



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

### Bava Basra Daf Hey

- **Ravina's** fields surrounded Runya's fields on all 4 sides. **Ravina** fenced in all 4 sides and asked Runya to contribute his share of the cost, but Runya refused to do so. **Ravina** said, at least pay me your share based on cheap reeds, but Runya refused to do that as well. **Ravina** said, at least give me your share based on the value of hiring a watchman, but again Runya refused. One day, as Runya was picking dates, **Ravina** instructed a sharecropper to go and grab a bunch of dates from him. Runya began to yell to stop him from taking the dates. **Ravina** said to Runya, this shows that you want the protection afforded by my fences, and therefore you must at least pay for your share of the value of a watchman. They went to **Rava**, who told Runya, "go and pay the amount that **Ravina** is now requesting, because if you don't, I will pasken for you like **R' Yose** according to **R' Huna**, and make you pay your share of the actual cost of the fence!"
- Runya bought a field on the boundary of **Ravina's** field. **Ravina** wanted to force Runya to sell the field to him, under the rules of "bar metzra". **R' Safra the son of R' Yeiva** said to **Ravina**, Runya is a poor man, and therefore, the application of the pasuk of "v'asisa hayashar v'hatov" says to allow him to keep the field so that he can use it as a method of support.

### MISHNA

- If the wall dividing a chatzer collapsed, they must rebuild it to a height of 4 amos. When the wall is rebuilt, there is a chazaka that each party paid their share, unless there is proof that he did not. They are not required to build it above 4 amos. If one neighbor built the wall above 4 amos (at his own expense) and the second neighbor then builds a wall of equal height next to it, with the intent to then place a roof over the two walls, even if no roof was built on it yet, we make that neighbor pay his full share of the first wall for the full height. In this case, there is a chazaka that the second neighbor did *not* pay for this amount, unless there is proof that he did.

### GEMARA

- **Reish Lakish** said, if someone made a time for repayment of a loan, and when that time came the borrower said that he already paid before the due date, he is not believed, because people typically don't pay early. **Abaye and Rava** said, the borrower would be believed, because people sometimes do pay before the due date when they have money that becomes available to them. They do so, knowing it will stop them from being bothered by the lender at the due date.
  - **Q:** Our Mishna said that with regard to building a wall 4 amos high, there is a chazaka that the neighbors paid their share, unless there is proof that they did not. Now, this can't be talking about where the second neighbor tells the neighbor who built the wall that he paid him when the wall was built, because that would be obvious that he is believed (that payment would be at its proper time). Rather, it must be that he claims to have paid before the wall was completed, and we see that he is believed, because people do pay before the due date of a loan!? **A:** This case is different, because he becomes obligated to pay for each row of stones as it is built (and he is claiming that he paid for the part that was already built, not more), so it is never considered to be "before the due date".
  - **Q:** Our Mishna said, with regard to the wall higher than 4 amos, there is a presumption that the neighbor did not pay, unless he brings proof that he did. Now, this can't be talking about where the second neighbor tells the neighbor who built the wall that he paid him when the wall was built, because why wouldn't he be believed (that payment would be at its proper time)!? Rather, it must be that he claims to have paid before the wall was completed, and we see that he is not believed, because people do not pay before the due date of a loan!? **A:** This case is different. It may be that he is not believed

in this case because he says to himself “who says the **Rabanan** will make me pay for this part of the wall”, and that is why he has likely not paid for it.

- **R' Pappa and R' Huna the son of R' Yehoshua** paskened like **Abaye and Rava**, and **Mar bar R' Ashi** paskened like **Reish Lakish**. The Gemara says that we pasken like **Reish Lakish**, to the extent that we would collect from orphans based on this chazaka, even without making the lender swear.