



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

Bava Basra Daf Lamed Gimme!

- There was a rumor that **Rava bar Sharshom** was using a field that belonged to orphans. **Abaye** said to him, "Tell me the exact facts regarding this field". **Rava bar Sharshom** said, "I was using the land as part of collateral that I had taken for a loan to their father, and I was to use the land and in that way work off the amount of the loan. I had also loaned him other money for which I had no collateral. When I had used the field enough to work off the collateralized loan, I realized that if I return the land I will only be able to collect the other loan from the orphans if I swear. To get around the obligation to swear, I thought that I would hide the document showing this land was in my possession as collateral, and will continue to use the land until the amount of the other loan is worked off as well. In that way I would be believed with a miguy, that if I wanted to lie I could have just said that I had purchased this field and have already been here long enough for a chazakah during the father's lifetime. Therefore, when I say that I don't own the land, but that money is owed to me, I will be believed. **Abaye** told him, you would not be believed with your claim of having purchased the land, because the rumor that it belongs to the orphans negates the chazakah that you have. Therefore, you must now return the land to the orphans, and when they mature, you can take them to Beis Din and collect after you swear.
- A relative of **R' Idi bar Avin** died, leaving over a palm tree. **R' Idi** said that he was the closest relative and should therefore inherit the tree, and another person claimed that he was the closer relative and took possession of the tree. A year or two later this person admitted that **R' Idi** was a closer relative, and **R' Chisda** thereby gave possession of the tree to **R' Idi**. **R' Idi** said to **R' Chisda**, "Make him pay me for all the produce that he ate during the time that it was in his possession!" **R' Chisda** told **R' Idi**, until now this man was legally in possession of the tree because no one had proof. You are only getting this tree based on this man's admission (it is almost as if he is giving you a gift), and therefore you are not entitled to the produce from those years.
 - **Abaye and Rava** did not agree with **R' Chisda**. They said that once this person admitted, it means that he never had a right to the tree, and as such must pay for the produce he used during the time that he had possession.
- If there is an argument over a property, where each of two people say it belonged to their fathers, and one brought witnesses who testify that it belonged to his father and the other brought witnesses who testify that he has established a chazakah on that property, **R' Chisda** said that we believe the second person with a miguy that he could have said that he bought the property from the first person and has established a chazakah. **Abaye and Rava** disagreed, and said that we don't follow a miguy when it is contradicted by witnesses.
- A person went to another person and said "What are you doing in my field!?" The other person answered, "I bought it from you and have already established a chazakah". He then went and brought witnesses that he was in the field for 2 years. **R' Nachman** said, he must return the land and the produce of the last two years to the first person.
 - **R' Zvid** said, if the second person had instead answered "I bought the rights to the produce of this land", he is believed, and (although he would have to leave the field) he would not have to return the produce. This is based on the halacha of **R' Yehuda**, who says that if someone goes to harvest the fruit of another's tree, claiming that he bought the rights to do so, Beis Din will allow him to do so (if, for example the owner of the tree is not around), because a person would not have the chutzpah to harvest the produce of someone else. Therefore, we assume that he is telling the truth that he has the right to do so. Similarly, in our case, a person would not have consumed the produce of another unless he had the right to do so, and therefore we would not make him return the produce that he already consumed.

- **Q:** Based on this, a person who consumed produce should be believed regarding the land as well, even without chazakah!? **A:** When a claim is made to ownership of the field, we demand that he show the deed which proves his ownership. When he claims rights to produce we cannot make that demand, because people do not typically write a document for the purchase of produce.