(שה שהרכיבו על כתיפו - ארבעה) → 79b (משנה ה') 20.7.14; 78b

- 1. כִּי יִגְנֹב אִישׁ שׁוֹר אוֹ שֶׂה וּ**טְבֶחוֹ אוֹ מְכֶרוֹ** חֲמִשֶּׁה בָקָר יְשַׁלֵם תַּחַת הַשּׁוֹר וְאַרְבַּע צֹאן תַּחַת הַשֶּׂה: שמו*ת כא, לז*2. וְהוּא הָכָּה אֶת אִישׁ מִצְרִי אִישׁ מַרְאָה וּבְיַד הַמִּצְרִי חֲנִית וַיַּרֶד אֵלֶיו בַּשָּׁבֶט וַיְּאָ**וֹל אֶת הַחְנִית מִיִּד הַמִּצְרִי** וַיַּהְרְגֹהוּ בַּחְכ*ּג פּסוק כא*3. וַיְשִׁ**ימוּ לוֹ בַעֵּלִי שְׁכֶם מְאָרְבִים עַל רָאשֵׁי הָהָרִים וַיִּגְּוְלוּ אֵת כֶּל אֲשֶׁר יַעֲבֹר עֲלֵיהָם בַּדְּרֶךְ וַיַּאֲרָ וֹיִשְׁר הַעָּבֹר שְׁרָהְים נִיּגְּוְלוּ אֵת כֶּל אֲשֶׁר יַעֲבֹר עֲלֵיהָם בַּדְּרֶךְ וַיְאֵלְה בְּיִם מָחֹי לֹסְתָּר עַצָּה וְהָיָה בְּמָחְשֶּׁךְ מַעֲשֹׁיהֶם וַיִּאֹמְרוּ וֹמִי יוֹדְעֵנוּ: ישִׁעִיהוֹ פּרְק כּט פּסוּק טוּ
 4. וֹיִאמְרוּ וֹלָא יִרְאָה יָּה וְלָא יָבִין אֱלֹהֵי יַעֲלְב: תּחִלִּים פּרִק צִד פּסוּק זּ בּ**
- ו משנה הו: further circumstances where only כפל is paid
 - a incomplete sale:
 - i if he sells only part of the animal (even 99/100)
 - 1 בר: as long as he kept back something which שחיטה permits (e.g. meat)
 - 2 לוי: anything, except the wool (similar ruling in a ברייתא)
 - (a) challenge: רב (ברייתא) רב follows none of these (רשב"א
 - (i) anything kept back prevents liability for 4/5 as per v. 1, just as מכירה us entire, so מכירה
 - (ii) ביי anything which holds back שחיטה prevents liability for 4/5 v. 1 ties מכירה מכירה
 - (iii) רשב"א (version #1) even keeping the horns prevents liability, but not the shearing
 - (b) answer: רב follows alternate version of רב shearing or horns don't prevent it, meat does
 - (i) Explanation of dispute between versions:
 - 1. v1: the horns weren't going to be cut off, unlike the wool
 - 2. v2: neither horns nor wool are permitted via שחיטה
 - 3 associated בנייתא if he a disabled animal, or a co-owned animal ברייתא; but partners who steal are פטור
 - (a) challenge: if partners steal they are liable
 - (i) answer (ני) יויב; if a partner steals from an outsider פטור; if a partner steals from an outsider חייב 1. Challenge (רבאי): v. 1 – no liability for 1 partner stealing from another or partners' theft
 - (ii) Rather (פטור partner slaughtering with consent of partner מייב; w/o consent נטבחו (incomplete פטור
 - (b) Related questions:
 - (i) אירמיה incomplete sale (x-out 30 days; x-out מלאכה, exclude לעובר) is it מכירה (\rightarrow 4/5)?
 - 1. Last part only meaningful: if we hold עובר לאו ירך אמו; since it will be expelled, not a שיור (liable) or since it can only be presently permitted via שחיטה of mother, considered a תיקו (exempt) תיקו
 - (ii) די פפא. if he stole, amputed an arm and sold it is he liable?
 - 1. What he stole isn't what he sold (פטור) or what he stole he didn't keep for himself (מייב) מיקו (חייב)
 - 4 Associated ברייתא: if he stole and gave to another for שחיטה, or for sale,
 - (a) Teaching: (teaching that יש שליח לשחיטה as per מכירה::טביחה)
 - 5 And if he: stole and הקדיש, sold on credit, swapped, gave as a gift/סבלונות, used to pay a debt חייב
 - (a) Teaching: "selling" to הקדש (if he was מקדיש) = selling to a citizen (שמים) (מה לי מכרו להדיוט מה לי מכרו לשמים)
 - ii if he was a partner (prior to stealing it)
 - b incorrect שחיטה. if it became a נבילה, if he stabbed it or pulled out the סימנים
- II משנה if either גובה or מי"מ happen outside of רשות בעלים liable; but if both happen in his פטור רשות
- משנה ו if he was pulling it out and it died פטור ברשות בעלים
 - a But if: he picked it up or it died outside of רשות בעלים liable
 - b Parallel: if the owner (מב"ם) גנב יס (1st take in שומר aye the animal as payment for פומר or to a creditor, or to a
 - c If: he (the recipient) was dragging it out of בשות בעלים and it died מטור (non-reception); if he picked it up or it died outside of רשות בעלים liable (considered received)
 - d Question (אמימר): did חכמים establish קנין משיכה for שומרים?
 - i Answer (from our סיפא): yes as per סיפא (don't read משך as referring to גנב, as that was taught in רישא)
 - ii Supporting משיכה ברייתא was established for שומרים as for ססף, שטר וחזקה לקוחות מסיל as for שיכרות קרקע משיכה ברייתא
 - e Tangential ruling: if he was seen laying in ambush in forest to rustle animals pays 4/5, if he made קנין (directing with staff) and even though he was seen, since he was hiding, considered גזלן; גנב defined by vv. 2 or 3
 - f Aggadic excurses
 - i בפל pays מגב ד' יחתן concerned with being seen but not with God's "sight" (as per vv. 4-6)
 - ii "7" man who invites friends but not king to party worse than someone who invites no one
 - iii שה.״מ מלאכה 5; because מלאכה is so significant and he took the שור away from its work (sheep only graze)
 - iv א same equation teaches בוד הבריות, because the ox walked but the ג*' יוחנן* had to carry the lamb