Bechoros – Simanim
פרק ט – מעשר בהמה

Daf 59 – דף נט

1. Opinion that תרומת מעשר and מעשר בהמה may be separated באומד ובמחשבה

In the Mishnah on the previous Daf, the Tanna Kamma said that if one simply designated ten percent of his animals as *maaser*, it does not take effect, but Rebbe Yose bar Rebbe Yehudah says it does. Rebbe Yose holds like Abba Elazar ben Gomel, who *darshened*: ונחשב לכם תרומתכם – *and your terumah shall be reckoned to you*, teaching that בשתי תרומות הכתוב מדבר – *the passuk is discussing two types of terumah*, תרומה גדולה – [primary *terumah* which is taken first from produce], and תרומת מעשר, a tenth taken from *maaser*. This comparison teaches: כשם שהתרומה גדולה ניטלת באומד ובמחשבה – *just as terumah gedolah may be separated by estimation and by thought* alone, the same applies to תרומת המעשר. This means that both *terumah* and תרומת מעשר may be separated without precisely measuring one's produce, but by estimation, and he can mentally designate the *terumah*, without verbally designating it. Since מעשר is also expressed as "תרומה" in the *passuk* "אשר ירימו" – *that they raise up*, he derives that *maaser* of grain, and by extension מעשר בהמה, may be separated by estimation and by thought. This allows designating ten percent of the flock as *maaser* without counting them.

2. עשירי מאליו הוא קדוש

Rava said: עשירי מאליו הוא קדוש – *the tenth is automatically sanctified* as *maaser* when it remains in the pen (after the other nine exited), even though the owner never declared it *maaser*. The Gemara suggests several proofs to this principle, including a Baraisa which teaches that if one called the ninth animal which exited "עשירי", and then the tenth animal exited and the owner said nothing, the tenth is *maaser*. However, the Gemara objects that this case is different, דאיברר ליה עשירי – *because the tenth was determined* by actually exiting the pen as tenth, in contrast to where the tenth animal remained in the pen. Alternatively, perhaps the Baraisa's case is דאחוי עילויה – *where he pointed* silently *to* [the tenth animal]. A conclusive proof is brought from another Baraisa, which teaches that if one called the ninth animal "עשירי", and the true tenth animal remained in the pen, the tenth is *maaser*, as Rava said. Another Baraisa rules otherwise, and the Gemara explains the *machlokes*.

3. מנין הראוי פוטר

Rava said: מנין הראוי פוטר – *a count which was fit* to reach ten *exempts* any animal which was counted, even if the count never actually reaches ten. This is derived from the word "יעבור" – [any animal which] *will pass* [under the staff], implying ולא שבבר עבר – *not one which already passed* under the staff; once an animal was already counted under the staff, it is exempt from *maaser*. This cannot refer to where *maaser* was subsequently designated, which would be obvious. Rather, it teaches that even if the count never resulted in a *maaser* designation, the animals are exempt through "מנין הראוי". This is supported by a Baraisa: if one had ten lambs and he brought them into a pen and counted five as they exited, ומת אחד מהם – *and one of them died*, then if one of the counted animals died, he completes the count to ten with the remaining five. If one of the uncounted animals died, so he can no longer count to ten animals, מנויים פטורין – *those which were* already *counted are exempt,* ושאינן מנויים מצטרפין לגורן אחר – *and those which were not* yet *counted combine* with animals born later in the year before *the next גורן.*

***Siman* - Knight**

When the **knight in shining armor waved his spear at a herd of animals, designating ten percent of them as מעשר בהמה**, the sheep in the next pen got so frightened that **nine of them ran out leaving one behind which made it מעשר automatically** and **one uncounted sheep in a third pen died leaving the counted ones פטור because of מנין הראוי.**

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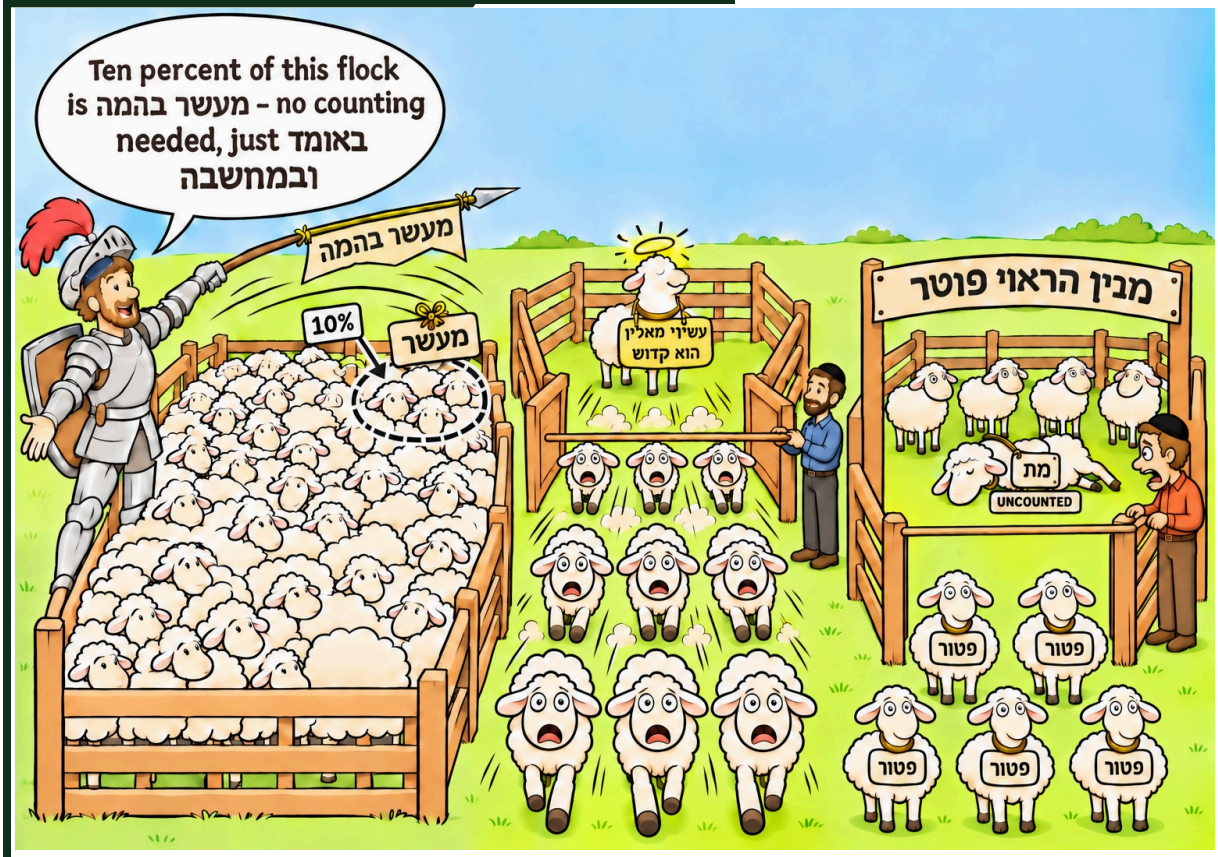
Knight



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3 things to remember

1. **Opinion that תרומת מעשר and מעשר בהמה may be separated באומד ובמחשבה**
2. **עשירי מאליו הוא קדוש**
3. **מבין הראוי פוטר**

