

CHAPTER III

Bava Metziah 34b

GEMARA

R. Huna said: He [the bailee] is made to swear that it is not in his possession. Why? We fear that he may have cast his eyes upon it.

An objection is raised: If one lends his neighbor on a pledge and the pledge is lost, and he [the lender] says to him [the debtor], 'I lent you a sela' on it, and it was [only] worth a shekel'; whilst the other maintains, 'Not so; you did lend me a sela' upon it and it was worth a sela': he is free [from an oath]. 'I lent you a sela' on it and it was worth a shekel, whilst the other maintains, 'Not so; you did lend me a sela' on it, and it was worth three denarii;' he is liable [to an oath]. [If the debtor pleads,] 'You did lend me a sela' on it, whilst it was worth two;' and the other replies, 'Not so: I lent you a sela' on it and it was worth a sela'; he is free [from an oath]. 'You did lend me a sela' on it and it was worth two,' whilst the other replies, 'Not so: I lent you a sela' on it and it was worth five denarii,' he is liable [to an oath].