The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Thurs, May 6, 2024 ■ כ"ט אייר, תשפ"ד
סימן תקי"ג סעיף ו'-ח'

Overview

Siman 513 Seif 6:

If the majority of an egg emerged before Yom Tov and then went back inside and then was laid on Yom Tov, it is permitted. Therefore, if one examined the nest before Yom Tov shortly before dark and did not notice an egg and the next morning one discovered an egg, it is permitted since chickens do not lay eggs at night and we assume most of it was laid before Yom Tov and then went back inside. This assumes that there is a male within sixty houses of the chicken and there is no river without a bridge intervening because if that was not the case it is possible for the chicken to lay an egg at night and then the egg would be prohibited. If one did not check the nest before Yom Tov, even if there is no male within the vicinity, it is permitted since we assume that it was laid yesterday and when there is no male most eggs are laid during the day. For this reason it is permitted to purchase eggs from a gentile on the first night of Yom Tov since we assume the egg was laid before Yom Tov. Similarly, on the 2nd night of Yom Tov observed in the diaspora it is permitted but on the 2nd night of Rosh HaShanah and when Yom Tov follows after Shabbos it is prohibited. If a gentile brings an egg on the first day of Yom Tov and relates in the course of conversation that it was laid yesterday, one may rely on his report. This is true when Yom Tov falls in the middle of the week but when Yom Tov falls on Sunday so that one must suspect that it was laid on Shabbos and consequently, Biblically prohibited on Yom Tov, a gentile's report in the course of conversation is not reliable. He does not have credibility on the first day of Yom Tov but on the second day, even the 2nd day of Rosh HaShanah his report is reliable since it is only Rabbinically prohibited.

- He rose before *alos* because if it was afterwards we would assume that it was laid that day. (M.B. 21)
- Even though a chicken that becomes aroused from the ground could lay an egg at night we would not assume that it is what occurred when there is a male in the vicinity. (M.B. 22)
- If it was discovered after *alos* it would be prohibited due to the doubt and although that prohibition is Rabbinic, since the prohibited item will become permitted, we are stringent. (M.B. 24)
- If it was brought during the day, even the 2nd day of Yom Tov it is prohibited since it may have been laid that day. (M.B. 26)
- The gentile may be aware that an egg laid that day is prohibited but if he was his report in the course of conversation is not reliable. If the eggs belong to a Jew, the gentile would be believed even if he is aware of the prohibition since he does not have a vested interest in lying. (M.B. 28)
- If it was laid today it was completed the day before and it turns out that Shabbos prepared for Yom Tov which is Biblically prohibited. (M.B. 30)
- When large quantities of eggs are sold, one may assume that the gentile is not lying when he reports in the course of conversation that they were laid before Shabbos. (M.B. 31)
- Rema refers to where Rosh HaShanah falls on Shabbos and Sunday but since we are experts in the calendar the second day is Rabbinic and a gentile is believed in his report that emerged in the course of conversation. (M.B. 32)

Siman 513 Seif 7:

If one slaughters a chicken and finds completed eggs, they are permitted, even when Yom Tov follows Shabbos.

- If the egg was not laid it is considered part of the chicken. (M.B. 34)
- Even though it was completed on Shabbos it is not an issue unless it was laid as well. (M.B. 35)

Siman 513 Seif 8:

A chick that is born on Yom Tov is prohibited. If it was born on Shabbos, it is prohibited on the Yom Tov that immediately follows.

- It is prohibited for consumption and to move since it is *muktzah*. Even those that permit *muktzah* on Yom Tov will agree that this type of *muktzah* is prohibited. (M.B. 36)
- There is a disagreement whether the prohibition is Biblical or Rabbinic. (M.B. 37)

Halacha Highlight

A gentile's report of when an egg was laid

Rema Siman 513 Seif 6

ואינו יהודי המביא ביצים ביום טוב ראשון

When a gentile brings an egg on the first day of Yom Tov

Rema (סע' ו) addresses the case of a gentile who brings an egg on the first day of Yom Tov and in the course of conversation (מסיח לפי תומו) relates that the egg was laid the day before which was not Yom Tov. He ruled that one may rely on the information shared by the gentile in this case. Mishnah Berurah (סק"ט כ"ט) explains that the reason the gentile's report may be considered reliable in this case is that the prohibition of using an egg that was laid on Yom Tov is only Rabbinic and regarding Rabbinic prohibitions one may rely on the report of a gentile that was delivered in the course of conversation. On the other hand, continues Rema, if Yom Tov falls on Sunday so that there is a concern that the egg was laid on Shabbos so that use of the egg may involve a violation of the Torah prohibition of Shabbos preparing for Yom Tov, the gentile's report in the course of conversation is not considered reliable.

Sha'ar HaTziyun (סק"ו כ"ו) points out that Mishnah Berurah's assertion that a gentile's report in the course of conversation is reliable when it comes to Rabbinic matters rather than Biblical matters is not a distinction to which all of the authorities follow. Vilna Gaon in Yoreh Deah (סי' קכ"ב סק"ק ל"ב) writes that the credibility of a gentile's report in the course of conversation regarding Rabbinic matters is a matter subject to debate. As such, perhaps there is reason in our case not to rely on the gentile's report concerning when the egg was laid. Elya Rabba, however, argues that in this case all authorities agree that the gentile's report is considered credible and offers two reasons for his assertion. The first is that by reporting that the egg was laid the day before he damages his interest since fresh eggs are more valuable. Additionally, most eggs that are sold were laid the day before so this fact gives his report greater credibility.