

Review of Talmud Makos Lesson 26 - Daf 6B:

EDUS MEYUCHEDES - When the Witnesses Do Not See Each other:

Mishnah: If two witnesses saw the murderer from a window, and two witnesses saw from a different window, and someone in the middle warned him:

- If at least one witness in each pair saw one of the other pair, they are considered one Kat (pair).
- If not, they are two Kitos.
- Therefore (when they are two Kitos), if one Kat was Huzam, they and the murderer are killed, and the other Kat is exempt.

R. Yosi says, if both witnesses did not warn him, (he is exempt, therefore also) the witnesses are not killed . This. Is based on the. Words "Al Pi Shnayim Edim."(by the mouth of 2 witnesses, which he understands to mean that the witnesses used their mouths. When they warned the accused.) [The Tana Kama disagrees with this and say that the witnesses do not have to give the warning,they only need to witness the warning.]

- Another interpretation of the Pasuk also teaches that Sanhedrin must hear the testimony of the witnesses themselves, and not through a translator.

Halacha: We rule like the Tana Kama that the witnesses do not have to warn the accused - but merely witness the warning.