



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

### Bava Metzia Daf Chuf Hey

#### MISHNA

- The following are finds that must be announced: finding produce in a keili, an empty keili, coins in a wallet, an empty wallet, piles of produce, piles of coins, 3 coins one on top of the other, small bundles of produce found in the reshus hayachid, homemade loaves of bread, pieces of wool taken from the craftsman, jugs of wine, and jugs of oil. These finds must be announced.

#### GEMARA

- The Mishna suggests that when produce is found in the keili, and money is found in the wallet, that is when it must be announced. However, if a keili was found with produce in front of it, or a wallet was found with money in front of it, it would belong to the finder. This is a proof for a Braisa which says, if a keili was found with produce in front of it, or a wallet was found with money in front of it, it belongs to the finder. If some of the produce was in the keili and some was on the ground, the finder would have to announce it.
  - **Q:** A Braisa says, if someone found something that doesn't have a siman next to something that does have a siman he is chayuv to announce all the items. If the owner of the item with the siman came and gave his siman, but said that the other item is not his, the finder may keep that other item. This contradicts the previous Braisa which said that he can keep the money or produce that is next to the keili!? **A: R' Zvid** said, the first Braisa is dealing with items like flax next to a barrel, or money next to a purse, where if the flax would have come from that barrel or the money from that purse, something would have remained in the barrel or the purse. Since they are totally empty, we can assume that they did not come from the barrel or purse. The second Braisa is discussing where there was a basket with produce next to it. In that case, even if the basket is empty, the produce could have come from the basket. **A2: R' Pappa** said that both Braisos are discussing a basket with produce in front of it. The second Braisa is discussing where there is still some produce inside the basket, so we must be concerned that all the produce came from the basket, and the first Braisa is discussing where there was no produce remaining in the basket at all. **A3:** Both Braisos can be discussing where there is no produce left in the basket. The second Braisa is discussing where the opening of the basket is facing the produce, and the first Braisa is discussing where it is not facing the produce. **A4:** Both Braisos are discussing where the opening is facing towards the produce. The first Braisa is discussing a case where the basket has a rim (which would have kept some produce inside if it would have fallen from there) and the second Braisa is discussing where there was no rim (which is why they all came out).

#### TZIBUREI PEIROS V'TZIBUREI MA'OS

- **Q:** We can bring proof from the Mishna that the number can serve as a siman (which is why the Mishna said when there are multiple piles it must be announced)!? **A:** Change the Mishna to read that even a single pile must be announced.
  - **Q:** We can bring a proof from the Mishna that the place can serve as a siman!? **A:** The Mishna can be read as only referring to multiple piles, in which case it would be the number, not the place, that serves as the siman. Since the Mishna can be understood both ways, we cannot bring a proof to either one.

#### SHLOSHA MATBEYOS ZEH AHL GAV ZEH

- **R' Yitzchak Migdila'ah** said, this is only if they were stacked like a tower. A Braisa says this as well. The Braisa says, if scattered coins are found, they may be kept. If they were stacked like a tower, they must be announced. Stacked like a tower means there were 3 coins placed one on top of another.

- **Q:** The first part of the Braisa suggests that if they were at all leaning on each other they would have to be announced. The second part of the Braisa suggests that if they were only leaning on each other they would be allowed to be kept!? **A:** Anything that is not stacked like a tower is referred to by the Tanna as “scattered”. Therefore, leaning is included in “scattered” and could be kept by the finder.
- **R’ Chanina** said, the coins must be announced only if they were minted from 3 different kings. However, if they were from the same king, they would not need to be announced.
  - **Q:** What is the case? If the coins are stacked like a tower, then even if they are from one king they should have to be announced, and if they are not stacked like a tower, then even if they are of different kings they should not have to be announced!? **A: R’ Chanina** must have said, they only must be returned if they are *like* coins of different kings, meaning that they are of different sizes, with the largest on bottom, smaller on top of it, and even smaller on top of that. In that case we would say that it must have been placed there. However, if the coins were all of the same size, even if they are placed one on top of another, they may be kept by the finder, because we assume that they fell and landed in this way.
  - **R’ Yochanan** said, even if they are from one king, all of the same size, they would have to be announced.
    - **Q:** What is he announcing, the number? If so why does he only announce 3 coins? Even if he found two coins they should have to be announced!? **A: Ravina** said, he announces that he found “coins”. If a person came and said there were “two” that would not be a siman, because that is the least for the plural of “coins”. Therefore, it would have to be at least 3.
- **Q: R’ Yirmiya** asked, what if coins are found in a circle like a bracelet? What if they are found in a straight line? What if they are found in a triangle formation? What if they are found stacked like stairs? **A:** We can answer one based on **R’ Nachman in the name of Rabbah bar Avuha**, who said that if coins are found in a way that one can stick a toothpick underneath them and lift them all together (i.e. when they are stacked like stairs) it would have to be announced.
- **Q: R’ Ashi** asked, what if the coins are found in a formation like the avodah zarah called Markulis? **A:** A Braisa says, if one found scattered coins he can keep them. If he found them in the Markulis formation, he must announce them. That formation is where two lie on the ground, and one is them put half on one and half on the other.
- A Braisa says, if one finds coins in the market, and someone makes a claim to the coins by saying they are a new coins, or are of a particular king, that is not a siman. Moreover, even if the name of the one making the claim is written on the coins, it is not a siman, because there is no valid siman for coins. The reason is, it is very possible that he spent the coins and they then fell from the one he bought an item from.

#### MISHNA

- If someone found tied birds behind a fence or a wall, or he found them in the path in the fields, he should not even touch them.
- If someone finds a keili in a garbage pile, if it is covered, he should not touch it. If it is uncovered, he should take it and announce it.

#### GEMARA

- The person should not touch the birds because we say that the owner purposely hid them behind the wall. If the finder will take them, the owner will have no siman by which to get them back. Therefore, it is better that they be left where they are.
  - **Q:** Why can’t the knot serve as a siman? **A: R’ Abba bar Zavda in the name of Rav** said, the birds were tied at the wings, which is where everyone else ties them as well, so it cannot serve as a siman.
  - **Q:** Why can’t the place serve as a siman? **A: R’ Ukva bar Chama** said, the Mishna is discussing birds that can hop around.
    - **Q:** If so, they were not necessarily left at the wall, and should therefore be mutar!? **A:** It is possible it was left and possible it was not, and **R’ Abba bar Zavda in the name of Rav** says that in such a case the item should not be touched, and if it was, it should not be returned.

## MATZA KLI B'ASHPA MECHUSEH...

- **Q:** A Braisa says if a keili was found in the garbage pile it should be announced, because garbage piles are usually cleared. This is different than our Mishna said!? **A: R' Zvid** said, our Mishna is talking about large items like a barrel, which must have put there intentionally. The Braisa is discussing small items like a knife, which may have been thrown there by mistake. **A2: R' Pappa** said, both are talking about large items. The Mishna is discussing a garbage pile that is not usually cleared, and the Braisa is talking about one that is usually cleared.
  - **Q:** If the pile is usually cleared, it is an intentional loss, because he knows the pile will be cleared!? **A:** The Braisa is discussing a pile that is not usually cleared and the owner of the pile suddenly decided to clear it. Therefore, it should be taken and announced.
  - **Q:** According to **R' Zvid**, why does the Braisa give the reason that "garbage piles are usually cleared"? **A:** It means that it is normal for small items to be cleared into the garbage pile, and that is why they should be taken and announced.

## MISHNA

- If someone found an item in a pile of stones from a wall that fell, or in an old wall, he may keep it. If he finds it in a new wall, if it was found from halfway in the wall towards the outside, he may keep it. If it was found from halfway towards the inside, it belongs to the owner of the house. If he would rent the house to others, even if someone found an item inside the house he would be allowed to keep it.

## GEMARA

- A Braisa says, the person may keep what he found in a pile of stones or in an old wall, because he can say that the item may have come from the Emorim who used to live in EY.
  - **Q:** Only Emorim hide things in walls? Yidden do not!? **A:** The case is where the found item was very rusty, which shows it was there a very long time. The owner would typically not leave something there for that long.