



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

Bava Basra Daf Pey Zayin

MISHNA

- If one was selling wine or oil, and after the price was set, the market price for these items increased or decreased, if the change in price happened before the measuring cup was full, the change in price is on the seller's dime (he benefits from the increase and suffers from the decrease). If the measuring cup was already full, it is on the buyer's dime. If there was a middleman between them (and the items was being poured into his barrel), and the barrel broke, it is the middleman who suffers the loss.
- After pouring these items into the buyer's keili, the seller must keep his measuring cup over the buyer's keili until 3 drops (of the produce that clings to the measuring cup) have dripped into the buyer's keili. If after doing so the seller tilted his keili and product gathered on the bottom, that belongs to the seller. However, a storekeeper does not need to allow for those additional 3 drops. **R' Yehuda** says, if it is Erev Shabbos right before Shabbos begins, he is patur from having to do so.

GEMARA

- **Q:** In the first case of the Mishna, whose measuring cup was being used? If it belonged to the buyer, he should be koneh as soon as it goes into the measuring cup!? If it belonged to the seller, then even when it is full, he should still own it (and it should not become the buyer's)!? **A:** **R' Illa'ah** said, the Mishna is discussing where the cup belonged to a middleman.
 - **Q:** From the fact that the next case of the Mishna introduces the concept of a middleman, it would suggest that until that point the Mishna is not discussing a middleman!? **A:** The first case is dealing with using the measuring cup of the middleman without him actually being there, and the second case is dealing with where the middleman himself was there.

HIRKINA UMITZIS HAREI HU SHEL MOCHER

- When **R' Elazar** went up to EY he met **Ze'iri** and asked him whether there was someone who had learned the Mishna regarding measures from **Rav**. **Ze'iri** pointed towards **R' Yitzchak bar Avdimi**, who asked **R' Elazar** what difficulty he was having with that Mishna. **R' Elazar** said, the Mishna says that after allowing the three additional drops to drip, any leftover wine or oil belongs to the seller. However a Mishna regarding terumah says, that when pouring wine or oil of terumah and allowing the 3 additional drops to drip, anything remaining must be given to the Kohen as terumah. **R' Yitzchak bar Avdimi** said, a buyer is meya'eish from anything remaining after those 3 drops, and that is why the seller is allowed to keep it. Regarding terumah, even if the Kohen were to be meya'eish, the leftover would still have the status of terumah, and therefore would have to be given to a Kohen.

V'HACHENVANI EINO CHAYUV L'HATIF...

- **Q:** Is **R' Yehuda** making his statement on the first halacha (where the **T"K** says that a seller must allow the additional 3 drops to drip) in which case he is being meikel and saying that this need not be done right before Shabbos, or is he going on the next halacha (where the **T"K** says that a storekeeper need not allow the additional 3 drops to drip) in which case he is being machmir and saying that this need not be done right before Shabbos, but at other times it would have to be done? **A:** A Braisa says, **R' Yehuda** says, on Erev Shabbos right before Shabbos a storekeeper is patur from having to allow the additional three drops to drip, because the storekeeper is very busy at that time. We see that **R' Yehuda** was referring to the second halacha, and is coming to be machmir.

MISHNA

- If someone sends his minor son to a storekeeper to buy oil, and the child gave the storekeeper a “pundyon” (worth two issurin), for which the storekeeper gave him one issur worth of oil and gave him an issur as change, and on the way home the child broke the bottle of oil and lost the issur, the storekeeper is chayuv to pay for the oil, the bottle and the issur. **R’ Yehuda** says he is patur, because the father sent the child with the intent that the storekeeper give these items to the child to bring home. The **Chachomim** would agree with **R’ Yehuda**, that if the child was holding the bottle and the storekeeper measured the oil into it, that the storekeeper would be patur from having to pay for the bottle.

GEMARA

- **Q:** We can understand the machlokes regarding whether the storekeeper is chayuv for the issur and the oil in that the **Rabanan** hold that the child was sent to inform the storekeeper that the father needed oil, not for him to actually get the oil, so when the storekeeper gives the oil and the issur, it is he who is responsible for those items, whereas **R’ Yehuda** holds that the father sent the child to get the oil and bring it back to him, so it is the father who is responsible for these items. However, with regard to the bottle, since the child came with the bottle, it is clearly the father who bears responsibility for the bottle, because he gave it to him!? **A: R’ Hoshaya** said, the case of the Mishna is that this father was a seller of bottles, and he sent the bottle with the child in the hope that the storekeeper would want to buy it. When the child came, the storekeeper took the bottle to inspect it to see if he wanted to buy it, and the **Rabanan** hold like **Shmuel**, who says that when someone takes a keili to inspect it for possible purchase, and an oneis then happens and it breaks, he is chayuv.
 - **Q:** Shall we say that **Shmuel’s** halacha is subject to this machlokes (and **R’ Yehuda** would not hold of **Shmuel**)? **A:** Rather, **Rabbah** and **R’ Yosef** say, the Mishna’s case is that the bottle belonged to the storekeeper, who would sell the bottle to a customer for his oil. **R’ Yehuda** holds that the father accepted the risk on the bottle, just as on the oil and the issur, because he sent the child to buy and bring home the bottle full of oil. The **Rabanan** say that the storekeeper is chayuv for the bottle, just as he is for the oil and the issur, because the father sent the child to inform the storekeeper that he wants oil, not to have him send it back with the child.
 - **Q:** The Mishna then says that the **Rabanan** would agree with **R’ Yehuda**, that if the child was holding the bottle and the storekeeper measured the oil into it, that the storekeeper would be patur from having to pay for the bottle. Now, if the case is that the bottle belonged to the storekeeper, and the father did not ask that it be sent with the child, why would the **Rabanan** agree that the storekeeper would be patur in that case? **A:** Rather, **Abaye bar Avin** and **R’ Chanina bar Avin** both said, the case is that the child came with the bottle and the storekeeper took it from him to measure out the oil. The **Rabanan** hold that the storekeeper is chayuv for the bottle based on the view of **Rabbah**, that once someone takes something into his hand he becomes chayuv for it.
 - **Q: Rabbah** said his shita regarding one who hits a lost animal and makes it move. It may be that only there he holds that way, because hitting the animal makes it stray even further away. In a case like that of the bottle he would not say that the storekeeper becomes chayuv just by handling the bottle!? **A:** Rather, **Rava** said, “I, and the lion of the group”, referring to **R’ Zeira**, explain the Mishna that the storekeeper took the bottle from the child and used it to measure out oil for *other* people. The machlokes is whether one who borrows something without permission is considered to be a borrower or a gazlan. The **Rabanan** consider him to be a gazlan, and therefore he is chayuv until he returns it to the father with the father’s knowledge. Therefore, when it breaks in the hands of the child, the storekeeper is chayuv. **R’ Yehuda** holds that the storekeeper has the status of a borrower, in which case he is only obligated to return the item to where he took it from – the hands of the child. Once he does that, he becomes patur from anything further.