

Bava Basra – Simanim

דף נה – Daf 55

פרק ג – חזקת הבתים

1. Acquiring land by paying its property tax (vs. head tax)

Three laws are quoted in Shmuel's name, the third of which is: *these wealthy heirs who purchase land by paying its property tax, their purchase is a valid purchase*. If the owner does not pay his property tax, the government allows anyone to pay it and thereby own the land. This acquisition is binding through *דינא דלמכותא*. However, it only applies to *כרגא אקרקיף דגברי מנח* – *the property tax*, but not for paying the owner's *כרגא* – *head tax*, because *מנח* – *the head tax is placed on the people's heads*, and there is no *שיעבוד* on his property for it. Rav Huna brei d'Rav Yehoshua disagreed: *even barley in a jug is beholden to collection for the head tax*, and certainly land is as well. Therefore, he holds acquiring someone's land by paying their head tax is legitimate. The *halachah* does not follow this opinion.

2. ספק טומאה ברשות היחיד where it is unknown if he entered that field with a grave

Rav Assi said in Rebbe Yochanan's name: *a boundary and the chatzav plant (whose roots grows straight down) divide properties regarding acquiring the estate of a ger who died, as taught on Daf 53 (that a kinyan on one does not acquire the other), but not regarding פאה and טומאה*. Ravin quoted Rebbe Yochanan saying that this division also applies to *פאה* and *טומאה*. A division for *פאה* means that *פאה* needs to be separated in each field. A division regarding *tumah* refers to a Mishnah about one who entered an area of fields during the rainy season (when it is a *רשות היחיד*, because people avoid trampling the produce), but said: *ואיני יודע אם נכנסתי לאותו מקום ואם לאו* – *"I do not know if I entered that place or not,"* i.e., the specific field containing a grave. Rebbe Eliezer rules him *tahor*, but the Chochomim rule him *tamei*, like the standard *halachah* of a *טומאה* in *רשות היחיד*. Rebbe Eliezer explained his position: *ספק ביאה טהור* – in a case of *doubt about entering* the place of *tumah*, *he is ruled tahor*. *ספק מגע טומאה טמא* – In a case of *doubt about contact with tumah*, *he is ruled tamei*. A division between fields is relevant for Rebbe Eliezer's ruling.

3. Carrying out a חצי גרוגרת, and then another, on Shabbos

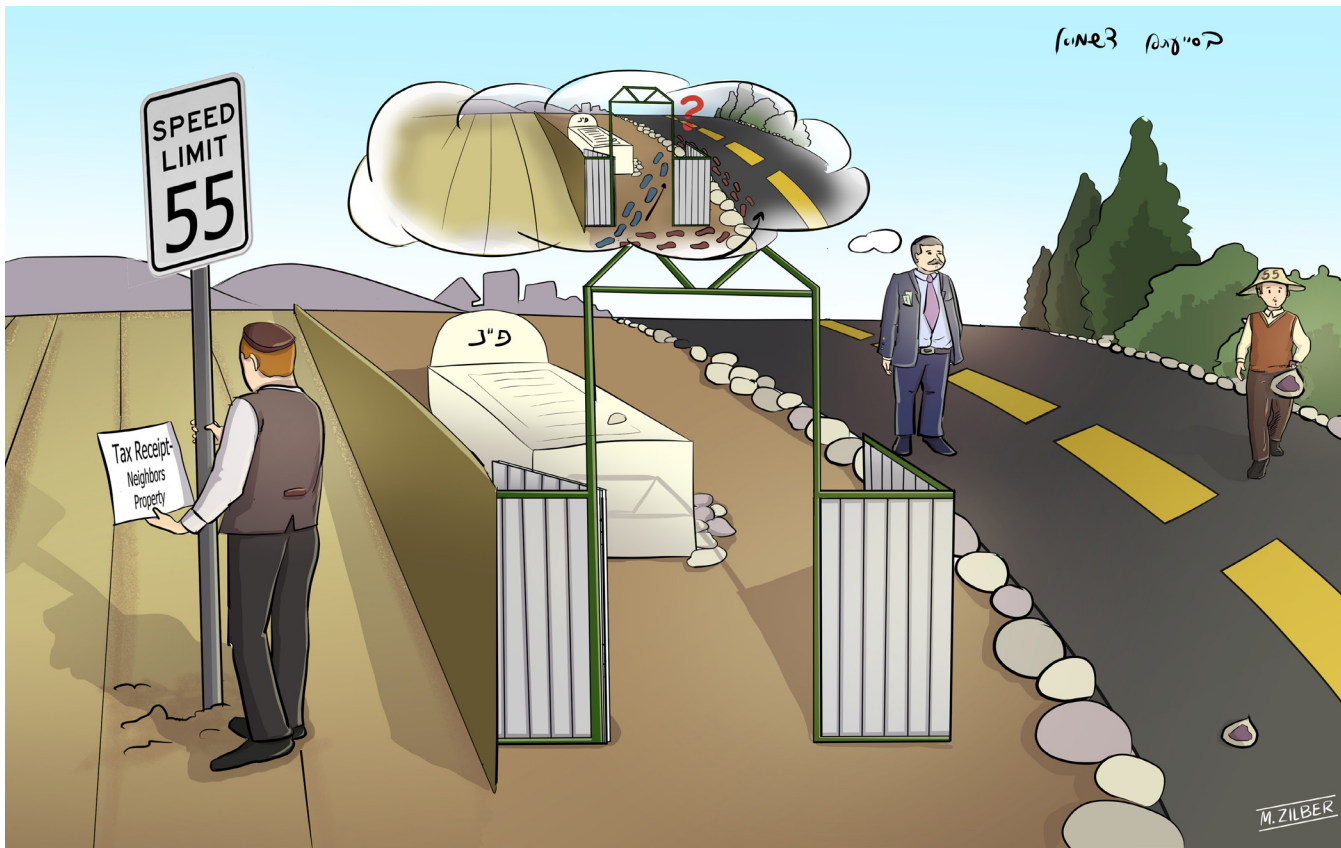
Ravin agrees that a boundary and *chatzav* plant do not divide domains regarding Shabbos liability, but Rava says it does. The relevant case is explained with a Baraisa: *הוציא חצי גרוגרת לרשות הרבים והניחה – if one carried out something the size of half a dried fig into a public domain and put it down there, and then carried another חצי גרוגרת חייב – if this happened during one lapse of awareness, he is obligated to bring a חטאת*, because the two acts combine to a significant amount of carrying; *בשני פטור* – if this happened *in two lapses* (i.e., he realized it was Shabbos), *he is exempt*. Rebbe Yose says that even if both were done *אחד*, *בהעלם אחד* – if both halves were carried *into one domain*, *he is liable*, *בשתי רשויות פטור* – if they were brought *into two different domains*, the two acts cannot be combined, and *he is exempt*. There are three opinions for what divides a *רשות הרבים* into "two domains": (1) *רשות היחיד*, (2) *כרמלית*, and (3) *even a board of wood*. This last opinion (Rava) holds a boundary and *chatzav* plant also divide *רשות הרבים*.

Siman - Speed Limit 55

The wealthy heir who had his servant put up a speed limit sign in a field he acquired by paying the previous owner's taxes, wasn't sure if he stepped over into the field with a grave, because he was distracted by the man with a number 55 on his hat, carrying out halves of a dried fig into *רשות הרבים*, one at a time.

דף נה | DAF 55

Speed Limit 55



The wealthy heir who had his servant put up a speed limit sign in a field he acquired by paying the previous owner's taxes, wasn't sure if he stepped over into the field with a grave, because he was distracted by the man busy carrying out halves of a dried fig into the רשות הרבים, one at a time.

3 things to remember

1. Acquiring land by paying its property tax (vs. head tax)
2. ספק טומאה ברשות היחיד
3. Carrying out a חצי גרוגרת, and then another, on Shabbos

