

CHAPTER III

Bava Metziah

GEMARA 34b

He is liable [to an oath]. Now, who must swear? He who has the bailment [i.e., the creditor], lest the other swear and then this one produce the bailment. To what does this refer? Shall we say, to the second clause; but that [the oath rests upon the creditor] follows from the fact that it is he who makes partial admission! — But, said Samuel, it refers to the first clause. How can it refer to the first clause? — He means the second subsection of the first clause, [viz.,] '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]. Now, the onus of the oath lies upon the debtor, yet the Rabbis ordered that the creditor should swear, lest this one [sc. the debtor] swear and then the other produce the pledge. But if

GEMARA 35a

R. Huna's dictum be correct, since the creditor must swear that it is not in his possession, how can he produce it?