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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Issi Ben Yehudah said that if an item that a *shomer* (guardian) is guarding breaks in front of witnesses, the *shomer* is not exempt through taking an oath, and he is exempt only if he brings witnesses who testify that he was not negligent.

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: A *shomer* who moves a jug that he is guarding from place to place and he slips and it breaks, the *Chachamim* decreed that he is exempt through taking an oath, because otherwise, no one would move a jug for his friend from place to place. [*Rabbi Yochanan is answering the contradiction that Rabbi Meir in our Mishnah holds that a shomer, who slips and breaks the jug, is exempt, even though he states elsewhere that someone who slips is considered negligent, and the answer is that it is a decree of the Chachamim that the shomer who breaks a jug is exempt through taking an oath.*]

How does he swear? Rava says that according to Rabbi Yochanan, if the *shomer* slips and breaks a jug, he takes an oath that he didn't break it deliberately and he is exempt. [*Rava is explaining that according to Rabbi Meir, someone who slips is negligent, and even so, he is exempt because of the decree of the Chachamim, so he can't take an oath that he wasn't negligent, and instead, he takes an oath that he did not break the jug deliberately.*]

And Rabbi Yehudah comes to say that a *shomer chinam* (unpaid custodian) who is guarding a jug and he moves it from place to place and he slips and it breaks, he takes an oath and he is exempt, while a *shomer sachar* (paid custodian) is liable to pay; each in accordance with his own particular law.

And Rabbi Eliezer comes to say that yes, the *halachah* is in accordance with Rabbi Meir (that both a *shomer sachar* and a *shomer chinam* take an oath and are exempt), but he wonders why a *shomer sachar* is exempt: As for an unpaid custodian, it is well; he swears that he was guilty of no negligence. But why should a paid custodian swear? Even if he wasn't negligent, he is still bound to pay! And even with respect to an unpaid custodian, it [sc. the ruling] is correct [if the accident happened] on sloping ground; but if not on sloping ground, can he possibly swear that he wasn't negligent! And even on sloping ground, it is reasonable [that the custodian swears] where no evidence is possible; but where it is, let him adduce evidence and [only] then be freed from liability! For it has been taught in a Baraisa: Issi ben Yehudah said: It is written: *If nobody saw, the oath of Hashem shall be between them both.* We can infer from here that if there were those that saw, he can bring them as proof and be exempt. (83a1 – 83a2)

A man was once moving a barrel of wine in the town square of Mechoza, and broke it on a beam (protruding

from one of the walls) in Mechoza. He came before Rava. Rava said to him: The town square of Mechoza is a frequented place; go and bring evidence, and then you will be free from liability. Thereupon Rav Yosef, his son, said to him: In accordance with whom [is your verdict]? With Issi? — Yes, said he, in accordance with Issi; and we agree with him. (83a2)

There was someone who asked his friend, “Buy for me four hundred barrels of wine,” and the agent went and bought them (for the principal). Later, the agent claimed to the principal, “I bought the four hundred barrels of wine for you but it turned into vinegar.” He came before Rava. Rava said to him: Four hundred barrels of wine turning sour (as this is a significant event) has a voice (*the word travels*), go and bring proof that when you bought the wine it was good wine, and then you will be exempt from paying. [*This is in accordance with Issi, who holds that any time it is possible to prove something with witnesses, a person must bring witnesses and otherwise, he must pay.*] Thereupon Rav Yosef, his son, said to him: In accordance with whom [is your verdict]? With Issi? — Yes, said he, in accordance with Issi; and we agree with him. (83a2)

If someone is hired to transport barrels and he carried two barrels at a time on his shoulders with a stick that was bent in the middle and the barrels break, Rav Chiya bar Yosef decreed that he must pay half. What is the reason? Because it [the burden] is too much for one, yet too little for two; therefore, it lies midway between accident and negligence.¹ If a worker carried the

¹ Two barrels are too much for one person to carry in this fashion and too little for two people; however, it is usual for a person to make the effort and carry two at a time, and therefore it is close to being both an accident and a negligence and he pays half.

barrels with a stick that is bent like a hook at the ends, and he tied two barrels to the ends; if the barrels break, he must pay for the complete cost.² (83a2)

Some porters [negligently] broke a barrel of wine belonging to Rabbah son of Rav Huna. Thereupon he seized their garments; so they went and complained to Rav. Rav said to them: Return them their garments. He asked Rav: Is that the law? Rav responded: Yes, as it is written: In order that you may walk in the way of good people. He gave them back their garments. They said to Rav: We are poor people, have worked all day, and are hungry and have nothing to eat. Rav said to him: Go and pay them their fee. He asked Rav: Is that the law? Rav replied: Yes; and keep the path of the righteous people. (83a2 – 83a3)

WE SHALL RETURN TO YOU, HASOCHER ES HAUMNIN

If someone hires workers and he instructs them to start early and to end late; if it is a place that the custom is that workers do not start early and end late, he may not force them. If it is a place where the employers feed their workers, he must feed them. If the custom is to provide relish, he must provide. Everything is according to the custom.

It once happened that Rabbi Yochanan ben Masya said to his son, “Go out and engage workers.” He went and agreed to supply them with food. But on his returning to his father, the latter said, “My son, should you even prepare for them a feast like Solomon's when in his heyday, you cannot fulfill your undertaking for them,

² It is regarded as a negligence because it is usual to tie a load to the stick that requires two people to carry it, and since he carried by himself a load that requires two people, he is liable to pay for it completely.

for they are children of Abraham, Isaac and Jacob. Rather, before they start work, go out and tell them, “[I engage you] on condition that you have no claim upon me other than bread and beans.” Rabban Shimon ben Gamliel said: It was unnecessary [to stipulate thus]; everything depends on local custom. (83a4)

GEMARA - Is it not obvious? — It is necessary [to teach it] only when he [the employer] pays them a higher wage [than usual]: I might think that he can claim, “I pay you a higher wage in order that you may start earlier and work for me until nightfall;” we are therefore taught that they can reply, “The higher remuneration is [only] for better work [but not for longer hours].” (83a4)

Rish Lakish said: A worker's entry [to town] is in his own time, and his going out [of the city] is in his employer's; as it is written: The sun shines, they [sc. the animals] gather themselves together, and crouch in their dens. Man goes forth to his work and to his labor until the evening. — But let us see what is the usage? — This refers to a new town. — Then let us see from where they come? — It refers to a collection of emigrants (with different customs). Alternatively, it means that he said to them, “You are engaged to me as workers [whose conditions of work are set forth] according to Scriptural law. (83b4 – 83b1)

Rabbi Zeira lectured, and others say: Rabbi Yosef learned: What is meant by: You make darkness, and it is night: wherein all the beasts of the forest do creep forth? You make darkness, and it is night — this refers to this world, which is comparable to night; wherein all the beasts of the forest do creep forth — to the wicked that are inside, who are like the beasts of the forest. The sun arises — for the righteous; the wicked are gathered in — for Gehinnom; and lay them down in

their habitations — not a single righteous man lacks a habitation as befits his honor. Man goes forth to his work — i.e., the righteous go forth to receive their reward; and to his labor until the evening — as one who has worked fully until the very evening. (83b1)

Rabbi Elazar, son of Rabbi Shimon, once met an officer of the [Roman] Government who had been sent to arrest thieves: How can you detect them? he said. Are they not compared to wild beasts, of whom it is written: Therein [in the darkness] all the beasts of the forest creep forth? Others say: he referred him to the verse: He lies in wait secretly as a lion in his den. Maybe, [he continued,] you take the innocent and allow the guilty to escape? The officer answered: What shall I do? It is the King's command. The Rabbi said: Let me tell you what to do. Go into a tavern at the fourth hour of the day. If you see a man dozing with a cup of wine in his hand, ask what he is. If he is a learned man, [you may assume that] he has risen early to pursue his studies; if he is a day laborer, he must have been up early to do his work; if his work is of the kind that is done at night, he might have been rolling thin metal. If he is none of these, he is a thief; arrest him. The report [of this conversation] was brought to the Court, and the order was given: Let the reader of the letter become the messenger. Rabbi Elazar, son of Rabbi Shimon, was accordingly sent for, and he proceeded to arrest the thieves. Thereupon Rabbi Yehoshua, son of Karchah, sent word to him: Vinegar, son of wine! How long will you deliver up the people of our God for slaughter! Back came the reply: I weed out thorns from the vineyard. Whereupon, Rabi Yehoshua retorted: Let the owner of the vineyard himself [God] come and weed out the thorns.

One day a laundryman met him, and dubbed him: Vinegar, son of wine. The Rabbi said to himself: Since

he is so insolent, he is certainly a culprit. So he gave the order to his attendant: Arrest him! Arrest him! When his anger cooled, he went after him in order to secure his release, but did not succeed. Thereupon he applied to him, [the fuller] the verse: Who keeps his mouth and his tongue, keeps his soul from troubles. Then they hanged him, and he [R' Elazar son of R' Shimon] stood under the gallows and wept. They [his disciples] said to him: Master, do not grieve; for he and his son seduced a betrothed maiden on the Day of Atonement. [On hearing this,] he laid his hand upon his heart and exclaimed: Rejoice, my heart! If matters on which you [sc. the heart] are doubtful are thus, how much more so those on which you are certain! I am well assured that neither worms nor decay will have power over you. Yet in spite of this, his conscience disquieted him.

Thereupon he was given an anesthetic tonic to drink, and he was taken into a marble chamber, and had his abdomen opened, and basketsful of fat removed from him and placed in the sun during Tammuz and Av, and yet it did not putrefy.

The Gemara asks: But no fat putrefies!?! The Gemara answers: [True,] no fat putrefies; nevertheless, if it contains red streaks, it does. But here, though it contained red streaks, it did not. Thereupon, he applied to himself the verse: My flesh too shall dwell in safety. (83b1 – 83b3)

DAILY MASHAL

Continuation of Chasam Sofer Story - Meets An Old Friend

The following morning the merchant banker traveled to Leipzig and entered the trading market. He wandered around until he suddenly heard a voice call

him. It was a merchant friend whom he had not seen for many years.

“It must be a stroke of luck that made me meet you here,” the friend said. “Only today a boatload of coffee arrived for me, and I haven’t the time to take care of it to sell to the local merchants. I have a big deal pending out of town. Will you take care of it for me? You can pay me in three months. Only give me 100 coins as a binder. I know you for many years, and I trust you. I’ll sell it to you for the amount it cost me as long as I don’t lose anything on the transaction.”

The banker remembered the admonition of the *Chasam Sofer* to enter into the first business deal he saw, so he agreed. He signed the necessary papers and gave him the deposit.

The blessing of the *Chasam Sofer* came true. Within a week he sold all the coffee at a tremendous profit that helped him recoup all of his former losses. Before he returned to his town of Pressburg, he purchased a beautiful incense (*besamim*) box, as a gift of appreciation for his Rabbi, the *Chasam Sofer*.

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