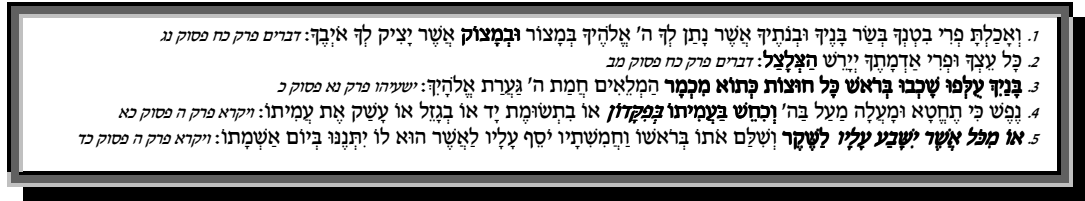


20.10.7; 116b (משנה ה') → 118a (חייב בבא לצאת ידי שמים)



- I משנה הו
- a If: someone steals land and it is seized by robbers (מציקין as per v. 1 or מסיקין as per תרגום of v. 2)
- i If: it is a country-wide plague, he is exempt from paying back
- ii But if: they seized it on account of the original גזלן, he is obligated to provide another field to the גזול
- 1 Explanation: if he pointed it out to them (מוסר) – which is דין (not קנס; hence we can infer from it)
    - (a) Tangent: discussion about inferring from קנסות in re: מטמא מדמע ומנסך
    - 2 Story: רבא found a Jew liable for money, owned by fellow, which he showed a strong-arm heathen under duress
      - (a) Dissent: רב הונא בריה דר"י ordered him to return it, as such a case (of duress) is פטור
        - (i) However: if the Jew physically delivered the money, he is liable
        - (ii) Note (רבה): if he showed it on his own (w/o being asked) – as if he delivered it himself and is liable
          1. exception: if the heathen identified it by himself and ordered the Jew to take it – פטור
          2. however: if the Jew handed it over the river (where the heathen couldn't get it himself) – liable
    - 3 story: two men were disputing ownership of a fisherman's net; one handed it over to government
      - (a) אב"י: he can claim that he was handing over his own net
      - (b) רבא: he doesn't have power to do so – rather, he is excommunicated until he gets it back and comes to דין
    - 4 Story: fellow threatened that he would show another's רב; רב ordered him not to; when he stood his ground, רב ר' יוחנן and ר"ל (from the authorities); story of ר"כ's interactions with ר"ל and ר' יוחנן
    - 5 Story: man identified fancy garment of אבא ב"ד; ר' אבא wanted to find him liable due to בכורות ד:
      - (a) אילעא ד: according to רב – only liable if he delivered it himself
      - (b) Rather: he advised ר' אבא to go to a ב"ד that enforces דגרימי (loss, in this case, based on words alone)
        - (i) And: they found him liable on account of our משנה, which we interpret as “he showed it to them”
    - 6 Story: man was holding a silver cup for another, thieves came in and stole it
      - (a) רבא: exempted him (from paying the מפקיד)
      - (b) אב"י: but he was saving his own money with another's (should be liable)
      - (c) ר' אשי: we see; if he was wealthy, they were coming for his money (liable); if not, came for פקדון (פקדון)
    - 7 Story: man was holding collection for פדיון שבויים, thieves came and stole it
      - (a) רבא: exempt
      - (b) אב"י: but he was saving his own money with another's money (should be liable)
      - (c) Retort: this is the greatest use of פדיון שבויים funds
    - 8 Story: man brought his donkey on to ferry before people came on; it began to sink and another threw it off
      - (a) רבא: exempt
      - (b) אב"י: but he was saving his own money with another's money (should be liable)
      - (c) Retort: the donkey's owner was a רודף - and רבה exempts anyone from נזק if in process of saving from רודף
- II משנה הז: if the stolen field (from 1<sup>st</sup> part of משנה ה) became flooded, גזול can return it to גזול “as is”
- a Dissent: ר"א says he is liable; as he learns ומיעוטי רבויי in vv. 4-5, including everything for השבה, except שטרות
- b חכמים: use כללי ופרטי in vv. 4-5; just as פרט is movable goods and inherent value; excluding land, עבדים and שטרות
- i However: parallel dispute in re: stolen cow must be case where cow was on land that he stole
- III משנה ו: if someone stole, borrowed or was a שומר – all of these in the city, he may not return the item in the desert
- a But: if was lent etc. on condition that he go out to the desert – he may return it there; even if the condition wasn't explicit
- b Note: ruling that a loan may be paid anywhere means it may be claimed anywhere (but must be returned במקומו)
- IV משנה ז: if someone admits to a debt but isn't sure if he paid back – is liable; but if he isn't sure about the debt - exempt
- a Dispute: if A claims that B owes him and B says he doesn't know:
  - i שמא v. ברי – liable – as it is ר' הונא ורב יהודה
  - ii מוחזק stays with its מוחזק – ר"נ ור' יוחנן
  - iii our משנה (→ פטור); defense: must be case where there is no claim and fellow is שמים (do the “right thing”)