



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

Bava Metzia Daf Kuf Ches

- **R' Yehuda** said, everyone must contribute for the expense of putting up gates around the city. We even collect from orphans for this. However, we do not collect for this from the **Rabanan**, because they don't need this protection. With regard to the expense of digging a well, we even collect from the **Rabanan** for that. This is only when they hire workers to dig the well. If the people of the city all take turns digging, the **Rabanan** do not have to join the rotation, because they are not people who do manual labor.
- **R' Yehuda** said, with regard to digging a river (to clear an obstruction), the people downstream must help the people upstream, but the people upstream need not help the people downstream (if the obstruction is downstream from them). The reverse is true with regard to clearing the ditches for the overflow water. A Braisa supports both of these halachos.
- **Shmuel** said, if someone takes possession of land along a riverbank, it is considered to be a chutzpah, but we do not remove him from that land. However, today, when the Persians have given that land to people, we can even remove someone who seizes land along the banks.
- **R' Yehuda in the name of Rav** said, if someone buys land between the land of two brothers, or of two partners, it is considered to be a chutzpah, but we don't remove him from the land. **R' Nachman** said that we can even remove him from the land. However, if the neighboring landowner wants him out solely based on a claim of "bar metzra", we would not remove him based on that. **Nehardai** said, that even for reasons of bar metzra we would remove the person, based on the pasuk of "v'asisa hayashar v'hatov".
 - **Q:** If the buyer asked permission from the neighbor to buy the land, and he granted the permission, is that sufficient, or does he have to be koneh this right from him? **A: Ravina** said, he does not need to make a kinyan, and **Nehardai** said that he does. The Gemara paskens that a kinyan must be done. Therefore, if no kinyan is made, any price fluctuation is not considered to take place in the hands of the buyer (the sale is considered ineffective).
 - If the buyer paid 100 for the field that was truly worth 200, and the adjoining neighbor now demands to buy the field from the buyer, we make a determination – if the original seller would have given this discount to anybody, the neighbor must only pay 100, but if this discount was given specifically for this buyer, the neighbor must pay 200.
 - If the buyer paid 200 for a field that was truly worth 100, and the neighbor then wants to buy the field, the talmidim thought to say that in effect the buyer was acting as a shaliach for the neighbor, and the neighbor could therefore make the transaction batel (based on the overpayment). However, **Mar Kashisha the son of R' Chisda** said to **R' Ashi, Nehardai in the name of R' Nachman** said that there is no "ona'ah" on land, and therefore the sale is considered to be effective.
 - If a buyer buys a small piece of land within the seller's land, we must make a determination. If the land that is bought is different than the rest of his land – either it is superior or inferior – then the sale is deemed effective. If it is the same as the rest of the land, we assume that the buyer is purchasing this as a trick, so that he can then be considered the "adjoining neighbor" and purchase the adjoining land.
 - If one gives away his land as a gift, it is not subject to a claim of bar metzra. **Ameimar** said, if the giver of the gift makes himself responsible to replace that field if anything happens to it, then it would be subject to bar metzra.
 - If a seller sells all his fields (in different locations) to one buyer, it is not subject to bar metzra. If a buyer sells a field back to the original owner, it is not subject to bar metzra. If a person bought land from a goy (the buyer can tell the neighbor that he should be happy for having removed "a lion" from his border),

- or sold land to a goy (a goy is not subject to “v’asisa hayashar v’hatov”, but the seller would have to accept responsibility for any loss the goy causes the neighbor), it is not subject to bar metzra.
- If land is collateral on a loan, it is not subject to bar metzra (and the owner may sell it to the holder of the collateral).
 - If an owner wants to sell a piece of land to generate money for better land, or for land closer to his other land, the sale would not be subject to bar metzra.
 - If he is selling to pay for taxes, or for food for his wife and children, or to pay for burial expenses, the sale would not be subject to bar metzra.
 - If he sells to a woman, to orphans, or to his partners, the sale would not be subject to bar metzra.
- If a seller has a choice to sell a field to a (non-adjointing) neighbor in the town of the field, or to a neighbor of his in another town, he should sell to the neighbor in the town of the land being sold. If the choice is between a neighbor and a talmid chochom, the talmid chochom comes first. If the choice is between a talmid chochom and a relative, the talmid chochom comes first.
 - **Q:** What if the choice is between a relative and a neighbor? **A:** A pasuk says “a close neighbor is better than a distant brother”, which teaches that the neighbor comes first.
 - If the buyer is offering better coins than the neighbor, the sale is not subject to bar metzra. The same would be if the buyer is offering loose coins and the neighbor is offering coins in a bundle (which leads to potential argument regarding how many coins were actually in the bundle). If the neighbor says “I will go and find money to buy the land”, the seller need not wait for him. If he says “I will go bring money”, then we make a determination – if he is someone who has that type of money, he must wait for him. If not, he need not wait for him.
 - If a house belongs to one person and the land which it is on belongs to another, the landowner can stop the homeowner from selling the house to someone other than him, but the homeowner cannot stop the landowner from selling the land to someone else.
 - If a tree belongs to one person and the land which it is on belongs to another, the landowner can stop the tree owner from selling the tree to someone other than him, but the tree owner cannot stop the landowner from selling the land to someone else.
 - If the buyer wants to buy the land to build a house on it, and the neighbor wants to buy it to plant it, the settling of the land (building the house) is more important and comes first, and the sale is therefore not subject to bar metzra.
 - If the bordering fields are separated by rocks or trees, we must make a determination – if he would be able to plant even one row from his field into the neighboring field, it is subject to bar metzra. If not, it is not subject to bar metzra.
 - If one of the 4 surrounding neighbors bought the field in the middle before any of the others could do so, the purchase is valid. If all the 4 neighbors come together and want to buy the field, it is split by splitting the field diagonally in both directions, and the adjacent piece going to the adjoining field owner.