



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Gittin Daf Chuf Beis

- If a flowerpot with a hole belongs to one person and the plant growing inside belongs to another person, and the owner of the pot sells the pot to the owner of the plant, the buyer can be koneh the pot with meshicha (it is considered to be moveable property). On the other hand, if the owner of the plant sells the plant to the owner of the pot, the buyer must make a kinyan chazakah like when buying land (the plant in the pot has the status of land).
  - If the pot and the plant both belong to one person and he is selling both to another person, the buyer can make a kinyan chazaka on the plant and thereby be konah the pot as well, based on the principle that moveable property can be acquired along with the kinyan on immovable property. If the buyer tries to make a kinyan chazaka on the pot he is not even konah the pot (kinyan chazaka is not effective on movable property).
- If there is a pot with a hole in EY (at the border) and the braches of the plant bend over and hang outside EY, **Abaye** says we follow the place of the hole and therefore maaser must be given. **Rava** says we follow the place of the branch, and therefore maaser need not be given.
  - If there are roots into the ground in EY all would agree that maaser must be given. The machlokes is only where no roots have grown into the ground.
  - **Q:** Is it true that when roots have grown there is no machlokes? A Mishna says, when there are 2 neighboring gardens, with one garden elevated at a higher level than the other, and there are vegetables that grow out of the vertical ground between them, **R' Meir** says they belong to the upper garden (they are growing from its earth) and **R' Yehuda** says they belong to the lower garden (they grow in its airspace). This would seem to hold true for the border of EY as well, so how can we be so sure that **Rava** would say it is chayuv in maaser? It would seem that **R' Yehuda** would say that we follow the airspace even though the plant is rooted!? **A:** With regard to maaser it becomes a question of where the nourishment comes from, and all agree that the nourishment comes from the place of the roots. The reason **R' Yehuda** says in that case that it belongs to the lower garden is because he says that the lower garden can fill in his garden with dirt and prevent the growth of the vegetables. This shows that the fact that they grow in his airspace gives him a stronger monetary claim to these vegetables.
  - **Q:** A Braisa says, if there is a tree that is partially in EY and partially outside EY, **Rebbi** says all the fruit is deemed to be a mixture of being chayuv in maaser and not being chayuv in maaser. **R' Shimon ben Gamliel** says, the fruit that grows in EY is subject to maaser and the fruit that grows outside EY is not chayuv in maaser. Now, presumably **R' Shimon** means that the fruit on the branches inside EY are chayuv in maaser and the fruit on the branches outside EY are not chayuv in maaser. We see that there is a view that does not say that if the roots are in EY all is automatically chayuv in maaser!? **A:** The case is that part of the roots are in EY and part of the roots are outside of EY. It is in that case that **R' Shimon** says we follow the location of the roots to determine maaser. However, when the roots are all in EY, all would be chayuv in maaser, no matter where the braches were hanging.
    - **Q:** What is the reason of **R' Shimon** (how can he divide the sides of the tree based on the roots, when presumably all the roots nourish all the fruit in the tree)? **A:** The case is where there was an underground rock separating the roots

outside of EY from those inside EY. This creates the situation that the roots only nourish their side of the tree.

- **Rebbi** says, although they are separated by the rock, the nutrients become mixed together in the trunk of the tree, and therefore all the fruit receive nourishment from all the roots. **R' Shimon** says that each side of the tree stays to itself and does not mix together.

R' YEHUDA BEN BESEIRA OMER...

- **R' Chiya bar Assi in the name of Ulla** says there are 3 types of animal hides (used for writing): "matzah" – has not been treated with salt, flour, or gallnuts, and we are taught that it has a distinct minimum size, which is used to teach the minimum size of this that one must carry out on Shabbos to be chayuv. The minimum size is taught by **R' Shmuel bar Yehuda** as being the amount of this hide needed to cover a small weight, which **Abaye** explains is "quarter of a quarter weight" which is the smallest weight used in Pumbedisa; "cheifah" is salted but not treated with flour or gallnuts, and its minimum size it used to teach the minimum of this that one must carry out on Shabbos to be chayuv. The minimum size is taught by in a Mishna as the amount of this hide needed to make a kemeya; "diftera" has been treated with salt and flour, but not with gallnuts, and its minimum size it used to teach the minimum of this that one must carry out on Shabbos to be chayuv. The minimum size is the amount of this needed to be used to write a get.

V'CHACHOMIM MACHSHIRIN

- **R' Elazar** (the Amora) says that the view of the **Chachomim** is the view of **R' Elazar** (the Tanna), who says that eidei mesirah are essential on the get, and because these witnesses must read it before witnessing it, there is no concern that something will later be forged (the witnesses will remember what they read).
  - **R' Elazar** continues and says that this will only be allowed when the woman produces the get immediately to Beis Din. If it is not produced for 10 days or so, we must be concerned that she removed some condition of the get and are afraid that the witnesses no longer remember what they read. **R' Yochanan** argues and says that if there was a condition they would remember, even if the get was not brought to Beis Din for 10 days.
  - **R' Elazar** says further, that **R' Elazar** (the Tanna) only allowed using the diftera for a get (which can be produced to Beis Din immediately and is no longer needed, because at that time Beis Din paskens her mutar to remarry and we no longer need to rely on the memory of the witnesses). However, for other documents diftera may not be used, because the purpose of other documents is to retain them as proof, often for long periods of time, and therefore we must be concerned for forgery and cannot rely on the memory of the witnesses. **R' Yochanan** argues and says that **R' Elazar** allowed using diftera for other documents as well.
    - **Q:** The pasuk says that documents should be written in a way to allow them to be retained for a long time, so how can **R' Yochanan** say that diftera may be used!? **A:** He says that the pasuk is giving good advice, that since documents may be needed for long time in the future, you are better off using something that cannot be forged, to remove any questions later on.