



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

Bava Basra Daf Pey Vuv

- **Q:** The Gemara has been trying to answer whether the keili of a buyer can make a kinyan for him in the reshus of the seller. **Rava** now says that we can bring a proof from a Braisa. The Braisa says, if a buyer pulled the seller's donkey drivers or workers into his own reshus, then whether the price was set but the produce was not yet measured, or whether the produce was measured but the price was not yet set, both parties can still back out of the deal. If the produce was unloaded from the seller's animals or workers onto the floor of the buyer's reshus (although presumably still in the seller's bags), then if the price was set, even if the produce was not yet measured, neither party can back out of the deal. If the produce was measured but the price was not yet set, both parties can still back out of the deal. Now, we see from this Braisa that the keilim (the bags) of the seller in the reshus of the buyer does not make a kinyan (in the sense that it does not prevent the buyer from being koneh). This should prove that the keili of the buyer cannot be koneh in the reshus of the seller either! **A: R' Nachman bar Yitzchok** said, the case of the Braisa may be where they spilled the produce out of the bags and onto the floor, but if they had left it in the bags, the buyer would not be koneh.
 - **Q: Rava** said, the Braisa doesn't say "he spilled it out", it only says that it was "unloaded"! **A: Mar bar R' Ashi** said, the Braisa may be speaking of bundles of garlic, which are not kept in bags, and that is why as soon as they are unloaded into the reshus of the buyer, the buyer is koneh.
 - **Q: Huna the son of Mar Zutra** asked **Ravina**, if he unloaded the produce into the buyer's reshus, why do we care whether or not the price was set? **A: Ravina** said, when the price is set, the parties have decided to make the deal final. When it is not set, they are not.
 - **Q: Ravina** said to **R' Ashi**, we find that **Rav and Shmuel** both say that a person's keili can be koneh for him in every place. Presumably this comes to include that it can even be koneh in the reshus of the seller! **A: Rav and Shmuel** are talking about a case where the seller told the buyer "go and be koneh with your keili". In that case all would agree. The question is where nothing was said.
- A Mishna says, real property can be acquired with money, a shtar, or chazakah. Moveable property can only be acquired with meshicha. In Sura they taught in the name of **R' Chisda** (and in Pumbedisa they taught in the name of **R' Kahana**), and others said in the name of **Rava**, that this is only true for moveable items that are not normally lifted (e.g. they are too large to be lifted), but something that is normally lifted can only be acquired with hagbaha, not meshicha.
 - **Q: Abaye** was teaching this discussion and **R' Ada bar Masna** asked him, a Braisa says, one who steals a purse on Shabbos is chayuv to pay back the money even though he is also chayuv misah for carrying the purse into the reshus harabim, because he is chayuv for stealing before he is chayuv for Shabbos (he is chayuv for stealing as soon as he lifts the purse and is not chayuv for Shabbos until he removes it into the reshus harabim). However, if he didn't lift the purse, but rather dragged it into the reshus harabim, he is patur from paying back, because in that case the chiyuv for stealing and Shabbos come at the same time (because he did not lift it, he is not chayuv for stealing until it leaves the reshus hayachid of the victim). Now, a purse is something that is normally lifted, and yet we see that the ganav is koneh with meshicha!? **A: Abaye** said, the case is where the purse is too large to be carried and therefore must be dragged.
 - **Q:** The Braisa quoted earlier said, if a sale takes place in the reshus of the seller, the buyer is not koneh until he lifts the item or removes it (i.e. meshicha) from the seller's reshus. We see that the Braisa is discussing something that can be lifted, and still it says that he can also be koneh with meshicha!? **A: R' Nachman bar Yitzchak** said, the Braisa

means to say, that if it is an item that can be lifted, it must be lifted, and if it is an item that can't be lifted, it must be acquired with meshicha.

- **Q:** Our Mishna said, if one is buying produce and did meshicha without measuring the produce, he is koneh. Now, produce is something that can be lifted, and yet the Mishna says that he can be koneh with meshicha!? **A:** The Mishna is dealing with large bundles of produce, which cannot be lifted.
 - **Q:** The later part of the Mishna says that if one buys flax he is not koneh until he moves it from one place to another (i.e. with hagbaha). If the Mishna is talking about things being bundled into large bundles, then the case of the flax is also where it is in large bundles, so why must hagbaha be done!? **A:** Flax is never bundled into large bundles, because such bundles of flax would fall apart. Therefore they are only bundled into small bundles, which is why hagbaha must be done.
- **Q: Ravina** asked **R' Ashi**, a Mishna says that the **Rabanan** say that a small animal can be acquired with meshicha. Now, a small animal can be lifted, and yet we see that it can be acquired with meshicha!? **A:** An animal grabs onto the ground when one tries to lift it. Therefore it is considered to be something that is not normally or easily lifted.
- **Rav and Shmuel** both say, if a seller says "I am selling you a kor (equal to 30 se'ah) for 30 sela'im", the seller may back out of the deal any time before the final se'ah was measured out. However, if the seller said "I am selling you a kor for 30 sela'im, each se'ah for a sela", then the buyer is koneh each se'ah as it comes into his possession.
 - **Q:** The Braisa quoted earlier said, that if the measuring keili belonged to one of the parties, that party is koneh even before it is totally filled up. If so, the buyer can be koneh even before the full 30 se'ah is reached!? **A:** The Braisa is discussing where the seller said "I am selling you a hin for 12 sela'im, each log for one selah", and the measuring keili had markings for measurements along the way leading up to a hin. In that case, as soon as he reaches each increment he is koneh.
 - **Q:** A Braisa says, if someone hires a worker in advance of the harvest season, to work for him during the harvest season (when wages normally increase), and he tells him that he is hiring him for a dinar per day (which is less than he would pay for a worker hired in the harvest season), and gives him the money in advance, he is not allowed to benefit from this worker for more than the money would have bought him during the harvest season. However, if he hired him to begin work on the day of the deal, it would be mutar. Now, if we say that when a seller says "I am selling you a kor for 30 sela'im, each se'ah for a sela", then the buyer is koneh each se'ah as it comes into his possession, then in the Braisa's second case each day should be looked at as a distinct arrangement, and he should not be allowed to benefit from the worker for more than the wages he gave him, because it is "reward for waiting" (an advance payment that is ribbis)!? **A: Rava** said, there is never imputed interest when dealing with wages, because there is no true and absolute set value. Rather, in the first case of the Braisa, since he doesn't begin working for him until the harvest season, the advance payment *looks* like ribbis (although it is truly not), and that is why it may not be done. In the second case, since he begins working for him immediately, it does not even look like ribbis, and therefore it is mutar.

V'IHM HAYA MECHUBAR BAKARKA V'TALASH KAL SHEHU KANAH

- **Q:** Just because he detaches a small amount he can be koneh all of the flax? **A: R' Sheishes** said, the Mishna is talking about where the seller told the buyer, "go and improve a small piece of land, and use that as a kinyan to be koneh all the flax (which are still attached to the ground and therefore can be acquired like land)". Therefore, uprooting a small amount, which benefits the land, can act as a kinyan to be koneh all the flax.