22.2.7

24b (משנה ז')  $\rightarrow 25b$  (שבאות ואוכלות לגלוגי חרדליי)

- I משנה ז' distancing trees from the city
  - a Distance: 25 אמות
    - i Exception: carob and sycamore trees- 50 אמות
    - ii Dissent: אבא שאול requires 50 אמות for all deciduous trees
  - b If: the city was there first, he must cut it down and isn't recompensed
    - i Question: why is this different from a בור, where he must cut down the tree and is paid (if the בור was there first)
      - 1 Answer (ד' כהנא): partners to a liability always wait for the other to pay (and tree won't get cut down)
        - (a) *Challenge*: isn't public nuisance worse? (hence no payment for tree here?)
        - (b) Rather: סיפא statement was in re: סיפא, which obligates him to cut it down before receiving money
  - c If: the tree was there first, he must cut it down but is recompensed
    - i If: there is doubt which came first, he isn't recompensed
      - 1 Challenge: why is this different than ספק doesn't obligate cutting down
      - 2 *Answer*: in this case, the tree has to get cut down in any case the tree owner, if he wants to get paid, should bring proof that his was there first.
  - d Reason: to keep city beautiful (open space at its perimeter)
    - Challenge: why not provide reason that we can't make a field into an open area and vice-versa? (ערכין ט:ח)
      - 1 *Answer1*: follows א"ז who allows reassigning areas
      - 2 Answer2: perhaps prohibition only applies to sowing, not planting trees
        - (a) *Proof*: a קרפף which is sown is still "public"; if planted (trees), is considered a חצר and, if enclosed for residence, is a permitted area for carrying on שבת
- II משנה מי: distancing a fixed granary (due to damage from winnowing etc.)
  - a From the city: 50 אמות
  - b From neighbor's property: 50 אמות in every direction and must keep enough distance from neighbor's saplings & furrow
    - i Question: why is this last clause distinct (no requirement of 50 אמות)?
      - 1 Answer (אביי): refers to temporary granary one where he doesn't use a tool to winnow
    - ii Alternate (י' אשי): no question משנה is explaining reason for distance of 50 אמה to avoid נזק
    - iii Support: ruling that גורן must always be 50 אמות away from other's plants in order to avoid קשיא לאביי)
  - Question: why must he distance from furrow? (answer: makes it like a dung-heap and destroys plants)
- III משנה ט' digusting and rotting things (e.g. carcasses, graves and tanneries) אמות from city
  - *Loc ation*: tannery must be on east side of city
    - i Dissent (פ"ע"): may be anywhere but the west and must be 50 אמה away (if in other directions)
      - 1 Tangent: Aggadic excursus about the winds, directions and "location" of the שכינה (vv. 1-14)
  - b And: flax-soaking vat from vegetables; leeks from onions, mustard from apiary must be distanced
    - i Dissent (ייסי: mustard need not be distanced from apiary
      - 1 Reason: just as the mustard hurts the bees, the bees eat up the mustard