



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

Bava Basra Daf Samach Beis

- If a seller of a field gives a boundary where one parallel side is longer than the other, **Rav** said, the buyer is only koneh up to where the shorter boundary reaches. **R' Kahana and R' Assi** asked **Rav**, why isn't he koneh the field up to the diagonal line that is created from the end of the shorter parallel line to the end of the longer one? **Rav** remained quiet (showing that he accepted what they said).
 - Even before agreeing, **Rav** would have agreed that if a seller sells a field that is bordered by Reuven and Shimon on one side (e.g. on the east) and by Levi and Yehuda on the west, and the seller says he is selling the field bordered by Reuven, Shimon, and Levi, that the buyer is koneh the field created by a diagonal line from the shorter side (next to Levi's field) to the longer side (next to Reuven and Shimon's field). He would agree in this case, because he specifically omitted mentioning Yehuda.
- If a seller is selling a field bordered on the east and west by Reuven, and on the north and south by Shimon, he must say that he is selling "the field bordered on two sides by Reuven and on two sides by Shimon".
- **Q:** What if a seller only marks the corners of the field, but not the full sides? Does he mean to sell the entire field or only the "X" that is created when drawing lines from corner to corner? **Q2:** What if he marked an "L" shape on two diagonally opposite corners? Do we say that since he gave some boundary on the side he means to include the entire field, or do we say he only meant to sell the diagonal strip of land included in the "L" shape from corner to corner? **Q3:** What if the field is bordered by a number of fields and he only mentions every other field on the border? Does he mean to sell the entire field or only a small triangle that is created from each mentioned field to the center of the field in question? To all these questions the Gemara says **TEIKU**.
- **Q:** What is the halacha if a seller mentions the borders on three sides, but not on the fourth? **A:** **Rav** said, the buyer is koneh everything except for a small strip representing the border on the 4th side (we say the seller meant to keep that for himself). **Shmuel** said, the buyer is koneh everything, including the strip of land making the fourth boundary. **R' Assi** said, the buyer is only koneh one row on three sides of the field (the sides of the boundaries that were mentioned) and nothing else. **R' Assi** held this way, because he held like **Rav**, that the seller intends to leave over something for himself, but he says that the seller means to keep much of the rest of the field as well.
 - **Rava** said, the halacha is that the buyer is koneh everything except for the strip of land representing the fourth border. However, that is only if the two boundaries that extend towards the fourth boundary do not quite reach the fourth boundary. If they do, then he is even koneh the fourth boundary as well. Further, even if the other boundaries do not reach the fourth boundary, if the strip of land of the fourth boundary does not have palm trees on it or is not large enough to plant 9 kav of seeds, the buyer is still koneh it.
 - This suggests, that if the other boundaries do reach the fourth boundary, then even if that strip of land is large enough for palm trees or to plant 9 kav of seed, the buyer would still be koneh it.
 - **Others** say that **Rava** said that the halacha is the buyer is even koneh the strip of land of the fourth border. However, this is only if the two boundaries reach that fourth boundary. If they do not, he would not be koneh. Further, even if they reach it, he is only koneh if there are no palm trees on that strip or if it is not large enough to plant 9 kav. If it had the trees or was large enough, he would not be koneh.

- This suggests that if the two boundaries did not reach the fourth boundary, then even if it didn't have trees or was not large enough for 9 kav, he would still not be koneh.
- From both versions of **Rava** we can learn that the seller does not intend to leave himself over anything in the field itself. Also, that where the two boundaries reach the fourth one, and the strip of land does not have palm trees and is not large enough for 9 kav, the buyer would be koneh it. Also, if the two boundaries did not reach the fourth and the strip of land has palm trees or is large enough for 9 kav, he would not be koneh. With regard to a case where the two boundaries reach the 4th, but there are trees on it or it is large enough for 9 kav, or the case where the boundaries do not reach the 4th, but it does not have trees and is not large, there would be a difference of opinion, and therefore it should be left to the discretion of the judges.
- **Rabbah** said, if a seller owns land in a partnership and says to a buyer that he will sell him "half that I own in the land", the buyer is koneh the entire half that is owned by the seller. If the seller said, "half in the land that I own", the buyer is only koneh $\frac{1}{4}$ (half of the seller's ownership in the land). **Abaye** asked, what is the difference between the statements to cause these different results!? **Rabbah** remained silent. **Abaye** said, I thought that **Rabbah's** silence meant that he agreed with me. However, I saw that in practice he followed what he said before I asked the question.
- **Rabbah** said, if a seller is selling a portion of his field and keeping the rest for himself, and he tells the buyer that he will sell him a piece of the field "the boundary of which is the land from which the land being sold is divided", the buyer is koneh half the land. If he said "the boundary is the land from which the land being sold is cut off", the buyer is only koneh a piece large enough for planting 9 kav. **Abaye** asked, what is the difference between the statements to cause these different results!? **Rabbah** remained silent.
 - They thought to say that **Rabbah's** agreement meant that in both these cases the buyer will be entitled to half the land. However, that is not so, because **R' Yeimar bar Shlamya** said that **Abaye** explained to him, that in both cases, if the seller added the phrase "these are the boundaries", then the buyer gets half the field. If he did not say that phrase, he only gets a piece large enough to plant 9 kav.