



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

### Bava Metzia Daf Mem

#### MISHNA

- If one deposits produce with a shomer, when the shomer returns the produce he may deduct the amount of normal spoilage to such produce. For wheat and rice, it is 9.5 kavs per kor. For barley and “dochan” it is 9 kavs per kor. For spelt and flaxseed it is 3 se'ah per kor. The amount depends on the amount given to the shomer and the time that it was given. **R' Yochanan ben Nuri** said, mice are not particular to eat more if there is more produce. Therefore, the amount to be deducted is always based on one kor – even if there is more than one kor given to the shomer. **R' Yehuda** says, if there was a large amount given to the shomer, he does not deduct anything when he returns it, because large amounts expand (from absorbed moisture) in the same amount that they decrease (from the eating of the mice).

#### GEMARA

- **Q:** Rice decreases by a lot more than the amount given in the Mishna!? **A: Rabbah bar bar Chana in the name of R' Yochanan** said, the Mishna is discussing peeled rice, which decreases by the amount stated in the Mishna.

#### L'KUSMIN ULIZERAH PISHTAN...

- **R' Yochanan in the name of R' Chiya** said, this amount is for flaxseed still in their husks. However, if it no longer had the husks, the amount of decrease would be a lot less. A Braisa says this clearly as well.

#### HAKOL LEFI HAMIDAH...

- A Braisa said, these amounts in the Mishna are deducted for every kor that was deposited, and for every year that it remains by the shomer.

#### AMAR R' YOCHANAN BEN NURI...

- A Braisa says, the **Rabanan** told **R' Yochanan**, there is still a lot that gets ruined and a lot that gets scattered (that is why the more there is, the more the decrease).
- A Braisa says, when the Mishna says the shomer may deduct these amounts, that is when he mixed his own produce into the produce of the deposit. However, if he had isolated the produce of the deposit, he simply gives the owner whatever remains from the produce.
  - **Q:** Even when he mixed it with his own produce, why don't we just see what proportion of the mixture belonged to the shomer initially, and allow him to take the same proportion from the remaining produce and return the remainder to the depositor? **A:** The shomer had taken produce during this time, and therefore his proportion of ownership is no longer the same as it was.
    - **Q:** Why can't he figure out how much he has used and still work off of the proportion of ownership? **A:** The case is that he doesn't know how much he used.

#### R' YEHUDA OMER IHM HUYSA...

- **Q:** How much is considered to be a “large amount”? **A: Rabbah bar bar Chana in the name of R' Yochanan** said, it is 10 kor. A Braisa says this as well.
- A Braisa was taught in front of **R' Nachman** that said – when does a shomer make these deductions? When the produce was given to the shomer with the measure used in the granary and returned to the owner using the same type of measure. However, if the produce was given to the shomer with the measure used in the granary and returned to the owner using the type of measure used in the house, he does not take deductions, because the smaller measures increase the measure of total produce. **R' Nachman** asked, are we dealing with fools, who give to a shomer using the large measure and take it back using the smaller measure!? Rather, we must say that the Braisa must have meant that if the produce was measured during the granary

season (in the dry season) and returned during the granary season, deductions are taken, but if it was given during the granary season and returned in the rainy season, deductions are not taken, because the produce expands from the moisture.

- **Q: R' Pappa** asked **Abaye**, if this is true, a barrel that was filled during the dry season should burst in the rainy season!? **A:** Either we can say that that sometimes actually does happen. Or we can say that because they are packed so tightly in the barrel, they don't expand.

#### MISHNA

- With regard to wine, the shomer deducts a sixth (which is the amount that is absorbed into the barrel). **R' Yehuda** says it is a fifth.
- With regard to oil, the shomer deducts 3 lugin from 100. This is because 1.5 is for the sediment on the bottom, and 1.5 get absorbed into the keili. If it was refined oil, he does not deduct an amount for sediment. If the keilim were old keilim, he does not deduct the amount for absorption.
  - **R' Yehuda** says, this also applies to someone who sells refined oil throughout the year. He is allowed to deduct 1.5 lugim per 100 to account for the sediment.

#### GEMARA

- The **T"K** and **R' Yehuda** do not argue. Rather, in the place of the **T"K** the barrels were coated with wax and therefore didn't absorb much. In the place of **R' Yehuda**, the barrels were coated with tar, and therefore absorbed more. Or we can say that each of their places used different materials when making barrels – one absorbed more and the other absorbed less.
- The Gemara says that **R' Yehuda** would buy wine and sell it for a profit. After taking into the account for the amount of absorption, he profited one twelfth.
  - **Q: Shmuel** has said that one may profit up to one sixth, so why did **R' Yehuda** not charge more? **A:** Part of his expenditure was for the barrel and the sediment, which he kept, and was therefore considered profit as well.
    - **Q:** Based on that, he was profiting more than one sixth!? **A:** When taking into account his time and the labor he had to hire, it was not more than one sixth.

#### IHM HAYA SHEMEN MIZUKAK...

- **Q:** It is not possible to say that old barrels don't absorb anything!? **A: R' Nachman** said, the Mishna is discussing old barrels lined with tar, which do not absorb at all. **Abaye** said, even if it is not lined with tar, once a barrel has absorbed what it can, it no longer absorbs.

#### R' YEHUDA OMER AHF HAMOCHER SHEMEN MEZUKAK...

- **Abaye** said, we can say that the machlokes is that **R' Yehuda** says, since the agreement was not to buy refined oil, the seller has a right to put sediment into the oil (and therefore the seller may reduce the amount by 1.5%), and the **Rabanan** argue and hold that the seller has no right to put sediment back in (which is why the buyer need not accept a 1.5% reduction of oil).
  - **Q:** According to **R' Yehuda**, why can't the buyer say, you are charging me for the sediment, but are not giving me the sediment, so I can't sell the sediment!? **A:** We are dealing with someone buying the oil for use, not for resale, and who therefore prefers the refined oil.
  - **Q:** Why can't the buyer say, since you did not mix the sediment in, you were mochel your right to do so, and therefore can't do so anymore!? **A: R' Yehuda** follows his logic from elsewhere, where he holds that we do not assume a person is mochel any rights until he expressly does so.
  - **Q: R' Pappa** asked **Abaye**, maybe the exact opposite inference of their logic should be made. According to the **Rabanan**, it is mutar to mix the sediment back in, but because he did not do so, we assume that he was mochel. And, according to **R' Yehuda**, it is assur to mix in the sediment, and therefore the seller can say, since I may not mix in the sediment, you must accept the 1.5% decrease of product, or else I will not profit from the sale!
- A Braisa says, the same halacha applies to a shomer and a buyer regarding the pieces of the olive seeds that float on top of the oil.
  - **Q:** What is meant by this? It can't mean that just as a buyer doesn't have to accept this as part of his measure, so too one who deposited oil need not accept it back as part of

his measure, because the shomer can tell him – you gave it to me like this, so you must take it back like this as well!? **A:** The Braisa means, that just as one who deposited oil with a shomer must accept it back with this, a buyer must accept it as part of his measure as well.

- **Q:** A Braisa says that **R' Yehuda** says, a buyer does not have to accept this as part of his measure!? **A:** The first Braisa is discussing someone who paid the Tishrei price for oil (this is a lower price, because the oil is not refined) and takes delivery in Nissan (when the oil is already refined). That is why he must accept the seeds floating on top as part of the measure. The second Braisa is discussing a person who paid the Nissan price and took delivery in Nissan. This person does not have to accept the floating seeds as part of his measure.