

Bava Basra - Simanim

Daf 76 – ודף עו

פרק ה – המוכר את הספינה

1. Machlokes if אותיות נקנות במסירה

A Baraisa is quoted, which is eventually emended to read: ספינה נקנית במשיכה – a ship is acquired with pulling, ואותיות במסירה - and "letters" (i.e., a debt recorded in a שטר) are acquired with handing over, according to the Tanna Kamma. Rebbe Nassan says: ספינה במשיכה ואותיות בשטר – a ship is acquired with a משיכה, and "letters" are acquired with a משיכה, the Gemara suggests they argue how much משיכה is required (the machlokes between Rav and Shmuel on the previous Daf). However, the Gemara says they may agree about a ship, and only argue about acquiring שטרות. Other Tannaim also argue about acquiring אותיות" are acquired with שטרות, and the Rabbonon say that whether the seller only wrote a שטר of sale, or only handed them over, שטרות בימסור he has not acquired [the שטרות] until [the seller] writes a שטרוב וימסור – שיכתוב וימסור – Later, Rav Ashi wonders why writing a שטר of sale is necessary: שטרות הוא צריך לצור על פי צלוחיתו הוא צריך (שטר חוב buor of sale is necessary: אין – Yes, to wrap and to wrap!

2. Rebbe: a ship is acquired with סימטא in משיכה, and רשות הרבים, and סימטא in a

The above Baraisa, which states that a ship is acquired with משיכה, was attributed to Rebbe. The Gemara objects that Rebbe said in another Baraisa: פינה נקנית במסירה – a ship is acquired with handing over!? [The Chochomim there say he does not acquire it any – until he pulls it or rents its place.] The Gemara answers: עד שישכור את מקומה – [the second Baraisa] is where [the ship] is in a public thoroughfare. Since משיכה cannot be performed in רשות הרבים, he can acquire the ship with a public thoroughfare. [the first Baraisa] is where it is in a "simta" (the area to the side of רשות הרבים, which one can make like his own when performing משיכה משיכה (משיכה מוֹם משיכה and instead required מירה מסירה, and instead required משיכה מרה"ר לסימטא (where עד שימשכנה מרה"ר לסימטא בים to a or of the ship until he pulls it from עד שות הרבים (where משיכה effective); if it is located in the owner's property, he must rent its place from the owner.

"לך <u>משור</u> וקני" where the seller said רשות הרבים in מסירה where the seller said "לך

It emerges that Rebbe says one can acquire a ship in הרבים אוסירה מסירה, and the Rabbonon say he cannot. The Gemara asks that Abaye and Rava said one can acquire with מסירה; do they rule like Rebbe, against the majority opinion of the Rabbonon?! Rav Ashi answers that if the seller simply said: "רשות הרבים "ה "Go make a chazakah and acquire it," the Rabbonon would agree that הרבים "ה "Go pull the ship and thereby acquire it," in which case the Rabbonon hold his instruction was "הפידא המשיכה in מסירה מסירה מירה מסירה is not effective [the Rashbam explains that the seller wanted to reserve the ability to retract during the time needed to perform משיכה הוא לו Rebbe holds: משיכה הוא לו אוטילה מקום הוא לו Rebbe holds: משיכה הוא לו Rebbe holds: משיכה הוא לו Rebbe holds: משיכה הוא לו אוטילה שמיכה הוא לו הוא לו Rebbe holds: משיכה הוא לו הו

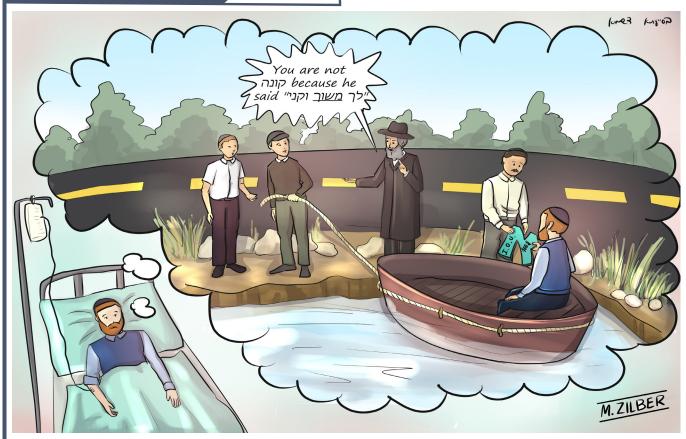
Siman – I.V. (Intravenous)

The patient hooked up to an I.V. hallucinated that he was handing over "letters" in order to piech קונה them, while sitting on a ship in רשות הרבים that someone was being by having the boat's rope handed to him, as some Rabbi stood nearby saying the קנין won't work because the seller said אָרָ וּשְׁוּרַ וּקני.

The Zichru Maseches Bava Basra Program

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I.V.

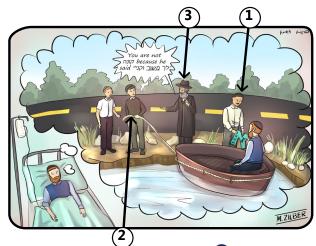


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things to remember

- 1. Machlokes if אותיות נקנות במסירה
- 2. Rebbe: a ship is acquired with aorica in משיבה, and משיבה in a סימטא
- 3. Rabbonon only disqualify מסירה in רשות הרבים where the seller "לך <u>משוך</u> וקני"



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