

ed in Le Tourneau

Gift of
Houses
a
A Man Donates Two Houses and Two Shops to His First-born Son

Old Cairo, July 19, 959

(In Hebrew)

Oxf. Bodl. Ms. Hebr. b 12 (Catal. 2875), ff. 6 and 29

Text in Assaf, Tarbiz 9 (1938), 202/4

This is a statement of testimony given before us on Tuesday,^{a)} the eleventh day of the month of Av, in the year one thousand two hundred and seventy of the era, according to which we are accustomed to date in Fistât,^{b)} Egypt, which is situated on the Nile river.

Menahem ha-Levi b. Tanin said in our presence: "Be my witness and receive from me herewith a legally binding declaration, write it down, sign, and hand it over to Elazar, my first-born son, to the effect that, without being forced, mistaken or misled, drunk or ill, but being of sound body, healthy mind, free will, and full capacity, I declare before you that I have donated to him, according to my own wish, not according to the wish of others, two houses and two shops belonging to me in Fistât, Egypt, in the castle of Eden.^{c)} The two houses are situated in the Mikhal lane, and the two shops are on the "Lane of the Poor."^{d)} I, Menahem b. Tanin^m, give these two houses and these two shops to my first-born son Elazar as a complete gift, a gift to be effective during my lifetime, not as a bequest, a gift public and manifest, not made in private, a gift definitive, absolute and unconditional, confirmed and valid, handed over, to be received and held by him and his heirs after

him.

These are the boundaries of the two houses, which adjoin each other: on the east, the house of Japheth b. Eli ha-Kohen; on the north, the mills in the market of the Greeks; on the west, the house of Mainim and Joseph, the sons of Jacob al-Ghalliq. The southern boundary is the lane, on which the doors and the gate of the houses open. The boundaries of the two shops: on the east, the shop of M...d, the Harranian; on the north, the non-Jewish house of worship^e) of ...; on the west, a shop belonging to that house of worship; on the south is the street, a public thoroughfare, on which the doors open.

I, Manahem b. Tamin^m, declare herewith that I have given them to my first-born son Elazar, within the boundaries described above, inclusive of their upper storeys, walls, rafters, woodwork, timber, stones, whitewash, plaster,... mats, boards, columns, pillars, locks, gates, doors, staircases leading up and down, exits and entrances, with all income accruing from them, with all their earth and soil, with the space on which water may be poured out, their air from the depths of the earth to the pinnacle of heaven, and all the light rightly enjoyed by them, from time immemorial up to the present day.

From now on, these two houses and these two shops have ceased to be in my ownership, I, Manahem b. Tamin^m, and have passed into the

ownership of my first-born son Elazar and his heirs after him, as I have given them to him as a gift out of my free will. I empower you herewith to write down and to sign this deed of gift in the market, openly and in public, so that it should not be a concealed gift, but make it manifest before the eyes of all. And all secret declarations and conditions, or declarations with regard to any other declarations, which I, Menahem b. Tanin, might have made, or which might have been made to me, or which I might make in the future to invalidate this deed of gift, all of them are herewith annulled by me in all the terms used by the sages to annul such declarations and conditions.

Furthermore, I, Menahim b. Tanin, have taken upon myself and upon my heirs after me full responsibility for this deed of gift, with all the consequences emanating from such a deed, which is not a mere pledge or formulary, from now until eternity."

We have made the symbolic purchase from Menahem ha-Levi b. Tanin for the benefit of his first-born son Elazar in the required manner, concerning everything which is written and stated above. Ratified and valid.

(Seven Signatures)

Notes

- a) Normally, courts sat on Mondays and Thursdays. However, the day before the writing of this deed, the tenth of Av, was regarded as a day of mourning (in the wake of the fast of the ninth of Av), for which reason, most probably, transactions were postponed to the following day.
- b) This spelling of the name of the town of Fustat is found in quite a number of documents.
- c) A Hebraized form of the name "Qasr al-Rūm," "The castle of the Greek," the pre-Islamic Byzantine fortress which became a part of the town of Fustat.
- d) These streets, as well as most of the buildings mentioned below, are known from other Geniza documents (cf. p.).
- e) Most probably, a Coptic church, or perhaps a mosque; the name is not preserved in the manuscript.