



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

Bava Basra Daf Nun Gimmel

- **Q:** The Mishna and Braisa said that building a fence or breaking open a fence even a small amount is considered to be a chazakah. How much is "a small amount"? **A:** It is like **Shmuel** said, that if one added to an existing fence and completed it to a height of 10 tefachim, or widened an opening so that one can enter and exit through it, it is a kinyan chazakah.
 - **Q:** What is the case of adding to the fence? If the fence could not be climbed over before his addition, then what exactly did his addition accomplish? If his addition now made it that it could not be climbed over, then he has done a substantially significant act!? **A:** Initially it was easy to climb over the fence, and with his addition it can only be climbed over with difficulty.
 - **Q:** What is the case of widening the opening in a fence? If initially one could pass through and after his widening one could also pass through, what exactly has his act accomplished? If initially one could not pass through, but after his widening one could, then he has done a substantially significant act!? **A:** Initially, one could have passed through with difficulty, and after his widening one could pass through easily.
- **R' Assi in the name of R' Yochanan** said, if one put a rock in a field and benefitted the field by doing so, or removed a rock from a field and benefitted the field by doing so, it would act as a kinyan chazakah.
 - **Q:** What is meant by "putting a rock in" or "removing a rock from"? If he put a rock there to prevent the flow of water from damaging a field, or removed a rock to allow flood waters out of the field, that is an obligation that one would have to do for another's field and therefore cannot act as a kinyan!? **A:** Rather, he "put a rock in" to keep water in the field to irrigate it, or "removed a rock" to allow water to enter the field and irrigate it.
- **R' Assi in the name of R' Yochanan** said, regarding two neighboring fields of hefker with a boundary in between them, if a person makes a kinyan chazakah on one of them to be koneh only that field, he will be koneh only that field. If he intended to be koneh both fields with the act, he is only koneh the field on which the act was done. If he intended to only be koneh the other field, he is not koneh either field.
 - **Q:** **R' Zeira** asked, what if he intended to be koneh the field on which the act was done along with the border and the other field? Do we say that the divider belongs to both fields and therefore he can be koneh both fields, or do we say that the boundary is viewed as distinct from each field and the act of kinyan cannot serve to even be koneh the boundary (and certainly not the other field)? **TEIKU.**
 - **Q:** **R' Elazar** asked, what if the person made an act of kinyan on the boundary itself, with intent to be koneh both fields? Do we say that the boundary is considered to be a protection for each field (like the reigns are to an animal) and therefore he is thereby koneh both fields, or do we say the boundary is viewed as distinct from each field and therefore he is not koneh either of the fields? **TEIKU.**
 - **R' Nachman in the name of Rabbah bar Avuha** said, regarding a house with an outer apartment and an inner apartment (whose residents have the right to walk through the outer apartment), if a person makes a kinyan on the outside apartment with intent to be koneh that apartment, he is koneh it. If he intended to be koneh both apartments, he is only koneh the outside apartment. If he intended to be koneh only the inside apartment with his act on the outside apartment, he is not koneh either apartment. If he made a kinyan on the inside apartment with intent to be koneh it, he is koneh it. If he intended to be koneh both apartments with the kinyan, he is koneh both apartments (because the outside apartment is subordinated to the inside apartment, because of the

right to walk through). If he intended to only be koneh the outside apartment with his act, he is not koneh either apartment.

- **R' Nachman in the name of Rabbah bar Avuha** said, if a person built a mansion on the land of a deceased ger and a second person then installed the doors on the mansion, it is the second person who is koneh the land. This is because the first person is considered to have “piled bricks” whereas the second person made an effective act of kinyan chazakah.
 - **R' Dimi bar Yosef in the name of R' Elazar** said, if one finds a mansion on the property of a ger and he puts one swipe of lime in the mansion, or adds one design to the wall, he is koneh it.
 - **Q:** How much lime must he put? **A: R' Yosef** said, one square amah. **R' Chisda** said, the amah must be opposite the door.
 - **R' Amram** said, **R' Sheishes** taught us a halacha and brought a proof from a Braisa. The halacha he stated was, if someone spreads out mats in the hefker field of a deceased ger, and then lies on them, he is koneh the field. He brought a proof from a Braisa. The Braisa says, chazaka is done as follows. If the eved removed the shoe for the master, or carried his keilim to the bathhouse, or undressed him, or washed him, or rubbed him with oil, or scraped his skin for him, or dressed him, or put on his shoe for him, or lifted him, the master has acquired the eved. **R' Shimon** says, chazakah can't be better than hagbaha, because hagbaha can be used as a kinyan in every place (even when standing in the reshus of the seller).
 - **Q:** What does **R' Shimon** mean to say? **A:** The T”K said that if the eved lifts the master the master is koneh the eved, but if the master lifts the eved the master is not koneh the eved. To that, **R' Shimon** said, that even in the second case the master would be koneh the eved, because hagbaha is koneh in every place.
 - **R' Yirmiya Bira'ah in the name of R' Yehuda** said, if a person just throws a turnip into a crack in the ground (he thereby planted it, but did not dig or cover the turnip with earth) in the field of a deceased ger, it does not act as an effective kinyan chazakah. The reason is, that at the time he threw it into the ground it did not improve the field in any way (he did not dig, and nothing grew immediately at that time). When something eventually grows from his act, it is no longer considered to be from his action, but rather deemed to have happened on its own. Therefore, he is not considered to have made an act of kinyan.