

מִצְוֹת
עֲשֵׂה

#246



We learn this mitzvah from Parshas Mishpatim: (שמות כב:ח)

עַל כָּל דְּבַר פֶּשַׁע וְגוֹ'
אֲשֶׁר יֹאמַר כִּי הוּא זֶה

Today we learn the same *mitzvah* again in *Sefer Hamitzvos*, that a *Beis Din* needs to follow the *halachos* when they *pasken* about a money question.



The details of this mitzvah are explained in Mishnayos & Gemara:

Mesechta Bava Kama perek Gimmel, beginning of Mesechta Bava Metziah, and Mesechta Shevuos perakim Hey, Vov, and Zayin. Many questions about this are in places all over Gemara.

Rambam: Hilchos To'ein Venit'an

PEREK YUD

Usually we say that whoever has something, we assume that it is his. If someone else says it isn't, that other person needs to prove it, or else the *Beis Din* won't take it away. ("Hamotzi Meichaveiro, Alav HaRaayah") But in this *perek*, we learn that we don't always say that about an animal, who might wander off, or a servant who can walk around on his own.

PEREK YUD-ALEF

If someone is living on property for at least three years with nobody else protesting, we assume that it belongs to him, even if he doesn't have any papers to prove it. This is called a *chazaka*.

PEREK YUD-BEIS

In this *perek* we learn the details of how something becomes a *chazaka*. For example, a person has to live on property for three years STRAIGHT, or else we don't assume it is his.