

عمدة الأحكام

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كتاب البيوع

Book of Transactions

باب اللقطة

Chapter of Lost Items

291. عن زيد بن خالد الجهني رضي الله عنه ، قال : سئل رسول الله صلى الله عليه وسلم عن لُقطة الذهب ، أو الورق ، فقال : "اعرف وكاءها وعفاسها ، ثم عرفها سنة ، فإن لم تعرف فاستنقها ، ولتكن وديعة عندك ، فإن جاء طالبها يوماً من الدهر ، فأدّها إليه" ، وسأله عن ضالة الإبل ، فقال : "مالك ولها ؟ دعها فإن معها جذاءها وسفاهها ، ترد الماء ، وتأكل الشجر ، حتى يجدها ربها" ، وسأله عن الشاة ، فقال : "خذها ، فإنما هي لك ، أو لأخيك ، أو للذئب" . (أخرجه مسلم)

291. Narrated on the authority of Zaid bin Khalid al-Juhani who said: "The Messenger of Allah ﷺ was asked him about picking up lost or left behind gold or silver. He said: 'Notify of its bag/container and the strap (by which it is tied) then make an announcement for a year. If it is not claimed, then keep it with your wealth as a trust entrusted to you.

If one day its owner comes, then return it to him. The questioner asked: 'What about the lost said: 'What business is it of yours? Leave it. It has its watering pouch ﷺ camel?' Thereupon he with it, and its footwear also. It comes to the watering-place, eats from the trees until its owner said: ﷺ (finds him'. He then asked: '(What about) the lost sheep?' Thereupon he (the Prophet said: 'Take it as it will either be for you or for your brother or for the wolf.'" - Muslim

كتاب الوصايا

Chapter of Wills and Testaments

292. عن عبد الله بن عمر رضي الله عنهما ، أن رسول الله صلى الله عليه وسلم قال : "ما حق امرئ مسلم ، له شيء يوصي فيه ، يبيت ليلة أو ليلتين ، إلا ووصيته مكتوبة عنده" ، زاد مسلم ، قال ابن عمر : فوالله ما مرت علي ليلة منذ سمعت رسول الله صلى الله عليه وسلم يقول ذلك ، إلا ووصيتي عندي . (أخرجه البخاري ومسلم)

292. Narrated on the authority of 'Abdullah bin 'Umar (radhia Allahu 'anhuma) who said: "The Messenger of Allah ﷺ said: 'It is not permissible for any Muslim who has something to leave as his will to sleep for a night or two without having it written and kept ready with him'.

And Muslim added: And Ibn 'Umar said: "By Allah, not a night has gone by since I heard the Messenger of Allah ﷺ say this, except that my will was with me." - Al-Bukhari & Muslim.

293. عن سعد بن أبي وقاص رضي الله عنه ، قال : جاءني رسول الله صلى الله عليه وسلم يبعثني عام حجة الوداع ، من وجع اشتد بي ، فقلت : يا رسول الله ، قد بلغ بي من الوجع ما ترى ، وأنا ذو مال ، ولا يرثني إلا ابنة ، أفأنصدق بثلثي مالي ؟ قال : "لا" ، قلت : فالشطر ، يا رسول الله؟ قال : "لا" ، قلت : فالثلث ؟ قال : "الثلث ، والثلث كثير ، إنك إن تذر ورثتك أغنياء ، خير من أن تذرهم عائلة يتكفون الناس ، وإنك لن تنفق نفقة تبتغي بها وجه الله إلا أجرت بها ، حتى ما تجعل في في امرأتك ، قال : فقلت : يا رسول الله ، أخلف بعد أصحابي ، قال : "إنك لن تخلف فتعمل عملاً تبتغي به وجه الله ، إلا ازدت به درجة ورفعة ، ولعلك أن تخلف حتى ينتفع بك أقوام ، ويضر بك آخرون ، اللهم أمض لأصحابي هجرتهم ، ولا تردهم على أعقابهم ، لكن البائس سعد بن حولة ، يرثي له رسول الله صلى الله عليه وسلم أن مات بمكة" . (أخرجه مالك في الموطأ)

293. Narrated on the authority of Saad bin Abi Waqqas (radhia Allahu 'anhu) who said: "The Messenger of Allah ﷺ visited me in my illness which brought me near death in the year of Hajjat-ul-Wada' (Farewell Pilgrimage). I said: Allah's Messenger, you can well see the pain with which I am afflicted and I am wealthy man, and no one will inherit from me except only one daughter. Should I give two-thirds of my property as Sadaqah? He said: No. I said: Should I give half (of my property) as Sadaqah? He said: No. He (further) said: Give one-third (in charity) and that is quite

enough. To leave your heirs rich is better than to leave them poor, begging from people. Indeed, you will not spend from our wealth seeking the face of Allah, except that you will be rewarded for it. Even for that (food) which you put in your wife's face. I said: O Allah's Messenger, would I survive my companions? He ﷺ (the Prophet) said: Indeed, if you survive them and do an action seeking the face of Allah, you would not but increase in your status (in religion) and rank. It may be that you survive so that people would benefit from you, and others would be harmed by you. (The Prophet ﷺ) further said: Allah, complete for my Companions their migration, and not cause them to turn back upon their heels. Sa'd bin Khaula is, however, unfortunate. Allah's Messenger ﷺ felt grief for him as he had died in Makkah" – Malik in Al-Muwatta.

294. عن عبد الله بن عباس رضي الله عنهما ، قال : لو أنَّ الناسَ غَضُّوا من التُّلثِ إلى الرُّبْعِ ، فإنَّ رسولَ الله صلى الله عليه وسلم قال : "التُّلثُ ، والتُّلثُ كثيرٌ" . (أخرجه مسلم)

294. Narrated on the authority of 'Abdullah bin 'Abbas (radhia Allahu 'anhuma) who said: "(It would be better) If the people reduced (what they left in their wills) from a third to a fourth, for verily the Messenger of Allah ﷺ said: 'Regarding a third (part), it is quite substantial'." - Muslim.