

# 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?