

14.2.6

20b (משנה ד') → 22a (דכתיב ביה ואמר לנא רבנא אשי)

- I. 'מסנה ד': substantiating one's own signature and that of his fellow witness
 - a. if the witnesses each substantiate their own and their fellows' – they are believed
 - b. if each only substantiates his own:
 - i. רבי: they need another witness for each signature
 - ii. חכמים: no need – a person is believed to testify about his own signature
 - iii. analysis:
 1. רבי maintains that they are testifying about their signatures (→need 2)
 2. חכמים maintain that they are testifying about the substance of the document
 - iv. challenge: this is an obvious conclusion
 - v. answer: סד"א that רבי is in doubt as to what they're testifying to
 1. split the difference: if one of them died, we'd require 2 outsiders to substantiate חתימה
 2. explanation: if רבי is clear that they are testifying about their signatures, then in that case we'd only need one outsider to join the living witness; but if they may be testifying about the substance of the document, then if we get one other witness, 3/4 of the amount in the document is transferred on the word of 1 witness
 - vi. substantiation: רבי doesn't require 2 outsiders if one of the signatories died
 - vii. tangential question: what do we do if there's only one witness to the dead man's signature?
 - viii. Answer: the living witness signs him name on a shard, throws it into ב"ד and now his signature is independently confirmed – then he and the 1 witness join to testify about the dead man.
 1. note: must be a shard – not parchment – someone may find it and sign a debt and then he can collect, (if a person comes with an IOU signed by the debtor, he can collect)
 - ix. ruling: שמואל ruled like חכמים
 - x. Challenge: שמואל's ב"ד had a שטר which were substantiated based on both witnesses
 - xi. Answer: the שטר was of יתומים and שמואל took the extra precaution in case they would come and try to collect and another ב"ד would think כרבי הלכה
 - xii. Associated ruling of שמואל: 1 of the witnesses and 1 of the דינים may join to confirm signature
 1. rejection: each is testifying about a different thing (witness – מנה שבשטר – signature – דיין)
- II. קיום השטר – if 2 of the דינים recognize the signatures and 1 doesn't:
 - a. before they write the confirmation, he may testify; afterwards, he may not
 - b. inferences:
 - i. 1: עד can be a דיין
 - ii. 2: if judges recognize the signature, the witnesses need not testify (again) in their presence
 - iii. 3: if judges do not recognize the signatures, there is a need to testify in front of each one
 - c. challenges:
 - i. #2 – perhaps they usually do have to testify, but here "עדות" has taken place via the 2
 - ii. #3 – perhaps they usually don't have to testify, but here there's no הגדה at all
 - iii. #1 – in קדה"ח, we don't allow עד to become a דיין
 1. answer: קדה"ח is מה"ת, מה"ת is קיום שטרות, מה"ת is קדה"ח
 - d. Ancillary ruling:
 - i. רב: if 3 gather to substantiate a שטר and someone challenges the validity of one of the עדים
 1. if it was before they wrote, we accept testimony to their validity
 2. after they wrote, they can no longer accept such testimony
 - a. explanation: they are בעדות, since their names is signed as confirming שטר
 - b. question: what sort of challenge is being made?
 - i. Possibility #1 – the witness is a גולן
 - ii. Rejection – that's 2 v. 2 (the 2 who validate him) – not accepted
 - iii. Possibility #2 – the witness is an עבד
 - iv. Rejection: there's no reason they can't accept testimony afterwards – that's just a factual matter that must be clarified
 - v. Rethink: poss. #1 – the 2 latter witnesses testify that he did תשובה
 - e. Associated ruling: if 3 דינים sat to substantiate a document and 1 died, they must write "we were a מותב מותב and one is no longer" but if they write that it went out from the בית דין (under the direction of Rav...[who we know doesn't allow a ב"ד of 2]) – that's sufficient