



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

### Bava Metzia Daf Chuf Ches

- **Rava** said, if you will say that simanim are D'Oraisa [although **Rava** just brought a source from a pasuk, which would mean that it is surely D'Oraisa, there is a refutation of this proof, as detailed by the Gemara earlier]:
  - If 2 people come to Beis Din, each claiming ownership of the lost item and each providing a siman of the item, the item should be kept in the possession of the finder until Eliyahu comes.
  - If one person brings witnesses proving his ownership and another person gives a siman, it should be given to the person who brought witnesses.
  - If one person gives a siman and the other person gives a siman and brings a single witness, it is as if the single witness is non-existent and the item must be held by the finder until Eliyahu comes.
  - If one person brings witnesses that he wove the found garment and the other person brings witnesses that saw it fall from him, it should be given to this second person, because we say that the weaver sold it to this second person and it then fell from him.
  - If one gave the length as a siman and the other gave the width, it should be given to the one who gave the length, because a garment's width can be estimated when it is seen being worn by somebody, but its length cannot. Therefore, the length is considered to be a better siman.
  - If one person gave the measure of the length and the width, and another person gave the measure of the total for the length and width combined, it should be given to the first person, because he gave the more detailed siman.
  - If one person gave the measure of the length and the width, and another person gave the weight, it should be given to the second person, because it is considered to be a siman that shows more familiarity with the garment.
  - If a get is found and the husband claims it is his (and that he never gave the get) and gives a siman, and the wife claims it is hers (and that she is divorced) and gives a siman, it should be given to her (the fact that she knows a siman proves that it must have been given to her).
    - **Q:** What siman did she give? If she gave its length and width, it may be that she determined that based on when she saw her husband holding it!? **A:** She gave a siman that there was a hole next to a particular letter in the get.
  - If the husband gave a siman on the string that is tied to the get and the wife did the same, it should be given to her.
    - **Q:** What siman did she give? If she just gave the color of the string, it may be that she saw that when her husband was holding it!? **A:** She gave the length of the string.
  - If he gives a siman, saying it was found in a leather bag and she does the same, it should be given to him. This is because it may be that she knows that he tends to put things into such leather bags, and it therefore is not a convincing siman.

### MISHNA

- Until when must the finder announce the item? **R' Meir** says, until the neighbors know about it. **R' Yehuda** says, for 3 Yomim Tovim, and for 7 days after the last Yom Tov, so that the owner is given 3 days to travel home and see if he has lost something, 3 days to travel back, and one day to claim it.

## GEMARA

- A Braisa says, he must announce the found item until the neighbors of the item know about it.
  - **Q:** What does it mean “the neighbors of the lost item”? It can’t mean the neighbors of the owner, because the finder doesn’t know who the owner is!? **A:** It means the neighbors of the area in which the item was found.

## R’ YEHUDA OMER...

- **Q:** A Mishna says, we begin to ask for rain on the 3<sup>rd</sup> day of Cheshvan. **R’ Gamliel** says we wait until the 7<sup>th</sup> day, which is 15 days after Succos, which gives time for the last of the olei regel to reach the border of EY. Based on this, how does **R’ Yehuda** say that we only need to give 3 days for the olei regel to reach their houses and check to see if they lost anything!? **A:** **R’ Yosef** said, the other Mishna is discussing during the first Beis Hamikdash, where there were many more Yidden coming to EY, and the border of EY was therefore larger. Our Mishna is discussing during the 2<sup>nd</sup> Beis Hamikdash, when there were much fewer Yidden in EY, and therefore the borders were much closer.
  - **Q:** **Abaye** asked, the pasuk teaches that during the 2<sup>nd</sup> Beis Hamikdash the Yidden lived in the same cities as they did during the 1<sup>st</sup> Beis Hamikdash, which means the borders were the same distance away!? **A:** Since there were many more Yidden during the 1<sup>st</sup> Beis Hamikdash, there were more frequent groups travelling, and therefore it was quicker for the olei regel to make it home (which is what **R’ Yehuda** was talking about). During the 2<sup>nd</sup> Beis Hamikdash there were less Yidden, making the forming of groups less frequent, and therefore making it a longer trip back home. **A2:** **Rava** said, it may have taken the same amount of time to get home by both Batei Mikdash. The reason why **R’ Yehuda** said he only needs to announce for 7 days after Yom Tov is because the **Rabanan** did not want to bother the finder of an item for longer than that.
- **Ravina** said, we can learn from here that when announcing a lost item, he announces the type of item found (e.g. a garment). This must be the case, because if he were to only announce that an item was found, **R’ Yehuda** would have to give more than one day for the owner to search and see if he lost any item. **Rava** said this is no proof. It may be that even though the finder doesn’t identify the type of item he still only needs to give the owner one day, because the **Rabanan** did not want to bother the finder for longer than that.
- A Braisa says, on the first of the 3 Yomim Tovim that he announces the find he says “this is the first Yom Tov announcement”. On the second one he says “this is the second Yom Tov announcement”. On the third he doesn’t say what number Yom Tov it is.
  - **Q:** Why doesn’t he say it is the 3<sup>rd</sup> Yom Tov? **A:** We are concerned that the owner will hear and think he said it is the second Yom Tov, and not hurry to identify the item.
    - **Q:** If so, when he hears him say it is the second Yom Tov he may likewise be mistaken and think he said it was the first!? **A:** There is still another Yom Tov of announcing, so we are not as concerned that he will lose his opportunity to claim the item.
- A Braisa says, initially, anyone who found a lost item would announce it for 3 Yomim Tovim and for 7 days after the 3<sup>rd</sup> Yom Tov, so that the owner can have 3 days to go home and check his possessions, 3 days to travel back, and one day to claim his item. After the Beis Hamikdash was destroyed, the **Rabanan** instituted that finds should be announced in the shuls. When people began to come and confiscate found items to give it to the king, the **Rabanan** instituted that a find should only be announced to the neighbors and other people that he knows.
  - **R’ Ami** found gold coins and feared that a person who witnessed it would take them from him to give them to the king. The person told him, that is what the Persians do, not us, so you can keep it.
- A Braisa says, there was a very high stone platform in Yerushalayim called the “Even To’an”. Whoever lost something would go there and whoever found something would go there. The finder would announce the find and the owner would give a siman and claim it.

## MISHNA

- If the one claiming to be the owner said the type of item that was lost, but did not give a siman, it should not be returned to him. If the one making the claim is known to be a liar, even if he gives a siman we don’t return it to him. This is based on the pasuk of “ahd drosh achicha oso” –

which teaches that the finder must investigate the one claiming to be the owner, to see if he is a liar or not.

#### GEMARA

- **R' Yehuda** said, the finder announces that “an item was found” (without identifying the type of item), because identifying the type of item would cause concern for a liar to make a false claim. **R' Nachman** said, he announces the type of item that was found, and we are not concerned for a liar, because then there would be no end to that concern.
  - **Q:** The Mishna said, if the one making the claim said the type, but didn't give a siman, we don't return it to him. Now, if the announcer didn't identify the type, it makes sense that the Mishna is teaching that although the claimant is identifying the type we do not return it to him. However, according to **R' Nachman**, of course we wouldn't return it based on the identification of the type of item, because the finder already announced that!? **A: R' Safra** said, the Mishna can mean that even if the claimant gave a siman, but did not give a siman muvhak (a distinctive siman), we do not return it to him.

#### V'HARAMAI AHF AHL PI SHE'AMAR SIMANEHA HAREI ZEH LO YITEIN LO

- A Braisa says, originally, when someone lost an item, he would just give a siman and take it. When liars became more common, the **Rabanan** instituted that the claimant must first bring witnesses that he is not a liar and then give simanim and take it.

#### MISHNA

- Any found item that works and eats (e.g. an ox or donkey), should be put to work to pay for the food that the finder must feed it. Something that does not work, but does eat (e.g. a rooster), should be sold. This is based on the pasuk of “vahasheivoso lo”, which teaches that it should be dealt with so that there is still something to return to the owner (don't spend most of the value).
  - What is done with the money received from the sale? **R' Tarfon** says the finder may use the money, and therefore if it is lost he is responsible for it. **R' Akiva** says he may not use the money, and therefore if it is lost, he is not responsible for it.

#### GEMARA

- **Q:** Does the finder of an animal have to keep it forever!? **A: R' Nachman in the name of Shmuel** said, he must keep it for up to 12 months.
  - A Braisa says this as well. The Braisa says, anything that eats and works, like a cow or donkey, must be dealt with for 12 months. After that, they are sold and the money is put away for the owner. Calves and young donkeys must be dealt with for 3 months, after which they can be sold. Geese and roosters must be dealt with for 30 days, after which they can be sold.
    - **R' Nachman bar Yitzchak** said, chickens are like large animals (they must be kept for 12 months, because their eggs can be sold to offset their cost).
    - **Q:** Another Braisa says, chickens and large animals must be kept for 12 months before being sold, calves and young donkeys must be kept for 30 days, and geese and roosters must be kept for 3 days!? **A:** With regard to calves and young donkeys, the first Braisa is discussing such animals that can be left to graze, whereas the second Braisa is discussing such animals that need to be given food. With regard to geese and roosters, the first Braisa is discussing small ones, which don't eat a lot, and the second Braisa is discussing large ones.

#### V'SHE'EINO OSEH V'OCHEL

- A Braisa says, the pasuk of “vahasheivoso lo” teaches that the finder should not sell some of the animals to afford food for the other animals, because each animal must be returned.