



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Kamma Daf Nun Beis

MISHNA

- If the first person covered the pit and the second person came and found it uncovered (the wooden cover rotted and crumbled), and he didn't cover it, the second person would be chayuv.
- If a person covered a bor properly and an animal fell into it and died, he is patur. If it wasn't covered properly, he would be chayuv.
- If an animal fell forward into a bor because of the noise of someone who was hired to widen a bor, he is chayuv. If he fell backward into the bor, he is patur.
- If an ox with its keilim, or a donkey with its keilim, fell into the bor and the keilim were damaged as well, he is only chayuv for the animal, and not for the keilim. If an ox that is a cheireish, shoteh, or young fell into a bor, the one responsible for the bor would be chayuv. If a young boy or girl, or a slave or maidservant fell into a bor and died, he would be patur.

GEMARA

- **Q:** Until when is the first person patur? **A: Rav** said, until enough time passed for him to know that it became uncovered. **Shmuel** said, until enough time has passed so that people can tell him that the bor is uncovered. **R' Yochanan** said, until enough time has passed so that people can tell him that the bor is uncovered, and for him to hire workers, to cut down cedar trees to make a cover, and to then cover it.

KISAHU KARA'UY V'NAFAL L'TOCHO SHOR OY CHAMOR UMEIS PATUR

- **Q:** If it was truly covered properly, how did an animal fall into it? **A: R' Yitzchak bar bar Chana** said, the case is where the cover became wormy and then broke under the weight of the animal.
- **Q:** What if he covered it with a cover strong enough to carry an ox, but not strong enough for camels, and a camel came and weakened it by standing on it, and an ox then went on it and fell through? Would he be chayuv for the damage to the ox?
 - **Q:** What is the case? If it is normal for camels to be there, he is negligent for not making it strong enough to hold them! If it is not normal for camels to be there, he is an oneis!? **A:** The case is where camels come from time to time. If they do come, the question is, do we consider that an oneis or that he was negligent?
 - **Q:** Maybe we can answer from our Mishna. The Mishna gives the case where the bor was covered properly, but an ox fell in. If it was covered properly for oxen and camels, how did an ox fall in!? It must be that it was covered properly for oxen, and not for camels in a place where camels only come from time to time, and a camel came and weakened the cover, which then caused the ox to fall through when he later stood on it, and the Mishna says that he is patur! **A:** This is no proof. It may be that it was made strong enough for camels as well. The reason the ox fell through was because the cover was rotted and eaten by worms.
 - **Q:** The Mishna said, if it was not covered properly and an ox fell into it, he is chayuv. This can't mean that it wasn't a proper cover for any animal (even oxen), because that would be obvious that he would be chayuv. Rather, it must be that it was covered properly for oxen, and not for camels, in a place where camels only come from time to time, and a camel came and weakened the cover, which then caused the ox to fall through when he later stood on it, and the Mishna says that he is chayuv! We see he is considered to be negligent! **A:** It may be that the case is where it was proper for oxen and not for camels, and the place was one where camels are often found, which is why he is considered negligent and is chayuv. Although this seems obvious, the reason this case is mentioned is because it gave the case of where it was covered properly and therefore now gave the case of where it was not covered properly.

- **Some** say that even in a case where camels only come from time to time, if he doesn't make the cover strong enough for camels, he is considered to be negligent. The question is where the cover was only strong enough for oxen in a place where camels are common. However, a camel did not go on the cover, but the cover became wormy and rotted, causing it to weaken and break under the weight of an ox. The question is, do we say that since he was negligent for camels, he is also considered negligent for rotting, or maybe we don't say that?
 - **Q:** Our Mishna said, if it was covered properly and an ox fell in and died, he is patur. **R' Yitzchak bar bar Chana** explained that the cover became wormy and rotted. Now, what is the case? If it was proper for oxen and camels and it became wormy, of course he would be patur! Rather, it was proper for oxen and not for camels, in a place where camels were common, and it became wormy (which caused the ox to fall in), and yet the Mishna says he is patur! We see that we don't say that since he was negligent with regard to camels he is considered negligent with regard to wormy rotting as well! **A:** The case may be where it was proper for camels and oxen, and became wormy. We would think that maybe he had the responsibility to check on the cover from time to time to make sure it was still strong and intact. The Mishna therefore teaches that this is not so.
 - **Q:** The Mishna said, if it was not covered properly and an ox fell into it, he is chayuv. This can't mean that it wasn't a proper cover for any animal (even oxen), because that would be obvious that he would be chayuv. Rather, it must be that it was covered properly for oxen, and not for camels. Now if camels were common, he is negligent and it is obvious that he is chayuv! If camels are not common, he is an oneis and should be patur!? Rather, the case must be that camels were common, but the cover became wormy, and the Mishna says he is chayuv. We see that we say, that since he is considered negligent with regard to camels he is also considered negligent with regard to it becoming wormy! **A:** The case can be where it was proper for oxen and not for camels, and is a place where camels are common. Although this seems obvious that he is chayuv, because he is negligent, the reason this case is mentioned is because it gave the case of where it was covered properly and therefore now gave the case of where it was not covered properly.
 - We can bring a proof from a Braisa, which says if an ox that is deaf, insane, young, blind, or walking at night, fell into an open bor, he is chayuv. If the ox was intelligent and was walking by day and fell in, he would be patur. Why don't we say that since he was negligent for the first category of animal, he is also considered to be negligent for the second category? It must be that we don't say "since" in this way! **SHEMA MINAH.**