



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

### Bava Basra Daf Samach Tes

GEMARA

- **Q:** What are "stones that are needed for the field"? **A:** In Bavel they said they are stones used as a weight on cut grain to keep it from scattering. **Ulla** said they are stones that are arranged and piled on each other to be used for the building of a fence.
  - **Q: R' Chiya** taught a Braisa that says that stones simply heaped in a pile to be used for a fence are included in the sale. We see that even if it is not arranged and piled it is included!? **A:** This Braisa should be read as if it says "stones that are arranged and piled".
  - According to the view that the stones refer to stones used for weights, **R' Meir** would say they are included in the sale as long as they have been prepared, and the **Rabanan** would say they are only included if they have actually already been used for that purpose. According to **Ulla**, **R' Meir** would say they are included in the sale as long as they have been prepared, and the **Rabanan** would say they are only included if they have actually already been arranged and piled.

V'ES HAKANIM SHEBAKEREM SHEHEIN L'TZARCHO

- **Q:** What are these reeds used for? **A:** The yeshiva of **R' Yannai** said, this refers to the smooth reeds that are used to support the grapes under the vines. According to **R' Meir** these would be included even if they were just smoothed for this purpose. According to **Rabanan** they would only be included if they were actually put in place.

V'ES HATVU'AH HAMICHUBERES L'KARKAH...

- This is even if they grew to the point that they are ready to be cut.

V'ES CHITZAS HAKANIM SHEPSUCHA MIBEIS ROVAH

- This is so even if the reeds are strong.

V'ES HASHOMEIRA SHE'EINA ASUYA B'TIT

- This is so even if it was not attached to the ground.

V'ES HECHARUV SHE'EINO MURKAV V'ES BESULAS HASHIKMA

- This is so even if they are very strong.

AVAL LO MACHAR ES HA'AVANIM SHE'EINAN L'TZORCHA

- According to the view that the stones refer to stones used for weights, **R' Meir** would say they are not included in the sale if they have not yet been prepared, and the **Rabanan** would say they are not included if they have not actually already been used for that purpose. According to **Ulla**, **R' Meir** would say they are not included in the sale if they have not been prepared, and the **Rabanan** would say they are not included if they have not actually already been arranged and piled.

V'LO ES HAKANIM SHEBAKEREM SHE'EINAN L'TZARCHO

- According to **R' Meir** they would not be included if they were not smoothed out, and according to the **Rabanan** they would not be included if they were never set in place.

V'LO ES HATVU'AH HATLUSHA MIN HAKARKAH

- This is so even if the produce still needs to remain in the field.

V'LO ES CHITZA HAKANIM SHEHI BEIS ROVA

- This is so even if the reeds are very thin.
- **R' Chiya bar Abba in the name of R' Yochanan** said, this halacha doesn't only apply to an area of reeds. Rather, even if there is a small row of besamim that has its own name (identity), it would also not be included in the sale. **R' Pappa** said, this would only be if, for example, it was referred to as "so-and-so's roses".

V'LO HASHOMEIRA HA'ASUYA B'TIT

- This is so even if it is attached to the ground.

- **Q: R' Elazar** asked, would the door jams (where the door strikes when it closes) be included in the sale of a house? If they are attached with clay it would certainly be included, because it is attached to the house. The question is, what about when they are attached with removable pegs? **TEIKU**.
- **Q: R' Zeira** asked, are window moldings included in the sale of the house? Do we say they are made for decorative purposes and therefore are not included, or do we say that since they are attached to the house they are included in the sale? **TEIKU**.
- **Q: R' Yirmiya** asked, are the wooden blocks placed under the legs of a bed included in the sale of the bed? If they are attached to the bed it is obvious that they are included in the sale. The question is where they are not attached, what would the halacha be? **TEIKU**.

V'LO ES CHARUV HAMURKAV V'LO SADAN HASHIKMAH...

- **Q:** How do we know this halacha? **A: R' Yehuda in the name of Rav** darshens a pasuk to teach that a tree that is identifiable as to whom it is owned by without having to rely on its presence in a particular field, is not included along with the sale of the field.
- **R' Yehuda** said, one who sells a field must write in the document of sale “be koneh for yourself the palm trees, the young palm trees, the hutzin, and the tzitzin”. Even though the halacha is that he will be koneh even if this is not written, still, writing this is considered to be a splendor for the document.
- If the seller said, “I am selling you the land and the palm trees” we assume that he is selling two palm trees besides whatever trees may be in the land being sold. Therefore, if he has other palm trees he must give them to the buyer. If he does not have any, he must buy 2 trees to give to the buyer. If he has encumbered trees, he must redeem two of them for the buyer.
  - If the seller said “I am selling you the land with the palm trees” we assume that he means to sell land in which there are palm trees. Therefore, if the land has palm trees on it, he gives that land to the buyer. If the land doesn't have such trees, it is considered to be a mekach ta'us, and the seller must return the money.
  - If the seller said “I am selling you the land that is a place for palm trees”, the buyer is not entitled to any palm trees, because the seller meant to say that he is giving him land that is fit for palm trees.
  - If the seller said, “I am selling you this field except for this particular palm tree”, then we make a determination – if this is a good palm tree, then he meant to sell the others. If this is a bad palm tree, then he surely meant to keep the other, superior palm trees.
  - If the seller said, “I am selling you this field without its trees”, if the field has trees other than palms and vines, the field is sold without these trees. If the field only has palms, it is sold without the palms. If the field only has grapevines, it is sold without the grapevines. If the field has regular trees and grapevines, it is sold without the regular trees, but with the vines. If the field has regular trees and palms, it is sold without the regular trees, but with the palms. If the field has grapevines and palms, it is sold without the vines (but with the palms).
  - **Rav** said, if a seller said he is selling a field but keeping the trees, he only retains trees that are tall enough that one needs a rope to climb them. The judges of the Golah said, any tree that can be bent by the passing yoke is not retained by the seller. If it cannot be bent, it is retained by the seller.
    - The Gemara says that these views are not arguing. The explanation of **Rav** is referring to palm trees, and the definition of the judges refers to other trees.