

22.4.6

67a (ואי לא קני) → 68a (משנה ד')

- I חצר: sale of a
- a *included*: houses, trenches, cisterns etc.
 - b *excluded*: moveable goods and tools
 - i *if he said*: all of its contents – includes all of these
 - ii *however*: in no case does a bathhouse or olive press that is situated there sold
 - 1 **ברייתא**: includes outer and inner houses and sand areas,
 - (a) *Stores*: if open into חצר, included; if not – excluded; if they open there and outside – included
 - (i) *Note*: ר' חייא taught that if open on both sides – excluded
 - (ii) *Resolution*: if a majority of their use is for the inside, included; for the outside - excluded
 - c *dissent* (ר' אליעזר): selling a חצר is only a sale of air rights (also brought in **ברייתא**)
 - i *Analysis of dispute*: רבה
 - 1 *Version1*: all agree that if he sold "דירתא", that refers to houses
 - (a) *Dispute*: if he said דרתא ר"א understands it as "garden" and חכמים – residence
 - 2 *Version2*: all agree that דרתא (and דירתא) mean houses;
 - (a) *Dispute*: if he said חצר ר"א - means the yard only; חכמים – includes houses (as per "חצר המשכן")
 - ii *Addendum*: 2 versions of ר"נ's ruling re: selling beach and riverfront property
 - 1 *Version 1*: if he sells both and the fellow is מחזיק only one, the other isn't acquired
 - (a) *Challenge*: שמואל's ruling that if one sells 10 separate plots of land and the buyer is מחזיק 1, he acquires all
 - (i) *Defense*: in that case, the earth is all one; here, the uses are distinct
 - 2 *Version2*: if he sells both and the fellow is מחזיק the beach, he acquires riverfront
 - (a) *Support*: שמואל's ruling (above)
 - (b) *Note*: we may have distinguished, as above – קמ"ל that שמואל's ruling obtains here
- II חצר: sale of an olive press
- a *includes*: the ים (where the crushed olives go), the ממל (crusher) and בתולות (vertical boards holding the crusher)
 - b *excludes*: עבירים (top boards); גלגל (wheel that crushes) and קורה (beam)
 - i *if he said*: all of its contents – includes all of these
 - ii **ברייתא**: includes the base boards, the oil-collection pit, the crusher and the base of the mill, not the upper part
 - 1 *if he said*: all of its contents – includes all of these
 - 2 *in any case*: he doesn't sell the עבירים nor the sacks used to carry the olives
 - c *dissent* (ר'א): selling the olive-press only means selling the beam; this is what בית הברד refers to (in **ברייתא** as well)
- III חצר: sale of a bathhouse
- a *Excludes*: floor boards, cups and curtains
 - i *if he said*: all of its contents – includes all of these
 - ii *in any event*: the water reservoirs and wood piles aren't included
 - 1 **ברייתא**: he does include the storehouses of the boards, the cups and the curtains, but not the boards, cups or curtains (and if he said "all of its contents"...etc. as above)
 - (a) *In any event*: the pools that provide the water all year and the woodshed are excluded
 - (i) *But*: if he stated "the bathhouse and all of its appurtenances" – all are included
 - b *Case*: a man sold a בית הברד "with all of its appurtenances"; but there were stores outside of it that, along with their usual purpose, were used to lay out olives before pressing
 - i *Claims*: buyer claimed that they should be included; seller claimed they weren't
 - 1 *Ruling* (ר' יוסף): - since he said "the olive press and all of its תשמישים" – it is sold
 - (a) *Challenge* (אביי): but ר' חייא ruled that they aren't all sold in such a case
 - (b) *Resolution* (ר' אשי): if he provided clear boundaries which included the stores, they are sold
 - (i) *But*: if not, since they are separate from the press, they are excluded