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Bava Basra Daf 67

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

If a man sells a courtyard he [automatically] sells the houses, pits, ditches and caves [attached to it,] but not movables. If, however, he says to the purchaser, [I sell] it and all its contents, all are included in the sale. In either case, however, he does not sell a bath or an olive press that may be in it. Rabbi Eliezer says: If a man sells a courtyard, he sells with it only the space of the courtyard.

Our Rabbis taught in a braisa: If a man sells a courtyard he sells [with it] the outer and the inner houses, and the sand-fields in it. As to the shops, those that open on to it are sold with it, those that do not open on to it are not. Those that open on to both sides are sold with it. Rabbi Eliezer says: If a man sells a courtyard, he sells only the open spaces of the courtyard.

The master says [here] that shops opening on to both sides are sold with the courtyard. The Gemora asks: [How can this be,] seeing that Rabbi Chiya has taught in a braisa that they are not sold with it?

The Gemora answers: There is no contradiction. The former speaks of shops of which the main entrance is in the courtyard, the latter of those of which the main entrance is in the street.

The Mishna had stated: Rabbi Eliezer says: If a man sells a courtyard, he sells with it only the space of the courtyard.

Rabbah said: If the vendor says [in Babylonia], I sell you a dirsa (which is a term that certainly incorporates the houses inside in the courtyard), no one disputes that he means the houses. Where the authorities differ is when he says darta (which possibly means only the open spaces), one [R' Eliezer] holding that in that case he means the open space only, the other [the Rabbis] that he means the houses as well.

According to another version: Rabbah said: If he said darta, all are agreed that he meant the houses as well. Where they differ is in the case where he said 'chatzer,' one holding that this means only the space of the courtyard and the other that it is analogous to the Courtyard of the Tabernacle (which included the structures situated inside of it).

And Rabbah said in the name of Rav Nachman: If a man sells another a sand-field and a riverbed, if the purchaser performed a proprietary act upon the sand-field, he has not thereby acquire ownership of the riverbed, and if he performed a proprietary act upon the riverbed, he does not thereby acquire ownership of the sand-field.



The Gemora asks: Is that so? Has not Shmuel laid down that if a man sells another ten fields in ten different provinces, as soon as the purchaser has performed a proprietary act upon one, he becomes owner of all?

The Gemora answers: The reason there is that the mass of the earth is all one entity, and all [the properties] are utilized in the same way. Here, however, one thing is for one purpose and the other for another.

According to another version: And Rabbah said in the name of Rav Nachman: [If a man sells another a sand-field and a riverbed,] if the purchaser performed a proprietary act upon the sand-field, he has thereby acquire ownership of the riverbed.

The Gemora asks: Surely this is self-evident, since Shmuel has laid down that if a man sells the fields, etc.?

The Gemora answers: You might argue that in that case the reason is that the mass of the earth is one entity, but here one thing is used for one purpose and the other for another. Now I know [that we do not argue thus].

If a man sells an olive press, he [automatically] sells the pool and the pounding stone and the 'maidens,' but he does not sell the boards, nor the wheel nor the beam. If, however, he says to the purchaser, "[I sell] it and all its contents," all these things are included in the sale. Rabbi Eliezer says that if a man sells an olive press, he includes the beam.

The 'pool' is [what is called in Aramaic] the vat (into which the olives are placed to be pressed).

The 'pounding stone,' according to Rabbi Abba bar Mamal, is [what is called in Aramaic] the mortar (in which the olives are pounded before being pressed).

The 'maidens,' according to Rabbi Yochanan, are cedar wood polls by which the beam (used to crush the olives) is supported.

By 'boards' is meant planks (of wood that are placed in the vat on top of the olives).

The 'wheel' is a screw (that raises and lowers the beam).

The 'beam' is actually a beam (which crushes the olive pulp).

Our Rabbis taught in a braisa: If a man sells an olive press, he sells the blocks (with it) and the vats and the mortars and the lower millstone but not the upper one. If he uses the formula 'it and all its contents,' all these are sold with it. In either case he does not sell the boards, nor the cloth sacks and leather bags. Rabbi Eliezer says that if a man sells an olive press he automatically includes the beam, since it is this which gives the olive press its name.

If a man sells a bathhouse, he does not [automatically] include either the boards or the basins or the bathing apparel. If he says to the purchaser, "[I sell you] it and all its contents," all these are included. In either case, he does not sell the cisterns of water, nor the sheds for wood.