The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שפ"ב סעיף י"ד-ט"ו

Overview

Siman 382 Seif 14:

If the Jews leased space from the *sachir* or *lakit* for a specified period of time, even if the *sachir* or *lakit* were dismissed during that period, the Jews may continue to transport items. However, if the lease was not for a specified period of time, once the *sachir* or *lakit* was dismissed the lease expires. The same is true if the lease was made with the king's treasurer who was dismissed entirely. If he was only dismissed from serving as treasurer but maintains employment with the king, he is still considered a *sachir* or *lakit* and the Jews may make the lease with him and thus the original lease remains in force.

- It is considered as though one leased space from the property owner and thus the agreement continues. (M.B. 44)
- The same is true if the *sachir* or *lakit* dies. (M.B. 45)
- His lease is effective even if he keeps the money for himself since it is assumed that the king does not mind. Authorities note that any worker of the king may make the lease and it does not have to be specifically the treasurer. (M.B. 47)
- Authorities agree that one could make a lease for an extended period of time but it should not be made for more than twenty years. (M.B. 48)

Siman 382 Seif 15:

If a Jew and gentile share a house, the others must lease space from the gentile and include the Jew in their *eruv* if each one has a separate residence. The same is true when two gentiles share a house and one must lease space from both of them.

- Meaning, neither one may use the space of the other. (M.B. 50)
- If there is one room that they share it is not necessary to lease space from each of them separately. Many authorities contend that even when they share space the Jew is not considered the *sachir* or *lakit* of the gentile and they must lease space from him and similarly it is necessary to lease space from both gentiles since neither one is subservient to the other. (M.B. 51)

Halacha Highlight

A *sachir* or *lakit* who is dismissed

Shulchan Aruch Siman 382 Seif 14

אף על פי שסלקו תוך הזמן מהיות שכירו ולקיטו

Even though he was dismissed within that time from serving as his *sachir* or *lakit*

Shulchan Aruch (סע' י"ד) discusses the status of a lease that was made with the gentile's *sachir* or *lakit* after the *sachir* or *lakit* was dismissed. He writes that if the original lease was made for a specified period of time, even if the *sachir* or *lakit* is dismissed the lease agreement remains in force for the duration of the agreed upon term. If, however, the lease was not for a specified period of time, as soon as the *sachir* or *lakit* is dismissed, the lease agreement terminates. Rema adds that the same parameters apply to the king's treasurer. However, if he was not dismissed entirely but was dismissed from his responsibilities as the treasurer but remained employed by the king, the lease agreement continues.

Mishnah Berurah (ס"ק מ"ח) writes that since the *halacha* is that when the treasurer is dismissed entirely the lease agreement made with him becomes void, the custom is to draw up a lease for a limited period of time out of concern that the employee will be dismissed. Chazon Ish (או"ח סי' פ"ב ס"ק ל"ד) observes that the custom is not to be concerned that the lease agreement becomes void when the king's employee is dismissed. The rationale for the lenient practice, he explains, is rooted in the fact that it is not necessary to have a standard lease in place and is sufficient to have a vague resemblance of a lease. For example, when a caravan establishes residence in an open field for Shabbos that does not belong to them, it is necessary for the Jews to lease the gentile's space and that lease could remain in force for many weeks even though the property does not belong to them. The reason it is effective is that all that is necessary is for there to be a resemblance of a lease in place. Consequently, in our case we consider the lease made with the king's employee as though it was made with the gentile directly and thus the agreement continues even after the employee was dismissed.