



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

### Bava Metzia Daf Pey

#### MISHNA

- One who rents a cow (and the plow equipment and people to work the plow) to plow on a mountain, and he plowed in a valley instead, and the plow blade broke, he is patur (the valley ground is softer, and therefore it surely would have broken on the mountain). If he rented it to plow in the valley and he instead plowed on the mountain and the blade broke, he is chayuv.
- If one rented a cow to thresh beans and he instead threshed grain, he would be patur if the cow slipped and hurt itself. If he rented it to thresh grain and he instead threshed beans, and the cow slipped and hurt itself, he is chayuv, because beans are more slippery.

#### GEMARA

- **Q:** If the renter did not deviate from the rental agreement, and the workers working the plow were hired from the outside, rather than from the owner (there is one in front who guides and one in the back who pushes the blade into the ground), and the plow blade broke, who would be chayuv to pay? **A: R' Pappa** said, it is the one in front who pays, and **R' Shisha the son of R' Idi** said, the one in the back pays.
  - The Gemara paskens that the one in the back pays, but if the area is known to be full of hard rocks, both of them would have to pay.
- **R' Yochanan** said, if someone sells a cow and tells the buyer "this cow is a gorer, a biter, a kicker, and tends to lie on top of things and break them", and in truth it only had one of these bad characteristics, but the seller listed all of them, the sale is batel as a "mekach ta'us". If the seller detailed one of the characteristics and then said "there is another bad characteristic as well" (but didn't specify what it was), the sale is valid.
  - A Braisa is a proof to **R' Yochanan**, because it gives the same case as the seller in **R' Yochanan's** statement, with the only difference being that the subject of the sale is a maidservant.
  - **Q: R' Acha the son of Rava** asked **R' Ashi**, what if the maidservant actually had all the bad characteristics that the seller listed, would the sale be valid? **A: R' Mordechai** said, we said in the name of **Rava**, that in that case the sale would be valid.

#### MISHNA

- If someone rented a donkey to transport wheat on it, and he instead transported barley (and added more barley until it equals in weight to the weight of the volume of wheat that he was to transport), and the donkey was injured, he is chayuv. If one rented it to transport grain and he instead transported straw (and added straw to equal the weight), he is chayuv. The reason is, that the bulk size of the barley or straw is as much as the donkey can handle, even if it weighs less than the wheat or grain (and adding more causes injury).
  - If one rented an animal to transport a lesech (a measure) of wheat, and he instead transported a lesech of barley, he is patur. If he added to its load, he would be chayuv. How much must he add to the load to be chayuv? **Sumchos in the name of R' Meir** says, a se'ah for a camel, and 3 kav for a donkey.

#### GEMARA

- **Abaye** said the Mishna says that the renter is chayuv because the bulk of the barley is hard on the donkey *like* a load, and **Rava** said, the Mishna says that the renter is chayuv because the bulk of the barley is hard to carry. To explain, **Abaye** means to say that since the bulk of the barley (although lighter) is the same size as the bulk of the wheat, it is just as difficult to carry, and therefore if the renter added 3 kav to the donkey, he would be chayuv. **Rava** means to say

that he is chayuv, because the larger bulk of the barley is hard to carry, even though it is of equal weight to a normal load of wheat, and this extra amount of bulk is already the amount of additional that is not allowed.

- **Q:** Our Mishna said, if one rented an animal to transport a lesech (a measure) of wheat, and he instead transported a lesech of barley, he is patur. If he added to its load, he would be chayuv. Now, presumably this refers to where he added 3 kav to the barley, which is why he is chayuv, and would follow **Abaye!**? **A:** The Mishna may be discussing where he added a se'ah, which brings the weight of the barley to that of a lesech of wheat, and for that he is chayuv.
  - **Q:** But, the Mishna continues and says, how much must he add to the load to be chayuv? **Sumchos in the name of R' Meir** says a se'ah for a camel, and 3 kav for a donkey. We see that even adding 3 kav makes him chayuv!? **A:** That part of the Mishna means to say, if the renter transported the item that he said he would transport, but added to it, how much must he add to the load to be chayuv? **Sumchos in the name of R' Meir** says a se'ah for a camel, and 3 kav for a donkey.
- **Q:** A Braisa says, if one rented a donkey to bring a lesech of wheat and he instead brought 16 se'ah of barley (which is one extra se'ah, but is equal in weight to the wheat), he is chayuv. This suggests that if he would only add 3 kav (which is half a se'ah), he would be patur, which refutes **Abaye!**? **A:** **Abaye** would say that the Braisa is discussing where the 16 se'ah were measured in a small way, in truth measuring 15 and ½ se'ah. Therefore it is only 3 kav that was added, and we see that he is still chayuv.
- A Braisa says, adding a kav above the normal load of a porter is considered to be too much, and the one who added it will be chayuv for any injury. An "adriv" (equal to a lesech) is considered too much to add to a full load on a small boat, a kor is the amount for a regular boat, and 3 kors is the amount for a large boat.
  - **Q:** The porter is a man with intelligence, and if he cannot handle this extra amount, he should say so!? **A:** **Abaye** said, the case is that as soon as it was put on him he collapsed, and he never had a chance to say that he could not handle it. **Rava** said, it may be discussing a case where he did not collapse, and the Braisa means to teach that an addition of this amount makes him deserving of additional wages. **R' Ashi** said, it may be that the porter did not complain about the additional load, because he thought he was weak from being sick, not realizing it was the excess weight.
  - **R' Pappa** said (based on the ratios of all the excess weights discussed, that putting on an addition thirtieth more than the normal weight is when he becomes chayuv) we see from here that a regular sized boat must be able to carry 30 kor.
    - The point of this statement is for matters of buying and selling a boat without having specified its dimensions and strength.

#### MISHNA

- All craftsmen (project workers) are considered to be a shomer sachar. However, once a craftsman tells the employer "take your property and pay me", he becomes a shomer chinam.
- If someone tells someone else "watch my item for me and I will watch yours for you", he is a shomer sachar.
- If a person says "watch my item for me" and the other person responds by saying "put it down in front of me", he is a shomer chinam.
- If a person lends money and takes collateral, he becomes a shomer sachar on the security. **R' Yehuda** says, if he had lent him money, he is a shomer chinam, but if he lent him produce, he is a shomer sachar.
- **Abba Shaul** says, a person who lent money to a poor person and took collateral may rent out the collateral to other people, so that it generate money and decrease the outstanding loan balance, because doing so is like returning a lost item to its owner.

#### GEMARA

- **Q:** The Mishna seems not to follow **R' Meir**, because a Braisa says that **R' Meir** says a renter (which would seem to have the same status as a craftsman) is considered to be a shomer chinam and **R' Yehuda** says he is a shomer sachar!? **A:** The Mishna may even follow **R' Meir**. The

reason a craftsman is considered to be a shomer sachar is that in exchange for the benefit that he gets by getting the job, he becomes a shomer sachar.

- **Q:** If so, we should say that the same applies to a renter – with the benefit that he gets by having been chosen as the renter (instead of him renting to somebody else) he becomes a shomer sachar? **A:** Rather, the reason **R' Meir** would hold that a craftsman becomes a shomer sachar is that with the benefit he gets from being paid a drop more than the value of his work, he becomes a shomer sachar.
  - **Q:** If so, we should say that the case of the rental is talking about a similar case, where the renter was given a small discount, and with that benefit he should become a shomer sachar? **A:** Rather, the reason **R' Meir** would hold that a craftsman becomes a shomer sachar is that with the benefit he gets from having the item as collateral, which obviates the need for him to chase after the payment, he becomes a shomer sachar. **A2:** We can follow **Rabba bar Avuha's** version of the Braisa, which said that **R' Meir** holds that a renter is a shomer sachar and **R' Yehuda** said he is a shomer chinam. According to this version, our Mishna is consistent with **R' Meir**.