



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

Bava Basra Daf Samach Zayin

MISHNA

- If one sells a chatzer without specifying what is included, the sale includes the houses that open to the chatzer, and the different types of boros in the chatzer, but does not include the moveable items in the chatzer. If the seller said that the sale includes "the chatzer and everything that is in it", the sale would include everything, even the moveable property. In either case (whether or not he said it includes everything that is in the chatzer), the sale does not include the bathhouse or the olive press that is in the chatzer. **R' Eliezer** says, when one sells a chatzer, it only includes the open areas of the chatzer (and not the houses, boros, etc.).

GEMARA

- A Braisa says, if one sells a chatzer, the sale includes the outer houses, the inner houses, and the sand fields (used in production of glass). With regard to stores, if they open to the chatzer they are included in the sale, if they do not, they are not included in the sale. If they open to the chatzer and the street, they are included in the sale. **R' Eliezer** says, the sale of a chatzer only includes the open areas of the chatzer.
 - **Q: R' Chiya** taught a Braisa that said that if a store is open to the chatzer and the street, it is *not* included in the sale of the chatzer!? **A:** The first Braisa speaks of a chatzer where the main entrance (and most of its business) comes from inside the chatzer. The Braisa of **R' Chiya** is dealing with a store where most of the business is from outside the chatzer.

R' ELIEZER OMER HAMOCHER ES HECHATZER LO MACHAR ELAH AVIRAH SHEL CHATZER

- **Rava** said, if the seller said "I am selling you this 'dirsa'", all would agree that the houses are included. The machlokes is where he said "I am selling you this 'darta'". In that case, **R' Eliezer** says that only refers to the open space, and the **T"K** holds that it includes houses as well.
 - **Others** say that **Rava** said, if the seller said "I am selling you this 'darta'", all would agree that the houses are included. The machlokes is where he said "I am selling you this 'chatzer'". In that case **R' Eliezer** says that only refers to the open space, and the **T"K** holds that it includes the houses as well, as the term "chatzer" regarding the Mishkan included structures within as well.
 - **Rava in the name of R' Nachman** said, if one sold a sand field and a clear riverbed (where precious metals or fish are taken from), and the buyer made a kinyan chazakah on one, he is not koneh the other.
 - **Q:** We find that **Rava** has said that if one buys 10 fields in 10 different countries, from one person, if he makes a kinyan chazakah on one of them he is koneh all of them!? **A:** In that case, since all the properties have the same function (to grow produce), we say that all land in the world is part of one mass, and therefore a kinyan on one is effective to be koneh another one. However, in the case of the sand field and the riverbed, since they have different functions, they cannot be koneh with the same kinyan.
 - **Others** said that **Rava in the name of R' Nachman** said, if one sold a sand field and a clear riverbed, and the buyer made a kinyan chazakah on one, he *is* koneh the other. To that, the Gemara asks that this halacha is obvious, based on **Rava's** statement regarding 10 fields bought in 10 countries. The Gemara answers, that we would think the cases are different, because in our case the properties have different functions. Therefore **Rava** teaches that they can still be koneh with one kinyan.

MISHNA

- If one sells an olive press without specifying what is included, the sale includes the “yam”, the “mamal”, and the “besulos”, but does not include the “avirim”, the “wheel”, or the beam. If the seller said that the sale includes “the press and everything that is in it”, the sale would include everything, even the moveable property that goes along with the press.

GEMARA

- The “yam” is the vat into which the olives are placed and crushed. **R’ Abba bar Mamal** says that the “mamal” is the mortar. **R’ Yochanan** says that the “besulos” are the cedar poles that hold the beam. The “avirim” are the planks of wood that are put on top of the olives. The “wheel” is the screw that raises and lowers the beam. The beam is the beam used to crush the olives.
- A Braisa says, if one sells an olive press without specifying what is included, the sale includes the boards that keep the olives in the vat, the vat, the mortars, and the lower millstones, but does not include the upper millstones. If the seller said that the sale includes “the press and everything that is in it”, the sale would include everything, even the moveable property that goes along with the press. In either case (even if he said he is selling everything that is in it), the sale does not include the “avirim” boards, the material sacks, or the leather sacks. **R’ Eliezer** says, if one sells an olive press the sale includes the beam, because a press is referred to as a “beis habad” because of the beam.

MISHNA

- If one sells a bathhouse without specifying what is included in the sale, the sale does not include the floor boards, the water basins, or the towels. If the seller said “I am selling you the bathhouse and everything that is in it”, all these items are included in the sale. In either case (even if he says the sale includes everything), the sale does not include the streams of water from which the bathhouse would get water, or the wood storage sheds (to store the wood used to heat the water).

GEMARA

- A Braisa says, if one sells a bathhouse, the sale includes the place where the boards are kept, the place where the turbans are kept, the place where the basins are kept, and the place where the towels are kept. The sale does not include the boards themselves, the turbans themselves, the basins themselves, or the towels themselves. If the seller said “I am selling you the bathhouse and everything that is in it”, all these items are included in the sale. In either case (even if he says the sale includes everything), the sale does not include the streams of water from which the bathhouse would get water, whether the sale was made in the summer or the winter, or the wood storage sheds (to store the wood used to heat the water). If the seller said “I am selling the bathhouse and all of the items that are used for it”, even these items would be included in the sale.
 - There was a seller who said “I am selling the olive press and all of the items that are used for it”. This press had rooms attached to it that were used as stores to sell things, but had some use for the press as well, because they were used to spread out sesame seeds to dry before pressing them in the press. There was a disagreement as to whether these rooms were included in the sale. **R’ Yosef** told them, the Braisa said, if the seller said “I am selling the bathhouse and all of the items that are used for it”, even the stream of water and the wood shed would be included in the sale (and the rooms near the olive press are like the stream of water and woodshed, in that they are used for, but not exclusively for, the press). **Abaye** said to **R’ Yosef**, **R’ Chiya** has taught a Braisa that even if a seller says this when selling an olive press, these rooms are *not* included in the sale!? **R’ Ashi** said, we look at the purchase contract. If it says that it includes all the items that are needed for the press, and then goes on to give boundaries that encompass these rooms, the rooms are included in the sale. If it does not do so, the rooms are not included in the sale.