

רש"י מסכת בבא מציעא דף לד/א

מי יימר דמגנבא.

That it will get stolen in the future? _____ שְׁעֵתִיד לְהִיגָב

That he should acquire the kefel when (the pikadon) is handed over _____ דְּלִיקְנִי לִיה כְּפָל בְּשַׁעַת מְסִיכָה.

Because you must say that he acquires it at the handing over _____ דַּעַל כְּרַחֲךָ מִשַׁעַת מְסִיכָה בְּעֵי לְאַקְנוּיָהּ,

And that he (shomer) "pulled" it from him (mafkid) on this condition _____ : שְׁמִשְׁכָּה מִמְּנִי עַל מְנַת כֵּן :

It's as if he (makfid) said to him (shomer) when he handed it over to watch _____ נַעֲשֶׂה כְּאוֹמֵר לוֹ. בְּשַׁעַת שְׁמִסְכָּה לוֹ

Because the Rabonan were absolutely sure _____ דְּקִימִים לְהוֹ לְרַבָּנָן

That the owners desire _____ דְּנִיחָא לְהוֹ לְבַעְלִים

To be sure to get back the principal on the condition _____ שְׂיִהֵא בְּטוֹחַ בְּקָרוֹן עַל מְנַת

That any doubtful future kefel that may happen should go to the shomer _____ שְׂיִהֵא סָפֵק כְּפָל הַעֲתִיד לְבֵא שְׁל שׁוֹמֵר

So it's as if he (Mafkid) gave it to him (shomer) on this condition _____ וְהָרִי הִיא כְּמְסָכָה לוֹ עַל מְנַת כֵּן

That should it (pikadon) get stolen, and he (shomer) pays him (mafkid) the principal _____ שְׂאֵם תִּיגָב וְיִשְׁלַם לוֹ קָרוֹן

That the cow be acquired by the shomer _____ שְׂתִּיחָה פְּרָה קְנוּיָהּ לוֹ

From the moment that the mafkid handed it to him to watch _____ מִשַׁעַת שְׁמִסְכָּה

It turns out, retroactively, that when the thief stole the pikadon _____ נִמְצָא לְמַפְרָע כְּשֶׁגָּב הַגָּב,

It (the pikadon) was owned by the shomer _____ שְׁל שׁוֹמֵר הָיְתָה

Because the cow was already in existence. _____ דְּפָרָה כְּבָר הִיא בְּעוֹלָם :

אי הכי.

That it turns out that it was his (the shomer's) _____ דְּנִמְצָא שְׂהִיְתָה שְׁלוֹ

From the very beginning _____ מִשַׁעַת רֵאשׁוֹנָה

He (the shomer) ought to own the shearings and babies _____ וְזָכָה אִף בְּגִיזוֹת וּוְלָדוֹת

That happened since he took the animal home _____ שְׂהִיּוּ לָהּ מִשְׁבָּאָה לְבֵיתוֹ

Since it was stolen and he (the shomer) wanted to pay and did pay _____ דְּכִינּוֹן דְּנָגַב וְרָצָה וְשִׁילַם

It turns out that it (the cow) was his retroactively (from the beginning) _____ נִמְצָאָתָּ שְׁלוֹ לְמַפְרָע :

פסקא.

You decided that for all people _____ פְּסִקְתָּ הַדְּבָר בְּכָל אָדָם

That he desires to sell the kefel _____ שְׂדַעְתּוֹ לְהַקְנוֹת כְּפָל

If this ever happens (That it gets stolen and the shomer pays) _____ אִם וְבֵא לְכֵן

Yet, he (the mafkid) does not sell the shearings and babies. (why the difference?) _____ וְאִין דַּעְתּוֹ לְהַקְנוֹת הַוְלָדוֹת? :

It's as if he (makfid) said to him (shomer) when he handed it over to watch _____ עֲשֶׂה כְּאוֹמֵר לוֹ. בְּשַׁעַת שְׁמִסְכָּה לוֹ :

לכשתגנב ותרצה ותשלמני.

If you pay me the principal _____ אִם תִּשְׁלַם לִי הַקָּרוֹן :

סמוד לגניבתה קנויה לד.

One hour before it is stolen (the shomer acquires it) _____ שַׁעַת אַחַת לְפָנֵי גְּנִיבְתָהּ

You shall acquire the cow _____ תִּתְּחַא הַפְּרָה קְנוּיָהּ לְךָ

And the cow already existed _____ וְהִיא כְּבָר הָיְתָה בְּעוֹלָם :

רש"י מסכת בבא מציעא דף לד/א

קושיא דר' זירא.

According to the second version (of Rava) _____
לְלִישָׁנָא בְּתָרָא
There is no question of shearings and babies _____
לִיכָא לְאַקְשׁוּיֵי גִיזוֹת וְוָלְדוֹת
Because it only became his (the shomer's) right before it was stolen _____:
דְּהָא סָמוּךְ לְגִיבְתָהּ הוּא דְאַקְנִייהּ:

א"נ דהוה קיימא באגם.

When it got stolen (the cow was standing in an un-owned meadow) _____
דְּשָׁגְנָהּ גָּבַב
According to the 2nd version (of Rava) the shomer does not acquire the kefel _____
לְלִישָׁנָא בְּתָרָא לֹא קָנִי כְּפִילָא
Because only right before the theft _____
דְּהָא סָמוּךְ לְגִיבְתָהּ
The cow was not standing in his (the shomer's) yard _____
לֹא הִיְתָהּ בְּחֻצְרוֹ
So that the yard can acquire it for him (the shomer) _____
שְׂתֵּהּ חֻצְרוֹ קוֹנֶה לוֹ
And the shomer didn't "pull it" at that time (right before it was stolen) _____
וּמִשִּׁיכָהּ הוּא שְׁעָתָה לֹא הוּא
So what act was done for the shomer to acquire it? _____
וּבְמַאי נִקְנִי
And should you ask..... _____
וְאִם תֹּאמְרוּ.....
The original "meshicha" (pull) that the shomer did should acquire it! _____
תִּקְנִי לוֹ מִשִּׁיכָהּ רֵאשׁוֹנָה
(and let's say that) he pulled the cow originally on the condition _____
שְׁמִשְׁכָּהּ לוֹ עַל מְנָת
That he acquire it one hour before it is stolen? _____
לְקוֹנָתָהּ שְׁעָה חֲסֻמוּכָהּ לְגִיבְתָהּ?
(you can't say that) because we learn it Ketubot.... _____
הָא אֲמַרִּינָן בְּתוֹבוֹת בְּהַאֲשָׁה שְׁנִפְלוּ לָהּ נְכָסִים (דף בב.).
If one says to his neighbor _____
הָאוֹמֵר לְחֻבְרֹו
"Pull this cow on the condition that....." _____
מִשׁוֹךְ פָּרָה זוֹ
you don't acquire it until after 30 days" _____
וְלֹא תִּיקְנִי לְךָ אֶלָּא לְאַחַר שְׁלִשִׁים יוֹם
He does not acquire it (so he can't do it here, either) _____
לֹא קָנָה:

רש"י מסכת בבא מציעא דף לד/א

השוכר פרה ונגנבה כו'.

Even though the renter is liable for theft and loss _____, אף על פי שהשוכר חייב בגניבה ואבידה,
מכל מקום, אם רוצה לשקר ולישבע שנגנסה _____, Still, if he wanted to lie and swear that an accident happened
He could become exempt with a (false) oath. _____ הנה נפטר בשבועה.
Therefore, when he (tells the truth) and says that it was stolen _____, הלכך, כי אמר נגנבה
and now he obligated himself to pay principal (and he could have lied and paid nothing) _____ וחייב עצמו בקרן
he purchases the kefel _____: נקנה לו הכפל:

מקנה ליה כפילא.

He acquires the kefel _____: נקנה לו הכפל:
All the obligations and exemptions of the 4 shomrim _____, כל חיובי ופטורי דארבעה שומרין
we learn from psukim later on in perek hashoel _____, ולפינו מקראי לקמן בפרק השואל (דף צד):
shomer chinum swears on everything _____, שומר חנם ישבע על הכל
if he wasn't careless _____, אם לא פשע
and the shoel pays for everything _____, והשואל משלם את הכל.
the shomer sachar and the socher _____, נושא שכר והשוכר
are exempt from (paying for) accidents _____, פטורין מן האונסין
but are liable (to pay) for theft and loss _____, וחייבין בגניבה ואבידה
a shoel is exempt when it dies from it's normal work _____, שואל פטור במתה מחמת מלאכה הראויה לה
because he says, "it was for this (work) that you lent it to me" _____, דאמר ליה להכי אושלת לי
and not to leave it in its stall _____: ולא לאוקמה בכילתא:

וכל הנאה שלו.

because he (the shoel) does all his work with it _____, שנה עושה בה מלאכתו
and pays no rent _____: בלא שום שכר:

בדיבורא.

by saying "I'll pay" _____: דהריני משלם:

he does not sell him _____, לא מקני ליה.....
(this means that) the owners (don't sell him the) kefel _____, הבעלים כפל
because the shoel is not doing (him, the owner) any favor. _____, שאין זו שום טובה.
It's his (the shoel's) obligation to give him (the owner) peace of mind _____, מוטל הנה עליו להניח דעתו
because he (the owner) lent him (something) for free _____: ששהשאלה לו חנם: