

22.5.11

85b (בעא מיניה ר' ששת מר' הונא) → 86a (זיל קני)

- I קנין רשות מוכר vis-à-vis ר' הונא – what is the status of the vessels of the buyer in the ששת
- a Answer: valid, as per משנה גיטין that if he threw the גט into her arms or basket – מגורשת
- i Challenge (ר"נ): why did he answer from such a challenged and minimized ruling?
- 1 Examples: basket had to be tied on to her or hanging from her; basket was between her legs, her husband was a basket-seller, these locations are קנוי to her, (because a husband isn't מקפיד on those spots)
  - ii Rather: he should have answered from our משנה – if he is in רשות מוכר, he must take it out of the רשות to be קונה
    - 1 Explanation: isn't this a case of the buyer using his own vessels and nonetheless he must remove them?
    - 2 Rejection: the case is כליו של מוכר
    - 3 Challenge: the סיפא - if it is in property of buyer, sale is immediate (once seller agrees to it) -can't be כליו של מוכר
    - 4 Answer: each case is refereeing to different כלים, as per the usual setting – in buyer's property, כליו של מוכר etc.
- b Further analysis – רבא:
- i ברייתא: if he pulled donkey-drivers (with merchandise) or workers into his house, whether the seller and buyer agreed on a price and didn't measure or measured without agreeing on a price – either can renege
  - ii But: if he unloaded them and brought them into his house,
    - 1 If: they agreed on a price before weighing – deal is finished,
    - 2 But if: they weighed first and didn't yet agree on price – deal still pending
  - iii Observation: since כליו של מוכר aren't לוקח ברשות לוקח → קונה ברשות מוכר לא קנה
    - 1 Rejection: in this case, he spilled them out when bringing them in
      - (a) Block (רבא): the ruling says "unloaded", not "spilt"
      - 2 Rejection: case is string of garlic (e.g. – i.e. not in a vessel at all)
  - iv Note: reason that if they set price deal is done is because buyer and seller are סומך דעתם
- c Proof: רב ושמואל ruled that a person's כלים are בכל מקום
- i Assumption: כל מקום is there to include רשות מוכר
  - ii Rejection: that is only in a case where מוכר says זיל קני; otherwise, needs to be out of רשות מוכר