



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

Bava Basra Daf Nun Daled

- **Shmuel** said, if one removes branches from a palm tree, if it is done to give food to his animals (which can be shown to be the case if he takes branches from only one side of the tree), it is not a kinyan. If it is done to help foster the tree's growth (he takes branches from all sides of the tree), it is an effective kinyan.
 - **Shmuel** said, if one collects branches from a field, if he does so to use the wood (he only takes the larger pieces and leaves the smaller ones there), it is not a kinayn. If he does so to clear the land (by taking all branches), it is an effective kinayn.
 - **Shmuel** said, if one smooths out an area of land, if it is done to allow for his threshing needs, it is not a kinyan. If it is done to prepare the land for planting, it is a kinyan. The way to determine this is, if he takes dirt from a mound and it puts it next to the mound, or from a hole and puts it next to the hole, it shows he is preparing a small area for threshing. If he takes from a mound and puts it in a hole, it shows that he is preparing for planting.
 - **Shmuel** said, if one opens an access point of water and allows it to flow into a field, if he does so to catch the fish (which can be shown by opening an exit for the water to leave the field), it is not a kinyan. If he does so to water the field (there is no exit for the water), it acts as an effective kinyan.
 - There was a woman who ate dates from a tree by removing branches from one side of the tree for 13 years. A man then came and dug a little under the tree. They went to **Levi**, who said that the man made an effective kinyan and the tree therefore belongs to him. The woman complained, and **Levi** told her, there is nothing I can do for you, because you did not make a chazakah in the way that people normally do.
 - **Rav** said, if someone draws a picture on the property of a deceased ger, he is koneh the property. We see this from **Rav's** action, when he was koneh the property of a deceased ger by drawing a picture on it.
- We have learned, with regard to a field of hefker that has clearly demarcated borders, if a person simply puts the shovel into the ground anywhere in the field, **R' Huna in the name of Rav** said he is koneh the entire field, and **Shmuel** said he is only koneh the area where he put the shovel into the ground.
 - **Q:** How much would have to be done if the field did not have demarcated borders (according to **Rav**)? **A: R' Pappa** said, the field would have to be plowed for 2 full rows, from end to end.
- **R' Yehuda in the name of Shmuel** said, the lands of a goy that are sold to a Yid are treated like hefker property (like the desert). Whoever makes a kinyan chazakah on them is koneh them. The reason is, that as soon as the goy receives the money he loses ownership of the field, but the Yid is not koneh the field until the document of sale reaches his hand. Therefore, it is hefker like the desert, and anyone who makes a chazakah on it in the interim would be koneh.
 - **Q: Abaye** asked **R' Yosef**, could **Shmuel** have said that? **Shmuel** says that we must follow the law of the government, and the government says that one can only be koneh land with a document!? **A: R' Yosef** said, all I know is, that this exact situation once happened in a shepherd's village, and **R' Yehuda** gave possession of the field to the person who came along and made a kinyan chazakah on the field.
 - **Abaye** said that case is different, because those fields were not known to the government, and no one paid taxes on them, and the government says that whoever pays the tax acquires ownership of the field. Therefore, the goy never even legally owned that field.

- **R' Huna** bought land from a goy, and another Yid came and dug a little in the field. They went to **R' Nachman**, who gave possession of the field to the person who dug. **R' Huna** asked, you are paskening that way based on the halacha of **Shmuel**. If so, you should also pasken like the other halacha of **Shmuel**, when he said that one who digs is only koneh the area of the digging, and not the rest of the field!? **R' Nachman** said, regarding that halacha I hold like you, who said in the name of **Rav**, that the digging is koneh the *entire* field.
- **R' Huna bar Avin** sent, that if a Yid bought land from a goy, and another Yid came and made a kinyan chazakah on the field, we do not remove the field from the digger's possession. In fact, **R' Avin**, **R' Illa'ah** and all the **Rabanan** in EY agreed to this.