

Bava Basra – Simanim

Daf 70 – דף ע

פרק ד – המוכר את הבית

חוץ מחרוב פלוני, חוץ מחצי חרוב פלוני.1

Rav Acha bar Huna asked Rav Sheishess: יחוץ מחרוב פלוני (that specific) *pruned* sycamore, what is the *halachah*? Although one normally does not acquire such significant trees with a field, does this phrase imply that the buyer should acquire all the other carobs? Or is this added term presumed to be <u>increasing</u> his rights, or just making absolutely sure he retains it? Rav Sheishess answered that he does not acquire the other carobs either, and brought as proof, that if one said: שדי מכורה לך חוץ משדה פלונית – *"My field is sold to you, except for* [that specific] *field,"* certainly we do not infer that the buyer acquires all his other fields! Carob trees are also viewed as independent properties. In another version, Rav Sheishess was asked about one who said: חוץ מחצי חרוב פלוני – *"except for* [that specific] *carob tree."* Although he definitely does not acquire the other trees (as above), do we infer that he acquires the other half of <u>this</u> tree? Rav Sheishess answered that he does not, based on a similar argument.

2. Claiming "החזרתים לך on a שטר a שטר a שטר

Rav Amram asked Rav Chisda: המפקיד אצל חבירו בשטר – *if someone left a שטר with his fellow* and it is recorded *in a שטר*, and the נפקד said: "החזרתים לך" – *"I returned it to you,"* is he believed? Do we say: *a since if he wanted* to lie, *he could have said*, *"*[The]פקדו] *was lost through an unavoidable accident,"* and *he would be believed*, so he is also believed to claim he returned it? Or can the *unavoidable accident,"* and *he would be believed*, so he is also believed to claim he returned it? Or can the *unavoidable accident,"* and *he would be believed*, so he is also believed to claim he returned it? Or can the *unavoidable accident,"* and *he would be believed*, so he is also believed to claim he returned it? Had you returned the *unavoid be accident* (If you returned it, *what is your vou doing in my hand?* Had you returned the *up*, you would have demanded the *up*?" The Rashbam notes that the *up*?" Should be like a *up* for *up and the could asid the <i>up and and the could have and that since the <i>up up up and the could claim up <i>and the up and the the up and the the up and the up and the*

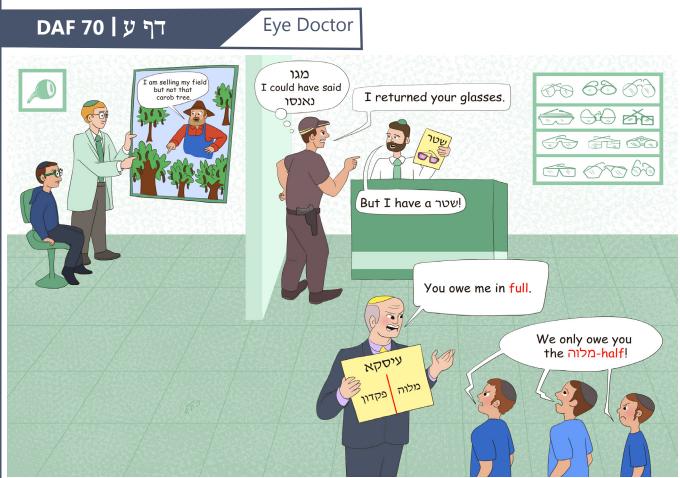
3. A עיסקא of עיסקא brought against orphans

The Gemara suggests that Rav Chisda's ruling above is a *machlokes* Tannaim in a Baraisa: על היתומים – *a certificate of investment which is brought against orphans*, i.e., an על היתומים"investment which was managed by the father, which the investor claims from his heirs' estate, the - נשבע וגובה כולו say: דייני ארץ ישראל שרא שיר ישראל - *he swears* he was never paid *and collects it fully*, and the - נשבע וגובה כולו say he swears and collects only half. Since half the money of an עיסקא considered like a loan, and half is like a jeq., the "loan-half" is definitely collected, since the father would have had to pay it as well (having no defense against the ישטר). The Tannaim argue about the "קדון" and the Gemara suggests they argue about Rav Chisda's ruling (whether the father could have claimed he returned it). The Gemara concludes that they can all agree with Rav Chisda, but the הייני גולה avit argue: הימר הוה - *if it happened that he repaid him, he certainly would have said* so to his children before his death. The *death fully* and *the could instruct* his children.

Siman – Eye Doctor

The eye doctor testing the patient by having him find **the carob tree a seller of a field specifically said** was not sold, even though all carob trees are excluded when selling a field, was distracted by a *shomer* in the waiting room screaming at the receptionist "I returned your glasses and I don't care that you have a *shtar*", and an investor arguing with *yesomim* about how much of an *iska* they must return, just the adia of the equal.

- מסכת בבא בתרא



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