



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

### Bava Basra Daf Pey Hey

- **Rav and Shmuel** both say that a person's keili can be koneh for him in any place, except in the reshus harabim. **R' Yochanan and Reish Lakish** both say that it can even be koneh for him in the reshus harabim.
  - **R' Pappa** said, they do not argue. **Rav and Shmuel** are discussing a true reshus harabim, and **R' Yochanan and Reish Lakish** are discussing a simta, and they refer to it as a reshus harabim in that it is public, as compared to a reshus hayachid.
    - This must be correct, because we find that **R' Avahu in the name of R' Yochanan** said, a person's keili can be koneh for him in any place that he has the right to put it down. This suggests that if he doesn't have the right (as in a reshus harabim), his keili can't be koneh for him. We see that **R' Yochanan** must have meant as **R' Pappa** explained.
  - A Braisa says, there are four halachos with regard to use of a keili and whether a buyer will be koneh. If the item to be sold is being measured in a keili, then before the measure is full, the item still belongs to the seller. Once the measure is full, it belongs to the buyer. This is true if the measuring utensil doesn't belong to the seller or the buyer. If the keili was owned by one of them, then the owner of keili is koneh the item as it goes into the keili. All that has been said until now is true when this is taking place in the reshus harabim or a chatzer that belongs to neither of them. However, if this took place in the seller's reshus, the buyer is not koneh until he does hagbaha or until he does meshicha and removes it to another reshus. If this took place in the reshus of the buyer, as soon as the seller agrees to sell, the buyer is koneh. If this took place in the chatzer of a shomer of the produce, the buyer is not koneh until the shomer accepts to loan the place of the produce to the buyer or until he rents this place to him.
    - **Q:** The Braisa says that the buyer's keili can be koneh for him in the reshus harabim or a chatzer that belongs to neither party!? **A:** The Braisa is referring to a simta (not an actual reshus harabim) and to a chatzer owned by both parties (it belongs to neither party fully).
- **R' Sheishes** asked **R' Huna**, can the keili of a buyer be koneh for him in the reshus of the seller? **R' Huna** said, we have learned a Mishna that says that if a man throws a get into his wife's basket while she is in his reshus, she is divorced. This shows that the buyer's keili can be koneh for him in the reshus of the seller. **R' Nachman** said to **R' Huna**, why are you bringing a proof from that Mishna, which has been explained in many ways which would not prove this point? Rather, bring a proof from the Braisa (quoted above) that said that if the sale took place in the seller's reshus, the buyer is only koneh with hagbaha or with removing the item from the seller's reshus. Presumably, this is referring to where the buyer's keili is being used, and shows that the buyer's keili cannot be koneh for him in the reshus of the seller!
  - The Gemara says, the Braisa cannot act as a proof, because it may be discussing where the seller's keili is being used.
    - **Q:** If this part of the Braisa is discussing where the seller's keili is being used, the next part of the Braisa must also be discussing that. The next part of the Braisa says, if this took place in the reshus of the buyer, as soon as the seller agrees to sell, the buyer is koneh. Now, if the seller's keili is being used, why is the buyer koneh? **A:** This case is talking about where the buyer's keili is used. In fact, it makes sense to say that when it takes place in the seller's reshus, the seller's keili is used, and when it takes place in the buyer's reshus, the buyer's keili is used.