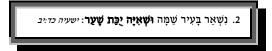
20.9.5

96b (משנה ב') א 97b (משנה ב')



- I משנה ב': depreciation
 - a If: he stole an animal or slaves and they aged (depreciated)
 - i חכמים. pay as per value at time of גזלה
 - ii מ". in case of slaves, give it back in current (devalued) state
 - 1 Note: רב rules in accord with מ"מ
 - 2 Challenge: רב rules against the majority?
 - (a) Answer: ברייתא ש has a reversed version of עבד כקרקע hold עבד כקרקע not עבד א give back as is) € ברייתא
 - (b) Or: ארב הא has 2 ברייתות with that (reversed position); ours, and חכמים (contra "ר"מ) disallow oaths re: עבדים
 - (i) Challenge: רב seems to hold that עבדים are **not** כקרקע:
 - 1. If: someone grabs another's slave and makes him work, he isn't liable to pay owner for work
 - a. *Analysis*: if עבד::קרקע, has worked him in the domain of the owner, should be liable
 - b. Defense: case is where he grabbed him at a time that he wasn't otherwise working
 - c. Akin to: living in another's empty house without his knowledge exempt from rent
 - i. *Challenge*: in that case, there is a benefit of having someone live there (v. 1), here, he doesn't want his slave to get "used up"
 - ii. Answer: here, too, he prefers to have his slave used to working and not idle
 - iii. story: custom of ייסף 'ז's household used to grab slaves of their debtors and make them work, defending it on grounds of ירב 's ruling, along the lines of the rental exemption
 - iv. *Challenge*: this is only true if the owner owes you nothing; else, it appears as רבית (same ruling in re: דר בחצרו שלא לדעת בעלים)
 - 3 Tangential ruling: if someone seizes another's ship and uses it:
 - (a) אב owner may choose to demand all proceeds **or** depreciation
 - (b) שמואל: may only demand depreciation
 - (i) אי מפא. no dispute; if it was a ship for hire, take proceeds; else, take depreciation
 - (ii) Or: no dispute, both cases it was a ship for hire; if he took it for hire, pay hire; if he took as theft, pay
 - iii Note: depreciation can even be weakening, akin to aging (irreversible)
 - I Tangent: following rule taught in name of ד' יוחנן but should be amended to ד' אלעא:
 - (a) If: he stole a kid and it matured into a ram קנה ע"י שנוי
 - (i) therefore: he is exempt from טובח ווה it is his own animal that he is טובח ומוכר
 - b If: he stole an item and it spoiled (depreciation), pay as per value at time of גזלה
 - i Examples: he stole a coin and it cracked, fruit went rotten, wine and it went sour
 - c But if: he stole an item and it lost all value he may give it as is הרי שלך לפניך
 - i Examples: coin \rightarrow invalidated, מזבח אחמץ, טמא \in lapsed, animal was used for sin, or became unfit for מזבח or was going to be stoned
 - ii Discussion re: cracked and invalidated coins:
 - 1 הונא: cracked is literal; invalidated by government
 - 2 מי יהודה invalidated by government is also "cracked"; יהודה where one district won't accept it anymore
 - (a) *Challenge (to ה"ח*): isn't grouped with analogous cases (e.g. rotted fruit)
 - (i) *Answer*: in those cases, the physical traits of the object have changed (unlike the coin)
 - (b) Challenge (to נסדק:(ד"י isn't grouped with analogous cases (e.g. תרומה ונטמאת)
 - (i) Answer: in those cases, damage is intangible
 - iii Related discussion: if someone lends money, using a coin as collateral and the coin becomes obsolete
 - 1 קיב give him another coin that is currently accepted
 - 2 שמואל borrower can tell lender to go take the coin to the district that accepts it (e.g. מישן)
 - (a) "7: only if he otherwise had reason to go there
 - (i) Challenge (רבא): we may not perform חילול מעשרות on coins not accepted as currency –
 1. Implication: current coins ≅ old ones (i.e. accepted elsewhere) may be used (w/o י"ו') s limitation)
 - (ii) Defense: this is in case the provinces cooperate and allow "full faith and credit"
 - (iii) and: שמואל s case was where they are מקפיד, but you can sneak them through to the other district