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 15. Partnership in a Store of Drugs and Potions

The Capitalist Doing the Buying and the Manager the Selling

Nov. 29, 1228

This is a draft, or, rather, hasty copy made by the notary Solomon b. Elijah for his own use, as<sup>is</sup> approved by the absence of signatures and the docket in Arabic and Hebrew letters on the reverse side. As in many other contracts of partnership in the Geniza, the worker contributes merely a token sum. On the other hand, he is entitled to "take out" from the store 5 dirhems more than the investor per week. This sum is regarded as compensation for his work and as payment for his food, which implies, according to Jewish law, that he is responsible for losses.)

TS 12.670 Witness

On Wednesday, the first of the month of Teveth 1540 of the Era of Documents, there appeared before us the witnesses who have signed at the bottom of this document, the elder Abi 'l-Fadl, M. R. Shela son of Solomon and R. Nathan, son of Japheth and made the following declaration:

Be witness to us that we have asked (God) for guidance concerning a partnership aiming at the opening of a store of drugs and potions on condition that the said elder Abi 'l-Fadl provides 600 dirhems for the opening of the store and the said elder Hiba<sup>1</sup> 20 dirhems. Both have produced the money, and the two sums have become mixed.<sup>2</sup> With the sum provided by the two and thus having become mixed, the partners, under mutual understanding, have bought the products, the equipment and the decoration<sup>3</sup> of the store. Hiba will sit in the store and do the selling, while the elder Abi 'l-Fadl will buy whatever the store needs, the cost to be borne by the store.

It was also agreed that the aforementioned Hiba takes out from the store 9 dirhems every (Fri)day<sup>4</sup> and the elder Abi 'l-(Fadl 4) dirhems . . .<sup>5</sup>

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This agreement has been made for a year, beginning with the date of this document. After its lapse, the value of the store will be estimated, the capital will be restituted and whatever profit God, the exalted, has provided, will belong to both in equal shares. Should - God for(bid) - the opposite happen, the same procedure will be adopted, since he (Hiba) receives every week 5 dirhems more as weekly share, which is regarded as compensation for his work and payment for his food.

After all this had been agreed upon, we (the witnesses) made the symbolic purchase from them indicating that the agreement was perfect, immediately valid and made out of their free will without any constraint and with the voiding of any secret depositions. (docket in Arabic characters:)

The partnership of Ibn al-'Udī and Hiba Ibn al-Naqqād.<sup>6</sup>

(Docket in Hebrew characters:)

The contract of partnership between Hiba and Ibn al-'Udī.

NOTES

- 1) Arabic Hiba means "gift", like Hebrew Nathan. About this tantalizing habit of the medieval scribe of introducing a person by one name and then referring to him with another see also n. 6, below, and Med. Soc. II, pp.
- 2) I.e., joined ownership of the two partners.
- 3) Tu'm or ti'm, cf. ti'im, nice, attractive in Egyptian vernacular. Stores of this type used to pay much attention to their "window display" and other decoration even in recent times (Professor Muhammad El-Garh).
- 4) The component "Fri" in the word (Fri)day follows in Hebrew the word "day" and is expressed by a mere stroke (representing the number six, sixth day of the week). Here, the word "day" is written at the end of a line but the component (Fri) is missing. Thus, either a part of the paper on which the stroke was written has crumbled away or the scribe forgot to write it on the beginning of the next line. Our interpretation is proved by the following, where it is stated that Hiba receives a weekly, payment, mujāma'a, higher than Abi 'l-Fadl. Besides, it is entirely out of the question that the worker should receive 9 dirhems every day - thus he alone would have eaten up the capital in less than 69 days.
- 5) The number 4 has been <sup>restored</sup> restituted according to the following.
- 6) 'Udī, "seller of odoriferous wood", the family name of the investor, as may be concluded from the continuation, cf. n. 1 above: Naqqād assayer of money.