



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

### Bava Metzia Daf Chuf Vuv

B'KOSEL CHADASH MEICHETZYO V'LACHUTZ SHELO...

- **R' Ashi** said, the ownership of a knife found in the wall follows the direction of the handle. The ownership of a purse follows the direction of its straps.
  - **Q:** Why does our Mishna say we have to determine where in the wall the item was found – whether from the mid-point and within or from the mid-point and without? Why don't we just look at the direction of the handle or the strings? **A:** The Mishna is discussing a piece of material or a bar of silver, where there is no indication as to ownership other than the location in the wall.
- A Braisa says, if a wall was full of items, the finder and the owner divide them.
  - **Q:** That would be obvious!? **A:** The case is that the wall is leaning towards one side. We would think to say that all the items were placed on the side away from the lean, and over time the items slid towards the lean. The Braisa is therefore teaching that even so, we divide the items.

IHM HAYA MASKIRO L'ACHEIRIM AFILU B'TOCH BEISO HAREI EILU SHELO

- **Q:** Why don't we assume that the found item belongs to the last person to have used the house? A Mishna says that coins found in Yerushalayim during the year are assumed to be of chullin, but coins found in Yerushalayim during Yom Tov are assumed to be of maaser sheini (most of the money then is from people who have come to be oleh regel, and those people bring all their maaser sheini money with them). **R' Shmaya bar Ze'ira** explained, that on Yom Tov we assume that all the earlier coins that may have dropped from before Yom Tov were swept up before Yom Tov, and therefore anything found must be maaser sheini. Based on this, in the rented house we should also say that anything left from an earlier user must have already been picked up and anything found now must be from the last user!? **A: Reish Lakish in the name of Bar Kappara** said, the case is where the owner rented the house to 3 people at once. Therefore, we don't know from who it fell.
  - **Q:** If so, this would prove that the halacha follows **R' Shimon ben Elazar** (from the earlier Gemara) even when the majority of people are Yidden!? **A: R' Menashya bar Yaakov** said, the case is that the house was rented out to 3 goyim at the same time.
  - **R' Nachman in the name of Rabbah bar Avuha** said, the Mishna may even be talking about where the house was rented to 3 Yidden. Still, this is no proof to the case of **R' Shimon ben Elazar**. This case is different, because the person who lost the items says to himself, I have asked the other 2 people to return my lost item and they have not done so. Therefore, it must be that they intend to steal it. Based on that, he is meya'esh.
    - **R' Nachman** is following his logic from elsewhere, where he said that if someone finds money that fell from one of two people, he must return it. This is because the one who lost the money knows there was only one person with him, and therefore, if confronted, he will have to return the money, and the owner is therefore not meya'esh. However, if the money fell from one of 3 people, he does not have to return it. This is because the owner of the money knows that he can't pin down one person as the possible taker of the money and is therefore meya'esh.
      - **Rava** said, even when there are 3 people, he only need not return it if there is not a perutah's worth of value for each of them. If there is, it may be that they were partners in the money, and if so the owner is not meya'esh, because he feels that his partner will find it.
      - **Some** say that **Rava** said it must be returned even if there are only 2 perutah's of value, because we say they may be partners and one of the

3 is mochel his piece to the other two, leaving a perutah for each of them.

- **Rava** said, if a person saw money fall from another person, and he picked up the money before the owner was meya'esh, with intent to steal the money, he has transgressed many mitzvos here – “lo sigzol”, “hasheiv tshiveim”, and “lo suchal l'hisalem”. Even if he then returns it after yi'ush, that would be deemed a gift, and would still have transgressed “lo suchal l'hisalem” (Tosfos).
  - If he took it before yi'ush with intent to return it and after yi'ush he then decided to steal it, he would be “oiver” for “hasheiv tshiveim”.
  - If he waited for the owner to be meya'eish and then picked it up to keep it, he would only be oiver for “lo suchal l'hisalem”.
- **Rava** said, if someone saw a coin fall from someone into the sand, and he found it and took it, he does not have to return it, because the owner is surely meya'esh. This is true even if the owner begins sifting the sand. The reason is, the owner thinks, that just like I dropped a coin here, other have likely done so as well.

#### MISHNA

- If someone found a lost item in a store, he may keep it. If it was found between the counter and the storeowner, it belongs to the storeowner.
- If someone found coins in front of a moneychanger, he may keep it. If it was found between the base of the table and the moneychanger, it belongs to the moneychanger.
- If one buys produce, or was sent produce by someone else, and finds coins in the produce, he may keep it. If the coins were in a bundle, he must announce the find.

#### GEMARA

- **R' Elazar** said, even if the coins are lying on the table of the moneychanger, the finder may keep them.
  - **Q:** Our Mishna said if it is in *front* of the table he may keep it. This suggests that if it is on top he may not. The Mishna then says if it is found between the base of the table and the moneychanger he must return it, which suggests that if it is on the table he may keep it!? **A:** Clearly, we cannot bring a proof from our Mishna.
  - **Q:** On what did **R' Elazar** base his ruling? **A: Rava** said, it is from the fact that the Mishna gave the case of “between the table and the moneychanger” instead of giving the simpler case of “on the table”. Or, he learned it from the fact that the Mishna didn't say “if he found it in the moneychanger's store”, but instead said “if he found it in front of the moneychanger”. This comes to include that if he found it on the table he can keep it as well.

#### HALOKE'ACH PEIROS MEICHAVEIRO...

- **Reish Lakish in the name of R' Yannai** said, this is only true when the produce is bought from a merchant (who buys from many people). However, if he bought from a private person, he would have to give the money back to him.
  - A Braisa was taught in front of **R' Nachman** that said the same thing. **R' Nachman** asked, the seller surely had workers who threshed, etc. for him, so why do we assume it belongs to the seller? **R' Nachman** said, the Braisa must be understood as referring to where the work was done for him by his non-Jewish slaves.