



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

Bava Metzia Daf Kuf Gimme!

- **Rava in the name of R' Nachman** said, if someone rents a house for 10 years and has an undated document stating that it is a 10 year term, and at some point the landlord says that 5 years have already passed, he is believed.
 - **Q: R' Acha MiDifti** asked **Ravina**, based on this, if someone lends 100 zuz with a document, the borrower should be believed to say that he paid him back half!? **A: Ravina** said, the cases are very different. A loan document is created to use to collect. If he had truly paid back, he should have written so on the document or gotten a receipt. A rental document is made just so that the tenant cannot claim that he owns the property. Therefore, it gives the tenant no rights at all.
- **R' Nachman** said, if someone lends a keili to another person who asked to borrow it "in good condition", he may continue to borrow it forever as long as it is in usable condition. Even if he returns it, the borrower may demand that he get it back if he wants it again.
 - **R' Mari the son of the daughter of Shmuel** said, this is only if the lender made a kinyan to obligate himself to lend it again when asked.
- **Rava** said, if someone said "lend me a shovel to dig up this garden", he may only use it for that garden. If he instead said "a garden", he may use it for any one garden, regardless of size. If he instead said "gardens", he may use it for all his gardens. If the shovel were to break, he would have to return the handle to the lender.
 - **R' Pappa** said, if someone said "lend me this well" to water my fields, and the well then collapsed, the borrower may not rebuild it. If he had instead said "a well", he would be allowed to rebuild it and use it. If he had asked him to lend "a place on your property to dig a well", he may continue to dig until he successfully finds water. However, he must make a kinyan to allow himself to dig the entire field.

MISHNA

- In someone rented a house and it collapsed, the landlord is obligated to provide another house for the tenant. If the rented house was small, he may not replace it with a larger house if the tenant does not want it, and if it was a larger house he may not replace it with a smaller house if the tenant does not want it. If the rented house had one room, he may not replace it with 2 rooms if the tenant does not want it, and if it was 2 rooms he may not replace it with one room if the tenant does not want it. He may not give him less windows or more windows, unless they both agree.

GEMARA

- **Q:** What is the case? If the agreement was for "this house", the landlord should not even have to provide another house. If it was for "an unspecified house", then why can't he give him a larger or smaller house? **A: Reish Lakish** said, the case is where he said "I am renting you a house with these dimensions".
 - **Q:** If so, it would seem obvious that he has to give a house with those characteristics!? **A:** Rather, **Ravin in the name of Reish Lakish** said, the case is where the landlord said "I am renting to you a house like this". The Mishna teaches that he must provide a replacement, because the house was not specified, but the replacement must match the specs of the house.
 - **Q:** This would still seem obvious, so why would the Mishna have to teach this? **A:** The case is that the house that he pointed to was on the waterfront. We would think that when he said "like this" he was referring to the fact that it was

on the waterfront. The Mishna teaches that he meant the other specs of the house as well.

HADRAN ALACH PEREK HASHO'EL!!!

PEREK HAMIKABEL SADEH MEICHAVEIRO -- PEREK TESH'I

MISHNA

- With regard to a leased field, if the custom is to cut the produce, the farmer must do so. If the custom is to uproot the produce, he must do so. If the custom is to plow the field afterwards, he must do so. Everything must follow the local custom.
- Just as a sharecropper divides the produce with the landlord, he must also divide the straw. Just as he divides the wine from a vineyard, he also divides the branches and the poles used to support the vines. They both must supply the support poles needed for the vines.

GEMARA

- A Braisa says, in a place where the custom is to cut the produce, he may not uproot it, and visa-versa, and either one (the landlord or the tenant) can stop the other from doing different than the local custom.
 - They can each demand that it be cut, if that is the custom, because the landlord can say that cutting leaves small pieces on the ground which helps to fertilize the land, and the farmer can say that it is too hard to uproot the produce.
 - They can each demand that it be uprooted, if that is the custom, because the landlord can say that uprooting clears the land better, and the farmer can say that he needs the straw for his animals.
 - **Q:** What does the Braisa mean to add when it says that either of them can stop the other from deviating from the custom? **A:** The Braisa is giving the reason why he cannot uproot if the custom is to cut and why he cannot cut if the custom is to uproot.

LACHROSH ACHARAV YACHAROSH

- **Q:** It seems obvious that this would have to be done!? **A:** The case is in a place where people don't weed the field while the crops are standing, but this farmer did. He then claims that the weeding should take the place of the plowing after the produce has been cut. The Mishna teaches that if that is what he intended, he should have specified before doing so.

HAKOL KIMINHAG HAMIDINAH

- **Q:** What does "hakol" come to include? **A:** It comes to include what is taught in a Braisa, which says that if the custom is to lease the trees in a grain field along with the field, they are considered to be leased (and the farmer gets a share of its fruit). In a place where it is not the custom, it is not considered to be leased.
 - **Q:** It seems obvious that if the custom is to lease it along with the field, that it is considered to be leased!? **A:** The case is where this sharecropping arrangement allowed the farmer to keep more than the going rate. The landlord says he did so because he did not intend on including the trees in the lease. The Braisa teaches that he should have specified his intent.
 - **Q:** It seems obvious that if the custom is not to lease it along with the field, that it is considered not to be leased!? **A:** The case is where this sharecropping arrangement allowed the farmer to keep less than the going rate. The sharecropper says he did so because he intended on including the trees in the lease. The Braisa teaches that he should have specified his intent.

KISHEIM SHECHOLKIN B'TVU'AH KACH CHOLKIN B'TEVEN UV'KASH

- **R' Yosef** said, in Bavel the custom is not to give straw to the sharecropper. He is teaching that if someone does give it, he is a generous person, but others need not follow his example.
- **R' Yosef** said, the first layer of earth used to make a raised border around the field, the second layer (used after the first layer was flattened), and the third layer, and the poles used for the thorn fence, are all the responsibility of the landlord. The thorns themselves are the responsibility of the sharecropper. The general rule is, anything necessary for the security of the field is the responsibility of the landlord. Anything needed for additional protection is on the sharecropper.

- **R' Yosef** said, the shovels, the pail, and the leather bottle (all used for the field) are the responsibility of the landlord. The sharecropper must make the irrigation canals.

KISHEIM SHECHOLKIN B'YAYIN KACH CHOLKIN B'ZMOROS UV'KANIM

- **Q:** What are "kanim" (poles) needed for in a vineyard? **A:** In the yeshiva of **R' Yannai** they said, these are smooth poles used to support the vines.
- **Q:** What does the Mishna mean to add when it says that they both must supply the poles? **A:** The Mishna is giving the reason why they divide them after they are done with their use.

MISHNA

- If a farmer leases a field which is an irrigated field (it can't exist on rainwater alone) or is a field that also has a tree, and the stream used to water the field dried up or the tree was cut down, he may not deduct from his rent payment. If he had told the landlord "rent to me this irrigated field" or "this field with the tree", and then the stream used to water the field dried up or the tree was cut down, he may deduct from his rent payment to make up for the loss.

GEMARA

- **Q:** What is the case? If the main river dried up, the farmer should be able to say that this is a problem affecting everybody, and he should therefore be able to deduct from his rental payment (as we will learn later)!? **A: R' Pappa** said, the case is that the small river branch going to this field dried up. The landlord can therefore tell him that he can still water the field by drawing water from the main river with a pail.
- **R' Pappa** said, the first 2 Mishnayos of this perek apply to a case of sharecropping and to a case of a fixed rent. The other Mishnayos apply either to one or the other, but not to both.