



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Bava Metzia Daf Yud Beis

#### MISHNA

- The finds of a person's minor son or daughter, of his non-Jewish slaves and maidservants, and of his wife, belong to him. The finds of his adult sons and daughters, of his Jewish slaves and maidservants, and of his wife who he divorced although he has not yet paid her kesubah, belong to them.

#### GEMARA

- **Shmuel** said, why is it that the find of a minor goes to his father? Because when a minor finds something he immediately brings it to his father, and doesn't keep it (and when he lifts it, he has in mind to be koneh for his father).
  - **Q:** Does this mean that **Shmuel** holds that a minor is not koneh anything for himself D'Oraisa? A Braisa says, if a worker was hired to harvest a crop, his son may collect the leket behind him. If he gets a percentage of the crop, his son may not do so. **R' Yose** says, in both cases his son and wife may collect the leket behind him. **Shmuel** paskens like **R' Yose**. Now, if we say that a minor could be koneh for himself, it makes sense that he can take the leket from behind his father, because he is koneh it for himself and he then gives it to his father. However, if he is not koneh for himself, it is as if his father is taking the leket from the field, which he may not do, because he owns a share of the field and is considered to be a rich person who is ineligible to take leket!? **A: Shmuel** holds that a minor is koneh for himself. When he explained the Mishna to mean that a minor is not koneh for himself, he was explaining according to the Tanna of the Mishna, but he himself does not hold that way.
    - **Q:** Does **R' Yose** really hold that a minor is koneh for himself D'Oraisa? In a Mishna he says that a minor is only koneh a find D'Rabanan, so as not to lead to fights!? **A: Abaye** said, the reason that **R' Yose** allows the minor son to collect leket behind his father is not because he is koneh for himself, but rather because the other poor people are meya'esh from the leket in that field, because they think that the son will collect the leket behind his father. Therefore, it becomes hefker for all to take, and the worker himself may be koneh.
      - **Q: R' Adda bar Masna** asked **Abaye**, is a person allowed to bring a lion onto his property to scare the poor people away (i.e. how can he let his son collect after him to make the poor people be meya'esh)? **A:** Rather, **Rava** said, the **Rabanan** gave a minor the ability to be koneh the leket in this case even though he truly cannot be koneh something for himself. The reason is that all the poor people want this enactment, so that when they are hired out as workers their sons will be able to collect the leket behind them.
  - **Shmuel** (who explains the Mishna in this way) argues on **R' Chiya bar Abba** who said in the name of **R' Yochanan** that "katan" in the Mishna does not refer to a minor, rather it refers to a child who is still supported by his father, and "gadol" in the Mishna does not refer to an adult, rather it refers to a child who is no longer supported by his father. Based on this, the reason the father gets the son's finds is because the **Rabanan** gave it to him since he supports this child. It has nothing to do with the child's actual ability to be koneh.

#### METZIAS AVDO V'SHIFCHASO HA'IVRIM...

- **Q:** Why do the Jewish slaves keep the finds? They should be treated like a worker, and a Braisa says, if a worker was hired for the day (not just for a particular task), then any find he takes belongs to his employer!? **A:** **R' Chiya bar Abba in the name of R' Yochanan** said, the Mishna is dealing with a servant who is a skilled diamond cutter. Therefore, the master does not want him stopping his work to pick up a find (his work is typically more valuable than any find). However, if he does come across a find that is very valuable, since the master never planned on having him stop working to pick up a find, the find does not go to the master, but rather stays with the slave. **A2: Rava** said, the Mishna is dealing with a servant who picked up a find while he continued to work (since he did not take off any time from work, he can keep the find for himself). **A3: R' Pappa** said, the Braisa that says the finds go to the employer is dealing with a situation where the worker was hired to look for finds.
- **Q:** What is the case of the Jewish maidservant? If she is already a naarah, she should have already gone out free!? If she is still a ketanah, then if she has a father, her finds go to him, and if she has no father she should have gone out free upon her father's death based on a kal v'chomer of **Reish Lakish**!? **A:** The case is that she has a father, and when the Mishna says it belongs to her, it means that it does not belong to her master. However, in actuality it does not belong to her, but rather belongs to her father.

#### METZIAS ISHTO

- **Q:** If he divorced her it is obvious that she keeps her own finds!? **A:** The Mishna is talking about a case where her divorce is a safek. In such a case **R' Zeira in the name of Shmuel** has said that the husband must continue to support her, and therefore we would think that he continues to be entitled to her finds. However, the reason a husband gets the finds of his wife is so that there not be any feelings of animosity created by her keeping her finds while she is being supported by him. In this case there is anyway animosity, and therefore no reason for him to get her finds.

#### MISHNA

- If a person finds a promissory note, **R' Meir** says, if it provides for a lien on real property, he may not return it to the creditor, because Beis Din will collect from the debtor's real property based on this promissory note. If it does not provide for a lien on real property, he may return it to the creditor, because Beis Din will not collect based on this document. The **Chachomim** say, in either case it may not be returned to the creditor, because Beis Din will collect from the debtor based on this document.

#### GEMARA

- **Q:** What is the case of the Mishna? If the debtor admits that he owes this debt, why can't it be returned to the debtor even when there is a lien on real property? If the debtor does not admit to it, why can we return it to the creditor? Even though Beis Din will not collect from encumbered property based on this document, they will collect from unencumbered property!? **A:** The case is that the debtor admits to the debt. However, we are concerned that the document was written (and dated) to be used in Nissan, but was not actually used until Tishrei. In that case, any purchaser of his land between Nissan and Tishrei will be subject to have his land collected from him improperly (since they purchased the land before the loan actually took place).
  - **Q:** If we have such a concern, we should have this concern for every loan document that is brought to Beis Din for collection!? **A:** A regular note brought to Beis Din does not come under suspicion, and we are therefore not concerned. This note comes under suspicion based on the fact that it was lost. Therefore, we have the concern.