

If One Partner Saves Assets Belonging to the Partnership, Does He Get The Assets?

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Question: If a business owned by partners has an emergency, such as a fire in a warehouse, and one partner rushes in and saves some of the goods, does he get to keep the goods he saved, or do they have to be divided among the partners?

Answer: The Gemara says that if a partner saves assets from wild animals or a fire, whatever is saved has to be divided among the partners. From the Gemara it's clear that the rationale for this is a presumption of dedication. We assume that when a partner acts, he acts on behalf of all his partners; therefore, whatever he saved was saved on behalf of the partners. Because that is the rationale, if he declares that he is acting only on behalf of himself and only is saving his own share, he has the right to do that. The Bais Yosef says that the individual has to verbally express his intent to save only his own share. It is not enough to merely think about it. Other Acharonim disagree. The Bach says that it depends if the other partners are present or not. He says that if the other partners are around, it is not sufficient for one to think that he is saving the assets for himself, and he must verbalize his intentions to the others. If they are not around, there would be no point in saying anything out loud; therefore, even a mental declaration is enough.