



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Kesubos Daf Kuf Tes

MISHNA

- If a father in law promises a dowry to his son-in-law, who then gives kiddushin to the daughter, but the father-in-law then says he is not paying, the chosson may keep the girl in the status of an arusah forever. **Admon** said, she can tell him, if I was the one who didn't keep a promise I can understand that you can keep me in the arusah status. However, it is my father who has not kept a promise. Therefore, either marry me or divorce me. **R' Gamliel** says, I agree with the words of **Admon**.

GEMARA

- Our Mishna's version of the machlokes does not follow the version of a Braisa. The Braisa says that **R' Yose the son of R' Yehuda** said, the **Chachomim** agree with **Admon** that when the father makes a promise that he doesn't keep, the chosson must either marry or divorce the girl. The machlokes is when the girl herself promised money and didn't follow through. In that case, **Admon** says that she can say, I thought my father would pay for me, and since he isn't, either marry me or divorce me. The **Chachomim** say, he can leave her in the arusah status forever. **R' Gamliel** agreed with **Admon**.
 - It was taught, the **Chachomim** of the Braisa only hold that way when the girl is an adult. If she is not, "we can use force".
 - **Rava** explains this to mean, we can use force to make the chosson divorce her.
- **R' Yitzchak ben Elazar in the name of Chizkiya** said, whenever **R' Gamliel** says "I agree with the words of **Admon**", the Halacha follows **Admon**.
 - **R' Nachman** said, this is true whether stated in a Mishna or a Braisa.
 - **R' Zeira in the name of Rabbah bar R' Yirmiya** said, regarding the 2 statements of **Chanan**, the Halacha follows the one who holds like him. Regarding the 7 statements made by **Admon**, the Halacha does not follow the one who holds like him.
 - **Q:** This can't mean that we never follow **Admon** or those that agree with him, because we said in the name of **Chizkiya** that we pasken like **R' Gamliel** when he agrees with **Admon**!? It can't mean that we don't always follow **R' Gamliel** (who only holds like **Admon** in 3 of his cases) but do always follow **Admon**, because **Chizkiya** seems to say that we will not pasken like **Admon** in the cases where **R' Gamliel** does not agree with him!? **A:** This means that we always follow **Chanan**, but regarding **Admon** we only follow the one who holds like him (**R' Gamliel**), and only in the cases where he does agree with him. In the other cases we will not pasken like **Admon**.

MISHNA

- If one disputes someone's ownership of a field, but the plaintiff himself had signed on the field being transferred from a third person to the current occupant, **Admon** says the plaintiff can claim he signed on the transfer because he felt he has a better chance at removing the field from the current occupant than from the third party. The **Chachomim** say that by signing on the transfer he has lost any claim to the field.
- If the occupant had used the disputed field as a boundary marker in another document, referring to the field as his own, and the plaintiff had signed on that document, all would agree that he loses any claim to that field.

GEMARA

- **Abaye** said, the **Chachomim** would only say that he loses his claim if he signed as a witness to the transfer. However, if he signed as a judge to the transfer, he would not lose his right to make a claim.
 - This is based on a Braisa where **R' Chiya** taught that witnesses do not sign a document unless they have read it though, but judges sign to a document without having read it through.

ASSA'AH SIMAN L'ACHER

- **Abaye** said, the plaintiff loses his claim only if the document he signed used the disputed field as a boundary marker for a sale to a third party. However, if the field was being sold to the plaintiff himself, his signature does not make him lose his claim, because he can say that he had to use the disputed field as a boundary marker, because if he did not, the other person would not have sold him the field that was the subject of the document.
- There was once a plaintiff claiming ownership to land, but had signed a document in which the occupant used the disputed land as a boundary (referring to the disputed land as his own land). He then made his claim to the land, and died before resolving the claim. He had appointed an apitrapis to help the orphans. The apitrapis went to **Abaye** and made the claim that the property belonged to the orphans and brought proof to that effect. **Abaye** said, any claim was lost when the deceased signed to the document referencing the property as belonging to the occupant. The apitrapis said, if the deceased was alive, he could claim that he signed the document, because it only referred to the amount of one row of plowing as belonging to the occupant, but the rest of the field was truly his own. **Abaye** said, that is would have been a good claim based on **R' Yochanan**, and therefore you can make this claim now as well. The apitrapis then said, if the deceased was alive he could say that although he admitted that the one row belonged to the occupant, he subsequently bought that row from the occupant. **Abaye** said, he would be believed with that claim based on **R' Yochanan** and therefore the apitrapis can make that claim as well. **Abaye** then said, whoever appoints an apitrapis should appoint one as good as this one, because he knows how to fight for the rights of the orphans.

MISHNA

- If someone travelled overseas and when he returned he no longer knows where the road granting him access to his landlocked field was, **Admon** says he may use the shortest path to his field as a route of access. The **Chachomim** say he must either pay whatever the surrounding owners will charge to allow him access, or he can fly through the air to get there.

GEMARA

- **R' Yehuda in the name of Rav** says, the machlokes is where the four surrounding fields are owned by 4 different people. That is where the **Chachomim** say that he can't just take any path he desires.
 - **Q:** If that is the case, why does **Admon** allow him to do so? **A: Rava** said, the case is where the 4 surrounding fields were initially owned by 4 people, but they were then all bought by one person. **Admon** says the person can tell the new owner that I had a path somewhere within your fields and therefore he can take the shortest path. The **Chachomim** say, the current owner can tell him, if you will pay me for the path, I will sell it to you. If not, I will give the fields back to the initial owners and you will be stuck with no path at all.
- A person once said that a palm tree of his estate should go to his daughter. When he died the sons divided the estate and did not give a palm tree to the daughter. **R' Yosef** thought to say that this is similar to the case of our Mishna and each heir can push her off onto the other. **Abaye** said, this case is very different, because it was given to her before the estate was divided. Therefore, they must give her a palm tree and then re-divide the estate.
- A person once said that a palm tree of his estate should be given to his daughter. Besides full ownership of some palm trees, the person also had half ownership of 2 palm trees. The heirs wanted to give her these 2 halves as the palm tree that she was promised. **R' Ashi** contemplated whether people refer to 2 halves of a palm tree as "a palm tree" and therefore giving these to

her would be fulfilling the father's request. **R' Mordechai** told **R' Ashi** that **Avimi of Hagraunya in the name of Rava** said that people do refer to 2 halves of a palm tree as "a palm tree".