



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

Bava Basra Daf Samach Ches

MISHNA

- If one sells a city without specifying what is included in the sale, the sale includes the houses, the different forms of boros, the bathhouses, the dovecotes, the olive presses, and the "beis hashlachin". The sale does not include the moveable property. If the seller said that he is selling "the city and all that is in it", then *even* the animals and slaves that are in the city would be included. **R' Shimon ben Gamliel** said, if one sells a city the sale includes the "santer".

GEMARA

- **R' Acha the son of R' Avya** said to **R' Ashi**, we can learn from the Mishna that slaves have the status of moveable property, because if they have the status of real property, they should be sold along with the city!
 - **Q:** If slaves are considered to be moveable property, why does the Mishna say that "even the slaves" are included in the sale? It should be included just as all other moveable property is included!? You will have to answer, that although they are moveable property they are not included along with the rest because they are moveable property that move on their own. Once such a distinction is made, we can even say that they are considered to be real property, and are not included along with the sale of the city, because they have the ability to move. Therefore, there is no proof from the Mishna.

R' SHIMON BEN GAMLIEL OMER HAMOCHER ES HA'IR MACHAR ES HASANTER

- **Q:** What is a "santer"? **A:** In Bavel they said it is a slave who acts as the town clerk. **Shimon ben Avtulumus** said it is the fields that are around the city.
 - The view that holds that it is the town clerk, would certainly agree that the fields are included in the sale. The view that says that it is the fields would hold that the town clerk would not be included in the sale.
 - **Q:** The Mishna said that the olive presses and beis hashlachin are included. The talmidim thought that beis hashlachin refers to the fields around the city. Now, if you hold that santer is the clerk, the machlokes makes sense – the **T"K** holds the fields are included but the clerk is not, and **R' Shimon** argues and says that the clerk is also included in the sale. However, if you hold that santer is the fields, then the **T"K and R' Shimon** are saying the same thing!? **A:** Beis Hashlachin is not the fields around the city, it is the gardens. The **T"K** is saying that the gardens are included but the fields are not. **R' Shimon** then argues and says that the fields are included as well.
 - **Others** say that the talmidim first thought that shlachin are gardens. According to the view that santer are fields the machlokes makes sense – the **T"K** says that gardens are included, but not the fields, and **R' Shimon** argues and says that the fields are included as well. However, according to the view that santer is the clerk, the machlokes doesn't make sense. **R' Shimon** wouldn't discuss the clerk without first discussing that the fields are sold!? The Gemara answers, that shlachin are not gardens, rather they are the fields around the city. Based on this, the machlokes makes sense according to this second view as well.
 - **Q:** A Braisa says, **R' Yehuda** says that the santer is not included in the sale, but the town scribe is included. Now, since the scribe refers to a person, presumably the santer is referring to a person as well (and this proves that it is the town clerk)! **A:** It may be that although the scribe is a person, the santer is not a person (but is rather a field).
 - **Q:** That would mean that **R' Yehuda** would hold that the fields around the city are not sold along with the city. That can't be, because in the next part of the

Braisa the Braisa says that **R' Yehuda** holds that the small detached pieces of the fields are not sold along with the city, which would suggest that the fields themselves *are* sold along with the city!? **A:** We will have to reverse the Braisa to say that **R' Yehuda** holds that the santer is sold along with the city, but the town scribe is not.

- **Q:** This would mean that **R' Yehuda** would agree with **R' Shimon** that the santer is sold along with the city. This cannot be, because **R' Yehuda** says in the Braisa that the sale does not include the suburbs of the city, which argues with **R' Shimon** in a different Braisa, where he says that the sale does include the suburbs!? **A:** We can say that **R' Yehuda** agrees with **R' Shimon** on one point and argues on another point.
- **Q:** The Braisa also said that the sale does not include the enclosures of animals, birds, or fish. However, another Braisa says that it is included in the sale!? **A:** The second Braisa is discussing where these enclosures open to the city, and the first Braisa is discussing where they open away from the city.

MISHNA

- If one sells a field without specifying what is included in the sale, the sale includes the stones that are needed for the field, the reeds in the vineyard that are needed for the vineyard, the produce that is attached to the ground, an area covered with reeds that is less than one quarter kav, the watchman's hut that is not covered in plaster, the carob tree that was not grafted, and the sycamore tree whose branches were never yet cut. However, the sale does not include the stones that are not needed for the field, the reeds in the vineyard that are not needed for the vineyard, or the produce that is detached from the ground. If the seller said that he is selling "the field and everything in it", the sale would include these items as well. Even if he did say that the sale includes everything in it, the sale would still not include an area covered by reeds that is at least a quarter kav, the watchman's hut that was plastered, the carob tree that was grafted, or the sycamore tree whose branches were already cut.