

Laws from Sefer Ma'asim

1. Any Get which one gives after one's death is not a [valid] Get, except for a Get that an ill person writes at the time of death while he is at a distant land so as to free her from his brother from having to perform *halitzah* and *yibbum*. However, he must say to the scribe: "Write" and to the witnesses "sign" and the court sends the Get in hands of a messenger.

A Get given over to a woman by a messenger after her husband passes away is invalid and being that she is still married to him she must go through the process of *halitzah* and *yibbum* with her husband's brother.

However, if an ill person writes a Get with the anticipation that he will pass away and he is in a distant land where it is inevitable that the Get can not reach her before he passes away, the Get is valid and she is considered divorced. This law, which frees the woman from *halitzah* and *yibbum* appears to differ with the Babylonian ruling (Yeb 118b) and is likely a unique law of the Land of Israel.

2. A woman whose husband died and left a minor orphan and there is a debt collector who wishes to collect the husband's debt from the orphan and the widow. If it is not known that the value of the husband's property is greater than the amount of the *kethubah* and the sustenance of the orphan, the judge does not grant permission to collect the debt until the orphan stands on his own becoming eighteen or twenty years old and will pay the debt of his father.

The Babylonian Talmud mentions delaying the collection of a debt from the property of orphans (Baba Bathra 158a and 'Arachin 22a) but without any contingency upon the value of the husband's property being great enough to sustain his widow and orphan.

3. A minor less than nine years old and one day that gave *Kiddushin* to a minor girl which she accepted, and when she grew up she protested that *Kiddushin*, the *Kiddushin* of the minor are not valid and the minor girl does not require a Get since she had protested

According to the Babylonian halakhah as found in the Talmud and the Geonim, *Kiddushin* is valid starting from thirteen years old and one day. Rabbi Saadiah Gaon, the Gaon of Sura in *Sefer Hashetaroth* (otzar hageonim, yevamoth 191-192), on the other hand subscribes to the Law of the Land of Israel and recognizes *Kiddushin* by a minor of nine years and one day old.

4. A woman that received *Kiddushin* of a certain man for her daughter and the daughter of this woman knew that her mother took *kiddushin* for her, but the girl kept quiet and did not protest, she has the status of having accepted the *Kiddushin*. When the girl became an adult and after some time went and received *kiddushin* from another man (and the original and latter *kiddushin* were in the presence of witnesses), which of the two is she sanctified to? Such is the ruling: to the first, as the *kiddushin* of the second are not valid. *Kiddushin* does not ever grasp upon a married woman or even a *nesuah* or *arusah*. She should return to the second one what she took.

If the mother or brother of an orphaned girl accept kiddushin for her and the girl acquiesced it is assumed that she consented to the Kiddushin and if she receives kiddushin from another man when she grows up the latter kiddushin is not valid and she remains married to the first man.

The Babylonian sources rule following the Babylonian Talmud (Yeb. 108a) that the second Kiddushin serve as her denouncement of her former Kiddushin and she is considered married to the second man.

5. Is it permissible to marry the aunt of his father. Such is the ruling: She is permitted to be married to the son of the her brother's son which is not from the []. It is also permissible for a person to marry the daughter of his brother.

The Babylonian halakha coincides(Yeb. 21b)