

22.3.22

56a (משנה ד') → 57a (הכא נפיק נכי ריבעא דממונא אפומא דאחי)

Note: a girl is considered נערה – and liable for punishments as an adult – after she has “brought 2 סימנין”

1. לא יקום עד אֶחָד בְּאִישׁ לְכֹל עוֹן וְלְכֹל חֲטָאת בְּכֹל חֲטָא אֲשֶׁר יִחְטָא עַל פִּי שְׁנֵי עֵדִים אוּ עַל פִּי שְׁלֹשָׁה עֵדִים יִקוּם דָּבָר: דברים יט, ט

I חזקה testimony of משנה ד'

- a *if*: his חזקה עדי proved to be עדים זוממים – they pay the claimant the entire value of the field
 - i *But if*: there were 2 witnesses for each year – independent of each other – and all were מוזם
 - 1 *Then*: they divide the payment three ways
 - 2 *Note*: the validity of three groups here is *contra* the opinion of ר"ע:
 - (a) *ל"ע* v. 1 implies that the witnesses must give full testimony
 - 3 *question*: what רבנן exclude via (ולא חצי דבר) דבר?
 - (a) *couldn't be*: 1 witness about a סימן נערות in one place and another witness about a סימן נערות elsewhere
 - (i) *reason*: that is a failure of חצי עדות and not חצי דבר
 - (b) *must be*: 2 witnesses about a סימן נערות in 1 place and another 2 about the other סימן נערות
 - ii *application*: רב יהודה – if 1 witnesses testifies to the מחזיק expending wheat, and the other to barley – חזקה
 - 1 *challenge* (ל"ג): if so, one witness to years 1, 3 & 5 and another to years 2, 4 & 6 should be valid
 - 2 *defense*: disanalogous –
 - (a) *in that case*: they aren't testifying about the same period at all
 - (b) *but in our case*: one of them is sloppy about the distinction between grains
- b 3 brothers with another (each testifying to 1 year along with constant “other”): 3 עדויות, but considered 1 for הזמה
 - i *Related case*: there was a שטר הלוואה with 2 signatures (A & B) that required קיום; but B had died
 - 1 *So*: witness A testified about his own signature, A's brother and X testified about B's signature
 - 2 *Proposal* (רבינא): follows our משנה of 3 brothers, each joining a constant outsider to form 3 עדויות for חזקה
 - 3 *Rejection* (ר' אשי): in that case (our משנה), we don't have the failure of ¼ of the money being paid based on brothers' testimony; here we have that failure
 - (a) *Explanation*: ½ of the money is paid based on A's word; ½ is paid based on A's brother and X