

I, 20 *Testimony of 'Arūs b. Joseph on Lebdi's Partnership with His Brother*

Fustat, June 10, 1099

Mosseri V,374.1 (A 3)

On August 18, 1098 Joseph Lebdi was still in Fustat (see I, 12). In the spring of 1099 he was back there after having passed the winter in al-Mahdiyya. One 'wintered' in Tunisia, that hub of the (Muslim) Mediterranean trade, when one had much business to do there. Lebdi clearly tried to sell there what he had salvaged from his eventful trip to India and made preparations for another such voyage. In al-Mahdiyya he concluded, or confirmed, the partnership with his brother Solomon. The latter turned west, to Spain, and Joseph joined 'Arūs al-Mahdawī al-Arjawānī ('The Purple-maker from al-Mahdiyya') on his way back to Egypt.<sup>1</sup>

God, however, ordained otherwise. When Solomon set out from Tunisia to Spain in the spring of 1099, he drowned. His son David, who happened to be in Egypt,<sup>2</sup> had now to secure his rights as heir. A first step was the court session recorded below. At that time, Joseph was absent. He probably had set out on his voyage to India without knowing what had happened to his brother (see I, 21).<sup>3</sup>

#### Translation

(1-3) Date and place. (4) Mr. David (5) b. Mr. Solomon Lebdi—*may he rest in Eden!*—appeared in court and made this deposition: (6) "Mr. 'Arūs b. Mr. Joseph—*may he rest in Eden!*—has testimony on my behalf. I wish that it should be heard (7) and recorded." He presented to us Mr. 'Arūs, who made this declaration:

(8) I remember having been together with Mr. Solomon and his brother Joseph, the sons of Mr. (9) David Lebdi, in al-Mahdiyya. (10) They were {add: both} in one room {alt. tr.: apartment}, and all their (11) mer-

<sup>1</sup> On 'Arūs, see page 171, n. 21. For 'wintering' in al-Mahdiyya, see page 238.

<sup>2</sup> {David b. Solomon Lebdi might have settled in Egypt. In any event, he presumably is the Dā'ūd Ibn al-Labdi who contributed a quarter dinar according to a list written there ca. 1100 (Bodl. MS. Heb. e. 94, fol. 21; see Goitein, *Med. Soc.*, 2:476, no. 15, 3:432, n. 66).

<sup>3</sup> This statement is not clear, since in line 17, 'Arūs says that he met with Joseph Lebdi after having heard of his brother's drowning.}

chandise was in both their hands.<sup>4</sup> I asked each of them (12) separately about their relationship.<sup>5</sup> Each of them answered: (13) "We gave each other full power over all we have."<sup>6</sup> Then they packed {add: some of} (14) the goods they had there. Mr. Solomon traveled with some of them (15) to Spain, and Mr. Joseph took the remainder and joined (16) me. [God] ordained that Mr. Solomon drowned with all that he carried with him. (17) When I {alt. tr.: we} heard this, I met with Mr. Joseph and asked him (18) what he was going to do. He said: "What shall I do? We have given each other full power (19) over everything we possess. It belongs to us jointly // as a partnership between us, even if it were only one dirhem//."<sup>7</sup>

*The proceedings have been written down, etc.*

Written and signed by Hillel b. Eli. The other signatories were Isaac b. Samuel and Abraham b. Shema'ya, the two chief justices.

<sup>4</sup> They dealt with it as if it was their common property.

<sup>5</sup> Arabic *ḥalḥumā*, lit., 'their state.'

<sup>6</sup> Arabic *mutafāwiḍān fi jamī' mā ma'anā*; the same in line 18. *Tafāwāḍa* commonly means 'negotiate,' but here it is a precise legal term. {For the different legal definitions of *mufāwāḍa*, see Udovitch, *Partnership*, 274 and the references in the index, 280.}

<sup>7</sup> As required, these words, written above the line, are repeated at the end of the document.