

## חזקת הבתים ובית הבדים - <sup>1</sup>The possession of houses and olive presses

### OVERVIEW

Our משנה states that there are two types of חזקה. For those items that are constantly in use (i.e. a house) the חזקה is three complete years. However those items which are not constantly in use, their חזקה do not require שלש שנים מיום ליום, but rather three seasons. Our משנה mentions בית הבדים as one of the items that require a חזקה שלש שנים מיום ליום, indicating that it is active throughout the year. תוספות challenges this assumption.

פירש רבינו יצחק בר מרדכי דהא דתנן בפרק חומר בקדש (חגיגה כד,ב) –

The פרק חומר בקדש in משנה explained that this which we learnt in a משנה, namely

עברו הגיתות והבדים דמשמע שיש להן זמן קבוע –

‘When the season of wine pressing and olive pressing passes’, etc. This concludes the quote from the משנה; indicating that olive (and wine) pressing have a set time during the year, when these activities take place. If this is true why does a חזקה of olive (and wine) require three full years? The requirement of a חזקה שלש שנים מיום ליום is limited to such things that are continually active throughout the year; not to an activity which is done sporadically as a בית הבדים seems to be.

תוספות answers that when the משנה states that the season passed, the reason we say the season passed is not because there is no pressing after this season but rather –

היינו שרוב העולם דורכים אז בזמן לקיטה –

It means that *most* people do their pressing then, at harvest time; therefore it is called the season of pressing –

אבל יש בני אדם שמצניעין כל השנה ודורכין במעט מעט:

However, there are people that store (their olives [and grapes]) for the whole year; they do not press them at the harvest time, but rather they press their olives (and grapes) little by little; so they indeed use the presses for the entire year. That is why it requires a חזקה שלש שנים מיום ליום, since it is active the entire year.

### SUMMARY

An olive press is in use continuously; however most of the pressing is done during the harvest season.

<sup>1</sup> A בית הבד, olive press, is generally owned by an individual who presses olives, for a fee, for various olive growers and/or olive (and) oil merchants. See ‘Thinking it over’ and נח"מ.

**THINKING IT OVER**

What possible difficulty may footnote # 1 resolve?