



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

### Kesubos Daf Tzaddik Gimmel

#### MISHNA

- If a man was married to 3 women, where one kesubah was for 100, the second was for 200, and the third was for 300, and he died with an estate worth 100, they split the estate equally.
  - If the estate was worth 200, the woman with a kesubah of 100 takes 50, and the women with the kesubos of 200 and 300 take 75 each.
  - If the estate was worth 300, the woman with a kesubah of 100 takes 50, the woman with a kesubah of 200 takes 100, and the woman with a kesubah of 300 takes 150.
- Similarly, if 3 people put money into a fund to be used for investment, and they had a loss or a profit, they would share in this same way.

#### GEMARA

- **Q:** In the second case the Mishna says that the woman with the kesubah of 100 takes 50, which represents half of the first 100 of the estate, since her lien is only on 100 of the estate. Now, she should have to share that with the other 2 women (who also have a lien on that 100), and as such should only get 1/3 of that 100, not one half!? **A: Shmuel** said, the Mishna is discussing where the woman with the kesubah of 200 waived her rights to collect from the first 100, and there are therefore only 2 women who share in that 100.
  - **Q:** If so, why does the woman of 200 end up with 75, which includes 25 from the first 100? Since she gave up her rights she should not collect from that 100 at all!? **A:** She only said that she will not make a claim to the detriment of the woman of 100. She never said that she gives up any piece that she has. Therefore, once the woman of 100 takes her share, the woman of 200 will split the remainder with the woman of 300.

#### HAYU SHAM SHLOSH MEYOS...

- **Q:** Why does the woman of 200 end up with 100? She should only get 75 (25 of the first 100 as explained above, and then 50 of the second 100, and nothing of the third 100)!? **A: Shmuel** said, the Mishna is discussing where the woman of 300 told the woman of 100 and the woman of 200 that she relinquishes her rights to the first 100 (but the woman of 200 did not waive any rights in this case). Therefore, the woman of 200 gets 50 of the first 100 and 50 of the second 100.
  - **R' Yaakov of Nehar Pekod in the name of Ravina** said, the earlier case of the Mishna is dealing with 2 seizures of property and the later case of the Mishna is also dealing with 2 seizures of property. The earlier case is discussing where at first 75 fell to all three women, and Beis Din had them divide it equally. Then the other 125 fell to them. They each still have a lien on another 75, so they split that evenly, and the remaining 50 is split among the woman of 200 and the woman of 300. The later case is discussing where at first 75 fell to all three women, and Beis Din had them divide it equally. Then the other 225 then fell to them. They each still have a lien on another 75, so they split that evenly, the next 100 is divided between the women of 200 and 300, and the remaining 50 is given to the woman of 300 by herself.
- A Braisa says, the Mishna follows the view of **R' Nosson**. However, **Rebbi** says that in all the cases the women are to divide the estate equally.

#### V'CHEIN SHLOSHA SHEHITILU

- **Shmuel** said, if one person put 100 into an investment fund and another person put 200 into the fund, the profit is divided equally.
  - **Rabbah** said, it would make sense to say that **Shmuel** was referring to a case where they invested in an ox to be used for plowing which was actually used for plowing. In that case each partner's share is integral to making the investment. However, if they

invested in an ox for plowing and instead sheched it for its meat, each would take profits in proportion to the money invested. **R' Hamnuna** said, even if this case the profits would be divided equally.

- **Q:** A Braisa says when one person puts 100 into a fund and another puts 200 into the fund they split the profit equally. Presumably this is discussing where the money was invested in an ox to be used for plowing, but which was actually sheched, and we see the profits are equally divided, not like **Rabbah** said!? **A:** The Braisa is discussing a case where the ox was meant for plowing and was actually used for plowing as well.
  - **Q:** This would mean that the Braisa holds that if the ox was sheched they would take proportionate shares in the profits. If so, when the Braisa wants to give a case where they would take proportionate shares, why does it have to give a case where they each bought oxen and then formed a partnership with the oxen? Why can't it give the case of where the ox was sheched instead of being used for plowing? **A:** The Braisa should be understood as saying that if the ox is sheched each would take a proportionate share of the profits just like in the case of where the oxen were purchased separately and then used to form a partnership.
- **Q:** Our Mishna says that the profits from a fund are divided in proportion to the money placed into the fund!? **A:** The Mishna does not refer to a true profit. The Mishna refers to where better quality coins were exchanged for the low quality coins that were originally placed into the fund. In that case they take proportionately. However, if a true profit or loss was generated, it would be shared equally.

#### MISHNA

- If a man was married to 4 wives and he died, the first wife has priority to collection of her kesubah over the second wife. The second wife has priority over the third, and the third has priority over the fourth. The first wife must swear to the second before taking payment (that she hasn't been paid before), the second must swear to the third, and the third to the fourth. The fourth takes payment without the need to swear. **Ben Nanas** says, just because she is last she need not swear!? Rather, she must swear before getting paid as well.
- If all 4 kesubos were written on the same day, whichever one was written earlier in the day takes priority over the others. In Yerushalayim they would write the time of day on the document.
  - If they were all written at the same time and the entire estate consists of only 100, they divide it equally.