



כתובות דף ע"ו

THE SEVENTH PEREK OF MASECHES KASUVOS

IS DEDICATED LEILUI NISHMAS

GOLDA RIVKA BAS YITZCHAK MORDECHAI HAKOHEN

POINTS TO PONDER

1. רש"י ד"ה חדא במקום תרתי. that when there is a חזקת הגוף then the חזקת ממון doesn't matter. The חזקת ממון is never something which help us decide logically what probably happened, like חזקת חי or רוב, it simply says that one party has possession, and we need strong proof to be מוציא, so what does רש"י mean with regards to חזקת הגוף being different?
2. רש"י ד"ה רב אשי אמר. writes that it's her claim for her father, meaning that she is saying, you owe my father the כתובה. In the משנה Rashi writes that the father is demanding the כתובה and not the daughter. Why did he change to say now that she is claiming for her father?
3. Further to the above, can a קטנה make a claim for her father?
4. Is רש"י learning that according to רב אשי the father is not saying with certainty that it happened after the engagement and he is relying on his daughter. (he is a שמא)? If that is the case, why would the משנה leave out the more common scenario where the father knows that his daughter didn't have these מומין?
5. רש"י ד"ה המוציא מחבירו. writes that the buyer paid for the animal and he needs to prove that the animal was a טריפה when he bought it to get his money back. Why didn't רש"י choose the obvious case whereby the seller is asking for payment?

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6. The גמרא says "כל שנולד הספק ברשותו" does it mean his physical location? רש"י writes that the owner of the cow need to prove that the donkey died first, because the חמור was discovered dead after the משיכה, even though it wasn't in his physical location. When it says כלה בבית אביה it means his physical home, so did רש"י explain it differently?

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