

Before each and every one

בפני כל אחד ואחד –

OVERVIEW

The גמרא derived from the דין of 'וכו' שלשה שישבו וכו', that it is necessary for the עדים who are authenticating the signatures on a שטר, to testify before each of three דיינים; all three דיינים must hear the testimony from the עדים. Seemingly this is obvious! How else can the דיינים sign on the הנפק unless they heard the testimony from the עדים? תוספות will explain the necessity to teach us this rule.

- בפני כאו"א עדים must testify that it is necessary to teach us תוספות דסלקא דעתין כיון שהעידו בפני שנים יכול השלישי לכתוב על סמך השנים -
For we would have thought that since the witnesses testified in the presence of two of the דיינים, the third דין would be able to sign the הנפק on the basis of the two דיינים who heard their testimony¹ -
אף על פי שלא העידו בפניו -
even though they did not testify in the presence of the third דין. Therefore the גמרא teaches us that the עדים must testify before all the דיינים.²

SUMMARY

If not for the גמרא we may have thought that if two דיינים hear the testimony from the עדים, the third דין may also sign the הנפק.

THINKING IT OVER

1. Why is not every הנפק considered as עד מפי עד?!
2. If the reason the third דין must hear from the עדים directly is on account of עד מפי עד;³ then again the question remains: does the גמרא need to teach us the din that עד מפי עד is פסול?!

¹ The third דין hears from two עדים (the other two דיינים) that the signatures are authentic.

² Otherwise it is considered עד מפי עד (תוספות רי"ד).

³ See previous footnote # 2.