



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

### Bava Basra Daf Nun Vuv

- **R' Yochanan** had said, that if there is a field of a deceased ger that has a boundary in it, a kinyan chazakah made on one part will acquire the field for the person up to the boundary. The Gemara now asks, what would the halacha be if there is no boundary? How much can a person be koneh with one act of kinyan? **R' Merinos** said that **R' Yochanan** would hold that he would be koneh any part of the field that is referred to by the name of the ger. **R' Pappa** explained, for example, when they refer to a field as "the field of so-and-so's watering bor".
- **R' Acha bar Avya** sat in front of **R' Assi** and said in the name of **R' Assi bar Chanina**, that the chatzav plant acts to divide the field of a deceased ger.
  - **Q:** What is the chatzav plant? **A:** **R' Yehuda in the name of Rav** said, Yehoshua used this plant to demarcate the boundaries in EY.
  - **R' Yehuda in the name of Rav** also said, the only cities listed in Sefer Yehoshua are the cities that are at the boundaries.
  - **R' Yehuda in the name of Rav** also said, any land that was shown to Moshe by Hashem (when He took him to the top of the mountain to see into EY) is chayuv in maaser. This comes to exclude the land of the Keini, the Knizi, and the Kadmoni.
    - A Braisa says, **R' Meir** said, these are the lands of Naftucha, Arva'ah, and Shalma'ah. **R' Yehuda** said, these are the lands of Har Sei'ir, Amon, and Moav. **R' Shimon** said, these are the lands of Ardiscis, Asya, and Aspamya.

### MISHNA

- If there were 2 witnesses who testified for the occupant that he used the property for 3 years, and other witnesses come and make the first set into zomeimim, these original witnesses must pay the value of the land to the owner.
  - If 2 witnesses testified that the occupant used the field for the first year, a second set of witnesses testified regarding the second year, and a third set testified regarding the third year, and all three sets were then proven to be zomeimim, they divide the value of the land between them and pay it to the owner.
  - If there are 3 brothers, and each one testified for a different year's use on behalf of the occupant, and an unrelated person testified along with each brother (this unrelated person testified regarding all 3 years), they are considered to be 3 distinct sets of witnesses and therefore are valid to establish a chazakah. Still, they are considered to be one testimony with regard to hazamah.

### GEMARA

- Our Mishna does not follow **R' Akiva** based on the following Braisa. The Braisa says, **R' Yose** said that when his father Chalafta went to **R' Yochanan ben Nuri** to learn, **R' Yochanan ben Nuri** asked him, if an occupant of a field has one set of witnesses that he used the field in one year, a second set for the second year, and a third set for the third year, what is the halacha? **Chalafta** answered that it would establish a chazakah. **R' Yochanan ben Nuri** said, I also hold like that, but **R' Akiva** argues, because he says that the pasuk of "davar" teaches that testimony is only valid when it establishes the "entire matter", and in this case each set is testifying on less than the entire matter.
  - **Q:** What do the **Rabanan** darshen from the word "davar"? **A:** They use it to teach a case where witnesses were trying to establish a girl as being an adult, and one witness saw a hair on her knuckle and the other witness saw a hair on her stomach. The pasuk teaches that these two cannot combine for a set of witnesses that saw two hairs.

- **Q:** That case does not even need the pasuk, because each is only testifying to one hair, meaning that there is no full testimony to even half the “matter”!? **A:** The pasuk teaches that if 2 witnesses say they saw one hair on her knuckle and 2 others say they saw one hair on her stomach, they cannot combine for a full testimony.
- **R’ Yehuda** said, if one witness says the occupant used the land for 3 years to produce wheat and another witness says he used the land for 3 years to produce barley, they establish a chazakah. **R’ Nachman** asked, this would mean that they are testifying regarding different years. Are you saying that if one witnesses testifies to occupancy during years one, three, and five, and another witness testifies regarding years two, four, and six, that it would be a chazakah!? **R’ Yehuda** said, when one testifies regarding wheat and the other regarding barley, the case is that they are both testifying regarding the same years, and since it is difficult to see the difference between growing wheat and barley, one is mistaken. Since they are testifying regarding the same years, they establish a chazakah.

SHLOSHA ACHIN V’ECHAD MITZTAREF IMAHEN...

- There was a loan document on which there were two witnesses signed. One of the witnesses died. When the lender wanted to certify the document by proving the signatures, he was able to bring the one living witness to testify on his own signature, and for the other signature he brought a set of witnesses, one of which was a brother to the remaining live witness. **Ravina** thought this is like the case of our Mishna, where the Mishna said that although there are 3 brothers, they can testify regarding the same case as long as they are testifying on different parts of the case. **R’ Ashi** told him, the cases are very different. In the case of the Mishna, the combined testimony of the brothers only accounts for half of what is needed to establish the chazakah. In the case with the document, the combined testimony of the brothers accounts for  $\frac{3}{4}$  of the testimony needed to certify the document. That is why it would not be allowed.