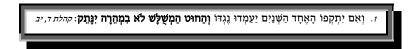
22.3.24

58b (משנה ו') א 59b (זימנין דבעיתת)

Note: our first משנה refers to a gutter system of a rain gutter (מרזב) and a short spout (מרזב)



- I משנה וו items peripheral to building that may/may not be liable for חזקה
 - a מרזב ומזחילה (see note): no חזקה for a חזקה for its location; חזקה has a חזקה has a
 - i מרזב :ממואל can be moved (by neighbor) in one direction, but not in both (to a different side)
 - ii הנינא: he can force it to be moved, but not totally uprooted
 - iii ירמיה בר אבא: he may build undearneath it even if it is built of stones and may weaken the other's wall but may not totally uproot it
 - b Related ruling (שמואל): if a rain spout shoots water into a neighbor's yard, each has a חזקה
 - i Roof owner: has a חזקה to allow his water to be disposed into neighbor's yard
 - ii Neighbor: has a חזקה to receive rain water from the other's roof
 - c Ruling: ר' אושעיא he may prevent roof owner from diverting water;
 - i אר' אושעיא) ד' חמא 's father): he may not prevent it
 - ii ביסא ד' ממא) ד' ביסא 'ז's father): he may prevent it
 - 1 רמי בר חמא. applied v. 1 to this father, son, grandson who studied together
- II משנה וו (con't): ladders and windows
 - a סולם מצרי (short ladder less than 4 rungs) no סולם צורי (taller) has חזקה מצרי
 - b חלון מצרית has no חלון צורית; חזקה has חלון מצרית;
 - i Meaning of חלון המצרית:
 - 1 ת"ק: if it's too small to put a head into
 - 2 יהודה: even if it's that small, if it has a frame, liable for חזקה
 - ii high windows (above ד' אמות)
 - 1 היי זירא: may not protest → no חזקה
 - 2 הילעא : may protest → חזקה

 - (b) rejection: all agree that כופין על מדת סדום;
 - (i) however: מדת סדום holds that it isn't מדת סדום; he complains that the other will stand on a bench and look in
 - 3 Ruling: follows ר' אילעא
 - iii Note (שמואל): if the window was made to bring light in, even if it is small, there is a חזקה
- III משנה וa beam has a משנה if it is a olong (and neighbor can protest) but not shorter
 - a טפח if one is טפח, he has a חזקה for ד"ט, he has a
 - i meaning: if he is טפח מחזיק width of a 4-long beam, he now has a חזקה for 4-wide
 - b dispute about application of סיפא (if it is shorter no protest → no חזקה ח
 - i ר' הונא: this is limited to a protest of the roof-owner against the חצר-owner
 - 1 but: the חצר-owner may protest even a smaller beam if it protrudes from roof
 - ii חצר: even חצר-owner cannot protest
 - 1 suggestion: they disagree about רב יהודה) היוק ראיה maintains that it is prohibited)
 - 2 rejection: all hold that it is נזק
 - (a) דב יהודה. roof owner promises that if he hangs something from the beam, he'll look away
 - (i) therefore: no problem of היזק ראיה
 - (b) איז yard owner counters that sometimes roof-owner may get scared and look down