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### **Me'ilah on Products**

The *Mishna* says that *me'ilah* applies to all consecrated items, whether they are themselves fit as a sacrifice, fit for use in maintenance of the Bais Hamikdash, or fit for neither. The *Mishna* explains that if one consecrated a pit full of water, a dump full of fertilizer, a dovecote full of doves, a tree with fruit on it, or a field full of vegetation, *me'ilah* applies to the item and its contents. However, if he consecrated these items while empty, but they then were filled up, *me'ilah* applies only to the item, but not to their contents. Rabbi Yosi says that if one consecrated a field or tree, *me'ilah* applies to it and its produce, as they are direct products of something sanctified.

The child of an animal designated as a *ma'aser* sacrifice may not nurse from its mother, but some pledge with the condition that the child nurse from the *ma'aser* mother. Similarly, the child of any sacrifice may not nurse from its mother, but some pledge with the condition that the child nurse.

Unlike the case with regular items, workers working on a consecrated field may not eat from the produce, and a cow threshing consecrated produce may not eat from it.

The *Gemora* asks how we know that a child may not nurse from its *ma'aser* mother.

Rav Achdevai bar Ami answers that the common verb *ha'avarah* – *passing* used in the context of a *bechor* – *first*

*born* sacrifice and *ma'aser* teaches that just as *me'ilah* applies to the whole *bechor*, which is male, so it applies to the whole *ma'aser*, including its milk. From the common word *imo* – *its mother* used in the context of a *bechor* and a general sacrifice, we learn that *me'ilah* similarly applies to all of any sacrifice, including its milk.

Rav Achdevai bar Ami says that we know that a cow threshing consecrated produce may not eat from it since the verse prohibiting muzzling a threshing cow refers to "its threshing," connoting your own regular produce, and excluding consecrated produce.

The *Gemora* says that if one threshes a type of legumes on a consecrated field, he is liable for *me'ilah*.

The *Gemora* challenges this, as one is only liable for *me'ilah* on movable items.

Ravina answers that we see from this statement that when one threshes on a field, the dust which rises up and mixes with the threshed produce is beneficial. One is therefore liable for *me'ilah* for this movable dust. (13a)

### **Mishna**

The *Mishna* says that if roots of someone's tree come from his land into consecrated land, or vice versa, one may not benefit from them, but one is not liable for *me'ilah*. If a spring springs out of a consecrated field, one may not benefit from them, but one is not liable for *me'ilah*. Once it has left the

field, one may benefit from it. Water in the golden container used to draw water for the water libation is prohibited in benefit, but one is not liable for *me'ilah*. Once it is placed in the jug, one is liable for *me'ilah*. Before the *aravah* was placed against the altar, one may not benefit from it, but one is not liable for *me'ilah*. Rabbi Elozar the son of Rabbi Tzadok says that the elders would use them by putting them together with their *lulavim*. (13b)

### **How Much Water for Libation**

Rish Lakish says that if the jug contains more than the required 3 *lug*, one is not liable for *me'ilah* on all of them, but if it only contains three *lug*, one is liable.

The *Gemora* challenges this, as the *Mishna* says that once the water is placed in the next jug, one is liable, implying that before that one is not liable, even if it only contained 3 *lug*.

The *Gemora* therefore says that Rish Lakish is referring to the water in the jug, and is saying that one is only liable on 3 *lug*, which is the amount required for the libation, while Rabbi Yochanan says that one is liable for all the water.

The *Gemora* challenges this version, which implies that Rish Lakish says there is a specific amount of water necessary from the libation, from another discussion between Rish Lakish and Rabbi Yochanan. Rabbi Elozar says in a *Mishna* that if one pours water drawn for the *sukkos* libation outside the Bais Hamikdash on *sukkos*, he is liable for offering a sacrifice outside. Rabbi Yochanan quoted Menachem Yodafa saying that Rabbi Elozar is following the opinion of his teacher, Rabbi Akiva, who says the source for water libation is the plural word *nesachehah* – *its libations*, referring to both water and wine libations. Therefore, just as one is liable for pouring a wine libation outside, one is liable for pouring a water libation.

Rish Lakish challenged this, as this should also imply that only 3 *lug* of water should be poured on the altar, just as only 3 *lug* of wine is poured. This challenge implies that Rish Lakish says that there is no specific amount of water that must be poured, contradicting his statement about *me'ilah*.

The *Gemora* answers that Rish Lakish was only challenging Rabbi Yochanan's own position, as he said that *me'ilah* applies to more than 3 *lug*, implying that there is no specific amount. (13b)

### **Trees and Nests**

The *Mishna* says that if a consecrated tree has a nest, one may not benefit from it, but one is not liable for *me'ilah*. If an *asherah* – *worshipped tree* has a nest, one may only push it off with a stick. If one consecrated a forest, one is liable for *me'ilah* on everything inside it. (13b)

## **INSIGHTS TO THE DAF**

### **A Consecrated Pit**

The *Mishna* says that if one consecrated a pit, he is liable for *me'ilah* on it.

Tosfos (13a umo'alim) cites Rashbam saying that the type of benefit the *Mishna* is referring to is storing items in it.

Rabbeinu Tam challenges this, as one is not liable for *me'ilah* on land.

He therefore explains that the case is one who uprooted some of the pit's dirt, making it detached, and used it for mundane purposes.

### **Nursing from a Consecrated Animal**

The *Mishna* states that the child of a sacrifice animal may not nurse from it, but others pledge so.

Rashi explains that the *Mishna* is prohibiting use of the milk of the *ma'aser*, but some ("others") stipulate when separating *ma'aser* that they may use the milk, and they then let the children nurse.

Tosfos (13a asya) says that the milk of any sacrifice is prohibited in any benefit, so it is obvious that the child may not nurse.

Tosfos also challenges the sources the *Gemora* offers, as the *Gemora* learns from *bechor*, which is always male, to *ma'aser* and other sacrifices, which may be female. How can we learn from *bechor*, which is all prohibited simply because it is always male, to other sacrifices, from which it is possible to nurse?

He quotes Rabbeinu Peretz who says that the *Mishna* is referring to children born after the animal was consecrated, and is teaching that even in this case, where the animal itself is consecrated, it may not nurse. The "others" would pledge to nurse these children from their own animals, to benefit the Bais Hamikdash.

He also explains that the *Gemora* is learning from *bechor* using the following logic: just as a *bechor* does not itself nurse from a consecrated animal, as its mother is never consecrated, so other children may not nurse from a consecrated animal, even if its mother is consecrated.

### ***If a Lost Article is Found in a Synagogue, to whom does it Belong?***

By: Meoros HaDaf HaYomi

Let's discover how two ways of learning our *Gemora* constitute two aspects of a halachic question concerning property: if articles without an identifying mark were found in a synagogue, to whom do they belong?

**Does the domain of a synagogue acquire?** If an unidentifiable lost article fell into a person's yard, he acquires it by *kinyan chatzer* as it is a well-known rule that "a person's yard acquires for him without his knowledge". He doesn't have to perform any act of acquisition with the article and even doesn't have to know that the article is found on his property. It suffices that it is on his property. Therefore we must decide the halachah of a lost article without identifying marks, which may be acquired by anyone, if it is found in a synagogue. Apparently, the article belongs to the synagogue as it is found on its property but the author of *Agudah* asserts (beginning of *Me'ilah*) that the finder of the article may take it for himself and he proves his statement from our *Gemora*.

**Tosfos: *Hekdesh* doesn't acquire by *kinyan chatzer*:** Our *sugya* explains that if a pit full of water was dedicated to the Temple, he who uses the water for a mundane purpose commits *me'ilah* as the water belongs to *hekdesh*. However, if the pit was dedicated when it was empty and after its dedication it was filled with water, he who uses the water does not transgress the prohibition of *me'ilah*. Why? Tosfos explain (s.v. *Aval*) that the water which accumulated in the pit did not become the property of *hekdesh* because *hekdesh* does not acquire by *kinyan chatzer* as *hekdesh* has no hand. In other words, the halachah of *kinyan chatzer* is learnt from the verse "it will be found in his hand" – "anywhere" (see *Bava Metzi'a* 10b). As *kinyan chatzer* is learnt from the word *beyado* ("in his hand"), only a person with a hand acquires by *kinyan chatzer* but *hekdesh*, which has no human owner, does not acquire by *kinyan chatzer*. According to the author of *Agudah*, the *din* of a synagogue is like that of *hekdesh* and a synagogue is regarded as property without a human owner and therefore a synagogue's domain does not acquire by *kinyan chatzer*.

**Ramban: *Hekdesh* acquires by *kinyan chatzer*:** However, Ramban explains (*Bava Basra* 79a) our *Gemora* differently. In his opinion, the water which accumulated in the pit was acquired by *hekdesh* by *kinyan chatzer* but, nonetheless, is



exempt from the prohibition of *me'ilah* because the Torah decreed the prohibition of *me'ilah* only on articles dedicated to *hekdesh* and not on articles acquired by *hekdesh*! (See *Ketzos HaChoshen*, 200, S.K. 1 and the Rishonim on the *sugya* in Bava Basra, *ibid*).

Therefore, in Ramban's opinion, an article lost in a synagogue belongs to the synagogue if the conditions exist for *kinyan chatzer* – that the premises are safe from thieves – something not so common in public places. Indeed, from the Chasam Sofer's statements (*Responsa*, O.C. 44) it appears that one way or another, he who finds an article without identifying marks in a synagogue may take it for himself, because a synagogue is not guarded premises. Still, there are synagogues that are properly safeguarded and in these places the afore-mentioned difference of opinions is extremely topical (see *Magen Avraham*, 154, S.K. 23 and *Hagahos Rabbi 'Akiva Eiger*, *ibid*).

All the above issue is according to the author of *Agudah*, who compares the property of *hekdesh* to that of a synagogue. However, the author of *Ketzos HaChoshen* (*ibid*) cites proof that other Rishonim (Ribash, etc.) hold that a synagogue is not like the property of *hekdesh* but like a domain owned by partners, but he proved that he who finds an article in a synagogue may take it for other reasons.

## DAILY MASHAL

What is the significance of the libations of water that were performed at the Simchas Bais Hashoeva? The *Gemora* goes so far to say that one who did witness the joy of the Simchas Bais Hashoeva never experienced true joy in his lifetime.

The idea of this joy is that it is an expression of thanksgiving to Hashem who provided us with an abundant produce and now, after the ingathering of the crops, we express our thanks to Hashem by declaring that everything emanates from Him, and we do this with libations of water.

We still need to understand, however, why a small amount of water offered as a libation is used to demonstrate our gratitude to Hashem.

We find that after Dovid HaMelech conquered the Plishtim and everyone was aware of the great miracles that Hashem had wrought, it is said that Dovid desired a drink. When his officers brought Dovid some water he did not drink the water; rather, he offered the water to Hashem. What was Dovid's intention with this peculiar act?

Rav Rosen explains in the *Sefer Bais Hashoeva* that there are two forms to one who proffers a present to someone. One aspect is that the giver is cognizant of the beneficiary's lack, and therefore he bestows a gift upon him. In this situation, the presenter must ensure that the recipient does not currently own the specific gift, as he is seeking to fill his deficiency. The greater the gift, the more the beneficiary will appreciate the gift. Another scenario, however, is when the recipient is not in need of the gift, and perhaps is not lacking anything. Due to the love that the giver has for his beneficiary, however, he desires to offer him at least a token of his affection towards him. In such a case, one does not need to lavish the other person with extravagant gifts. Rather, he is giving his heart to the one he loves, and the present itself is insignificant. This idea is reflected in the libations of water and in the desire of Dovid HaMelech to drink water. Both situations demonstrated that we desire to give Hashem everything that we have, but because we know that Hashem has everything, we express our love for Hashem by offering a token present.

These are essentially the words of Rabbeinu Yonah who writes that one who cries when he prays will merit that his prayers be answered. This is because the gates of tears are never sealed. Tears correspond to the libations of water that were offered on the altar. The gesture may be small, but it is an expression of a Jew to give over everything he possesses to Hashem.