

משנה בבא קמא

א

1 אַרְבַּעָה אַבּוֹת נִזְקִין, הַשּׁוֹר וְהַבּוֹר וְהַמִּבְעָה
וְהַהֶבְעֵר. לֹא הֵרִי הַשּׁוֹר כַּהֲרִי הַמִּבְעָה, וְלֹא
הֵרִי הַמִּבְעָה כַּהֲרִי הַשּׁוֹר. וְלֹא זֶה וְזֶה, שֵׁשׁ
בָּהֶן רוּחַ חַיִּים, כַּהֲרִי הָאֵשׁ, שְׂאִין בּוֹ רוּחַ
חַיִּים. וְלֹא זֶה וְזֶה, שְׂדֵרְכָן לִילָךְ וּלְהִזִּיק,
כַּהֲרִי הַבּוֹר, שְׂאִין דֶּרֶכּוֹ לִילָךְ וּלְהִזִּיק. הַצֹּד
הַשּׁוֹה שְׂבָהֶן, שְׂדֵרְכָן לְהִזִּיק וּשְׂמִירָתוֹן עָלֶיָּה.
וּכְשֶׁהִזִּיק, חָב הַמִּזִּיק לְשָׁלֵם תְּשֻׁלוּמֵי נֶזֶק
בְּמִיטֵב הָאָרֶץ:

There are four primary causes of injury: the ox and the pit and the crop-destroying beast and fire. *The distinctive feature of the ox is not like that of the crop-destroying beast, nor is the distinctive feature of either of these, which are alive, like that of fire, which is not alive; nor is the distinctive feature of any of these, whose way it is to go forth and do injury, like that of the pit, whose way it is not to go forth and do injury.* What they have in common is that it is their way to do injury and that you are responsible for caring over them; and if one of them did injury whoever *is responsible* for the injury must make restitution *to the damaged party* with the best of his land.

ב כָּל שְׁחַבְתִּי בְשִׁמִּירָתוֹ, הִכְשַׁרְתִּי אֶת נֹזְקוֹ.
הִכְשַׁרְתִּי בְּמִקְצֵת נֹזְקוֹ, חֲבַתִּי בְּתַשְׁלוּמִין
כְּהִכָּשֵׁר כָּל נֹזְקוֹ. נִכָּסִים שְׂאִין בָּהֶם מְעִילָה,
נִכָּסִים שֶׁל בְּנֵי בְרִית, נִכָּסִים הַמִּיחָדִּים, וּבְכָל
מָקוֹם חוּץ מִרְשׁוֹת הַמִּיחָדָת לַמַּזִּיק וּרְשׁוֹת
הַנֹּזֵק וְהַמַּזִּיק. וְכִשְׁהִזִּיק, חָב הַמַּזִּיק לְשָׁלֵם
תַּשְׁלוּמֵי נֹזֶק בְּמִיטֵב הָאָרֶץ:

Anything that I am responsible to guard, I have rendered it possible to do injury *for which I will become obligated*. If I have partially rendered it possible to do injury, I must make restitution for that injury as if I totally rendered it possible to do injury. When one damages *property that fits all of the following categories*: property that does not have “sacrilege” i.e. *sacrificial animals or property that belongs to the Temple in Jerusalem*, property that belongs to other members of the covenant *Jews*, property that is owned, and the injury is done in any place other than the private domain of the injurer and the common domain of the injured and injurer, in these cases the injurer must make restitution for the injury with the best of his land.

ג שוֹם כֶּסֶף, וְשׂוּה כֶּסֶף, בְּפָנֵי בֵּית דִּין, וְעַל פִּי
עֲדִים בְּנֵי חוּרִין בְּנֵי בְרִית. וְהַנָּשִׁים בְּכָלֵל
הַנֹּזֵק. וְהַנֹּזֵק וְהַמַּזִּיק בְּתַשְׁלוּמִין:

Assessment of injury in money or things worth money must be made before a court of law and by witnesses that are free and Children of the Covenant *Jews*. Women may be parties in *suits concerning* injury. The injured and the injurer *in certain cases may share* in the compensation.

ד חֲמִשָּׁה תַּמִּין וַחֲמִשָּׁה מוֹעֲדִין, הַבְּהֵמָה אֵינָהּ
 מוֹעֲדָת לֹא לִנְח וְלֹא לִגֹּף וְלֹא לְשֹׁךְ וְלֹא לְרִבֵּץ
 וְלֹא לִבְעֹט. הַשֵּׁן מוֹעֲדָת לֶאֱכֹל אֶת הָרְאוּי לָהּ,
 הָרֶגֶל מוֹעֲדָת לְשֹׁבֵר בְּדֶרֶךְ הַלּוֹכָה, וְשׁוֹר
 הַמוֹעֵד, וְשׁוֹר הַמִּזִּיק בְּרִשּׁוֹת הַנֶּזֶק, וְהָאָדָם.
 הַזֵּאֵב וְהָאֲרִי וְהַדָּב וְהַנֶּמֶר וְהַבְּרִדָּלִס וְהַנֶּחָשׁ,
 הָרִי אֵלּוּ מוֹעֲדִין. רַבִּי אֱלִיעֶזֶר אוֹמֵר, בְּזִמָּן
 שֶׁהֵן בְּנֵי תִרְבוּת, אֵינָן מוֹעֲדִין. וְהַנֶּחָשׁ מוֹעֵד
 לְעוֹלָם. מֶה בֵּין תָּם לְמוֹעֵד. אֵלֶּא שֶׁהֵתָם
 מִשְׁלָם חֲצִי נֶזֶק מִגּוּפוֹ, וּמוֹעֵד מִשְׁלָם נֶזֶק שְׁלָם
 מִן הָעֲלִיָּה:

Five *agents of damage* rank as harmless and five as an attested danger. Cattle are not an attested danger to butt, push, bite, lie down, or kick. The tooth of an *animal* is an attested danger to eat that which is for it; The leg of an *animal* is an attested danger to break *things* as it walks along; So also is a warned ox an *ox that has gored before*; And an ox that damages in the domain of the damaged party, and human beings. The wolf, the lion, the bear, the leopard, the panther and the snake all rank as attested danger. Rabbi Eliezer says: When they are tame they are not attested danger, but the snake is always an attested danger. What is the difference between that which is harmless and that which is an attested danger? The harmless pays half-damages from its own body and the attested danger pays full damages from the best property of its owner and guardian.

ב

¹ כִּיצַד הָרָגֵל מוֹעֵדָת. לְשֹׁבֵר בְּדֶרֶךְ הַלּוֹכָה. א
הִבְהִמָּה מוֹעֵדָת לְהִלָּךְ כְּדֶרֶכָּה וּלְשֹׁבֵר. הִיְתָה
מִבְּעֻטָּת, אוֹ שֶׁהָיוּ צָרוּרוֹת מִנִּתְזִין מִתַּחַת
רִגְלֶיהָ וְשִׁבְרָה אֶת הַכֵּלִים, מִשְׁלֵם חֲצִי נֶזֶק.
דֶּרֶסָה עַל הַכֵּלִי וְשִׁבְרָתוֹ, וְנָפַל עַל כֵּלִי
וְשִׁבְרוֹ, עַל הָרֵאשׁוֹן מִשְׁלֵם נֶזֶק שָׁלֵם, וְעַל
הָאַחֲרוֹן מִשְׁלֵם חֲצִי נֶזֶק. הַתְרַנְּגוּלִים מוֹעֵדִין
לְהִלָּךְ כְּדֶרֶכָּן וּלְשֹׁבֵר. הִיְתָה דְלִיל קָשׁוֹר
בְּרִגְלָיו, אוֹ שֶׁהִיָּה מִתְדַּסּ וּמִשֹּׁבֵר אֶת הַכֵּלִים,
מִשְׁלֵם חֲצִי נֶזֶק:

How is the leg of *a beast* an attested danger to break *what it tramples upon* as it walks along? A beast is an attested danger *only* in so far as it goes along in its usual way and breaks *an object*. If it kicked, or if small stones were tossed out from beneath its feet and it thus broke other vessels, one pays half damages. If it trampled upon a vessel and broke it, and this *broken vessel* fell upon another vessel and broke it, for the first one pays full damages and for the other half damages. Fowls *chickens and roosters* are an attested danger in so far as they go along in their usual way and break *objects*. But if the fowl had its feet entangled, or if it was jumping and it thereby broke any vessel one pays half damages.

ב כיצד השן מועדת. לאכל את הראוי לה.
הבהמה מועדת לאכל פירות וירקות. אכלה
כסות או כלים, משלם חצי נזק. במה דברים
אמורים. ברשות הנזק, אבל ברשות הרבים,
פטור. אם נהנית, משלם מה שנהנית. כיצד
משלם מה שנהנית. אכלה מתוך הרחבה,
משלם מה שנהנית. מצדי הרחבה, משלם מה
שהזיקה. מפתח החנות, משלם מה שנהנית.
מתוך החנות, משלם מה שהזיקה:

How is the tooth of a beast an attested danger to eat that which it is fit to consume? A beast is an attested danger to eat fruit and vegetables. *If however* it ate clothing or utensils *the owner* pays only half damages. When does this apply? *This applies* in the domain of the damaged party But if it was within the public domain, the owner is not liable. If *the beast* benefited, *the owner* pays what it benefited. How does *the owner* pay what *the animal* benefited? *If it ate* from the middle of the marketplace, *the owner* pays what *the animal* benefited. *If it ate* from the sides of the marketplace, *the owner* pays for the damage *the animal* did. *If it ate* from in front of the store *the owner* pays for what *the animal* benefited. *If it ate* from inside the store *the owner* pays for the damage *the animal* did.

הַכֶּלֶב וְהַגִּידִי שֶׁקָּפְצוּ מֵרֹאשׁ הַגֶּגֶן וְשִׁבְרוּ אֶת
הַכֵּלִים, מִשְׁלָם נֹזֵק שָׁלֵם, מִפְּנֵי שֶׁהֵן מוֹעֲדִין.
הַכֶּלֶב שֶׁנִּטַּל חֶרֶרָה וְהִלֵּךְ לַגִּידִישׁ, אָכַל
הַחֶרֶרָה וְהִדְלִיק הַגִּידִישׁ, עַל הַחֶרֶרָה מִשְׁלָם
נֹזֵק שָׁלֵם, וְעַל הַגִּידִישׁ מִשְׁלָם חֲצִי נֹזֵק:

If a dog or a goat jumped from a roof and broke vessels, *the owner* must pay full damages, since they are attested dangers. A dog that took a cake *while there was a cinder attached* and went to a stack of grain and ate the cake and burned the stack of grain, For the cake *the owner* pays full damages And for the stack of grain *the owner* pays half damages.

אֵיזָה הוּא תָם, וְאֵיזָה הוּא מוֹעֵד. מוֹעֵד, כָּל
שֶׁהֶעִידוּ בוֹ שְׁלֹשָׁה יָמִים. וְתָם, מִשִּׁיחִזֵּר בוֹ
שְׁלֹשָׁה יָמִים, דְּבָרֵי רַבִּי יְהוּדָה. רַבִּי מֵאִיר
אוֹמֵר, מוֹעֵד, שֶׁהֶעִידוּ בוֹ שְׁלֹשׁ פְּעָמִים. וְתָם,
כָּל שֶׁיְהוּ הִתִּינוּקוֹת מִמִּשְׁמָשִׁין בוֹ וְאִינוּ נוֹגְחִין:

Which kind of animal is accounted harmless and which is an attested danger *muad*? An attested danger is one that people have given testimony about *that it damaged* for three days. A harmless one is one that has refrained from damage for three days. This is according to Rabbi Judah. Rabbi Meir says, An attested danger is one that people have given testimony about three times. A harmless one is one that children can touch and it will not gore.

ה' שׁוֹר הַמִּזִּיק בְּרֵשׁוֹת הַנֶּזֶק כִּי־צַד. נָגַח, נָגַף, נָשַׁךְ,⁵
 רָבִץ, בָּעֵט, בְּרֵשׁוֹת הָרַבִּים, מְשַׁלֵּם חֲצֵי נֶזֶק.
 בְּרֵשׁוֹת הַנֶּזֶק, רַבִּי טָרְפוֹן אוֹמֵר נֶזֶק שָׁלֵם,
 וְחֲכָמִים אוֹמְרִים חֲצֵי נֶזֶק. אָמַר לָהֶם רַבִּי
 טָרְפוֹן, וּמָה בַּמָּקוֹם שֶׁהֵקֵל עַל הַנֶּשֶׁן וְעַל הָרֶגֶל
 בְּרֵשׁוֹת הָרַבִּים, שֶׁהוּא פָטוֹר, הֶחֱמִיר עָלֵיהֶם
 בְּרֵשׁוֹת הַנֶּזֶק לְשַׁלֵּם נֶזֶק שָׁלֵם, מְקוֹם שֶׁהֶחֱמִיר
 עַל הַקֶּרֶן בְּרֵשׁוֹת הָרַבִּים, לְשַׁלֵּם חֲצֵי נֶזֶק, אֵינוֹ
 דִּין שֶׁנֶּחֱמִיר עָלֶיהָ בְּרֵשׁוֹת הַנֶּזֶק לְשַׁלֵּם נֶזֶק
 שָׁלֵם. אָמְרוּ לוֹ, דִּינוּ לִבָּא מִן הַדִּין לְהִיּוֹת
 כַּנֶּדּוֹן, מָה בְּרֵשׁוֹת הָרַבִּים חֲצֵי נֶזֶק, אַף
 בְּרֵשׁוֹת הַנֶּזֶק חֲצֵי נֶזֶק. אָמַר לָהֶם, אֲנִי לֹא אָדוֹן
 קֶרֶן מִקֶּרֶן, אֲנִי אָדוֹן קֶרֶן מִרֶגֶל. וּמָה בַּמָּקוֹם
 שֶׁהֵקֵל עַל הַנֶּשֶׁן וְעַל הָרֶגֶל, בְּרֵשׁוֹת הָרַבִּים,
 הֶחֱמִיר בַּקֶּרֶן, מְקוֹם שֶׁהֶחֱמִיר עַל הַנֶּשֶׁן וְעַל
 הָרֶגֶל, בְּרֵשׁוֹת הַנֶּזֶק, אֵינוֹ דִּין שֶׁנֶּחֱמִיר בַּקֶּרֶן.
 אָמְרוּ לוֹ, דִּינוּ לִבָּא מִן הַדִּין לְהִיּוֹת כַּנֶּדּוֹן, מָה

בְּרִשּׁוֹת הָרִבִּים חֲצִי נֶזֶק, אֶף בְּרִשּׁוֹת הַנֶּזֶק חֲצִי נֶזֶק:

“An ox which causes damage in the private domain of him that is injured” how is this so? If it gored, pushed, bit, lay down, or kicked in the public domain its owner pays only half damages. But if in the private domain of him that is injured, Rabbi Tarfon says, “He pays full damages.” The Sages says, “Half damages.” Rabbi Tarfon said to them: “Now, in a case in which the law dealt leniently with regards to damages caused by the foot and tooth in the public domain, in which case he is exempt, and stringently in the private domain of him that is injured to pay full damages, then since they have dealt stringently with damage caused by the horn in the public domain, ought we not deal more stringently with damage cause by the horn in the private domain of him that was injured, so that full damages be imposed.” They *the sages* said to him: “It is enough if the inferred law is as strict as that from which it is inferred: if *for damages caused by the horn* in the public domain half damages *are imposed*, so also *for like damages* in the private domain of him that was injured, half damages *are imposed*. He said to them: “I shall not derive the law in one case of damage caused by the horn from the law in another case of damage caused by the horn. Rather I will derive the law of damage caused by the horn from the law of damage caused by the foot. Now in a case in which the law dealt leniently with regards to damages caused by the foot or tooth in the public domain, they have dealt strictly with damage caused by the horn, ought we not deal more stringently with damage cause by the horn in the private domain. They *the sages* said to him: “It is enough if the inferred law is as strict as that from which it is inferred: if *for damages caused by the horn* in the public domain half damages *are imposed*, so also *for like damages* in the private domain of him that was injured, half damages *are imposed*.”

אָדָם מוֹעֵד לְעוֹלָם, בֵּין שׁוֹגֵג, בֵּין מִזִּיד, בֵּין
 עֵר, בֵּין יָשָׁן. סָמָא אֶת עֵין חֲבֵירוֹ וְשָׁבַר אֶת
 הַכֵּלִים, מְשַׁלֵּם נֹזֶק שָׁלֵם:

Human beings are always an attested danger, whether the damage is caused inadvertently or deliberately, whether the person who caused the damage is awake or asleep. If a man blinded his fellow's eye or broke his utensils he must pay full damages.

ג

- 1 א הַמְנִיחַ אֶת הַכֹּד בְּרִשּׁוֹת הָרַבִּים וּבֹא אַחֵר
וְנִתְקַל בָּהּ וְשִׁבְרָהּ, פָּטוּר. וְאִם הִזִּיק בָּהּ, בֶּעַל
הַחֲבִית חַיֵּב בְּנִזְקוֹ. נִשְׁבְּרָה כִּדּוּ בְּרִשּׁוֹת
הָרַבִּים, וְהִחֲלַק אַחֵד בַּמַּיִם, אִזּוּ שִׁלָּקָה
בַּחֲרָסִיָּה, חַיֵּב. רַבִּי יְהוּדָה אוֹמֵר, בְּמַתְכֹּנִין,
חַיֵּב. בְּאֵינוֹ מַתְכֹּנִין, פָּטוּר:

If a man left a jug in the public domain and another came and stumbled over it and broke it, he is exempt. And if he was injured by it, the owner of the jug is liable for his injury. If a man's jug broke in the public domain, and another slipped on the water, or was hurt by the potsherds, he is liable. Rabbi Judah says: "If he *broke the jug* with intention, he is liable, But if he broke it without intention he is not liable."

- 2 ב הַשּׁוֹפֵךְ מַיִם בְּרִשּׁוֹת הָרַבִּים, וְהִזִּיק בָּהֶן אַחֵר,
חַיֵּב בְּנִזְקוֹ. הַמְצַנִּיעַ אֶת הַקּוֹץ, וְאֶת הַזִּכּוּכִית,
וְהַגִּידֵר אֶת גִּידָרוֹ בְּקוֹצִים, וְגִידֵר שֶׁנִּפְלָ לְרִשּׁוֹת
הָרַבִּים, וְהִזִּיקוּ בָּהֶן אֲחֵרִים, חַיֵּב בְּנִזְקָן:

1. If a man poured out water in the public domain, and another was injured thereby, he is liable for his injury. 2. If a man hid thorns or glass *in the public domain* or made his fence out of thorns, or if his fence fell into the public domain and others were thereby injured, he is obligated for their injury.

הַמוֹצִיא אֶת תְּבֻנוֹ וְאֶת קָשׁוֹ לְרֵשׁוֹת הָרַבִּים
 לְזָבָלִים, וְהִזִּיק בָּהֶן אַחֵר, חַיֵּב בְּנִזְקוֹ, וְכָל
 הַקּוֹדֵם בָּהֶן זָכָה. רַבִּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל
 אוֹמֵר, כָּל הַמְּקַלְקֵלִין בְּרֵשׁוֹת הָרַבִּים וְהִזִּיקוּ,
 חַיֵּבִין לְשָׁלֵם, וְכָל הַקּוֹדֵם בָּהֶן זָכָה. הַהוֹפֵךְ
 אֶת הַנָּלָל בְּרֵשׁוֹת הָרַבִּים, וְהִזִּיק בָּהֶן אַחֵר,
 חַיֵּב בְּנִזְקוֹ:

If a man put out his chopped straw and stubble into the public domain to make them into fertilizer, and another was injured thereby, he is liable for his injury, and whoever comes first may take possession of them. Rabban Shimon ben Gamaliel says: "Whoever leaves things that are disruptive in the public domain, and these cause damage, must make restitution, and whoever comes first may take possession of them. If a man turned over a piece of cattle dung in the public domain and another was injured thereby, he is liable for injury.

שְׁנֵי קַדְרִין שֶׁהָיוּ מְהֻלְכִין זֶה אַחֵר זֶה, וְנָתַקַל
 הָרִאשׁוֹן וְנָפַל, וְנָתַקַל הַשֵּׁנִי בְּרִאשׁוֹן, הָרִאשׁוֹן
 חַיֵּב בְּנִזְקֵי שֵׁנִי:

Two pot-sellers were walking one behind the other and the first stumbled and fell, and the second fell on the first, the first one is liable for the injury caused to the second.

זֶה בָּא בְּחִבֵּיתוֹ, וְזֶה בָּא בְּקוֹרָתוֹ, נִשְׁבְּרָה כֶּדוֹ
 שֶׁל זֶה בְּקוֹרָתוֹ שֶׁל זֶה, פְּטוֹר, שֶׁלֹּא זֶה רְשׁוּת
 לְהֵלֵךְ וְלֹא זֶה רְשׁוּת לְהֵלֵךְ. הִיא בַּעַל קוֹרָה
 רֹאשׁוֹן, וּבַעַל חֲבִית אַחֲרוֹן, נִשְׁבְּרָה חֲבִית
 בְּקוֹרָה, פְּטוֹר בַּעַל הַקּוֹרָה. וְאִם עָמַד בַּעַל
 הַקּוֹרָה, חַיֵּב. וְאִם אָמַר לְבַעַל הַחֲבִית עָמַד,
 פְּטוֹר. הִיא בַּעַל חֲבִית רֹאשׁוֹן וּבַעַל קוֹרָה
 אַחֲרוֹן, נִשְׁבְּרָה חֲבִית בְּקוֹרָה, חַיֵּב. וְאִם עָמַד
 בַּעַל חֲבִית, פְּטוֹר. וְאִם אָמַר לְבַעַל קוֹרָה
 עָמַד, חַיֵּב. וְכֵן זֶה בָּא בְּנִירוֹ וְזֶה בְּפִשְׁתָּנוֹ:

This one comes carrying his jar and another one comes carrying his beam: this one's jar is broken by that one's beam, *The owner of the beam* is exempt, since this one has the right to walk along and this one has the right to walk along. If the owner of the beam came first and the owner of the jar came after, and the jar was broken by the beam, the owner of the beam is exempt. If the owner of the beam stopped *walking suddenly*, he is liable. If *the owner of the beam had said* "Stop" to the owner of the jar, he is exempt. If the owner of the jar came first and owner of the beam came after, and the jar was broken by the beam, *the owner of the beam* is liable. If the owner of the jar stopped *walking suddenly*, he is exempt. If [the owner of the jar had said] "Stop" to the owner of the beam, he is liable.

- 6 שְׁנַיִם שָׁהָיוּ מִהֶלְכִּין בְּרֵשׁוֹת הָרַבִּים אֶחָד רָץ
וְאֶחָד מְהַלֵּךְ, אוֹ שָׁהָיוּ שְׁנֵיהֶם רָצִים, וְהִזִּיקוּ זֶה
אֶת זֶה, שְׁנֵיהֶם פְּטוּרִין:

If two were walking along in the public domain, the one running and the other walking, or both running and they injured one another, neither is liable.

- 7 הַמִּבְקֵעַ בְּרֵשׁוֹת הַיְחִיד וְהִזִּיק בְּרֵשׁוֹת הָרַבִּים,
בְּרֵשׁוֹת הָרַבִּים וְהִזִּיק בְּרֵשׁוֹת הַיְחִיד, בְּרֵשׁוֹת
הַיְחִיד וְהִזִּיק בְּרֵשׁוֹת הַיְחִיד אֶחָד, חַיֵּב:

If a man was splitting wood in the private domain and injured anyone in the public domain, or if he was in the public domain and injured anyone in the private domain, or if he was in a private domain and injured anyone in another private domain, he is liable.

ח שְׁנֵי שׁוֹרִים תַּמִּים שֶׁחָבְלוּ זֶה אֶת זֶה, מִשְׁלָמִים
 בַּמּוֹתָר חֲצִי נֶזֶק. שְׁנֵיהֶם מוֹעָדִים, מִשְׁלָמִים
 בַּמּוֹתָר נֶזֶק שָׁלֵם. אֶחָד תָּם וְאֶחָד מוֹעָד, מוֹעָד
 בִּתְּם מִשְׁלָם בַּמּוֹתָר נֶזֶק שָׁלֵם, תָּם בַּמוֹעָד
 מִשְׁלָם בַּמּוֹתָר חֲצִי נֶזֶק. וְכֵן שְׁנֵי אֲנָשִׁים שֶׁחָבְלוּ
 זֶה בְּזֶה, מִשְׁלָמִים בַּמּוֹתָר נֶזֶק שָׁלֵם. אָדָם
 בַּמוֹעָד וּמוֹעָד בְּאָדָם, מִשְׁלָם בַּמּוֹתָר נֶזֶק שָׁלֵם.
 אָדָם בִּתְּם וְתָם בְּאָדָם, אָדָם בִּתְּם מִשְׁלָם
 בַּמּוֹתָר נֶזֶק שָׁלֵם, תָּם בְּאָדָם מִשְׁלָם בַּמּוֹתָר
 חֲצִי נֶזֶק. רַבִּי עֲקִיבָא אוֹמֵר, אִךְ תָּם שֶׁחָבַל
 בְּאָדָם, מִשְׁלָם בַּמּוֹתָר נֶזֶק שָׁלֵם:

If two oxen which were accounted harmless hurt one another, the owner pays half-damages for that one which suffered the greater hurt. If both were attested dangers full damages are payable for that one which suffered the greater hurt. If one was accounted harmless and the other was an attested danger, that which was an attested danger as against that which was accounted harmless must pay full damages for the greater hurt that the other has suffered, while that which was accounted harmless, as against that which was an attested danger, pays only half damages for the greater hurt that the other has suffered. So, too, if two men hurt one another, full damages are payable for that one which suffered the greater hurt. If a man and an ox which was accounted harmless hurt one another, the man as against the ox accounted harmless must pay full damages for the greater hurt that the other has suffered, while the ox accounted harmless, as against the man, pays only half damages for the greater hurt that the other suffered. Rabbi Akiva says:

“Even if an ox accounted harmless hurt a man, full damages must be paid for that one which suffered the greater hurt.

ט שׁוֹר שָׁוֶה מִנֶּה שְׁנֵי שׁוֹר שָׁוֶה מֵאֲתִים, וְאִין
הַנִּבְלָה יָפָה כָּלֹם, נוֹטֵל אֶת הַשׁוֹר. שׁוֹר שָׁוֶה
מֵאֲתִים שְׁנֵי שׁוֹר שָׁוֶה מֵאֲתִים, וְאִין הַנִּבְלָה
יָפָה כָּלֹם, אָמַר רַבִּי מֵאִיר, עַל זֶה נֶאֱמַר שְׁמוֹת
כֹּא וּמָכְרוּ אֶת הַשׁוֹר הַחַי וְחָצוּ אֶת כֶּסֶּפוֹ. אָמַר
לוֹ רַבִּי יְהוּדָה, וְכֵן הִלְכָה, קִימַתָּ וּמָכְרוּ אֶת
הַשׁוֹר הַחַי וְחָצוּ אֶת כֶּסֶּפוֹ, וְלֹא קִימַתָּ שֵׁם וְגַם
אֶת הַמֵּת יִחָצוּן, וְאִיזָה, זֶה שׁוֹר שָׁוֶה מֵאֲתִים
שְׁנֵי שׁוֹר שָׁוֶה מֵאֲתִים, וְהַנִּבְלָה יָפָה חֲמִשִּׁים
זוּז, שְׁזֵה נוֹטֵל חֲצֵי הַחַי וְחֲצֵי הַמֵּת, וְזֵה נוֹטֵל
חֲצֵי הַחַי וְחֲצֵי הַמֵּת:

If an ox worth 100 gored an ox worth 200, and the carcass is not worth anything, *the owner of the gored ox* takes the *live* ox. If an ox worth 200 gored an ox worth 200 and the carcass is not worth anything, Rabbi Meir said, “If thus it was written, ‘they shall sell the live ox and divide its price, they shall also divide the dead animal’. Rabbi Judah said to him: “Such indeed is the halachah, but you have fulfilled the verse ‘they shall sell the live ox and divide its price’, and you have not fulfilled the verse ‘they shall also divide the dead animal’. What case is this? If an ox worth 200 gored an ox worth 200 and the corpse is worth 50, this one takes half of the live ox and half of the dead ox, and this one takes half of the live ox and half of the dead ox.

יֵשׁ חַיֵּב עַל מַעֲשֵׂה שׁוֹרוֹ וּפְטוֹר עַל מַעֲשֵׂה
 עַצְמוֹ, פְּטוֹר עַל מַעֲשֵׂה שׁוֹרוֹ וְחַיֵּב עַל מַעֲשֵׂה
 עַצְמוֹ. שׁוֹרוֹ שֶׁבִיֵּשׁ, פְּטוֹר, וְהוּא שֶׁבִיֵּשׁ, חַיֵּב.
 שׁוֹרוֹ שֶׁסָּמָא אֶת עֵין עֶבְדּוֹ, וְהִפִּיל אֶת שְׁנוֹ,
 פְּטוֹר, וְהוּא שֶׁסָּמָא אֶת עֵין עֶבְדּוֹ, וְהִפִּיל אֶת
 שְׁנוֹ, חַיֵּב. שׁוֹרוֹ שֶׁחָבַל בְּאָבִיו וְאִמּוֹ, חַיֵּב, וְהוּא
 שֶׁחָבַל בְּאָבִיו וְאִמּוֹ, פְּטוֹר. שׁוֹרוֹ שֶׁהִדְלִיק אֶת
 הַגָּדִישׁ בַּשַּׁבָּת, חַיֵּב, וְהוּא שֶׁהִדְלִיק אֶת הַגָּדִישׁ
 בַּשַּׁבָּת, פְּטוֹר, מִפְּנֵי שֶׁהוּא מִתְחַיֵּב בְּנַפְשׁוֹ:

There is one who is obligated for the act of his ox and exempt from his own act, and one who is exempt from the act of his ox and obligated on his own act. *If* his ox caused embarrassment *to another person*, he is exempt; *If, however* he caused embarrassment *to another person* he is obligated. *If* his ox put out the eye of his slave or knocked out his [slave's] tooth, he is exempt *from freeing the slave*; *If, however* he put out the eye of his slave or knocked out his tooth, he is obligated to free the slave. *If* his ox injured his father or mother he is obligated; *If, however* he injured his father or mother he is exempt. *If* his ox lit a heap of produce on fire on Shabbat, he is obligated; *If, however* he lit a heap of produce on Shabbat he is exempt, because he is liable for his life.

יא שֹׁר שְׁהָיָה רוּדָף אַחַר שׁוֹר אַחַר, וְהָיִק, זֶה
 אוֹמֵר שׁוֹרָף הָיִק, וְזֶה אוֹמֵר לֹא כִי, אֲלֵא
 בְּסֻלַּע לָקָה, הַמוֹצִיא מִחֲבֵרוֹ עָלָיו הָרֹאֶיָה. הָיוּ
 שְׁנַיִם רוּדָפִים אַחַר אֶחָד, זֶה אוֹמֵר שׁוֹרָף
 הָיִק, וְזֶה אוֹמֵר שׁוֹרָף הָיִק, שְׁנֵיהֶם פְּטוּרִין.
 אִם הָיוּ שְׁנֵיהֶן שֶׁל אִישׁ אֶחָד, שְׁנֵיהֶן חִיבִין.
 הָיָה אֶחָד גָּדוֹל וְאֶחָד קָטָן, הַנֶּזֶק אוֹמֵר גָּדוֹל
 הָיִק, וְהַמַּזִּיק אוֹמֵר לֹא כִי, אֲלֵא קָטָן הָיִק.
 אֶחָד תָּם וְאֶחָד מוֹעֵד, הַנֶּזֶק אוֹמֵר, מוֹעֵד הָיִק,
 וְהַמַּזִּיק אוֹמֵר לֹא כִי, אֲלֵא תָם הָיִק, הַמוֹצִיא
 מִחֲבֵרוֹ עָלָיו הָרֹאֶיָה. הָיוּ הַנִּזְזָקִין שְׁנַיִם, אֶחָד
 גָּדוֹל וְאֶחָד קָטָן, וְהַמַּזִּיקִים שְׁנַיִם, אֶחָד גָּדוֹל
 וְאֶחָד קָטָן, הַנֶּזֶק אוֹמֵר, גָּדוֹל הָיִק אֶת הַגָּדוֹל
 וְקָטָן אֶת הַקָּטָן, וְהַמַּזִּיק אוֹמֵר לֹא כִי, אֲלֵא קָטָן
 אֶת הַגָּדוֹל וְהַגָּדוֹל אֶת הַקָּטָן. אֶחָד תָּם וְאֶחָד
 מוֹעֵד, הַנֶּזֶק אוֹמֵר, מוֹעֵד הָיִק אֶת הַגָּדוֹל וְתָם
 אֶת הַקָּטָן, וְהַמַּזִּיק אוֹמֵר לֹא כִי, אֲלֵא תָם אֶת

הַגְדוֹל וּמוֹעֵד אֶת הַקָּטָן, הַמוֹצִיא מִחֶבְרוֹ עָלָיו הִרְאָיָה:

If an ox was pursuing another ox and *the latter ox* was injured: this one claims “Your ox caused the injury, and this one claims “No, it was injured by a rock.” on the one who wishes to exact compensation lies the burden of proof. If two oxen were pursuing a third ox: this one claims “Your ox caused the injury”, and this one claims “Your ox caused the injury”, they are both exempt. However, if they were both owned by one man, they are both obligated. If one was big and was small: the *owner* of injured *ox* says that “The large one caused the injury”, and the *owner* of the injuring *ox* says, “The small one caused the injury”, *or* if one was a harmless ox and one was an attested danger *muad* the *owner* of the injured ox says, “The *ox which is an* attested danger caused the injury, and the owner of the injuring ox says, “The *ox which is* harmless caused the injury”, on the one who wishes to exact compensation lies the burden of proof. If two oxen were injured, one big and one small, and two oxen caused the injury, one big and one small: *the owner* of the injured oxen says, “The big ox injured the big ox and small ox injured the small ox,” and the *owner* of the injuring oxen says, “The small ox injured the big ox and the big ox injured the small ox”; *or* if one was harmless and one was an attested danger: the *owner* of the injured oxen says, “The *ox which is an* attested danger injured the big ox, and the harmless *ox* injured the small ox”, the owner of injuring oxen says, “No rather the harmless *ox* injured the large ox and the *ox which is an* attested danger injured the small ox”, on the one who wishes to exact compensation lies the burden of proof.

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¹ א שֹׁר שֶׁנִּגַּח אַרְבָּעָה וַחֲמִשָּׁה שְׁוֹרִים זֶה אַחֲרֵי זֶה,
 יִשְׁלַם לְאַחֲרוֹן שְׂבָעָהֶם. וְאִם יֵשׁ בּוֹ מוֹתָר, יַחֲזִיר
 לְשִׁלְפָּנָיו. וְאִם יֵשׁ בּוֹ מוֹתָר, יַחֲזִיר לְשִׁלְפָּנָיו
 פָּנָיו. וְהָאֲחֵרוֹן אַחֲרוֹן נִשְׁכָּר, דְּבָרֵי רַבִּי מֵאִיר.
 רַבִּי שְׁמַעוֹן אוֹמֵר, שֹׁר שֶׁהָאֲתִים שֶׁנִּגַּח שֹׁר
 שֶׁהָאֲתִים, וְאִין הִנְבִּלָה יָפָה כָּלוּם, זֶה נוֹטֵל
 מִנָּה וְזֶה נוֹטֵל מִנָּה. חֲזַר וְנִגַּח שֹׁר אַחֲרֵי שֶׁהָאֲתִים
 מִנָּה, הָאֲחֵרוֹן נוֹטֵל מִנָּה, וְשִׁלְפָּנָיו, זֶה נוֹטֵל
 חֲמִשִּׁים זֵזִי וְזֶה נוֹטֵל חֲמִשִּׁים זֵזִי. חֲזַר וְנִגַּח שֹׁר
 אַחֲרֵי שֶׁהָאֲתִים, הָאֲחֵרוֹן נוֹטֵל מִנָּה, וְשִׁלְפָּנָיו,
 חֲמִשִּׁים זֵזִי, וְשָׁנִים הֶרְאֻשׁוֹנִים, דִּינָר זָהָב:

If an ox has gored four or five other oxen, this one after this one: the owner shall pay to *the owner* of the last ox injured. If money remains, it will go to the *the owner* of the previously injured ox. If money still remains, it will go to the *the owner* of the ox injured previous to the previously injured ox. The owner of the last injured ox benefits, according to Rabbi Meir. Rabbi Shimon says, "If an ox worth 200 gores an ox worth 200 and the carcass is not worth anything, this one gets 100 and this one gets 100. If it injures another ox worth 200, the owner of the ox last injured receives 100 and the owner of the previously injured ox receives 50. If it injures another ox worth 200, the owner of the ox last injured receives 100, the owner of the previously injured ox receives 50, and the first two receive 25.

ב שֹׁר שֶׁהוּא מוֹעֵד לְמִינוֹ וְאִינוֹ מוֹעֵד לְשֹׂאִינוֹ
 מִינוֹ, מוֹעֵד לְאָדָם וְאִינוֹ מוֹעֵד לְבְהֵמָה, מוֹעֵד
 לְקִטְנִים וְאִינוֹ מוֹעֵד לְגְדוּלִים, אֵת שֶׁהוּא מוֹעֵד
 לוֹ מִשְׁלֵם נֶזֶק שָׁלֵם, וְאֵת שֹׂאִינוֹ מוֹעֵד לוֹ
 מִשְׁלֵם חֲצִי נֶזֶק. אָמְרוּ לְפָנֵי רַבִּי יְהוּדָה, הֲרִי
 שֶׁהָיָה מוֹעֵד לְשִׁבְתוֹת וְאִינוֹ מוֹעֵד לְחָל. אָמַר
 לָהֶם, לְשִׁבְתוֹת מִשְׁלֵם נֶזֶק שָׁלֵם, לַיּוֹמוֹת הַחֹל
 מִשְׁלֵם חֲצִי נֶזֶק. אֵימָתִי הוּא תָם. מְשִׁיחֹזֵר בּוֹ
 שְׁלֹשָׁה יָמִי שִׁבְתוֹת:

An ox which is an attested danger for *injuring* its own kind, and is not an attested danger for *injuring* that which is not its own kind; or an attested danger for *injuring* human beings and not an attested danger for *injuring* beasts; or an attested danger for *injuring* children and not an attested danger for *injuring* adults that for which it is an attested danger *its owner* pays full damages, and that for which it is not an attested danger *its owner* pays half damages. They said in front of Rabbi Judah: "What if it is an attested danger on the Sabbath, and it is not an attested danger during the week?" He said to them: "For *injuries done on Sabbaths its owner* pays full damages and for *injuries done during the week its owner* pays half damages." When will this ox be considered harmless? After it refrains from doing injury for three Sabbath days.

ג
 שׁוֹר שֶׁל יִשְׂרָאֵל שֶׁנִּגְחַ שׁוֹר שֶׁל הֶקְדָּשׁ, וְשֶׁל
 הֶקְדָּשׁ שֶׁנִּגְחַ לְשׁוֹר שֶׁל יִשְׂרָאֵל, פְּטוֹר, שֶׁנֶּאֱמַר
 שְׁמוֹת כֹּא שׁוֹר יֵרֵעֵהוּ, וְלֹא שׁוֹר שֶׁל הֶקְדָּשׁ. שׁוֹר
 שֶׁל יִשְׂרָאֵל שֶׁנִּגְחַ לְשׁוֹר שֶׁל נֹכְרִי, פְּטוֹר. וְשֶׁל
 נֹכְרִי שֶׁנִּגְחַ לְשׁוֹר שֶׁל יִשְׂרָאֵל, בֵּין תָּם בֵּין
 מוֹעֵד מְשַׁלֵּם נֹזֵק שָׁלֵם:

An ox of an Israelite that gored an ox belonging to the Temple, or an ox belonging to the Temple that gored an ox of an Israelite, the owner is exempt, as it says, “The ox belonging to his neighbor” *Exodus 21:35*, and not an ox belonging to the Temple. An ox of an Israelite that gores an ox of a gentile, the owner is exempt. And an ox of a gentile that gores the ox of an Israelite, whether the ox is harmless or an attested danger, its owner pays full damages.

ד נֹזֵק שֶׁל פֶּקֶחַ שֶׁנִּגְחַ שׁוֹר שֶׁל חֵרֵשׁ, שׁוֹטֵה וְקֵטָן,⁴
חֵיב. וְשֶׁל חֵרֵשׁ, שׁוֹטֵה וְקֵטָן, שֶׁנִּגְחַ שׁוֹר שֶׁל
פֶּקֶחַ, פָּטוּר. שׁוֹר שֶׁל חֵרֵשׁ, שׁוֹטֵה וְקֵטָן שֶׁנִּגְחַ,
בֵּית דִּין מַעֲמִידִין לָהֶן אֶפּוֹטֵרופּוֹס וּמַעֲיִדִין
לָהֶן בְּפָנֵי אֶפּוֹטֵרופּוֹס. נִתְּפַקַח הַחֵרֵשׁ, נִשְׁתַּפָּח
הַשׁוֹטֵה וְהַקֵּטָן, חֲזָר לְתַמּוּתוֹ, דְּבָרֵי
רַבִּי מֵאִיר. רַבִּי יוֹסִי אוֹמֵר, הָרִי הוּא בְּחִזְקָתוֹ.
שׁוֹר הָאֶצְטָדִין אֵינוֹ חֵיב מִיתָה, שֶׁנֶּאֱמַר שְׁמוֹת כֹּא
כִּי יִגַח, וְלֹא שֶׁיִּגְחִיחוּהוּ:

If an ox of a person of sound senses gored the ox of a deaf-mute, an insane person, or a minor, its owner is obligated. If an ox of a deaf-mute, an insane person or a minor, gored the ox of a person of sound senses, its owner is exempt. If an ox a deaf-mute, an insane person or a minor gored, the court appoints a guardian over them, and their oxen are testified against in the presence of the guardian. If the deaf-mute became of sound senses, or the insane person recovered his reason, or the minor came of age, the ox is thereupon deemed harmless once more, according to Rabbi Meir. Rabbi Yose says, "It remains as it was before." An ox from the stadium is not liable to be put to death, as it says, "When it will gore" Exodus 21:28, and not "When others cause it to gore."

ה 5 שֹׁר שֶׁנִּגַּח אֶת הָאָדָם וָמֵת, מוֹעֵד, מִשְׁלָם כֹּפֶר,
וְתָם, פְּטוֹר מִן הַכֹּפֶר. וְזֶה וְזֶה חִיבִים מִיתָה.
וְכֵן בֶּבֶן וְכֵן בִּבְת. נִגַּח עֶבֶד אוֹ אֲמָה, נוֹתֵן
שְׁלָשִׁים סֵלָעִים, בֵּין שֶׁהוּא יָפָה מָנָה וּבֵין שְׁאִינוֹ
יָפָה אֱלָא דִּינָר אֶחָד:

If an ox gored a person and he died, if it was an attested danger *its owner* must pay the ransom, if it was accounted harmless he is exempt from paying the ransom. In both cases the ox is obligated for the death penalty. So too *if it killed* a son or a daughter. If it gored a male slave or a female slave its owner pays 30 sela, Whether *the slave* was worth a maneh or not even worth a dinar.

י 6 שֹׁר שֶׁהָיָה מִתְחַכֵּךְ בְּכַתֵּל וְנָפַל עַל הָאָדָם,
נִתְכַּוֵּן לַהֲרֹג אֶת הַבְּהֵמָה וְהָרַג אֶת הָאָדָם,
לְנִכְרֵי וְהָרַג אֶת יִשְׂרָאֵל, לְנִפְלִים וְהָרַג בֶּן
קִימָא, פְּטוֹר:

If an ox was rubbing itself against a wall and it fell on a person; or if it intended to kill an animal and it killed a man; or if it intended to kill a gentile and it killed an Israelite; or if it intended to kill an untimely birth and it killed a viable infant, it is exempt *from death by stoning*.

ז שׁוֹר הָאִשָּׁה, שׁוֹר הַיְתוּמִים, שׁוֹר הָאֶפְסָרוֹפּוֹס,⁷
 שׁוֹר הַמִּדְבָּר, שׁוֹר הַהֶקְדָּשׁ, שׁוֹר הַגֵּר שְׁמִית
 וְאִין לוֹ יוֹרְשִׁים, הֲרִי אֵלָיו חֲבִיבִים מִיתָה. רַבִּי
 יְהוּדָה אוֹמֵר, שׁוֹר הַמִּדְבָּר, שׁוֹר הַהֶקְדָּשׁ, שׁוֹר
 הַגֵּר שְׁמִית, פְּטוּרִים מִן הַמִּיתָה, לְפִי שְׂאִין לָהֶם
 בְּעָלִים:

The ox of a woman, or the ox of orphans, or the ox of a guardian, or a wild ox, or an ox belonging to the Temple, or an ox belonging to a proselyte who died and has no inheritors, these are all liable for the death penalty. Rabbi Judah says, "A wild ox, or an ox belonging to the Temple, or an ox belonging to a proselyte who died are exempt from death, since they have no owners."

ח שׁוֹר שֶׁהוּא יוֹצֵא לְהַסְקָל וְהֶקְדִּישׁוּ בְּעָלָיו, אֵינּוּ⁸
 מִקְדָּשׁ. שְׁחָטוּ, בְּשָׂרוֹ אָסוּר. וְאִם עַד שֶׁלֹּא נִגְמַר
 דִּינּוֹ הֶקְדִּישׁוּ בְּעָלָיו, מִקְדָּשׁ. וְאִם שְׁחָטוּ, בְּשָׂרוֹ
 מִתָּר:

If an ox goes out to be stoned, and its owners dedicated it to the Temple, it is not considered dedicated. If he slaughtered it, its flesh is forbidden. But if before its sentence was complete its owner dedicated it, it is dedicated. If he slaughtered it, its flesh is permitted.

ט
 מְסָרוּ לְשׁוּמֵר חֲנָם, וּלְשׁוֹאֵל, לְנוֹשֵׂא שָׂכָר,
 וּלְשׁוֹכֵר, נִכְנְסוּ תַּחַת הַבְּעָלִים, מוֹעֵד מִשְׁלָם
 נֶזֶק שָׁלֵם, וְתָם מִשְׁלָם חֲצִי נֶזֶק. קָשְׁרוּ בְּעֻלּוֹ
 בְּמוֹסְרָה, וְנָעַל בְּפָנָיו כָּרְאוֹי, וַיֵּצֵא וְהִזִּיק, אֶחָד
 תָּם וְאֶחָד מוֹעֵד חֵיב, דְּבָרֵי רַבִּי מֵאִיר. רַבִּי
 יְהוּדָה אוֹמֵר, תָּם חֵיב וּמוֹעֵד פָּטוּר, שֶׁנֶּאֱמַר
 שְׁמוֹת כֹּא וְלֹא יִשְׁמְרֵנוּ בְּעֻלּוֹ, וְשָׁמֹר הוּא זֶה. רַבִּי
 אֶלְיעֶזֶר אוֹמֵר, אֵין לוֹ שְׁמִירָה אֶלָּא סָבִין:

If one handed it to an unpaid guardian, or to a borrower, or to a paid guardian, or to a hirer, they take the place of the owners; if the beast was an attested danger he pays full damages, and if it was accounted harmless he pays half damages. If its owner had tied it with a halter, or locked it up properly, but it came out and caused damage, the owner is liable, whether it was an attested danger or accounted harmless, these are the words of Rabbi Meir. Rabbi Judah says: "If it was accounted harmless he is liable, but if it was an attested danger he is exempt, as it says, "and its owner did not guard it", but this one has been guarded. Rabbi Eliezer says: "Its only guarding is the knife."

ה

1 א שׁוֹר שֶׁנִּגְחָה אֶת הַפָּרָה וְנִמְצְא עֲבָרָה בְּצִדָּהּ,
וְאִין יָדוּעַ אִם עַד שְׁלֹא נִגְחָה יִלְדָּה, אִם
מִשְׁנִנְחָה יִלְדָּה, מִשְׁלֵם חֲצִי נֶזֶק לַפָּרָה וְרִבִּיעַ
נֶזֶק לְיֹלֵד. וְכֵן פָּרָה שֶׁנִּגְחָה אֶת הַשׁוֹר וְנִמְצְא
וְלִדָּה בְּצִדָּהּ, וְאִין יָדוּעַ אִם עַד שְׁלֹא נִגְחָה
יִלְדָּה, אִם מִשְׁנִנְחָה יִלְדָּה, מִשְׁלֵם חֲצִי נֶזֶק מִן
הַפָּרָה וְרִבִּיעַ נֶזֶק מִן הַיֹּלֵד:

If an ox gored a cow *and it died* and its newly born young was found *dead* at its side, and it is not known if the cow gave birth before the ox gored, or if after the ox gored the cow gave birth, the owner of the ox pays half damages for the cow and one quarter damages for the newborn. And also if a cow gored an ox and its newly born young was found at its side, and it is not known if the cow gave birth before she gored, or if after she gored before she gave birth, the owner pays half damages from the value of the cow and one quarter damages from value the newborn.

ב הַקָּדָר שֶׁהַכֵּנִים קָדְרוּתָיו לַחֲצַר בַּעַל הַבַּיִת
 שֶׁלֹּא בְרִשּׁוֹת, וְשִׁבְרָתָן בְּהִמָּתּוֹ שֶׁל בַּעַל הַבַּיִת,
 פָּטוֹר. וְאִם הִזְקָה בָּהֶן, בַּעַל הַקָּדְרוֹת חַיֵּב.
 וְאִם הַכֵּנִים בְּרִשּׁוֹת, בַּעַל חֲצַר חַיֵּב. הַכֵּנִים
 פָּדְרוּתָיו לַחֲצַר בַּעַל הַבַּיִת שֶׁלֹּא בְרִשּׁוֹת,
 וְאִכְלָתָן בְּהִמָּתּוֹ שֶׁל בַּעַל הַבַּיִת, פָּטוֹר. וְאִם
 הִזְקָה בָּהֶן, בַּעַל הַפְּרוֹת חַיֵּב. וְאִם הַכֵּנִים
 בְּרִשּׁוֹת, בַּעַל הַחֲצַר חַיֵּב:

If a potter brought his pots into the courtyard of a householder without permission, and the householder's cattle broke them, the householder is not liable. And if the cattle were injured by them *by the pots* the owner of the pots is liable. But if he brought them in by permission the owner of the courtyard is liable. If a man brought his produce into the courtyard of a householder without permission, and the householder's cattle ate it, the householder is not liable. And if the cattle were injured by it *by the produce* the owner of the produce is liable. But if he brought it in by permission the owner of the courtyard is liable.

ג
הַכִּנִּיס שׁוֹרוֹ לְחֶצֶר בַּעַל הַבַּיִת שְׁלֹא בִרְשׁוֹת,
וַיִּנָּחֻ שׁוֹרוֹ שָׁל בַּעַל הַבַּיִת, אוֹ שִׁנָּשְׁכוּ כָּלְבוֹ
שָׁל בַּעַל הַבַּיִת, פָּטוֹר. נִגַּח הוּא שׁוֹרוֹ שָׁל בַּעַל
הַבַּיִת, חַיֵּב. נָפַל לְבוֹרוֹ וְהִבָּאִישׁ מִיָּמִיו, חַיֵּב.
הָיָה אָבִיו אוֹ בְּנוֹ לְתוֹכוֹ, מְשַׁלֵּם אֶת הַכֶּפֶר.
וְאִם הַכִּנִּיס בִּרְשׁוֹת, בַּעַל הַחֶצֶר חַיֵּב. רַבִּי
אוֹמֵר, בְּכָלֵן אֵינוֹ חַיֵּב, עַד שִׁיקָבֵל עָלָיו
לְשֹׁמֵר:

If a man brought his ox into the courtyard of a householder without permission and the householder's ox gored it or the householder's dog bit it, the householder is not liable. If [the first man's ox] fell into [the householder's] cistern and polluted its water, he is liable. If [the householder's] father or son was in *the cistern and it killed them* the ox's owner must pay the ransom price. But if he had brought his ox in by permission the owner of the courtyard is liable. Rabbi says: "In no case is *the householder* liable unless he had agreed to watch over it.

ד שֹׁר שֶׁהָיָה מִתְכַּוֵּן לַחֲבֵרוֹ וְהִכָּה אֶת הָאִשָּׁה
וַיֵּצְאוּ יִלְדֶיהָ, פָּטוֹר מִדָּמֵי וְלָדוֹת. וְאָדָם שֶׁהָיָה
מִתְכַּוֵּן לַחֲבֵרוֹ וְהִכָּה אֶת הָאִשָּׁה וַיֵּצְאוּ יִלְדֶיהָ,
מִשְׁלָם דָּמֵי וְלָדוֹת. כִּי־צַד מִשְׁלָם דָּמֵי וְלָדוֹת,
שָׁמִין אֶת הָאִשָּׁה כַּמָּה הִיא יָפָה עַד שֶׁלֹּא יִלְדָה
וְכַמָּה הִיא יָפָה מִשִּׁילְדָה. אָמַר רַבִּין שְׁמַעוֹן בֶּן
נְמַלְיָאֵל, אִם כֵּן, מִשֶּׁהָאִשָּׁה יוֹלְדֶת, מִשְׁבַּחַת.
אֲלֹא שָׁמִין אֶת הַיִּלְדוֹת כַּמָּה הֵן יָפִין, וְנוֹתֵן
לַבַּעַל. וְאִם אֵין לָהּ בַּעַל, נוֹתֵן לְיֹרְשָׁיו. הִיתָה
שִׁפְחָה וְנִשְׁתַּחֲרָרָה, אוֹ גֵיּוֹרֶת, פָּטוֹר:

If an ox intended *to gore* another ox and struck a woman and her offspring came forth *as a miscarriage*, its owner is not liable for the value of the offspring. But if a man intended to strike his fellow and struck a woman and her offspring came forth *as a miscarriage*, he must pay the value of the offspring. How does he pay the value of the offspring? They assess the value of the woman before she gave birth and the value after she gave birth. Rabban Shimon ben Gamaliel said: "If so, once a woman gives birth she is more valuable. Rather, they assess how much the offspring would be worth, and he pays it to the husband, or if she has no husband to his heirs." If she was a freed bondwoman or a proselyte no penalty is incurred.

ה' הַחֹפֶר בּוֹר בְּרִשּׁוֹת הַיָּחִיד וּפָתָחוֹ לְרִשּׁוֹת
הָרַבִּים, אוֹ בְּרִשּׁוֹת הָרַבִּים וּפָתָחוֹ לְרִשּׁוֹת
הַיָּחִיד, בְּרִשּׁוֹת הַיָּחִיד וּפָתָחוֹ לְרִשּׁוֹת הַיָּחִיד
אַחֵר, חַיֵּב. הַחֹפֶר בּוֹר בְּרִשּׁוֹת הָרַבִּים, וְנָפַל
לְתוֹכוֹ שׁוֹר אוֹ חֲמֹר וָמֵת, חַיֵּב. אֶחָד הַחֹפֶר
בוֹר, שִׁיחַ וּמַעְרָה, תְּרִיצִין וְנַעֲצִין, חַיֵּב. אִם
כֵּן, לָמָּה נֶאֱמַר בוֹר, מַה בוֹר שֵׁשׁ בּוֹ כְּדִי
לְהַמִּית, עֲשָׂרָה טַפָּחִים, אֶף כָּל שֵׁשׁ בּוֹ כְּדִי
לְהַמִּית, עֲשָׂרָה טַפָּחִים. הָיוּ פְּחוּתִין מֵעֲשָׂרָה
טַפָּחִים, וְנָפַל לְתוֹכוֹ שׁוֹר אוֹ חֲמֹר וָמֵת, פָּטוֹר.
וְאִם הֵזֶק בּוֹ, חַיֵּב:

If a man dug a pit in a private domain and opened it into the public domain, or if he dug it in the public domain and opened it into a private domain, or if he dug it in a private domain and opened it into another private domain, he is liable *if any is injured by the pit*. If he dug a pit in the public domain and an ox or ass fell into and died, he is liable. No matter whether he digs a pit, trench, or cavern, or ditches or channels he is liable. If so, why does it say “a pit” *Exodus 21:33*? Just as a pit which is deep enough to cause death is ten handbreadths deep, so anything is deep enough to cause death if it is ten handbreadths deep. If they were less than ten handbreadths deep and an ox or an ass fell in and died, the owner is not liable; but if it was damaged he is liable.

בֹּרַחַשׁ שֶׁל שְׁנֵי שְׁתָּפִין, עָבַר עָלָיו הָרֹאשׁוֹן וְלֹא
 כָּסָהוּ, וְהַשֵּׁנִי וְלֹא כָּסָהוּ, הַשֵּׁנִי חַיֵּב. כָּסָהוּ
 הָרֹאשׁוֹן, וּבָא הַשֵּׁנִי וּמָצָאוּ מְגֻלָּה וְלֹא כָּסָהוּ,
 הַשֵּׁנִי חַיֵּב. כָּסָהוּ כָּרְאֹוִי, וְנָפַל לְתוֹכוֹ שׁוֹר אֹו
 חֲמֹור וְנִמָּת, פָּטוֹר. לֹא כָּסָהוּ כָּרְאֹוִי, וְנָפַל
 לְתוֹכוֹ שׁוֹר אֹו חֲמֹור וְנִמָּת, חַיֵּב. נָפַל לְפָנָיו
 מִקּוֹל הַכְּרִיָּה, חַיֵּב. לְאַחֲרָיו מִקּוֹל הַכְּרִיָּה,
 פָּטוֹר. נָפַל לְתוֹכוֹ שׁוֹר וְכֵלָיו וְנִשְׁתַּבְּרוּ, חֲמֹור
 וְכֵלָיו וְנִתְקַרְעוּ, חַיֵּב עַל הַבְּהֵמָה וּפָטוֹר עַל
 הַכֵּלִים. נָפַל לְתוֹכוֹ שׁוֹר חֵרֶשׁ, שׁוֹטָה וְקָטָן,
 חַיֵּב. בֶּן אֹו בֵּת, עֶבֶד אֹו אִמָּה, פָּטוֹר:

If a pit belonged to two partners and one went over it and did not cover it, and the other also went over it and did not cover it, the second one is liable. If the first covered it and the second came and found it uncovered and did not cover it, the second one is liable. If he covered it properly and an ox or an ass fell into it and died, he is not liable. If he did not cover it properly and an ox or an ass fell into it and died, he is liable. If it fell forward *not into the pit, frightened* because of the sound of the digging, the owner of the pit is liable. But if backward *not into the pit, frightened* because of the sound of the digging, he is not liable. If an ox and all of its trappings fell into it and they broke, or if an ass fell into it with its trappings and they were torn, he is liable for the beast but exempt for the trappings. If an ox that was deaf, insane or young fell in, the owner is liable. If a boy or a girl or a slave or a bondwoman fell in, he is not liable.

אֶחָד שׁוֹר וְאַחַד כָּל בְּהֵמָה לְנִפְלֹת הַבּוֹר,
 וְלִהְפָּרֶשֶׁת הַר סִינַי, וְלִתְשֻׁלוּמֵי כָפֹל, וְלִהְשִׁבַּת
 אֲבִדָּה, לְפָרִיקָה, לְחִסּוּמָה, לְכֹלֵאִים, וְלִשְׁבָּת.
 וְכֵן חֵיהָ וְעוֹף פִּיּוּצָא בָּהֶן. אִם כֵּן, לָמָּה נֶאֱמַר
 שׁוֹר אוֹ חֲמֹר. אֵלָּא שְׂדֵבֵר הַכָּתוּב בַּהֲוָה:

An ox and all other beasts are alike under the laws concerning falling into a pit, keeping apart from Mount Sinai, two-fold restitution, the restoring of lost property, unloading, muzzling, diverse kinds, and the Sabbath. So to wild animals and birds. If so, why is it written “an ox or an ass”? But Scripture spoke of prevailing conditions.

1 הַכּוֹנִס צֹאן לְדִיר, וְנָעַל בְּפָנֶיהָ כָּרְאוּי, וַיֵּצֵאָהּ א
 וְהִזִּיקָהּ, פָּטוּר. לֹא נָעַל בְּפָנֶיהָ כָּרְאוּי, וַיֵּצֵאָהּ
 וְהִזִּיקָהּ, חַיֵּב. נִפְרָצָה בַּלַּיְלָה אוֹ שְׂפָרְצוּהָ
 לְסֻטִּים, וַיֵּצֵאָהּ וְהִזִּיקָהּ, פָּטוּר. הוֹצִיאוּהָ
 לְסֻטִּים, לְסֻטִּים חַיֵּבִים:

If a man brought his flock into a pen and shut it in properly and it went out and caused damage, he is exempt. If he had not shut it in properly and it went out and caused damage, he is liable. If the pen was broken through at night, or bandits broke through it, and the flock came out and caused damage, he is not liable. If the bandits brought out the flock, the bandits are liable. □ Section one teaches that if a person were to properly enclose his flock and nevertheless the flock were to escape, the person is exempt. Since he fulfilled his responsibility he is not liable for damages. However, if he didn't enclose the flock properly he will be liable. □ Section two can be explained as an exception to the rule in section one that if he didn't enclose the flock properly he is liable. Section two teaches that if the flock broke out at night *i.e. they broke the enclosed part of the fence* or bandits broke the fence, the owner is exempt, even though he did not properly lock the fence. The owner is not liable since the animals broke out against his control, even though they could have gone out through the main gate, thereby making him liable. If, on the other hand, they were to have broken the fence during the day, and he didn't lock it properly, he is liable. *There are other explanations to this section.* The final clause of the mishnah says that if the bandits physically let out the flock, they are liable if it causes damage.

² ב הַנִּיחָהּ בַּחֲמָה, או שְׁמָסְרָהּ לְחֵרֶשׁ, שׁוֹטֵטָה וְקַטָּן,
וַיֵּצֵאָהּ וְהִזִּיקָהּ, חֵיִב. מְסָרָהּ לְרוּעָה, נִכְנָס
רוּעָה תַּחְתָּיו. נִפְלָה לְגִנָּה וְנִהְיִיתָ, מְשַׁלֶּמֶת מֵה
שְׁנֵהְיִיתָ. יָרְדָה כְּדֶרֶכָּה וְהִזִּיקָהּ, מְשַׁלֶּמֶת מֵה
שְׁהִזִּיקָהּ. כִּי־צָדַד מְשַׁלֶּמֶת מֵה שְׁהִזִּיקָהּ, שָׁמַיִן
בֵּית סֵאָה בְּאוֹתָהּ שָׂדֶה, כַּמָּה הִיתָה יָפָה וְכַמָּה
הִיא יָפָה. רַבִּי שְׁמַעוֹן אוֹמֵר, אֲכָלָה פִּרוֹת
גְּמוּרִים מְשַׁלֶּמֶת פִּרוֹת גְּמוּרִים. אִם סֵאָה סֵאָה,
אִם סָאתִים סָאתִים:

If he left the flock in the sun, or he delivered it to the care of a deaf-mute, an idiot or a minor, and it came out and caused damage, he is liable. If he delivered it to a shepherd, the shepherd takes the place of the owner. If the flock fell into a garden and derived any benefit, he pays for the benefit. If the flock went down *into the garden* in its usual way and caused damage, he must pay for the damage it caused. How does he pay for the damage it caused? They assess what a seah's space of ground in that field was worth before and what it is worth now. Rabbi Shimon says: "If they consumed fully grown produce he must repay with fully grown produce; if they destroyed on seah he must repay one seah, if two seah, two seahs.

ג
הַמִּגְדִּישׁ בְּתוֹךְ שָׂדֵה שֶׁל חֵבְרוֹ שְׁלֹא בִּרְשׁוֹתָיו,
וַאֲכָלְתָּן בְּהֶמְתּוֹ שֶׁל בַּעַל הַשָּׂדֶה, פָּטוֹר. וְאִם
הִזְקָה בָּהֶן, בַּעַל הַגְּדִישׁ חַיֵּב. וְאִם הַגְּדִישׁ
בִּרְשׁוֹתָיו, בַּעַל הַשָּׂדֶה חַיֵּב:

If a man stacked his sheaves in his fellow's field without his permission, and the owner of the field's beast ate the sheaves, he is exempt. If *the beast* was injured by them, the owner of the stack is liable. If he made the stack with his permission, the owner of the field is liable.

ד' הַשּׁוֹלֵחַ אֶת הַבְּעֵרָה בְּיַד חֵרֶשׁ, שׁוֹטָה וְקַטָּן,
 פֶּטוּר בְּדִינֵי אָדָם וְחַיִּב בְּדִינֵי שָׁמַיִם. שֶׁלַח בְּיַד
 פִּקְחָת, הַפִּקְחָת חַיִּב. אַחֲרַיִם הֵבִיא אֶת הָאוֹר, וְאַחֲרַיִם
 הֵבִיא אֶת הָעֵצִים, הַמֵּבִיא אֶת הָעֵצִים חַיִּב.
 אַחֲרַיִם הֵבִיא אֶת הָעֵצִים, וְאַחֲרַיִם הֵבִיא אֶת הָאוֹר,
 הַמֵּבִיא אֶת הָאוֹר חַיִּב. בָּא אַחֲרַיִם וְלִבָּהּ,
 הַמִּלְבָּה חַיִּב. לִבָּתָהּ הָרוּחַ, כָּלֵן פֶּטוּרִין.
 הַשּׁוֹלֵחַ אֶת הַבְּעֵרָה וְאֹכְלָה עֵצִים, אוֹ אֲבָנִים,
 אוֹ עֶפֶר, חַיִּב, שֶׁנֶּאֱמַר שְׁמוֹת כֹּב כִּי תֵצֵא אֵשׁ
 וּמִצָּאָה קוֹצִים וְנֶאֱכָל גִּדִּישׁ אוֹ הֶקְמָה אוֹ
 הַשְּׂדֵה, שְׁלֵם יְשֻׁלָּם הַמִּבְעִיר אֶת הַבְּעֵרָה.
 עֲבָרָה גִּדֵּר שֶׁהוּא גְבוּהָ אַרְבַּע אַמּוֹת, אוֹ דֶּרֶךְ
 הָרַבִּים, אוֹ נֶהָר, פֶּטוּר. הַמִּדְּלִיק בְּתוֹךְ שְׁלוֹ,
 עַד כֶּמֶה תַעֲבֹר הַדִּלְקָה. רַבִּי אֶלְעָזָר בֶּן
 עֲזַרְיָה אוֹמֵר, רוֹאִין אוֹתוֹ כְּאִלּוּ הוּא בְּאִמְצָע
 בֵּית כּוֹר. רַבִּי אֶלְעָזָר אוֹמֵר, שֵׁשׁ עֶשְׂרֵה
 אַמּוֹת, כְּדֶרֶךְ רְשׁוֹת הָרַבִּים. רַבִּי עֲקִיבָא
 אוֹמֵר, תַּמְנָשִׁים אֲמָה. רַבִּי שְׁמַעוֹן אוֹמֵר, שְׁלֹם

יְשׁוּלָם הַמַּבְעִיר אֶת הַבְּעִרָה שְׁמוֹת כֵּב, הַכֹּל לְפִי הַדִּלְקָה:

If a person sends forth fire in the hands of a deaf-mute, an idiot or a minor he is not liable by the laws of man, but he is liable by the laws of Heaven. If he sent it forth in the hands of a person of sound senses, the one of sound senses is liable. If one brought the fire, and then another brought the wood, he that brought the wood is liable. If one brought the wood and then another brought fire, he that brought the fire is liable. If another came and fanned the flames, the one who fanned the flame is liable. If the wind fanned the flame, they are all exempt. If a man sent forth fire, and it consumed wood or stones or dust, he is liable, for it says: "When a fire breaks out and spreads to thorns so that the stacked corn is consumed, or the standing corn, or the field, he that kindled the fire shall surely make restitution." If it passed over a fence four cubits high, or over a public way, or over a river, he is exempt. If a man kindled fire within his own domain, how far may it spread *and he will still be liable*? Rabbi Eleazar ben Azariah says: "It is looked at as if it was in the middle of a kor's space." [Rabbi Eliezer says: "Sixteen cubits *in every direction* like a public highway." Rabbi Akiva says: "Fifty cubits." Rabbi Shimon says: "*It is said* 'He that kindled the fire shall surely make restitution', all is in accordance with the nature of the fire."

הַמִּדְלִיק אֶת הַגָּדִישׁ, וְהָיוּ בּוֹ כֵּלִים וְדָלָקוֹ.
 רַבִּי יְהוּדָה אוֹמֵר, יִשְׁלַם מֶה שֶּׁבְּתוֹכּוֹ. וַחֲכָמִים
 אוֹמְרִים, אֵינוֹ מְשַׁלֵּם אֶלָּא גָּדִישׁ שֶׁל חֲטִיץ אוֹ
 שֶׁל שְׁעָרִים. הִיא גָּדִי כָּפוּת לוֹ וְעֶבֶד סָמוּךְ לוֹ
 וְנִשְׂרָף עִמּוֹ, חַיֵּב. עֶבֶד כָּפוּת לוֹ וְגָדִי סָמוּךְ לוֹ
 וְנִשְׂרָף עִמּוֹ, פָּטוּר. וּמוֹדִים חֲכָמִים לְרַבִּי
 יְהוּדָה בְּמִדְלִיק אֶת הַבֵּירָה, שֶׁהוּא מְשַׁלֵּם כָּל
 מֶה שֶּׁבְּתוֹכּוֹ, שֶׁכֵּן דֶּרֶךְ בְּנֵי אָדָם לְהַנִּיחַ
 בְּבֵתֵיהֶם:

If a man set fire to a stack and in it there were utensils and these caught fire: Rabbi Judah says: "He must make restitution for what was therein." But the Sages say: "He need only pay for a stack of wheat or barley." If a kid was fastened to it *to the stack* and a slave stood near by, and they were burnt with it, he is liable. If there was a slave fastened to it *to the stack* and a kid stood near by and they were burnt with it, he is not liable. The Sages agree with Rabbi Judah that if a man set fire to a large building, he must make restitution for everything therein; for such is the custom among men to leave *their goods* in their houses.

י גֵּץ שֶׁיֵּצֵא מִתַּחַת הַפֶּטִישׁ וְהִזִּיק, חַיֵּב. גָּמֹל
 שֶׁהָיָה טָעוֹן פִּשְׁתָּן וְעָבַר בְּרִשּׁוֹת הָרַבִּים, וְנִכְנָס
 פִּשְׁתָּנוֹ לְתוֹךְ הַחֲנוּת, וְדָלְקוֹ בָּנִירוֹ שֶׁל חֲנוּנִי
 וְהִדְלִיק אֶת הַבִּירָה, בַּעַל הַגָּמֹל חַיֵּב. הַנִּיחַ
 חֲנוּנִי נִירוֹ מִבַּחוּץ, הַחֲנוּנִי חַיֵּב. רַבִּי יְהוּדָה
 אוֹמֵר, בָּנִיר חֲנֻכָּה פָטוּר:

If a spark flew out from under the hammer and caused damage, he is liable. If a camel laden with flax passed by in the public domain and its load of flax entered into a shop and caught fire, the owner of the camel is liable. But if the shopkeeper left his light outside, the shopkeeper is liable. Rabbi Judah says: "If it was a Hannukah light, he is not liable."

1 מְרַבָּה מִדַּת תַּשְׁלוּמֵי כָּפֹל מִמִּדַּת תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה, שְׁמִדַּת תַּשְׁלוּמֵי כָּפֹל נֹהֶגֶת בֵּין בְּדָבָר שֶׁיֵּשׁ בּוֹ רוּחַ חַיִּים וּבֵין בְּדָבָר שֶׁאֵין בּוֹ רוּחַ חַיִּים, וּמִדַּת תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה אֵינָה נֹהֶגֶת אֲלָא בְּשׂוֹר וְשֶׂה בְּלִבָּד, שֶׁנֶּאֱמַר שְׁמוֹת כֹּא כִּי יִגְנֹב אִישׁ שׂוֹר אֹו שֶׂה וּטְבָחוֹ אֹו מְכָרוֹ וְגו'. אֵין הַגִּזְבִּי אַחֵר הַגִּזְבִּי מִשְׁלָם תַּשְׁלוּמֵי כָּפֹל, וְלֹא הַטּוֹבֵחַ וְלֹא הַמוֹכֵר אַחֵר הַגִּזְבִּי מִשְׁלָם תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה:

More encompassing in use is the rule of twofold restitution than the rule of fourfold or fivefold restitution; For the rule of twofold restitution applies both to what has life and what does not have life, while the rule of fourfold and fivefold restitution applies only to an ox or a sheep, for it is written, "If a man shall steal an ox or a sheep and kill it, or sell it, he shall pay five oxen for an ox and four sheep for a sheep" *Ex. 21:37*. One who steals from a thief does not pay twofold restitution; And the one who slaughters or sells what is *already* stolen does not make fourfold or fivefold restitution.

ב גִּנֵּב עַל פִּי שְׁנַיִם, וְטָבַח וּמָכַר עַל פִּיהֶם אוֹ עַל
 פִּי שְׁנַיִם אֲחֵרִים, מְשַׁלֵּם תַּשְׁלוּמֵי אַרְבָּעָה
 וַחֲמִשָּׁה. גִּנֵּב וּמָכַר בְּשַׁבָּת, גִּנֵּב וּמָכַר לְעִבּוּדָה
 זָרָה, גִּנֵּב וְטָבַח בְּיוֹם הַכִּפּוּרִים, גִּנֵּב מְשַׁלֵּם אֲבִיו
 וְטָבַח וּמָכַר וְאַחֵר כָּךְ מֵת אָבִיו, גִּנֵּב וְטָבַח
 וְאַחֵר כָּךְ הִקְדִּישׁ, מְשַׁלֵּם תַּשְׁלוּמֵי אַרְבָּעָה
 וַחֲמִשָּׁה. גִּנֵּב וְטָבַח לְרִפּוּאָה אוֹ לְכֻלָּבִים,
 הַשּׁוֹחֵט וְנִמְצָא טֵרֶפָה, הַשּׁוֹחֵט חֲלִין בְּעִזָּרָה,
 מְשַׁלֵּם תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה. רַבִּי שִׁמְעוֹן
 פוֹטֵר בְּשְׁנֵי אֵלּוּ:

If a man stole *an ox or a sheep* according to the evidence of two witnesses and killed it or sold it according to the evidence of two others, he must make fourfold or fivefold restitution. If a man stole *an ox or a sheep* and sold it on the Sabbath, or stole it and sold it for idolatrous use or stole it and slaughtered it on the Day of Atonement; if he stole what was his father's and slaughtered it or sold it, and afterward his father died; if he stole it and slaughtered it and then he dedicated it to the Temple he must make fourfold or fivefold restitution. If he stole it and then killed it for use in healing, or for food for dogs; or if he slaughtered it and it was found to be terefah, or if he slaughtered it in the Temple Court *intending to eat it* as common food, he must make fourfold or fivefold restitution. In these last two cases Rabbi Shimon exempts.

³ גִּנְבַּעַל פִּי שְׁנַיִם וְטָבַח וּמָכַר עַל פִּיהֶם, וְנִמְצְאוּ
 זֹמְמִין, מְשַׁלְּמִין הַכֹּל. גִּנְבַּעַל פִּי שְׁנַיִם וְטָבַח
 וּמָכַר עַל פִּי שְׁנַיִם אֲחֵרִים, אֵלּוּ וְאֵלּוּ נִמְצְאוּ
 זֹמְמִין, הָרֵאשׁוֹנִים מְשַׁלְּמִים תַּשְׁלוּמֵי כֶּפֶל,
 וְהָאֲחֵרֹנִים מְשַׁלְּמִין תַּשְׁלוּמֵי שְׁלֹשָׁה. נִמְצְאוּ
 אֲחֵרֹנִים זֹמְמִין, הוּא מְשַׁלֵּם תַּשְׁלוּמֵי כֶּפֶל,
 וְהֵן מְשַׁלְּמִין תַּשְׁלוּמֵי שְׁלֹשָׁה. אֶחָד מִן
 הָאֲחֵרֹנִים זֹמֵם, בָּטְלָה עֵדוּת שְׁנִיָּה. אֶחָד מִן
 הָרֵאשׁוֹנִים זֹמֵם, בָּטְלָה כָּל הָעֵדוּת, שָׂאֵם אֵין
 גְּנִיבָה אֵין טְבִיחָה וְאֵין מְכִירָה:

If a man stole *an ox or a sheep* according to the evidence of two witnesses, and killed or sold it according to their evidence, and they are found to be false witnesses, they must pay the whole penalty. If he stole it according to the evidence of two witnesses, and killed it or sold it according to the evidence of two others, and both pairs are found to be false witnesses, the first pay twofold restitution and the last pay threefold restitution. If the second *only* were found to be false witnesses, the thief must make twofold restitution and they threefold restitution. If one of the second set of witnesses was found to be a false witness, the evidence of the other is void. If one of the first set of witnesses was found to be a false witness, the entire evidence is void, since if there is no evidence for stealing there is no evidence for slaughtering or selling.

דָּ וְגַב עַל פִּי שְׁנַיִם, וְטָבַח וּמָכַר עַל פִּי עֵד אֶחָד,
 אוֹ עַל פִּי עֶצְמוֹ, מִשְׁלָם תַּשְׁלוּמֵי כֶּפֶל, וְאִינוֹ
 מִשְׁלָם תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה. וְגַב וְטָבַח
 בַּשַּׁבָּת, וְגַב וְטָבַח לַעֲבוּדָה זָרָה, וְגַב מִשְׁלָם
 אָבִיו, וּמֵת אָבִיו, וְאַחֵר כֶּךָ טָבַח וּמָכַר, וְגַב
 וְהִקְדִּישׁ וְאַחֵר כֶּךָ טָבַח וּמָכַר, מִשְׁלָם תַּשְׁלוּמֵי
 כֶּפֶל וְאִינוֹ מִשְׁלָם תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה.
 רַבִּי שִׁמְעוֹן אוֹמֵר, קִדְּשִׁים שְׁחִיב בְּאַחֲרֵי־וֹתָם,
 מִשְׁלָם תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה. שְׂאִין חֵיב
 בְּאַחֲרֵי־וֹתָם, פָּטוּר:

If he stole *an ox or a sheep* according to the evidence of two witnesses, and slaughtered it or sold it according to the evidence of one witness or according to his own evidence, he makes twofold restitution, but not fourfold or fivefold restitution. If he stole *an ox or a sheep* and slaughtered it on the Sabbath, or stole it and slaughtered it for idolatrous use, or stole what was his father's and his father died, and he afterward slaughtered or sold it, or if he stole it and then dedicated it, and afterward slaughtered it or sold it, he makes twofold restitution but not fourfold or fivefold restitution. Rabbi Shimon says: "If they were Holy Things which must be replaced *if damaged or lost* he must make fourfold or fivefold restitution; but if they were Holy Things which need not be replaced, he is exempt." 1. If a man stole *an ox or a sheep* and sold it on the Sabbath, 2. or stole it and sold it for idolatrous use 3. or stole it and slaughtered it on the Day of Atonement; 4. if he stole what was his father's and slaughtered it or sold it, and afterward his father died; 5. if he stole it and slaughtered it and then he dedicated it to the Temple 6. he must make fourfold or fivefold restitution. 1. If he stole *an ox or a sheep* and slaughtered it on the

Sabbath, 2. or stole it and slaughtered it for idolatrous use, 4. or stole what was his father's and his father died, and he afterward slaughtered or sold it, 5. or if he stole it and then dedicated it, and afterward slaughtered it or sold it, 6. he makes twofold restitution but not fourfold or fivefold restitution. In the cases mentioned in mishnah two the person is liable for fourfold and fivefold restitution and in mishnah four he is not. Using the line by line comparison we should be able to see why the law is different in each individual case. In case 1, if the person slaughtered the ox or sheep on the Sabbath he is obligated for the death penalty. Since one can only receive one punishment per crime, he is not fined additionally for having slaughtered the animal. If, however, he had only sold the animal, he would not be obligated for the death penalty and therefore he would owe the fine. The same is true for case 3. Selling an animal for idolatrous use is not a crime for which one would receive the death penalty, and therefore he is obligated for the fine. On the other hand, slaughtering for idolatrous use is a capital crime and therefore he receives a death penalty and not a fine. We learn in case 4 that if he stole his father's animal and did not slaughter or sell it until after he dies he is not obligated for fourfold or fivefold restitution. Since at the time of the slaughtering or selling part of the animal was his as an inheritance he is not obligated. *We will see a similar law in the next mishnah.* If, however, he had sold or slaughtered the animal before the death of his father, he would be obligated. Similarly in case 5 if he sold and slaughtered the animal after having dedicated it, he is selling or slaughtering an animal that is no longer really belongs to him. He is therefore not obligated for the fine. If, however, he slaughtered or sold the animal and then dedicated it, he will be obligated for the fine. Rabbi Shimon makes a clarification on this last law. The "Holy Things" to which he refers are animals dedicated to the Temple. There are two types of such dedications. If the owner says that "this animal is dedicated", then he must bring this animal. If the animal gets lost or dies the owner is not obligated to bring another animal in its place. In such a case, if a thief should steal and slaughter or sell the animal he is not obligated for fourfold or fivefold restitution. If, however, the owner dedicated the animal by saying "I dedicate an animal", then he if the original animal is lost he must bring another. In such a case if the thief should slaughter or sell the animal he will be obligated for fourfold or fivefold restitution. *This last law is difficult and is explained in other ways as well.*

⁵ הַמָּכֹר חוּץ מֵאַחַד מִמֶּאָה שָׁבוּ, אוֹ שֶׁהִיתָה לוֹ בּוֹ
 שְׁתַּפּוּת, הַשּׁוֹחֵט וְנִתְנֶבֶלָה בְּיָדוֹ, הַנוֹחֵר,
 וְהַמַּעֲקָר, מִשְׁלָם תַּשְׁלוּמֵי כֶּפֶל וְאִינוֹ מִשְׁלָם
 תַּשְׁלוּמֵי אַרְבָּעָה וַחֲמִשָּׁה. גָּנֵב בְּרֵשׁוֹת הַבְּעָלִים
 וְטָבַח וּמָכַר חוּץ מִרְשׁוֹתָם, אוֹ שֶׁגָּנֵב חוּץ
 מִרְשׁוֹתָם וְטָבַח וּמָכַר בְּרֵשׁוֹתָם, אוֹ שֶׁגָּנֵב וְטָבַח
 וּמָכַר חוּץ מִרְשׁוֹתָם, מִשְׁלָם תַּשְׁלוּמֵי אַרְבָּעָה
 וַחֲמִשָּׁה. אֲבָל גָּנֵב וְטָבַח וּמָכַר בְּרֵשׁוֹתָם,
 פֶּטוּר:

If he sold it all but a hundredth part, or if he had *already* a share in it, or if
 slaughtered it and it became unfit *to eat* by his own hand, or if he pierced the
 windpipe or rooted out its gullet, he makes twofold restitution but not
 fourfold or fivefold restitution. If he stole it in the owner's domain, but
 slaughtered it or sold it outside the owner's domain, or if he stole it outside the
 owner's domain and slaughtered or sold it within the owner's domain; or if he
 stole it and slaughtered or sold it outside the owner's domain, he must make
 fourfold or fivefold restitution. But if he stole it and slaughtered or sold it
 within the owner's domain, he is exempt.

י הָיָה מוֹשְׁכוֹ וְיוֹצֵא, וּמֵת בְּרִשּׁוֹת הַבְּעָלִים,
 פָּטוֹר. הַגִּבִּיהוּ אוֹ שֶׁהוֹצִיאוֹ מִרִּשּׁוֹת הַבְּעָלִים,
 וּמֵת, חַיֵּב. נִתְּנוּ לְבָכוֹרוֹת בְּנוֹ אוֹ לְבַעַל חוּבוֹ,
 לְשׁוֹמֵר חֲנָם, וּלְשׂוֹאֵל, לְנוֹשֵׂא שָׂכָר, וּלְשׂוֹכֵר,
 וְהָיָה מוֹשְׁכוֹ, וּמֵת בְּרִשּׁוֹת הַבְּעָלִים, פָּטוֹר.
 הַגִּבִּיהוּ אוֹ שֶׁהוֹצִיאוֹ מִרִּשּׁוֹת הַבְּעָלִים, וּמֵת,
 חַיֵּב:

If while he was dragging *a sheep or ox* out it died in the owner's domain, he is exempt. But if he had lifted it or taken it out of the owner's domain and it died, he is liable. If he brought it as the firstborn offering for his son, or gave it to his creditor, or to an unpaid guardian, or to a borrower, or to a paid guardian, or to a hirer, and one of them was dragging it away and it died in the owner's domain, he is exempt. If *one of them* had lifted it up or taken it outside the owner's domain, he is liable.

אֵין מִגְדָּלִין בְּהֵמָה דַּקָּה בְּאֶרֶץ יִשְׂרָאֵל, אֲבָל
 מִגְדָּלִין בְּסוּרְיָא, וּבַמִּדְבָּרוֹת שְׂבַאֲרֶץ יִשְׂרָאֵל.
 אֵין מִגְדָּלִין תְּרַנְגוּלִים בִּירוּשָׁלַיִם, מִפְּנֵי
 הַקִּדְּשִׁים, וְלֹא כְהֲנִים בְּאֶרֶץ יִשְׂרָאֵל, מִפְּנֵי
 הַטְּהָרוֹת. אֵין מִגְדָּלִין חֲזִירִים בְּכָל מָקוֹם. לֹא
 יִגְדֵּל אָדָם אֶת הַכֶּלֶב, אֲלָא אִם כֵּן הָיָה קָשׁוּר
 בְּשִׁלְשֻׁלָּת. אֵין פּוֹרְסִין נְשָׁבִים לַיּוֹנִים. אֲלָא אִם
 כֵּן הָיָה רְחוֹק מִן הַיִּשּׁוּב שְׁלֹשִׁים רִיס:

It is forbidden to rear small herd animals in the Land of Israel, but it is permitted to rear them in Syria or in the wildernesses of the Land of Israel. It is forbidden to rear fowls in Jerusalem because of the "Holy Things", nor may priests rear them *anywhere* in the Land of Israel because of *the laws concerning* clean foods. It is forbidden to rear pigs anywhere. One should not rear a dog unless it is tied with a chain. It is forbidden to set snares for pigeons unless it be thirty ris from an inhabited place.

ח

8 הַחוּבֵל בַּחֲבֵרוֹ חַיֵּב עָלָיו מִשּׁוּם חֲמִשָּׁה
 דְּבָרִים, בְּנִזֵּק, בְּצַעַר, בְּרַפּוּי, בְּשִׁבְתָּ, וּבְבִשָּׁת.
 בְּנִזֵּק כִּי צָד. סָמָא אֶת עֵינוֹ, קָטַע אֶת יָדוֹ, שָׁבַר
 אֶת רִגְלוֹ, רוֹאִין אוֹתוֹ כְּאִלוֹ הוּא עֶבֶד נִמְכָּר
 בַּשּׁוּק וְשָׁמַיִן כִּמָּה הָיָה יָפָה וְכִמָּה הוּא יָפָה.
 צַעַר, כְּוָאוֹ בְּשִׁפּוּד אוֹ בְּמִסְמָר, וְאַפְלוֹ עַל
 צַפְרָנוֹ, מְקוֹם שְׂאִינוֹ עוֹשֶׂה חֲבוּרָה, אוֹמְדִין
 כִּמָּה אָדָם כִּיּוֹצֵא בָּזָה רוֹצֵה לְטַל לְהִיּוֹת
 מִצַּטָּעַר כֶּךָ. רַפּוּי, הִכָּהוּ חַיֵּב לְרַפְּאוֹתוֹ. עָלוֹ
 בּוֹ צִמְחִים, אִם מִחֲמַת הַמַּכָּה, חַיֵּב. שְׁלֹא
 מִחֲמַת הַמַּכָּה, פָּטוּר. חִיתָה וְנִסְתָּרָה, חִיתָה
 וְנִסְתָּרָה, חַיֵּב לְרַפְּאוֹתוֹ. חִיתָה כָּל צָרָכָה, אֵינוֹ
 חַיֵּב לְרַפְּאוֹתוֹ. שִׁבְתָּ, רוֹאִין אוֹתוֹ כְּאִלוֹ הוּא
 שׁוֹמֵר קְשׁוּאִין, שְׁכָבָר נָתַן לוֹ דָּמֵי יָדוֹ וְדָמֵי
 רִגְלוֹ. בִּשָּׁת, הַכֹּל לְפִי הַמְּבִישׁ וְהַמְּתַבֵּישׁ.
 הַמְּבִישׁ אֶת הָעָרָם, הַמְּבִישׁ אֶת הַסּוּמָא,
 וְהַמְּבִישׁ אֶת הַיָּשׁוּן, חַיֵּב. וַיָּשׁוּן שְׁבִישׁ, פָּטוּר.
 נָפַל מִן הַגֵּג, וְהִזִּיק וּבִישׁ, חַיֵּב עַל הַנִּזֵּק וּפָטוּר

עַל הַבִּשְׁת, שֶׁנֶּאֱמַר דְּבָרִים כֵּה וְשִׁלְחָה יָדָהּ וְהִחֲזִיקָה בַּמִּבְשִׁיו, אֵינוֹ חַיָּב עַל הַבִּשְׁת עַד שִׂיָּהָ מִתְכַּוֵּן:

He who wounds his fellow is liable to compensate him on five counts: for injury, for pain, for healing, for loss of income and for indignity. ‘For injury’: How so? If he blinded his fellow’s eye, cut off his hand or broke his foot, *his fellow* is looked upon as if he was a slave to be sold in the market and they assess how much he was worth and how much he is worth. ‘For pain’? If he burned him with a spit or a nail, even though it was on his fingernail, a place where it leaves no wound, they estimate how much money such a man would be willing to take to suffer so. ‘Healing’? If he struck him he is liable to pay the cost of his healing. If sores arise on him on account of the blow, he is liable *for the cost of their healing*. If not on account of the blow, he is not liable. If the wound healed and then opened and healed and then opened, he is liable for the cost of the healing. If it healed completely, he is no longer liable to pay the cost of the healing. ‘Loss of income’: He is looked upon as a watchman of a cucumber field, since he already gave him compensation for the loss of his hand or foot. ‘Indignity’: All is according to the status of the one that inflicts indignity and the status of the one that suffers indignity. If a man inflicted indignity on a naked man, or a blind man, or a sleeping man, he is *still* liable. If a sleeping man inflicted indignity, he is exempt. If a man fell from the roof and caused injury and inflicted indignity, he is liable for the injury but not for the indignity, as it says, “And she puts forth her hand and grabs him by the private parts”, a man is liable only when he intended *to inflict indignity*.

2 ב זֶה חֹמֶר בְּאָדָם מִבְּשׂוֹר, שֶׁהָאָדָם מְשַׁלֵּם נֹזֶק,
 צֶעַר, רַפּוּי, שְׁבִית, וּבִשְׁת, וּמְשַׁלֵּם דָּמִי וְלָדוֹת,
 וְשׂוֹר אֵינוֹ מְשַׁלֵּם אֶלָּא נֹזֶק, וּפְטוֹר מִדָּמִי
 וְלָדוֹת:

The law is more strict in the case of a man than in the case of an ox: for a man must pay for injury, pain, medical costs, loss of income and indignity, and make restitution for the value of the young; whereas the ox pays only for injury and is not liable for the value of the young.

3 ג הַמֶּכָּה אֶת אָבִיו וְאֶת אִמּוֹ וְלֹא עָשָׂה בָהֶם
 חֲבוּרָה, וְחוּבֵל בַּחֲבֵרוֹ בְּיוֹם הַכִּפּוּרִים, חַיֵּב
 בְּכָלֶן. הַחוּבֵל בַּעֲבָד עִבְרִי, חַיֵּב בְּכָלֶן חוּץ מִן
 הַשְּׁבִית, בְּזִמָּן שֶׁהוּא שָׁלוֹ. הַחוּבֵל בַּעֲבָד כְּנַעֲנִי
 שֶׁל אֲחֵרִים, חַיֵּב בְּכָלֶן. רַבִּי יְהוּדָה אוֹמֵר, אֵין
 לַעֲבָדִים בִּשְׁת:

If a man struck his father or his mother and inflicted no wound, or if he wounded his fellow on Yom Kippur, he is liable for all five counts. If he wounded a Hebrew slave, he is liable on all five counts, except loss of income if it was his slave. If he wounded a Canaanite slave *non-Jewish slave* he is liable on all five counts. Rabbi Judah says: "Slaves do not receive compensation for indignity."

ד 4 חֵרֶשׁ, שׁוֹטֵה וְקֵטָן, פְּגִיעָתָן רָעָה. הַחֹבֵל בָּהֶן חַיִּב, וְהֵם שְׁחָבְלוּ בְּאַחֲרֵים פְּטוּרִין. הָעֶבֶד וְהָאִשָּׁה, פְּגִיעָתָן רָעָה. הַחֹבֵל בָּהֶן חַיִּב, וְהֵם שְׁחָבְלוּ בְּאַחֲרֵים, פְּטוּרִין, אֲבָל מִשְׁלָמִין לְאַחֵר זְמָן. נִתְנָה רְשָׁה הָאִשָּׁה, נִשְׁתַּחֲרַר הָעֶבֶד, חַיִּבִּין לְשִׁלָּם:

It is losing proposition to meet up with a deaf-mute, an idiot or a minor: he that injures them is obligated; and they that injure others are exempt. It is a losing proposition to meet up with a slave or *married* woman; he that injures them is obligated; and they that injure others are exempt. However, they pay after some time; if the woman was divorced or the slave freed they are liable for restitution.

ה 5 הַמֶּכָּה אָבִיו וְאִמּוֹ וְעָשָׂה בָּהֶן חֲבוּרָה, וְהַחֹבֵל בַּחֲבֵירוֹ בַּשַּׁבָּת, פְּטוּר מִכֶּלֶן, מִפְּנֵי שֶׁהוּא נִדּוּן בְּנַפְשׁוֹ. וְהַחֹבֵל בְּעֶבֶד כְּנַעֲנִי שְׁלֹו, פְּטוּר מִכֶּלֶן:

If a man struck his father or mother and left a wound, or if he wounded his fellow on the Sabbath, he is not liable for any of the *five* counts because he is liable for his life. If a man wounded his Canaanite *non-Jewish* slave he is not liable on any of the five counts.

1 הַתּוֹקֵעַ לַחֲבֵרוֹ, נוֹתֵן לוֹ סֶלַע. רַבִּי יְהוּדָה
 אוֹמֵר מִשּׁוּם רַבִּי יוֹסִי הַגָּלִילִי, מָנָה. סָטְרוֹ,
 נוֹתֵן לוֹ מָאתַיִם זִזִּי. לְאַחַר יָדוֹ, נוֹתֵן לוֹ אַרְבַּע
 מֵאוֹת זִזִּי. צָרָם בְּאֶזְנוֹ, תָּלַשׁ בְּשַׁעְרוֹ, רָקַק
 וְהִגִּיעַ בּוֹ רֶקֶן, הִעֲבִיר טְלִיתוֹ מִמֶּנּוּ, פָּרַע רֹאשׁ
 הָאִשָּׁה בְּשׁוֹק, נוֹתֵן אַרְבַּע מֵאוֹת זִזִּי. זֶה הַכֹּלֵל
 הַכֹּל לְפִי כְבוֹדוֹ. אָמַר רַבִּי עֲקִיבָא, אֲפִילוּ
 עֲנִיִּים שְׁבִישְׁרָאֵל, רוֹאִין אוֹתָם כְּאֵלוֹ הֵם בְּנֵי
 חוֹרִין שִׁיָּרְדוּ מִנְּכֻסֵיהֶם, שֵׁהֶם בְּנֵי אַבְרָהָם,
 יִצְחָק וְיַעֲקֹב. וּמַעֲשֶׂה בְּאַחַד שְׁפָרַע רֹאשׁ
 הָאִשָּׁה בְּשׁוֹק, בָּאת לִפְנֵי רַבִּי עֲקִיבָא, וְחִיְבוּ
 לָתֵן לָהּ אַרְבַּע מֵאוֹת זִזִּי. אָמַר לוֹ רַבִּי, תֵּן לִי
 זֶמֶן. וְנָתַן לוֹ זֶמֶן. שְׁמָרָה עוֹמֶדֶת עַל פֶּתַח
 חֲצֵרָה וְשָׁבַר אֶת הַכֹּד בְּפָנֶיהָ, וּבּוֹ כָּאֶסֶר שֶׁמֶן.
 גָּלְתָה אֶת רֹאשָׁהּ, וְהִיתָה מְטַפַּחַת וּמִנַּחַת יָדָהּ
 עַל רֹאשָׁהּ. הִעֲמִיד עָלֶיהָ עֵדִים, וּבָא לִפְנֵי רַבִּי
 עֲקִיבָא. אָמַר לוֹ, רַבִּי, לָזוֹ אֲנִי נוֹתֵן אַרְבַּע
 מֵאוֹת זִזִּי. אָמַר לוֹ, לֹא אֶמְרָתָ כָּלוּם. הַחֹבֵל

בְּעֵצְמוֹ, אֶף עַל פִּי שְׂאִינוֹ רֵשָׁאִי, פְּטוֹר. אַחֲרִים
שְׁחָבְלוּ בוֹ, חִיבִין. וְהַקּוֹצֵץ נְטִיעוֹתָיו, אֶף עַל
פִּי שְׂאִינוֹ רֵשָׁאִי, פְּטוֹר. אַחֲרִים שְׁקָצְצוּ אֶת
נְטִיעוֹתָיו, חִיבִים:

If a man boxed the ear of his fellow, he must pay him a sela (four. Rabbi Judah says in the name of Rabbi Yose the Galilean: "A maneh (one hundred." If he slapped him he must pay 200 zuz. If with the back of his hand, he must pay him 400 zuz. If he tore at his ear, plucked out his hair, spat at him and his spit touched him, or pulled his cloak from off him, or loosed a woman's hair in the street, he must pay 400 zuz. This is the general rule: all is in accordance with the person's honor. Rabbi Akiva said: "Even the poor in Israel are regarded as free people who have lost their possessions, for they are the children of Abraham, Isaac and Jacob. It once happened that a man unloosed a woman's hair in the street and she came before Rabbi Akiva and he condemned him to pay her 400 zuz. He said, "Rabbi, give me time". And he gave him time. He caught her standing at the entrance to her courtyard, and he broke a jug of one issar's worth of oil in front of her. She unloosed her hair and scooped up the oil in her hand and laid her hand on her head. He had set up witnesses up against her and he came before Rabbi Akiva and said to him, "Rabbi, should I give one such as this 400 zuz?" He answered, "You have said nothing." If a man injures himself, even though he has no right to do so, is not liable. But others who injure him are liable. If a man cuts down his own saplings, even though he has no right to do so, is not liable. But, if others cut them down, they are liable.

אָף עַל פִּי שְׁהוּא נוֹתֵן לוֹ, אֵין נִמְחָל לוֹ עַד
 שְׂיִבְקֶשׁ מִמֶּנּוּ, שְׁנֵאָמַר בְּרֵאשִׁית כ וְעַתָּה הָשִׁב אִשְׁתִּי
 וְגו'. וּמִנֵּין שְׁלֹא יִהְיֶה הַמּוֹחֵל אַכְזָרִי, שְׁנֵאָמַר שֵׁם
 וַיִּתְפַּלֵּל אַבְרָהָם אֶל הָאֱלֹהִים וַיִּרְפָּא אֱלֹהִים
 אֶת אַבְיִמֶלֶךְ וְגו'. הָאוֹמֵר סָמָא אֶת עֵינַי, קָטַע
 אֶת יָדִי, שָׁבַר אֶת רִגְלִי, חִיָּב. עַל מְנַת לְפָטוֹר,
 חִיָּב. קָרַע אֶת כְּסוּתִי, שָׁבַר אֶת כַּדִּי, חִיָּב. עַל
 מְנַת לְפָטוֹר, פָּטוֹר. עָשָׂה כֵן לְאִישׁ פְּלוֹנִי, עַל
 מְנַת לְפָטוֹר, חִיָּב, בֵּין בְּגוּפוֹ בֵּין בְּמָמוֹנוֹ:

Even though a man pays *him that suffers the indignity*, he is not forgiven until he seeks *forgiveness* from him, for it says: "Therefore restore the man's wife... *and he shall pray for you*" *Genesis 20:7*. And from where do we learn that he who must forgive should not be cruel? As it says: "And Abraham prayed unto God and God healed Avimelech" *Genesis 20:17*. If a man said, "Blind my eye", or "Cut off my hand", or "Break my foot", he *that does so* is liable. *If he added* "On the condition that you will be exempt", he is still liable. *If he said* "Tear my garment", or "Break my jug", he that does so is liable. *If he added* "On the condition that you will be exempt", he is exempt. *If he said*, "Do so to so-and-so, on the condition that you will be exempt, he is liable, whether it was *an offense* against his person or his property.

הַגְזֹל עֲצִים, וַעֲשָׂאן כְּלִים, צִמָּר, וַעֲשָׂאן
 בְּגָדִים, מִשְׁלֵם כְּשַׁעַת הַגְזָלָהּ. גֹּזֵל פָּרָה
 מֵעֶבְרָתָהּ, וַיֵּלְדָהּ, רָחֵל טְעוּנָה, וַגִּזָּזָהּ, מִשְׁלֵם
 דָּמֵי פָרָה הָעוֹמֶדֶת לֵילָד, דָּמֵי רָחֵל הָעוֹמֶדֶת
 לִגְזֹז. גֹּזֵל פָּרָה, וְנִתְעַבְּרָה אֶצְלוֹ וַיֵּלְדָהּ, רָחֵל,
 וְנִטְעָנָה אֶצְלוֹ וַגִּזָּזָהּ, מִשְׁלֵם כְּשַׁעַת הַגְזָלָהּ. זֶה
 הַכֹּל, כָּל הַגְזָלָנִים מִשְׁלֵמִין כְּשַׁעַת הַגְזָלָהּ:

If a man stole wood and made it into utensils, or wood and made it into garments, he makes restitution according to *the value of the stolen object* at the moment of theft. If he stole a pregnant cow and it gave birth, or a sheep ready to be sheared, and he then sheared it, he repays the value of a cow about to bear young, or a sheep ready to be sheared. If he stole a cow, and while it was with him it was impregnated and bore young, or *if he stole a sheep* and while it was with him it grew wool and he sheared it, he makes restitution according to *the value of the stolen object* at the moment of theft. This is the general rule: all robbers make restitution according to *the value of the stolen object* at the moment of theft.

ב גִּזְלַת בְּהֵמָה וְהִזְקִינָה, עֲבָדִים וְהִזְקִינוּ, מִשְׁלָם
 כְּשַׁעַת הַגִּזְלָה. רַבִּי מֵאִיר אֹמֵר, בְּעֲבָדִים
 אֹמֵר לוֹ, הֲרִי שְׁלָךְ לְפָנֶיךָ. גִּזְלַת מִטְבֵּעַ וְנִסְדֵּק,
 פָּרוֹת וְהִרְקִיבוּ, יֵין וְהִחְמִיץ, מִשְׁלָם כְּשַׁעַת
 הַגִּזְלָה. מִטְבֵּעַ וְנִפְסָל, תְּרוּמָה וְנִטְמָאתָ, חֶמֶץ
 וְעֶבֶר עָלָיו הַפֶּסַח, בְּהֵמָה וְנִעְבְּדָה בָּהּ עֲבָרָה,
 אוֹ שְׁנִפְסָלָה מֵעַל גִּבִּי הַמְּזִבָּח, אוֹ שִׁחֲתָהּ
 יוֹצֵאת לְסָקֵל, אֹמֵר לוֹ, הֲרִי שְׁלָךְ לְפָנֶיךָ:

If he stole a beast and it grew old, or slaves and they grew old, he makes restitution according to *their value at* the moment of the theft. Rabbi Meir says: "As for slaves the thief may say to the owner, 'Here is what is yours before you.'" If he stole a coin and it cracked, fruit and it rotted, wine and it turned into vinegar, he must make restitution according to *the value* at the moment of the theft. But if he stole a coin and it went out of use, or "Heave offering" *terumah* and it became ritually unclean, or leaven and the time of Passover arrived, or a beast and it was used for a transgression, or became unfit to be offered or it was condemned to be stoned, he may say to the other, "Here is what is yours before you."

גַּתָּן לְאַמְנִין לְתַקֵּן, וְקִלְקְלוּ, חַיִּבִּין לְשִׁלֵּם. נָתַן
 לְחֹרֵשׁ שָׂדֶה, תֵּבָה וּמִגְדָּל לְתַקֵּן, וְקִלְקַל, חַיִּב
 לְשִׁלֵּם. וְהַבַּנָּאִי שֶׁקִּבֵּל עָלָיו לְסֹתֵר אֶת הַכֶּתֶל,
 וְשִׁבֵּר אֶת הָאֲבָנִים אוֹ שֶׁהִזִּיק, חַיִּב לְשִׁלֵּם. הִיָּה
 סוֹתֵר מִצַּד זֶה וְנָפַל מִצַּד אֲחֵר, פָּטוּר. וְאִם
 מִחֲמַת הַמַּכָּה, חַיִּב:

If he gave *something* to craftsmen to repair, and they ruined it, they must make restitution. If he gave a carpenter a box, chest or cupboard to repair, and he ruined it, he must make restitution. If a builder undertook to pull down a wall, and he broke the stones or caused damage, he must make restitution. If he was pulling down at the one end and it fell down on the other, he is exempt; However, if it fell due to the blow, he is liable.

ד' הַנוֹתֵן צֶמֶר לְצָבֵעַ, וְהַקֹּדִיחָתוֹ יוֹרָה, נוֹתֵן לוֹ
 דָּמִי צֶמֶרוֹ. צָבֵעוֹ כְּאוֹר, אִם הַשֶּׁבַח יוֹתֵר עַל
 הַיְצִיאוֹת, נוֹתֵן לוֹ אֶת הַיְצִיאוֹת, וְאִם הַיְצִיאוֹת
 יוֹתֵר עַל הַשֶּׁבַח, נוֹתֵן לוֹ אֶת הַשֶּׁבַח. לְצָבֵעַ
 לוֹ אָדָם, וְצָבֵעוֹ שָׁחַר, שָׁחַר, וְצָבֵעוֹ אָדָם, רַבִּי
 מֵאִיר אוֹמֵר, נוֹתֵן לוֹ דָּמִי צֶמֶרוֹ. רַבִּי יְהוּדָה
 אוֹמֵר, אִם הַשֶּׁבַח יוֹתֵר עַל הַיְצִיאוֹת, נוֹתֵן לוֹ אֶת
 הַיְצִיאוֹת, וְאִם הַיְצִיאוֹת יוֹתֵר עַל הַשֶּׁבַח, נוֹתֵן
 לוֹ אֶת הַשֶּׁבַח:

If a man gave wool to a dyer and the cauldron burned it, he must repay him the value of the wool. If he dyed it badly: if the improvement was worth more than the cost of the dying, he must pay him the cost of the dying; if the cost of the dying was worth more than the improvement, he must pay only *the value of the improvement*. If he told him to dye it red and he dyed it black; black and he dyed it red: Rabbi Meir says: "*The dyer* must pay the cost of the wool." Rabbi Judah says: "If the improvement was worth more than the cost of the dying, he must pay him the cost of the dying; if the cost of the dying was worth more than the improvement, he must pay only *the value of the improvement*.

ה
5 הַגּוֹזֵל אֶת חֲבֵרוֹ שְׁוֵה פְּרוּטָה, וְנִשְׁבַּע לוֹ, יוֹלִיכֵנוּ אַחֲרָיו אֲפָלוּ לְמָדִי. לֹא יִתֵּן לֹא לְבִנוֹ וְלֹא לְשָׁלוּחוֹ, אֲבָל נוֹתֵן לְשִׁלִּיחַ בֵּית דִּין. וְאִם מֵת, יַחְזִיר לְיֹרְשָׁיו:

If a man robbed his fellow of the value of a perutah and swore *falsely* to him, he must take it to him even as far as Medea. He may not give it to his son or to his agent, but he may give it to the agent of the court. If his fellow had died he must return it to his heirs.

ו
6 נָתַן לוֹ אֶת הַקֶּרֶן וְלֹא נָתַן לוֹ אֶת הַחֲמִשָּׁה, מָחֹל לוֹ עַל הַקֶּרֶן וְלֹא מָחֹל לוֹ עַל הַחֲמִשָּׁה, מָחֹל לוֹ עַל זֶה וְעַל זֶה חוּץ מִפְּחוֹת מִשְׁוֵה פְּרוּטָה בִּקְרָן, אֵינוֹ צָרִיךְ לִילֹךְ אַחֲרָיו. נָתַן לוֹ אֶת הַחֲמִשָּׁה וְלֹא נָתַן לוֹ אֶת הַקֶּרֶן, מָחֹל לוֹ עַל הַחֲמִשָּׁה וְלֹא מָחֹל לוֹ עַל הַקֶּרֶן, מָחֹל לוֹ עַל זֶה וְעַל זֶה חוּץ מִשְׁוֵה פְּרוּטָה בִּקְרָן, צָרִיךְ לִילֹךְ אַחֲרָיו:

1. If he had repaid the value but had not paid the *added* fifth, or if he had forgiven him the value but not the *added* fifth, or if had forgiven him both except for less than a perutah's worth of the value, he need not go after him. 2. If he had repaid him the *added* fifth but not the value, or if he had forgiven him the *added* fifth but not the value, or if he had forgiven both except for a perutah's worth of the value, he must go after him.

7 נָתַן לוֹ אֶת הַקֶּרֶן וְנִשְׁבַּע לוֹ עַל הַחֲמִשָּׁה, הֲרִי זֶה
 מִשְׁלָם חֲמִשׁ עַל חֲמִשׁ, עַד שְׁתַּמְעֵט הַקֶּרֶן
 פְּחוֹת מִשְׁוֵה פְּרוּטָה. וְכֵן בְּפִקְדוֹן, שֶׁנֶּאֱמַר וַיִּקְרָא
 ה' בְּפִקְדוֹן אוֹ בַתְּשׁוּמַת יָד אוֹ בְּגִזְל אוֹ עַשְׂק אֶת
 עֲמִיתוֹ אוֹ מֵצָא אֶבְדָּה וְכִחֵשׁ בָּהּ וְנִשְׁבַּע עַל
 שָׁקֶר, הֲרִי זֶה מִשְׁלָם קֶרֶן וְחֲמִשׁ וְאֲשָׁם. הֵיכָן
 פִּקְדוֹנִי, אָמַר לוֹ אֶבֶד, מִשְׁבִּיעֶךָ אָנִי, וְאָמַר
 אָמֵן, וְהָעֵדִים מְעִידִים אוֹתוֹ שֶׁאֵכְלוֹ, מִשְׁלָם
 קֶרֶן. הוֹדָה מֵעֲצָמוֹ, מִשְׁלָם קֶרֶן וְחֲמִשׁ וְאֲשָׁם:

If he had paid him the value and had sworn *falsely* to him concerning the *added* fifth, he must pay a fifth on the fifth *and so on* until the value of the *added fifth* becomes less than a perutah's worth. So too with a deposit, as it says: "In a matter of deposit or a pledge or through robbery, or by defrauding his fellow, or by finding something lost and lying about it" (Leviticus 5:21-2, such a one must pay the value and the *added* fifth and bring a Guilt-offering. *If a man said*, "Where is my deposit?" and the other said, "It is lost," *if the one says*, "I adjure thee", and the other says, "Amen!", and witnesses testify against him that he consumed it, he need pay *only* the value. But if he confessed it of himself, he must repay the value and the *added* fifth and bring a Guilt-offering.

ח הִיכֵן פְּקֻדוֹנִי, אָמַר לוֹ נִגְנָב, מִשְׁבִּיעַךְ אָנִי,
וְאָמַר אָמֵן, וְהָעֵדִים מְעִידִין אוֹתוֹ שֶׁנִּגְבּוּ, מִשְׁלָם
תְּשֻׁלוֹמִי כָּפֹל. הוֹדָה מֵעַצְמוֹ, מִשְׁלָם קֶרֶן
וְחֹמֶשׁ וְאָשָׁם:

If a man said, "Where is my deposit?" and the other said, "It is stolen," if the one says, "I adjure thee", and the other says, "Amen!", and witnesses testify against him that he stole it, he must make twofold restitution. But if he confessed it of himself, he must repay the value and the added fifth and bring a Guilt-offering.

ט הַנּוֹזֵל אֶת אָבִיו, וְנִשְׁבַּע לוֹ, וּמָת, הִרִי זֶה מִשְׁלָם
קֶרֶן וְחֹמֶשׁ לְבָנָיו אוֹ לְאֶחָיו. וְאִם אֵינוֹ רוֹצֶה, אוֹ
שֹׂאִין לוֹ, לֹא הָיָה וּבִעָלִי חוֹב בָּאִים וְנִפְרָעִים:

If a man stole from his father and swore falsely to him, and the father died, he must repay the value and the added fifth to the father's sons or brothers. If he will not repay or if he does not have with which to repay he must borrow and the creditors come and are repaid.

הָאוֹמֵר לְבִנּוֹ, קוֹנָם אִי אֶתָּה נִהְיֶה מִשְׁלִי, אִם
 מֵת, יִירָשֶׁנּוּ. בְּחַיָּיו וּבְמוֹתוֹ, אִם מֵת, לֹא יִירָשֶׁנּוּ,
 וַיִּחְזֹר לְבָנָיו אוֹ לְאֶחָיו. וְאִם אֵין לוֹ, לָזֶה,
 וּבַעֲלֵי חוּב בָּאִים וְנִפְרָעִים:

If a man said to his son, “Qonam, you will not derive any benefit from that which is mine”, and he died, the son may inherit him. *But if he moreover said*, “Both during my life and at my death”, when he dies the son may not inherit from him and he must restore [what he received from his father’s inheritance] to the [father’s] sons or brothers. If he has nothing, he takes out a loan, and the creditors come and exact payment.

11 יא הַנוֹזֵל אֶת הַגֵּר וְנִשְׁבַּע לוֹ, וּמֵת, הָרִי זֶה מִשְׁלָם

קָרָן וְחֹמֶשׁ לַכֹּהֲנִים וְאִשָּׁם לַמִּזְבֵּחַ, שֶׁנֶּאֱמַר
במדבר ה וְאִם אֵין לָאִישׁ גֹּאֵל לְהָשִׁיב הָאִשָּׁם אֵלָיו,
הָאִשָּׁם הַמּוֹשָׁב לָהּ לַכֹּהֵן, מִלֶּבֶד אֵיל הַכִּפָּרִים
אֲשֶׁר יִכָּפֹר בּוֹ עָלָיו. הִיָּה מַעֲלָה אֶת הַכֹּסֶף
וְאֶת הָאִשָּׁם, וּמֵת, הַכֹּסֶף יִנָּתֵן לְבָנָיו, וְהָאִשָּׁם
יִרְעָה עַד שִׁסְתָּאב, וַיִּמָּכֶר וַיִּפְּלוּ דָמָיו לַנִּדְבָה:

If a man stole from a convert and swore *falsely* to him, and the convert died, he must repay the value and the added fifth to the priests, and the Guilt-offering to the altar, as it says: "If the man has no kinsman to whom restitution can be made, the amount which is repaid shall go to the priest in addition to the ram of atonement, whereby atonement shall be made for him" *Numbers 5:8*. If he brought the money and the Guilt-offering and then died, the money shall be given to his sons, and the Guilt-offering shall be left to pasture until it suffers a blemish, when it shall be sold, and its value falls to the Temple treasury.

יב נָתַן הַכֹּסֶף לְאֲנָשֵׁי מִשְׁמֶרֶת, וּמֵת, אֵין הַיּוֹרְשִׁים
 יְכוּלִין לְהוֹצִיא מִיָּדָם, שֶׁנֶּאֱמַר שֵׁם אִישׁ אֲשֶׁר
 יִתֵּן לִכְהֵן לוֹ יִהְיֶה. נָתַן הַכֹּסֶף לַיהוֹיָרִיב
 וְאֲשֶׁם לַיִּדְעָיָה, יָצָא. אֲשֶׁם לַיהוֹיָרִיב וְכֹסֶף
 לַיִּדְעָיָה, אִם קָיָם הָאֲשֶׁם, יִקְרִיבוּהוּ בְּנֵי יִדְעָיָה,
 וְאִם לֹא, יִחְזִיר וַיָּבִיֵא אֲשֶׁם אַחֵר, שֶׁהֵמְבִיא גִּזְלוֹ
 עַד שֶׁלֹּא הֵבִיֵא אֲשָׁמוֹ, יָצָא. הֵבִיֵא אֲשָׁמוֹ עַד
 שֶׁלֹּא הֵבִיֵא גִּזְלוֹ, לֹא יָצָא. נָתַן אֶת הַקֶּרֶן וְלֹא
 נָתַן אֶת הַחֲמִשׁ, אֵין הַחֲמִשׁ מַעֲכָב:

If he *who had stolen from the convert* gave the money to the men of the priestly watch and then died, his inheritors cannot recover it from their *the priests* hands, as it says, "Whatsoever a man gives to a priest shall be his" *Numbers 5:10*. If he gave the money to Yehoyariv, and the Guilt-offering to Yedayah, he has fulfilled his obligation. If he gave the Guilt-offering to Yehoyariv and the money to Yedayah: if the Guilt-offering still remains, the sons of Yedayah shall offer it; otherwise, he must bring another Guilt-offering. For if a man brought what he had stolen before he offered his Guilt-offering, he has fulfilled his obligation. But if he brought his Guilt-offering before he brought what he had stolen, he has not yet fulfilled his obligation. If he gave the value but not the *added fifth*, the *added fifth* does not prevent *him from offering the Guilt-offering*.

א הַגּוֹזֵל וּמֵאֲכִיל אֶת בְּנָיו, וְהַנִּיחַ לְפָנֵיהֶם,
 פְּטוּרִין מִלְּשָׁלִם. וְאִם הָיָה דָּבָר שֶׁיֵּשׁ בּוֹ
 אַחֲרֵיוֹת, חֵיבִין לְשָׁלִם. אֵין פּוֹרְטִין לֹא מִתְּבַת
 הַמוֹכְסִין, וְלֹא מִכֵּיס שֶׁל גַּבָּאִין, וְאֵין נוֹטְלִין
 מֵהֶם צְדָקָה. אֲבָל נוֹטֵל הוּא מִתּוֹךְ בֵּיתוֹ אוֹ מִן
 הַשּׁוּק:

If a man stole *something* and fed it to his children, or if he left it in front of them, they are exempt from making restitution. But if it was something which is subject to mortgage *that is, real estate*, they are liable to make restitution. One may not make change from the chest of an excise collector or from the wallet of tax collectors, or take any charity from them. But it may be taken from them at their own house or in the market.

ב נָטְלוּ מִזִּכְרֵי אֶת הַמִּזְבֵּחַ לֹא חֲמוּר אַחֵר,
 נָטְלוּ לְסֻטִּים אֶת כְּסוּתוֹ וְנָתְנוּ לֹא כְסוּת אַחֶרֶת,
 הָרִי אֱלֹהֵי שָׁלוֹם, מִפְּנֵי שֶׁהִבְעֵלִים מִתִּיאֲשִׁין מֵהֵן.
 הַמִּצִּיל מִן הַנֶּהָר אוֹ מִן הַנֵּיִס אוֹ מִן הַלְסֻטִּים,
 אִם נִתְיאֲשׁוּ הִבְעֵלִים, הָרִי אֱלֹהֵי שָׁלוֹם. וְכֵן נֶחֱלִיל
 שֶׁל דְּבוּרִים, אִם נִתְיאֲשׁוּ הִבְעֵלִים, הָרִי אֱלֹהֵי
 שָׁלוֹם. אָמַר רַבִּי יוֹחָנָן בֶּן בְּרוּקָה, נֶאֱמַנָת אִשָּׁה
 אוֹ קָטָן לֹאמֹר, מִכָּאן יָצָא נֶחֱלִיל זֶה. וּמִהֲלָךְ
 בְּתוֹךְ שְׂדֵה חֲבֵירוֹ לְהַצִּיל אֶת נֶחֱלִילוֹ. וְאִם
 הִזִּיק, מִשְׁלֵם מַה שֶּׁהִזִּיק. אֲבָל לֹא יִקַּץ אֶת
 סוֹכּוֹ עַל מְנַת לִיתֵן אֶת הַדָּמִים. רַבִּי יִשְׁמַעֵאל
 בֶּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוּקָה אוֹמֵר, אֶף קוֹצֵץ
 וְנוֹתֵן אֶת הַדָּמִים:

If excise collectors took his donkey and gave him another donkey, or if bandits robbed a man of his coat and gave him another coat, they are his own, since the original owners gave up hope of recovering them. If a man saved something from a flood or from marauding troops or from bandits: if the owner gave up hope of recovering *the item*, it belongs to him. So too with a swarm of bees: if the owner gave up hope of recovering *the swarm*, it belongs to him. Rabbi Yochanan ben Baroka said: "A woman or child may be believed if they say, 'The swarm of bees went away from here.'" A man may go into his fellow's field to save his swarm and if he causes damage he must pay for the damage that he has caused; but he may not cut off a branch of the tree *to save*

his swarm even on condition that he pay its value. Rabbi Yishmael, the son of Rabbi Yochanan ben Baroka, says: “He may even cut off *the branch* and repay the value.”

3 הַמַּכִּיר כֻּלּוֹ וְסִפְּרֵיו בְּיַד אֲחֵר, וַיֵּצֵא לוֹ שֵׁם
וְנִבְּהָ בְּעִיר, יִשָּׁבַע לוֹ לֹקַח כַּמָּה נֹתֵן, וַיִּטַּל.
וְאִם לֹא, לֹא כָל הַיָּמָנוּ, שְׁאֲנִי אוֹמֵר מִכָּרָן
לְאַחֵר וּלְקָחָן זֶה הַיָּמָנוּ:

If a man recognized his utensils or books in another's hands and a report of theft had gone out in the town, the purchaser swears how much he paid and takes this price *from the owner and restores the goods*. But if *such a report had not gone out*, he *the original owner* does not have the power, for I might say that he had first sold them to another and this one bought it from him.

ד זֶה בָּא בְּחִבֵּיתוֹ שֶׁל יַיִן וְזֶה בָּא בְּכֵדוֹ שֶׁל דְּבִשׁ.⁴
 נִסְדָּקָה חֲבִית שֶׁל דְּבִשׁ, וְשָׁפַךְ זֶה אֶת יֵינוֹ
 וְהִצִּיל אֶת הַדְּבִשׁ לְתוֹכוֹ, אֵין לוֹ אֶלָּא שְׂכָרוֹ.
 וְאִם אָמַר, אֲצִיל אֶת שְׁלִיךְ וְאַתָּה נוֹתֵן לִי דְמֵי
 שְׁלִי, חַיֵּב לָתֵן לוֹ. שְׁטַף נָהָר חֲמֹורוֹ וַחֲמֹור
 חֲבֵרוֹ, שָׁלוּ יָפָה מָנָה וְשָׁל חֲבֵרוֹ מֵאֲתָיִם, הִנִּיחַ
 זֶה אֶת שָׁלוֹ וְהִצִּיל אֶת שֶׁל חֲבֵרוֹ, אֵין לוֹ אֶלָּא
 שְׂכָרוֹ. וְאִם אָמַר לוֹ, אָנִי אֲצִיל אֶת שְׁלִיךְ וְאַתָּה
 נוֹתֵן לִי אֶת שְׁלִי, חַיֵּב לָתֵן לוֹ:

If one came with his jar of wine and the other came with his jug of honey and the jug of honey cracked, and the other poured out his wine and saved the honey *by receiving it* into his jar, he can claim no more than his wages. But if he had said, "I will save what is yours and you will pay me the value of mine," *the owner of the honey* is liable to pay him back. If a flood swept away a man's donkey and his fellow's donkey, and his own was worth 100 *zuz* and his fellow's was worth 200 *zuz*, and he left his own and saved that of his fellow, he can claim no more than his wages. But if he had said, "I will save what is yours and you will pay me the value of mine," he is liable to pay him back.

ה' 5 הַגּוֹזֵל שָׂדֵה מִחֵבְרוֹ וְנִטְלוּהוּ מִסִּיקִין, אִם מִכַּת
מְדִינָה הִיא, אוֹמֵר לוֹ הָרִי שְׂלֶךְ לְפָנֶיךָ, וְאִם
מִחֲמַת הַנִּזְלָן, חֵיב לְהַעֲמִיד לוֹ שָׂדֵה אַחֶרֶת.
שְׁטָפָה נָהָר, אוֹמֵר לוֹ, הָרִי שְׂלֶךְ לְפָנֶיךָ:

If a man stole a field from his fellow and tyrants came and took it from him, if the whole district suffered, he may say to him, "Here, what is yours is in front of you." But if it was on account of the robber *that the tyrants took the field*, he must provide him with another field. If a flood swept away *the field*, he may say to him, "Here, what is yours is in front of you."

י' 6 הַגּוֹזֵל אֶת חֵבְרוֹ, אוֹ שְׂלָנָה הַיָּמֵנוּ, אוֹ שֶׁהִפְקִיד
לוֹ. בִּישׁוּב, לֹא יַחְזִיר לוֹ בַּמִּדְבָּר. עַל מִנָּת
לְצֵאת בַּמִּדְבָּר, יַחְזִיר לוֹ בַּמִּדְבָּר:

If a man stole something from his friend in an inhabited region or borrowed it or received it as a deposit, he may not return it to him in the wilderness. But if he *had borrowed it or received it* with the understanding that he was going out to the wilderness, he may return it to him in the wilderness.

י
הָאוֹמֵר לַחֲבֵרוֹ, גָּזַלְתִּיךָ, הִלֹּוֹיתִנִּי, הַפְּקֹדֶת
אֶצְלִי, וְאִינִי יוֹדֵעַ אִם הִחְזַרְתִּי לְךָ אִם לֹא
הִחְזַרְתִּי לְךָ, חַיִּב לְשֹׁלֵם. אֲבָל אִם אָמַר לוֹ,
אִינִי יוֹדֵעַ אִם גָּזַלְתִּיךָ, אִם הִלֹּוֹיתִנִּי, אִם
הַפְּקֹדֶת אֶצְלִי, פָּטוֹר מִלְּשֹׁלֵם:

If a man said to his fellow, “I robbed you”, or, “You lent me *something*”, or “You deposited *something* with me, but I do not know whether I returned it or not” he is obligated to repay. But if he said, “I do not know whether I robbed you, or, “whether you lent me *something*”, or “whether you deposited *something* with me”, he is exempt from repaying.

ח
הַגִּזְבֵּב טָלָה מִן הָעֶדֶר וְהִחְזִירוֹ, וּמֵת אוֹ נִגְנַב,
חַיִּב בְּאַחֲרֵיּוֹתוֹ. לֹא יָדְעוּ בְּעָלִים לֹא בַּגִּנְבָּתוֹ
וְלֹא בַּחֲזִירָתוֹ, וּמָנוּ אֶת הַצֹּאן וְשָׁלְמָה הִיא,
פָּטוֹר:

If a man stole a lamb from the flock and restored it, but it died or was stolen again, he is responsible for it. If the owner knew neither of its theft nor of its return and counted the flock and found it complete, the thief is exempt.

ט
 9 אין לוקחים מן הרועים צמר וחלב וגדיים,
 ולא משומרי פרות עצים ופרות. אבל לוקחין
 מן הנשים כלי צמר ביהודה, וכלי פשתן
 בגליל, ועגלים בשרון. וכלן שאמרו להטמין,
 אסור. ולוקחין ביצים ותרנגולים מכל מקום:

One is not to buy wool or milk or kids from herdsmen, not fruit from those that watch over fruit-trees. However, one may buy garments of wool from women in Judea and garments of flax from women in the Galilee or calves in the Sharon. And in all cases in which *the seller* says to hide them away, it is forbidden *to purchase the item*. One may buy eggs and fowls in any case.

מוכין שֶׁהַכּוֹבֵס מוֹצִיא, הָרִי אֵלּוּ שָׁלוֹ.
 וְשֶׁהַסּוֹרֵק מוֹצִיא, הָרִי אֵלּוּ שָׁל בַּעַל הַבַּיִת.
 הַכּוֹבֵס נוֹטֵל שְׁלֹשָׁה חוּטִין וְהֵן שָׁלוֹ. יֵתֵר מִכֵּן,
 הָרִי אֵלּוּ שָׁל בַּעַל הַבַּיִת. אִם הָיָה הַשָּׁחֹר עַל
 גַּבֵּי הַקָּבֶן, נוֹטֵל אֶת הַכֹּל וְהֵן שָׁלוֹ. הַחִטּוֹ
 שְׁשִׁיר מִן הַחוּט כָּרִי לְתַפֵּר בּוֹ, וּמִטְלִית שֶׁהִיא
 שָׁלשׁ עַל שָׁלשׁ, הָרִי אֵלּוּ שָׁל בַּעַל הַבַּיִת. מֵה
 שֶׁהַחֶרֶשׁ מוֹצִיא בַּמַּעֲצָד, הָרִי אֵלּוּ שָׁלוֹ,
 וּבַכֶּשֶׁל, שָׁל בַּעַל הַבַּיִת. וְאִם הָיָה עוֹשֶׂה אֶצֶל
 בַּעַל הַבַּיִת, אֵף הַנִּסְרֶת שָׁל בַּעַל הַבַּיִת:

Shreds of wool which the laundryman pulls out belong to him, but those which the woolcomber pull out belong to the householder. If the laundryman pulled out three threads, they belong to him, but if more than this they belong to the householder. If there were black threads among the white, he may take them all and they are his. If the tailor left over thread sufficient to sew with or a piece of cloth three fingerbreadths by three fingerbreadths, these belong to the householder. What a carpenter takes off with a plane belongs to him; but what *he takes off* with a hatchet belongs to the householder. And if he was working in the householder's domain, even the sawdust belongs to the householder.