



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

### Bava Basra Daf Mem Vuv

- A Braisa says, if someone's keili was switched for that of another when it was by the craftsman (e.g. he was given someone else's coat instead of his own), he is allowed to use it until the other person who got the first person's coat by mistake brings it back to him and claims his keili. If the switch was done by nichum aveilem or at a wedding, the person may not use the one he took by mistake.
  - **Q:** What is the difference between the first and second case? **A: Rav** said that **R' Chiya** told him, that since people at times tell the craftsman to sell their coat for them, what likely happened is that the craftsman sold the first person's coat by mistake and therefore gave him this as a replacement until the error can be corrected. That is why he may use the coat in the meantime.
    - **R' Chiya the son of R' Nachman** said, this is only true if the craftsman himself gave the person the coat. However, if the craftsman's wife or children did so, he would not be allowed to use it. Further, even if he gave it himself, it is only mutar if the craftsman said "here is a coat", but if he said "here is *your* coat" it would be assur (because it is not his coat).
- **Abaye** said to **Rava**, come and I will show you how the craftsmen of Pumbedisa cheat people. When someone asks for his coat they tell him, "you never gave me a coat". When the person then tells the craftsman, "there are witnesses that saw that you had my coat", he responds, "that is a different coat". When the owner then demands, "bring out that coat and we will see", the craftsman says, "I will not take out the coat to show you other people's property!" **Rava** said, the claim of the craftsman is actually a proper claim, because the earlier Braisa said that one can demand the craftsman to produce the item only when he saw it in the possession of the craftsman.
  - **R' Ashi** said, the owner can trick the craftsman into bringing out the coat, by telling him that he knows he owes him money, and therefore tells him to bring out the coat so that they can assess its value and pay from the value of the coat. Once it is seen by him, he can demand its return and the craftsman is not believed to say that it is his. **R' Acha the son of R' Avya** said to **R' Ashi**, the craftsman will not be fooled with this ploy, and will insist that the coat has already been assessed and will therefore not take it out.

### ARIS EIN LO CHAZAKAH

- **Q:** Why can't the sharecropper establish a chazakah? As a sharecropper he only got half the produce of the field, but for the trailing 3 years he ate the produce of the *entire* field!? **A: R' Yochanan** said, the Mishna is talking about sharecroppers whose share is an entitlement to the entire field for a number of years, and the same is then done for the owner of the field.
- **R' Nachman** said, if a sharecropper hired other sharecroppers under him, he can establish a chazakah by having these other people work the field for him. This is because people do not stand by quiet and allow other sharecroppers to work their field.
  - **R' Yochanan** said, if a sharecropper hired other sharecroppers under him, but supervised their work, he cannot establish a chazakah by having these other people work the field for him. This is because people do not have a problem with other sharecroppers being brought in to work their field, if their original sharecropper supervises them.
- **R' Nachman bar R' Chisda** sent to **R' Nachman bar Yaakov**, can a sharecropper testify on behalf of his employer? **R' Yosef** said that **Shmuel** said that a sharecropper may do so.
  - **Q:** A Braisa says that he may not testify for his employer!? **A:** The Braisa is discussing where there is still fruit in the field (and the sharecropper therefore has an interest in

making sure that his employer keeps the field, so that he will collect his share). **Shmuel** was referring to a case where there was no longer fruit in the field.

- A Braisa says, a guarantor may testify on behalf of the borrower, as long as that borrower has other land (for the lender to collect from, and thereby protect the guarantor from having to pay). A lender may testify on behalf of the borrower, as long as that borrower has other land (for the lender to collect from). An earlier buyer may testify on behalf of a later buyer, as long as that second buyer has other land that he purchased from that seller (which must be used for collection by a creditor of the seller before he can collect from the land of the earlier buyer). With regard to a “kablan” guarantor (guarantor who may be collected from even before the borrower is attempted to be collected from), some say that he may testify (just like a regular guarantor) for the borrower and some say that he may not (because the more properties that remain in the hands of the borrower, the more likely it is that the lender will decide to collect from the borrower instead of from the kablan guarantor).