

**A** בס"ד

Intro

Today we will Be"H learn צ"ה of בבא בתרא. Some of the topics we will learn about include:

אם בא לנפות  
מנפה את כולו

If there is an excess of undesirable material mixed into grain, the buyer may remove all the impurities, and only pay for the volume of grain.

The Gemara contrasts this ruling with several related cases:

מחזיר לו את כל הרבעין כולן

If someone sold property, assuming it to be a בית כור, while it was actually a bigger field, if there is more than a quarter-קב extra per בית סאה, the buyer must pay for all the extra land.

האונאה

שתות קנה ומחזיר אונאה

If someone overcharges for a purchase by 1/6, the sale is binding, but he must refund the extra payment.

**A**

אם בא לנפות  
מנפה את כולו

מחזיר לו  
את כל הרבעין כולן

האונאה  
שתות קנה ומחזיר אונאה

**B**

המקבל שדה מחברו ליטע

If someone is hired to plant an orchard and more than ten percent of the trees are barren, he must replace all the barren trees.

מכירת יין

The Gemara discusses the quality of wine expected in a sale, whether

יין שכולו יפה, superior wine;

OR

יין הנמכר בחנוות

Depending on the following factors:

1.

Whether the seller said "I'm selling you,

מרתף זה של יין

This cellar of wine;

OR

מרתף של יין סתם

A cellar of wine;

OR

מרתף זה

This cellar;

2.

אמר ליה למקפה

Whether the seller also specified that the wine is suitable for cooking, referring to superior quality.

**B**

המקבל שדה מחברו ליטע

מכירת יין

אמר ליה למקפה

1 So let's review...

The Gemara earlier cited the ruling of רב הונא:

אם בא לנפות  
מנפה את כולו

If the buyer suspects that there is more than a רובע of impurities in the grain and he sifts the grain, he may remove not only the amount in excess of a רובע, but all the impurities, and only pay for the net volume of grain. And

לא יאמר  
רובע כבר מחלת

The seller cannot argue that the buyer forgave up to a רובע.

The Gemara in the previous Daf began citing several משניות regarding רב הונא's ruling, alluded to in the following

סימן  
כל תרי שטרי דראבין בר רב נחמן אונאה וקבלנותא

The Gemara continues with

4.  
דראבין בר רב נחמן

The Mishnah later as explained by רב נחמן בר רב נחמן rules;

לא את המותר בלבד הוא מחזיר  
אלא מחזיר לו את כל הרבעין כולן

If someone sold a field, assuming it to be a בית כור and it turned out to be a bigger field; if there is more than a רובע extra per סאה, the buyer must pay for all the extra land.

The Gemara points out

אלמא היכא דבעי אהדורי  
כולה מהדר

As the Rashbam explains  
אלישנא דאמרי ליה דינא קמסייע

This is in support of רב הונא's ruling according to the opinion that it is the law that he must compensate for the entire excess?

1

## אם בא לנפות מנפה את כולו

If the buyer suspects that there is more than a רובע of impurities in the grain and he sifts the grain, he may remove not only the amount in excess of a רובע, but all the impurities, and only pay for the net volume of grain

And

לא יאמר רובע כבר מחלת

The seller cannot argue that the buyer forgave up to a רובע.

## סימן

## כל תרי שטרי דראבין בר רב נחמן אונאה וקבלנותא

4

## דראבין בר רב נחמן

The Mishnah later as explained by רב נחמן בר רב נחמן rules;

## לא את המותר בלבד הוא מחזיר אלא מחזיר לו את כל הרבעין כולן

If someone sold a field, assuming it to be a בית כור and it turned out to be bigger; if there is more than a רובע extra per סאה, the buyer must pay for all the extra land.

The Gemara points out

## אלמא היכא דבעי אהדורי כולה מהדר

As the Rashbam explains

אלישנא דאמרי ליה דינא קמסייע

This is in support of רב הונא's ruling according to the opinion that it is the law that he must compensate for the entire excess?



2 However, the Gemara differentiates, according to the Rashbam's גירסא:  
 התם מעיקרא בית כור א"ל  
 מיהו רביע לא חשיב  
 יתר מרביע חשיב  
 In that case, he stipulated that he is selling an exact כור בית.  
 Therefore, if there is only a small discrepancy, he forgives the extra amount, but if there is a larger, unusual discrepancy, he does not forgive any of it. Therefore, the buyer must pay for all the extra land.  
 הכא ודאי אית ביה טינופת  
 It is normal to have some impurities in the grain, and so he might forgive up to a רובע.  
 =====

2

*However, the Gemara differentiates, according to the Rashbam's גירסא:*

**התם מעיקרא בית כור א"ל  
 מיהו רביע לא חשיב  
 יתר מרביע חשיב**

*In that case, he stipulated that he is selling an exact כור בית.  
 Therefore, if there is only a small discrepancy, he forgives the extra amount,  
 but if there is a larger, unusual discrepancy, he does not forgive any of it.  
 Therefore, the buyer must pay for all the extra land.*

**הכא ודאי אית ביה טינופת**

*It is normal to have some impurities in the grain, and so he might forgive up to a רובע.*



3

5.

אונאה

The Gemara cites the following Braisa:

האונאה

If someone overcharged for a purchase, it depends:

פחות משתות

נקנה מקח

If the discrepancy is less than 1/6 of the fair market price, the sale is binding and the seller does not need to refund the overpayment.

יותר משתות

בטל מקח

If the discrepancy is more than 1/6, the sale is void, and the seller must refund the entire purchase price.

שתות

קנה ומחזיר אונאה

If the discrepancy is exactly 1/6, the sale is binding, but he must refund the overpayment.

The Gemara points out

ש"מ

כל היכי דבעי לאהדורי

כולה מהדר

We penalize him for the entire amount, and he refunds even the part of less than 1/6, in agreement with רב הונא.

The Gemara differentiates:

התם מעיקרא שוה בשוה א"ל

The buyer rightfully assumed he was getting a fair price.

Nevertheless,

פחות משתות

לא ידיעה במנה ומחיל איניש

שתות

ידיעה ולא מחיל איניש

He forgives an insignificant discrepancy of less than 1/6, but not a significant discrepancy of more than 1/6.

However,

גבי פירות

דאורחיה דמילתא היא שיש שם טנופת

איכא למימר דמחיל לגמרי

Since it is normal to have some impurities in the grain, he may forgive the part of less than a quarter-קב, even when there is more than this amount mixed in.

=====

3

5

## האונאה

If someone overcharged for a purchase, it depends:

<p><b>שתות קנה ומחזיר אונאה</b></p> <p><i>If the discrepancy is exactly 1/6, the sale is binding, but he must refund the overpayment.</i></p>	<p><b>יותר משתות בטל מקח</b></p> <p><i>If the discrepancy is more than 1/6, the sale is void, and the seller must refund the entire purchase price.</i></p>	<p><b>פחות משתות נקנה מקח</b></p> <p><i>If the discrepancy is less than 1/6 of the fair market price, the sale is binding and the seller does not need to refund the overpayment.</i></p>
---	---	---

ש"מ

**כל היכי דבעי לאהדורי  
כולה מהדר**

*We penalize him for the entire amount, and he refunds even the part of less than 1/6, in agreement with רב הונא.*

*The Gemara differentiates:*

**התם מעיקרא שוה בשוה א"ל**

*The buyer rightfully assumed he was getting a fair price. Nevertheless,*

<p><b>שתות ידיעה ולא מחיל איניש</b></p>	<p><b>פחות משתות לא ידיעה במנה ומחיל איניש</b></p>
---	--

*He forgives an insignificant discrepancy of less than 1/6, but not a significant discrepancy of more than 1/6.*

*However,*

**גבי פירות**

**דאורחיה דמילתא היא שיש שם טנופת  
איכא למימר דמחיל לגמרי**

*Since it is normal to have some impurities in the grain, he may forgive the part of less than a quarter-קב, even when there is more than this amount mixed in.*

4

6.  
קבלנותא

המקבל שדה מחברו ליטע  
If someone is hired to plant an orchard,  
הרי זה מקבל עליו  
עשר בוריות למאה  
The employer must accept up to ten percent of the trees if  
they turn out to be barren. However,  
יותר מכאן  
מגלגלין עליו את הכל  
If more than ten percent are barren, the employee must  
replace all the barren trees.

As the Gemara said earlier;  
ש"מ  
כל היכי דבעי לאהדורי  
כולה מהדר  
This supports רובע that if there are more than a רובע of  
impurities, the buyer is entitled to remove them all.

The Gemara however differentiates:  
כל יתר מכאן  
כבא ליטע מתחלה דמי  
Every piece of land is a significant investment and  
considered a separate orchard. Therefore, if there are  
more than ten percent of barren trees and he must replace  
them, it is as if he was hired to plant the area of the barren  
trees and he must plant the entire area.  
However, in our case,  
אורחיה דמילתא היא שיש שם טנופת  
איכא למימר דמחיל לגמרי  
Since it is normal to have some impurities in the grain, he  
may forgive less than a רובע even when there is more than  
this amount mixed in.  
=====

4

6

## קבלנותא

**המקבל שדה מחברו ליטע**  
If someone is hired to plant an orchard,  
**הרי זה מקבל עליו**  
**עשר בוריות למאה**

The employer must accept up to ten percent of the trees  
if they turn out to be barren.

However,

**יותר מכאן**  
**מגלגלין עליו את הכל**

If more than ten percent are barren,  
the employee must replace all the barren trees.

ש"מ

**כל היכי דבעי לאהדורי**  
**כולה מהדר**

This supports רובע  
that if there are more than a רובע of impurities,  
the buyer is entitled to remove them all.

The Gemara however differentiates:

**כל יתר מכאן**  
**כבא ליטע מתחלה דמי**

Every piece of land is a significant investment  
and considered a separate orchard.

Therefore,  
if there are more than ten percent of barren trees  
and he must replace them,  
it is as if he was hired to plant the area of the barren trees  
and he must plant the entire area.

However, in our case,

**אורחיה דמילתא היא שיש שם טנופת**  
**איכא למימר דמחיל לגמרי**

Since it is normal to have some impurities in the grain,  
he may forgive less than a רובע  
even when there is more than this amount mixed in.

5 The Mishnah on ג"צ ruled

מרתף של יין  
מקבל עליו עשר קוססות למאה  
One who buys a wine cellar must accept up to ten percent of the barrels to contain inferior wine that has begun to sour.

The Gemara now lists several variations of this ruling depending on the exact wording of their agreement; and after some discussion the conclusion of the Gemara is as follows:

1.  
מרתף זה של יין  
אני מוכר לך  
If the seller said, "I am selling you 'this' cellar of wine," it depends:  
אמר ליה למקפה  
If the seller also said that the wine is suitable for cooking;  
נותן לו יין שכולו יפה  
ומקבל עליו עשר קוססות למאה  
All of the wine must be of superior quality, but the buyer must accept up to ten percent of souring barrels. And זה אוצר ששנו חכמים במשנתנו  
This is the scenario referred to in our Mishnah.

And as the Rashbam explains;

On the one hand,  
איכא חדא לריעותא  
דאמר מרתף זה  
Specifying 'this cellar' implies that the buyer accept it regardless of its quality.  
On the other hand,  
איכא חדא לטיבותא  
דא"ל למקפה  
Specifying that the wine is suitable for cooking implies that it is of superior quality, because  
מעט מעט מסתפקין ממנו  
ויין טוב מתקיים הרבה  
Since one uses such wine a little at a time, it must be of superior quality so that it will last for a long time.  
Therefore,  
נותן לו יין שכולו יפה  
ומקבל עליו עשר קוססות למאה

However,  
לא א"ל למקפה  
נותן לו יין הנמכר בחנות  
If he did not say that the wine is suitable for cooking, he can give him souring wine, which was commonly sold in stores, because he only said זה מרתף זה.

5

## מרתף של יין מקבל עליו עשר קוססות למאה

One who buys a wine cellar must accept up to ten percent of the barrels to contain inferior wine that has begun to sour.

1

## מרתף זה של יין אני מוכר לך

If the seller said, "I am selling you 'this' cellar of wine," it depends:

### אמר ליה למקפה

If the seller also said that the wine is suitable for cooking;

### נותן לו יין שכולו יפה

### ומקבל עליו עשר קוססות למאה

All of the wine must be of superior quality, but the buyer must accept up to ten percent of souring barrels. And

### זהו אוצר ששנו חכמים במשנתנו

This is the scenario referred to in our Mishnah.

And as the Rashbam explains;

On the one hand,

איכא חדא לריעותא

דאמר מרתף זה

Specifying 'this cellar' implies that the buyer accept it regardless of its quality.

On the other hand,

איכא חדא לטיבותא

דא"ל למקפה

Specifying that the wine is suitable for cooking implies that it is of superior quality, because

מעט מעט מסתפקין ממנו

ויין טוב מתקיים הרבה

Since one uses such wine a little at a time, it must be of superior quality so that it will last for a long time.

Therefore,

נותן לו יין שכולו יפה

ומקבל עליו עשר קוססות למאה

However,

לא א"ל למקפה

נותן לו יין הנמכר בחנות

If he did not say that the wine is suitable for cooking, he can give him souring wine, which was commonly sold in stores, because he only said זה מרתף זה.

6

2.  
 מרתף של יין סתם  
 אני מוכר לך  
 If the seller simply said, "I am selling you a cellar of wine," it depends as follows:  
 אמר ליה למקפה  
 נותן לו יין שכולו יפה  
 If the seller also said that the wine is suitable for cooking, all of the wine must be of superior quality, as explained earlier; and the buyer does not have to accept ten percent of inferior wine, because he did not say זה.

However,  
 לא א"ל למקפה  
 פליגי בה רב אחא ורבינא  
 If he did not say that the wine is suitable for cooking, and he also did not say זה, this case is subject to a מחלוקת רב אחא ורבינא

חד אמר  
 מקבל עליו עשר קוססות למאה  
 One opinion holds that all of the wine must be of superior quality, but the buyer must accept up to ten percent of souring wine barrels, similar to the earlier case where there were conflicting factors, as the Rashbam explains:

On the one hand,  
 איכא חדא לטיבותא  
 דאמר מרתף של יין  
 He did not specify זה, 'this cellar,' and so there is no indication that the buyer must accept inferior wine.

On the other hand,  
 איכא חדא לריעותא  
 דלא א"ל למקפה  
 He did not specify that it's suitable for cooking.  
 Therefore,  
 נותן לו יין שכולו יפה  
 ומקבל עליו עשר קוססות למאה

חד אמר  
 לא מקבל  
 The other opinion holds that he does not have to accept any souring barrels, because  
 מאן דזבין חמרא  
 מסתמא למקפה בעי ליה  
 Since he did not refer to any particular cellar, we assume that it's suitable for cooking, because most people use it for cooking as well.  
 Therefore,  
 נותן לו יין שכולו יפה  
 All of the wine must be of superior quality.

6

2  
**מרתף של יין סתם  
 אני מוכר לך**

*If the seller simply said, "I am selling you a cellar of wine," it depends as follows:*

**אמר ליה למקפה  
 נותן לו יין שכולו יפה**

*If the seller also said that the wine is suitable for cooking, all of the wine must be of superior quality, and the buyer does not have to accept 10% of inferior wine, because he did not say זה.*

*However,*

**לא א"ל למקפה  
 פליגי בה רב אחא ורבינא**

*If he did not say that the wine is suitable for cooking, and he also did not say זה, this case is subject to a*

**מחלוקת רב אחא ורבינא**

*מאן*

**מקבל עליו עשר קוססות למאה**

*One opinion holds that all of the wine must be of superior quality, but the buyer must accept up to ten percent of souring wine barrels, similar to the earlier case where there were conflicting factors,*

*As the Rashbam explains:*

*On the one hand,*

*איכא חדא לטיבותא דאמר מרתף של יין  
 He did not specify זה, 'this cellar,' and so there is no indication that the buyer must accept inferior wine.*

*On the other hand,*

*איכא חדא לריעותא דלא א"ל למקפה  
 He did not specify that it's suitable for cooking.*

*Therefore,*

**נותן לו יין שכולו יפה  
 ומקבל עליו עשר קוססות למאה**

*מאן*

**לא מקבל**

*He does not have to accept any souring barrels, because*

*מאן דזבין חמרא מסתמא למקפה בעי ליה  
 Since he did not refer to any particular cellar, we assume that it's suitable for cooking, because most people use it for cooking as well.*

*Therefore,*

**נותן לו יין שכולו יפה  
 All of the wine must be of superior quality.**

7

3.

מרתף זה

אני מוכר לך

If the seller said, "I am selling you this cellar," but he did not mention יין, the word wine, it depends as follows:

אמר ליה למקפה

נותן לו יין שכולו יפה

ומקבל עליו עשר קוססות למאה

If he also said that the wine is suitable for cooking, all of the wine must be of superior quality, but the buyer must accept up to ten percent of souring barrels. However,

לא א"ל למקפה

אפילו כולו חומץ

הגיעו

If he did not say that the wine is suitable for cooking, even if all the wine had turned to vinegar, the sale is binding, because he referred to this particular cellar, with no further stipulations. He did not mention the word יין.

7

3

מרתף זה

אני מוכר לך

If the seller said, "I am selling you this cellar," but he did not mention יין, the word wine, it depends as follows:

אמר ליה למקפה

נותן לו יין שכולו יפה

ומקבל עליו עשר קוססות למאה

If he also said that the wine is suitable for cooking, all of the wine must be of superior quality, but the buyer must accept up to ten percent of souring barrels.

However,

לא א"ל למקפה

אפילו כולו חומץ

הגיעו

If he did not say that the wine is suitable for cooking, even if all the wine had turned to vinegar, the sale is binding, because he referred to this particular cellar, with no further stipulations. He did not mention the word יין.