

CHAPTER III

Bava Metziah 33b

MISHNAH

If a man entrusts an animal or utensils to his neighbor, and they are stolen or lost, and he [the bailee] pays [for them], declining to swear (since it was ruled that a gratuitous bailee may swear and be quit); the thief, if he is found, must render double, and if he has slaughtered or sold [the animal], he must repay fourfold or fivefold. To whom must he pay it? To him with whom the bailment was deposited if he swears, not wishing to pay, the thief, if found, must repay double, and if he has slaughtered or sold [the animal], must repay fourfold or fivefold. To whom must he pay it? To the bailor.

GEMARA

Why must he state both **animal** and **utensils**? — They are necessary. For if **animal** [alone] were stated, I might have said that only in the case of an animal does he [the bailer] make over the double repayment to him, because it requires considerable attention, to be led in and out [of its stable]. But as for utensils, which do not require much attention, I might think that he does not make over the twofold repayment to him. And if **utensils** [alone] were stated, I might have argued that only in the case of utensils does he [the bailer] make over the twofold repayment to him, because their multiplication is not great. But in the case of an animal, for which, if slaughtered or sold, he [the thief] must repay fourfold or fivefold, I might think that he [the bailer] does not make over the multiplied principal to him. Hence both are necessary.