***The Snow Shoveling Entrepreneurs***

*When the Smiths returned home from Miami, they were pleasantly surprised to see their driveway and sidewalk shoveled clean from snow. “Oh wow” an elated Mr. Smith remarked, “what a nice homecoming gift”. The joy was short lived as Mr. Smith noticed a hand scribbled invoice from two boys on the block requesting $45 for their service, to be paid upon the Smith’s return.  Mr. Smith called the boys to thank them, and added “quite frankly I never hired your service, and as such I don’t believe I am not obligated to pay you.”*

*“True, you never hired us” the boys replied. “But had you not been away you would have hired us, like last year. You therefore clearly benefited from our work”. “Plus”, the boys added “you are well aware of the $100 fine the city levies on any homeowner who doesn’t shovel his sidewalk. We saved you from that as well.” “Had I been home I may have called you, like last year, but this time I didn’t and never requested your services” responds Mr. Smith.*

*Is Mr. Smith required to compensate the  young neighborhood entrepreneurs?*

**Bava Metzia 101a**

If one enters his neighbour's field and plants it without permission, Rab said: An assessment is made, and he is at a disadvantage.[16](http://halakhah.com/babamezia/babamezia_101.html#101a_16)  Samuel said: We estimate what one would pay to have such a field planted. Said R. Papa: There is no conflict. The latter [Samuel] refers to a field suitable for planting;[17](http://halakhah.com/babamezia/babamezia_101.html" \l "101a_17)  the former [Rab] to a field unsuitable for planting.

Now, this ruling of Rab was not explicitly stated, but inferred from a general ruling. For a man came before Rab.[18](http://halakhah.com/babamezia/babamezia_101.html" \l "101a_18)  'Go and assess it for him,' said he.[19](http://halakhah.com/babamezia/babamezia_101.html#101a_19)  He demurred, 'But I do not desire it.'[20](http://halakhah.com/babamezia/babamezia_101.html#101a_20)  Said he to him, 'Go and assess it for him, and he shall be at a disadvantage.' 'But I do not desire it,' he reiterated. Subsequently he saw that he had fenced and was guarding it, whereupon he said to him, 'You have revealed your mind that you desire it. Go and assess it for him, and he [the planter] shall be at an advantage.'

Bava Kamma 58a

 There can be no doubt that where the benefit was derived from the animal having consumed the fruits payment would have to be made to the extent of the benefit. Regarding, however, [the benefit derived by the animal from the lessening of] the impact, it might have been thought that the fruits served only the purpose of 'preventing a lion from [damaging] a neighbour's property',[2](http://halakhah.com/babakamma/babakamma_58.html#58a_2)  so that no payment should be made even to the extent of the benefit. It is therefore indicated to us [here that even this benefit has to be paid for]. But why not say that this is so?[3](http://halakhah.com/babakamma/babakamma_58.html#58a_3)  — [No payment it is true could be claimed] in the case of preventing a lion from [damaging] a neighbour's property as [the act of driving the lion away] is voluntary, but in this case the act was not voluntary.[4](http://halakhah.com/babakamma/babakamma_58.html#58a_4)  Or again, in the case of preventing the lion from [damaging] a neighbour's property, no expenses were incurred [by the act of driving away the lion], but in this case here there was [pecuniary] loss attached to it.