



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

Bava Basra Daf Nun Beis

- A Braisa says, we do not accept a deposit from married women, from slaves, or from children (we are concerned that they stole the money). If one did accept a deposit from a married woman, he must return it to her (she can't be suspected as a thief). If she died, it should be returned to her husband. If one did accept a deposit from a slave, he must return it to the slave. If he died, it should be returned to his master. If one did accept a deposit from a child, it should be given to a trust for the benefit of the child. If he died, it should be returned to the child's heirs. If any of these people, at the time of their death, said that the deposit truly belongs to a particular person, the shomer should give it to that person. If the shomer does not believe the statement, he should return it to the husband, master, or heirs, as the case may be.
 - When **Rabbah bar bar Chana's** wife was dying, she said "these earrings belong to Marsa and his grandchildren". When **Rav** was asked how to deal with this, he told **Rabbah bar bar Chana**, if you trust your wife, you should give the earrings as per her statement. If you do not, you may keep them for yourself. **Others** say that **Rav** told him, if you feel that Marsa is wealthy enough to own such earrings, give them to him. If not, you may keep them for yourself.
 - **Q:** What is meant when the Braisa says that a trust should be set up for the child? **A: R' Chisda** said that the money should be used to purchase a Sefer Torah, from which the child will learn. **R' Huna** said that a date tree should be bought for the child to eat the fruit from.

V'LO L'AV B'NISCHSEI HABEN V'LO L'BEN B'NICHSEI HA'AV

- **R' Yosef** said, this applies even after the son has become financially independent and is no longer being supported by his father. **Rava** said, this applies only when the son is still being supported by the father.
 - **R' Yirmiya MiDifti** said that **R' Pappi** paskened like **Rava** in an actual case. **R' Nachman bar Yitzchak** was told by **R' Chiya** of Hurmiz Ardeshid that **R' Acha bar Yaakov in the name of R' Nachman bar Yaakov** paskened like **Rava**.
 - The Gemara paskens like **Rava**. A Braisa says like **Rava** as well.
- We learned, if one of the brothers was managing the estate on behalf of all the brothers, and we then find purchase documents or loan documents which say that this managing brother bought property or lent money, and the managing brother says these were done from his own assets (and not the assets of the estate), **Rav** said, he must prove that what he is saying is true, and **Shmuel** said, the others brothers must prove that it is not true. **Shmuel** said that **Rav** would agree, that if the managing brother died, the other brothers would have to prove that the money used for the purchase or the loan was from the estate.
 - **Q: R' Pappa** asked, why would **Rav** agree in that case? We would not make a claim on behalf of orphans that their father would not be able to make, so if **Rav** holds that the managing brother would have to prove his statement, we would not make the other brothers have to prove the falsity of the statement just because he died!? We see **R' Pappa's** point from the way **Rava** paskened in a case as well! This remains a KASHYEH.
 - **R' Chisda** said, **Rav** only said his halacha in a case in which they all even bought their food from jointly owned funds, paid directly from the estate (as opposed to them each having an allowance to spend as they chose). However, if they were given an allowance, we would say that the managing brother may have spent less than needed for normal eating and used the saved money to invest on his own behalf.
 - **Q:** How would the managing brother prove that he used his own money? **A: Rabbah** said, he must produce witnesses to his claim, and **R' Sheishes** said, he can also just have the purchase document certified in Beis Din.

- **Rava** asked **R' Nachman**, we have the views of **Rav and Shmuel**, and the views of **Rabbah and R' Sheishes**. Who do you hold like? **R' Nachman** said, I know of a Braisa that supports **Rav**. The Braisa says, if a brother is managing an estate, and there are sale documents or loan documents in his name which he claims were entered into with his own, personal money, he must prove his claim. The Braisa continues and says, likewise a woman who was managing her late husband's estate, and there are sale documents or loan documents in her name which she claims were entered into with her own, personal money, she must prove her claim.
 - **Q:** What does the Braisa mean to add with the word "v'chein" (similarly)? **A:** We would have said that if Beis Din puts a woman in charge of her husband's estate on behalf of the orphans, it gives her the reputation of an extremely honest person, and she would therefore not steal any money from the estate. The Braisa therefore teaches that even she must prove her claim.

BAMEH DEVARIM AMURIM B'MACHZIK AVAL B'NOSEIN MATANAH V'HA'ACHIN SHECHALKU...

- **Q:** Do all these people listed not have the ability to make a kinyan chazakah? **A:** The Mishna is missing words and should be read as saying, "when was it said that no chazakah can be established? Only in regard to a chazakah which is disputed – the seller says he did not sell the land and the buyer says that he bought the land – and would require 3 years to establish. However, if there is no dispute – for example if one gave a gift, or brothers who divided an estate, or one who took possession of the property of a deceased ger – where the chazakah acts as the kinyan, then even if he only locks the gate, builds a fence, or breaks through the fence even a little, it is considered to be a chazakah.
- **R' Shrivya** taught a Braisa, which is in the Braisos in Kiddushin gathered by the yeshiva of **Levi**, and the Braisa says, if the buyer locked the gate, built a fence, or broke through the fence even a little in the seller's presence, it is considered to be a chazakah.
 - **Q:** Is it only a chazakah when done in the seller's presence, but if not it is not a valid chazakah? **A: Rava** said, the Braisa means that if the seller is there, he does not need to tell the buyer "go, make a chazakah and be koneh". However, if he is not present, he must tell the buyer, "go, make a chazakah and be koneh".
 - **Rav** asked, what would the halacha be regarding a gift? If the giver was not there would he have to tell the recipient, "go, make a chazakah and be koneh"? **Shmuel** said, what is **Rav's** question!? If even in a case where the one being koneh gave money (a case of a sale) we require the seller to say "go, make a chazakah and be koneh", then we would certainly require that in a case of a gift where the giver receives no money!? **Rav** was not so certain about that, because he felt that the giver of a gift does so generously, and therefore it may be that we do not require him to tell the recipient, "go, make a chazakah and be koneh".