



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

Kesubos Daf Pey Hey

- There was a woman who was given a bag full of documents for safekeeping. The man who gave her the documents died. The woman said she is grabbing these documents for a debt that she is owed and would therefore not give them to the heirs. She said that she “grabbed” them during the man’s lifetime. **R' Nachman** told her, if you don't have witnesses that you refused to return them to the man when he asked for them, then it is considered as if you grabbed them after his death.
- There was a woman who was going to be subject to make an oath in **Rava's** Beis Din. **Rava's** wife told him that this woman is not trusted to make an oath. Based on that, **Rava** placed the obligation to make the oath onto the other party. On another occasion, when **R' Pappa** claimed that a document brought before the Beis Din was not a valid document, **Rava** said a single witness is not believed, and therefore **R' Pappa** is not believed. **R' Ada bar Masna** asked why **Rava** believed his wife more than **R' Pappa**!? **Rava** said, I am certain that my wife would never lie, but I am not certain about **R' Pappa**.
 - **R' Pappa** said, based on this, if I have someone that I totally trust, I would strongly question a document based on his say-so.
- There was a woman who was subject to an oath in the Beis Din of **R' Bibi bar Abaye**. A party to the litigation said, make her give the oath in her hometown, where she would be more embarrassed to swear falsely. She said, I will do so if this Beis Din writes a document that based on an oath I was found meritorious. **R' Bibi bar Abaye** instructed to have the document written. **R' Pappi** disagreed with that decision and said that just as we find that Beis Din may not write a certification for a document before the witnesses testify to the signatures, because it looks like a falsehood, similarly in this case this document cannot be written before the oath is taken, because it also looks like a falsehood.
 - The Gemara says, that we see elsewhere that we are not concerned for documents looking like a falsehood, and **R' Pappi's** concern is therefore not valid.
- There was a person who gave 7 pearls wrapped in a kerchief to **R' Meyasha the grandson of R' Yehoshua ben Levi** for safekeeping. **R' Meyasha** died without giving any instructions as to what to do with the pearls. **R' Ami** told the parties, I know that **R' Meyasha** was not wealthy enough to own those pearls, and also the other party has given a siman on the pearls, therefore they should be returned to them. However, this is only true because this other party was not often in **R' Meyasha's** house to have seen them and noticed a siman. Therefore, it is clear that they know the siman because they are truly theirs.
 - A person gave a silver cup to Chasa for safekeeping. Chasa died without giving instructions for this cup. **R' Nachman** said I know that Chasa was not wealthy enough to own a silver cup, and also the other party has given a siman on the cup, therefore they should be returned to them. However, this is only true because this other party was not often in Chasa's house to have seen them and noticed a siman. Therefore, it is clear that they know the siman because they are truly theirs.
 - A similar story happened when a person gave a silk garment for safekeeping to **R' Dimi** the brother of **R' Safra**. In this case it was **R' Abba** who made the ruling.
- If a person said before his death that his assets should be given to “Tuvia”. After he died a person by the name of Tuvia came for the assets. **R' Yochanan** said we should give it to him.
 - If the person said to give it to “Tuvia” and Rav Tuvia came to collect the assets, we don't give it to him, because it was not given to someone with that title. If the deceased was close enough to refer to him simply as “Tuvia”, then we do allow him to collect.

- If 2 Tuvias showed up: if one is a neighbor and the other is a talmid chochom, we give it to the latter. If one is a relative and the other is a talmid chochom, we again give it to the latter.
 - **Q:** What if one is a neighbor and one is a relative? **A:** We darshen a pasuk to teach that a close friend is better than a distant relative.
 - If both are neighbors, or both are relatives, or both are chachomim, we leave it up to the discretion of the judges.
- **Rava** told the son of **R' Chiya bar Avin**, your father said in the name of **Shmuel**, that although if one sells a loan document and is then mochel it, the mechila is effective, and even the mechila of the heir of the seller is effective, if a woman brings a loan document into the marriage and is then mochel it, it is not an effective mechila, because the husband's rights are as strong as hers.
 - **R' Nachman's** relative sold her kesubah, was divorced, and then died. The buyers went to the daughter to collect the kesubah. **R' Nachman** said, someone should advise her to be mochel the kesubah amount, because she will anyway eventually inherit that amount from her father. She heard this and was mochel the kesubah. **R' Nachman** then felt bad for giving advice to a litigant. Initially he thought he should help a relative. He later felt that as a prestigious person he should not have gotten involved.
 - **R' Huna the son of R' Yehoshua** said, if one buys a loan document, he should go to the borrower and offer him money to write a new loan document naming this buyer as the creditor. In this way he protects himself from the possibility of the seller being mochel the loan.