



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

Bava Basra Daf Pey Beis

HIGDILU LO YISHAPEH...

- **Q:** What is considered to be “growing from the trunk” and what is considered to be “growing from the roots”? **A: R' Yochanan** said, anything above ground is called “from the trunk” and anything below ground is called “from the roots”.
- **Q:** We should be concerned that earth will cover up the point of connection of the offshoot to the original tree, making it look like it is growing directly from the ground, and giving the buyer a place to say that he actually purchased three trees, thereby giving him a right to the land around and underneath as well!? **A: R' Nachman** said, this is a valid concern, and therefore, when the Mishna says that the buyer gets the offshoot, it actually means that it must be cut off and the buyer is entitled to keep the wood. **R' Yochanan** said this as well.
- **R' Nachman** said, we have a kabbalah that says “a palm tree has no trunk”.
 - **R' Zvid** thought to say that this means that the buyer of a palm tree has no rights to offshoots from the trunk of the tree. The reason would be that since a palm tree does not grow back after it is cut, a buyer does not think that he may get a shoot that grows from this tree.
 - **Q: R' Pappa** asked, the case of a person who bought two trees, is also a case of where the buyer cannot replant after the tree dies, and yet the Mishna said that such a buyer is entitled to the shoot that grows from it!? **A:** Rather, **R' Pappa** said, this means that the buyer is not entitled to the shoots from the trunk, because a palm tree typically does not have shoots grow from the trunk, and therefore a buyer had no expectation of getting such a shoot.
 - **Q:** According to **R' Zvid**, our Mishna is difficult to understand, because it seems to be discussing even palm trees!? **A:** He would say that the Mishna is discussing a case in which the buyer bought the trees for 5 years, and would therefore be allowed to plant new trees if those trees died within those 5 years.

KANAH SHLOSHA KANAH KARKAH

- **Q:** How much land does he acquire? **A: R' Chiya bar Abba in the name of R' Yochanan** said, he is koneh the land underneath, between, and outside of the trees, large enough for one who is picking the fruit to stand there with his basket and pick the fruit.
 - **Q: R' Elazar** asked, if the buyer does not even acquire a path through the seller's field, then how can we say he acquires enough land for the picker and his basket?
 - **R' Zeira** said, from this question we see that it is only when he buys 3 trees that he is not entitled to a path through the seller's property. If he only buys two trees he would be entitled to a path, because he could tell the seller, I have bought your trees in your land (and have not acquired any land), so clearly your land is now pledged to my trees, to allow me to get there.
 - **R' Nachman bar Yitzchak** said to **Rava**, it seems that **R' Elazar** does not hold like his rebbi **Shmuel**, who says that the halacha follows **R' Akiva**, who says that a seller sells generously? **A:** It may be that **R' Elazar** would agree with **R' Akiva** in halacha, but he held that the Mishna cannot be explained according to **R' Akiva**, since the Mishna says that the seller may trim the branches of the tree, and according to **R' Akiva**, a seller sells generously and would therefore not be allowed to trim the trees.
 - **R' Nachman bar Yitzchak** said, it may be that **R' Akiva** only holds that a seller sells generously regarding the sale of a bor, where the bor and the path to the bor don't harm the field. However, regarding a tree's

branches, which do ruin the field underneath them, even **R' Akiva** would agree that a seller does not sell generously.

- There is a Braisa that says like **R' Chiya bar Abba**. The Braisa says that the buyer acquires the land underneath, between, and outside the trees, large enough for one who is picking the fruit to stand there with his basket and pick the fruit.
 - **Q: Abaye** asked **R' Yosef**, who may plant that area that is large enough for the picker and his basket to stand in? **A: R' Yosef** said, we have learned a Braisa that when an inner field has a path and right of way through an outer field, it is the owner of the outer field that has the right to plant that path. The same would be here.
 - **Q: Abaye** asked, the cases are very different!? In that case the seeding of the path does not bother the owner of the inner field, but in our case the seeding of the area around the tree does, because when the fruits fall from the tree they will be dirtied by the seeds!? If anything, our case is more similar to the next part of the Braisa that says, that if a path is given by agreement of all parties, neither party has the right to plant that area. The same would be in our case.
 - A Braisa says just like **Abaye**.
- **Q: How much space must there be between the trees for this halacha (that the buyer of 3 trees acquires the land) to apply? A: R' Yosef in the name of R' Yehuda in the name of Shmuel** said, they must be between 4 and 8 amos apart. **Rava in the name of R' Nachman in the name of Shmuel** said they must be between 8 and 16 amos apart.
 - **Abaye** told **R' Yosef**, don't argue with **R' Nachman** about this, because there is a Mishna that says like him. The Mishna says that a vineyard in which the vines are 16 amos apart is not called a vineyard, and the area in between the vines would therefore be allowed to be seeded. **R' Yosef** said, I don't know about this proof, but I do know of an incident that took place in which someone bought 3 trees that were spaced less than 8 amos apart and **R' Yehuda** paskened that an area of land equal to 4 amos must be given to the buyer. We see that in practice **R' Yehuda** paskened like **R' Yosef**.