

CHAPTER III

Bava Metziah 35a

GEMARA

Abaye said: We fear lest he plead, saying to him, 'I found it after the oath.' R. Ashi said: Both must swear: one [sc. the creditor] that it is not in his possession; and the other, how much it was worth — And this is its meaning: Who swears first? The creditor must swear first [that the pledge is not in his possession], lest the other swear and then he produce the bailment.

R. Huna b. Tachlifa said in Raba's name: The first paragraph of the second clause refutes R. Huna. "'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 [only] worth a sela'," he is free [from an oath.]' But if R. Huna's dictum is correct, since the creditor must swear that it is not in his possession, let him also swear, in virtue of a superimposed oath, how much it was worth!