

31. The Book Of Lost Property

١٦ - (المعجم ٣١) - كتاب اللقطة (التحفة ١٩)

Chapter... [sic]. Memorizing the features of the bag and strap, and the ruling on lost sheep and camels

(المعجم...) - (باب: معرفة

العفاس والوكاء وحكم ضالة الغنم
والإبل) (التحفة ١)

[4498] 1 - (1722) It was narrated that Zaid bin Khâlid Al-Juhanî said: A man came to the Prophet ﷺ and asked about picking up lost items. He said: "Memorize the features of its bag and strap, and announce it for a year. Then if its owner comes (give it to him), otherwise it is yours." He said: What about a lost sheep? He (ﷺ) said: "It is either for you or your brother or for the wolf." He said: What about a lost camel? He (ﷺ) said: "What have you to do with it? It has its water supply and its feet, and it can come to the water and eat from the trees, until its master finds it."

[٤٤٩٨] ١ - (١٧٢٢) حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَى
مَالِكٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ،
عَنْ يَزِيدَ مَوْلَى الْمُتَّبِعِثِ، عَنْ زَيْدِ بْنِ
خَالِدِ الْجُهَنِيِّ أَنَّهُ قَالَ: جَاءَ رَجُلٌ إِلَى
النَّبِيِّ ﷺ فَسَأَلَهُ عَنِ اللَّقْطَةِ؟ فَقَالَ:
«اعْرِفْ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ عَرِّفْهَا
سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا، وَإِلَّا فَشَانِكَ
بِهَا»، قَالَ: فَضَالَةُ الْغَنَمِ؟ قَالَ: «لَكَ أَوْ
لَأَخِيكَ أَوْ لِلذُّبِّ»، قَالَ: فَضَالَةُ الْإِبِلِ؟
قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا سِقَاؤُهَا
وَجِذَاؤُهَا، تَرُدُّ الْمَاءَ وَتَأْكُلُ الشَّجَرَ،
حَتَّى يَلْقَاهَا رَبُّهَا».

قَالَ يَحْيَى: أَحْسِبُ قَرَأْتُ: عِفَاصَهَا.

[4499] 2 - (...) It was narrated from Zaid bin Khâlid Al-Juhanî that a man asked the Messenger of Allâh ﷺ about picking up lost items. He (ﷺ) said: "Announce

[٤٤٩٩] ٢ - (...) وَحَدَّثَنَا يَحْيَى بْنُ
أَيُّوبَ وَقُتَيْبَةَ وَابْنَ حُجْرٍ - قَالَ ابْنُ
حُجْرٍ: أَخْبَرَنَا، وَقَالَ الْأَحْرَانِ: حَدَّثَنَا -

it for one year, then memorize the features of its strap and bag, then spend from it. Then if its owner comes, pay him back.” He said: O Messenger of Allâh, what about a lost sheep? He (ﷺ) said: “Take it, for it will be either for you, for your brother or for the wolf.” He said: O Messenger of Allâh, what about a lost camel? He (the narrator) said: The Messenger of Allâh ﷺ became so angry that his cheeks turned red - or his face turned red - and he (ﷺ) said: “What have you to do with it? It has its feet and its water supply until its owner finds it.”

[4500] 3 - (...) Rabî'ah bin 'Abdur-Rahmân narrated a *Hadîth* like that of Mâlik (no. 4498) with this chain, except that he added: A man came to the Messenger of Allâh ﷺ when I was with him and asked him about picking up lost items. And he said: 'Amr said in the *Hadîth*: (The Prophet ﷺ said:) “If no one comes looking for it, then spend it.”

[4501] 4 - (...) Zaid bin Khâlid Al-Juhanî said: A man came to the Messenger of Allâh ﷺ... and

إِسْمَاعِيلُ، وَهُوَ ابْنُ جَعْفَرٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُتَّبِعِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ ﷺ عَنِ اللُّقْطَةِ؟ فَقَالَ: «عَرَفَهَا سَنَةً، ثُمَّ اعْرِفْ وَكَاءَهَا وَعِفَاصَهَا، ثُمَّ اسْتَنْفِقْ بِهَا، فَإِنْ جَاءَ رَبُّهَا فَادِّهَا إِلَيْهِ» فَقَالَ: يَا رَسُولَ اللَّهِ! فَضَالَّةُ الْعَتَمِ؟ قَالَ: خُذْهَا، فَإِنَّمَا هِيَ لَكَ أَوْ لِأَحِيكَ أَوْ لِلذَّبِّ، قَالَ: يَا رَسُولَ اللَّهِ! فَضَالَّةُ الْإِبِلِ؟ قَالَ: فَعَظِبَ رَسُولُ اللَّهِ ﷺ حَتَّى احْمَرَّتْ وَجْتَاهُ - أَوْ احْمَرَّ وَجْهُهُ - ثُمَّ قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا حِذَاؤُهَا وَسِقَاؤُهَا حَتَّى يَلْقَاهَا رَبُّهَا».

[٤٥٠٠] ٣- (...) حَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي سُفْيَانُ الثَّوْرِيُّ وَمَالِكُ بْنُ أَنَسٍ وَعَمْرُو بْنُ الْحَارِثِ وَعَيْرُهُمْ؛ أَنَّ رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ حَدَّثَهُمْ بِهَذَا الْإِسْنَادِ؛ مِثْلَ حَدِيثِ مَالِكٍ، غَيْرَ أَنَّهُ زَادَ: قَالَ: أَتَى رَجُلٌ رَسُولَ اللَّهِ ﷺ وَأَنَا مَعَهُ، فَسَأَلَهُ عَنِ اللُّقْطَةِ؟ وَقَالَ: قَالَ عَمْرُو فِي الْحَدِيثِ: «فَإِذَا لَمْ يَأْتِ لَهَا طَالِبٌ فَاسْتَنْفِقْهَا».

[٤٥٠١] ٤- (...) وَحَدَّثَنِي أَحْمَدُ ابْنُ عُثْمَانَ بْنِ حَكِيمٍ الْأَوْدِيِّ: حَدَّثَنَا

he mentioned a *Hadith* like that of Ismâ'il bin Ja'far (no. 4499), except that he said: His face and forehead turned red and he became angry. And after the words ...‘Announce it for a year’” he (the sub-narrator) added, “then if its owner does not come, it is a trust with you.”

خَالِدُ بْنُ مَخْلَدٍ: حَدَّثَنِي سُلَيْمَانُ وَهُوَ ابْنُ بِلَالٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُتَّبِعِثِ قَالَ: سَمِعْتُ زَيْدَ بْنَ خَالِدِ الْجُهَنِيِّ يَقُولُ: أَتَى رَجُلٌ رَسُولَ اللَّهِ ﷺ، فَذَكَرَ نَحْوَ حَدِيثِ إِسْمَاعِيلَ بْنِ جَعْفَرٍ، غَيْرَ أَنَّهُ قَالَ: فَأَحْمَارًا وَجْهُهُ وَجَبِينُهُ، وَغَضِبَ، وَزَادَ - بَعْدَ قَوْلِهِ: ثُمَّ عَرَفَهَا سَنَةً - : «فَإِنْ لَمْ يَجِءْ صَاحِبُهَا كَانَتْ وَدِيعَةً عِنْدَكَ».

[4502] 5 - (...) It was narrated from Yazid, the freed slave of Al-Munba'ith, that he heard Zaid bin Khâlid Al-Juhanî, the Companion of the Messenger of Allâh ﷺ, say: The Messenger of Allâh ﷺ was asked about picking up lost gold and silver. He (ﷺ) said: “Memorize the features of its strap and bag, then announce it for one year. If you do not find [its owner] then spend it, but it is a trust with you. If some day its owner comes looking for it, then pay him back.” And he asked him about a lost camel. He said: “What have you to do with it? Let it be, for it has its feet and water supply with it, and it seeks water and eats the trees, until its master finds it.” And he asked him about a lost sheep. He said: “Take it, for it is either for you, for your brother or for the wolf.”

[٤٥٠٢] ٥- (...) وَحَدَّثَنَا عَبْدُ اللَّهِ ابْنُ مَسْلَمَةَ بْنِ قَعَبٍ: حَدَّثَنَا سُلَيْمَانُ يَعْغِي ابْنَ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ يَزِيدَ مَوْلَى الْمُتَّبِعِثِ أَنَّهُ سَمِعَ زَيْدَ بْنَ خَالِدِ الْجُهَنِيِّ صَاحِبِ رَسُولِ اللَّهِ ﷺ يَقُولُ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ اللَّقْطَةِ الذَّهَبِ أَوْ الْوَرِقِ؟ فَقَالَ: «اعْرِفْ وَكَاءَهَا وَعِفَاصَهَا، ثُمَّ عَرَفَهَا سَنَةً، فَإِنْ لَمْ تَعْرِفْ فَاسْتَنْفِئْهَا، وَلْتَكُنْ وَدِيعَةً عِنْدَكَ، فَإِنْ جَاءَ طَالِبُهَا يَوْمًا مِنَ الدَّهْرِ فَأَدِّهَا إِلَيْهِ» وَسَأَلَهُ عَنْ ضَالَّةِ الْإِبِلِ؟ فَقَالَ: «مَالِكَ وَلَهَا؟ دَعُهَا، فَإِنَّ مَعَهَا حِذَاءَهَا وَسِقَاءَهَا، تَرُدُّ الْمَاءَ وَتَأْكُلُ الشَّجَرَ، حَتَّى يَجِدَهَا رَبُّهَا» وَسَأَلَهُ عَنِ الشَّاةِ؟ فَقَالَ: «حُدِّهَا، فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذُّبِّ».

[4503] 6 - (...) It was narrated from Yazîd, the freed slave of Al-Munba'ith, from Zaid bin Khâlîd Al-Juhanî, that a man asked the Prophet ﷺ about a lost camel. Rabî'ah added: He (ﷺ) became so angry that his cheeks turned red... and he quoted a *Hadîth* similar to their (no. 4502), and added (that the Prophet ﷺ said:) "If its owner comes and recognizes its bag, amount and strap, then give it to him, otherwise it is yours."

[4504] 7 - (...) It was narrated that Zaid bin Khâlîd Al-Juhanî said: The Messenger of Allâh ﷺ was asked about picking up lost items. He said: "Announce it for one year, then if it is not recognized (i.e., claimed), memorize the features of its bag and strap, then consume it, but if its owner comes, pay it back."

[4505] 8 - (...) Ad-Ḍaḥḥâk bin 'Uthmân narrated it with this chain (a *Hadîth* similar to no. 4504), and he said in the *Hadîth*: "If it is recognized, then pay it

[٤٥٠٣] ٦- (...) حَدَّثَنِي إِسْحَاقُ ابْنُ مَنْصُورٍ: أَخْبَرَنَا حَبَّانُ بْنُ هِلَالٍ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ: حَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ وَرَبِيعَةُ الرَّأْيِ ابْنُ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ؛ أَنَّ رَجُلًا سَأَلَ النَّبِيَّ ﷺ عَنْ ضَالَّةِ الْإِبِلِ؟ زَادَ رَبِيعَةُ: فَغَضِبَ حَتَّى احْمَرَّتْ وَجْتَاهُ، وَاقْتَصَّ الْحَدِيثَ بِتَحْوِ حَدِيثِهِمْ، وَزَادَ: «فَإِنْ جَاءَ صَاحِبُهَا فَعَرَفَ عِفَاصَهَا، وَعَدَدَهَا وَوِكَاءَهَا، فَأَعْطَاهَا إِتَاءَهُ. وَإِلَّا، فَهِيَ لَكَ».

[٤٥٠٤] ٧- (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرٍو بْنِ سَرْحٍ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ وَهَبٍ: حَدَّثَنِي الضَّحَّاكُ بْنُ عُثْمَانَ، عَنْ أَبِي النَّضْرِ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ قَالَ: سِئِلَ رَسُولُ اللَّهِ ﷺ عَنِ اللَّقْطَةِ؟ فَقَالَ: «عَرَفَهَا سَنَةً، فَإِنْ لَمْ تُعْتَرَفْ، فَأَعْرِفْ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ كُلِّهَا، فَإِنْ جَاءَ صَاحِبُهَا فَأَدِّهَا إِلَيْهِ».

[٤٥٠٥] ٨- (...) وَحَدَّثَنِيهِ إِسْحَاقُ ابْنُ مَنْصُورٍ: أَخْبَرَنَا أَبُو بَكْرِ الْحَنْفِيُّ: حَدَّثَنَا الضَّحَّاكُ بْنُ عُثْمَانَ، بِهَذَا

back, otherwise memorize the features of its strap, bag, container and amount.”

[4506] 9 - (1723) It was narrated that Salamah bin Kuhayl said: I heard Suwaid bin Ghafalah say: I went out with Zaid bin Şûhân and Salmân bin Rabî'ah on a campaign, and I found a whip and picked it up. They said to me: Leave it. I said: No, but I will announce it. If its owner comes (I will give it to him), otherwise I will make use of it. I refused (to pay heed to them). When we came back from our campaign, it was decreed that I would go for *Hajj*. I came to Al-Madînah and met Ubayy bin Ka'b, and I told him about the whip and what they had said. He said: At the time of the Messenger of Allâh ﷺ I found a moneybag in which there was one hundred Dînâr. I brought it to the Messenger of Allâh ﷺ and he said: “Announce it for one year.” So I announced it, but no one came forward to claim it. I came to him again and he said: “Announce it for one year,” but no one came forward to claim it. Then I came to him again and he said, “Announce it for one year.” So I announced it, but no one came forward to claim it. Then he said: “Memorize its number, and the features of its bag and

الإِسْنَادِ، وَقَالَ فِي الْحَدِيثِ: «فَإِنْ اغْتَرِفْتَ فَأَدَّهَا، وَإِلَّا فَأَعْرِفْ عِفَاصَهَا وَوِكَاءَهَا وَوِعَاءَهَا وَعَدَدَهَا».

[٤٥٠٦] ٩ - (١٧٢٣) وَحَدَّثَنَا مُحَمَّدُ ابْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، وَحَدَّثَنِي أَبُو بَكْرِ بْنُ نَافِعٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا عُذْرٌ: حَدَّثَنَا شُعْبَةُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ قَالَ: سَمِعْتُ سُؤَيْدَ بْنَ عَفَلَةَ قَالَ: خَرَجْتُ أَنَا وَزَيْدُ بْنُ صُوحَانَ وَسَلْمَانُ بْنُ رَبِيعَةَ غَازِينَ، فَوَجَدْتُ سَوْطًا فَأَخَذْتُهُ، فَقَالَ لِي: دَعُهُ، فَقُلْتُ: لَا، وَلَكِنْ أُعْرِفُهُ، فَإِنْ جَاءَ صَاحِبُهُ، وَإِلَّا اسْتَمْتَعْتُ بِهِ، قَالَ: فَأَبَيْتُ عَلَيْهِمَا، فَلَمَّا رَجَعْنَا مِنْ غَزَاتِنَا، قَضَى لِي أَنِّي حَجَجْتُ، فَأَتَيْتُ الْمَدِينَةَ، فَلَقَيْتُ أَبِيَّ بْنَ كَعْبٍ، فَأَخْبَرْتُهُ بِشَأْنِ السَّوْطِ وَبِقَوْلِهِمَا، فَقَالَ: إِنِّي وَجَدْتُ صُرَّةً فِيهَا مِائَةٌ دِينَارٍ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَأَتَيْتُ بِهَا رَسُولَ اللَّهِ ﷺ، فَقَالَ: «عَرِّفْهَا حَوْلًا» قَالَ: فَعَرَّفْتُهَا فَلَمْ أَجِدْ مَنْ يَعْرِفُهَا، ثُمَّ أَتَيْتُهُ فَقَالَ: «عَرِّفْهَا حَوْلًا» فَلَمْ أَجِدْ مَنْ يَعْرِفُهَا، ثُمَّ أَتَيْتُهُ فَقَالَ: «عَرِّفْهَا حَوْلًا» [فَعَرَّفْتُهَا] فَلَمْ أَجِدْ مَنْ يَعْرِفُهَا، فَقَالَ: «احْفَظْ عَدَدَهَا وَوِعَاءَهَا

strap, then if its owner comes (give it to him), otherwise make use of it.” So I made use of it.

I met him in Makkah after that and he said: I do not know if it was three years or one year.

[4507] (...) Suwaid bin Ghafalah said: I went out with Zaid bin Şûhân and Salmân bin Rabî'ah, and I found a whip... and he narrated a similar *Hadîth* (as no. 4506), up to the words: so I made use of it. *Shu'bah* (a sub-narrator) said: And I heard him ten years later saying: I announced it for one year.

وَوَكَاءَهَا، فَإِنْ جَاءَ صَاحِبُهَا، وَإِلَّا فَاسْتَمْتَعِ بِهَا فَاسْتَمْتَعْتُ بِهَا. فَلَقَيْتُهُ بَعْدَ ذَلِكَ بِمَكَّةَ فَقَالَ: لَا أَدْرِي بِثَلَاثَةِ أَحْوَالٍ أَوْ حَوْلٍ وَاحِدٍ.

[٤٥٠٧] (...) وَحَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ بَشِيرٍ الْعَبْدِيُّ: حَدَّثَنَا بِهِزٌ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنِي سَلَمَةُ بْنُ كُهَيْلٍ أَوْ أَحَبَرَ الْقَوْمَ وَأَنَا فِيهِمْ، قَالَ: سَمِعْتُ سُوَيْدَ بْنَ غَفَلَةَ قَالَ: خَرَجْتُ مَعَ زَيْدِ بْنِ صُوحَانَ وَسَلْمَانَ بْنِ رَبِيعَةَ، فَوَجَدْتُ سَوْطًا، وَأَقْتَصَصَ الْحَدِيثَ بِمِثْلِهِ، إِلَى قَوْلِهِ: فَاسْتَمْتَعْتُ بِهَا، قَالَ شُعْبَةُ: فَسَمِعْتُهُ بَعْدَ عَشْرِ سِنِينَ يَقُولُ: عَرَفَهَا عَامًا وَاحِدًا.

[4508] 10 - (...) A *Hadîth* like that of *Shu'bah* (no. 4507) was narrated from Salamah bin Kuhayl with this chain. In the *Hadîth* of both of them it says: three years, except for Hammâd bin Salamah, in whose *Hadîth* it says: for two or three years. In the *Hadîth* of Salmân and Zaid bin Abî Unaysah and Hammâd bin Salamah it says: “If someone comes and describes to you its number, its bag and its strap, then give it to him.” Sufyân added in the report of Wakî': “Otherwise, it is like your own property.” In the report of Ibn

[٤٥٠٨] ١٠- (...) وَحَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي، جَمِيعًا، عَنْ سُفْيَانَ؛ وَحَدَّثَنِي مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرِ الرَّقْفِيِّ: حَدَّثَنَا عُيَيْدُ اللَّهِ يَعْنِي ابْنَ عُمَرَ عَنْ زَيْدِ بْنِ أَبِي أَنْبَسَةَ؛ وَحَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ بَشِيرٍ: حَدَّثَنَا بِهِزٌ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، كُلُّ هَؤُلَاءِ عَنْ سَلَمَةَ بْنِ

Numair it says: "Otherwise, make use of it."

كُهِيلَ بِهَذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ شُعْبَةَ،
وَفِي حَدِيثِهِمْ جَمِيعًا: ثَلَاثَةٌ أَحْوَالٍ، إِلَّا
حَمَّادَ بْنَ سَلَمَةَ فَإِنَّ فِي حَدِيثِهِ: عَامِنٌ أَوْ
ثَلَاثَةٌ، وَفِي حَدِيثِ سُفْيَانَ وَزَيْدِ بْنِ أَبِي
أُنَيْسَةَ وَحَمَّادِ بْنِ سَلَمَةَ: «فَإِنْ جَاءَ أَحَدٌ
يُخْبِرُكَ بِعَدِّهَا وَوَعَائِهَا وَوِكَائِهَا، فَأَعْطَهَا
إِيَّاهُ»، وَزَادَ سُفْيَانٌ فِي رِوَايَةِ وَكَيْعٍ:
«وَالْأَفْهَى كَسْبِيلَ مَالِكَ»، وَفِي رِوَايَةِ ابْنِ
نُمَيْرٍ: «وَالْأَفْهَى فَاسْتَمْتِعَ بِهَا».

Chapter 1. Picking up property lost by a pilgrim

(المعجم ١) - (بَابُ فِي لِقْطَةِ الْحَاجِّ)
(التحفة ٢)

[4509] 11 - (1724) It was narrated from 'Abdur-Rahmân bin 'Uthmân At-Taimî that the Messenger of Allâh ﷺ forbade picking up property lost by a pilgrim.

[٤٥٠٩] ١١ - (١٧٢٤) وَحَدَّثَنِي أَبُو
الطَّاهِرِ وَيُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ:
حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي عَمْرُو
ابْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ
الْأَشَجِّ، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ بْنِ
حَاطِبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عُثْمَانَ
التَّمِيمِيِّ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ لِقْطَةِ
الْحَاجِّ.

[4510] 12 - (1725) It was narrated from Zaid bin Khâlid Al-Juhanî that the Messenger of Allâh ﷺ said: "Whoever finds a lost item is himself lost, unless he announces it."

[٤٥١٠] ١٢ - (١٧٢٥) وَحَدَّثَنِي أَبُو
الطَّاهِرِ وَيُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ:
حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ قَالَ: أَخْبَرَنِي
عَمْرُو بْنُ الْحَارِثِ عَنْ بَكْرِ ابْنِ سَوَادَةَ،
عَنْ أَبِي سَالِمٍ الْجَيْشَانِيِّ، عَنْ زَيْدِ بْنِ

خَالِدِ الْجُهَنِيِّ عَنِ رَسُولِ اللَّهِ ﷺ قَالَ:
«مَنْ آوَى ضَالَّةً فَهُوَ ضَالٌّ، مَا لَمْ
يُعْرِفْهَا».

**Chapter 2. Milking the animals
is unlawful if the owner has not
given permission**

[4511] 13 - (1726) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: No one should milk the animals of another person without his permission. Would one of you like his store to be raided and his vessels to be broken into and his food to be taken? The udders of their livestock also store up food for them, so no one should milk the animals of another person without his permission.”

[4512] (...) A *Hadîth* like that of Mâlik (no. 4511) was narrated from Nâfi‘ from Ibn ‘Umar, from the Prophet ﷺ, except that in their *Hadîth* it says: “...to be thrown on the floor,” except for Al-Laith bin Sa‘d, in whose *Hadîth* it says: “...or his food to be taken,” as in the report of Mâlik.

(المعجم ٢) - (بابُ تحريمِ حلب
الماشية بغير إذن مالِكها) (التحفة ٣)

[٤٥١١] ١٣ - (١٧٢٦) حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَى
مَالِكِ [بْنِ أَنَسٍ]، عَنِ نَافِعٍ، عَنِ ابْنِ
عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا
يَحْلِيَنَّ أَحَدٌ مَاشِيَةً أَحَدٍ إِلَّا بِإِذْنِهِ، أَوْ يَحِبُّ
أَحَدُكُمْ أَنْ تُؤْتَى مَشْرَبَتُهُ، فَتُكْسَرَ خِرَازِنَتُهُ،
فَيَنْتَقَلَ طَعَامُهُ؟ فَإِنَّمَا تَخْزَنُ لَهُمْ ضُرُوعُ
مَوَاشِيهِمْ أَطْعَمَتْهُمْ، فَلَا يَحْلِيَنَّ أَحَدٌ
مَاشِيَةً أَحَدٍ إِلَّا بِإِذْنِهِ».

[٤٥١٢] (...) وَحَدَّثَنَا قُتَيْبَةُ بْنُ
سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ، جَمِيعًا عَنِ
اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي
شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ؛ وَحَدَّثَنَا ابْنُ
نُمَيْرٍ: حَدَّثَنَا أَبِي، كِلَاهُمَا، عَنِ عُبَيْدِ
اللَّهِ؛ وَحَدَّثَنِي أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا:
حَدَّثَنَا حَمَادٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ:
حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عُثَيْبَةَ، جَمِيعًا،
عَنْ أَيُّوبَ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
سُفْيَانُ، عَنْ إِسْمَاعِيلَ بْنِ أُمِيَّةَ؛ وَحَدَّثَنَا

مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ
مَعْمَرٍ، عَنْ أَيُّوبَ وَابْنِ جُرَيْجٍ عَنْ
مُوسَى، كُلُّ هَؤُلَاءِ، عَنْ نَافِعٍ، عَنِ ابْنِ
عُمَرَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ مَالِكٍ،
غَيْرَ أَنَّ فِي حَدِيثِهِمْ جَمِيعًا «فِيَسْتَلَّ» إِلَّا
اللَّيْثَ بْنَ سَعْدٍ فَإِنَّ فِي حَدِيثِهِ «فِيَسْتَلَّ
طَعَامُهُ» كَرِوَايَةِ مَالِكٍ.

Chapter 3. Hospitality etc.

(المعجم ٣) - (بَابُ الضِّيَافَةِ وَنَحْوِهَا)

(التحفة ٤)

[4513] 14 - (48) It was narrated that Abû Shurayh Al-'Adawi said: My ears heard and my eyes saw, when the Messenger of Allâh ﷺ spoke and said: "Whoever believes in Allâh and the Last Day, let him honor his guest with full hospitality." They said: What is full hospitality, O Messenger of Allâh? He said: "One day and one night, and hospitality is for three days, and anything beyond that is charity towards him." And he (ﷺ) said: "Whoever believes in Allâh and the Last Day, let him speak well or else remain silent."

[٤٥١٣] ١٤ - (٤٨) حَدَّثَنَا قُتَيْبَةُ بْنُ
سَعِيدٍ: أَخْبَرَنَا لَيْثٌ عَنْ سَعِيدِ ابْنِ أَبِي
سَعِيدٍ، عَنْ أَبِي شُرَيْحٍ الْعَدَوِيِّ أَنَّهُ قَالَ:
سَمِعْتُ أُذُنَايَ، وَأَبْصَرْتُ عَيْنَايَ، حِينَ
تَكَلَّمَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «مَنْ كَانَ
يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، فَلْيُكْرِمْ ضَيْفَهُ
جَائِزَتَهُ»، قَالُوا: وَمَا جَائِزَتُهُ؟ يَا رَسُولَ
اللَّهِ! قَالَ: «يَوْمُهُ وَلَيْلَتُهُ، وَالضِّيَافَةُ: ثَلَاثَةُ
أَيَّامٍ، فَمَا كَانَ وَرَاءَ ذَلِكَ فَهُوَ صَدَقَةٌ
عَلَيْهِ»، وَقَالَ: «وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ فَلْيَقُلْ خَيْرًا أَوْ لِيَصْمُتْ».

[راجع: ١٧٦]

[4514] 15 - (...) It was narrated that Abû Shurayh Al-Khuzâ'i said: The Messenger of Allâh ﷺ said: "Hospitality is for three

[٤٥١٤] ١٥ - (...) حَدَّثَنَا أَبُو
كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا وَكَيْعٌ:
حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ عَنْ سَعِيدِ بْنِ

days, and full hospitality is for one day and one night. It is not permissible for a Muslim man to stay with his brother until he causes him to sin.” They said: O Messenger of Allâh, how could he cause him to sin? He said: “When he stays with him until there is nothing left with which to entertain him.”

[4515] 16 - (...) Abû Shurayh Al-Khuzâ'i said: My ears heard, my eyes saw and my heart understood, when the Messenger of Allâh ﷺ spoke of it... and he narrated a *Hadîth* like that of Al-Laith (no. 4513), in which he said: “It is not permissible for any one of you to stay with his brother until he causes him to sin,” as in the *Hadîth* of Waki' (no.4514).

[4516] 17 - (1727) It was narrated that 'Uqbah bin 'Âmir said: We said: O Messenger of Allâh, you send us and we stay with people who do not show us hospitality. What do you think? The Messenger of Allâh ﷺ said to us: “If you stay with a people and they order that you be offered what is befitting to a guest, then accept it, and if they do not do that, then take from

أَبِي سَعِيدِ الْمُقْبَرِيِّ، عَنْ أَبِي شُرَيْحِ الْخَزَاعِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الضَّيَافَةُ: ثَلَاثَةُ أَيَّامٍ، وَجَائِزَتُهُ: يَوْمٌ وَلَيْلَةٌ، وَلَا يَجِلُّ لِرَجُلٍ مُسْلِمٍ أَنْ يُقِيمَ عِنْدَ أَخِيهِ حَتَّى يُؤْتِمَهُ»، قَالُوا: يَا رَسُولَ اللَّهِ! وَكَيْفَ يُؤْتِمُهُ؟ قَالَ: «يُقِيمُ عِنْدَهُ، وَلَا شَيْءَ لَهُ يَقْرِيهِ بِهِ».

[٤٥١٥] ١٦ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى: حَدَّثَنَا أَبُو بَكْرِ - يَعْنِي الْحَنَفِيُّ - : حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ: حَدَّثَنِي سَعِيدُ الْمُقْبَرِيُّ أَنَّهُ سَمِعَ أَبَا شُرَيْحِ الْخَزَاعِيَّ يَقُولُ: سَمِعْتُ أُذُنَايَ، وَبَصُرْتُ عَيْنَيَ، وَوَعَاهُ قَلْبِي، حِينَ تَكَلَّمَ بِهِ رَسُولُ اللَّهِ ﷺ، فَذَكَرَ بِمِثْلِ حَدِيثِ اللَّيْثِ، وَذَكَرَ فِيهِ: «وَلَا يَجِلُّ لِأَحَدِكُمْ أَنْ يُقِيمَ عِنْدَ أَخِيهِ حَتَّى يُؤْتِمَهُ» بِمِثْلِ مَا فِي حَدِيثِ وَكَيْعٍ.

[٤٥١٦] ١٧ - (١٧٢٧) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ زَيْدِ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ أَنَّهُ قَالَ: قُلْنَا: يَا رَسُولَ اللَّهِ! إِنَّكَ تَبْعُنَا فَيَنْزِلُ بِقَوْمٍ فَلَا يَقْرُونَا، فَمَا تَرَى؟ فَقَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «إِنْ نَزَلْتُمْ بِقَوْمٍ

them the right of a guest that is due to him.”

Chapter 4. It is recommended to spend surplus wealth

[4517] 18 - (1728) It was narrated that Abû Sa'eed Al-Khudrî said: Whilst we were on a journey with the Prophet ﷺ, a man came to him on a mount of his and started looking to his right and left. The Messenger of Allâh ﷺ said: “Whoever has a surplus mount, let him give it to one who has no mount, and whoever has surplus provisions, let him give them to one who has no provisions.”

He mentioned various kinds of wealth, until we thought that none of us had any right to any kind of surplus.

Chapter 5. It is recommended to mix provisions if they are few, and to share them out

[4518] 19 - (1729) Iyâs bin Salamah narrated that his father said: We went out with the Messenger of Allâh ﷺ on a

فَأَمَرُوا لَكُمْ بِمَا يَتَّبِعِي لِلصَّيْفِ، فَأَقْبَلُوا، فَإِنْ لَمْ يَفْعَلُوا، فَخَذُوا مِنْهُمْ حَقَّ الصَّيْفِ الَّذِي يَتَّبِعِي لَهُمْ».

(المعجم ٤) - (باب استحباب

المؤاساة بفضول المال) (التحفة ٢٠ -

المغازي: ١)

[٤٥١٧] ١٨ - (١٧٢٨) حَدَّثَنَا شَيْبَانُ ابْنُ قُرُوحَ: حَدَّثَنَا أَبُو الْأَشْهَبِ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: بَيْنَمَا نَحْنُ فِي سَفَرٍ مَعَ النَّبِيِّ ﷺ، إِذْ جَاءَهُ رَجُلٌ عَلَى رَاحِلَةٍ لَهُ، قَالَ: فَجَعَلَ يَصْرِفُ بَصْرَهُ يَمِينًا وَشِمَالًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ مَعَهُ فَضْلٌ ظَهَرَ فَلْيَعُدْ بِهِ عَلَيَّ مَنْ لَا ظَهَرَ لَهُ، وَمَنْ كَانَ لَهُ فَضْلٌ مِنْ زَادٍ فَلْيَعُدْ بِهِ عَلَيَّ مَنْ لَا زَادَ لَهُ».

قَالَ: فَذَكَرَ مِنْ أَصْنَافِ الْمَالِ مَا ذَكَرَ، حَتَّى رَأَيْنَا أَنَّهُ لَا حَقَّ لِأَحَدٍ مِثًا فِي فَضْلٍ.

(المعجم ٥) - (باب استحباب خلط

الأزواد إذا قلت، والمؤاساة فيها)

(التحفة ٢)

[٤٥١٨] ١٩ - (١٧٢٩) حَدَّثَنِي أَحْمَدُ ابْنُ يُوسُفَ الْأَزْويُّ: حَدَّثَنَا النَّضْرُ -

campaign, and we faced hardship, so much so that we thought of slaughtering some of our mounts. The Prophet of Allâh ﷺ ordered us to gather together our provisions, then we spread out a sheet of leather and he gathered together the people's provisions on that leather sheet. I measured it and found that it was the size of a spot where a goat could sit, and we were fourteen hundred men. We ate until we were all had our hunger satisfied, then we filled our bags. The Prophet of Allâh ﷺ said: "Is there any water for *Wudû'*?" A man brought a small bucket in which there was a drop of water, and poured it into a bowl. We all did *Wudû'*, using water plentifully, fourteen hundred men.

Then after that eight men came and said: Is there any water for *Wudû'*? And the Messenger of Allâh ﷺ said: "(The water for *Wudû'* is finished."

يَعْنِي: ابْنُ مُحَمَّدٍ - الْيَمَامِيُّ: حَدَّثَنَا
عِكْرَمَةُ وَهُوَ ابْنُ عَمَّارٍ: حَدَّثَنَا إِيَّاسُ بْنُ
سَلَمَةَ عَنْ أَبِيهِ قَالَ: خَرَجْنَا مَعَ رَسُولِ
اللَّهِ ﷺ فِي غَزْوَةٍ، فَأَصَابْنَا جَهْدٌ، حَتَّى
هَمَمْنَا أَنْ نَنْحَرَ بَعْضَ ظَهْرِنَا، فَأَمَرَ نَبِيُّ
اللَّهِ ﷺ فَجَمَعْنَا تَرْوَادَنَا، فَبَسَطْنَا لَهُ
نِطْعًا، فَاجْتَمَعَ زَادُ الْقَوْمِ عَلَى النَّطْعِ،
قَالَ: فَتَطَاوَلْتُ لِأَحْزَرِهِ كَمْ هُوَ؟ فَحَزَزْتُهُ
كَرْبُضَةِ الْعَنْزِ، وَنَحْنُ أَرْبَعُ عَشْرَةَ مِائَةً،
قَالَ: فَأَكَلْنَا حَتَّى شَبِعْنَا جَمِيعًا، ثُمَّ
حَسُونَا جُرْبِنَا، فَقَالَ نَبِيُّ اللَّهِ ﷺ: «هَلْ
مِنْ وَضُوءٍ؟» قَالَ: فَجَاءَ رَجُلٌ بِإِدَاوَةٍ
[لَهُ،] فِيهَا نُطْفَةٌ، فَأَفْرَعَهَا فِي قَدَحٍ،
فَتَوَضَّأْنَا كُلُّنَا، نُدْعِفُهُ دَغْفِقَةً، أَرْبَعُ عَشْرَةَ
مِائَةً.

قَالَ: ثُمَّ جَاءَ بَعْدَ [ذَلِكَ] ثَمَانِيَّةٌ
فَقَالُوا: هَلْ مِنْ طَهْوٍ؟ فَقَالَ رَسُولُ
اللَّهِ ﷺ: «فَرِغَ الْوَضُوءُ».