



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

### Kesubos Daf Tzaddik Tes

- **Q:** The Gemara now gives another version of the preceding discussion. The Gemara says, others say that the question was never about the case where the person instructed the shaliach to sell half a kur and he went and sold a whole kur, because in that case it is clear that the shaliach has “added” to the instruction, and the sale of half kur is valid, but the sale of the added amount is void. The question is, if he was instructed to sell a full kur and he went and sold a half kur, what is the Halacha? Is the sale valid or not? **A: R' Chanina** from Sura said, a Mishna says, if a person gives a golden dinar to a shaliach and instructs him to use it to buy a shirt for him, and the shaliach went and bought the person a shirt with half the money and a coat with the other half, and it turns out that the dinar was of hekdesch, the principal and the shaliach are considered to have committed me'ilah. Now, if we say that the purchase of the shirt using half the money (even though he was instructed to use all the money for the shirt, and this case is therefore similar to where he sold only half the land instead of the entire land as instructed) is effective, that would be why the principal has committed me'ilah. If we say that it is not effective, then the Mishna would not consider him to have committed me'ilah.
  - The Gemara says, it may be that buying a shirt for half the value would make the sale void, and the case of the Mishna may be referring to where he bought him a shirt worth a full dinar, and was able to buy it at half price.
    - **Q:** If so, how has the shaliach committed me'ialh? **A:** By purchasing the coat with the remaining money, with no instruction to do so.
    - **Q:** If the shirt had a value of a dinar, what does the Mishna mean when **R' Yehuda** says that even in that case the principal has not committed me'ila, because he can tell the shaliach, I asked you to buy a larger shirt and you bought me an inferior one? The shaliach got him a full dinar of value, so what else could he have wanted!? **A:** The principal says, if shirts were selling for below value, you could have spent the full dinar on a shirt and I could have gotten a shirt with a value of 2 dinars!
      - This makes sense, because a Braisa says that **R' Yehuda** agrees that the principal will be considered to have done me'ila in a case where the product to be bought was beans. In that case, there is no volume discount and therefore even if he didn't use all the money as he was supposed to, the principal can have no claim to say that the instruction wasn't followed.
  - **A:** We can answer the question from the last case of our Mishna. The woman was instructed to sell off land to pay her kesubah of 400, and she went and sold small pieces for 100 each. We see that the sale is still effective!
    - The Gemara says this is no proof, because it may referring to a situation as discussed by **R' Shisha the son of R' Idi**, where the land sold was 4 separate pieces, not near each other. In that case there is no choice but to sell them separately.
- **Q:** Obviously, if the person tells the shaliach to sell the land “to one person, and not to two people”, if he sells it to two people the sale would be void. What if he tells the shaliach to sell the land “to one person”, leaving out the second part of the above statement. If he then sells it to 2 people, is the sale valid? **A: R' Huna** said, although the person doesn't say it, he means that it should *only* be sold to one person. **R' Chisda and Rabbah bar R' Huna** both said that he means it may even be sold to 2 people, and even 100 people.

- **R' Chisda and Rabbah bar R' Huna** asked **R' Nachman** what the Halacha is in this case, and he said the shaliach may sell it to 2 or even 100 people. They then asked, what if the shaliach sold it for less than the principal wanted to sell it for, would the sale be void? He said, in that case the sale would be void. Although if a regular seller mistakenly undercharges the sale remains valid, if the shaliach of the seller undercharges the sale is void.
  - We find that there is a difference between a regular seller and a shaliach in this type of case regarding separation of terumah. If the shaliach mistakenly takes too much or too little (by more than a certain allowable discrepancy) the separation becomes void. On the other hand, if the owner mistakenly does so, the separation is considered to be valid.
- **A:** We can answer the question from the last case of our Mishna. The woman was instructed to sell off land to pay her kesubah of 400, and she went and sold small pieces for 100 each. We see that the sale is still effective even though it was to multiple people!
  - **R' Shisha the son of R' Idi** said, the case in the Mishna is where the land sold was 4 separate pieces, not near each other. In that case there is no choice but to sell them separately.