

T. 9S/ 16.115

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(Most of the legal documents preserved in the Geniza, were written in Old Cairo itself. The Hebrew document, translated here, is a typical example. Even its poor state of preservation is typical. Most of its beginning and a considerable part of its end are torn away. Notwithstanding, all the basic stipulations contained in it emerge clearly. The translation is made from a photograph of the original manuscript and begins with line 7, the first line of any considerable length which is preserved.)

- A. I am in the possession of a house in Fustat, in the quarter Qagr al-Shan^{a)}, in the street al-Masākin^{b)} which belongs to me with all its exits and entrances, the ways leading to it and from it, and all rights connected with it from the depths of the earth to the pinnacle of heaven.
- B. Although the site belongs to the government,^{c)} I hereby give eight of the twenty-four parts of the house as an endowment to the two synagogues in Fustat, four to the synagogue of the Babylonians, and four to that of the Jerusalemites, in order that the proceeds of the monthly rent from a third of this house should be used for...^{d)} in these two synagogues, as our sages - may their merit protect us forever - have said: "It is a religious duty to act according to the words of a dying person."^{e)}

Pm'as ✓

C. I have previously sold two parts of the house to Sutaib,^{f)} the daughter of my sister, the widow of Semah b. David, for fourteen^{g)} good pieces of gold, of full weight, from the mint of the Caliph Ma'isa, which I have already received from her and for which I have bought rafters for the repair of the house. Thus, I have sold these two parts of this house to Sutaib for fourteen pieces of gold in a definite, complete, confirmed, and valid transaction, from now to eternity, to her and her heirs after her; they have, therefore, ceased to be my property and have become her property, as is the case with any buyer, and I hereby invalidate any secret deposition in court or any condition connected with that transaction.

D. I hereby give four parts of this house to Ma'isa,^{h)} daughter of... ha-Levi, as a definite, irrevocable, confirmed, and valid gift, so that she should be able to marry with the aid of them. If - God forbid - the Holy one should ordain her death, ^{this} the sixth will become the property of the two aforementioned synagogues, and her heirs will have no right to the sixth of this house. However, if she marries, it will belong to her and to her heirs after her. This is my valid condition, like that of the children of Gad and Reuben, who mentioned the positive before the negative (part of the condition).ⁱ⁾

E. Two parts of this house shall be sold and the proceeds used for my

burial, namely to carry my body to Jerusalem, the Holy City, may it be rebuilt soon.

F. Of the remaining eight parts of this house, four shall belong to my brother Sahlān and four to Rayyisa, the daughter of Ephraim, my brother, as our sages - may their merit protect us forever - have said: "The children of one's son are like one's own children."*)

G. I hereby declare my sister and daughter of my father, Sayyida, and Subait, her daughter, the widow of Ṣamah b. David, and her children, the orphans of Ṣamah, released, free, and not bound to respond to any demand, complaint, ban, or to give an oath, or even secondary oath, whether general or specified, either before a Jewish or gentile court.¹⁾

H. As a result of this illness, she passed away to her eternal abode on Thursday, the fourteenth of the month of Kisleṽ, in the year one thousand three hundred and eighteen of the era of the documents, according to which we are accustomed to date in Fustat, which is situated on the Nile river.

(Two, badly damaged lines follow which contain technicalities and the signatures. The signature of the scribe who wrote the document is still partly visible; it reads: ...the Kohen, son of Shamaryah.)

Notes

- a) See p.
- b) This "Street of the Poor" appears in a number of Geniza papers, both under its Arabic and Hebrew names, and is also known from literary sources. However, the houses mentioned in the Geniza as found in this street were comparatively large buildings, and the same holds true of that referred to in our document (see Note g).
- c) In Cairo, even the houses themselves were at that time government property (cf. Lane-Poole, History of Egypt, p. 140).
- d) About five words are missing here.
- e) Since deathbed wills usually rendered the declarations made by the testator as literally as possible, it is highly probable that this and the following quotations from Talmudic literature were adduced by the dying woman herself. They are either redundant or inappropriate (see Notes i and k). *See Tosefta 28 f 48 (Bagdad 997).*
- f) "The little lady."
- g) No doubt this was far less than the real price, for we read below that four shares formed a dowry large enough to enable a girl to marry and that for the equivalent of two shares in the house, it was possible to transport the body of a dead person from Cairo to Jerusalem and to bury it there, which must have been a costly affair at that time.

- h) "Favorite." Of the name of her father, only the final h is preserved, preceded by two effaced letters. A name like Hibah or Shelah (Hebrew) suggests itself.
- i) A reference to a maxim of Jewish law, based on Numbers 32:20ff.
- k) The meaning intended by this quotation: the daughter of my brother is as close to me as my brother. Its actual meaning was quite different, namely that the children of one's son (in contrast to the children of one's daughter) are like one's own children (cf. Palest. Talmud Yevamoth, ch. 6, para. 6; cf. above Note e).
- l) Obviously the family of the testator's sister had received large presents from her during her lifetime. The declaration was made to protect these gifts against any claims by her legal heirs.