



## Coins found on *Har HaBayit*

The seventh *perek* of *masechet Shekalim* opens by discussing the status of coins found in various locations in *Yerushalaim*. The issue is that the coins might be *hekdesh* or set aside for use for *korbanot*. Based on various *halachic* principles (*rov*, *karov*, etc) the *Mishnah* rules how these coins must be treated depending on where the coins were found.

One such case is if money was found on *Har HaBayit*. The *Mishnah* (7:2) rules that are assumed to be *chullin* (unsanctified, regular money). *Bartenura* explains that this is because a majority of money carried by people there is indeed *chullin*. Even though during the festivals, most people would be carrying *maaser sheni* money, since the floor was not swept regularly, the assessment of *rov* at any time during the year is based on the type of money brought over the entire year.

The *Tosfot R' Akiva Eiger* on the *Mishnah* raises an interesting issue. There is a principle that one's *chatzer* (lit. courtyard) acquires ownerless property from the owner of that courtyard. The question therefore is, why does this lost money not automatically belong to *hekdesh*? It should be the property of the *Beit HaMikdash*. *R' Akiva Eiger* answers that the *chatzer* of *hekdesh* does not acquire like a personal *chatzer*. *R' Akiva Eiger* then directs us to the *Ketzot Hachoshen* for more detail. What follows is a brief snapshot of part of the discussion found there.

The source of this difference is found in *Mishnah* in *Meilah* (3:6). If one sanctifies a pit full of water, they would violate the prohibition of *meilah* by using either the pit or the water. If however one sanctified an empty pit and only later it filled with water, the prohibition of *meilah* would only apply to the use of the pit and not the water. The *Tosfot* (*Bava Batra* 79a) explains that the prohibition of *meilah* does not apply to the water in the second case because a *hekdesh* pit does not acquire the contents for *hekdesh*. A *chatzer* has the ability to acquire

because it is viewed like the hand of the owner of the *chatzer*. (See *Bava Metzia* 10b, where the inclusion of a *chatzer* is derived from *pesukim*.) Just as one's hand can acquire so can one's *chatzer*. Unlike a person, *hekdesh* does not have a hand, *yad*. Consequently a *chatzer* belonging to *hekdesh* cannot acquire.

The *Tosfot Yom Tov* on that *Mishnah* has a difficulty with *Tosfot*. The *Gemara* (*Bava Metzia* 12a) addresses the question of the adequacy of casting a gift into the one's courtyard without their knowledge. *Rav Ashi* answers that the *chatzer's* ability comes from a *yad* and should be no worse than *shlichut* (acquisition by way of a messenger). Just as a third-party can acquire on behalf of another without their knowledge only if it is in their benefit, the same is the law by a *chatzer*. The *Tosfot Yom Tov* asks, if that is the case, even though *Har HaBayit* cannot acquire in the capacity of a *yad*, it should be able to acquire in the capacity of *shelichut*.

The *Ketzot* answer as follows. The *Shita Mekubetzet* (*Bava Metzia* 12b) explains that if a *chatzer* is enclosed or protected, it can acquire by means of *shelichut*. If it is not however, then since it is not similar to a *yad* and it cannot act as a *shaliach*. It is for this reason that a *chatzer mehalechat* (mobile courtyard) cannot acquire at all. Since it is not similar to a *yad* (which is stationary relative to the person) it cannot acquire by means of *shelichut*.

Consequently the *Ketzot* explains that a *chatzer* can only operate by means of *shelichut* when it is similar to a *yad*. Since *hekdesh* does not have a *yad* and *Har HaBayit* cannot operate by means of a *yad*, it cannot acquire the lost money by means of *shelichut*. Consequently money found on *Har HaBayit* is indeed *chullin* and may be taken by the one who finds it.

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## Revision Questions

שקלים ה' – ז': ו')

- What would happen if one lost his *chotam*? (ה': ה')
- What did they do to try and combat *chotam* fraud? (ה': ה')
- What was the *lishchat chasha'im* used for? (ה': ו')
- What was the *lishchat keilim* used for and how often was it cleared? (ו': ה')
- What three things were numbered thirteen in the *Beit Ha'Mikdash*? (א': ו')
- How did they interpret the strange death of a *kohen* that was recounting a structural imperfection in the *Beit Ha'Mikdash* and what was the imperfection? (ו': ב')
- How many gates were there in the Northern, Southern, Western and Eastern faces of the *Beit Ha'Mikdash*? (ג': ו')
- Which gates had no names? (ג': ו')
- What were the marble and silver tables that were by the ramp of the *mizba'ech* used for and on which side of the ramp were they located? (ו': ד')
- What were the marble and gold tables that were inside the *ulam* used for and where were they located? (ו': ד')
- Explain the debate regarding the use of the *shofarot* labelled “*kinim*” and “*gozlei olah*”. (ו': ה')
- What is the minimum that one must provide if they vowed to bring: (ו': ו')
  - Wood?
  - Frankincense?
  - Gold?
- What was done with the coins donated for a *nedava*? (ו': ו')
- What was done with coins found in between piles of coins for: (א': ו')
  - *Shekalim* and *nedava*?
  - Wood and frankincense?
  - Mundane use and *ma'aser sheni*?
- What was done with coins found: (ב': ו')
  - Before animal traders in *Yerushalaim*?
  - On *Har Ha'Bait*?
  - In *Yerushalaim*? (Give two scenarios)
- What was done with limbs and cut up meat of animals found: (ג': ו')
  - In the *Azarah*?
  - In *Yerushalaim*?
  - Outside *Yerushalaim*?
- What was done with animals found just outside *Yerushalaim*? (ו': ד')
- Why did the *Chachamim* revert their decree that the person that finds a *korban* must provide the required *nesachim*? (ו': ה')
- What were the seven decrees by *Beit Din*? (ז'-ו': ו')

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 <sup>th</sup> November א' כסלו	28 <sup>th</sup> November ב' כסלו	29 <sup>th</sup> November ג' כסלו	30 <sup>th</sup> November ד' כסלו	1 <sup>st</sup> November ה' כסלו	2 <sup>nd</sup> November ו' כסלו	3 <sup>rd</sup> November ז' כסלו
Shekalim 7:7-8:1	Shekalim 8:2-3	Shekalim 8:4-5	Shekalim 8:6-7	Shekalim 8:8 – <b>Yoma 1:1</b>	Yoma 1:2-3	Yoma 1:4-5

