



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

Bava Basra Daf Chuf Gimmel

MISHNA

- One must distance a dovecote 50 amos from a city, and a person may not make a dovecote in his property unless he owns 50 amos of land around it in all directions. **R' Yehuda** says, the area must be 4 kor (one kor in each direction), which is the distance that a dove can cover in one flight. However, if he bought the dovecote from the owner of the property, then even if the entire property is only $\frac{1}{4}$ of a kav, it retains its chazaka and may remain.

GEMARA

- **Q:** Is the distance that a dove can fly only 50 amos? A Mishna says that one may not set up traps to catch doves unless he does so 30 ris from the nearest settlement. This is a lot more than 50 amos!? **A: Abaye** said, they can fly a lot more than 50 amos, but they only eat from what they find in the first 50 amos (so when it comes to making sure they won't eat from another's grain, distancing them 50 amos is sufficient).
 - **Q:** Do they only fly 30 ris? A Braisa says that within a settlement one may not set up traps even if there is no dovecote within 100 mil!? **A: R' Yosef** said, the Braisa is referring to a settlement of vineyards, and **Rava** said it is referring to a settlement of dovecotes. Both mean to say, that when they can fly with making stops along the way, they can travel much greater distances.
 - **Q:** According to **Rava**, it should be assur for the other dovecotes, not just because doves of a more distant dovecote can stop along the way!? **A:** Either we can say that the case is that the other dovecotes belong to the one putting out the traps, so they don't pose a problem to him, or we can say that they belong to a goy, or we can say that they belong to hefker.

R' YEHUDA OMER BEIS ARBAAS KURIN...

- **R' Pappa or R' Zvid** said, we see from here that Beis Din pleads the case on behalf of a purchaser and on behalf of heirs.
 - **Q:** A Mishna already clearly says that Beis Din does so for an heir!? **A:** Our Mishna needed to teach with regard to a purchaser.
 - **Q:** Another Mishna already says this!? The Mishna says, if someone bought a chatzer that has ledges or balconies that overhang the reshus harabim, it retains its chazaka and it may remain there (because we say that the seller must have built it legally, by pulling back onto his property)!? **A:** We need both Mishnayos. If we would only have the Mishna regarding the reshus harabim, we would say that we make the case for him there, because it is very possible that it was built legally by him having built the wall deeper into his own property, or we can say that the people of the reshus harabim were moichel this for him. However, in our case of the dovecote, we would say that we must be concerned that the seller forcibly placed the dovecote there. And, if we would only have our Mishna, we would say that since the seller was taking a right from an individual, it is possible that he convinced that person to be moichel (by paying him or some other method), but in the other Mishna, we would say that one cannot be said to "convince" the public or have the public be moichel, and therefore we would not make the case for him. That is why both Mishnayos are needed.

HAREI HU B'CHEZKASO

- **Q:** We have learned that **R' Nachman in the name of Rabbah bar Avuha** said, that there is no such thing as a chazaka for damage (so how can there be a chazaka for a dovecote, which does damage)!? **A: R' Mari** said, a chazaka can only not be established for smoke damage. **R' Zvid** said a chazaka can only not be established to use something as a bathroom.

MISHNA

- If a young bird is found within 50 amos of a dovecote, it belongs to the owner of the dovecote. If it was found beyond 50 amos, it belongs to the person who finds it.
- If a bird is found between two dovecotes, it belongs to the owner of the closer dovecote. If it is equidistant between the two, they divide it.

GEMARA

- **R' Chanina** said, when we are faced between a conflicting result if we follow "rov" (majority) or "karov" (proximity), we follow rov. This is so even though both of these concepts are D'Oraisa concepts.
 - **Q: R' Zeira** asked, the pasuk regarding "eglah arufah" says that we go to the closer city. This seems to hold true even if another city has more people (which would constitute rov)!? **A:** The pasuk is talking about a case where there is no larger city in the area.
 - **Q:** Still, since people could have come from anywhere in the world, we should have to give consideration to a larger city from anywhere in the world, and because we do not, we see that we follow karov over rov!? **A:** The case of the pasuk is where the city is in an isolated area, that is not travelled to by many people from elsewhere.
 - **Q:** Our Mishna said, that the bird belongs to the closer dovecote. This seems to be even if there is a larger dovecote that is further away!? **A:** The case is where there is no other dovecote in the area.
 - **Q:** If so, why do we say that if it is more than 50 amos away it belongs to the finder? Since there is no other dovecote in the area, it has surely come from the one dovecote that is there!? **A:** The Mishna is talking about birds that can hop, but cannot fly. **R' Ukva bar Chama** said that a bird does not hop more than 50 amos from its nest. Therefore, even if there is another, larger nest nearby, it is surely from the one that is within 50 amos.
 - **R' Yirmiya** asked, what if a bird is found with one foot within 50 amos to the nest and one foot outside the 50 amos? Does it belong to the owner of that nest? For asking this question, the **Rabanan** threw **R' Yirmiya** out of the Beis Medrash.
 - **Q:** The end of our Mishna said, that the bird belongs to the closer nest. Presumably, this is even if the further one is larger. This proves that we follow karov over rov!? **A:** The case is that the two nests are of equal size.
 - **Q:** Why don't we follow the rov of the world, and since this bird could have come from anywhere, the finder should be allowed to keep it!? **A:** The case is that the two nests are at opposite ends of a vineyard. The bird can only hop and cannot fly. However, in this case it is possible that it came from more than 50 amos away from one of those two nests, because a hopping bird continues to hop as long as it can turn around and see its nest. Therefore, it must be that it came from one of these two nests, and not from any other (because the vines block all other nests from sight).