

Bava Metzia – Simanim

דף קיט – Daf 119

פרקי – הבית והעלייה

1. Two arguments between Rebbe Meir and Rebbe Yehudah re: shoots growing out of a trunk

The Gemara quotes two arguments between Rebbe Meir and Rebbe Yehudah about shoots growing out of a trunk: (1) A Baraisa discusses a tree sold in someone's field, and new shoots grow out of the tree. Rebbe Meir says they all belong to the owner of the land, but Rebbe Yehudah says that the shoots growing from the גזע – *trunk* (which here means any part above the ground) belong to the owner of the tree, and those growing from the roots (i.e., from roots beneath the ground) belong to the landowner. (2) In another Baraisa discussing ערלה, Rebbe Meir says that all shoots, whether they grow from the trunk or the roots, are subject to *orlah*, because they are considered to be independent growths. Rebbe Yehudah says: מן הגזע פטור – a shoot growing *from the trunk is exempt from orlah*, because it is considered part of the original tree, מן השרשין חייב – but a shoot growing *from the roots is subject to orlah*. In both cases, they argue if shoots growing from the trunk are considered part of the tree, and the Gemara explains that both arguments needed to be recorded, because the first *machlokes* is a monetary one, and the second is about *orlah* (a prohibition).

2. Rebbe Shimon: the owner of the higher garden owns whatever he can reach

In the Mishnah on Daf 118b, Rebbe Shimon taught that whatever the upper owner can reach belong to him, and the rest belongs to the lower owner. In Rebbe Yannai's Yeshiva, they qualified this: ובלבד שלא יאנס – *provided that he does not need to strain himself* to be able to reach them. Two questions were asked: מגיע לנופו ואין מגיע לעיקרו – if [the upper owner] *can reach its shoot, but not its roots*, or מגיע לעיקרו ואין מגיע לנופו – *or he can reach its roots, but not its shoot* (because it is pointed downwards), is it considered within the reach of the higher garden's owner? The Gemara concludes: תיקו – *let it stand* unresolved.

3. אפריון נמטייה לרבי שמעון

Ephraim the scribe, a talmid of Reish Lakish, said in Reish Lakish's name that the *halachah* follows Rebbe Shimon, that the upper owner keeps whatever he can reach, and the rest belongs to the lower owner. When Rebbe Shimon's ruling was told to שבור מלכא – *King Shapur* (a Persian king), who Rashi explains was an expert in *dinim*, he said: אפריון נמטייה לרבי שמעון – *“Let us extend our grace to Rebbe Shimon!”*

Siman – Kite

When the **Persian King** saw a kite which had smashed into **the shoots growing out of a tree trunk which were *patur* from *orlah***, and that **the owner strained from a higher garden** to untangle the string **but could only reach the roots and not the shoots**, he proclaimed, **“אפריון נמטייה”** to that beautiful kite!”

הדרן עלך מסכת בבא מציעא!

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Kite



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3 things to remember

1. Status of shoots growing out of the trunk of the tree re: *orlah*
2. Rebbe Shimon: the owner of the higher garden owns whatever he can reach
3. אפריון נמטייה לרבי שמעון

