



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

Bava Metzia Daf Chuf Gimmel

- The Gemara had brought the machlokes where **Rabbah** said that a siman that tends to be trampled upon is not considered to be a siman, and **Rava** said that it is.
 - **Q:** Maybe we can say that this machlokes is actually a matter of machlokes among Tanna'im in our Mishna. **R' Yehuda** said, if a found item has something unusual about it, it must be announced (to be returned). For example, if a cake of figs is found with a piece of pottery in it, or a loaf of bread with coins in it, they must be announced. This would suggest that the **T"K** argues, and holds that it may be kept by the finder. Now, presumably they both hold that a siman that came about accidentally (on its own, like pottery in a cake of figs) is considered to be a siman, and all hold that one may walk by food he sees on the floor and need not pick it up. Therefore, the machlokes seems to be whether a siman that is typically trampled upon is considered to be a siman – the **T"K** holds that it is not a siman and **R' Yehuda** holds that it is!? **A: R' Zvid in the name of Rava** said, if the **T"K** holds that way, why does he say in the Mishna that loaves of home baked bread found in the reshus harabim need to be announced!? Rather, we must say that all agree that a siman that is usually trampled upon is considered to be a siman, and everyone agrees that one may pass by food without picking it up. The machlokes is whether a siman that comes about on its own is considered to be a siman – the **T"K** says it is not a siman, and **R' Yehuda** says that it is.
 - **Others** said that it was originally thought that the machlokes could be explained as being based on whether one may walk by food without picking it up, and **R' Zvid in the name of Rava** and **Rabbah** explain that the machlokes is based on whether a siman that came on its own is considered a siman.
- **R' Zvid in the name of Rava** said, the rule regarding lost items is, as soon as the owner says "woe to me for I have lost money" ("vai li l'chisaron kis"), he has been meya'esh.
- **R' Zvid in the name of Rava** said, the halacha is that small bundles of produce that are found in the reshus harabim, belong to the finder. If they are found in the reshus hayachid, then if they are found in a way which shows they fell from the owner, they belong to the finder. If it can be seen that they were placed there by the owner, the finder must announce them. This is regarding a case where there is no siman. However, if the bundle has a siman, whether it is found in the reshus harabim or reshus hayachid, and whether it fell or was placed there, it must be announced.

UMACHROZOS SHE'L DAGIM

- **Q:** Why does the type of knot not serve as a siman? **A:** The Mishna is discussing a sailor's knot, which is standard, and therefore cannot serve as a siman.
- **Q:** Why can't the number of fish serve as a siman? **A:** The case is where there are a standard number of fish on the string.
- **Q:** It was asked of **R' Sheishes**, can the number of items found serve as a siman or not? **A: R' Sheishes** said, a Braisa says, if someone found keilim of silver or copper, or any metal, it should not be returned until a siman is given or until he can give their weight. Now, if weight can act as a siman, then size or number can serve as a siman as well.

VACHATICHOS SHE'L BASAR...

- **Q:** Why can't the weight of the pieces serve as a siman? **A:** The case is where it was of a standard weight.

- **Q:** Why can't the type of cut serve as a siman (e.g. whether it is from the neck or the leg, etc.)? In fact, a Braisa says if one found pieces of fish, or a fish that was bitten, he must announce them. If he found barrels of wine, of oil, of grain, of dried figs, or of olives, they belong to the finder. Presumably it is the type of cut of fish that would act as the siman!? **A:** The Braisa is talking about where the fish was cut in a distinct shape, and that is what can act as the siman.
 - **Q:** A Mishna says, if one found jugs of wine or oil they must be announced, so how does this Braisa say the finder can keep it!? **A:** **R' Zeira in the name of Rav** said, the Mishna is discussing resealed jugs, which is what acts as the siman.
 - **Q:** That means that the Braisa is dealing with open jugs. If so, the owner has made an intentional loss by leaving it open for bugs and animals to get to. Why does the Braisa have to teach that the finder may keep it? **A:** **R' Hoshaya** said, the Braisa is discussing where the jug was covered, but not sealed. **A2: Abaye** said, the Mishna and the Braisa are both talking about resealed jugs. The Mishna is discussing before the wine buying season began, when it is therefore uncommon to have resealed jugs and it can therefore act as a siman, and the Braisa is talking about in the selling season, when it is common and therefore cannot serve as a siman.
- **Q:** **R' Bibi** asked **R' Nachman**, does the place where the lost item was found serve as a siman? **A:** **R' Nachman** said, the Braisa (quoted above) said that one may keep the jugs of wine, oil, etc. that he finds. Now, if the place can serve as a siman, why doesn't he announce the place and see if the owner can come and tell him what was lost there? It must be that the place cannot serve as a siman.
 - **R' Zvid** said, that is no proof, because the case may be where the jugs were found where the boats dock, and since many jugs are unloaded there, the place cannot serve as a siman.
 - **R' Mari** said, the reason the **Rabanan** said that the place cannot serve as a siman in this case is because we can tell him, the same way you left items there, many others may have done the same.
- A person found pitch in a winepress. **Rav** told him he may keep it. **R' Abba** explained, **Rav** said that because he saw that weeds grew over it already. That meant that it was there for quite a while and that the owners were therefore meya'esh.

R' SHIMON BEN ELAZAR OMER...

- **Q:** What is an "anpurya"? **A:** **R' Yehuda in the name of Shmuel** said, it is a new keili that is not yet recognized by the owner.
 - **Q:** What is the case? If there is a siman, why does it matter that the owner does not recognize it, and if there is no siman, what good would it do if he could recognize it? **A:** The case is that there was no siman. However, the halacha is that we return an item to a talmid chachom if he recognizes the item as his, even if he has no siman. **R' Shimon** therefore teaches, that if it is a new keili it would not be returned to a talmid chochom without a siman either.
- **Mar Zutra Chasida** once was a guest by someone who had a silver cup stolen from him. **Mar Zutra** saw one of the talmidim wash his hands and wipe them in someone else's clothing. He said, this talmid must be the one who stole the cup, because we already see that he has no regard for anyone else's property. They put pressure on this talmid and he admitted to stealing the cup.