

Invalid Purchases

Ref: *Sefer Kinyan, Hilchot Mechirah, Chapters 29–30*

There are 3 individuals whose purchases are not binding according to Scripture i.e.

- *Cheresh* – deaf mute
- *Shoteh* – intellectually handicapped
- *Katan* – Minor

 **Reminder:**
Pack on Children



Derabanan, a *cheresh* and *katan* may buy and sell with guidelines attached, in order to guarantee their livelihood.

CHERESH

Can use gestures, but he has to be tested to see if he understands.

Only applies to movable property and not to landed.

KATAN

 **Reminder:**

Age Definitions
Ref: *Sefer Nashim, Hilchot Ishut, Chapter 2*



Transactions made under vague circumstances and one party given option to accept or reject.

1) Purchases made by a colleague on behalf of the purchaser without the purchaser's knowledge. The purchaser is given the option whether he wants the goods or not.

If he wants them then transaction is concluded. If not then the goods are returned to the seller.

Therefore a deed of sale can be written for the seller even when purchaser not present.

A similar situation occurs with the following.

2) Purchase by an *eved Cnaani* of property or receipt of present – The master has final say.

3) If a woman tries to sell or give away an item, husband has final say. These include all of the following:

- Property owned by husband
- *Nichsei tzon barzel* (This is property belonging to wife which husband takes care of (guarantees) and promises to repay her in event of his death or divorce.)
- Property designated to wife in marriage contract
- *Nichsei melog* (Property brought by wife to new home which husband does not guarantee.)

If it is the other way around and husband is trying to sell or give away property that his wife has an interest in, the sale is invalid even if she gives her permission. (Because her actions may have been from subordination to her husband.)

Reminder:

Pack on Wife Property



4) Court or Guardian selling or purchasing on behalf of orphans.

Sales and purchases would be valid, but they may not give these belongings as presents to others.

5) Transaction made on *Shabbat* or *Yom Tov*. Those concerned are given *makat mardut* (stripes) but transaction is binding.