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 12. Two qirād Agreements Made after One of Four Partners
 was Prevented by Bad Health from Joining
 the Business Venture
 (July 4, 1231)

INTRODUCTION

Although the Muslim term qirād is used, these agreements contain several elements of Jewish law, especially the granting of remuneration and expenses and the responsibility of the manager for the losses. Because of the very specific circumstances the contract stands out as a case by itself. The assigning of 11/24 to each party and 2/24 to the agent as compensation for his work is found also in TS 16.21, 11. 7, 8, 14, a fragmentary contract of partnership in the hand of judge Nathan b. Samuel he-hāvēr (dated documents: 1128-1153). An assignment of 4/24 in No. , below (PER 22, dated 1137).

The document is a draft, full of mistakes (not repeated here, since they were corrected by the scribe). Consequently, it bears no signatures. By chance, the notary's entry on the case, written on the same day, has also been preserved. Since quite a number of pieces contained in this book are such notes, it is also translated here, but printed after the draft in order to make it more easily intelligible. The clerk was Solomon, the son of the judge Elijah b. Zechariah. See also Med. Soc. II, chap. vi, sec. 11, n. 60.

Both the note and the draft are outrageously bad in script and formulation. It was a Friday and Solomon had great trouble with his young wife (who was also his cousin and, therefore, almost undivorceable) and perhaps she had ^{rebuked him} given him ~~the~~ hell for not having brought home appropriate provisions for the Sabbath. At the end of a shopping list in Solomon's

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hand there is an item " dirhems for quieting down the wife," ~~see~~
~~p. below~~, below. In No. 15, below, his hand is bad enough, but the
 formulation is somewhat more careful.

TS 8 J 6, f. 9

On Friday, the third of Av - may it be converted into joy¹ - in the
 year 1542 of the Era of Documents, there appeared before us, the witnesses
 who have signed at the bottom of this document, the elder Abū Sa'd b.
 Ibrahīm, the dyer,² the elder Abū Mansūr, the son of the sug(ar merchant),
 the elder Sulaymān b. 'Imrān, the dyer, and Futūh b. Abi 'l-'Izz, the
 dyer. Then the said Abū Sa'd b. Ibrahīm said to us: "We four had agreed
 that each of us would contribute a certain amount, with which we would buy
 textiles³ and other wares, and then travel to Palestine and Syria. I
 contributed 83 dinars less two qīrāṭs, while they paid other sums; we
 bought textiles and other wares and had already cleared from the customs
 house two loads, in which my share amounted to 83 dinars less two qīrāṭs,
 while the rest was theirs. When, however, we had prepared for the journey,
 God, the exalted ^cdecreed that I became affected by bad health⁴ and was
^{unable} not able to travel.

Now, be my witness and make the symbolic purchase from me in full
 to the effect that I have turned over to them the goods purchased with
 those 83 dinars as a qīrād;⁵ they will transport them to Palestine and
 Syria, sell them, and buy goods for the proceeds. From any profit made
 through God's doing, they will receive one half and one qīrāṭ,⁶ while I
 shall receive one third and one eighth. For I have given them a preference
 of one qīrāṭ,⁷ as compensation for their work and food. The losses will
 be borne by us in equal shares.

Furthermore, I have handed over to the said Sulaymān b. 'Imrān 19 dinars under the same conditions.⁸

Finally, be my witness that I have empowered them to act in matters of this qirād according to their judgement."

Notary's Entry
TS NSJ 268

The elder Abū Sa'd has 83 // less two qīrāts // with Manṣūr // son of Zayn // ⁹ and Sulaymān // son of 'Imrān // and Futūḥ, son of Bu¹⁰ 'l-'Izz. Profit: two halves // less one qīrāt // . He gets one half and Abū Sa'd one half (sic!). // They get one half // . And 19 with Sulay[mān] as qirād. Whatever will be earned, one half to him, and one half likewise.¹¹ And [they are entitled] to act in this according to their judgment.

Friday, 3 Av, may it be converted into j(oy), 142.¹²

NOTES

- 1) Av is a month of mourning, since the Temple of Jerusalem was destroyed on its ninth day. The prophet Zechariah prophesied that this season would one day be a season of joy (8:18).
- 2) As the amount of the sums invested shows, the three dyers probably were proprietors of workshops rather than workmen. It seems unlikely that "the dyer" should be a family name borne by three persons.
- 3) Ar. matā'.
- 4) Literally: "change of temperament" (i.e. of the right mixture of the four humors prevailing in the human body according to ancient medicine). The scribe had written before: "I fell ill," which was crossed out and replaced by the phrase translated.
- 5) A commenda, see Med. Soc. I, p. 171.
- 6) One half, namely, of each dinar. Since a dinar has 24 qīrāt, the partners got 13/24 and Abū Sa'd 11/24.
- 7) In fact two (see the preceding note).
- 8) In the original, the conditions are repeated verbatim.
- 9) Much effaced, but hardly any other reading is possible. The name meaning "Beauty, Ornament" was common at that time.
- 10) Abbreviation of Abū.
- 11) Referring to losses.
- 12) The letters 't, representing the number 1400, were omitted while writing in a hurry a detail often misunderstood by scholars.