



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

Bava Basra Daf Kuf Daled

GEMARA

- **Q:** What if the seller simply said "I am selling you a beis kor of land" (without adding "as measured by rope" or "more or less")? **A:** From the fact that the Mishna says that when he adds "as measured by rope", he would have to adjust the purchase price if any tiny amount less than a kor was given, this would suggest that if he didn't add "as measured by rope", it would have the status as if he said "more or less".
 - **Q:** The reverse inference can be made from the next part of the Mishna, which says that if he said "more or less" there would be no adjustment made if a quarter kav per se'ah more or less was given. This would suggest that if he didn't say "more or less" it would be as if he said "as measured by rope" and an exact amount would have to be given!? Clearly, we cannot bring a proof from our Mishna one way or another.
 - **Q:** Maybe we can bring a proof from a Braisa. The Braisa says, if a seller says, "I am selling you a beis kor of land", or "I am selling you about a beis kor of land", or "I am selling you a beis kor of land more or less", then even if there is an overage of a quarter kav per se'ah, or he gave that amount less than the kor, the sale is a valid sale and no adjustments to price are made. Clearly, the Braisa says that when he simply says "I am selling you a beis kor of land", it is the equivalent of saying "more or less"! **A:** It may be that the Braisa is not discussing 3 separate cases. Rather, the Braisa is saying, what would be a case where the seller says "a beis kor" and it is as if he said "about a beis kor"? To that, the Braisa says, the case would be where he adds the words "more or less".
 - **Q: R' Ashi** asked, if the Braisa is not discussing 3 separate cases, why does it repeat the words "I am selling you" all three times? **A:** Rather, it must be that the Braisa is clearly equating the case of where he simply says "I am selling you a beis kor" to the case of where he adds the words "more or less". **SHEMA MINAH.**

MAHU MACHZIR LO MAOS...

- **Q:** This Mishna says that the seller can choose to take the land back or to get additional money for the additional land that was given. However, a Braisa says that when more than the allowable deviance of land is given, we force the seller to sell this land to the buyer. We see that it is not up to the seller to choose!? **A:** The Braisa agrees that it is the seller's option. The Braisa is discussing a case where the value of the land has dropped, and is saying that if the seller insists on selling the land, he can only demand the current value, not the value that was paid at the time of purchase.
 - **Q:** A Braisa says that when the additional land is purchased, it is purchased based on the valuation at the time of purchase of the full kor!? **A:** This Braisa is discussing a case where the valuation was lower at the time of purchase and is higher now. The Braisa teaches that the seller can only force the buyer to buy at the lower valuation .

SHE'IHM SHIYEIR BASADEH BEIS TES KAVIN...

- **R' Huna** said, this halacha that if the amount of the overage is 9 kavs it must be returned to the seller, applies even if the land being sold was a huge piece of land, making 9 kavs a small piece of land compared to the land involved in the sale. **R' Nachman** said, a seller is mochel an overage of 7 and ½ kavs for every kor of land that is being sold, but if the overage is more than ¼ kav per se'ah, the buyer would have to return the overage.
 - **Q: Rava** asked **R' Nachman**, our Mishna says that a buyer would have to return an overage of 9 kav. Presumably this is even if the sale involved 2 kur of land, in which case

the 9 kav is certainly less than $\frac{1}{4}$ kav per se'ah!? **A:** The case of the Mishna is where only one kor of land was sold.

- **Q:** The Mishna then said, in the case of a garden, if the overage was half a kav the buyer would have to return it. Presumably this is even where the sale was for 2 se'ah, which makes the overage $\frac{1}{4}$ kav per se'ah, and still the overage must be returned!? **A:** The case of the Mishna is where he sold him one se'ah.
- **Q:** The Mishna then said, "or according to **R' Akiva**, if the overage was $\frac{1}{4}$ kav". Presumably this is where the sale was for a se'ah, and although it is $\frac{1}{4}$ kav of overage, it must still be returned!? **A:** That part of the Mishna is discussing where the sale was for $\frac{1}{2}$ of a se'ah of a garden. That is why the land must be returned.
- **Q: R' Ashi** asked, what if the land was sold as a grain field and by the time they realized there was an overage it became usable as a garden, or visa-versa? Do we judge a useful size based on its use at the time of sale or at the time of realization of the overage? **TEIKU.**
- A Braisa says, if the field that was sold was adjacent to another one of the seller's fields, then even if the overage was a tiny bit above the allowable amount of $\frac{1}{4}$ kav per se'ah, the buyer may return the land to the seller and is not forced to buy the overage (because it is useful to the seller even though it is very small).
 - **Q: R' Ashi** asked, what if there is a bor between the land sold and the seller's other land? What if there is an irrigation canal? What about if there is a public path? What if there is a row of palm trees? **TEIKU.**

V'LO ES HAROVAH BILVAD MACHZIR LO...

- **Q:** The words of the Mishna say that not only does he have to return the $\frac{1}{4}$ kav per se'ah, but he must also return the overage above that amount. This seems to be stated backward!? Of course he must return the amount over the allowable amount, even before he would have to return the allowable amount!? **A: Ravin bar R' Nachman** had a version of the Mishna that in fact said, "not only does he have to return the overage above the allowable amount, rather he must even return the allowable amount".