

There was a rumor concerning him – נפק עליה קלא דקא אכיל ארעא דיתמי – that he was illegally consuming the produce of orphans' lands

OVERVIEW

רבא בר שרשום was in possession of a property, which was mortgaged to him, and he was (simultaneously) collecting his (mortgage) debt by consuming its produce. There was a rumor circulating that this property belongs to orphans (who inherited it from their father), and that רב"ש was illegally harvesting the produce (for his mortgage debt was already paid up). תוספות clarifies what the rumor alleged.

פירוש יצא הקול שהוא של יתומים –

The explanation is that a rumor was spread that the properties, רבא בר שרשום, was consuming, belonged to the orphans. The rumor alleged that it was known that the orphans inherited the property.

אבל אין לפרש דיצא הקול דמתחלה היה של אביהם אבל עכשיו לא היו יודעין –

However, it cannot mean that the rumor was that originally it belonged to their father (of the orphans); **however** the rumor **did not indicate** to whom it belonged to **now**. This cannot be the meaning of נפק עליה קלא דקא אכיל ארעא דיתמי –

דאם כן הוה מצי למימר לקוחה היא בידי:

For if it were so, that the rumor was merely that these properties once belonged to the father of the orphans (but not that it presently belongs to the orphans), then רבא בר שרשום **could have claimed I purchased it** from their father. The גמרא later states that רב"ש does not have the לקוחה היא בידי of מיגו, on account of the rumor.¹ If the rumor was merely that it belonged to their father, why would that preclude him from claiming that he bought it from the father?! This proves that the rumor was that it presently belongs to the orphans. That is why he does not have the לקוחה היא בידי of מיגו.

SUMMARY

The rumor was that the property [currently] belongs to the orphans.

THINKING IT OVER

1. Why would one (even) think that that the rumor was merely that it once belonged to the father?
2. How did the rumor allege that it presently belongs to the יתומים?

¹ later תוספות (דף לג,א ד"ה לקוחה) explains this to mean that he would not want to claim לקוחה היא בידי since there is a rumor that it belongs to them.