



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

### Bava Metzia Daf Chuf

#### MISHNA

- If a person finds letters that detail a debtor's possessions that were given to a creditor for the debt, or letters in which a man obligated himself to support his wife's daughters, or documents evidencing chalitza or mi'un, or documents of "beirurin", or any act of Beis Din, he returns them to the party who the documents says should be holding them.
- If a document is found in a "chafisah" or in a "dluskima", or if someone found a roll of documents, or a bundle of documents, he should return it.
  - How many documents constitutes a "bundle"? Three, tied together.
  - **R' Shimon ben Gamliel** says, if the 3 documents all name the same borrower with different lenders, we return them all to the borrower (they clearly belong to him). If the documents name 3 different borrowers from one lender, they are returned to the lender (they clearly belong to him).
- If a person finds someone else's document among his own documents and does not remember why he has it (whether it was given to him by the lender or the borrower for safekeeping), he must keep it until Eliyahu comes and tells us who the true owner is.
  - If a person finds a receipt among his documents and doesn't remember whether he received payment (and just never handed over the receipt) or has yet to receive payment (and wrote the receipt in anticipation of payment), he should act by what the receipt would say has taken place.

#### GEMARA

- **Q:** What are documents of "beirurin"? **A:** In Bavel they said it is documentation detailing the claims and defenses of the parties. **R' Yirmiya** said it is a document telling which judge each party chose.

#### V'CHOL MAASEI BEIS DIN HAREI ZEH YACHZIR

- A get was found in **R' Huna's** Beis Din and **R' Huna** said that the get may not be returned to the shaliach who said he lost it, but **Rabbah** said it should be returned, based on our Mishna that says that all acts of the court (i.e. documents certified by Beis Din) are returned. **R' Amram** asked **Rabbah**, how do you compare cases of issur (the woman with the get is now free to remarry) to the case of the Mishna, which deals with monetary matters!? **Rabbah** said, our Mishna also discusses documents of chalitza and mi'un, which are matters of issur!

#### MATZA BACHAFISA OY BIDLUSKIMA

- **Rabbah bar bar Chana** explained that a "chafisa" is a small wine bottle. **Rabbah bar Shmuel** explained that a "dluskima" is a box used by old people for keeping their items in an easy to find place.

#### TACHRICH SHEL SHTAROS OY AGUDAH SHEL SHTAROS...

- A Braisa says, how many documents constitute a roll of documents? Three, rolled together. How many constitute a bundle? Three, tied together.
  - **Q:** Shall we say from here that the type of knot used can be a siman on which basis we can return a lost item? **A:** **R' Chiya** taught a Braisa on our Mishna that says "three documents rolled together", which shows that the knot is not needed to be a siman.
    - **Q:** If that is the case of a "bundle", then that is the same thing as the "roll of documents"! **A:** The "roll of documents" is where one is fully rolled, the next is then rolled on top of that, etc. The "bundle of documents" is where they are laid one on top of the other and then rolled all together.
  - **Q:** What does the finder call out to let people know that he found these documents? **A:** He announces the number of documents that he found.

- **Q:** If so, why does the Mishna give a case of 3 documents? Why not simply give a case of 2 documents? **A:** Rather, we can say like **Ravina** said regarding one who finds coins, that he announces that he found documents, without giving a number, and the owner must then give the number of documents he lost.

#### R' SHIMON BEN GAMLIEL OMER ECHAD HALOVEH MISHLOSHA...

- The Gemara explains, if the documents belonged to 3 different lenders, why are they all together? Therefore, it must be that it belongs to the borrower.
  - **Q:** Maybe all the lenders went to bring their documents to be certified and were therefore lost together? **A:** The case is that the documents were already certified.
  - **Q:** Maybe the documents fell from the sofer after he finished writing the certification? **A:** People don't leave certified documents in the hands of a sofer, so they are not likely to have fallen from him.

#### SHLOSHA SHELAU MEI'ECHAD YACHZIR LAMALVEH...

- The Gemara explains, if the documents belonged to the 3 borrowers, why are they all together? Therefore, it must be that they belong to the lender.
  - **Q:** Maybe the borrowers had all gone to a sofer to have the documents written and the sofer lost them all? **A:** The case is that the documents were written in the handwriting of three different sofrim.
  - **Q:** Maybe they were going to have the documents certified and the sofer lost them? **A:** The lender is the one who certifies a document (to ensure his collection). A borrower does not go to certify the document.

#### IHM YEISH IMAHEN SIMPONOS YAASEH MAH SHEBASIMPONOS

- **R' Yirmiya bar Abba in the name of Rav** said, if a receipt is found in the possession of the lender, even if it is written in his own handwriting, it is passul. Clearly if it was written by a sofer it would be passul, because we would assume that he wrote it in anticipation of getting paid, and the fact that it is still in his possession shows that he never gave it (which means he was never paid). The chiddush is, even if it was written in his own handwriting we say the same thing, that he prepared it in case he would be presented payment with little time to spare and must have a receipt ready to give.
  - **Q:** Our Mishna said that if a receipt is found in the possession of the lender he should follow what the receipt says (and consider the loan to have been paid)!? **A:** We will answer as **R' Safra** answered elsewhere, that the Mishna discusses the case where the receipt was found among the lender's ripped (and cancelled) documents. This shows that it was thrown away and the loan was paid off.
  - **Q:** A Mishna says, if a receipt was found among a lender's documents and the receipt said "the loan to Yosef ben Shimon has been paid", and the city had two people with that exact name, both their loans are considered to be repaid. We see that the lender must live by the receipt he finds!? **A:** We will answer as **R' Safra** answered elsewhere, that the Mishna discusses the case where the receipt was found among the lender's ripped (and cancelled) documents. This shows that it was thrown away and the loan was paid off.
  - **Q:** A Mishna says that when heirs of a lender collect a debt from heirs of the borrower, they must swear that they have not found a receipt among the lender's documents stating that the loan was paid. We see that we do follow the receipt!? **A:** **R' Safra** answered that the Mishna discusses the case where the receipt was found among the lender's ripped (and cancelled) documents. This shows that it was thrown away and the loan was paid off.
  - **Q:** A Braisa says, if a signed receipt is found in the possession of a lender, the signatures should be certified and the lender must then follow what is stated in the receipt!? **A:** We must understand the Braisa as saying that the receipt should be certified "from" its signers, meaning that we ask the witnesses whether the loan was actually paid off or not.
  - **Q:** A Braisa says, if a signed receipt is found in the lender's possession, it is valid!? **A:** This refers to a receipt that has signatures of judges who have certified the receipt. Even **R' Yirmiya bar Abba** would agree that in that case the lender would have to follow the receipt. This must be the proper understanding, because the Braisa then says that if there are no signatures, it is passul. If that refers to regular witness signatures, it is

obvious that it would be passul. Rather, it must refer to the signatures of those who certify the receipt.

- The Braisa just quoted continues and says, if there are no signatures, but a third party was holding onto it (to give to the borrower when the debt was paid) or it was written on the bottom of the loan document, it is valid. The Gemara explains, since the lender obviously trusted this third party, if he says it was paid off, the lender must live by that. When it is written below the loan document the lender must also live by it, because if it was not truly paid back, he would not have written it on his document, compromising the document.

**HADRAN ALACH PEREK SHNAYIM OCHZIN!!!**