

A בס"ד

Intro

Today we will Be"H learn ס"ב דף of בתרא בבא בתרא.
Some of the topics we will learn about include:

The Gemara discusses several cases where one sold property and described the boundaries of the property in ambiguous terms:

1.

מצר אחד ארוך

ומצר אחד קצר

The field was bordered by other fields owned by several different people, and the seller only listed some of these borders.

2.

מצר ראובן מזרח ומערב

ומצר שמעון צפון ודרום

If one person's property bordered this field on the east and the west, and another person's property on the north and the south;

A

Several cases where one sold property and described the boundaries of the property in ambiguous terms

מצר אחד ארוך
ומצר אחד קצר

מצר ראובן מזרח ומערב
ומצר שמעון צפון ודרום

B

4.

סיים לו את הקרנות

The seller only listed the four properties that border this field at its four corners.

5.

כמין גאם

He described the neighboring fields that meet at two opposite corners of the field.

6.

בסירוגין

The seller listed part of the border on each side.

7.

לא מצר מצר רביעי

If he only described three of the four borders;

This depends on whether

מבלע

If the fourth border is encompassed by the other borders,
AND

B

סיים לו את הקרנות

כמין גאם

בסירוגין

לא מצר מצר רביעי

מבלע

- C** איכא עליה ריכבא דדיקלא
והוי תשעת קבין
Whether the strip of land along the fourth border has palm trees planted on it, AND if it is large enough to plant nine קב of seeds.
8.
פלגא דאית לי בארעא
פלגא בארעא דאית לי
If someone owns half a field, whether these terms express intent to sell his entire portion?
9.
מצר ארעא דמינה פלגא
מצר ארעא דמינה פסיקא
If someone sells part of his field, whether these terms express intent to sell half the field? This may depend on if א"ל אלין מצרנהא
Whether he added the superfluous phrase "and these are the borders," or not;

- C**
- איכא עליה ריכבא דדיקלא
והוי תשעת קבין
- פלגא דאית לי בארעא
פלגא בארעא דאית לי
- מצר ארעא דמינה פלגא
מצר ארעא דמינה פסיקא
- א"ל אלין מצרנהא

1 So let's review...

The Gemara discusses several cases where one sold property and described the boundaries of the property in ambiguous terms, and where we sometimes utilize the concept of

מצרים הרחיב לו

In order to use commonly known markers to describe boundaries, a seller will include a wider area in his dimensions than he is actually selling.

1.

היכא דאיכא

מצר ראובן ושמעון מחד גיסא

ומצר לוי ויהודה מחד גיסא

A field bordered by other fields owned by several different people;

מצר ראובן and שמעון on the east, and לוי and יהודה on the west;

It depends on what he wrote in the שטר מכירה, in the deed:

If the seller described the northern and southern borders, and then wrote both

דראובן כנגד לוי

ודשמעון כנגד יהודה

קנה הכל

The buyer acquired the entire field, because the seller intended to sell the entire field, as he described all the neighboring fields on the eastern and western borders.

1

מצרים הרחיב לו

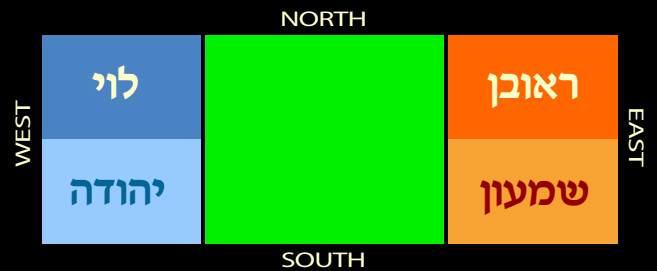
In order to use commonly known markers to describe boundaries, a seller will include a wider area in his dimensions than he is actually selling.

1

היכא דאיכא

מצר ראובן ושמעון מחד גיסא ומצר לוי ויהודה מחד גיסא

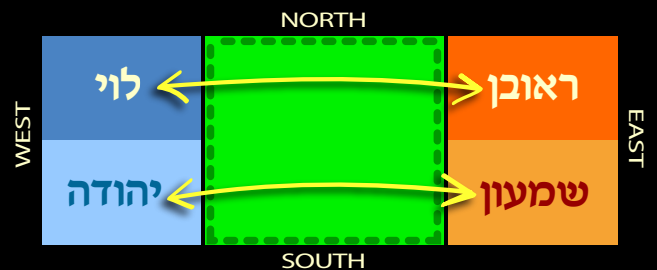
A field bordered by other fields owned by several different people; מצר ראובן and שמעון on the east, and לוי and יהודה on the west;



שטר מכירה It depends on what he wrote in the

If the seller described the northern and southern borders, and then wrote both

דראובן כנגד לוי ודשמעון כנגד יהודה קנה הכל



The buyer acquired the entire field, because the seller intended to sell the entire field, as he described all the neighboring fields on the eastern and western borders.

2 If he wrote only one;

דראובן כנגד לוי

OR

ודשמעון כנגד יהודה

לא קנה אלא כנגד הקצר

The buyer only acquired half the field, because the seller only intended to sell half the field, as described.

If he wrote

דראובן ודשמעון כנגד לוי

קנה כנגד ראש תור

All agree that the buyer acquires the field on a diagonal line from the full eastern side bordering the fields of Ruvain and Shimon to half of the western side bordering Levi, as described, because if the seller's intended to sell only half, he should have written

דראובן כנגד לוי

OR

ודשמעון כנגד יהודה

As in the previous case;

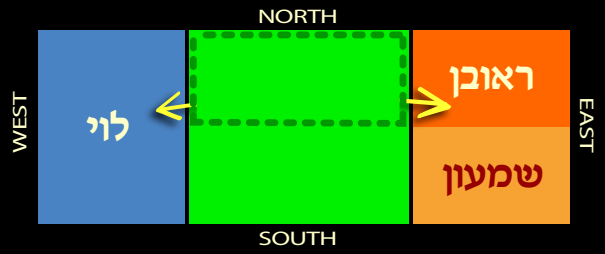
2

2

**מצר לו
מצר אחד ארון
ומצר אחד קצר**

If the entire western side was לוי's field, and the eastern side bordered ראוּבן ושמעון, and he wrote

דראובן כנגד לוי



ruled *רב*

לא קנה אלא כנגד הקצר

The buyer only acquired the half of the field between ראוּבן and לוי, because,

מצרים הרחיב לו

The seller was only using לוי's field as a clearly recognized marker;

As the Rashbam explains,

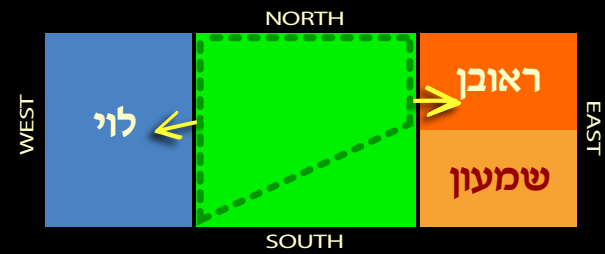
שאין כותבין חלי מלך

והולך לכתוב מלך שלם

It is not customary to refer to half a field. He simply wrote לוי's field on the western border.

רב כפא ויה אסי

ויקנה כנגד ראש תור



The buyer acquires the field on a diagonal line from the full western side bordering the fields of Levi to half of the eastern side bordering Ruvain, because here too, we should assume,

דדוקא כתב לו

שתיק רב

רב did not respond, implying that he conceded the point.

3

3. מצר ראובן מזרח ומערב ומצר שמעון צפון ודרום
 If this field was bordered by ראובן's field on the east and the west, and by שמעון's field on the north and the south, it depends:

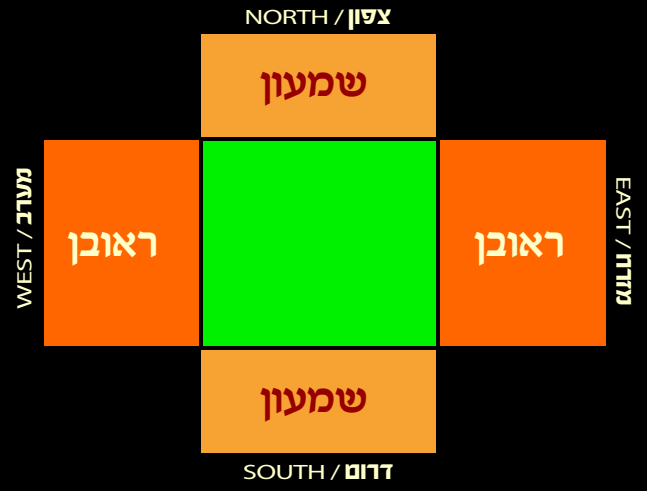
If the seller wrote שדה זו הרי היא בתוך שדות ראובן ושמעון
 The field is bordered by ראובן and שמעון;
 מפליג ליה באלכסון
 We draw a diagonal across the field, and the buyer only acquired half the field, since this section borders both ראובן and שמעון.

However, if he wrote מצר ראובן רוחין תרין ומצר שמעון רוחין תרין
 The field borders ראובן on two sides and שמעון on two sides, he clearly intended to sell the entire field.

3

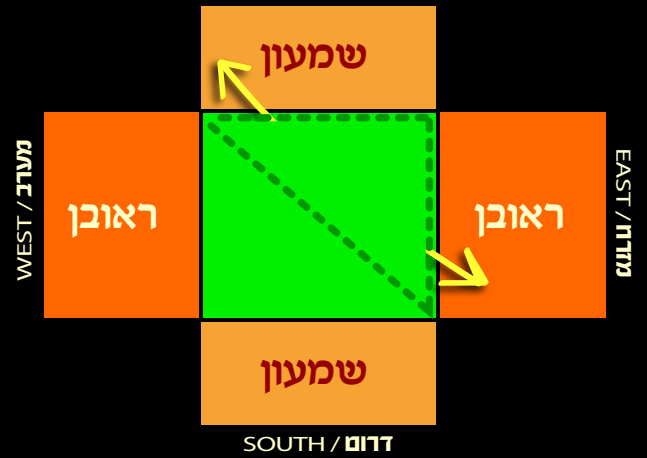
3
מצר ראובן מזרח ומערב ומצר שמעון צפון ודרום

If this field was bordered by ראובן's field on the east and west, and by שמעון's field on the north and the south, it depends:



If the seller wrote

שדה זו הרי היא בתוך שדות ראובן ושמעון
 The field is bordered by ראובן and שמעון;
 מפליג ליה באלכסון



We draw a diagonal across the field, and the buyer only acquired half the field, since this section borders both ראובן and שמעון.

However, if he wrote

מצר ראובן רוחין תרין ומצר שמעון רוחין תרין
 The field borders ראובן on two sides and שמעון on two sides, he clearly intended to sell the entire field.

4 The Gemara poses a series of inquiries:

1.

סיים לו את הקרנות מהו

If the field in question was bordered by many fields and the seller listed the four properties that border this field at its four corners, without delineating its dimensions, what is the Halachah? As the Rashbam explains,

אין דרך למכור קרנות השדה

We do not assume that he intended to sell four small plots at each corner.

Rather, the question is whether

כל השדה שבתוך הקרנות

מכר לו

He sold the entire property within the corners, OR

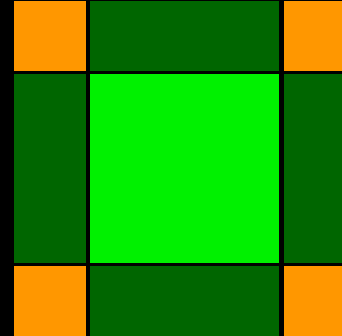
לא מכר לו אלא

תלם באלכסון מקרן לקרן

He only sold him two diagonal strips of land, from corner to corner?

4

1

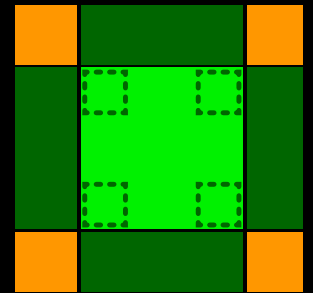


סיים לו את הקרנות מהו

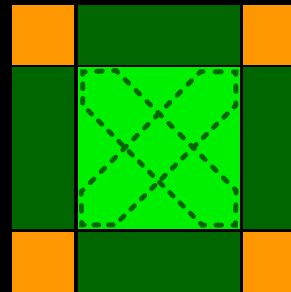
If the field in question was bordered by many fields and the seller listed the four properties that border this field at its four corners, without delineating its dimensions?

As the Rashbam explains,
אין דרך למכור קרנות
השדה

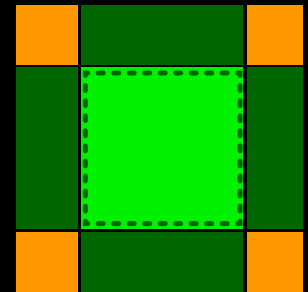
We do not assume that he
intended to sell four small
plots at each corner.



Rather, the question is whether



לא מכר לו אלא תלם
באלכסון מקרן לקרן
He only sold him two
diagonal strips of land,
from corner to corner?



כל השדה שבתוך
הקרנות מכר לו
He sold the entire
property within the
corners.

5 2.
כמין גאם מהו
If the seller described the two neighboring fields that meet at the southeastern corner, and the two neighboring fields that meet at the northwestern corner, what is the Halachah?

As the Rashbam explains;

קנה הכל

Perhaps the buyer acquires the entire field, because

מצר תחלת כל הרוחות

כמי שמצר את כולן

He described not only the corners, but also a partial boundary on each side, giving an impression of the dimensions of the entire field, OR

לא קנה

אלא באלכסון

He only sold the parcel of land formed by drawing lines between these four markers, similar to the previous case?

5 2



NORTH

WEST EAST

SOUTH

כמין גאם מהו
If the seller described the two neighboring fields that meet at the southeastern corner, and the two neighboring fields that meet at the northwestern corner?

As the Rashbam explains;



NORTH NORTH

WEST EAST WEST EAST

SOUTH SOUTH

לא קנה
אלא באלכסון
He only sold the parcel of land formed by drawing lines between these four markers, similar to the previous case?

קנה הכל
Perhaps the buyer acquires the entire field, because מצר תחלת כל הרוחות כמי שמצר את כולן He described not only the corners, but also a partial boundary on each side, giving an impression of the dimensions of the entire field.

6

3.
בסירוגין מהו
If two neighboring fields bordered this field on each side,
and the seller listed every other field, one on each side,
what is the Halachah?

As the Rashbam explains;

קנה הכל

Perhaps he sold the entire field, because

טורח היה לו

לכתוב כולם

We assume he didn't bother mentioning every field, OR

לא מכר אלא

כנגד אותן של מצר ובאלכסון

He only sold the sections of the field across each border
he mentioned, by drawing a diagonal line from the
borders of each section to the center of the field?

The Gemara replies

תיקו

Leaving these queries unresolved.

=====

7

The Gemara discusses another sale involving ambiguous
borders:

מצר לו

מצר ראשון ומצר שני ומצר שלישי

ומצר רביעי לא מצר לו

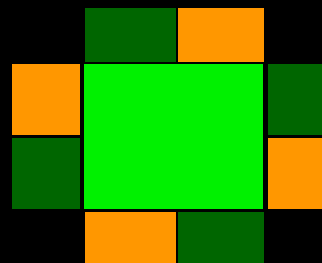
If the seller described three of the four borders of the field,
the Gemara cites three opinions:

6

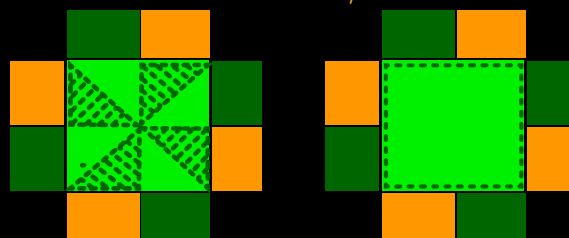
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בסירוגין מהו

If two neighboring fields bordered this field on each side,
and the seller listed every other field, one on each side,
what is the Halachah?



As the Rashbam explains;



לא מכר

אלא כנגד אותן של מצר
ובאלכסון

He only sold the sections of
the field across each border
he mentioned, by drawing a
diagonal line from the
borders of each section to the
center of the field?

קנה הכל

Perhaps he sold the
entire field, because
טורח היה לו
לכתוב כולם

We assume he didn't
bother mentioning
every field.

תיקו

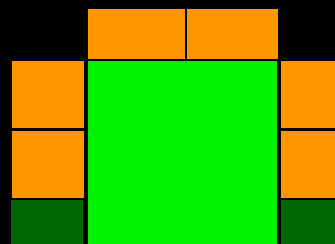
Leaving these queries unresolved.

7

מצר לו

מצר ראשון ומצר שני ומצר שלישי
ומצר רביעי לא מצר לו

If the seller described three of the four borders of the field,



8 1.
אמר רב
קנה הכל חוץ ממצר רביעי
The buyer acquires the entire field, except for the strip of land along the fourth border. As the Rashbam explains
להכי אהני
מאי דלא כתב מצר רביעי
This is what he intended to exclude by failing to mention the fourth border.

2.
שמואל אמר
אפילו מצר רביעי
He acquires the entire field; as the Rashbam explains;
האי דלא כתביה
משום דלא צריך
He did not find it necessary to mention the fourth border, since listing three borders fully describes the dimensions of the field.

9 3.
רב אסי אמר
לא קנה אלא
תלם אחד על פני כולה
He only acquires one strip of land along the three borders he listed.
And the Gemara explains
סבר לה כרב
דאמר שיווי שייך
He agrees with Rav that the seller's incomplete description of the borders was intended to exclude part of the property, and
מדשייך במצר
שייך נמי בכלהי
Therefore, we assume he excluded the entire field, and he only sold a strip along the borders he mentioned.
=====

8

אמר רב
קנה הכל חוץ ממצר רביעי
The buyer acquires the entire field, except for the strip of land along the fourth border.
As the Rashbam explains
להכי אהני
מאי דלא כתב מצר רביעי
This is what he intended to exclude by failing to mention the fourth border.

2
אמר
אפילו מצר רביעי
He acquires the entire field;
as the Rashbam explains;
האי דלא כתביה
משום דלא צריך
He did not find it necessary to mention the fourth border, since listing three borders fully describes the dimensions of the field.

9

רב אסי
לא קנה אלא תלם אחד על פני כולה
He only acquires one strip of land along the three borders he listed.

And the Gemara explains
סבר לה כרב דאמר שיווי שייך
He agrees with Rav that the seller's incomplete description of the borders was intended to exclude part of the property, and
מדשייך במצר
שייך נמי בכלהי
Therefore, we assume he excluded the entire field, and only sold a strip along the borders he mentioned.

10 rules רבא
הלכתא
קנה הכל
דבשדה לא שייר ולא מידי
He did not intend to exclude the field itself, in agreement with רב. However, regarding מצר רביעי, the strip of land along the fourth border, the Gemara introduces several other factors, and it depends:
היכא דמבלע
If he described the other sides until the very end of the field, so that the fourth border is encompassed by the other borders, and also
ליכא עליה ריכבא דדיקלא
ולא הוי תשעת קבין
The strip of land along the fourth border does not have palm trees planted on it, and it is not large enough to plant nine קב of seeds,
קנה
It is included in the sale, because it's not a significant piece of land on its own.

On the other hand,
לא מבלע

If he did not describe the other sides until the very end of the field, so there is a strip of land along the fourth border that is NOT encompassed by the other borders, and also
איכא עליה ריכבא דדיקלא
והוי ט' קבין

There are palm trees growing on this strip of land, OR it is large enough to plant nine קב of seeds,
לא קנה

It is not included in the sale, because it's a significant field on its own and we assume that he retained it for himself.

11 However,
כי מובלע
ואיכא עליה ריכבא דדיקלא
והוי תשעת קבין
If the land was encompassed by the other borders, but does not have trees and is not large enough to plant nine

קב;
OR

כי לא מובלע
וליכא עליה ריכבא דדיקלא
ולא הוי תשעת קבין

If it was not encompassed by the other borders, but it either has trees or is large enough to plant nine קב;

אתמר לה להאי גיסא
ואתמר לה להאי גיסא

There are two versions of רבא's ruling; some say קנה, the buyer acquired the strip, and some say לא קני, he did not acquire it, and so we rule

שודא דדייני
דין determines the most likely interpretation of the seller's intention, depending if he sells generously or grudgingly.

=====

10

רבא
**הלכתא
קנה הכל
דבשדה לא שייר ולא מידי**
He did not intend to exclude the field itself, in agreement with רב.
However, regarding מצר רביעי, the strip of land along the fourth border, the Gemara introduces several other factors,

לא מבלע
If he did not describe the other sides until the end of the field, so there is a strip of land along the fourth border that is NOT encompassed by the other borders, and also

איכא עליה ריכבא דדיקלא והוי ט' קבין
There are palm trees growing on this strip of land, OR it is large enough to plant nine קב of seeds,
לא קנה

היכא דמבלע
If he described the other sides until the very end of the field, so that the fourth border is encompassed by the other borders,
And also

ליכא עליה ריכבא דדיקלא ולא הוי ט' קבין
The strip along the fourth border does not have palm trees, and it is not large enough to plant nine קב of seeds,
קנה

11

However,

כי לא מובלע וליכא עליה ריכבא דדיקלא ולא הוי תשעת קבין
If it was not encompassed by the other borders, but does not have trees and is not large enough to plant nine קב.

כי מובלע ואיכא עליה ריכבא דדיקלא והוי תשעת קבין
If the land was encompassed by the other borders, but it either has trees or is large enough to plant nine קב;

אתמר לה להאי גיסא ואתמר לה להאי גיסא
There are two versions of רבא's ruling; some say קנה, the buyer acquired the strip, and some say לא קני, he did not acquire it,

So we rule

שודא דדייני
דין determines the most likely interpretation of the seller's intention, depending if he sells generously or grudgingly.

12 The Gemara discusses other sales involving ambiguous terms:

1.

אמר רבה
פלגא דאית לי בארעא
פלגא

If someone owns half a field, and says, "I am selling you half that I own in the land," he intends to sell his entire portion. However,
פלגא בארעא דאית לי
ריבעא

If he says, "Half in the land that I own," he only intends to sell half of his portion, which is $\frac{1}{4}$ of the field.

2.

Another case;
אמר רבה
מצר ארעא דמינה פלגא
פלגא

If the seller said, "Your section will be bordered by the field from which it was divided," he intends to sell half.

However,
מצר ארעא דמינה פסיקא
ט' קבין

If he says, "Your section will be bordered by the field from which it was cut off," he only intends to sell a minimal-sized field of nine קב.

However, אביי argued
מאי שנא הכי
ומאי שנא הכי

The Halachah in both cases is the same.

And the Gemara explains however that it depends on something else:

אי א"ל אלן מצרנהא
פלגא
לא א"ל אלן מצרנהא
תשעה קבין

If he described the borders, and then added, "and these are the borders," we interpret this as

ייתור לשון ליפות כח

An unnecessary expression to strengthen the buyer's position, and therefore we assume he divided the field equally. However, if he does not use this extra expression, he only sold him a minimal section.

The Gemara relates
אישתיק

Regarding this Halachah רבה did not respond; apparently accepting Abaye's opinion.

12

1

אמר רבה

**פלגא
בארעא דאית לי
ריבעא**

If he says,
"Half in the land that I own,"
he only intends to sell
half of his portion,
which is $\frac{1}{4}$ of the field.

**פלגא
דאית לי בארעא
פלגא**

If someone owns
half a field, and says,
"I am selling you half
that I own in the land,"
he intends to sell
his entire portion.

2

אמר רבה

**מצר ארעא
דמינה פסיקא
ט' קבין**

If he says, "Your section
will be bordered by the
field from which it was cut
off," he only intends to sell
a minimal-sized field
of nine קב.

**מצר ארעא
דמינה פלגא
פלגא**

If the seller said,
"Your section will be
bordered by the field
from which it was divided,"
he intends to sell half.

אביי

מאי שנא הכי – ומאי שנא הכי
The Halachah in both cases is the same.

And the Gemara explains however that it depends on something else:

**לא א"ל אלן מצרנהא
תשעה קבין** **אי א"ל אלן מצרנהא
פלגא**

If he described the borders, and then added,
"and these are the borders,"
we interpret this as

ייתור לשון ליפות כח

An unnecessary expression to strengthen the buyer's position, and therefore we assume he divided the field equally.

However, if he does not use this extra expression, he only sold him a minimal section.

אישתיק

Regarding this Halachah רבה did not respond; apparently accepting Abaye's opinion.