

CHAPTER III

Bava Metziah 34a

GEMARA

Now it is obvious that if he [the bailee] declared, 'I will not pay,' and then said, 'I will pay' — then he has said, 'I will pay'. But what if he [first] declared, 'I will pay.'

Bava Metziah 34b

GEMARA

and then declared, 'I will not pay': do we say, he has retracted; or perhaps, he intended keeping his word, and was merely repulsing him [the bailor]? [Again,] if he declared, 'I will pay,' and died, whilst his sons declared, 'We will not pay,' what then? Do we say, they have retracted: or perhaps, they are keeping to their father's word, but merely repulsed him? [Again,] what if the sons did pay? Can he [the bailor] say to them, 'I made over the [right of receiving] double repayment to your father only, because he did me a favour, but not to you': or perhaps, there is no difference? What if he [the bailee] paid to the sons? Can they say to him, 'Our father made over the double repayment to you because you did him a favour; but as for ourselves, you have done nothing for us'; or perhaps, there is no difference? What if the heirs [of the bailee] paid to the heirs [of the bailor]?