There are here three testimonies   **– הרי כאן שלש עדיות**

Overview

The ברייתא states that if three groups of witnesses testified individually regarding three separate נגיחות, they are regarded as three (separate) testimonies (and as one testimony regarding הזמה). The גמרא explains the meaning of עדות אחת להזמה, and תוספות explains[1] the relevance of הרי כאן ג' עדיות.

תוספות explains that the three כתי עדים are considered שלש עדיות -

לענין שלש אחין ואחד[2] מן השוק מצטרף[3] עמהן:

Regarding if they are **three brothers** (in each set one of the עדים was a brother to one עד in the other two sets), **and one** additional עד **from the market joins with** each set, it is a valid עדות.

Summary

The testimony of the three כתי עדים is valid if the עדים of one כת are related to the עדים of another כת.

Thinking it over

Why did תוספות not learn like רש"י?[4]

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[1] See רש"י ד"ה הרי who explains it to mean that if one of the sets of עדות became nullified, the other two remain (for they are separate testimonies [and the rule of עדות שבטלה מקצתה בטלה כולה does not apply]), and he pays a ח"נ for the damage the remaining two sets testified to. See 'Thinking it over'.

[2] ראובן שמעון and לוי (who are brothers) were עדים for three different נגיחות (each one for one נגיחה) and דוד (who is not related to ראובן שמעון ולוי) was the second עד in each of the נגיחות (or there were three people; a different one joining each of the three brothers).

[3] We do not say that since the combined testimony of the brothers cause this ox to become a מועד, therefore, since they are relatives, their testimony should be disqualified, but rather since these are שלש עדיות, for they each saw a different נגיחה, therefore we accept them all and the ox becomes a מועד.

[4] See footnote # 1. See נחלת משה.