Bechoros – Simanim
פרק ט – מעשר בהמה

Daf 61 – דף סא

1. The *halachah* of a מעשר בהמה mixed with a שלמים: three Baraisos

The previous Daf presented three Baraisos about a case where יצאו שנים בעשירי – *two* animals *emerged as tenth*, so one is *maaser* and the other is a *shelamim*, and they cannot be identified. One says: ירעו – *they should graze* until developing a מום, one says: יקריבו – *they should be offered* as *korbanos* (with the stringencies of *shelamim*), and the third says: ימותו – *they should die*. The Baraisa which says they should graze (but cannot be offered) follows the Rabbonon's view, that אין מביאין קדשים לבית הפסול – *we cannot bring korbanos to a place of invalidation*. Since sacrificing the *maaser* with the stringencies of *shelamim* increases its likelihood of becoming נותר (because the חזה ושוק may only be eaten by Kohanim), it may not be offered at all. The Baraisa which says they are offered holds like Rebbe Shimon's view, who allows offering *korbanos* in a way which increases their likelihood of becoming disqualified. The third Baraisa, which says both animals must die, is ultimately explained to be about *maaser* בזמן הזה – *nowadays*, when there is no מזבח. They must die because of a concern of תקלה – *stumbling* (that one might eat it before it develops a מום, or shear or work it afterwards). The same would apply to a single animal.

2. A שליח who miscounts מעשר בהמה

Amoraim discuss a שליח who was appointed to separate מעשר בהמה from one's flock, and miscounted. Rav Pappi said in Rava's name that if he called the ninth "עשירי", it is sanctified (because it may be eaten after developing a מום, and is no real loss to the owner). However, if he called the eleventh "עשירי", it is not sanctified, since this mistake causes the owner a loss (because it is a *shelamim*, so its אימורין are burned, and the חזה ושוק are given to a Kohen). Rav Pappa says that even the ninth is not sanctified when he called it "עשירי", because the owner tells him: לתקוני שדרתיך ולא לעוותי – *"I sent you to benefit me, not to harm me."* Since the owner must wait for a מום to eat it, it is considered enough harm to void the שליחות.

3. A שליח who separated more *terumah* than the owner would have wanted

The Gemara objects from a Mishnah about a שליח appointed to separate *terumah*, which states: תורם בדעת בעל הבית – *he should separate terumah according to the homeowner's mindset* (i.e., whether the homeowner would want him to separate one-fortieth, one-fiftieth, or one-sixtieth of the produce as *terumah*). If he does not know the owner's mindset, he should separate according to the intermediate amount, one-fiftieth. פיחת עשרה או הוסיף עשרה – If *he subtracted ten* parts *or added ten* parts to the owner's will (i.e., he separated one-sixtieth or one-fortieth), the *terumah* is still effective. The Gemara asks, let the owner tell him, "I sent you to benefit me, not to harm me"!? It answers that in this case, since there are some who separate *terumah* בעין יפה – *generously* and some who separate *terumah* בעין רעה – *in an ungenerous way*, the שליח can reasonably say "להבי אמדתיך" – *this is how I assessed you*, and it is not an error. In contrast, where a שליח miscounts the *maaser*, the owner can tell him לא איבעי לך למיטעי – *"You should not have erred,"* and since he did, his שליחות is void.

Siman – Saw

The shepherd, using a **blue saw** to make **a pen to store the two animals that came out together as the tenth until they get a מום**, told **the *shaliach* who mistakenly called the eleventh עשירי that he doesn't have to worry because it's not sanctified**, and told another ***shaliach* taking off *terumah* that it's fine if he estimated that the owner would take more *terumah* because he would be using the food** for his Bechoros siyum.

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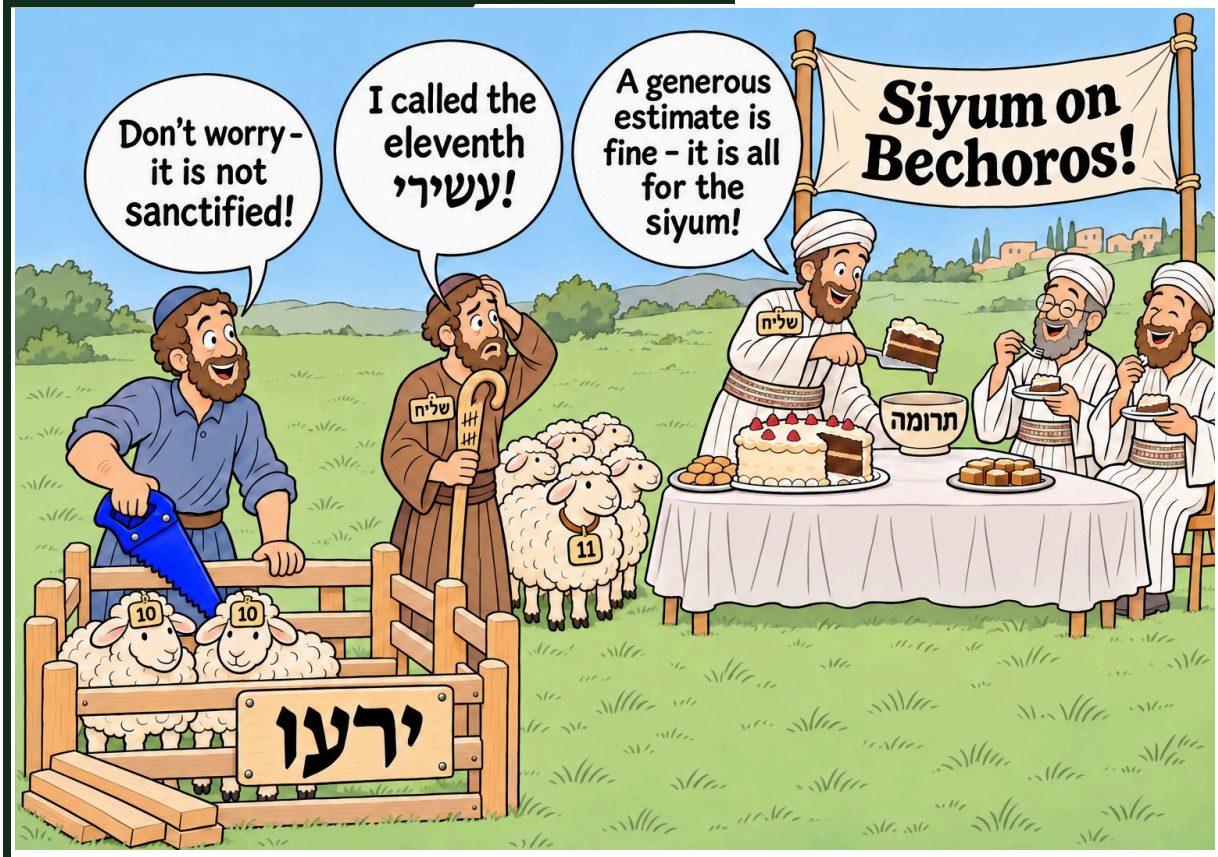
Saw



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3 things to remember

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2. **A שליח who miscounts מעשר בהמה**
3. **A שליח who separated more *terumah* than the owner would have wanted**

