

תוס' מסכת בבא מציעא דף לג/ב ד"ה נגנבו

נגנבו.

The same rule applies _____ הוא הדין

if he said "I was negligent" _____ אם אמר פ'שעתי

That the shomer receives the kefel _____ ש'הכפל ש'לו

As it says later on in the gmara _____ כדאמר בגמרא

"Since, if he wanted to..... _____ מגו דאי בעי

He could have lied and exempted himself saying it was stolen" _____ פטר נפ'שיה בגניבה

The mishnah used the more usual term "were stolen" _____ אלא אורחא דמילתא נקט "נגנבו"

because usually he will claim this (that it was stolen) _____ ש'הוא רגילות לטעון

which is a claim that will exempt him _____ דבר ש'הוא פטור

even though he wants to pay for it anyway _____ אף על פי ש'הוא רוצה לשלם

The Rivan explains _____ וריב"ן פירש

that our mishnah is explained as follows: _____ דמתניתין נמי הכי פרושו

the shomer claims that they were stolen due to his negligence _____ דהנפקד אומר ש'נגנבו בפ'שעה

and when the mishnah says "and he didn't want to swear" (implying he could) _____ "ולא רצה לי'שבע"

what that really means is: _____ היינו

"he did not want to swear **falsely**" (and be exempt dishonestly) _____ ולא רצה לי'שבע לשקר: