



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

Bava Basra Daf Ayin Zayin

- **R' Pappa** said, if one sells a promissory note he must write a document of sale and include the phrase "be koneh it and whatever liens are in it".
 - **R' Ashi** said, I said this over to **R' Kahana** and asked him, it would seem that if this phrase is not used, he would not be koneh the right to collect the debt. Does the person buy the note to be used as a bottle cover!? Clearly he is buying it to collect on the debt!? **R' Kahana** told me, "Yes, without using that phrase it would have no use other than as a bottle cover".
 - **Ameimar** said, the halacha is like **Rebbi**, that a note can be acquired with mesirah alone. **R' Ashi** asked him, is that a tradition that you have, or is it based on logic? **Ameimar** said it is based on a tradition. **R' Ashi** said, it is also logical, because a note is mere words, and words cannot be acquired with other words (i.e. a shtar).
 - **Q:** We find that **R' Chiya bar Avin the name of R' Huna** said, that if a seller writes a shtar of sale for a piece of land without the buyer present (which is something that may be done), as soon as the buyer makes a chazakah in the field, he is automatically koneh the shtar, wherever it may be. Now, there is no kinyan made on the shtar and yet he is koneh it (by the seller's willingness to give it to him). If this is enough to be koneh a shtar, then a shtar should certainly be enough to be koneh a shtar!? **A:** The buyer in that case is being koneh the shtar with kinyan agav, and that is why it works.

AVAL LO MACHAR LO ES HA'AVADIM...

- **Q:** What is "antiki"? **A: R' Pappa** said, it is the merchandise on the ship.

MISHNA

- If one sells a wagon without specifying what is included, the sale does not include the mules that pull it. If one sells the mules, it does not include the wagon that they pull. If one sells a yoke, he has not sold the cattle, and if he sold the cattle, he has not sold the yoke. **R' Yehuda** says, we look to the price to determine what is included. For example, if one agrees to buy a yoke for 200 zuz, it clearly can't be just for the yoke, so the cattle must be included in the sale. The **Rabanan** say that price cannot act as proof.

GEMARA

- **R' Tachlifa of EY** taught a Braisa in front of **R' Avahu** that said, if one sells a wagon, it includes the mules as well. **R' Avahu** asked, our Mishna says not like that!? **R' Tachlifa** asked if he should delete the Braisa. **R' Avahu** said, no, rather explain the Braisa as referring to where the mules were attached to the wagon at the time of the sale.

MACHAR ES HATZEMED LO MACHAR ES HABAKAR...

- **Q:** What is the case where **R' Yehuda and the Rabanan** argue? If the term "the yoke" is never used to include the cattle and visa-versa, then clearly we would not look to the price to determine what is included!? If the case is where people refer to cattle by the term "yoke", then all would agree that a high price would show that the cattle are included!? **A:** The case is that people don't generally interchange the terms, but some people do. In that case **R' Yehuda** says the price can indicate what is included and the **Rabanan** say it does not.
- **Q:** According to the **Rabanan**, that the price doesn't prove anything, the sale should become batel because of the overcharge!? **A:** That is actually what the **Rabanan** mean – that the price does not determine anything, and therefore the sale will be batul. **A2:** The **Rabanan** only say that an overcharge makes the sale batel when the overcharge is in such an amount that could

be based on the party having been mistaken. However, when it is a gross overcharge, that anyone should have realized, we say that the buyer meant to give the extra money as a gift.