



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

### Bava Basra Daf Nun Hey

- **Rabbah** said, **Ukvan bar Nechemya**, the Reish Galusa, told me these 3 things in the name of **Shmuel**: 1) the law of the kingdom is the law, 2) chazakah in Persia is when there has been occupancy for 40 years, and 3) when the wealthy people acquire land by paying the delinquent property taxes to the government, the acquisition is a valid acquisition.
  - The Gemara says that this is only true if the land was taken for payment of delinquent property tax. If it was taken for payment of a head tax, it would not be a proper acquisition, because head tax is a personal obligation to which one's land is not subject. **R' Huna the son of R' Yehoshua** said, even one's barley in a bottle is subject to the head tax (so certainly his land is as well).
    - **Q: R' Ashi** said, **Huna bar Nosson** told me that **Ameimar** asked, according to **R' Huna the son of R' Yehoshua**, every estate is in essence owned by the government until the deceased person's head tax is paid. The halacha is that a bechor only receives a double portion of the estate that is in his father's possession at the time of death. According to **R' Huna the son of R' Yehoshua**, since it is all subject to the tax, none of it is considered to be in the father's possession, and there would never be a bechor who gets a double portion based on this governmental law!? **A: R' Ashi** said, he should have the same question regarding the property tax. Rather, it is not a question, because the law of the double portion of the bechor will still apply when the father paid his property or head tax for the year and then died.
    - **R' Ashi** said, **Huna bar Nosson** told me that he asked **Rava's** scribes what the practice is in this case and they said that the halacha follows **R' Huna the son of R' Yehoshua**.
      - The Gemara says, in fact the halacha does not follow him, but the scribes of **Rava** had followed him and therefore said that the halacha follows him to substantiate their practice.
- **R' Assi in the name of R' Yochanan** said, a boundary or a chatzav plant (a plant whose roots grow straight down and are used to mark a boundary) divide a field with regard to being koneh it from the assets of a deceased ger, but do not divide with regard to pe'ah and tumah. **Ravin in the name of R' Yochanan** said that it even divides for purposes of pe'ah and tumah as well.
  - **Q:** What is the case of pe'ah? **A:** A Mishna says, the following things act as a separation in a field for purposes of "peyah" (and would require that peyah be left from both sides of the separation): a river, a shilulis (a water filled ditch), a public road and a private road, and a public or private path that is used all year round. Now, according to **Ravin**, a boundary or chatzav will even divide the field for purposes of pe'ah as well.
  - **Q:** What is the case of tumah? **A:** A Mishna says, when there are many adjacent, open fields, and one of them has a meis buried in it, and one enters the fields during the winter (when people are not allowed to enter other people's fields and it therefore has the status of a reshus hayachid) but is not sure whether he entered the field with the tumah in it, **R' Eliezer** says he is tahor, because when one is unsure whether he entered a place of tumah, he is tahor, and it is only when one is unsure whether he touched tumah that he is tamei. The **Rabanan** say he is tamei. Now according to **Ravin**, a boundary or chatzav will even divide the field for purposes of tumah as well.
  - **Rava** said, even **Ravin** would agree that a boundary and chatzav would not act to divide for purposes of Shabbos. A Braisa says, if one takes a half grogres and then takes out another half grogres, if it is done in one period of unawareness, he is chayuv. If done in 2 periods, he is patur. **R' Yose** says, even if done in one period he is only chayuv if it is

taken out into one reshus harabim. If taken out into 2 separate ones, he is patur. **Rabbah** said on this Braisa, they are only considered separate if there is a reshus hayachid in between them. But if there is a karmelis in between, it is considered to be one reshus harabim. **Abaye** said, even a karmelis in between makes them into 2 separate places, but if there is only a block of wood in between them, they are still considered one. **Rava** said, even if there is a block of wood in between, they are considered 2 separate places. (**Rava** said this same concept by a "get", that a block of wood can separate a yard for ownership purposes).