The Chicago Center
Mishna Berura Digest
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שצ"ז סעיף ט"ז-סימן שצ"ח סעיף א'

Overview

Siman 397 Seif 16:

If one drew water from an ownerless water pit for a friend, it follows the feet of the one who drew the water.

- Since the friend acquires it via the one who takes it, it first belongs to the one who takes it and thus takes on his *techum*. Biur Halacha cites many authorities who disagree with Shulchan Aruch about this. If a water pit is owned by partners and one partner draws water for the other, all opinions agree that it follows the feet of the one for whom it was drawn since he takes his portion. (M.B. 39)

Siman 397 Seif 17:

If one's fruit was deposited in a distant city and the residents of that city made an *eruv* to permit travelling to the owner's city, they may not bring him his fruit since his fruit is like his feet. This is true if he designated a place for his fruit in his friend's home but if a place was not designated, it is like the feet of the one where it was deposited.

- Since he did not become a custodian, it remains in the possession of the owner and the same is true in any other circumstance in which one did not become a custodian. (M.B. 41)
- Since he took responsibility for the fruit, it is like his feet. (M.B. 42)
- Therefore, if they did not make an *eruv* they may not bring it to the owner even if the owner made an *eruv*. If it was something that he intended to use on Yom Tov, it is in the possession of the owner. (M.B. 43)

Siman 397 Seif 18:

If one invited guests for Yom Tov, they may not transport food to a place where their host may not travel unless he conveyed ownership of that food to them before Yom Tov via another person.

- The same is true if he invited them on Yom Tov. (M.B. 44)

Siman 398 Seif 1:

When one will measure the two thousand *amos* of the *techum* and the city is wide and narrow or it is square but not aligned with the directions of the world, since there are four even corners, we don't adjust the size of the city and we measure two thousand *amos* in each direction.

Halacha Highlight

A guest transporting the food he was served

Shulchan Aruch Siman 397 Seif 18

מי שזמן אצלו אורחים

One who invited guests to eat by him

Shulchan Aruch (סי' שצ"ז סע' י"ח) discusses guests who eat at another person's house on Yom Tov. He rules that the guests may not take food with them to a location beyond the host's *techum* unless the host conveyed ownership of the food to them before Yom Tov. Mishnah Berurah (ס"ק מ"ד) clarifies that Shulchan Aruch's ruling is true even if the host invited the guests to eat with him before Yom Tov when he did not also convey ownership of the food to them. Commentators explain that Shulchan Aruch's ruling applies even if the host invited them before Yom Tov and it was clear to both the host as well as the guests that they would join him for the meal. The reason is that it is assumed that the host intended that they would eat by him and did not consider the possibility that they would take the food out of his home that he should convey ownership to them.

Elya Rabba (ס"ק י"ז) questions this *halacha* from the *halacha* in *seif* 11 that teaches that one who borrows a utensil before Shabbos, even though he did not take the utensil into his possession before Shabbos, may transport the utensil anywhere within his (the borrower) *techum* on Shabbos. The reason given is that the lender understood that he would lend the utensil on Shabbos and thus the utensil is like the feet of the borrower. Accordingly, we should say that once the host realized that the guests would come for Shabbos he intended to convey to them ownership of the food and they should be allowed to transport it anywhere within their *techum*. He answers that the difference is that when lending a utensil to another, the parties understood that the borrower would take possession of the utensil on Shabbos. In contrast, although one invited a guest to join him for a meal on Yom Tov, the host did not consider the fact that the guest would take some food with him after the meal that we could say that he conveyed it to the guest unless we know specifically the host had this intent in mind.