

## 1) Summary of Resolutions – 34a

- **Talmud resolution 1:** It is as if the owner told the custodian, “Should this cow be stolen, and you will be willing to compensate me for its loss, my cow is hereby conveyed to you, **effective from now**.
  - **Problem:** ‘Shearings and offspring’?
- **Talmud resolution 2:** It is as if the owner told the custodian, “Should this cow be stolen, and you will be willing to compensate me for its loss, my cow is hereby conveyed to you, **effective just prior to its theft**.
  - **Problem:** If the animal is located in a marsh
- **Resolution 3 (Attempt by Tosafos):** It is as if the owner told the custodian, “Should this cow be stolen, and you will be willing to compensate me for its loss, my cow is hereby conveyed to you, **effective from now AND just prior to its theft**.
  - **Problem:** Although the acquisition isn’t complete until the cow is stolen, yet the act of acquisition occurred when the item was deposited into the possession of the guardian. Surely, therefore, the ‘shearings and offspring’ from that time should belong to the guardian.
- **Point to ponder (Question of R’ Akiva Eiger):** Why can’t we suggest another clear resolution:

It is as if the owner told the custodian, “Should this cow be stolen, and you will be willing to compensate me for its loss, my cow is hereby conveyed to you, **effective from now**, and the “profits” will be yours, **effective just prior to its theft?**

## 2) The Borrower – Does he receive future profits?

	Law	Reason	Source
<b>Rav Papa (a)</b>	Does not acquire future profits <b>after pledging to pay</b>	Has no believable claim to exempt himself from payment	
<b>Rav Papa (b)</b>	Does not acquire future profits <b>even after payment</b>	Has no believable claim to exempt himself from payment	
<b>Abaye (Rav Zvid)</b>	Acquires future profits <b>after payment only</b>	Since the borrower reaps full benefits from the item, the owner feels no obligation to convey future profits after only a verbal pledge from the guardian.	<b>Braisa:</b> One who borrows a cow, and it was stolen, and the borrower <b>‘went ahead’ (v’kidem)</b> and paid the owner, the thief pays a double payment to the borrower.