not be placed upon the ass which was hired for riding only. If one hires an ass to be ridden by a male, the same must not be ridden by a female. If one hires a cow for ploughing on the mountain and he plough in a valley, etc. How is it if the plough-handle breaks, and there has been no change in the agreement, etc.? If one hired an ass to carry wheat and he used it for barley. Which quantity of overloading makes one responsible to the bearing on shoulders, to a skiff, to a larger boat, and to a ship [187-201](#)

MISHNAS V. TO VI. All specialists are considered bailees for hire. One may let out a pledge of a poor man and deduct the amount earned from his indebtedness. If one hires a cow, how shall he pay in case it is lost? (See [p. 202](#) for meaning). If one bought utensils from a specialist to send to the house of one's father-in-law, etc. There was a man who sold wine to his neighbor, and the buyer said: I shall carry it to such a place, etc. Guard for me this article and I will guard yours to-morrow; or, I will lend you, or *vice versa*. All are considered bailees for hire, one to the other. The two cases in which R. Papa and Rabba were embarrassed for their decisions and finally it was found that their decisions were correct. If a depositary said: Leave it here "for you," he has no responsibility whatever, but how is the law if he said: Leave it "anonymously"? On a pledge he is considered a bailee for hire. If one carries a barrel from one place to another and breaks it, he must swear that there was no neglect, etc. R. Eliezer was wondering how such a decision could hold good. What shall he swear? I swear that I broke it unintentionally. There were carriers who broke a barrel of wine belonging to Rabba b. b. Hana, while in his service, and Rabh commanded Rabba to return their garments and pay them for their labor, for this is the meaning of the verse, Prov. ii. 20 [201-208](#)

CHAPTER VII.

MISHNA I. One cannot compel his employees to come earlier or depart later than is customary at that place, although it was agreed upon. It happened

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with R. Johanan b. Mathea, who said to his son: Go and hire laborers for us, etc. Resh Lakish's advice to laborers in general. The legend, how R. Eliezer b. R. Simeon was appointed by the government to capture thieves. He who would like to see a beauty similar to that of R. Johanan shall take a silver goblet just out of the worker's, etc. The legend of R. Johanan with Resh Lakish, and how the latter married the sister of the former, and how the death of both Johanan and Resh Lakish occurred. The continuation of the legend about R. Eliezer, how he accepted chastisements upon himself, how he was kept unburied, in his attic, many years; how finally he was buried; what his wife answered Rabbi (the prince) when he asked her to marry him; how Rabbi has also accepted chastisements, etc., etc. (wonderful legends from [211-219](#)). He who is a scholar himself and his son and grandson are also, the Torah does not depart from their children for everlasting, etc. R. Zera, when he ascended to Palestine, fasted one hundred days in order to forget the Gemara of the Babylonians, etc. Resh Lakish used to mark the caves of the rabbis. R. Zera's dream. Elijah (the Prophet) frequently appeared in the college of Rabbi. (See the whole legend, pp. [222-224](#).) The Hagadah about Abraham with the Angels; the names of those Angels. Why did the Lord change Sarah's words when telling them to Abraham? Until the time of Abraham there was no mark of old age; until the time of Jacob there was no sickness; until the time of Elisha there was no one who became cured from sickness. [208-229](#)

MISHNAS II. TO IX. Who are the laborers who have a right, according to the law of Scripture, to partake of the fruits of their labors? Whence is all this deduced? The particular law about muzzling an ox while laboring. How is the law if the animal is sick and the consuming of grain injures it? May it be muzzled? When Gentiles steal bulls and castrate them, and return them to their owners, may the Israelites use them or not? (See footnote, [p. 235](#).) If one has "muzzled" a cow only with his voice, or if one leads two kinds of animals with his voice only, is he guilty or not? R. Papa and also R. Ashi told in their colleges what they were questioned and decided not in accordance with the existing laws and the reasons. Why the labor of a workingman entitles him to consume the fruit of that with which he is laboring. If one is occupied with pressing dates, he must not consume *grapes*, and *vice versa*. A laborer must not consume more than his wages, etc. Does the Scripture add to his wage the consuming of the fruit with which he is engaged? Or is it a part of his wage? A laborer has the right to make a stipulation that he shall not eat what he is entitled to and take money for it instead. Watchmen of fruits are permitted to eat, according to the custom of the country, etc. The following laborers have a right to partake according to the law of Scripture, etc. There are four kinds of bailees: A gratuitous bailee, a borrower, a bailee for hire, and a hirer. For what loss must a hirer pay? What is the extent of the duty of the bailee for hire? Abu placed flocks at Rumnia, and Shabu, who was an errant robber, took them away. Although Abu proved that this was the case, R. Na'hman held him responsible, etc. A single wolf's coming among the flock is not considered an accident. A robbery is considered an accident. A natural death is an accident, but not if it is caused by cruelty. A gratuitous bailee has the right to make a stipulation that in case of loss he shall be

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freed from taking an oath. A stipulation made contrary to that which is written in the Scripture is of no avail. A bailee for hire may stipulate that he shall be equal to a borrower. But how shall a stipulation of this kind be made verbally, only? [230-248](#)

CHAPTER VIII.

MISHNAS I. TO IV. If one borrows a cow, and at the same time hires or borrows its owner, etc. There are four kinds of bailees, etc. Whence do we deduce all this? How do we know that he is responsible in case of confiscation also? There is no responsibility when the owner works together with the borrowed article. (Expl., see [252](#).) If one tells his messenger that he shall substitute him in service to his neighbor, together with his cow, how is the law if the cow breaks or dies while laboring? If one borrows another's slave and cow, how is the law? What should a husband who uses the estate of his wife be considered--a borrower or a hirer? If the body of the animal becomes lean because of the labor, how is the law? Maraimar b. Hanina hired mules from Huzai, and the former overworked them, and they died, etc. If one borrowed a cow for half a day and for the other half a day he hires it, etc. If one has borrowed a cow, and the owner sends it to him by his son, slave, or messenger, or even by the same persons of the borrower, and it dies while on the road? If one borrows a hatchet; if he has done some work with it, he acquires title to it for the time borrowed. Is the law concerning an ordinary man equal to that of the sanctuary? If one exchanges an ass for a cow, and it brought forth young. If one possesses two male slaves or two fields, one large and one small, and the buyer claims: I bought the large one, etc. [249-264](#)

MISHNAS V. TO IX. If one sold out his olive trees for fuel, and there were still bad olives on

them. Olive trees which were overflowed, taken out and planted in another's field, etc. If one has planted trees in a field belonging to another without the consent of the owner. If one has rebuilt a ruin of one's neighbor without his consent. If one rents a house (without appointing the time) in the rain season, etc. All the terms are fixed only for giving notice. This notice is to be given by the owner of the house as well as by the tenant. The owner of the house is obliged to give to the tenant a door bolt, a lock, etc. However, things which can be done by any one the tenant has to furnish himself. Whose duty is it to furnish a mezuzah? The manure belongs to the owner, etc. If the year was made a leap year the tenant reaps the benefit of the intercalation. However, if he rented him the house monthly, the intercalation belongs to the owner. In an agreement, which is to be considered, the first expression, or the last? If the renter says: I have paid; and the owner claims: I have not received it, who of them must bring evidence? If one has rented out a house for ten years, and has signed the lease without a date, etc. If a man rents out a house and it falls, etc. [264-272](#).

CHAPTER IX

MISHNAS I. TO IV One who hires a field must do as it is customary in that country, etc. If the stipulation was made on wine, etc. They must also prepare together the sticks needed for the vineyard for the next year. In Babylon there is a custom that the gardener is not given any straw. If

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one hires a field and it was a dry place, or a group of trees, and thereafter the spring ceases to flow, etc. If the hirer told him: Rent to me this dry field, etc. If one has undertaken to work up a field and he has neglected to do so. Mair, Jehudah, Hillel, Jehoshua, and Jose, these considered the language of the common people legal (although it was not in accordance with the enactment of the sages). If one lends money to some one, he has no right to pledge him through the court for more than he owes him. Rabina used to double the amount in the marriage contract, etc. There was one who undertook to work up a field, and he said: Should I neglect, I will give you one thousand zuz, etc. There was a man who undertook a field for poppy, sowing with wheat, and finally the wheat was worth more than poppy. If one has given articles for business without any stipulation, and took from him two notes, etc. If the gardener did not want to weed the field, saying: I will give you your due, he must not be listened to. [273-279](#)

MISHNAS V. TO IX. If one took a field in partnership and it was not productive. If one hires a field and the locusts destroyed it, or it was burned. If that year was a year of destruction or a year without rain, etc. If this happened once, he has to sow it the second time, etc. If one hires a field for ten kur wheat per annum, and the products are poor. There was a man who hired a vineyard for ten barrels of wine, and thereafter the wine became sour. If one takes a field for sowing barley, he must not sow wheat in it, etc. The explanation of Deut. xxviii. 3-6. Thirteen advantages can be gained by taking the early morning meal, viz., etc. Get up early in the morning and eat, in the summer, because of the heat; and in the winter, because of the cold? The advices given by R. Jehudah to the land surveyor about measuring land, trenches, and the space for anchoring. Correct thyself first, and then others. All the inhabitants of the city must contribute to the repairing of the wall of the city if it is destroyed. If one takes possession of a dock, he is a rascal. If one takes possession of a field which was placed between two brothers or partners, it is considered a piece of assurance. To a presented estate the right of preëmption does not apply, etc. To a pledged estate, and if it is sold for taxes, or for the support of a widow, or

for burial, this law does not apply. If one hires a field for a few years (less than seven), he must not sow flax in it. R. Papa hired fields for pasture, and some trees sprouted in them, etc. Because you are descendants of frail people, you speak frail words. Joseph had a planter who planted all his trees for half product, and he died and left five sons-in-law, etc. The planter of Rabbina did damage and was discharged and he came to complain to Rabha, etc. There was a planter who said "Give me what I am entitled to of the improvements, as I want to go to Palestine." There was one who pledged his vineyard for ten years, and it became old in eight years. There was a note in which was written the year without a number, etc. If the gardener claims: "I worked for the half," and the owner says for a third, who should be trusted? If orphans claim: "We have made the improvements on this estate," and the creditor claims: "It was improved by your deceased father," for whom is it to bring evidence? [279-295](#)

MISHNAS X. TO XIV. If one hires a field for the whole sabbatic season for seven hundred zuz, the sabbatic year is included. A day-laborer has to

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collect his money the whole night after that day, etc. The transgression of this commandment comes and ceases with the first morning. One who withholds wages transgresses the commandments of five verses, etc. The commandment: "In the same day you shall give his wage," and also the negative, "There shall not abide . . . until morning," applies to men, cattle, and vessels. To a proselyte who promised not to worship idols and not to commit adultery, but not to conform to other Jewish laws, the commandment applies. One who withholds wages is considered as if he would take out the soul. If the storekeeper or the money-changer failed to pay him, may he return his claim to the owner or not? Is piece-work subject to that law or not? If a creditor has to pledge his debtor, he may do so only by court, etc. If things belonging to a debtor are to be sold out, has the court to consider which should be sold and which left to him, or is all to be sold out? If one lends money to his neighbor, he has no right to pledge him, is not obliged to return, transgresses all the commandments which are in the Scripture concerning [pledging]--what does this mean? If the pledge was returned and the borrower died, etc. One who pledges a nether and upper millstone transgresses a negative commandment and is guilty for two articles. There was a man who pledged a butcher knife from his debtor, etc. [295-307](#)

CHAPTER X.

MISHNAS I. TO VI. If one owns a house, the upper chamber of which belongs to another, and it falls. If the attic was ruined, and the owner of the house declined to repair it. When the tenant goes to dwell in the lower apartment, must the owner vacate it for the tenant, or should they dwell together? Must the party doing the damage remove the cause of it, or must the injured party remove the cause of the damage? One is responsible for damage done to his fellow by things which come directly from him (though it is the obligation of every one to keep aloof from damaging things). A house with an attic, belonging to two persons, which becomes ruined; the owner of the upper chamber requires the rebuilding, and the owner of the house refuses, etc. The same is the case with an olive-press which was placed under a garden, etc. A wall or a tree which falls suddenly on a public thoroughfare and causes damage, etc. What time is fixed for such a case by the court? The same is the case with a laborer who was told by his employer to take the articles with which he was engaged for payment. Whether looking gives title to an ownerless article or not, the Tana'im differ. One must not place his manure upon a public

ground, unless it is immediately taken away by those who want to use it. If a hewer of stones has transferred them to the polisher, and they cause damage while under his control, the latter is responsible. When two gardens were placed one above the other, and some herbs were grown between them, the upper one may use that which he can reach with his hand, provided he does not exert himself to reach them. This was reported to the King Sabura. [307](#)-316

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