



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

Bava Metzia Daf Pey Aleph

V'KULAN SHE'AMRU TOL ES SHELICHA...

- A Mishna says, if a borrower of an animal tells the lender, “send it to me”, he is chayuv as soon as it is sent (even before it enters his possession). The same is on the return (when the lender says “send it to me”, the borrower is no longer responsible as soon as it is sent, however, if he didn't ask for it to be sent, the borrower would remain chayuv until it enters the possession of the lender).
 - **Rafram bar Pappa in the name of R' Chisda** said, the borrower is chayuv until it enters the possession of the lender only when it is returned during the term of the loan. However, if it is returned after the term has ended, he is patur even if it is still in the borrower's reshus.
 - **Q: R' Nachman bar Pappa** asked, our Mishna said, once a craftsman tells the employer “take your property and pay me”, he becomes a shomer chinam. This suggests that once he says he is no longer willing to watch the item he is no longer a shomer sachar. However, if he simply said “I have completed the job” he would remain a shomer sachar. This is similar to the point in time of when the term of a loan is over, and yet the Mishna says that he remains chayuv!? **A:** That is not the proper inference from the Mishna. The proper inference is that once a craftsman tells the employer “take your property and pay me”, he becomes a shomer chinam (because he has told him to take the item even before he is paid, which shows that he is not looking to hold it as collateral). However, if he would have said “pay me and take your item” (which shows that he wants to hold onto the item until he is paid), he remains a shomer sachar.
- **Q:** What would be the halacha if he just says “I finished the item”? According to what was said, he would become a shomer chinam. If so, instead of giving the case of where he said “take your property and pay me”, the Mishna should have given the case of where he simply said that he was finished, which would teach that when he specifically tells him to take the item he is certainly a shomer chinam!? **A:** The Mishna wanted to give the case where he said “take your property and pay me”, because we would think that in that case he is not even a shomer chinam anymore. The Mishna therefore teaches that he is.
- **Others** say that **R' Nachman bar Pappa** said we can bring a proof from the Mishna that when he says “I have finished it” he would become a shomer chinam, which would be the same case as a loan after its term, and teaches that there too he is a shomer chinam. The Gemara says, this is no proof. It may be that only in the case of where he says “take your property and pay me” does he become a shomer chinam, because he is saying that he no longer wants to be responsible. However, if he only said “I have finished it” it may be that he remains chayuv.
- **Huna Mar the son of Mareimar** was in front of **Ravina** and asked a contradiction between Mishnayos and answered it. The contradiction was that our Mishna said, when a craftsman tells the owner to take his property and bring money, he becomes a shomer chinam. Presumably, the same halacha would apply when the craftsman simply said that he finished the job as well. However, another Mishna says that when a lender asks that the borrowed item be sent back to him, the borrower is relieved from responsibility as soon as it is sent. This suggests that if he doesn't ask, he remains responsible until it is actually given back to the lender (even if the loan term has ended). This contradicts our Mishna, which seems to say that as soon as the owner knows the job is done, the

craftsman is no longer responsible!? He answered that **Rafram bar Pappa in the name of R' Chisda** said, the second Mishna which says he remains responsible, is only talking about where it was returned during the loan term. However, if it was returned after the term, he would be patur.

- **Q:** When we say that the borrower is no longer responsible, does that mean he is no longer treated as a borrower, but would still be responsible like a shomer sachar, or does it mean that he would not even be chayuv like a shomer sachar? **A: Ameimar** said, it would make sense to say that he is still chayuv like a shomer sachar, because he has benefitted from owner of the item.
 - There is a Braisa that supports **Ameimar**. The Braisa says, if someone takes a keili from a seller to send to his father in law and says, “if they accept it from me as a gift, I will pay you for it. If not, I will pay you for the benefit I derived for having offered it to them”, and the keili then broke through an oneis, the halacha is that if it broke on the way to his father in law, he is chayuv for the full price. If it broke on the way back, he would be patur, because he is treated like a shomer sachar.
- There was a person who sold wine to another. The buyer said, I am taking the wine to a certain place to sell it. If I sell it there, I will pay you. If not, I will return it to you. The wine never got sold, and on the way back, the wine got destroyed through an oneis. **R' Nachman** said he was chayuv to pay. **Rabbah** asked, the previous Braisa says he should be patur in this case!? **R' Nachman** said, this case is different. If he would find a customer on the way back, he certainly would have sold it. Therefore, his return trip is like the outbound trip.

SHMOR LI V'ESHMOR LECHA SHOMER SACHAR

- **Q:** This is a case of watching an item with the owner employed by the person (because the owner is now watching the first person's item), in which case he should be patur!? **A: R' Pappa** said, the case is where he told him “you watch for me today and I will watch for you tomorrow”, in which case the two watchings are not happening simultaneously.
 - A Braisa says, if one person tells another “watch my item and I will watch yours”, or “lend me your item and I will lend you mine”, or “watch my item and I will lend you an item”, or visa-versa, in all these cases the people are considered to be a shomer sachar.
 - **Q:** This is a case of watching an item with the owner employed by the person, and they should therefore be patur!? **A: R' Pappa** said, the case is where he told him “you watch for me today and I will watch for you tomorrow”, in which case the two watchings are not happening simultaneously.
 - There were also merchants who had an arrangement that each day a different one of them baked bread for the group. One day they said to one of the members of the group, you go bake for us. He replied, “watch my coat for me”. By the time he returned, the coat was stolen due to their negligence. **R' Pappa** said they must pay. The **Rabanan** said to **R' Pappa**, this is a case of the owner of the item working for the shomer, and he should therefore be patur!? **R' Pappa** was embarrassed. It later became known that the owner of the coat had not yet started to bake the bread when the coat was stolen, and therefore was not working for the shomer at the time, and they therefore were chayuv.
 - **Q:** According to the view that when a shomer is negligent he is patur if the owner is working for him at the time, that is why **R' Pappa** was initially embarrassed. However, according to the view that the shomer would be chayuv, why was he embarrassed? **A:** The case was that it was not really his day to do the baking. He did them a favor by baking and in return asked that they watch his coat for him. Therefore, they became a shomer sachar, who is chayuv even when it was stolen not due to negligence. The coat was stolen and **R' Pappa** said they have to pay. The **Rabanan** asked him, this is a case of being a shomer while the owner works for him, and

they should therefore be patur. **R' Pappa** was embarrassed. It later became known that the owner of the coat had not yet started to bake the bread when the coat was stolen, and therefore was not working for the shomer at the time, and they therefore were chayuv.

- There was a case where two people were travelling, one on foot and one riding on a donkey. When they reached a river, the walking man took off his wool garment and put it on the donkey and covered himself with a linen garment of the man riding the donkey. A wave came and swept away the linen garment. **Rava** said he was chayuv to pay. The **Rabanan** asked, this is a case of borrowing where the owner is working for the borrower (he was transporting the woolen garment for him), and he should therefore be patur!? **Rava** was embarrassed. It later became known that the walking man had placed his woolen garment on the donkey without the rider's knowledge, and took the linen garment without his knowledge. Therefore, he was chayuv to pay.
- There was a case where an owner said to the person he was renting his donkey to, that he should not take the donkey on a particular road, because the water levels there were dangerous. The renter took the donkey there anyway, and the donkey died, but he claimed that it did not die because of the water. **Rava** wanted to say that we should believe him with a miguy that he could have said that he took the donkey on another route. **Abaye** said, we don't say a miguy in the face of incontrovertible facts, and water on that road is such a fact. Therefore, we don't believe him based on a miguy.

SHMOR LI V'AMAR LO HANACH LIFANAI SHOMER CHINAM

- **R' Huna** said, if the person says "put it down in front of you", he does not become a shomer chinam or a shomer sachar.
 - **Q:** What if he just says "put it down"? **A:** The Mishna said, if he says "put it down in front of me" he becomes a shomer chinam. This suggests that if he doesn't specify at all he would not become a shomer at all.
 - **Q:** From **R' Huna's** statement, the inference would be that if he doesn't specify he does become a shomer chinam!? **A:** Rather we cannot follow either inference.
 - **Q:** Maybe we can say that it is actually a matter of machlokes between Tanna'im. A Mishna says, if the owner of a chatzer gave permission for someone to bring an item into the chatzer, and the item was damaged there, the **Rabanan** say that the owner of the chatzer is chayuv and **Rebbi** says he is only chayuv if he specifically accepted upon himself to be a shomer. We can say that the **Rabanan** would also hold that saying "put it down" means he will watch it, and **Rebbi** says that it does not? **A:** This does not have to be the machlokes. It may be that the **Rabanan** hold like that in that case only because it deals with a chatzer, which is a protected area. Therefore, by saying "come in" it suggests that he means that he will watch the item for him. However, when dealing with a public area, which is not a protected area, they may agree that saying "put it down" does not suggest that he agrees to watch it. Also, it may be that **Rebbi** holds that way by a chatzer, where the owner of the item needs permission to bring his item in. The granting of that permission is no more than allowing him to come in, and is essentially allowing him to come in and watch it on his own. However, in the case of putting it down in the street, the owner of the item doesn't need permission to put it down, so it may be that **Rebbi** holds that when the person says "put it down" he is definitely accepting to watch the item for the owner.