

Question	Explanation / Notes
<p>6. The guardian paid only half the value of the stolen item?</p>	<p>➤ <b>Does the owner transfer half the rights to the penalty payments, or does he only transfer penalty payment upon being entirely reimbursed?</b></p> <ul style="list-style-type: none"> <li>○ What is the guardian's claim—guilty or innocent?</li> </ul>
<p>7. <i>(If you assume that the guardian does not acquire half the penalty payments for repaying half the item...)</i> Someone borrows two cows, they were both stolen, and he paid for only one of them?</p>	<p>➤ <b>Does the guardian acquire half the penalty payments for the one animal that he reimbursed entirely, or do we view the one animal as only half the deposit?</b></p> <ul style="list-style-type: none"> <li>○ What is the borrower's claim—guilty or innocent?</li> </ul>
<p>8. <i>(If you assume that the borrower does not acquire half the penalty payments for repaying only one animal [half the deposit]...)</i> Someone borrowed a cow from two partners, it was stolen, and he paid one of the partners his entire share?</p>	<p>➤ <b>Does the borrower acquire that partner's share (half) of the penalty payments, or is the partnership over the entire animal, and only half the animal was repaid?</b></p> <ul style="list-style-type: none"> <li>○ What is the legal definition of a partnership?</li> </ul>
<p>9. <i>(If you assume that the guardian does not acquire half the penalty payments because he has only paid one partner [half of what he entirely owes]...)</i> Partners borrowed an item, it was stolen, and one of them paid his share of the loss?</p>	<p>➤ <b>Does that partner acquire the rights to (his share of the) penalty payments because he paid up his entire debt, or perhaps since the owner has not yet been fully reimbursed, he refuses to transfer those rights to anyone?</b></p> <ul style="list-style-type: none"> <li>○ When two individuals jointly accept custodianship, how are their responsibilities divided? (Rashi, Ramban [Talmud Yerushalmi])</li> </ul>
<p>10. If one borrowed a <i>melog</i> item from a woman, it was stolen, and he paid the husband for the loss?</p>	<p>➤ <b>Since the husband does not own the item, is the borrower's payment invalid, or perhaps since the husband manages the property and benefits from its profits, the payment is therefore valid?</b></p> <ul style="list-style-type: none"> <li>○ What is '<i>melog</i>' property? What is '<i>tzon barzel</i>' property?</li> <li>○ Ultimately the money will be divided rightfully between the husband and the wife, so what difference does it make to whom the borrower paid? (Tosafos)</li> </ul>
<p>11. <i>(If we assume that the borrower does not acquire penalty payments because he did not pay the real owner...)</i> If a woman borrowed an item for use in her <i>melog</i> property, it was stolen, and her husband paid for the loss?</p>	<p>➤ <b>Is the husband considered somewhat of an "owner" of his wife's <i>melog</i> property, and therefore the owner transfers the rights of penalty payment even when the husband pays restitution, or does the owner want to transfer those rights only as reciprocation to payment from the real owner?</b></p>

תיקו – Teiku: The questions remain.