Can Someone Back Out of a Deal If an Invalid Shliach Was Used?

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Question:

What happens if someone purchased an item through an invalid *shliach*, such as a *koton*? Would the concept of "*shlucho shel odom k'moso*" exist?

Answer:

A *koton* cannot be a *shliach*. Technically, this would mean that if you ask a 10-year-old to buy something for you, he is not really doing it on your behalf and you can back out even after he bought it.

However, the Nesivos Hamishpot and other Acharonim point out that there are times when you don't actually need a halachic *shlichus*. For example, if you give a *koton* money to take to a store to pay for a purchase, the *kinyan* takes place with the cash that's being given. The child is not really doing a *shlichus* for you. He is simply carrying the money for you, and is no different than if you had sent the money by mail. The same would be true if you use a 12-year-old to sell *esrogim* for you. He is no different than a vending machine that dispenses items and accepts cash. The *kinyan* is done through the giving of the money, so no valid *shlichus* is necessary. You would, however, need a valid *shlichus* if you sent someone to purchase something for you on credit, with no money changing hands. In such a case, a *koton* would not be a good *shliach*.

I should add that when I said that although I said that giving money makes a *kinyan*, that isn't always true because money cannot technically be a *kinyan* for moveable objects. But money very often can make a *kinyan*.

Question:

What if a store employs a *koton* and someone makes a transaction with them that needs a valid shlichus. Are all transactions made by the *koton* void?

Answer:

Until now we were discussing a *shliach* who was not an employee. The Machaneh Efraim points out that employees don't need *shlichus* because there is a rule that "*yad po'el k'yad baal habayis",* which means that an employee is like an extension of the employer; therefore, many Acharonim hold that a transaction with an employee is valid even if he is not a valid *shliach*.