

Even if this is ten *Milin*, etc.

אפילו זו י' מילין כולי –

Overview

The משנה states that if one hired a donkey to lead it in the mountains and he led it in the valley (or vice versa) and the donkey died, the renter is liable even if each road was the same distance of ten מילין. Our תוספות expands this ruling.

והוא הדין אפילו זו שהלך בה קצרה יותר אלא שלא חש¹ להאריך:

And the same rule applies (that the שוכר is liable) even if this way which he actually traveled is much shorter than the way he was supposed to go, but the reason the משנה did not mention this is because the משנה was not prepared to elaborate.

Summary

The שוכר is חייב regardless, even if he rode it less than the intended distance.

Thinking it over

Why did not the משנה state that he is חייב even if the actual route was less than the intended route (and not mention at all that the distance was equal), so we will know both cases without additional elaboration.²

¹ Once the משנה taught us that even if the two routes were the same distance, nevertheless the שוכר is חייב, we deduce that the distance is not the issue, therefore it was not necessary to add that this rule also applies if the actual distance was less than the intended distance. See 'Thinking it over'.

² See # 52. אוצר מפרשי התלמוד (דף) and גליון הש"ס.