

22.5.6

81a (משנה ד) → 82a (מתרומה ומעשר)

1. ולקחת מראשית כל פרי האדמה אשר תביא מארץ אשר ה' אלהיך נתן לך ושמת בטנא והלכת אל המקום אשר יבחר ה' אלהיך לשכון שמו שם: דברים כ"ב.
 2. ראשית בכורי אדמתך תביא בית ה' אלהיך לא תבשל גדי בחלב אמו: שמות פ"ק כג פסוק י"ט
 3. ועתה הגה הבאתי את ראשית פרי האדמה אשר נתתה לי ה' והנחתו לפני ידוד אלהיך והשתחית לפני ה' אלהיך: דברים פ"ק כ"ו פסוק י'

- I 'ד משנה: rights of one who buys 2 or 3 trees in another's field
- a *If*: he bought 2 trees – gets no land;
- i *Dissent*: ר"מ – he gets land
- ii *Note*: parallel משנה in ביכורים; ביכורים ת"ק doesn't provide for מקרא ביכורים for someone who buys less than 3 trees; ר"מ allows for מקרא ביכורים for someone who buys only 2
- 1 *Conclusion* (שמואל): ר"מ allows for מקרא ביכורים even if one buys fruit (and has no land)
- 2 *Argument*: since our משנה implies the משנה in ביכורים → ר"מ must be extending even to fruit bought in שוק
- (a) *Challenge*: v. 1
 (i) *Defense*: is used to exclude ח"ל פירות
- (b) *Challenge*: v. 2
 (i) *Defense*: is used to exclude land owned by non-Jew
- (c) *Challenge*: v. 3
 (i) *Defense*: he means "You (ה') gave me money with which to buy them"
- (d) *Challenge*: שמואל is refuted of ברייתא: ר"מ – if he buys only 1 tree – no מקרא ביכורים as he has no land – שמואל is refuted
- 3 *Question* (asked of ר"א): why does ר"מ disallow מקרא ביכורים if he owns 1 tree; and רבנן if he owns 2?
- (a) *Suggested answer* (רבה): perhaps ר"מ is unsure if buying 1 tree gives land and רבנן are unsure if he buys 2
- (i) *Challenge*: ר"מ stated (above) – buying 1 tree does not grant land
 1. *Defense*: he means 'perhaps' it doesn't grant land
- (ii) *Challenge*: if he is unsure, how can they be brought – might be לעזרה חולין
 1. *Answer*: he requires the bringer to be מקדיש them first
 2. *Challenge*: then they can't be eaten
 a. *Answer*: he redeems them
 3. *Challenge*: they might be liable for תרומ"מ
 a. *Answer*: he separates תרומ"מ
 b. *Challenge*: how can מע"ע and מע"ש (תר"ג) be given to כהן? כהן could all be given to מע"ע
 i. *Answer*: as per ר"אב"ע, who rules that even מע"ע goes to כהן as per עזרא's fine on the לויים
4. *Challenge*: they require קריאה (if they really are ביכורים)
 a. *Answer*: קריאה is dispensible
 b. *Challenge*: per זירא דר' זירא – if it cannot be done, it becomes indispensable
 i. *Answer*: follows model of case where it was sent by שליח who then died on the way
 ii. *Ruling*: bring without reading as per v. 1 – taking and bringing should be done by same person
 c. *Challenge*: let him read – it's only פסוקים
 i. *Answer1*: it looks like שקר (because it isn't coming from "his" land)
 ii. *Answer2*: may lead to ignoring תרומ"מ in the case of these fruits, assuming them to be fully ביכורים-fruit.
- b *And*: if they grow, he cannot cut them; whatever grows from the branch is his, but whatever grows from the roots belongs to the land owner; if they die, he has no land (to replant)
- c *But if*: he bought 3 trees, he gets land, if the trees grow, he may trim them, whatever grows from branches and roots is his and if they die – he has land (to replant)