

Aveidah (Lost Articles)

Ref: *Sefer Nezikin, Hilchot Gezeilah Vaaveidah, Chapters 11–13*



To return a lost article⁷, Do not ignore a lost article.⁶

	Obligated to return
Object lost by fellow Jew	✓
Object lost by <i>apikores</i> (rebellious Jewish non-believer)	✗
Idolater	✗
Gentile	✗
Person intentionally abandoned property	✗
Object worth less than 1 prutah	✗
Beyond one's honour to carry certain objects. (test is if person would carry it if it were his own)	✗
Person starts to rein in a lost animal and then it gets difficult	✓ Has to keep trying
Priest, where lost object in cemetery	✗
Owner has despaired of recovery (e.g. found in a river)	✗

	Obligated to return
Two lost objects found	Should try and take both. If not possible, his takes priority even over a father or teacher.
Father priority over teacher (if both articles cannot be returned) i.e. fathers and teachers	If father wisdom equal to teacher, father takes preference, if not, then teacher (if he is his main teacher).
Owner forfeits his article to save his friend's more valuable article	He only gets wage for his efforts as those of a worker, unless he made an agreement with colleague to be compensated for his loss.
2 colleagues, one with empty jug and one with date honey. Honey jug breaks	Colleague obliged to help him without conditions because he is not suffering a loss. He can be paid a wage though.
A caravan attacked by armed forces, give up hope, but one member of caravan retrieves all the lost property	All belongs to the one who put in the effort because others gave up hope.
Caravan did not give up hope and one of their party retrieved some goods	They share out the goods. (Unless it was possible for the others to participate and they did not)
2 partners where only one rescues goods	Goods shared

2 partners but one says I am rescuing only for myself.	Belongs to him but partnership becomes dissolved.
Employer hires worker to rescue goods from certain loss	Goods belong to employer
Employee says that he is salvaging goods for himself	Goods belong to him, but he has severed his employment
A caravan was ransomed	Each person pays relative to his goods (<i>lefi mamonam</i>) and not according to their number (<i>lefi nefashot</i>)
If a ship has to throw cargo into sea	Loss shared by travellers according to the weight of their goods (<i>lefi maso</i>) i.e. not according to value of the goods, nor the number of people

When a lost object is found, it has to be announced in a general way. There was a large stone outside *Yerushalayim* where this was made.

If the claimant can provide distinctive identification marks, then the item can be returned to him.

If a person is known to be a deceiver, the object is not returned to him even if he can provide identification marks.

Distinctive marks are as follows:

- *Midah* (measure)
- *Mishkal* (weight)
- *Minyan* (number)
- *Mekom avedah* (place where lost)

Bringing of two witnesses carries more weight than identification marks.

The announcements took place at the *Shalosh Regalim* (Pilgrimage Festivals). An article has to be announced at **3** consecutive Festivals. After the 3rd Festival he has to wait a further **7** days and make a 4th announcement on the 7th day.



After Temple was destroyed, it was ordained that announcements should be made in synagogues and Houses of Study. *Derabanan*. Now it is sufficient to announce discreetly to neighbours and associates.