



## Looking After Money

The *Mishnah* (3:10) discusses a case where one is entrusted with another person's money. The *Mishnah* teaches that if one ties them in a bundle and placed them over their back or handed the money over to their young children, or locked them up insufficiently, then they would be liable to pay if the money was stolen. If however, he cared for them in the way custodians normally secure them, then he would be exempt. We shall try to understand this *Mishnah*.

The simple understanding of the *Mishnah* is that the methods of protection in the first part of the *Mishnah* are insufficient and the custodian is considered negligent in his care. The *Bartenura* explains that when carrying money, the only way that is considered sufficient protection is if it is carried in one's hand (and not slung over his shoulder). This is based on the *pasuk* that discusses taking *maaser sheni* money to *Yerushalim*: "and you will bind the money in your hand" (*Devarim* 14:25). When at home however, the only sufficient protection is if the money is buried in the ground or stored in the walls near the roof. Anything less than that would be considered negligent unless they agreed otherwise.

The *Bartenura* continues that when the *Mishnah* included the case of entrusting the money with his young children, that was necessary because if he instead gave the money to other adults in his household, then that would be considered adequate care. Even though normally a *shomer* (custodian) is not allowed to hand the object over to another *shomer*, it is assumed from the outset that other household members will share in the care.

The *Tosfot Yom Tov* however finds the *Bartenura's* explanation difficult. The *Bartenura* explained that the only way to care for the money adequately was to bury it. Yet, the final example in the *Mishnah* where one would be liable is if "they were not locked up adequately". This implies that if they were locked up adequately then it would be sufficient. That said the *Bartenura's* statement that only burying the money in the ground would be sufficient is mentioned in the

*Gemara* in the name of *Shmuel*. How then do we understand our *Mishnah*?

The *Tosfot Yom Tov* cites the *Nemukei Yosef* who explains that the statement in the *Gemara* was relevant to that time or whenever burglaries are rampant. It is then that this higher level of care is demanded. Our *Mishnah* however discussed the general ruling that if it is sufficiently locked up, then that is considered adequate care. The *Nemukei Yosef* cites the *Yerushalmi* in support of this explanation.

The *Chidushei Mahariach* notes that this fits with the *Nemukei Yosef's* reading of the *Mishnah*. To explain, until now we have assumed that when the *Mishnah* stated "...or he gave the money to his children, or he did not lock them up properly" that these were two separate cases. According to *Rashi's* reading, the answer above is difficult. *Rashi* (36a) reads the *Mishnah* as follows, "...or he gave the money to his children, and he did not lock them up properly". *Rashi* explains that he would be considered negligent if he handed the money to his young children and did not prevent them from taking the money outside and losing it.

The *Rashba* explains according to *Rashi's* understanding that the *Mishnah* had to teach this single case with both these details. This is because each of these details on their own is considered sub-par protection. One might have however thought that together, they could combine to be considered adequate. The *Mishnah* therefore taught otherwise.

The *Chidushei Mahariach* explains that *Rashi* would understand that when *Shmuel* stated that the money had to be stored in the ground, it is always the only adequate protection, otherwise we would have expected *Shmuel* to have mentioned it. That said the *Chidushei Mahariach* explains that the *din* ultimately with the *Nemukei Yosef* and the *Rosh*, that what is considered sufficient protect changes with time.

**Revision Questions**

בבא מציעא ג' ז' - ד' ח'

- What should one do if they were entrusted with fruit and it got mixed with he own personal store? (ג' ז')
- Regarding the previous question, what if he was entrusted with wine? (ח' ז')
- If someone entrusted with an object moved it and while moving it, it broke, when is he obligated to pay back the owner? (ט' ז')
- Regarding the previous question, in what situation is he always obligated to pay the owner irrespective of his intentions? (ט' ז')
- What are the three examples the *Mishnah* gives where the custodian of a collateral did not provide enough protection for the collateral and is therefore responsible if the item was stolen? (י' ז')
- When can a money changer entrusted with money, use the money? (יא' ז')
- What is a ramification of the previous law? (יא' ז')
- Regarding the previous questions, what if the money was entrusted with a *ba'al ha'bayit*? (יא' ז')
- Which person is debated whether he has the status of a money-changer or a *ba'al ha'bayit*? (יא' ז')
- If someone entrusted with a collateral, uses it for his own purposes, what are the three opinions regarding how much he must pay back the owner? (יב' ז')
- What are the two opinions regarding the point in time after which a person entrusted with an item is considered a *gazlan*? (יב' ז')
- Complete the following rule and explain providing examples:  
 מעות \_\_\_\_\_ קונות את \_\_\_\_\_, ו \_\_\_\_\_ אינן קונות את \_\_\_\_\_
- If someone is purchasing an item with money, from what point is the deal closed? (ד' ז')
- What is the *R' Shimon*'s opinion regarding the previous question? (ב' ז')
- What is said regarding one that cancels a deal after the money has been handed over? (ד' ז')
- What is the definition of *ona'ah*? (ג' ז')
- What is the time limit as to when *ona'ah* can be claimed? (ג' ז')
- What is *R' Tarfon*'s opinion regarding the previous two questions? Was it considered more beneficial to the merchants? (ג' ז')
- Can *ona'ah* also apply to the purchaser? (ד' ז')
- Can a professional trader claim *ona'ah*? (ד' ז')
- What is the law if *ona'ah* has been committed? (ד' ז')
- What are the three opinions regarding the measure of *ona'ah* also applying to coins? (ה' ז')
- What is the time limit on claiming *ona'ah* relating to coins? (ו' ז')
- What are the five laws for which the value of a *prutah* is the minimum value? (ז' ז')
- What are the five cases where one is obligated to add a "fifth"? (ח' ז')

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6 October ד' תשרי	7 October ה' תשרי	8 October ו' תשרי	9 October ז' תשרי	10 October ח' תשרי	11 October ט' תשרי	12 October י' תשרי
Bava Metzia 4:9-10	Bava Metzia 4:11-12	Bava Metzia 5:1-2	Bava Metzia 5:3-4	Bava Metzia 5:5-6	Bava Metzia 5:7-8	Bava Metzia 5:9-10

