

20.10.8; 118a (משנה ח') → 119b (סיום המסכת)

1. יבין וצדיק ילבש וקסוף נקי יחלק: איוב כו, ז'  
 2. טוב ינחיל בני בניו וצפון לצדיק חיל חוטא: משלי יג, כב  
 3. כי מה תקנות חנף כי יבצע כי ישל אלוה נפשו: איוב כו, ח  
 4. פן ארחות כל בצע בצע את נפש בעליו יקח: משלי א, יט  
 5. אל תגזל דל כי דל הוא ואל תדכא עני בשער: כי ה' יריב ריבם וקבע את קבעיהם נפש: משלי כב, כג-כד  
 6. ואכל קצירך ולחמך יאכלו בניך ובנותיך יאכל צאנך ובקרך יאכל גפנך ותאנתך ירשש ערי מבצריך אשר אתה בוטח בהנה בחרב: ירמיהו ה, יז  
 7. מצרים לשממה תהיה ואדום למדבר שממה תהיה מחמס בני יהודה אשר שפכו דם נקיא בארצם: יזאל ד, יט  
 8. ויהי רעב בימי דוד שלש שנים שנה אחרי שנה ויבקש דוד את פני ה' ס ויאמר ה' אל שאול ואל בית הדמים על אשר המית את הגבענים: שמ"ב כא, א

- I 'מסנה ח': requirement to notify owner when returning stolen item
  - a if: he stole a lamb from the flock and returned it (w/o notifying owner) and it died or was stolen - he is liable
  - b but if: the owner never knew about the theft
    - i and: he counted the flock and found it whole – exempt
      - 1 דב: if the theft was known, we require דעת for return; if not, the “count” exempts (last clause – on סיפא)
        - (a) challenge: רב allows return to flock in desert answer: shepherd can recognize extra lamb w/o counting
      - 2 שמואל: in either case, the “count” exempts (last clause – on both cases)
      - 3 רישא: only if the theft was known is there a need for “count” (last clause – on רישא)
      - 4 חסדא: if theft was known, “count” exempts; if unknown, must notify of return (last clause – on רישא)
        - (a) reason (רבא): the owner must know that this lamb is now used to wandering
          - (i) Challenge: רבא ruled that if owner, aware of theft, didn't know if it was returned – thief is liable for subsequent loss (death, theft) – answer; in that case, he hadn't counted
  - c Suggestion: requirement of דעת for return is dispute ר"ר/ר"ע – if someone steals a coin or lamb :
    - i ד"י: return to place from where he stole
    - ii ד"ע: must inform owners
      - 1 assumption: all accept יצחק ר' premise that a person is always checking his money pouch (→is aware)
        - (a) and: dispute is same as רב v. שמואל
      - 2 rejection: context if the lamb – dispute is same as יוחנן ר' ח"ר/ר' יוחנן
      - 3 רבא: this dispute is about a שומר who stole – i.e. is his שמירה finished or not
  - d suggestion: whether מנין פוטר is a dispute of תנאים
    - i if: someone steals and “sneaks” it back in a larger חשבון; dispute if he has fulfilled הגזילה
    - ii rejection: perhaps their dispute is whether to accept יצחק ר' premise; or one was a case where the pouch was empty
- II 'מסנה ט': prohibition of buying items from those suspected of stealing them
  - a may not: buy wool, milk or kids from shepherds
    - i ברייתא: allows buying anything that the owner would be aware of its loss (e.g. 4 or 5 lambs)
  - b nor: wood or fruit from orchard-watchmen – (רב – permissible to buy from sharecropper)
    - i note: where context informs, we may buy (e.g. if they are selling at entrance to garden)
    - ii tangent: discussion about destroying property of מוסר (vv. 1-8)
  - c however: may purchase wool clothes (in יהודה) and flax (in גליל) from women
    - i ברייתא: but may not buy wine, oil or flour from them, nor from slaves or children,
      - 1 אבא שאול: women may sell to make some profit to make garment for herself (husband doesn't mind)
      - 2 and: גבאי צדקה may only take small donation (relative to place and wealth) from them
      - 3 but: we may buy only large amounts from olive-pressers; רשב"ג allows buying oil from women in גליל
  - d and: may purchase calves from anyone in שרון
    - i however: in all cases, if the seller told the buyer to hide the goods, may not purchase
  - e additionally: eggs and chickens may be purchased from anyone in any place
- III 'מסנה י': which part of material is kept by artisan
  - a launderer: keeps tufts of wool
  - b comber: tufts of wool go to owner
  - c launderer: may take out three threads at edge of garment – more than that belong to בעה"ב; unless they are black on white
  - d tailor: if he left a thread long enough to sew with it – belongs to בעה"ב; similarly a patch 3x3 fingers
  - e carpenter: what he removes with adze belongs to him; with axe belongs to בעה"ב
    - i but: if he was working in בעה"ב's property, everything belongs to בעה"ב – even sawdust
    - ii note: masons are not liable for theft; tree pruners – it depends if owner is מקפיד on each piece

הדון עלק מסכת בבא קמא י"ד מ"אפניק י"א"א לתתק תורתק אומנותנו בקולס הנה ותהא עמנו לטובה