



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

Bava Basra Daf Tzaddik Tes

- **R' Chanina** was once in the villages and was asked a contradiction of pesukim. One pasuk says that the Beis Hamikdash was 30 amos high and another pasuk says that the Kodesh Hakodashim was only 20 amos high!? He answered, that the second pasuk is giving the height from the top of the Keruvim.
 - **Q:** What is the pasuk trying to teach by giving the measurement from the top of the Keruvim? **A:** It is teaching us that just as above the Keruvim was empty, so too the lower 10 amos (in which the Keruvim were located) were empty (in that when measuring the room, the Keruvim miraculously did not take up any space). We find that **R' Levi** (others say it was **R' Yochanan**) said, that the place of the Aron and the Keruvim did not take up any space. A Braisa also says, that the Aron that Moshe made had a space of 10 amos between it and every wall (the length and width of the room was 20 amos each, which means there should have been less than 10 amos from the end of the Aron to each wall).
 - **Rabbinai in the name of Shmuel** said, the bodies of the Keruvim stood with a miracle. The pasuk says that the wingspan of each Keruv was 10 amos (5 amos per wing), which would mean that the wings of the two Keruvim was 20 amos, and therefore should have filled up the space from wall to wall. If so, where were the bodies of the Keruvim and how did they fit in? We must say that they stood there miraculously (without taking up any space).
 - **Q: Abaye** asked, maybe they were formed like chickens, whose wings come from the middle of their backs, and their wingspans, therefore include the measurements of their bodies? **Rava** asked, maybe the Keruvim were not directly opposite each other, so that their wings overlapped, rather than taking up the entire space in the room? **R' Acha bar Yaakov** asked, maybe they were positioned diagonally across the room (which gives more than 20 amos of space)? **R' Huna the son of R' Yehoshua** asked, maybe the Beis Hamikdash got larger as it got higher? **R' Pappa** asked, maybe the wings were bent, and therefore did not need the full 10 amos each? **R' Ashi** asked, maybe their wings were crossed over (like a person whose arms are folded) rather than spread out?
 - **Q:** In which direction did the Keruvim face? **A: R' Yochanan and R' Elazar** argue: one says they faced each other, and the other says that they faced towards the Heichal.
 - **Q:** According to first view, it is difficult, because the pasuk says they faced towards the Heichal!? **A:** They faced each other only when the Yidden did the will of Hashem.
 - **Q:** According to the second view, it is difficult, because the pasuk says that they faced each other!? **A:** He holds they were on an angle – partly facing each other and partly facing the Heichal.
 - A Braisa says that Unkelos said this as well.

MISHNA

- If a person owns a bor in the house of another, he may only go into the house to his bor at a time when people normally enter, and may only leave at a time when people normally leave (i.e. by day). He may also not bring his animal through the house to give it to drink, rather, he must fill up a keili and bring the water to the animal to drink outside. Also, the owner of the bor and the owner of the house each place a lock.

GEMARA

- **Q:** Where is the owner of the house putting a lock? **A: R' Yochanan** said, they are both putting a lock on the bor.
 - **Q:** The owner of the bor needs to lock the bor to ensure that no one takes his water, but why does the owner of the house lock the bor as well? **A: R' Elazar** said, it is done so that the owner of the bor can only go to draw water when the owner of the house is there (he needs him to open the lock), so that there not be any suspicion that he was in the house alone with the homeowner's wife.

MISHNA

- If a person owns a garden within someone else's garden (and has a right of way to get to his garden), he may only enter at a time when people normally enter, and may only leave at a time when people normally leave. He may not bring merchants to the garden to buy vegetables, and may not use the right of way to get to his garden just as means of a shortcut to get to another field. The owner of the outer garden may plant the path used for the right of way. If, by mutual agreement, Beis Din gave the owner of the inner garden a path along the outside of the outer garden, he may use that to enter and exit whenever he wants, and to bring in merchants to buy vegetables. However, he may still not use it as a shortcut to get to another field. Also, neither owner may plant that path.

GEMARA

- **R' Yehuda in the name of Shmuel** said, if a seller says, "I am selling you a canal to bring water for an irrigated field", he must give the buyer 2 amos of land for the canal itself, and the buyer has rights to use an additional one amah of earth on each side of the canal for repairing the banks of the canal. If a seller says, "I am selling you a canal to bring water to a pond (to use for laundry, washing, and animals)" he must give the buyer one amah of land for the canal itself, and the buyer has rights to use an additional half amah on each side of the canal for repairing the banks of the canal.
 - **Q:** Who has the rights to plant on these banks? **A: R' Yehuda in the name of Shmuel** said, the owner of the field may seed them, and **R' Nachman in the name of Shmuel** said, the owner of the field may plant them with trees.
 - If you hold he may plant them with seeds (which are more likely to cause damage to the canal), he may surely plant trees there (they don't damage the canal). However, according to the view that he may plant them with trees, he would not be allowed to seed them.
 - **R' Yehuda in the name of Shmuel** said, if the banks of a water canal fell in, the owner of the canal may use earth from the field in which it is situated, to fix it, because the walls of the canal must have fell into that field (and he may therefore take replacement earth from that field).
 - **Q: R' Pappa** asked, why can't the field owner say that the earth of the canal got washed away, and therefore he cannot take more earth from the field? **A:** Rather, **R' Pappa** said, that when a field owner agrees to have a canal in his field, he does it with the condition that it may be repaired using earth from his field.

MISHNA

- If a person had a public path going through his field, and he took it back for himself, and replaced it with another path along the side of the field for the public to use, the new path now belongs to the public, and the old path continues to belong to the public as well.
- The width of a private path is 4 amos. The width of a public path is 16 amos. The path of the king has no limit. The path of a grave has no limit. With regard to the size of a "maamad", the judges of Tzipori said, it is an area of 4 kav.

GEMARA

- **Q:** If he does get ownership back of the path that he takes back, why can he not prevent the people from using it? **A: R' Zvid in the name of Rava** said, the **Rabanan** were goizer that a person may not move the public's path and were goizer that he will not even be koneh it back,

out of concern that he may instead give them a crooked path, which is more difficult for them to use. **R' Mesharshiya in the name of Rava** said, that the Mishna is discussing a case where he actually gave the public a crooked path, and that is the case in which he would not be koneh back the original path. **R' Ashi** said, moving a path from the center to the side of the field is always considered to be "crooked" (more difficult to use), because it is always more difficult and further from one side as compared to when it was in the middle.