

22.4.8

68b (משנה ח') → 69b (מכאן למצרים מן התורה)

1. וְיָקָם שָׂדֵה עֲפְרוֹן אֲשֶׁר בְּמַכְפֵּלָה אֲשֶׁר לִפְנֵי מִמְרָא הַשָּׂדֵה וְהַמְעָרָה אֲשֶׁר בּוֹ וְכֹל הָעֵץ אֲשֶׁר בְּשָׂדֵה אֲשֶׁר בְּכֹל גְּבֻלוֹ סָבִיב: בְּרֵאשִׁית כג, יז

I 'מסנה ח': sale of a field

a Includes:

i Rocks: that are needed for the field

1 גבל: interpreted this as rocks used to hold down the produce

2 עולא: in א"י they interpreted this as rocks used to make a fence (slight emendation to ר' חייא)

(a) Note: in the dispute ר"מ/חכמים (ע"ח: ר"מ) allows for all needs of the field to be sold with it →

(i) ל"מ: according to בבלי interpretation, rocks may be set aside; to א"י's interpretation – set up

(ii) לרבנן: acc. to בבלי interpretation, rocks must be on produce; to א"י – must be set up as fence

ii Sticks: needed for the vineyard, to support the vines

1 ל"מ: once their sharpened, even if not in place

2 לרבנן: must be in place

iii Produce: that is still in the ground – even though they are ripe and about to be cut

iv Reeds: grown together – if less than a קב ¼ – even if they are thick

v Guardhouse: that isn't made with cement – even if it isn't firmly in the ground

vi Carob tree: that isn't grafted – even though it is a big tree

vii Sycamore: that is as yet uncut – even though it is a big tree

II 'מסנה ט': (continuation – grouped together with 'מסנה ח' in our גמרא)

a Excluded:

i Rocks: that aren't needed for field

1 ל"מ: if they aren't set aside; in א"י's take – if they aren't designated for the fence

2 לרבנן: if they aren't holding down the produce; in א"י's take – if they aren't piled for a fence

ii Sticks: not needed (in vineyard)

1 ל"מ: if they aren't shaped yet

2 לרבנן: if they aren't set up in the vineyard

iii Produce: that is already harvested – even though it may be needed for the field

b If he said: "the field and all of its contents" – all of these are sold

c In any case, excluded are:

i Reeds: grown together – if more than a קב ¼ – even if they are thin

1 ד' יוחנן: this applies as well to a vegetable or flower bed, as long as it has an independent name (ר"פ)

ii Guardhouse: that is made with cement – even if it is attached to the ground

1 Tangential questions related to selling a house:

(a) ד' פ: what if the door frame isn't bolted in – is it sold with the house? תיקו

(b) ד' זביד: is a window-frame utilitarian and sold with the house or decorative (and not sold)? תיקו

(c) ד' ירמיה: bed-legs – if bolted down – do they belong to the bed or the house? תיקו

iii Carob tree: that is grafted

iv Sycamore: that has been cut (stump)

1 Source: v. 1, which implies that only those things which need to be marked with a boundary are sold with the field, not those things which themselves may serve as a boundary

(a) Note (ר' מרשיא): this is a source for boundaries in the תורה