

21.1.17

20a (משנה ח') → 21a (סיום הפרק)

I 'ח: return of found שטרות continued

a If: he found any שטר which is a מעשה ב"ד, he should return it

i Examples listed in משנה:

- 1 **אגרות שום**: if ב"ד appraised property of לווה for lien
- 2 **אגרות מזון**: if a man obligated himself to support his (new) wife's daughter (כתובות יב:א)
- 3 **שטרי חליצה ומיאונין**: writ confirming single status of אמה ואחיה or במה
- 4 **שטרי בירורין**:
  - (a) **זבל**: records of claims made in court
  - (b) **זבל"א**: a writ confirming selection of 3 judges as per א"י

ii **Story** (in re: **מעשה ב"ד**): גט found in הונא ר' court which was executed in שוירי (above); רבה solved from our כל מעשה ב"ד הרי זה יחזיר – משנה

iii **Challenge** (to **רבה**): cannot infer איסור (גט) from ממון

iv **Defense** (**רבה**): משנה also includes שטרי מיאונין וחליצה

- 1 **Epilog**: pillar holding up מ"מ fell; each חכם took "credit" for it falling on his behalf (*the challenge or the shame*)

b If: he found a roll or bundle of שטרות - he returns them

i **Definitions**: bundle is 3 שטרות tied together ("roll" is 3 rolled together)

1 **Implication**: a knot is a סימן for אבדה

- (a) **Possible block**: **ר' חייא** taught that אגודה is 3 bundled together
- (b) **Challenge**: then תכריך and אגודה are the same
- (c) **Response**: תכריך - placed end to end and rolled; אגודה - placed one atop the other and rolled
- (d) **Question**: what is the הכרזה? (what does he publicize so that the owner can claim it)?
  - (i) **Answer**: the number found
  - (ii) **Challenge**: if so, even if he finds two (why the minimum of 3?)
  - (iii) **Rather**: he announces that he found שטרות (without the number – that must be provided by בעלים)

II If: he found a שטר (or שטרות) in a small bag (חפיסה) or pouch (דלוסקמא) he returns it

i **דשב"ג**: if the 3 (or more) שטרות are all from one borrower and multiple lenders – return to borrower

1 **Reason**: if all belonged to lender, why are they together?

- (a) **Suggestion**: perhaps they were brought to ב"ד for קיום
  - (i) **Answer**: in this case, they were already מקויים
- (b) **Suggestion**: perhaps they all fell from the סופר's hand?
  - (i) **Answer**: a person doesn't leave a שטר מקויים in the hands of a סופר

ii **But if**: the 3 are from one lender to multiple borrowers – return to lender

1 **Reason**: if all belonged to one borrower, why are they together?

- (a) **Suggestion**: perhaps they all fell from the סופר and hadn't yet been executed
  - (i) **Answer**: in this case, they are in the handwriting/calligraphy of three different סופרים
- (b) **Suggestion**: perhaps they were being taken for קיום השטר
  - (i) **Answer**: that is the מלווה's job (so, in any case, they all belong to him)

b If: he found a שטר among his שטרות and cannot remember what it represents – it remains in stasis

i If: there are conditions of cancellation on the שטר, follow the conditions

1 **Note**: any סמפון in the hands of a מלווה is meaningless – even if written by his own hand

- (a) **Reason**: if סופר-written, we assume he took advantage of the סופר's presence to write it in advance
- (b) **Even if**: it is in his own hand, might write in advance in case לווה produces money just before שבת

2 **Challenge**: our משנה allows for following סמפון (and not allowing for collection if cancelled/forgiven)

- (a) **Answer**: as per ספרא ר' – our ruling is only if it is found among other torn (cancelled) שטרות
  - (i) **Note**: שבועות ז:ז – ר' ספרא caveat was said as comment on ז:ז
- (b) **challenge**: if a סמפון has עדים, it is corroborated by the עדים (→ סמפון in hands of מלווה may be valid)
  - (i) **Answer**: it means that we ask the עדים if it was paid (but the סמפון itself doesn't exempt payment)
  - (ii) **Support**: ruling that a סמפון without עדים is invalid; this is obvious, unless it refers to עדי קיום
- (c) **Additional ruling**: if a סמפון has עדים and is presented by a 3<sup>rd</sup> party (middleman) or is signed below the signatures of the עדים – it is valid
  - (i) **שליש**: because the מלווה trusted him
  - (ii) **Below the signatures**: if it weren't paid, the מלווה wouldn't have allowed this ריעותא in his שטר