

If I Find money in a Store, Do I Have to Return it to the Storeowner?

Rav Baruch Fried

**Question:** I was in a supermarket and found \$10 in front of the customer service counter. I picked it up, saw that there was no *siman*, and was about to take it for myself. The storeowner saw me pick it up and said that it belongs to him since it was found on his property. Do I have to give it to him?

**Answer:** If the money was behind the counter – in the place where customers do not normally go – it would belong to the storeowner because his *chatzer* would acquire it for him.

However, if the money was found in front of the counter – in a place where there are customers – the Mishnah says that the finder can keep it if it can be assumed that the owner was *meya'esh* before he picked it up. The Rishonim explain that the store's *chatzer* is not *koneh* because it is not protected, and only a protected property is *koneh* items without the owner's knowledge. Other Rishonim explain that the *chatzer* is not *koneh* because the owner was not yet *meya'esh* when the item first fell there, as he obviously wasn't yet aware that he dropped it. By the time the finder picked it up, however, the owner was already *meya'esh*, so he is allowed to keep it.