



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

Bava Basra Daf Chuf Zayin

- **Q: Ulla** said that a tree that gets nutrients from a neighbor's property is patur from bikkurim. However, a Mishna says that one who purchases a tree and its surrounding land brings bikkurim and reads the parsha. Presumably this refers to a case where even only a small piece of land was purchased along with the trees, which means that the roots extend into the neighbor's field, and yet we see that bikkurim is brought!? **A:** The case is where he buys at least 16 amos of surrounding land.
 - **Q:** A Mishna says that one who buys two trees in his friend's field brings bikkurim but does not read the parsha. This suggests that if he buys three trees he would even read the parsha. Presumably this refers to a case where even only a small piece of land was purchased along with the trees, which means that the roots extend into the neighbor's field, and yet we see that bikkurim is brought!? **A:** The case is where he buys at least 16 amos of surrounding land.
 - **Q:** A Mishna says that **R' Akiva** says, any minute piece of land is chayuv in peyah and bikkurim, and can be used for the writing of a pruzbul, and for kinyan agav. We see that any minute amount is subject to bikkurim!? **A:** The Mishna is referring to wheat, which is also subject to bikkurim.
 - **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, they only disagree as to whether we use the concept of breirah. However, they would seem to agree that with regard to a tree that grows outside EY, it would certainly be patur. We see that the fact that the tree draws nourishment from EY is not factored, which refutes **Ulla's** view!? **A:** The Braisa is talking about the case where there is rock under the ground on the border, which does not allow the roots on one side of the border to draw nourishment from the other side of the border.
 - **Q:** If that is the case, why does **Rebbi** hold that there is an obligation? **A:** He holds that although the roots are separated, the nutrients become mixed in the tree trunk, and therefore there is nourishment from EY in all the branches. **R' Shimon ben Gamliel** argues and says that each side of the tree is nourished by the roots on that side of the tree.
 - **Q:** Do roots only grow to 16 amos? The Mishna had said that a tree must be distanced 25 amos from a bor so that the roots don't ruin the bor!? **A: Abaye** said, they grow longer than 16 amos, but they only take in nutrients from the first 16 amos.
 - **R' Dimi** said that **Reish Lakish** asked **R' Yochanan** what is the halacha regarding a tree that is within 16 amos of a neighboring field, and **R' Yochanan** said that it is a thief and therefore bikkurim is not brought from such a tree. **Ravin** said that **R' Yochanan** said that such a tree, and a tree with branches that overhang a neighbor's property, does have bikkurim brought from it and the owner even reads the parsha when he brings it, because Yehoshua gave EY as an inheritance on the condition that people are allowed to plant trees near the fields of their neighbors and it is not considered to be stealing.

MISHNA

- If the branches of one's tree hang over his neighbor's field, the neighbor may cut off the branches to the height that allows a person driving a plow to pass underneath while he has the ox-goad raised. If the trees are a carob or sycamore tree, the neighbor may cut off all branches that enter his airspace. If the neighbor's field is an irrigated field, then no matter what type of

tree overhangs his field, he may cut all the branches that enter his airspace. **Abba Shaul** says, with regard to all non-fruit trees, the neighbor may cut off all the branches that enter his airspace.

GEMARA

- **Q:** Is **Abba Shaul** discussing a regular field or an irrigated field? **A:** A Braisa says, **Abba Shaul** says, with regard to an irrigated field, all overhanging branches may be cut, because shade is detrimental for an irrigated field. We see that he agrees with the **T”K** of our Mishna regarding an irrigated field. Therefore, it must be that he was referring to a field that is not irrigated, **SHEMA MINAH**.
 - **R’ Ashi** said, we can see this from the Mishna as well, because **Abba Shaul** says “all” non-fruit trees. Now, if he is going on the first part of the Mishna this makes sense, because the **T”K** only allowed full cutting of a carob or sycamore, whereas he allows full cutting for any barren tree. If he was referring to the later case, the **T”K** allowed full cutting of all trees, so it would not make sense for him to say “all”.

MISHNA

- If the branches of a tree hang over the reshus harabim, it may be cut to the height to allow a camel and its rider to pass under it. **R’ Yehuda** says, it may be cut enough to allow for passage of a camel carrying a load of flax or twigs. **R’ Shimon** says, all the overhanging branches may be cut, to avoid the spread of tumah.

GEMARA

- **Q:** Who is the Tanna of our Mishna who holds that we only worry about current damage, but not future damage (and therefore only cut back the branches, but can’t cut them to the point that they will never grow back)? **A:** **Reish Lakish** said, this point is a matter of machlokes in a Mishna, and our Mishna follows the view of **R’ Eliezer**. The Mishna says, one may not dig a bor underneath the reshus harabim (it may eventually cause the street to cave in), but **R’ Eliezer** says it is mutar as long as the roof is strong enough to hold a wagonload of stones as it goes over it (although it may still cause it to cave in at a later time). **R’ Yochanan** said that our Mishna can even follow the **Rabanan** of that Mishna. In that case the **Rabanan** don’t allow it, because we won’t notice as the street gets weaker until it finally caves in. In our Mishna, we can notice as the branches grow back and can cut them before they cause any problems.

R’ YEHUDA OMER GAMAL TA’UN PISHTAN OY CHAVILEI ZEMOROS

- **Q:** Which is a larger measure – that of **R’ Yehuda** or that of the **Rabanan**? **A:** It must be that the measure of the **Rabanan** is larger, because if the measure of **R’ Yehuda** is larger, what would the **Rabanan** do when a loaded camel passes underneath?
 - **Q:** If so, we can ask the reverse – if the measure of the **Rabanan** is larger, what would **R’ Yehuda** do when a man riding a camel passes by underneath!? **A:** That is not difficult, because a rider can bend down and pass by.

R’ SHIMON OMER KOL HA’ILAN K’NEGED HAMISHKOLES MIPNEI HATUMAH

- A Braisa says, because the branches create a roof over tumah.
 - **Q:** That seems obvious, since the Mishna said “because of tumah”!? **A:** If we only had the Mishna we would say that the concern is that a bird may drop tumah on the branches, causing someone underneath it to become tamei. For that concern we could simply thin out the branches so that nothing can become stuck in it. The Braisa therefore teaches that we are concerned for an ohel hatumah, which must be dealt with by totally cutting the branches until the border.

HADRAN ALACH PEREK LO YACHPOR!!!